

**Supreme Court Monthly Digest
January 2025**

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

Code Of Criminal Procedure 1973- Section 482 ; Negotiable Instruments Act

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Referred to in Vijay Kumar Ghai v. State of W.B

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mahanadi Coal Fields Ltd vs Mathias Oram 2025 INSC 22

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Micro, Small and Medium Enterprises Development Act, 2006 – Section 18

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Rule 2 is the inclusion of the whole claim arising in respect of one and the same cause of action, in one suit. It must not be misunderstood to mean that all the different causes of action arising from the same transaction must be included in a single suit.

iii. Several definitions have been given to the phrase "cause of action" and it can safely be said to mean – "every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court". Such a cause of action has no relation whatsoever to the defence that may be set up by the defendant, nor does it depend upon the character of the relief which is prayed for by the plaintiff but refers to the media upon which the plaintiff asks the Court to arrive at a conclusion in his favour.

iv. Similarly, several tests have been laid out to determine the applicability of Order II Rule 2 to a suit. While it is acknowledged that the same heavily depends on the particular facts and circumstances of each case, it can be said that a correct and reliable test is to determine whether the claim in the new suit is in fact founded upon a cause of action distinct from that which was the foundation of the former suit. Additionally, if the evidence required to support the claims is different, then the causes of action can also be considered to be different. Furthermore, it is necessary for the causes of action in the two suits to be identical in substance and not merely technically identical.

v. The defendant who takes shelter under the bar imposed by Order II Rule 2(3) must establish that (a) the second suit was in respect of the same cause of action as that on which the previous suit was based; (b) in respect of that cause of action, the plaintiff was entitled to more than one relief; and (c) being thus entitled to more than one relief, the plaintiff, without any leave obtained from the Court, omitted to sue for the relief for which the second suit had been filed.

vi. The defendant must also have produced the earlier plaint in evidence in order to establish that there is an identity in the causes of action between both the suits and that there was a deliberate relinquishment of a larger relief on the part of the plaintiff.

vii. Since the plea is a technical bar, it has to be established satisfactorily and cannot be presumed merely on the basis of inferential reasoning. (Para 47) - The stage at which the first suit is, would not be a material consideration in deciding the applicability of the bar under Order II Rule 2. What needs to be looked into is whether the cause of action in both suits is one and the same in substance, and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Indian Penal Code 1860 - Section 304B ; Bharatiya Nyaya Sanhita 2023- Section 80

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Constitution of India - Article 226 - Micro, Small and Medium Enterprises

Development Act, 2006 - Section 18 - Whether a writ petition under Article 226 of the Constitution would be maintainable against an order passed by the Micro and Small Enterprises Facilitation Council¹ in exercise of power under Section 18 MSMED Act- Questions referred to larger bench: (i) Whether the ratio in M/s India Glycols Limited and Another v. Micro and Small Enterprises Facilitation Council, Medchal - Malkajgiri that a writ petition could never be entertained against any order/award of the MSEFC, completely bars or prohibits maintainability of the writ petition before the High Court? (ii) If the bar/prohibition is not absolute, when and under what circumstances will the principle/restriction of adequate alternative remedy not apply? (iii) Whether the members of MSEFC who undertake conciliation proceedings, upon failure, can themselves act as arbitrators of the arbitral tribunal in terms of Section 18 of the MSMED Act read with Section 8o of the A&C Act? The first and second question will subsume the question of when and in what situation a writ petition can be entertained against an order/award passed by MSEFC acting as an arbitral tribunal or conciliator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Indian Penal Code 1860 - Section 498A ; Dowry Prohibition Act 1961 - Section 4- Appeal against conviction under 498A IPC and Section 4 DP Act - Disposing appeal, SC held: The ingredients of Section 498-A of IPC and Section 4 of DP Act are clearly made out - The sentence imposed is set aside and substituted with that of the period already undergone- The appellant shall deposit a sum of Rs. 3,00,000 which shall be paid as compensation to complainant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Para 60-64)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Jiya vs Kuldeep 2025 INSC 135 - Permanent Alimony

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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N. Usha Rani vs Moodudula Srinivas 2025 INSC 129- S 125 CrPC - Second Marriage

Code of Criminal Procedure 1973 - Section 125 - The right to maintenance u/s. 125 CrPC is not a benefit received by a wife but rather a legal and moral duty owed by the husband - Referred to Mohd. Abdul Samad vs. State of Telangana - Social welfare provisions must be subjected to an expansive and beneficial construction- In this case, the issue raised was: Whether a woman is entitled to claim maintenance u/s. 125 CrPC from her second husband while her first marriage is allegedly legally subsisting? Distinguished judgments in Yamunabai Anantrao Adhav vs. Anantrao Shivram Adhav and Another (1988) 1 SCC 530 and Bakulabai and Another vs. Gangaram and Another (1988) 1 SCC 537 which denied maintenance in cases of subsisting marriages- Plea of separation from the first marriage was not made in those cases and hence, they are factually distinguishable- when the social justice objective of maintenance u/s. 125CrPC is considered against the particular facts and circumstances of this case, we cannot, in good conscience, deny maintenance to Appellant - The Court also noted: Respondent knowingly entered into a marriage with Appellant not once, but twice. While MoU of Separation is not a legal decree of divorce, it also emerges from this document and other evidence that the parties have dissolved their ties, they have been living separately and Appellant is not deriving maintenance from her first husband. Therefore, barring the absence of a legal decree, Appellant is de facto separated from her first husband and is not deriving any rights and entitlements as a consequence of that marriage.

Gulshan Kumar vs Institute Of Banking Personnel Selection 2025 INSC 142 -RPwD Act - Scribe Facility

Rights of Persons with Disabilities Act, 2016- Rights of disabled persons to participate in examinations with necessary accommodations.- The principle of reasonable accommodation is central to ensure equality for all the persons with disabilities; and denying the facility of scribe or compensatory time, constitutes discrimination under the RPwD Act, 2016 (Para 10) all the benefits given to PwBD candidates must also be extended to PwD candidates, and there can be no discrimination between the candidates in granting facilities such as scribes,

compensatory time, etc., except for reservation, in writing the examinations. - There is an urgent need for a uniform memorandum for examinations applicable to all PwD candidates- The benefits conferred by the statute should be provided for all the PwD candidates and they cannot be denied on the ground of absence of accountability and/or lack of duty on enforceability -Directions issued.

Constitution of India - Article 19,21 - Rights under Articles 19 and 21 can be enforced even against private entities. (Para 18)

**Godrej Projects Development Limited vs Anil Karlekar 2025 INSC 143 - S 74
Contract Act - Forfeiture Of Earnest Money**

Indian Contract Act, 1872 - Section 74 - If the forfeiture of earnest money under a contract is reasonable, then it does not fall within Section 74 of the inasmuch as, such a forfeiture does not amount to imposing a penalty - However, if the forfeiture is of the nature of penalty, then Section 74 would be applicable- Under the terms of the contract, if the party in breach undertook to pay a sum of money or to forfeit a sum of money which he had already paid to the party complaining of a breach of contract, the undertaking is of the nature of a penalty- Referred to Maula Bux v. Union of India (1969) 2 SCC 554. (Para 38)

Contract Law -Contractual terms which are ex facie one- sided, unfair and unreasonable would constitute unfair trade practice as per the aforesaid definition of "unfair trade practice". (Para 30) the courts will not enforce an unfair and unreasonable contract or an unfair and unreasonable clause in a contract, entered into between Parties who are not equal in bargaining power. (Para 26)

Summary: Appeal against NCDRC order directing the Appellant to deduct only 10% of the Basic Sale Price ("BSP" for short) towards cancellation of the Complainants' Apartment- Disposing appeal, SC observed: *NCDRC, in a series of cases right from the year 2015, has held that 10% of the BSP is a reasonable amount which is liable to be*

forfeited as earnest money- We see no reason to upset the view consistently taken by the NCDRC.

Shripal Vs Nagar Nigam, Ghaziabad 2025 INSC 144 -Labour Law - Uma Devi Judgment - U.P. Industrial Disputes Act

Labour Law - SC judgment in *Secretary, State of Karnataka vs. Umadevi* (2006) 4 SCC cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment- *Uma Devi* itself distinguishes between appointments that are “illegal” and those that are “irregular,” the latter being eligible for regularization if they meet certain conditions - jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement - Quoted from in Jaggo v. Union of India. (Para 15)

U.P. Industrial Disputes Act - Section 6E, 6N - Whether an individual is classified as regular or temporary is irrelevant as retrenchment obligations under the Act must be met in all cases attracting Section 6N. Any termination thus effected without statutory safeguards cannot be undertaken lightly.

Labour Law - Rights of employees - While concerns of municipal budget and compliance with recruitment rules merit consideration, such concerns do not absolve the Employer of statutory obligations or negate equitable entitlements. Indeed, bureaucratic limitations cannot trump the legitimate rights of workmen who have served continuously in de facto regular roles for an extended period (Para 17)- **Equal pay for equal work**- The principle of “equal pay for equal work,” cannot be casually disregarded when workers have served for extended periods in roles resembling those of permanent employees. Long-standing assignments under the Employer’s direct supervision belie any notion that these were mere short-term casual engagements. (Para 13)

Wahid vs State Govt. Of NCT Of Delhi 2025 INSC 145 - Criminal Trial - Robbery

Criminal Trial - Robbery - In cases where the FIR is lodged against unknown persons, and the persons made accused are not known to the witnesses, material collected during investigation plays an important role to determine whether there is a credible case against the accused. In such cases, the courts have to meticulously examine the evidence regarding (a) how the investigating agency derived clue about the involvement of the accused in the crime; (b) the manner in which the accused was arrested; and (c) the manner in which the accused was identified. Apart from above, discovery/ recovery of any looted article on the disclosure made by, or at the instance of, the accused, or from his possession, assumes importance to lend credence to the prosecution case.

Summary: SC allows appeal filed by accused - sets aside Concurrent conviction in robbery case.

Union of India vs Tarsem Singh 2025 INSC 146 - S 3J National Highways Act

National Highways Act, 1956 - Section 3J - In Union of India & Anr. v. Tarsem Singh, SC held that Section 3J of the NHAI Act, by excluding the applicability of the 1894 Act and thereby denying 'solatium' and 'interest' for lands acquired under the NHAI Act, is violative of Article 14 of the Constitution - UoI filed Misc. Application that sought clarification that this judgment is to be applied prospectively- SC dismissed M.A. and observed- Rendering the decision in Tarsem Singh as prospective would create a situation where a landowner whose land was acquired on 31.12.2014 would be denied the benefit of 'solatium' and 'interest', whereas a landowner whose land was acquired the very next day, 01.01.2015-the date on which the Ordinance was promulgated, to read the 2013 Act into the NHAI Act, would be entitled to these statutory benefits - Principles established in Tarsem Singh regarding the beneficial nature of granting 'solatium' and 'interest' reaffirmed while emphasising the need to avoid creating unjust classifications lacking intelligible differentia. (Para 16-25)

Legal Maxims - Quando aliquid prohibetur ex directo, prohibetur et per obliquum - What cannot be done directly should also not be done indirectly'. - SC reiterated disapproval of the practice of filing Miscellaneous Applications as a strategic litigation tactic aimed at neutralising judicial decisions and seeking a second opportunity for relief.(Para 22)

**Ramu Appa Mahapatar vs State Of Maharashtra 2025 INSC 147- S 24
Evidence Act -Extra Judicial Confession**

Indian Evidence Act, 1872 - Section 24 - Extra Judicial Confession-
Confession may be divided into two classes i.e. judicial and extrajudicial. Judicial confessions are those which are made before a magistrate or a court in the course of judicial proceedings. Extra-judicial confessions are those which are made by the party elsewhere than before a magistrate or a court. Extra-judicial confessions are generally those that are made by a party before a private individual who may be a judicial officer also in his private capacity. As to extra-judicial confessions, two questions arise: firstly, whether they are made voluntarily and secondly, are they true? If the court is of the opinion that the confession was not made voluntarily but was a result of an inducement, threat or promise, it would not be acted upon. It follows that a confession would be voluntary if it is made by the accused in a fit state of mind and if it is not caused by any inducement, threat or promise having reference to the charge against him proceeding from a person in authority. Whether or not the confession was voluntary would depend upon the facts and circumstances of each case judged in the light of Section 24 of the Indian Evidence Act, 1872- Evidentiary value of an extra-judicial confession discussed - Extra-judicial confession of an offence made by the accused before a witness is one of the several instances of circumstantial evidence; there are other circumstances, such as, the theory of last seen together; conduct of the accused before or immediately after the incident; human blood being found on the clothes or person of the accused which matches with that of the accused; leading to discovery, recovery of weapon etc. (Para 16-19)

Criminal Trial - Circumstantial Evidence - Where a case rests squarely on circumstantial evidence, inference of guilt can be justified only when all the incriminating facts and circumstances are found to be incompatible with the innocence of the accused or the guilt of any other person. The circumstances would not only have to be proved beyond reasonable doubt, those would also have to be shown to be closely connected with the principal fact sought to be inferred from those circumstances. All these circumstances should be complete and there should be no gap left in the chain of evidence. The proved circumstances must be consistent only with the hypothesis of the guilt of the accused and totally inconsistent with his innocence. The circumstances taken cumulatively must be so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else. While there is no doubt that conviction can be based solely on circumstantial evidence but great care must be taken in evaluating circumstantial evidence. If the evidence relied upon is reasonably capable of two inferences, the one in favour of the accused must be accepted. (Para 16)

Ashok Saxena Vs State Of Uttarakhand 2025 INSC 148 - S 301 IPC - Doctrine Of Transfer Of Malice Or The Transmigration Of Motive

Indian Penal Code 1860 - Section 301 - Doctrine of transfer of malice or the transmigration of motive- Culpable homicide may be committed by causing death of a person whom the offender neither intended nor knew himself to be likely to kill. If the killing takes place in the course of doing an act which a person intends or knows to be likely to cause death, it must be treated as if the real intention of the killer had been actually carried out - Under the Section, if A intends to kill B, but kills C whose death he neither intends nor knows himself to be likely to cause, the intention to kill C is by law attributed to him. If A aims his shot at B, but it misses B either because B moves out of the range of the shot or because the shot misses the mark and hits some other person C, whether within sight or out of sight, under Section 301, A is deemed to have hit C with the intention to kill him. What is to be noticed is that to invoke Section 301 of the IPC, A shall not have any intention to cause the death or the knowledge that he is likely to cause the death of C. - Referred to Gyanendra Kumar v. State of U.P., reported in AIR 1972 SC

502; Hari Shankar Sharma v. State of Mysore reported in 1979 UJ 659 (SC); Jagpal Singh v. State of Punjab reported in AIR 1991 SC 982; Abdul Ise Suleman v. State of Gujarat reported in 1995 CrLJ 464. (Para 37-42)

Airports Authority Of India vs Pradip Kumar Banerjee 2025 INSC 149 - Disciplinary Proceedings - Art. 226 Constitution - Intra Court Writ Appeal

Disciplinary proceedings -In disciplinary proceedings, it is not necessary for the Disciplinary Authority to deal with each and every ground raised by the delinquent officer in the representation against the proposed penalty and detailed reasons are not required to be recorded in the order imposing punishment if he accepts the findings recorded by the Enquiry Officer (Para 32) All that is required on the part of the Disciplinary Authority is that it should examine the evidence in the disciplinary proceedings and arrive at a reasoned conclusion that the material placed on record during the course of enquiry establishes the guilt of the delinquent employee on the principle of preponderance of probabilities. (Para 33) In a disciplinary enquiry, the burden upon the department is limited and it is required to prove its case on the principle of preponderance of probabilities. (Para 34)

Constitution of India - Article 226 - In an intra-court writ appeal, the Appellate Court must restrain itself and the interference into the judgment passed by the learned Single Judge is permissible only if the judgment of the learned Single Judge is perverse or suffers from an error apparent in law. (Para 37)

Disciplinary proceedings - Strict rules of evidence prohibiting admissibility of confessional statements recorded by the police officials do not apply. Likewise, non-examination of the decoy cannot be treated to be fatal in the domestic enquiry where other evidence indicts the delinquent officer -Even a confession of the delinquent employee recorded by the Trap Laying Officer during the criminal investigation can be relied upon by the Disciplinary Authority.

Irfan Alias Bhayu Mevati Vs State Of Madhya Pradesh 2025 INSC 150 - DNA Report - Death Penalty Matter

Indian Evidence Act 1872 - Section 45 -DNA report - The DNA evidence is in the nature of opinion evidence as envisaged under Section 45 and like any other opinion evidence, its probative value varies from case to case- mere exhibiting a document, would not prove its contents- Referred to Rahul v. State of Delhi (2023) 1 SCC 83 (Para 24)

Summary: Accused convicted and sentenced to death under Section 376(DB) IPC - HC confirmed death sentence - Partly allowing appeal, SC remanded the case to Trial Court directing it to summon the scientific experts associated with the preparation and issuance of the DNA report with the entire supporting material.

Manish Yadav Vs State Of Uttar Pradesh 2025 INSC 151 - S 375 IPC - Rape on Promise To Marry

Indian Penal Code 1860 - Section 375 - Where a consensual physical relationship between two adults has turned sour due to certain intervening events, allowing the prosecution of accused would tantamount to sheer abuse of the process of law and nothing else.[Supreme Court quashed rape case against accused] - Referred to Uday v. State of Karnataka (2003) 4 SCC 46; Deepak Gulati v. State of Haryana (2013) 7 SCC 675; Deelip Singh v. State of Bihar (2005) 1 SCC 88. (Para 14-22)

S.R.S. Travels vs Karnataka State Road Transport Corporation Workers 2025 INSC 152 - Motor Vehicles Act - Repeal Of KCCA Act - Delegation - Legislation - Repeal

Karnataka Motor Vehicles Taxation and Certain Other Law (Amendment) Act, 2003- Section 3- Section 3 which repeals the KCCA Act, is constitutional - The rationale underlying the 2003 Repeal Act is sound and consistent with the principles of legislative power. The arguments advanced that the repeal would amount to an impermissible overruling of prior Supreme Court decisions, that it violates the

requirement of presidential assent, or that it is otherwise beyond the legislative competence of the State, are untenable. (Para 17)

Motor Vehicles Act - Section 68(5) ; KMV Rules, 198 - Rule 56(1)(d)- The State Transport Authority (STA) possesses the power to delegate its functions under Section 68(5) of the MV Act, as expressly provided by the statute and further clarified by Rule 56(1)(d) of the KMV Rules- The delegation is a rational and necessary administrative measure that facilitates prompt and efficient processing of permit applications without undermining the oversight function of the STA. (Para 27-28)

Legislation - The power to repeal a law is coextensive with the power to enact it. (Para 10) A repeal statute does not recreate the legal framework anew but rather extinguishes the earlier Act's operative provisions; it is not subject to the same procedural requirements as an original enactment when it comes to the need for fresh assent, provided that the repeal falls within the legislative competence of the State. (Para 13)

Legislation - Legislature may, subject to constitutional limitations, repeal any law it has enacted -If the Legislature has the power to enact a law on a particular subject, it equally possesses the power to repeal that law. (Para 15) - Merely because Supreme Court decisions affirmed the constitutional validity of a Statute at the time of its enactment; they do not bind the Legislature from modifying or repealing a statute when subsequent developments warrant a change in policy. (Para 13)

Administrative law - Quasi-judicial functions may be delegated if the enabling statute expressly provides for such delegation. (Para 23)

State Of Jharkhand vs Sunny Kumar @ Sunny Kumar Sao 2025 INSC 153- NDPS Act - Bail

NDPS Act - SC sets aside HC order that granted bail to NDPS accused noticing that he has been arrested in a similar offence under the NDPS Act - No legal aspects involved.

Binod Kumar Singh vs National Insurance Company 2025 INSC 154 - Insurance Claim

Insurance Claim - NCDRC held that the insurance claim cannot be allowed in the absence of any valid permit - Allowing appeal, SC observed: the permit which is on record and the National Permit is certainly valid up to 13.10.2017. The authorization fee was required to be paid only when the truck was moving out of State of Bihar as it was registered in the State of Bihar and the truck caught fire on account of short-circuit on 08.06.2014 in the State of Bihar itself and, therefore, the respondent company could not have repudiated the claim on such a frivolous ground. The permit in question was issued by the competent authority in Bihar and, therefore, there was no requirement of paying authorization fee when the truck was being used in the State of Bihar and as per the terms and conditions of the National Permit, authorization fee was required to be paid only when the truck was moving out of State of Bihar- The appellant was certainly entitled for the insurance claim.

**Vinubhai Mohanlal Dobarla Vs Chief Commissioner Of Income Tax 2025
INSC 155- S 276CC Income Tax Act - Compounding**

Income Tax Act 1961 - Section 276CC & 139 - An offence under Section 276CC could be said to have been committed as soon as there is a failure on the part of the assessee in furnishing the return of income within the due time as prescribed under Section 139(1) of the Act. Subsequent furnishing of the return of income by the assessee within the time limit prescribed under sub-section (4) of Section 139 or before prosecution is initiated does not have any bearing upon the fact that an offence under Section 276CC has been committed on the day immediately following the due date for furnishing return of income -The point in time when the offence under Section 276CC could be said to be committed is the day immediately following the due date prescribed for filing of return of income under Section 139(1) of the Act, and the actual date of filing of the return of income at a belated stage would not affect in any manner the determination of the date on which the offence under Section 276CC of the Act was committed. (Para 36) - Referred to Prakash Nath Khanna v. CIT (2004) 9 SCC 686.

Income Tax Act 1961 - Section 279(2) -the provision is enabling in nature and cannot be construed as allowing the assessee to demand compounding as a matter of right. (Para 51)

Guidelines for Compounding of Offences under Direct Tax Laws, 2014 - Para 8 - Only those offences to be treated as the “first offence” which are committed by the assessee either prior to a notice that he is liable to prosecution under the Act for the commission of such offences or those offences which are voluntarily disclosed by the assessee to the Department before they come to be detected. The latter part of the definition of the expression “first offence” is not to curtail the scope of the first half but to expand its ambit by including those cases where the assessee comes forward on his own initiative and discloses the commission of the offence- The restrictions laid down in Paragraph 8 of the guidelines are although required to be generally followed, the guidelines do not exclude the possibility that in a peculiar case where the facts and circumstances so require, the competent authority cannot make an exception and allow the compounding application. (Para 73-79)

Suresh Chandra vs State Of Uttar Pradesh 2025 INSC 156 - S 106 Evidence Act - Circumstantial Evidence

Indian Evidence Act, 1872 -Section 106 - The burden would shift upon the accused. However, for the burden to shift upon the accused, the initial burden will have to be discharged by the prosecution- In a case where around twelve persons residing along with the deceased, it is necessary for the prosecution to establish as to which of the accused persons was in the company of the deceased prior to her death being noticed- The issue would have been different if it was only the husband and the wife who were residing together and the death had occurred in suspicious circumstances. (Para 9-10)

Criminal Trial - Circumstantial Evidence - Referred to Sharad Birdhichand Sarda v. State of Maharashtra - the prosecution will have to prove beyond reasonable doubt that it is the appellants and the accused alone, who have committed the crime. Every hypothesis except the guilt of the appellants will have to be ruled out- However strong

the suspicion, it cannot take place of proof beyond reasonable doubt- The approach in the criminal trial has to be of proof beyond reasonable doubt and not the probability or a possibility. (Para 11-16)

D.M. Jagadish vs Bangalore Development Authority 2025 INSC 157 - Practice and Procedure - Natural Justice

Practice and Procedure - HC single bench allowed writ petitions thereby quashing the acquisition - Allowing appeal, HC Division Bench upheld it - Allowing appeal, SC observed: The approach of the Division Bench in relying on the affidavit of the authority and closing the matter on the same day, without giving an opportunity to the appellant herein to meet the averments made in the said affidavit would be in violation of the principles of natural justice. The well-reasoned order passed by the learned Single Judge has been reversed by the learned Division Bench based on the affidavit of the authority without giving an opportunity to the appellant herein to meet the averments made therein.

Ganesan vs State 2025 INSC 158 - S 307 IPC - Punishment

Indian Penal Code 1860 - Section 307 - “attempt to murder” provides for a punishment of, either imprisonment for life or imprisonment of either description for a term which may extend to 10 years and fine. The threshold term of imprisonment, if life is avoided, can only be 10 years and not more - In this case, SC held: sentence of 12 years R.I. granted by the Appellate Court cannot be sustained; since the maximum sentence under Section 307, I.P.C., if life is avoided, can only be a maximum of 10 years- Appellate Court is not competent to impose a punishment higher than the maximum that could have been imposed by the Trial Court. (Para 5-8)

Vivek Kumar Chaturvedi vs State Of U.P. 2025 INSC 159 - Habeas Corpus - Child Custody

Constitution of India - Article 226 - Habeas Corpus -There can be no hard and fast rule insofar as the maintainability of a Habeas Corpus petition relating to custody of minor children; which would depend on the facts and circumstances of each case. [In

this case, the father is seeking custody of the child from the grand-parents - In appeal, SC observed: son. The father, the natural guardian is well employed and educated and there is nothing standing against his legal rights; as a natural guardian, and legitimate desire to have the custody of his child- There is no allegation of any matrimonial dispute when the mother of the child was alive nor a complaint of abuse perpetrated against the wife or son - The welfare of the child, in the facts and circumstances of this case, would be best served if custody is given to the father.]

Geddam Jhansi vs State Of Telangana 2025 INSC 160 - Domestic Violence Act

Protection of Women from Domestic Violence Act, 2005 - In criminal cases relating to domestic violence, the complaints and charges should be specific, as far as possible, as against each and every member of the family who are accused of such offences and sought to be prosecuted, as otherwise, it may amount to misuse of the stringent criminal process by indiscriminately dragging all the members of the family. There may be situations where some of the family members or relatives may turn a blind eye to the violence or harassment perpetrated to the victim, and may not extend any helping hand to the victim, which does not necessarily mean that they are also perpetrators of domestic violence, unless the circumstances clearly indicate their involvement and instigation. Hence, implicating all such relatives without making specific allegations and attributing offending acts to them and proceeding against them without *prima facie* evidence that they were complicit and had actively collaborated with the perpetrators of domestic violence, would amount to abuse of the process of law- Our observations, however, should not be generalised to mean that relatives cannot be brought under the purview of the aforesaid penal provisions when they have actively participated in inflicting cruelty on the daughter-in-law/victim. What needs to be assessed is whether such allegations are genuine with specific criminal role assigned to such members of the family or whether it is merely a spill over and side-effect of a matrimonial discord and allegations made by an emotionally disturbed person. Each and every case of domestic violence will thus depend on the peculiar facts obtaining in each case.

Maya Singh vs Oriental Insurance Co. Ltd. 2025 INSC 161 - Motor Accident Compensation - Multiplier

Motor Accident Compensation - Multiplier - Normally Courts and Tribunals have to apply the multiplier as per the judgement of this Court in Sarla Verma v. DTC (2009) 6 SCC 121 : 2009 INSC 506 - Any deviation from the same warrants special reasons to be recorded. while calculating the compensation, the multiplier to be used should start with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.

Vihaan Kumar Vs State Of Haryana 2025 INSC 162 - Art. 22 Constitution - Requirement Of Informing Grounds Of Arrest

Constitution of India - Article 21,22 - a) The requirement of informing a person arrested of grounds of arrest is a mandatory requirement of Article 22(1); b) The information of the grounds of arrest must be provided to the arrested person in such a manner that sufficient knowledge of the basic facts constituting the grounds is imparted and communicated to the arrested person effectively in the language which he understands. The mode and method of communication must be such that the object of the constitutional safeguard is achieved; c) When arrested accused alleges non-compliance with the requirements of Article 22(1), the burden will always be on the Investigating Officer/Agency to prove compliance with the requirements of Article 22(1); d) Non-compliance with Article 22(1) will be a violation of the fundamental rights of the accused guaranteed by the said Article. Moreover, it will amount to a violation of the right to personal liberty guaranteed by Article 21 of the Constitution. Therefore, non-compliance with the requirements of Article 22(1) vitiates the arrest of the accused. Hence, further orders passed by a criminal court of remand are also vitiated. Needless to add that it will not vitiate the investigation, charge sheet and trial. But, at the same time, filing of chargesheet will not validate a breach of constitutional mandate under Article 22(1); e) When an arrested person is produced before a Judicial Magistrate for remand,

it is the duty of the Magistrate to ascertain whether compliance with Article 22(1) and other mandatory safeguards has been made; and f) When a violation of Article 22(1) is established, it is the duty of the court to forthwith order the release of the accused. That will be a ground to grant bail even if statutory restrictions on the grant of bail exist. The statutory restrictions do not affect the power of the court to grant bail when the violation of Articles 21 and 22 of the Constitution is established.

Constitution of India - Article 21 - In this case, accused was taken to a hospital while he was handcuffed and he was chained to the hospital bed - SC held: This itself is a violation of the fundamental right of the appellant under Article 21 of the Constitution of India. The right to live with dignity is a part of the rights guaranteed under Article 21. : The State of Haryana directed to issue guidelines/departmental instructions to the police to ensure that the act of handcuffing an accused while he is on a hospital bed and tying him to the hospital bed is not committed again. (Para 29,33)

Code of Criminal Procedure 1973 - Section 41 - BNSS - Section 35 -Police officer cannot casually arrest a person against whom the commission of an offence punishable with imprisonment for more than seven years is alleged. He can arrest provided twin conditions in clause (ba) are satisfied. The emphasis is on "credible information". He cannot arrest a person under clause (ba) unless credible information is received.: a) Credible information has been received against the person that he has committed a cognizable offence punishable with imprisonment for more than seven years and b) The police officer has reason to believe on the basis of the information received that such a person has committed the offence. (Para 8)

Marippan vs State 2025 INSC 163 - Observation Against Third Party

Practice and Procedure - In this case, HC made an observation "... If this Petition is allowed, the Petitioners' son will spoil women of marriageable age in the same manner..." - SC expunged this and observed: High Court has said what it did, without any notice/opportunity to the appellants' son and without the benefit of having his

say/version before it - Referred to Anu Kumar v State (UT Administration), 2021 SCC OnLine SC 3454. (Para 15-17)

Indian Penal Code 1860 - Section 415 - SC quashed criminal proceedings against accused .

Gambhir Singh vs State Of Uttar Pradesh 2025 INSC 164 - Death Sentence Acquittal

Indian Penal Code 1860 - Section 302 - Accused was convicted and sentenced to death for murder of his own brother, sister-in-law and their four children - High Court confirmed death sentence - Allowing appeal and acquitting the accused, SC observed: The fabric of the prosecution case is full of holes and holes which are impossible to mend.

Hare Krushna Mahanta vs Himadari Sahu 2025 INSC 165 - Motor Accident Compensation

Motor Accident Compensation - The objective when granting compensation under the Motor Vehicles Act, 1988, is to ensure just and fair compensation is paid to the aggrieved party.

Jitendra vs Sadiya 2025 INSC 166 - Motor Accident Compensation

Motor Accident Compensation - Notifications under the Minimum Wages Act can be a guiding factor in cases where there is no evidence available to evaluate monthly income. (Para 10)

Raja Khan vs State Of Chattisgarh 2025 INSC 167 - S 27 Evidence Act - Recovery

Indian Evidence Act 1872 - Section 24- 27 - Section 27 lifts the ban, though partially, to the admissibility of confessions. The removal of the ban is not of such an extent so as to absolutely undo the object of Section 26. As such the statement whether confessional or not is allowed to be given in evidence but that portion only which

distinctly relates to discovery of the fact is admissible. A discovery of a fact includes the object found, the place from which it is produced and the knowledge of the Appellant-accused as to its existence- The essential ingredients of Section 27 of the Evidence Act are three-fold: i. The information given by the accused must lead to the discovery of the fact which is the direct outcome of such information. ii. Only such portion of the information given as is distinctly connected with the said recovery is admissible against the accused. iii. The discovery of the facts must relate to the commission of such offence. (Para 19-20) If the recovery memos have been prepared in the police station itself or signed by the panch witnesses in the police station, the same would lose their sanctity and cannot be relied upon by the Court to support the conviction. (Para 27)

Ayyub vs State Of Uttar Pradesh 2025 INSC 168 - S 306 IPC - Abetment Of Suicide

Indian Penal Code 1860 - Section 306 -In order to make out an offence under Section 306 IPC, specific abetment as contemplated by Section 107 IPC on the part of the accused with an intention to bring about the suicide of the person concerned as a result of that abetment is required. It has been further held that the intention of the accused to aid or instigate or to abet the deceased to commit suicide is a must for attracting Section 306 IPC - Further, the alleged harassment meted out should have left the victim with no other alternative but to put an end to her life and that in cases of abetment of suicide there must be proof of direct or indirect acts of incitement to commit suicide. [In this case, the complainant alleged that accused and told the deceased “because of you our boy has died, why you do not die” - SC held: The utterance attributed to the appellants assuming it to be true cannot be said to be of such a nature as to leave the deceased with no other alternative but to put an end to her life.]

Vipin Kumar Vs Jaydeep 2025 INSC 169 - SLP Dismissal & Doctrine of Merger - S 100 CPC - Second Appeal

Doctrine of Merger - An order refusing special leave to appeal may be a non-speaking or speaking order. In either case it does not attract the doctrine of merger. An order

refusing special leave to appeal does not stand substituted in place of the order under challenge. All that it means is that the Court was no inclined to exercise its discretion so as to allow an appeal being filed- Kunhayammed v. State of Kerala, AIR 2000 SC 2587. (Para 29)

Code of Civil Procedure 1908 - Section 100 - Second appeal could be considered and entertained by High Court only on the basis of framing a substantial question of law in terms of the Section 100 of the Code. (Para 27)

Ravi vs State Of Punjab 2025 INSC 170 - S 106 Evidence Act

Indian Evidence Act 1872- Section 106 -The initial burden is upon the prosecution to first *prima facie* establish the guilt of the accused and then only the burden shifts upon the accused to explain the circumstances. (Para 21-22) Court should apply Section 106 of the Evidence Act in criminal cases with care and caution. The ordinary rule which applies to criminal trials and places the onus on the prosecution to prove the guilt of the accused, does not, in any way, stand modified by the provisions contained under Section 106 of the Evidence Act. The said provision cannot be invoked to make up the inability of the prosecution to produce the evidence of circumstances pointing to the guilt of the accused. The said provision cannot be used to support a conviction unless the prosecution has discharged the onus by proving all elements necessary to establish the offence. In other words, the prosecution does not stand absolved from its initial liability to prove the offence and it is only when such an onus is discharged and a *prima facie* case of guilt is made out that the provisions of Section 106 of the Evidence Act may come into play. (Para 22)

Sajimon Parayil Vs State Of Kerala 2025 INSC 171 - S 176 BNSS

Bharatiya Nagarik Suraksha Sanhita- Section 176 - Once information is received or otherwise an officer-in-charge of a police station has reason to suspect that a cognizable offence has been committed, he is duty bound to proceed in accordance to law as prescribed under Section 176 of BNSS. There can be no direction to injunct or restrain the police officer from proceeding in accordance to law. (Para 16)

Jasminbhai Bharatbhai Kothari vs State Of Gujarat 2025 INSC 172 - Order XXII Rule 5 SC Rules - Exemption From Surrendering

Supreme Court Rules, 2013 - Order XXII Rule 5 - An application seeking exemption from surrendering cannot be entertained or listed before the Judge-in-Chambers in any special leave petition, except where the petitioner has been sentenced to a term of imprisonment. (Para 10)

Lalita vs Vishwanath 2025 INSC 173 - S 306 IPC - FIR By Deceased Person - Evidentiary Value

Indian Penal Code 1860 - Section 306 - Mere harassment or cruelty is not sufficient to infer abetment. There has to be some credible evidence that the accused persons aided or instigated the deceased in some manner to take the drastic step of putting an end to her life. (Para 22)

Code of Criminal Procedure 1973 - Section 154- If the informant dies, the First Information Report can be, unquestionably, used as a substantive evidence. A prerequisite condition must be fulfilled before the F.I.R. is taken as a substantive piece of evidence i.e. the death of the informant must have nexus with the F.I.R. filed or somehow having some link with any evidence regarding the F.I.R. (Para 32) F.I.R. can be a dying declaration if the informant dies of his injuries after lodging the same (Para 33) For an F.I.R. lodged by a deceased person to be treated as substantial, its contents must be proved. It has to be corroborated and proved for there to be any value of the same in the case. The F.I.R. can be used by the defence to impeach the credit of the person who lodged the F.I.R. under Section 154(3) of the Evidence Act. In case the death of the informant has no nexus with the complaint lodged i.e. he died a natural death and did not succumb to the injuries inflicted on him in relation to a matter, the contents of the F.I.R. would not be admissible in evidence. In such circumstances, the contents cannot be proved through the Investigating Officer. The Investigating Officer, in the course of his deposition, should not be permitted to depose the exact contents of the F.I.R. so as to make them admissible in evidence. All that is permissible in law is that the Investigating Officer can, in his deposition, identify the signature of the first

informant and that of his own on the First Information Report and he can depose about the factum of the F.I.R. being registered by him on a particular date on a particular police station. (Para 34)

Code of Criminal Procedure 1973 - Section 154- It may happen that the informant is the accused himself. In such cases, the First Information Report lodged by him cannot be used as an evidence against him because it is embodied in the basic structure of our Constitution that a person cannot be compelled to be a witness against himself. (Para 30)

AC Chokshi Share Broker Private Limited vs Jatin Pratap Desai 2025 INSC 174- Ss 16,34,37 Arbitration Act - BSE Bylaws

Arbitration and Conciliation Act -Section 16,34 - When the jurisdictional issue has not been raised in accordance with Section 16, it is deemed that the objecting party has waived his right, in terms of Section 4, to raise the same at a later stage. Such objection cannot be raised for the first time when the party is challenging the award under Section 34. (Para 21)

Arbitration and Conciliation Act -Section 34,37 -The limited supervisory role of courts while reviewing an arbitral award is stipulated in Section 34 of the Act, beyond whose grounds courts cannot intervene and cannot correct errors in the arbitral award. The appellate jurisdiction under Section 37 is also limited, as it is constrained by the grounds specified in Section 34 and the court cannot undertake an independent assessment of the merits of the award by reappreciating evidence or interfering with a reasonable interpretation of contractual terms by the arbitral tribunal. The court under Section 37 must only determine whether the Section 34 court has exercised its jurisdiction properly and rightly, without exceeding its scope. (Para 22)

Arbitration and Conciliation Act - Bombay Stock Exchange Bye- laws, 1957
-Bye-law 248(a) provides for arbitration between members and non-members of the

BSE- An oral contract undertaking joint and several liability falls within the scope of the arbitration clause. (Para 2)

Bhudev Mallick Alias Bhudeb Mallick Vs Ranajit Ghoshal 2025 INSC 175 - Order XXI Rule 32 - Imprisonment Of JD - Jurisdictional Error

Code of Civil Procedure 1908 - Order XXI Rule 32 - Imprisonment of a judgment-debtor is no doubt a drastic step and would prevent him from moving anywhere he likes, but once it is proved that he had wilfully and with impunity disobeyed an order of injunction, the court owes it to itself to make the judgment-debtor realise that it does not pay to defy a decree of a court. Failure to exercise this power in appropriate cases might verily undermine the respect for judicial institutions in the eyes of litigants. The court's power under Order 21, Rule 32 is no more than a procedural aid to the harried decree-holder. Where the judgment-debtor disobeys a decree of injunction, he can be dealt with under this rule by his imprisonment or by attachment of his property or by both. But the court has to record a finding that the judgment-debtor wilfully disobeyed or failed to comply with the decree in spite of opportunity afforded to him. Absence of such finding is a serious infirmity vitiating the order. (Para 44-45) what is required of the person seeking execution of the decree for injunction under the sub-rule is to place materials before the executing Court as would enable it to conclude (i) that the person bound by the decree, was fully aware of the terms of the decree and its binding nature upon him; and (ii) that that person has had an opportunity of obeying such decree, but has wilfully, i.e., consciously and deliberately, disobeyed such decree, so that it can make an order of his detention as sought for. Thus, the onus of placing materials before the executing Court for enabling it to record a finding that the person against whom the order of detention is sought, has had an opportunity of obeying the decree for injunction, but has wilfully disobeyed it, lies on the person seeking such order of detention, lest the person seeking deprivation of the liberty of another cannot do so without fully satisfying the Court about its need. (Para 51)

Code of Civil Procedure 1908 - Order XXI Rule 32 Each breach of injunction is independent and actionable in law making the judgment-debtor answerable. Where

there are successive breaches of decree, the judgment-debtor can be dealt with on every such breach and the doctrine of res judicata has no application. The court is expected to take strict view and stern action. (Para 46)

Code of Civil Procedure 1908 - Order XXI Rule 32 - A decree of permanent injunction is executable with the aid of the provisions contained in Order XXI Rule 32 of the Code referred to above, and any act in violation or breach of decree of permanent injunction is a continuing disobedience entailing penal consequences. (Para 36)

Limitation Act - Article 136 - Enforcement or execution of a decree granting a perpetual injunction shall not be subject to any period of limitation -The decree for permanent injunction can be enforced or becomes enforceable when the judgment debtor tries to disturb the peaceful possession of the decree holder or tries to dispossess the decree holder in some manner or the other or creates obstruction in the peaceful enjoyment of the property over which he has a declaration of title from the civil court in the form of a decree. (Para 41)

Constitution of India - Article 227 - Code of Civil Procedure 1908 Section 115
- Jurisdictional Error - If an error, be it an error of fact or of law, is such that the erroneous decision has resulted in the subordinate Court or tribunal exercising jurisdiction, not vested in it by law, or in its having failed to exercise jurisdiction, vested in it by law, that will come within the scope of Section 115 of the Code or, for the matter of that, of Article 227 of the Constitution, as the case may be. This error may have resulted from a violation of rules of natural justice, by taking into consideration matters which are extraneous and irrelevant, or by substituting judicial consideration by bias, based on suspicion, arising from those extraneous matters or from any other cause whatsoever but if it has affected the assumption or exercise of jurisdiction, as envisaged above, it will be a jurisdictional error for purposes of the above Article. There is no exhaustive list of jurisdictional errors, but case law has identified such an error exists when a decision- maker has: identified a wrong issue; asked a wrong question; ignored relevant material; relied on irrelevant material; failed to observe a requirement of

procedural fairness; made a decision involving fraud; made a decision in bad faith; made a decision without evidence; applied a policy inflexibly.

**Amrit Yadav State Of Jharkhand 2025 INSC 176 - Art. 14,16,32, 226
Constitution -Public Employment -Advertisement Arbitrariness**

Constitution of India - Article 32,226 - Once the appointment process is declared to be a nullity in law, every action taken in furtherance of such appointment process is also illegal, and, therefore, the constitutional courts have jurisdiction to set aside such appointments wholly and ab-initio. This power of the Court is not curtailed even in a situation where a third-party right has been created in those who have been offered appointment or have even joined the service (Para 35) a beneficiary of a back-door procedure cannot claim proper treatment as per law when they come at the receiving end. (Para 37) If the subject appointments were ab-initio nullity in the eyes of law, it is not incumbent on the Court to pass the order after hearing all the parties that were likely to be affected by such decision, i.e., the candidates who were already appointed on the subject posts including the employee. (Para 32)

Public Employment - Advertisements - Advertisements which fail to mention the number of posts available for selection are invalid and illegal due to lack of transparency - A valid advertisement inviting applications for public employment must include the total number of seats, the ratio of reserved and unreserved seats, minimum qualification for the posts and procedural clarity with respect to the type and manner of selection stages, i.e., written, oral examination and interviews- that the State must specifically mention in the advertisement the total number of reserved and unreserved seats. However, if the State does not intend to provide reservation, in view of the quantifiable data indicating adequacy of representation, this aspect must also be specifically mentioned in the advertisement. (Para 22)

Constitution of India - Articles 16(4) and (4-A) - Though there is no fundamental right to claim reservation as Articles 16(4) and (4-A) of the Constitution of India are in the nature of enabling provisions only and do not mandate the State or its

instrumentalities to provide reservation in every selection process but inspite thereof, the State's decision to not provide reservation has to be based on some quantifiable data and valid reasoning. (Para 20)

Constitution of India - Articles 14,16 - Any appointment made in violation of the statutory rules as well as the mandate of Articles 14 and 16 of the Constitution would be a nullity in law. (Para 23) Arbitrariness in public employment goes to the very root of the fundamental right to equality. While no person can claim a fundamental right to appointment, it does not mean that the State can be allowed to act in an arbitrary or capricious manner. The State is accountable to the public at large as well as the Constitution of India, which guarantees equal and fair treatment to each person. Public employment process thus, must always be fair, transparent, impartial and within the bounds of the Constitution of India. Every citizen has a fundamental right to be treated fairly and impartially, which is an appendage of right to equality under Article 14 of the Constitution of India. A violation of this guarantee is liable to judicial scrutiny as well as criticism. (Para 39)

Principles of natural justice - Principles of natural justice cannot be applied in any straitjacket formula and it is imperative to understand that there are certain exceptions to their applicability. (Para 29)

M.S. Sanjay vs Indian Bank 2025 INSC 177 - Art. 226 Constitution - Writ Jurisdiction

Constitution of India - Article 226 - The remedy under Article 226 is discretionary in nature and in a given case, even if some action or order challenged in the petition is found to be illegal and invalid, the High Court while exercising its extraordinary jurisdiction thereunder can refuse to upset it with a view to doing substantial justice between the parties. (Para 10) interference by the Writ Court for mere infraction of any statutory provision or norms, if such infraction has not resulted in injustice is not a matter of course. (Para 9)

Hansraj vs State Of Chhattisgarh 2025 INSC 178 - S 302 IPC - Motive - Farsi

Indian Penal Code 1860 - Section 302 - Concurrent Murder conviction set aside-

Motive - The issue of non-payment of wages is hardly material and is so trivial a matter so as to compel anyone to take an extreme step of committing a crime of such a grave nature. (Para 11) **Farsi** - Instruments like farsi are found in almost every home in the village as it is one of the most used farming equipment. (Para 13)

Deepak Singh Alias Deepak Chauhan Vs Mukesh Kumar 2025 INSC 179 - Motor Accident Compensation - Notional Income - Engineering Student

Motor Accident Compensation - The notional income of an Engineering student cannot be equated to that of an unskilled worker- Referred to Navjot Singh v. Harpreet Singh. (Para 7)

Prakash Chand Sharma vs Rambabu Saini 2025 INSC 180 - Motor Accident Compensation

Motor Accident Compensation - If the Tribunal has reason to doubt the medical certificate, the option available before it is to have the disability re-assessed but it could not have gone into the details of the determination of disability as the opinion of the Medical Board, being an opinion of the experts is to be treated as such.(Para 9)

Union Of India vs Gaming Solutions Pvt. Ltd. 2025 INSC 181 - Lottery

Constitution of India - The expression “lottery” takes its meaning from “betting and gambling”. Although a lottery ticket is nothing but an actionable claim, the conduct of a lottery scheme is nothing but a betting and gambling activity. Therefore, it is only Entry 62 – List II which enables the imposition of tax by the State Government. The activity of betting and gambling which includes conducting of a lottery is regulated under Entry 34 – List II, with Entry 62 – List II being the taxation entry. (Para 18.4)

Constitution of India - Article 32,226, 248 - If a Central Act is challenged as being beyond the legislative competence of Parliament, it is enough to enquire if it is a law

with respect to matters or taxes enumerated in List II. If it is not, no further question arises. Thus, the wide words of a substantive Article like Article 248 should be given full effect and they cannot be cut down by the wording in the Lists in Schedule VII merely because certain known taxes have not been included therein (Para 11.8)

Contract Law - Agency - The mere fact that a person does something in order to benefit another and the latter is relying on the former to do so or may have requested or even contracted for performance of the action, does not make the former the agent of the latter. The centrality to agency is the conferral of authority to alter legal relations; as such in common law, being an agent is not a status but a description of a person, while and only so long as the person is exercising such authority. Thus, where one person (the principal), requests or authorises the other (agent), to act on his behalf and the other agrees to do so, the law recognises that such agent has power to affect the principal's legal position by acts which, though performed by the agent, are to be treated in certain respects as if they were acts of the principal. It is common to regard control by the principal as a defining characteristic of agency. Thus, agency is termed as acting on behalf of the principal and subject to principal's control. (Para 15.3) **Lotteries** - There is no promotion of the business of the State which conducts lotteries as an agent. Consequently, there is no principal- agent relationship, rather it is one of principal to principal. (Para 17.5)

Naushey Ali vs State of U.P. 2025 INSC 182- S 482 CrPC - S 307 IPC - Attempt To Murder Cases - Quashing On Settlement

Code of Criminal Procedure 1973 - Section 482 - Indian Penal Code 1860 - Section 307 - Will the mere mention of Section 307 IPC in the criminal proceedings force the court to adopt a hands-off approach, when parties come forward with a settlement? Mere mention of Section 307 IPC in the FIR or the charge-sheet should not be the basis for adopting a hands-off approach. It has further held that it would be open for the court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or whether there is evidence to back it. (Para 9-12)

Code of Criminal Procedure 1973 - Section 320, 482 - Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. (Para 6)

**Om Prakash Gupta Alias Lalloowa (D) vs Satish Chandra (D) 2025 INSC 183
- Order XXII Rule 1,4 CPC - Abatement - Substitution - Limitation**

Code of Civil Procedure 1908- Order XXII Rule 1 - Limitation Act 1963 - Article 120,121 -The total time-frame for filing an application for substitution and for setting aside abatement, as outlined in Articles 120 and 121 of the Limitation Act, is 150 (90 + 60) days. The question of condonation of delay, through an application under Section 5 of the Limitation Act, arises only after this period and not on the 91st day when the suit/appeal abates- The proper sequence to be followed, therefore, is an application for substitution within 90 days of death and if not filed, to file an application for setting aside the abatement within 60 days and if that too is not filed, to file the requisite applications for substitution and setting aside the abatement with an accompanying application for condonation of delay in filing the latter application, i.e., the application for setting aside the abatement. Once the court is satisfied that sufficient cause prevented the plaintiff/appellant from applying for setting aside the abatement within the period of limitation and orders accordingly, comes the question of setting the abatement. That happens as a matter of course and following the order for substitution of the deceased defendant/respondent, the suit/appeal regains its earlier position and would proceed for a trial/hearing on merits. (Para 11)

Code of Civil Procedure 1908-Order XXII Rule 4 - The law not having expressly mandated that an application for substitution has to be filed by the plaintiff/appellant upon receiving intimation of death, requiring a formal application from the plaintiff only will serve no tangible purpose. (Para 19) When an application praying for substitution had been made, then, even assuming that it does not have an explicit prayer for setting aside the abatement, such prayer could be read as inherent in the prayer for substitution in the interest of justice. (Para 23)

Code of Civil Procedure 1908- Order XXII Rule 10A - Rule 10A casts a duty upon a pleader appearing for a party to the suit to intimate the court about the death of such party. It further provides that once the court is informed by the pleader of a party that he is no more, the court “shall” notify the opposing party of the death. A straightforward interpretation of this rule would suggest that the court's obligation to issue notice to the other party is indeed mandatory. Nonetheless, this obligation may not arise in all circumstances. One notable exception could be when the information regarding the party's death is conveyed to the court in the presence of the opposing party's pleader or is documented by the court in the order sheet. In such cases, if the pleader of the concerned party (and consequently the party itself) has already been notified, issuing a further notice from the court would not serve any substantial purpose other than being an exercise by way of abundant caution. Therefore, in the aforementioned scenario, the absence of a notice from the court would not imply a failure to comply with Rule 10A, suggesting that it is not “always mandatory”. (Para 29)

Constitution of India - Article 136 - There is no bar for the Supreme Court to erase defective orders by setting them aside, even in the absence of any challenge thereto. (Para 21)

Canara Bank vs Ajithkumar G.K. 2025 INSC 184 - Compassionate Appointment

Compassionate Appointment - The underlying idea behind compassionate appointment in death-in-harness cases appears to be that the premature and unexpected passing away of the employee, who was the only bread earner for the family, leaves the family members in such penurious condition that but for an appointment on compassionate ground, they may not survive. There cannot be a straitjacket formula applicable uniformly to all cases of employees dying-in-harness which would warrant appointment on compassionate grounds. Each case has its own peculiar features and is required to be dealt with bearing in mind the financial condition of the family. It is only in “hand-to-mouth” cases that a claim for compassionate appointment ought to be considered and granted, if at all other conditions are satisfied. Such “hand-to-mouth”

cases would include cases where the family of the deceased is 'below poverty line' and struggling to pay basic expenses such as food, rent, utilities, etc., arising out of lack of any steady source of sustenance. This has to be distinguished from a mere fall in standard of life arising out of the death of the bread earner. (Para 29)

Compassionate appointment - Lapse of time could, however, be a major factor for denying compassionate appointment where the claim is lodged belatedly. A presumption is legitimately drawn in cases of claims lodged belatedly that the family of the deceased/incapacitated employee is not in immediate need of financial assistance. However, what would be a reasonable time would largely depend on the policy/scheme for compassionate appointment under consideration. If any time limit has been prescribed for making an application and the claimant applies within such period, lapse of time cannot be assigned as a ground for rejection. (Para 27) Principles discussed: a) Appointment on compassionate ground, which is offered on humanitarian grounds, is an exception to the rule of equality in the matter of public employment b) Compassionate appointment cannot be made in the absence of rules or instructions c) Compassionate appointment is ordinarily offered in two contingencies carved out as exceptions to the general rule, viz. to meet the sudden crisis occurring in a family either on account of death or of medical invalidation of the breadwinner while in service d) The whole object of granting compassionate employment by an employer being intended to enable the family members of a deceased or an incapacitated employee to tide over the sudden financial crisis, appointments on compassionate ground should be made immediately to redeem the family in distress e) Since rules relating to compassionate appointment permit a side- door entry, the same have to be given strict interpretation f) Compassionate appointment is a concession and not a right and the criteria laid down in the Rules must be satisfied by all aspirants g) None can claim compassionate appointment by way of inheritance h) Appointment based solely on descent is inimical to our constitutional scheme, and being an exception, the scheme has to be strictly construed and confined only to the purpose it seeks to achieve i) None can claim compassionate appointment, on the occurrence of death/medical incapacitation of the concerned employee (the sole bread earner of the family), as if it were a vested right,

and any appointment without considering the financial condition of the family of the deceased is legally impermissible j) An application for compassionate appointment has to be made immediately upon death/incapacitation and in any case within a reasonable period thereof or else a presumption could be drawn that the family of the deceased/incapacitated employee is not in immediate need of financial assistance. Such appointment not being a vested right, the right to apply cannot be exercised at any time in future and it cannot be offered whatever the lapse of time and after the crisis is over

k) The object of compassionate employment is not to give a member of a family of the deceased employee a post much less a post for post held by the deceased. Offering compassionate employment as a matter of course irrespective of the financial condition of the family of the deceased and making compassionate appointments in posts above Class III and IV is legally impermissible l) Indigence of the dependents of the deceased employee is the first precondition to bring the case under the scheme of compassionate appointment. If the element of indigence and the need to provide immediate assistance for relief from financial destitution is taken away from compassionate appointment, it would turn out to be a reservation in favour of the dependents of the employee who died while in service which would directly be in conflict with the ideal of equality guaranteed under Articles 14 and 16 of the Constitution m)The idea of compassionate appointment is not to provide for endless compassionn) Satisfaction that the family members have been facing financial distress and that an appointment on compassionate ground may assist them to tide over such distress is not enough; the dependent must fulfil the eligibility criteria for such appointment o) There cannot be reservation of a vacancy till such time as the applicant becomes a major after a number of years, unless there are some specific provisions p) Grant of family pension or payment of terminal benefits cannot be treated as substitute for providing employment assistance. Also, it is only in rare cases and that too if provided by the scheme for compassionate appointment and not otherwise, that a dependent who was a minor on the date of death/incapacitation, can be considered for appointment upon attaining majority q) An appointment on compassionate ground made many years after the death/incapacitation of the employee or without due consideration of the financial resources available to the dependent of the deceased/incapacitated employee would be directly in conflict with Articles 14 and 16 of the Constitution r) Dependents if gainfully employed cannot be considered s) The retiral

benefits received by the heirs of the deceased employee are to be taken into consideration to determine if the family of the deceased is left in penury. The court cannot dilute the criterion of penury to one of “not very well-to-do” t) Financial condition of the family of the deceased employee, allegedly in distress or penury, has to be evaluated or else the object of the scheme would stand defeated inasmuch as in such an eventuality, any and every dependent of an employee dying-in- harness would claim employment as if public employment is heritable u) The terminal benefits, investments, monthly family income including the family pension and income of family from other sources, viz. agricultural land were rightly taken into consideration by the authority to decide whether the family is living in penury. v) The benefits received by widow of deceased employee under Family Benefit Scheme assuring monthly payment cannot stand in her way for compassionate appointment. Family Benefit Scheme cannot be equated with benefits of compassionate appointment. w) The fixation of an income slab is, in fact, a measure which dilutes the element of arbitrariness. While, undoubtedly, the facts of each individual case have to be borne in mind in taking a decision, the fixation of an income slab subserves the purpose of bringing objectivity and uniformity in the process of decision making x) Courts cannot confer benediction impelled by sympathetic consideration y) Courts cannot allow compassionate appointment dehors the statutory regulations/instructions. Hardship of the candidate does not entitle him to appointment dehors such regulations/instructions z) An employer cannot be compelled to make an appointment on compassionate ground contrary to its policy. (Para 11)

Practice and Procedure -Power of an appellate court is circumscribed by laws. Unless a particular case in appeal is so exceptional in nature that the appellate court considers it imperative to exercise power akin to power conferred on appellate courts by Order XLI Rule 33, Civil Procedure Code, such power should normally not be exercised. (Para 36)

Precedents - Even an obiter dictum of Supreme Court could be binding on the high courts (Para 39) - So long the decision that is doubted is overruled, it continues to remain binding. (Para 47)

Practice and Procedure - The relief that the suitor is entitled in law could still be denied in equity on account of subsequent and intervening events, i.e., events between the date of commencement of the litigation and the date of the decision; however, such relief may not be denied solely on account of time lost in prosecuting proceedings in judicial or quasi-judicial forum for no fault of the suitor- It would, therefore, not be prudent or wise to reject a claim only because of the time taken by the court(s) to decide the issue before it. (Para 26)

Akula Raghuram vs State Of Andhra Pradesh 2025 INSC 185 - S 366A IPC - Acquitted

Indian Penal Code, 1860 - Section 366A - Accused's appeal against concurrent conviction - Allowing appeal, SC observed; that Even if there is a consent, the accused cannot be absolved of a criminal liability if the child is a minor -Radiologist certifying her age to be between 16 to 17 years - Even in the case of ossification test, there could be a difference of two years, either way and in that circumstance, the age determination by the doctor as between 16 to 17 years does not conclusively establish that the victim was a minor child at the time of the alleged abduction- Radiologist was neither examined nor was the his report marked in evidence.

Vijayalaxmi @ Roopa V. Shenoy vs National Insurance Co. Ltd. 2025 INSC 186 - Motor Accident Compensation

Motor Accident Compensation - The determination of income must proceed on the basis of Income Tax Return when available, being a statutory document. (Para 7)

State Of Uttarakhand vs Sanjay Ram Tamta @ Sanju @ Prem Prakash 2025 INSC 187 - S 304B IPC - Dowry Death - S 378 CrPC

Indian Penal Code 1860 - Section 304B -Indian Evidence Act 1872 - Section 113B - Section 304B of the I.P.C. presupposes several factors for its applicability, which are; (i) the death of a woman caused by burns or bodily injury or otherwise than under normal circumstances; (ii) such death having occurred within seven years from the date of the marriage; (iii) soon before her death, the woman having been subjected to cruelty

or harassment by her husband or any relative of her husband and (iv) such cruelty or harassment being in connection with the demand of dowry. It was, categorically held that if one of the ingredients is absent, the presumption under Section 113B of the Evidence Act would not be available to the prosecution. (Para 8)

Code of Criminal Procedure 1973 - Section 378 - Appellate Courts would be slow in reversing an order of acquittal, especially since the presumption of innocence that is always available to the accused; as a basic principle of criminal jurisprudence, stands reinforced and reaffirmed by the acquittal and unless there are very substantive and compelling reasons to do so, there cannot be a reversal of an order of acquittal. Unless it is found that the findings are perverse and the only conclusion possible from the compelling evidence is of guilt; Appellate Courts will be slow to reverse an order of acquittal. (Para 5)

Sanjay Rajpoot vs Ram Singh 2025 INSC 188 - Motor Accident Compensation

Motor Accident Compensation - When age at the time of the incident is 22 years of age, the multiplier to be applied is 18. (Para 11)

Digvijay Laxhamsinh Gaekwad (Danny Gaekwad) vs Sapna Govind Rao 2025 INSC 189 - SEBI Regulations

Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 2011 - Regulation 20 - No legal aspect involved in this order.

Narcotic Control Bureau vs Lakhwinder Singh 2025 INSC 190 - NDPS Act - Bail - Appellate Court

Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 37 - Appellate Court is bound by constraints of Section 37 of the NDPS Act while considering the prayer for the grant of bail during the pendency of an appeal. However, if, in the facts of the case, an accused has undergone a substantial part of the substantive

sentence and, considering the pendency of criminal appeals, his appeal is not likely to be heard before the accused undergoes the entire sentence, the Appellate Court can exercise the power of releasing the accused on bail pending the appeal. If the relief of bail is denied in such a factual situation only on the grounds of Section 37 of the NDPS Act, it will amount to the violation of the rights of the accused under Article 21 of the Constitution of India- If a case is made out for the grant of suspension of sentence and/or bail in deserving cases on merits, the Court is not powerless to grant relief of suspension of sentence and bail pending an appeal, even if an accused has not undergone half of the sentence. There cannot be a rule of thumb that a convict cannot be released on bail pending an appeal against conviction unless he has undergone half of substantive sentence- If the Courts start adopting a rigid approach, in a large number of cases, till the appeal reaches the stage of the final hearing, the accused would undergo the entire sentence. This will be a violation of the rights of the accused under Article 21 of the Constitution. Moreover, it will defeat the right of appeal- Clarified Supreme Court Legal Aid Committee representing Undertrial Prisoners vs. Union of India (1994) 6 SCC 731. (Para 5-8)

Nur Ahamad Abdulsab Kanavi vs Abdul Munaf 2025 INSC 191 - Motor Accident Compensation - Income - Deceased's Wife Statement

Motor Accident Compensation - Reliance placed on the statement of the deceased's wife therein to establish the income of the person. (Para 9)

Seema Rani vs Oriental Insurance Co. Ltd. 2025 INSC 192 - Motor Accident Compensation- Married Sons & Daughters

Motor Accident Compensation -Major married and earning sons of the deceased, being legal representatives, have a right to apply for compensation, and the Tribunal must consider the application, irrespective of whether the representatives are fully dependent on the deceased or not- There is no reason to exclude a married daughter from compensation. (Para 9-10)

Shyam Prasad Nagalla vs Andhra Pradesh State Board Transport Corporation 2025 INSC 193 - Motor Accident Compensation - Exchange Rate Fixation

Motor Accident Compensation - Date of filing of the claim petition is the proper date for fixing the rate of exchange for computing compensation- The multiplier for a person aged 43 must be 14. No exception is made for a person earning in foreign currency.(Para 9-10)

B.V. Ram Kumar vs State Of Telangana 2025 INSC 194 - S 504 IPC - Senior's Admonition At Workplace

Indian Penal Code 1860 - Section 504 - Senior's admonition cannot be reasonably attributed to mean an 'intentional insult with the intent to provoke' within the means of Section 504, IPC, provided that the admonition relates to the matters incidental to the workplace covering discipline and the discharge of duties therein. (Para 28)

Indian Penal Code 1860 - Section 504 - Mere abuse, discourtesy, rudeness or insolence does not amount to an intentional insult within the meaning of Section 504, IPC. Furthermore, it would be immaterial that the person who has been insulted and provoked did not actually break the peace or commit any offence (Para 22) -if the accused does not intend to give provocation, the offence is not made out. An insult without an 'intention to insult' is not punishable under Section 504, IPC. Further, 'intentional insult' must be of such a degree that it has the potential to provoke a reasonable person to break the public peace or to commit any other offence. (Para 24)Upon reading the complaint as a whole, if the Magistrate comes to a conclusion, *prima facie*, that there has been an intentional insult made by the accused to the complainant so as to provoke the latter to break the public peace or to commit any other offence, then only the act complained of would fall within the ambit of Section 504, IPC. The law does not mandate that the complainant should verbatim reproduce each word or words capable of provoking him/her to commit breach of peace or any other offence. The background facts, circumstances, the occasion, the manner in which the offending words are used, the person to whom they are addressed, the time, the conduct of the

person who has indulged in such actions are all relevant factors to be borne in mind while examining a complaint lodged for initiating proceedings under Section 504, IPC- whether the person provoked further commits an illegal act or not is immaterial to draw the conclusion of culpability under Section 504, IPC. The ‘intentional insult’ and provocation must be so proximate and close that the accused has either the intention or the knowledge that the intentional insult made by him is likely to cause the provoked person to break public peace or commit some other offence. However, what would be the nature of ‘intentional insult’ causing provocation, to draw culpability under Section 504, IPC would depend upon the facts and circumstances of each case. The test to be applied to determine if the intentional insult made by the accused is sufficient to cause provocation is that of a reasonable person, i.e., if the insult is sufficient to provoke any reasonable person to break peace or commit any other offence, only then the accused will be liable for the offence under Section 504, IPC.

Code of Criminal Procedure 1973 - Section 482 - In order to entertain a challenge to the FIR, chargesheet or an order taking cognizance, all that has to be seen is, whether from a bare reading of the chargesheet, the ingredients of the sections charged therein are being prima facie made out or not- Constitutional courts are wholly competent to exercise their extraordinary power to quash the criminal proceedings to prevent abuse of the process of the Court or otherwise to secure the ends of the justice if the allegations in the FIR or complaint neither disclose the commission of any offence nor make out a prima facie case against the accused. (Para 14)

Hindu Marriage Act, 1955 - Section 13B - The legislative intent behind incorporating sub-section (2) to Section 13-B is to enable time to the parties to introspect and consider their decision to separate, before a second motion is moved; when a decree of divorce is sought on a joint petition filed by the parties. (Para 5)

Constitution of India - Article 142 - Though grant of divorce on the ground of irretrievable breakdown of marriage is not a matter of right, but a discretionary remedy

which has to be exercised with great care and caution, keeping in mind several factors ensuring that ‘complete justice’ is done to both parties. (Para 6)

Gudivada Seshagiri Rao Vs Gudivada Ashalatha 2025 INSC 195 - Irretrievable Breakdown Of Marriage

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Dhanlaxmi Urf Sunita Mathuria vs State Of Rajasthan 2025 INSC 196 - Court Proceedings - Humiliation

Practice and Procedure - During court proceedings, many statements are made and questions are posed which may make a person uncomfortable, but all such statements or questions cannot be misconstrued as humiliating a person. After all, it is the duty of the Court to reach the truth of the matter and such exercise may demand putting forward certain questions and suggestions which may be uncomfortable to some. (Para 6)

Sukhdev Singh vs Sukhbir Kaur 2025 INSC 197 - Alimony - Void Marriages

Hindu Marriage Act, 1955,- Section 25 -A spouse whose marriage has been declared void under Section 11 of the 1955 Act is entitled to seek permanent alimony or maintenance from the other spouse by invoking Section 25 of the 1955 Act. Whether such a relief of permanent alimony can be granted or not always depends on the facts of each case and the conduct of the parties. The grant of relief under Section 25 is always discretionary. (Para 28)

Hindu Marriage Act, 1955- Section 24 - Even if a court comes to a *prima facie* conclusion that the marriage between the parties is void or voidable, pending the final disposal of the proceeding under the 1955 Act, the court is not precluded from granting maintenance *pendente lite* provided the conditions mentioned in Section 24 are satisfied. While deciding the prayer for interim relief under Section 24, the Court will always take into consideration the conduct of the party seeking the relief, as the grant of relief under Section 24 is always discretionary. (Para 28)

Hindu Marriage Act, 1955- Section 5,11 - The following categories of marriages are void:
a. If one or both the parties to the marriage have a spouse living at the time of marriage;
b. The parties to the marriage are within the degrees of prohibited relationship unless the custom or usage governing each of them permits of a marriage between the two and
c. The parties are sapindas of each other, unless the custom or usage governing each of them permits of a marriage between the two. (Para 11) These marriages become void at the inception. Therefore, such marriages are void *ab initio*. Such marriage does not exist at all in the eyes of the law. (Para 13)

Hindu Marriage Act, 1955- Section 25 - Code of Criminal Procedure 1973 - Section 125 - The remedy under Section 25 of the 1955 Act is completely different from the remedy under Section 125 of the CrPC. It confers rights on the spouses of the marriage declared as void under Section 11 of the 1955 Act to claim maintenance from the other spouse. The remedy is available to both husband and wife. The principles which apply to Section 125 of the CrPC cannot be applied to Section 25 of the 1955 Act. The relief under Section 125 of the CrPC can be granted to wife or child and not to husband- Section 125 of the CrPC operates altogether in a different field. It is a quick and efficacious remedy made available to a wife or a child to seek maintenance. The proceedings under Section 125 of the CrPC are of a summary nature. While deciding the applications under Section 125 of the CrPC, a summary procedure is required to be followed, and a detailed adjudication of the rights of the parties cannot be made. The same is the legal position as regards the corresponding remedy under Section 144 of the BNSS. (Para 21-22)

Hindu Marriage Act, 1955- Section 24 -The conditions for applicability of Section 24 are: (i) There must be a proceeding under the 1955 Act pending and (ii) the court must come to a conclusion that either the wife or the husband, as the case may be, has no independent income sufficient for her or his support and the necessary expenses of the proceeding. (Para 27)

Hindu Marriage Act, 1955- Section 23- A decree in proceedings contemplated by Section 23 of the 1955 Act is a narrower concept. It can only be a decree granting one of the reliefs under Sections 9 to 13 of the 1955 Act -The following are the decrees which may be passed under the 1955 Act: a. A decree under Section 9 of restitution of conjugal rights; b. A decree under Section 10 of judicial separation; c. A decree under Section 11 declaring a marriage as void; d. A decree under Section 12 of annulment of a marriage on the ground that it is voidable; and e. A decree of divorce under Sections 13 and 13B- The ‘decrees in proceedings’ will not include the decisions dismissing the petitions seeking reliefs under Sections 9 to 13.

Constitution of India - Article 21 - Calling a woman an “illegitimate wife” or “faithful mistress” will amount to a violation of the fundamental rights of that woman under Article 21 of the Constitution of India. Describing a woman by using these words is against the ethos and ideals of our Constitution. No one can use such adjectives while referring to a woman who is a party to a void marriage. (Para 24)

Jay Kishan vs State Of Uttar Pradesh 2025 INSC 198 - UP Gangsters Act

Uttar Pradesh Gangsters & Anti-Social Activities (Prevention) Act, 1986 - Section 2(b) - Mere invocation of certain Sections of the IPC could not and would not preclude the Court from, in a manner of speaking, lifting the veil, to understand what actually lies beneath the material, which is sought to be made the basis for invoking the Act - It would be plainly unwise to accord any unfettered discretion to the authorities concerned when it comes to invoking the Act. The more stringent or penal a provision, greater the emphasis and requirement for it to be strictly construed-Compliance and strict adherence mean that only an eyewash by making allegations with a view to set up

grounds to justify resort to the Act would not suffice. Material(s) must be available to gauge the probability of commission of the alleged offence(s). Necessarily, this would have to be of a level higher than being merely presumptive. (Para 24-25) The Act can be invoked basis pending cases - However, the case(s) against the person(s) qua whom the Act is to be invoked cannot be run-of-the-mill – it must be serious- The severity required the underlying case(s), we think, ought not to be judicially strait-jacketed as a lot would turn on the specific peculiarities of each case. (Para 26)

Constitution of India - Article 21 -The right to life and liberty guaranteed under Article 21 of the Constitution of India cannot be overlooked only due to the reason that criminal cases have been registered against a person. (Para 24)

State Of Maharashtra vs Prism Cement Limited 2025 INSC 199 - S 8 Central Sales Tax Act - Prospective Amendment

Central Sales Tax Act - Section 8(4)- The requirement for fulfilling the condition of Section 8(4) of the CST Act for getting the benefit of tax exemption came subsequently after the amendment of Section 8(5) with effect from 11.05.2002 and would apply -The requirement of submission of Form ‘C’ and ‘D’ would apply prospectively after 11.05.2002 i.e., after the Finance Act of 2002. (Para 30)

Interpretation of Statutes - Every statute is *prima-facie* prospective in nature unless it is expressly or by necessary implication made to have retrospective operations. Unless there are words in the statutes sufficient to show the intention of the legislature to affect existing rights, it is deemed to be prospective only. (Para 23)

Right - If a substantive right has accrued to a person, it cannot be taken away unilaterally without notice or an opportunity of hearing to the said person. (Para 28)

Shankar Lal Sharma vs Rajesh Koolwal 2025 INSC 200 - Advocates - Duty To Court & Litigants

Advocates - Role of advocates in taking up the responsibility of rendering assistance to both the court as well as the litigant, particularly those with limited means, and to collectively assist in ensuring that the litigant before a court has an assurance of having secured justice at the hands of the courts and particularly from the Apex Court -The original and core values attached to the legal profession - To lend their noble services to an aggrieved litigant before the Court-not by acting as soldiers on behalf of their clients, but by merely being the bridges of communication and peace between the stakeholders in litigation, i.e., the petitioner(s) and the respondent(s) in a case and by rendering assistance to the bench, so that dispensation of justice in a court of law does not eventually become a zero-sum game- Young advocates joining the bar, must volunteer to assist the litigants who cannot engage the services of a counsel due to lack of means or awareness whenever an opportunity presents itself- The duty to provide ease of access to justice rests upon every member of the legal profession and the requisite message needs to be disseminated from the portals and corridors of this Court in the first instance in both letter and spirit. The enduring service of the learned amicus curiae in the present case is a poignant step in that direction.

Dr. Amaragouda L Patil vs Union Of India 2025 INSC 201 -National Commission for Homeopathy Act - Judicial Review Of Administrative Action - Chairperson Appointment Quashed

National Commission for Homeopathy Act, 2020 -Section 4 - The appointment of the Chairperson, who is the head of the Commission carries significant importance and affects various stakeholders in the field of homeopathy. The candidate must have minimum twenty years of experience in the field of homeopathy, out of which at least ten must be as a 'leader'. These eligibility requirements cannot be waived off by the administration, since they are mandatory requirements- **Meaning of 'Head'** -'Head' must refer to a position held by an incumbent who performs the role of a leader and is tasked with making substantive decisions for the department/organisation. Any claim for being 'Head of a Department' or 'Head of an Organisation' is strengthened if the incumbent exercises administrative or supervisory responsibilities. However, this is not the only factor to be considered. Any such determination must be on a case- to-case

basis. (Para 27-29) [Supreme Court quashes appointment of Dr. Anil Khurana as National Commission for Homeopathy Chairperson]

Public Employment - Selection -In the matter of essential qualifications prescribed by the statute, there should neither be any deviation from the statutory requirements nor the advertisement inviting applications while conducting any selection process, unless power to relax the qualifications is shown to exist. (Para 51) Whenever appointment to a public office is sought to be made, irrespective of the nature of the office, the rules prescribing mandatory eligibility criteria must be applied in a strict manner; after all, every public appointment under Article 16 of the Constitution must be fair, non-arbitrary and reasonable. (Para 57) - It amounts to a fraud on the public to make appointments in departure of either the statutory requirements or a public advertisement. Fraud unravels everything. (Para 59)

Constitution of India - Article 226 -Judicial review of administrative action - Interference should be limited, particularly when a merit review is sought -But interference could still be made if there are proven allegations of malfeasance or violations of statutory rules, laying bare inherent arbitrariness in the process- If any of the grounds on which judicial review of administrative action is shown to exist, interference on such ground would be well-nigh permissible. It is not an arena in which intervention is completely barred. (Para 49)

Service Law - there should be some material on the basis whereof equivalence is determined. Generally speaking, equivalence of two posts may be attempted to be determined by factors such as (1) qualifications and requirements; (2) job responsibilities and duties; (3) work environment and conditions including workload and pressure; (4) accountability and impact; and (5) evaluation of the above and comparison. (Para 38-39) - Referred to N.P. Verma v. Union of India. 1989 Supp (1) SCC 748.

Interpretation of Statutes - When there is doubt as to the meaning of a word in the provisions of a statute, the rules of statutory interpretation call upon us to interpret the words in a statute by giving a purposive interpretation having regard to the subject and object of the enactment. (Para 25)

P.M. Lokanath vs State Of Karnataka 2025 INSC 202 - S 482 CrPC - Quashing

Code of Criminal Procedure 1973 - Section 482 - High Courts in exercise of extraordinary power under Article 226 of the Constitution of India or inherent powers under Section 482 of the Cr.P.C. can prevent abuse of process of any court or otherwise secure ends of justice. Referred to State of Haryana vs Bhajan Lal 1992 Supp (1) SCC 335. (Para 20) Such powers should be exercised very sparingly and with circumspection and that too in rarest of rare cases. [In this case, the Court noted that initiation of criminal proceedings is totally activated by mala fide, instituted with an ulterior motive for wreaking vengeance and with a view to spite the appellants- Quashed Criminal Proceedings]

Suman Mishra vs State of Uttar Pradesh 2025 INSC 203 - S 498A IPC - Quashing

Indian Penal Code 1860 - Section 498A - FIR registered under Sections 498A, 504, 506 IPC against Husband and his family - HC refused to quash FIR - Allowing appeal, SC observed: Initially the FIR was lodged alleging rape and no charge-sheet was filed for prosecuting the accused for the offence of rape, and keeping in view of the fact that no protest petition was filed thereafter, this Court is of the considered opinion that the FIR is vexatious and seems to be instituted with an ulterior motive only because the husband preferred a divorce petition on 17.06.2021 i.e. much prior to the filing of the FIR against all the family members.

Code of Criminal Procedure 1973- Section 482 - The duty of a High Court in deciding a quashing petition discussed. (Para 15) - Referred to Iqbal alias Bala Vs. State of Uttar Pradesh and others (2023) 8 SCC 734. (Para 15)

Sushant Sharma vs UT Chandigarh 2025 INSC 204

Note: No legal aspects discussed in this order.

Gokul Lamp Works Private Limited vs Mysore Lamp Works Limited 2025 INSC 205

Note: No legal aspects discussed in this order.

Siba Nial @ Trilochan vs State Of Odisha 2025 INSC 206 - Concurrent Murder Conviction Set Aside

Note: No legal aspects discussed in this order - SC allowed the Criminal appeal and Concurrent murder conviction was set aside.

Tomorrowland Limited vs Housing and Urban Development Corporation Limited 2025 INSC 207 - S 34 CPC - Award Of Interest - Contract - Equity - Commercial Disputes

Code of Civil Procedure 1908 - Section 34 - The award of interest is a discretionary exercise steeped in equitable considerations - The power to award interest ought to be exercised judiciously, aligning with equitable considerations and also ensuring neither undue enrichment nor unfair deprivation. Courts are duty-bound to assess the facts and circumstances of each case, applying the principles of fairness and justice. This discretion must reflect a balanced approach, grounded in reason, and guided by the overarching objective of equity. (Para 49-50)

Contract Law - A commercial document ought not to be interpreted in a manner that arrives at a complete variance with what may originally have been the intention of the parties. (Para 47)

Equity - Whosoever comes to the court claiming equity, must come with clean hands. The expression 'clean hands' connotes that the suitor or the defendant have not concealed material facts from the court and there is no attempt by them to secure

illegitimate gains. Any contrary conduct must warrant turning down relief to such a party, owing to it not acting in good faith and beguiling the court with a view to secure undue gain. A court of law cannot be the abettor of inequity by siding with the party approaching it with unclean hands. This also brings to mind the oft-quoted legal maxim—he who seeks equity must do equity

Commercial Disputes - In commercial disputes, the award of interest pendente lite or post- decree is typically granted as a matter of course. This is because such interest serves to compensate the aggrieved party for the time value of money that was due but withheld during the legal process. It reflects an established norm aimed at ensuring fairness and equity in commercial transactions. (Para 58)

K. Krishnamurthy vs Deputy Commissioner Of Income Tax 2025 INSC 208 - S 271AAA Income Tax Act

Income Tax Act 1961 - Section 271AAA - The expression ‘Undisclosed Income’ -The fact that the assessee has surrendered some undisclosed income during the course of search or that the surrender is emerging out of the statements recorded during the course of search is not sufficient to fasten the levy of penalty. The onus is on the Assessing Officer to satisfy the condition precedent stipulated in the said Explanation, before the charge for levy of penalty is fastened on the assessee. 35. Consequently, it is obligatory on the part of the Assessing Officer to demonstrate and prove that undisclosed income of the specified previous year was found during the course of search or as a result of the search. (Para 34) the expression ‘found in the course of search’ is of a wide amplitude. It does not mean documents found in the assessee’s premises alone during the search. At times, search of an assessee leads to a search of another individual and/or further investigation/interrogation of third parties. All these steps and recoveries therein would fall within the expression ‘found in the course of search’. (Para 41) Though under Section 271AAA(1) of the Act 1961, the Assessing Officer has the discretion to levy penalty, yet this discretionary power is not unfettered, unbridled and uncanalised. Discretion means sound discretion guided by law. It must be governed by rule, not by humour, it must not be arbitrary, vague and fanciful. (Para 31)

**Vinod Kumar vs State (Govt. of NCT of Delhi) 2025 INSC 209 - S 145
Evidence Act - S 161 CrPC - Circumstantial Evidence**

Indian Evidence Act 1872 - Section 145 - Code Of Criminal Procedure 1973 - Section 161 - The portion of the prior statement shown to the witness for contradicting the witness must be proved through the investigating officer. Unless the said portion of the prior statement used for contradiction is duly proved, it cannot be reproduced in the deposition of the witnesses. The correct procedure is that the Trial Judge should mark the portions of the prior statements used for contradicting the witness. The said portions can be put in bracket and marked as AA, BB, etc. The marked portions cannot form a part of the deposition unless the same are proved. (Para 11)

Circumstantial Evidence - When the prosecution case is based on circumstantial evidence, the circumstances from which the conclusion of guilt is to be drawn should be fully established. There must be a chain of circumstances so complete as not to leave any ground for any conclusion inconsistent with the innocence of the accused. (Para 10)

Union Of India Vs Kanhaiya Prasad 2025 INSC 210 - S 45 PMLA - Twin Conditions For Bail

Prevention of Money Laundering Act 2002 - Section 45 - The consideration of the two conditions mentioned in Section 45 is mandatory, and that while considering the bail application, the said rigours of Section 45 have to be reckoned by the court to uphold the objectives of the PMLA (Para 16)- Merely because the prosecution complaint had been filed and the cognizance was taken by the court that itself would not be the ground or consideration to release the accused on bail, when the mandatory requirements as contemplated in Section 45 have not been complied with. (Para 20)

Prevention of Money Laundering Act 2002 - The offence of money laundering is an independent offence regarding the process or activity connected with the proceeds of crime, which had been derived or obtained as a result of criminal activity relating to or in relation to a schedule offence. Hence, involvement in any one of such process or activity connected with the Proceeds of Crime would constitute offence of money

laundering. This offence otherwise has nothing to do with the criminal activity relating to a schedule offence, except the Proceeds of Crime derived or obtained as a result of that crime. (Para 19)

CMJ Foundation vs State Of Meghalaya 2025 INSC 211 - University Chancellor Appointment

Chandra Mohan Jha University Act, 2009 - Section 14(1) - The appointment of the Chancellor, made by the University, shall require mandatory approval by the Visitor failing which, such appointment would be non est in the eyes of law (Para 36)- For the appointment of the Chancellor of the CMJ University, the Sponsor is not the sole authority, and the Visitor also plays a pivotal role. The Visitor is not merely a titular head and the appointment of any person as Chancellor by the Sponsor would attain validity only upon the approval of the Visitor- If a statute provides for the approval of the higher Authority, the order cannot be given effect to unless it is approved and the same remains inconsequential and a dead letter in the eyes of law. (Para 44-45)

Interpretation of Statutes - In the absence of any statutory flavour, a provision cannot be interpreted to create a legal fiction in such eventuality, and creating a fiction through judicial interpretation may amount to legislation, which is exclusively the domain of legislature. (Para 42)

Judicial Review - Judicial review lies against a decision-making process and not against the decision itself. (Para 66)

Words and Expressions - ‘Subject to’ means ‘conditional upon’ in law. (para 39) Approval means confirming, ratifying, assenting, sanctioning or consenting to some act or thing done by another. The very act of approval means, the act of passing judgment, the use of discretion, and determining as an adjudication therefrom unless limited by the context of the Statute. (Para 40)

**P. Rammohan Rao vs K. Srinivas 2025 INSC 212 - Administrative Law -
Functus Officio**

Principle of functus officio - Rule-making power of the legislature cannot be curtailed or nullified by application of the concept of functus officio. The principle of functus officio normally applies to a judicial forum or a quasi-judicial authority and would have no application to the rule-making authority which is within the domain of the State Government by virtue of Article 245 of the Constitution of India. (Para 42-3)

Administrative Law - Administrative actions and statutory rules that impact citizens' rights are subject to judicial review, the notion that the State must provide a prior hearing to affected individuals during the exercise of its rule-making power is fundamentally flawed- If the State Government is compelled to afford an opportunity of hearing to every individual or entity likely to be affected by its administrative decision-making, it would effectively paralyze governance by imposing an undue procedural roadblock. This would place the State in a position where its rule-making authority would be severely constricted, defeating the very purpose of efficient policy implementation and undermining its ability to discharge its administrative duties. (Para 45-47)

**Ramesh Mishrimal Jain vs Avinash Vishwanath Patne 2025 INSC 213 -
Bombay Stamp Act**

Bombay Stamp Act - Article 25 of Schedule 1 - The stamp duty is on the instrument and not on the transaction. Furthermore, it is immaterial, whether the possession of the property has been handed over at the time of execution of the agreement to sell or whether it has been agreed to transfer the possession (Para 9) - When the agreement to sell includes a clause stating that physical possession had already been handed over to the appellant, regardless of the basis of such possession. This satisfies the requirement to treat the instrument as a 'conveyance' within the meaning of Explanation I to Article 25 of Schedule I of Bombay Stamp Act, with only the formality of executing the sale deed remaining. (Para 11)

B N Padmanabhaiah And Sons vs R N Nadigar 2025 INSC 214 - Locus Standi

Summary- Trial Court partly decreed suit - First Appellate Court set aside decree-High Court decreed the suit - While allowing appeal, SC observed: Plaintiffs in the present suit were not parties to the previous suit and they made no attempt to implead themselves therein, having complete knowledge of the earlier round of litigations between the appellant and the State, they have no locus standi to file the present suit, specially in a representative capacity, wherein they are attempting to obtain reliefs for respondent No.2/State, which itself is barred from encroaching the suit property. Therefore, we are of the opinion that the present suit filed by the plaintiffs is not maintainable.

ABCI Infrastructures Pvt. Ltd. vs Union Of India 2025 INSC 215 - S 20 Contract Act - Mistake

Indian Contract Act, 1872 - Section 20 - A mistake may be unilateral or mutual, but it is always unintentional. If it is intentional, it ceases to be a mistake. Mistakes or errors, though avoidable, are committed inadvertently. They have varied consequences in law. As per Section 20 whereby both parties to an agreement are under a mistake as to matter of fact essential to an agreement, the agreement is void. The explanation to Section 20 says that an erroneous opinion as to the value of the thing which forms the subject matter of an agreement is not deemed to be a mistake as a matter of fact. This will not be a case covered by Section 20 of the Contract Act. (Para 5)

Mehatar vs State Of Maharashtra 2025 INSC 216 - Murder Conviction Set Aside - Witness Testimony Partly Unreliable

Criminal Trial - When the witness is found to be wholly reliable, then there is no difficulty, inasmuch as the conviction could be based on the testimony of such a witness-Equally when the testimony of a witness is found to be wholly unreliable again the difficulty would not arise because such an evidence will have to be discarded. The difficulty arises when a witness is found to be partly reliable and partly unreliable. In such a case, the conviction could not be maintained unless there is some corroboration to the testimony of such a witness. (Para 18)

Puja Ferro Alloys P Ltd. vs State Of Goa 2025 INSC 217 - Writ Jurisdiction - Res Judicata

Constitution of India - Article 226 -The principle of res judicata applies even to petitions arising for decision in the writ jurisdiction under Article 226 of the Constitution (Para 24)

Res Judicata - For the principle of res judicata to be applied in the subsequent proceeding, it must be between the same parties and the cause of action of the subsequent proceeding must be the same as in the previous proceeding. (Para 22)

Maharashtra State Road Transport Corporation vs Mahadeo Krishna Naik 2025 INSC 218 - Labour Law - Industrial Disputes - Back Wages - Burden Of Proof

Industrial Dispute - Back wages - If the employee pleads that he was not gainfully employed, he cannot possibly prove such negative fact by adducing positive evidence. In the absence of any contra-material on record, his version has to be accepted.- After the employee pleads his non-employment and if the employer asserts that the employee was gainfully employed between the dates of termination and proposed reinstatement, the onus of proof would shift to the employer to prove such assertion having regard to the cardinal principle that 'he who asserts must prove'. Law, though, seems to be well settled that if the employer by reason of its illegal act deprives any of its employees from discharging his work and the termination is ultimately held to be bad in law, such employee has a legitimate and valid claim to be restored with all that he would have received but for being illegally kept away from work. This is based on the principle that although the employee was willing to perform work, it was the employer who did not accept work from him and, therefore, if the employer's action is held to be illegal and bad, such employer cannot escape from suffering the consequences. However, it is elementary but requires to be restated that while grant of full back wages is the normal rule, an exceptional case with sufficient proof has to be set up by the employer to escape the burden of bearing back wages. (Para 44)

Legal Maxims - Suggestio falsi and suppressio veri - suggestio falsi and suppressio veri embody concepts of unethical conduct of a party having serious consequences in various fields including law- suggestio falsi is a false representation or a misleading suggestion while suppressio veri connotes suppression of the truth; an indirect lie, whether by words, conduct, or artifice. It is a type of fraud. (Para 23)

Industrial Disputes - The law of evidence per se does not apply to industrial adjudication. Nevertheless, the general principles do apply. In any event, in industrial adjudication, principles of natural justice have to be complied with. Fairness in procedure has developed as the third limb of natural justice. (Para 28) To be relevant, a piece of evidence relied on by a party must be shown to have some logical connection to the case and its admission would be necessary to prove or disprove a fact. Once the evidence is found to be relevant and is admitted arises the question of its probative value. Probative value, as is well-known, refers to the weight or persuasive power of the evidence. It is not always necessary that a piece of evidence found relevant to a case would still demand significant probative value. An assessment has to be made by the court as to how convincing or persuasive the evidence is and how effective it would be to prove or disprove a fact. (Para 27)

Code of Civil Procedure - Section 114 and Order XLVII, CPC - The court can look into any document, having a bearing on the lis decided earlier, which was not on record because despite exercise of due diligence the same could not be produced by a party. It would invariably reduce to an examination as to whether the document has such intrinsic worth that if the same had been produced, the outcome could have been different. (Para 35)

Industrial Dispute - Back wages - Ordering back wages to be paid to a dismissed employee - upon his dismissal being set aside by a court of law – is not an automatic relief; grant of full or partial back wages has to be preceded by a minor fact-finding exercise by the industrial adjudicator/court seized of the proceedings. Such exercise would require the relevant industrial court or the jurisdictional high court or even this

Court to ascertain whether in the interregnum, that is, between the dates of termination and proposed reinstatement, the employee has been gainfully employed. If the employee admits of any gainful employment and gives particulars of the employment together with details of the emoluments received, or, if the employee asserts by pleading that he was not gainfully employed but the employer pleads and proves otherwise to the satisfaction of the court, the quantum of back wages that ought to be awarded on reinstatement is really in the realm of discretion of the court. Such discretion would generally necessitate bearing in mind two circumstances : the first is, the employee, because of the order terminating his service, could not work for a certain period under the employer and secondly, for his bare survival, he might not have had any option but to take up alternative employment - The courts are loath to award back wages for the period when no work has been performed by such an employee. (Para 43)

Sahakarmaharshi Bhausaheb Thorat Sahakari Sakhar Karkhana Ltd. vs Thyssen Krupp Industries India Pvt.Ltd 2025 INSC 219 - S 74 Contract Act

Indian Contract Act 1872 - Section 74 - The claim for damages will remain confined to what is expressly provided under the Agreement. (Para 29)

Vinod @ Nasmulla vs State Of Chhattisgarh 2025 INSC 220 - Test Identification Parade - Criminal Investigation

Indian Evidence Act, 1872 - Section 9 -A test identification parade is not substantive evidence in a criminal prosecution but is only corroborative evidence. The purpose of holding a test identification parade during the stage of investigation is, firstly, to ensure that the investigating agency is proceeding in the right direction where the accused is unknown and, secondly, to serve as a corroborative piece of evidence when the witness identifies the accused during trial. The evidence of identification merely corroborates and strengthens the oral testimony in court which alone is the primary and substantive evidence as to identity - Evidentiary value of the TIP discussed - Referred to In Rameshwar Singh v. State of Jammu and Kashmir (1971) 2 SCC 715 - if the witness who identified a person or an article in the TIP is not examined during trial, the TIP report which may be useful to corroborate or contradict him would lose its

evidentiary value for the purposes of identification- Once the person who identifies the accused during the TIP is not produced as a witness during trial, the TIP is of no use to sustain an identification by some other witness. (Para 14)

Criminal Investigation - It is not uncommon for the police to be under pressure to quickly resolve a case having implications on public order and therefore, look for soft targets. (Para 22)

Vasant @ Girish Akbarasab Sanavale vs State Of Karnataka 2025 INSC 221 - S 34 IPC - Common Intention

Indian Penal Code 1860 - Section 34 - Bharatiya Nyaya Sanhita 2023 - Section 3(5) -Although Section 34 IPC deals with a criminal act which is joint and an intention which is common, it cannot be said that it completely ignores or eliminates the element of personal contribution of the individual offender in both these respects- On the other hand, it is a condition precedent of Section 34 IPC that the individual offender must have participated in the offence in both these respects. He must have done something, however slight, or conduct himself in some manner, however nebulous whether by doing an act or by omitting to do an act so as to indicate that he was a participant in the offence and a guilty associate in it. He must also be individually a party to an intention which he must share in common with others- He must be a sharer both in the ‘criminal act’ as well as in the ‘common intention’ which are the twin aspects of Section 34, IPC. [Para 87-89]

Context: In this case, High Court held the husband-appellant guilty as it found that he never bothered to take his wife to the hospital as he wanted to ensure that she does not survive -Thus it held that the husband could be said to be guilty having shared common intention with his mother - Allowing appeal, SC observed: When the mother-in-law poured kerosene on the deceased and set her on fire, it is possible that the husband out of sheer fright might have run away from his house after trying to extinguish fire by pouring water on the burning body of his wife. For applicability of Section 106 so as to implicate the husband also in the alleged crime the prosecution has to lay the

foundational facts first *prima facie* indicating his involvement or participation in the alleged crime. His sudden disappearance after the incident is not sufficient to infer common intention.

Tapas Kumar Palit vs State Of Chhattisgarh 2025 INSC 222 - Speedy Trial - Large Number Of Witnesses

Constitution of India - Article 21 - Speedy Trial -Howsoever serious a crime may be the accused has a fundamental right of speedy trial as enshrined in Article 21 of the Constitution. (Para 11) If an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed. The stress of long trials on accused persons – who remain innocent until proven guilty – can also be significant. Accused persons are not financially compensated for what might be a lengthy period of pre- trial incarceration. They may also have lost a job or accommodation, experienced damage to personal relationships while incarcerated, and spent a considerable amount of money on legal fees. If an accused person is found not guilty, they have likely endured many months of being stigmatized and perhaps even ostracized in their community and will have to rebuild their lives with their own resources- Delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently. (Para 14-15)

Criminal Trial -Where the number of witnesses is large, it is not necessary that everyone should be produced- It is expected of the Public Prosecutor to wisely exercise his discretion in so far as examination of the witnesses is concerned- The Special Judge should inquire with the Special Public Prosecutor why he intends to examine a particular witness if such witness is going to depose the very same thing that any other witness might have deposed earlier. (Para 14)

Kamalkishor Shrigopal Taparia vs India Ener-Gen Private Limited 2025 INSC 223 - Ss. 138,141 NI Act - Non-Executive Director Not Liable

Negotiable Instruments Act, 1881 - Section 138,141- Mere designation as a director does not conclusively establish liability under Section 138 read with section 141 of the NI Act. Liability is contingent upon specific allegations demonstrating the director's active involvement in the company's affairs at the relevant time - Only those who are responsible for the day- to-day conduct of business can be held accountable. (Para 15) Non-executive directors cannot be held liable under section 138 NI Act unless specific evidence proves their active involvement. (Para 19) [Complaint quashed]

Dharamvir Singh vs Rajiv Mehrishi 2025 INSC 224 - Contempt Case

Note: No legal aspect discussed - Appeal against dismissal of contempt case by HC - SC partly allowed appeal.

**Sovaran Singh Prajapati vs State Of Uttar Pradesh 2025 INSC 225 - S 311,313
CrPC - Fair Trial - Cross Examination - Death Penalty Set Aside - Retrial**

Code of Criminal Procedure 1973 - Section 311 : Bharatiya Nagarik Suraksha Sanhita 2023 - Section 348 - principles as governing the application of Section 311 Cr.P.C. : (a) The Section is divided into two parts, the first being directory with the use of the word 'may' and the latter being mandatory with the use of the word 'shall'. (b) The power of the Court is couched in the widest terms possible with no express limitation thereon. (c) The exercise of such power is not only the prerogative but also the duty of the Court, in connection with a witness who may be considered absolutely necessary, in the interest of justice. (d) This power is to be used both for the benefit of the prosecution and the defence. To summon a witness because it serves the case of one of the parties and not the other, would be improper. (e) This power can be exercised at any stage of proceedings, i.e. enquiry, trial or any other. (f) Power is to be exercised judiciously since wider the power, greater the requirement of the application of a judicial mind. (g) If a witness so-called under this power, gives evidence against the complainant, the latter should be given an opportunity to cross- examination. This power arises not under Section 311 but under the Indian Evidence Act, 1872. (h) A witness cannot be recalled by the use of this power to simply fill up a lacuna in the case of the prosecution. (Para 30)

Code of Criminal Procedure 1973 - Section 313 : Bharatiya Nagarik Suraksha Sanhita 2023 - Section 351- Quoted from Raj Kumar v. State (NCT of Delhi) (i) It is the duty of the Trial Court to put each material circumstance appearing in the evidence against the accused specifically, distinctively and separately. The material circumstance means the circumstance or the material on the basis of which the prosecution is seeking his conviction; (ii) The object of examination of the accused under Section 313 is to enable the accused to explain any circumstance appearing against him in the evidence; (iii) The Court must ordinarily eschew material circumstances not put to the accused from consideration while dealing with the case of the particular accused; (iv) The failure to put material circumstances to the accused amounts to a serious irregularity. It will vitiate the trial if it is shown to have prejudiced the accused; (v) If any irregularity in putting the material circumstance to the accused does not result in failure of justice, it becomes a curable defect. However, while deciding whether the defect can be cured, one of the considerations will be the passage of time from the date of the incident; (vi) In case such irregularity is curable, even the appellate court can question the accused on the material circumstance which is not put to him; (vii) In a given case, the case can be remanded to the Trial Court from the stage of recording the supplementary statement of the concerned accused under Section 313 of CrPC; and (viii) While deciding the question whether prejudice has been caused to the accused because of the omission, the delay in raising the contention is only one of the several factors to be considered. (Para 32)

Fair Trial - Article 21 guarantees the Right to Fair Trial. The following principles as to the meaning and import of fair trial, can be illustratively deduced : (1) Fair and Just investigation is the starting point of the fair trial process. (2) This process is a triangulation of the rights of the accused, the victim and the community that acts through the state and prosecuting agencies. (3) Process of investigation and trial must be completed with promptitude. (4) The trial Judge has to play an active role in the search for truth, which a trial, undoubtedly has to be. (5) Bias of all nature, against the accused, the victim, the witnesses; or the cause of/at trial, has to be eliminated. (6) The process of fair trial is to be done to maintain public confidence & uphold the majesty of

law. (7) The atmosphere in which a trial is to be conducted in a fair manner has to be in an atmosphere of ‘judicial calm’. (8) Unfair prolongation of trial is an affront to the ideal of fair trial. (9) The ideal of fair trial has protection in the Constitution and in the international legal framework, as a basic human right. (10) The centripodal purpose of fair trial is to ensure that injustice is avoided as far as possible, but equally ‘fair trial’ is not leveraged to a point which would hinder the established procedure of Cr.P.C. In other words, the command of the Code cannot be ignored at the behest of the prosecution or defence, in the name of fair trial - To secure a fair trial, is not a solitary responsibility. The Judge; the investigator; the investigating agency; and the counsel for either side, each have their own responsibility. (Para 10.6)

Criminal Trial - A trial is a fact-finding exercise wherein both parties, i.e., the prosecution and defence, after investigation by the competent authorities, present their versions of events and the role and duty of the Court to determine the truth. While undertaking such determination, the Court is not only to look at the evidence at hand but also ensure that all consideration balances the demand for justice and the rights of the accused. (Para 7)

Code of Criminal Procedure 1973 - Section 386 : Bharatiya Nagarik Suraksha Sanhita 2023 - Section 427 -A Court in first appellate jurisdiction, has to appreciate the evidence on record, after duly summoning the record of the Courts below, and then arrive at its own finding, irrespective of the order under challenge before it being of conviction or acquittal- When particularly concerned with cases of Capital Punishment, naturally, since a person’s life hangs in the balance, the High Court’s responsibility is accordingly enhanced/heightened. It “must carefully examine all relevant and material circumstances before upholding the conviction and confirming the sentence of death.”. (Para 18-19)

Public Prosecutor - The job of the prosecution is to drive home the guilt of the accused beyond reasonable doubt, but at the same time, the prosecutor cannot forget that his first and foremost duty is, that of an officer of the Court. The prosecuting agency

carries the role, primarily, till the time the matter enters the Court. They have a responsibility to examine all possible angles, collect all relevant evidence and then produce the same before the Court for determination of guilt or lack thereof. (Para 20) - Referred to Ashok v. State of Uttar Pradesh.

Criminal Trial - Purpose of cross-examination, they are: a) to call into question, credibly the evidentiary value of the witness; b) to bring out such facts, that may favour the cross-examining lawyer's client; and c) to establish the said witness, is unworthy of belief, and that his credit stands impeached. (Para 26)

International Law - The Indian Constitution enjoins a responsibility upon all persons to foster respect for international law- Even when it comes to the gravest and most heinous crimes committed against humanity as a whole, a person accused of having so committed such offences is also entitled to basic protection under the law. In our facts, ending someone's life is, in fact, one of the gravest crimes that a person may commit, and so even here the accused is entitled to the protection of law ensuring that the process that condemns him as 'convicted of an offence', is free of procedural irregularities and blemishes which may call into question the credibility of the conclusion arrived at by such a process- All prosecutions and conclusions of either guilt or innocence must give due importance and primacy to these obligations along with constitutional and statutory guarantees as discussed supra. (Para 33)

Tilku Alias Tilak Singh vs State Of Uttarakhand 2025 INSC 226 -Ss 363,366 IPC - Kidnapping

**Indian Penal Code 1860 - Section 363, 366 - Bharatiya Nyaya Sanhita 2023 -
Section 137(2), 87** -Accused convicted for the offences punishable under Sections 363 and 366 of the IPC - Allowing appeal, SC observed: Even if the finding that prosecutrix was between 16 to 18 years of age is to be accepted, the offence under Sections 363 and 366 IPC would still not be made out as she was very much in the age of understanding as to what was right and wrong for her- From the evidence of the prosecutrix itself, it will

be clear that she had voluntarily gone along with the appellant herein, travelled to various places and also resided as husband and wife. (Para 16-19) - Referred to S. Vardarajan v. State of Madras 1964 INSC 185.

Jai Ram vs Som Prakash 2025 INSC 227 -S 263 Indian Succession Act - Limitation

Indian Succession Act, 1925 - Section 263 - District Judge allowed the miscellaneous application filed under Section 263 of the and revoked the grant of Letters of Administration - High Court court set aside this order - Allowing appeal, SC observed: Because there was no objection raised by the respondents before the District Court. Consequently, in the absence of any averment, no issue was raised and no evidence was let in on that aspect of the matter. But, in the absence of such a plea or evidence on the issue of limitation, the High Court could not have set aside the order of the District Court.

Krishna vs Sanjay Kumar 2025 INSC 228 - Motor Accident Compensation

Note: No legal aspects discussed in the order - Motor Accident Compensation enhanced.

State Of Karnataka vs T.N. Sudhakar Reddy 2025 INSC 229 - Prevention Of Corruption Act - Preliminary Inquiry

Prevention of Corruption Act 1988- The preliminary inquiry is not mandatory in every case under the PC Act. If a superior officer is in seisin of a source information report which is both detailed and well-reasoned and such that any reasonable person would be of the view that it prima facie discloses the commission of a cognizable offence, the preliminary inquiry may be avoided. (Para 51) - The purpose of a preliminary inquiry is not to verify the veracity of the information received, but merely to ascertain

whether the said information reveals the commission of a cognizable offence. The scope of such inquiry is naturally narrow and limited to prevent unnecessary harassment while simultaneously ensuring that genuine allegations of a cognizable offence are not stifled arbitrarily. Thus, the determination, whether a preliminary inquiry is necessary or not will vary according to the facts and circumstances of each case (Para 24). Referred to Lalita Kumari v. State of U.P. (2014) 2 SCC 1 [Context: SC set aside HC judgment which had quashed FIR in a corruption case on the ground that no preliminary inquiry was conducted.]

Prevention of Corruption Act 1988- Section 17- Code of Criminal Procedure 1973 - Section 154 : BNSS - Section 173 - PC Act only outlines the procedure for investigation of offences, therefore, as a necessary corollary, Sections 154 (corresponding Section 173 of the BNSS) will be applicable for the registration of FIR in relation to offences punishable under the PC Act - Superintendent of Police is competent to direct the registration of an FIR if he has information about the commission of a cognizable offence, punishable under the PC Act. The former is also competent to simultaneously direct the Deputy Superintendent of Police to register an FIR for the offences under the PC Act, with the understanding that the subsequent investigation will be subject to the restrictions outlined in Section 17 of the PC Act. A composite order to register the FIR and conduct investigation aligns with the statutory framework of the CrPC and the PC Act. (Para 51)

Code of Criminal Procedure 1973 - Section 36, 154 : BNSS - Section 30, 173 - If the officer in charge of a police station can direct the registration of an FIR under Section 154, as a natural corollary by virtue of Section 36 CrPC, superior officers, are equally competent to issue such directions for registration of the FIR. (Para 44)

Code of Criminal Procedure 1973 - Section 154 : BNSS - Section 173 - If the information reveals the commission of a cognizable offence, the police officials are duty-bound to register an FIR, except in cases where individual reputation and relations are at stake, wherein it is advisable to conduct a preliminary inquiry. (para 28)

Fair Investigation -The purpose of fair investigation is to ensure that the accused is afforded all the rights guaranteed to him under the law. As a corollary, an investigation which should be expected to be fair, must focus on collecting evidence that leads to the right conclusion and nothing else. A fair investigation cannot be interpreted to cater to the accused only, rather it must be such that the entire investigation process has a backing of the law, and the due procedure established therein. Thus, the ambit of fair investigation tethers the procedural safeguards in order to remain immune from arbitrary actions of individual investigators. (Para 42)

Interpretation of Statutes - Special law overrides the general law. However, when a general law and a special law address the same subject matter, the rule of harmonious construction is to be applied. (Para 35)

Surendra Kumar Jain vs Santobai 2025 INSC 230 - S 5 Limitation Act

Limitation Act 1961 - Section 5 - High Court allowed application seeking condonation of delay of 2,422 days in filing an application under Order XLI Rule 19 CPC - Allowing appeal, SC observed: High Court recorded no reason for condoning huge delay in filing application for restoration of the appeal, which was dismissed for non-prosecution and failure to deposit requisite court fee.

State Of Punjab vs Trishala Alloys Pvt. Ltd. 2025 INSC 231- Punjab VAT Act - Input Tax Credit

Punjab VAT Act - P&H High Court held that on the date of introduction of sub-rule (8) in Rule 21 of the Punjab VAT Rules, the State did not possess any power traceable to the Punjab VAT Act to confine the rate of input tax credit to the reduced rate of tax on the stock in trade i.e. on those concluded transactions where the taxable person had already earned input tax credit at the previous higher rate of tax - Dismissing appeal, SC observed: the interpretation given by the High Court to the applicability of Rule 21(8) of

the Punjab VAT Rules read with the amended first proviso to sub-section (1) of Section 13 of the Punjab VAT Act is legally sound and warrants no interference.

Input tax credit - The benefit of input tax credit is traceable to the statute. If the same has to be reduced, which will have an adverse civil consequence upon the beneficiary, it must have the requisite statutory sanction. (Para 41.1)

Jagdish Chand Memorial Trust vs. State of Himachal Pradesh 2025 INSC 232 - Promissory Estoppel

Promissory estoppel -Withdrawal of No Objection Certificate to commence Ayurvedic Medical College and Hospital - HC dismissed writ petition - Dismissing appeal, SC observed: There can be no indefeasible right claimed on the basis of the grant issued, which is clearly illegal. There is no promise offered by the State or the Government by reason of the invalid order issued by the Department - When the officers of the government acts outside the scope of authority, the plea of promissory estoppel would not be available, especially since the doctrine of ultra vires comes into operation and the government cannot be held bound by the unauthorised actions of its officers.

Western Coal Fields Ltd. vs Manohar Govinda Fulzele 2025 INSC 233 - Gratuity Act - Forfeiture - Criminal Proceedings

Payment of Gratuity Act, 1972 - Section 4(6)(b)(ii) - No conviction in a criminal proceeding is necessitated, if the misconduct alleged & proved constitutes an offence involving moral turpitude - The failure of the employer to initiate a criminal proceeding on the fraud employed by way of the fabricated/forged certificate produced for the purpose of employment, does not militate against the forfeiture- The only requirement is for the Disciplinary Authority or the Appointing Authority to decide as to whether the misconduct could, in normal circumstances, constitute an offence involving moral turpitude, with a further discretion conferred on the authority forfeiting gratuity, to decide whether the forfeiture should be of the whole or only a part of the gratuity payable, which would depend on the gravity of the misconduct. Necessarily, there should be a notice issued to the terminated employee, who should be allowed to

represent both on the question of the nature of the misconduct; whether it constitutes an offence involving moral turpitude, and the extent to which such forfeiture can be made. (Para 10-13) [Disagreed with view taken in Union Bank of India vs. C.G. Ajay Babu (2018) 9 SCC 529, but did not refer the matter to larger bench as it noticed that the statutory provision does not make it a requirement that the misconduct alleged & proved in a departmental enquiry should not only constitute an offence involving moral turpitude, but also should be duly established in a Court of Law -The words "duly established in a Court of Law" cannot be supplied to the provision- It was observed that these observations were obiter dicta.]

Shanti vs National Insurance Company 2025 INSC 234 - Employee's Compensation Act - Interest

Employee's Compensation Act 1923 - Section 4A(3) - The interest liability arises on default of the employer, in paying the admitted compensation due under the Act within one month from the date it fell due and if there is such default, necessarily interest shall run at the rate provided. That the interest runs from the date of the accident -The interest statutorily provided is 12 % comes out from the provision itself. The discretion is only in so far as awarding a higher rate of interest; exceeding the prescribed lending rates applicable to scheduled banks. The discretion is only in so far as applying a higher rate, ensuring that it does not exceed the lending rate prescribed for scheduled banks. Hence 12 % simple interest per annum necessarily has to be applied. The legislative intent is very clear insofar as Subclause b) of Section 4A(3) conferring a discretion on the Commissioner/Authority to impose a penalty not exceeding 50 % of the amounts awarded while no such discretion is available under clause (a). (Para 5-6)

Varsha Devi @ Varsha Shukla vs State Of U.P. 2025 INSC 235- Husband's Complaint Against Wife Quashed

Summary: The complaint instituted by husband alleging that when the marriage with him was subsisting, the wife entered into a second marriage with another person; in which a child was also born - HC refused to interfere with summoning order- Allowing

appeal, SC observed: The proceeding initiated, which is challenged herein is malicious and there is no cause to permit continuance of the same.

Techno Prints vs Chhattisgarh Textbook Corporation 2025 INSC 236 - Blacklisting - Show Cause Notice - Writ Jurisdiction

Constitution of India - Article 226 -Ordinarily, Writ Court should not entertain any petition, seeking to challenge a show cause notice unless the Court is convinced that the same has been issued by an authority having no jurisdiction, or the same is tainted with mala fides. [But in this case, SC partly quashed the show cause notice]

Blacklisting - There is always an inherent power in the Authority to blacklist a contractor. But possessing such inherent power and exercising such power are two different situations and connotations. There may be a power but there should be reasonable ground to exercise such power- An order of blacklisting casts a slur on the party being blacklisted and is stigmatic. Given the nature of such an order and the import thereof, it would be unreasonable and arbitrary to visit every contractor who is in breach of his contractual obligations with such consequences. There have to be strong, independent and overwhelming materials to resort to this power given the drastic consequences that an order of blacklisting has on a contractor. The power to blacklist cannot be resorted to when the grounds for the same are only breach or violation of a term or condition of a particular contract and when legal redress is available to both parties. Else, for every breach or violation, though there are legal modes of redress and which compensate the party like the Corporation before us, it would resort to blacklisting and at times by abandoning or scuttling the pending legal proceedings. (Para 30-33) Quoted from Blue Dreamz Advertising Pvt. Ltd. & Anr. v. Kolkata Municipal Corp.: 1.In case there exists a genuine dispute between the parties based on the terms of the contract, blacklisting as a penalty cannot be imposed. 2. The penalty of blacklisting may only be imposed when it is necessary to safeguard the public interest from irresponsible or dishonest contractors, and 3. The Corporation being a statutory body, have a higher threshold to satisfy before passing such blacklisting order and therefore, the measures undertaken by it should be reasonable- When there are guiding principles explained by this Court as to when & in what circumstances a blacklisting

order can be passed then, such principles should also be borne in mind by the Authority at the time of issuing a show cause notice. (Para 27-29)

Jatinder Kumar Sapra vs Anupama Sapra 2025 INSC 237- Misc. Application

Summary : SC Judgment granting a decree of divorce on the ground of irretrievable breakdown of marriage to husband directed him to pay permanent alimony of Rs. 50,00,000 to wife - Husband filed Miscellaneous Application seeking seeking clarification and modification of the judgment to include the arrears in Maintenance Case pending before Family Court, Dwarka, as part of permanent alimony and to close the maintenance case in as much all differences between the parties are fully and finally settled- SC dismissed the M.A by observing thus: The maintenance case pending before the Family Court, Dwarka, stands closed, and any arrears arising from orders passed therein shall not be included in the permanent alimony granted by this Court. The final order of maintenance passed by this Court shall be the full and final adjudication of any maintenance proceedings between the parties, leaving no scope for further claims in this regard.

Jakaria Mondal @ Jakai @ Jikai vs National Insurance Co.Ltd. 2025 INSC 238 - Motor Accident Compensation

Motor Accident Compensation - In the event that the Courts found the evidence submitted by claimant to support his claim of having earnings @Rs.9000/- per month, recourse should have been made to the minimum wages, as may be prescribed, for the relevant point in time, by the competent authority. (Para 12)

In Re: Policy Strategy For Grant Of Bail 2025 INSC 239 - S 432 CrPC - Remission Policy - Premature Release

Code of Criminal Procedure 1973 - Section 432 - Bharatiya Nagarik Suraksha Sanhita 2023- Section 473 - (1) Where there is a policy of the appropriate Government laying down guidelines for consideration of the grant of premature release under Section 432 of the CrPC or Section 473 of the BNSS, it is the obligation of the appropriate Government to consider cases of all convicts for grant of

premature release as and when they become eligible for consideration in terms of the policy. In such a case, it is not necessary for the convict or his relatives to make a specific application for grant of permanent remission. When the jail manual or any other departmental instruction issued by the appropriate Government contains such policy guidelines, the aforesaid direction will apply.(Para 21) **(2)** Appropriate Government has the power to incorporate suitable conditions in an order granting permanent remission. The conditions must be such that they are capable of being complied with. The conditions cannot be vague. The conditions cannot be oppressive. When a convict is released by granting relief of permanent remission, it is necessary to ensure that he is rehabilitated in society. It is necessary to consider the nature of the crime he committed. To fix terms and conditions, it is necessary to ascertain the motive for committing the crime for which he was punished. Even criminal background needs to be taken into consideration. Another concern that must be taken care of is public safety. Even the impact on society and the victims of the offence needs to be considered while determining the terms and conditions. In short, the conditions must be such that the same ensures that the criminal tendency of the convicts remains in check, they do not indulge in the commission of crimes, and they are rehabilitated in society. Their proper rehabilitation is most vital as it prevents them from going back to their criminal activities.a) Consideration of various factors which are mentioned by way of illustration is necessary before finalizing the terms and conditions; b) The conditions must aim at ensuring that the criminal tendencies, if any, of the convict remain in check and the convict rehabilitates himself in society; c) The conditions should not be so oppressive or stringent that the convict is not able to take advantage of the order granting permanent remission; and d) The conditions cannot be vague and should be capable of being performed. (Para 21,13) **(3)** Order granting or refusing the relief of permanent remission must contain brief reasons. The order containing reasons should be immediately communicated to the convict through the office of the concerned prison. The copies thereof should be forwarded to the Secretaries of the concerned District Legal Services Authorities. It is the duty of the prison authorities to inform the convict that he has the right to challenge the order of rejection of the prayer for the grant of remission.-An order granting permanent remission cannot be withdrawn or cancelled without giving an opportunity of being heard to the convict. An order of cancellation of

permanent remission must contain brief reasons. (Para 21)(4) When the Presiding officer's opinion is sought as per Sub- Sections (2) of Section 432 of the CrPC and Section 473 of the BNNS, the Presiding Officer must submit his opinion at the earliest considering the fact that the issue of liberty of the convict is involved. (Para 20)

Constitution of India - Article 72,161 -Code of Criminal Procedure 1973 - Section 433A : Bharatiya Nagarik Suraksha Sanhita 2023- Section 475 The power of the President of India under Article 72 of the Constitution of India and the power of the Governor under Article 161 of the Constitution to grant pardon, commute the sentence, or remit the sentence remains unaffected by Section 433-A of the CrPC or Section 475 of the BNSS. (Para 3)

Code of Criminal Procedure 1973 - Section 432, 433A : Bharatiya Nagarik Suraksha Sanhita 2023- Section 473, 475 The power under Section 432 of the CrPC is circumscribed by Section 433-A. It provides that where a sentence of imprisonment for life is imposed on conviction of a person for an offence for which death is one of the punishments provided or where a sentence of death imposed on a person has been commuted under Section 433 into one of imprisonment for life, the appropriate Government cannot grant remission unless the convict has served at least fourteen years of actual imprisonment. There is an identical provision in Section 475 of the BNSS. This is an embargo on the power of the appropriate Government under Section 432 of the CrPC. (Para 3)

N.K. Taneja vs Maharaj Singh 2025 INSC 240 - Service Law

Summary: HC allowed respondent's writ petition and set aside termination observing that University had not followed the applicable statute and had not conducted an enquiry - Allowing appeal, SC observed: We are not even made aware as to whether respondent took up employment anywhere outside India after he had taken EOL way back on 25.08.2000. In case respondent has taken up employment outside India and is working or has set up a business outside India, he clearly abandoned his services with the University.

**Jaideep Bose vs Bid And Hammer Auctioneers Private Limited 2025 INSC
241 - Freedom Of Speech & Expression - Defamation - S 200 CrPC**

Constitution of India - Article 19(1)(a) - The right to freedom of speech and expression guaranteed under Article 19(1)(a) is paramount. At the same time, Those working in the media, particularly, individuals in key positions, authors, etc., must exercise utmost caution and responsibility before publishing any statements, news, or opinions. The power of the media in shaping public opinion is significant and the press possesses the ability to influence public sentiments and alter perceptions, with remarkable speed. Given its vast reach, a single article or report can resonate with millions, shaping their beliefs and judgments, and it has the capability to cause severe damage to the reputation of those concerned, with consequences that may be far-reaching and enduring. This highlights the critical need for accuracy and fairness in media reporting, especially when dealing with matters having the potential to impact the integrity of individuals or institutions. Keeping these aspects in mind, publication of the news articles must be done in public interest and with good faith- Quotes Bulwer Lytton: "The Pen is mightier than the sword".

Code of Criminal Procedure 1973 - Section 200 - Bharatiya Nagarik Suraksha Sanhita 2023 - Section 210 - Upon receiving a private complaint under section 200 Cr.P.C., the Magistrate must mandatorily conduct an inquiry or investigation before proceeding to issue process against the accused, if such accused resides outside the jurisdiction of the Court. In other words, the Magistrate must examine witnesses before issuing summons in cases where the accused resides outside the Magistrate's jurisdiction. (para 13.3)

Indian Penal Code 1860 - Section 499 : Bharatiya Nyaya Sanhita 2023 - Section 356 - Defamation under section 499 IPC necessitates both an intention to harm or knowledge that the imputation is likely to cause harm, and that the imputation must be capable of lowering the reputation of the person in the estimation of others. In other words, the essence of defamation lies not merely in the making of an imputation but in its effect on the perception of the public, thereby impacting the standing of the person in society. (Para 13.2)

Press and Registration of Books Act, 1867- The Act imposes a higher degree of responsibility and liability on an editor- Since an “editor” has been defined as the person who controls the selection of the matter that is published in a newspaper, the presumption goes to the extent of holding that he was the person, who controlled the selection of the matter that was published in the newspaper. However, merely because the Act does not mention persons holding other roles in a publication of the company, such as an Editorial Director, or mandate the publication of their names, the same does not imply that such persons cannot be made liable for any defamatory content. The key distinction is that unlike an editor, against whom a statutory presumption is imposed, there is no such presumption against the editorial director at the outset (Para 19.1)- Every newspaper must clearly mention the names of its owner and editor, ensuring transparency in publication. Furthermore, a statutory presumption is cast upon the editor, who is responsible for the selection of content that is subsequently published, making him accountable for the same unless proven otherwise. (Para 13.1)

Subhelal @ Sushil Sahu vs State Of Chhattisgarh 2025 INSC 242 - Scope Of S. 437(6) CrPC - Bail

Code of Criminal Procedure 1973 - Section 437(6)- Reasons for rejection of application under sub-section (6) of the said Section have to be different and little more weighty than the reasons that may be relevant for rejection for bail at the initial stage (Para 11)- Applications under Section 437 (6) have to be given a liberal approach and it would be a sound and judicious exercise of discretion in favour of the accused by the Court concerned more particularly where there is no chance of tampering of evidence e.g. where the case depends on documentary evidence which is already collected; where there is no fault on part of the accused in causing of delay; where there are no chances of any absconce by the accused; where there is little scope for conclusion of trial in near future; where the period for which accused has been in jail is substantial in comparison to the sentence prescribed for the offence for which he is tried. Normal parameters for deciding bail application would also be relevant while deciding application under Section 437(6) of the Code, but not with that rigour as they might have been at the time of application for regular bail- Where there is absence of positive factors going against

the accused showing possibility of prejudice to prosecution or accused being responsible for delay in trial, application under Section 437(6) has to be dealt with liberal hands to protect individual liberty as envisaged under the Constitution of India and sought to be protected by insertion of sub-section (6) to Section 437 of the Code by the legislature. (Para 17-18)

Cosmos Co. Operative Bank Ltd. vs Central Bank Of India 2025 INSC 243 - TP Act - Equitable Mortgage - Charge

Equitable mortgage -Where under the law no mortgage or charge is said to have been created over a property i.e., no conveyance of a right or interest over the subject property has been effected, yet if the intention of parties to create a mortgage is clear, equity would demand that such intention is not only respected but given some effect to and the said property be deemed to have been mortgaged so as to enable the lender to assert its rights over the same, it is known as an 'equitable mortgage' -**Distinction between a legal mortgage and an equitable mortgage under the English Law**

- In the former, there is conveyance or transfer of some proprietary interest in the mortgaged property in accordance with the statute or law whereas in the latter the formalities required for a legal mortgage are not fully satisfied, but the parties' intentions to create a mortgage are clear as result of which it is deemed as a mortgage.- Where a borrower willingly parts away with any title deed or a document or a promissory note or an undertaking in respect of a property by depositing it with the lender for the purpose of availing any credit facility and upon such deposit, the loan is so advanced by the lender, fairness, good conscience and justice or in other words 'equity' would demand that some meaningful significance be given to such act or conduct of the parties, as generally such act of depositing documents against loans is more often than not for no other purpose but to create a mortgage. Thus, a "court of conscience" would give effect to the intention of the parties in the form of an 'equitable mortgage' even if there is no formal agreement or a shred of document expressly providing that such

deposit is for the purpose of creating a charge OR if the documents so deposited do not necessarily have the effect of transferring or conveyancing any title or interest in the subject property to the lender. (Para 35) Equitable mortgage would be subservient to a legal mortgage - The former does not create any de jure charge or right in the subject property and rather is only a right in personam - Although the legal mortgage would have assumed priority in charge, yet an equitable mortgage may still be enforceable as secondary charge, provided the other considerations such as notice of such mortgage is fulfilled. (Para 53)

Transfer of Property Act 1882 - Section 58,100- ‘Equitable mortgages’ are very much recognized in India under the nomenclature of “charge” in terms of Section 100 of the Act, 1882, and the same will be enforceable as far as possible in terms of the procedure and provisions application to a simple mortgage except those without notice of such charge - Any act of the parties that evinces a clear intention of the parties to create a mortgage though the same might not have been created in terms of Section 58 of the Act, 1882, may still be a valid charge in terms of Section 100 of the Act, 1882. (Para 55-56)

Transfer of Property Act 1882 - Section 59,100-Section 100 does not attract the provisions of Section 59 -A charge may be made without any writing and there is no provision of law which require that such an instrument must be attested or registered. (Para 57)

Mortgage - Where a transaction does not amount to a mortgage but nevertheless can be construed as a preliminary step towards the preparation of a mortgage which will be security thereafter with nothing else done for conveyance or transfer of title or interest, there three recourses may be available to the lender: - (i) He may simply claim that the transaction amounts to an equitable mortgage as it was for the purpose of creating a present or immediate security which a court of equity ought to consider; or (ii) He may claim that there has been a sufficient part performance of the contract, with attending circumstances which a court ought to relieve by permitting the lender to ‘perfect its mortgage’ i.e., to take further steps for the transfer of conveyance of title or interest in order to create a mortgage; or (iii) He may bring a suit for recovery of money and base

his claim simply on the ab initio intention of the parties to create a security in the first place and the resultant part-performance of the contract insofar as the loan was extended based on such promise or consideration of security. (Para 61)

Transfer of Property Act 1882 - Section 58(f)- A mortgage by deposit of title deeds is for all purposes a 'legal mortgage' and not an equitable mortgage- Deposit of title deeds is one of the many forms of mortgages whereunder there is a transfer of interest in specific immovable property for the purpose of securing payment of money advanced or to be advanced by way of loan. The three requisites for a valid mortgage are, (i) debt; (ii) deposit of title deed; and (iii) an intention that the deed shall operate as security for the debt. In other words, when the debtor deposits with the creditor title deeds of his property with an intent to create a security, the law implies a contract between the parties to create a mortgage and no registered instrument is required under Section 59 of the Act, 1882 as in other classes of mortgage. It is essential to bear in mind that the essence of a mortgage by deposit of title deeds is the actual handing over by a borrower to the lender of documents of title to immovable property with the intention that those documents shall constitute a security which will enable the creditor ultimately to recover the money which he has lent. Whether there is an intention that the deed shall be security for the debt is a question of fact to be decided in each case on its own merits. The said fact will have to be decided just like any other fact based on legal presumptions, oral, documentary and/or circumstantial evidence. (Para 49-51)

Transfer of Property Act 1882 - Section 54 - A contract of sale i.e. an agreement of sale does not itself create any interest in or charge on any property - Referred to Suraj Lamp & Industries (P) Ltd. v. State of Haryana (2012) 1 SCC 656 (para 20)

Legal Maxims - 'Quod fieri debuit pro facto censemur' - What ought to have been done is considered as done'. (Para 34)

Equity - Equity cannot supplant the law and can only supplement it. Thus, where the law is unambiguous and clear, equity will always yield to the law. (Para 53)

Transactions - Between the registered and unregistered transactions, the registered transaction creates the dominant right or title - Though the transaction evidenced by the

prior unregistered document is valid in itself, yet any title or interest created by it is liable to be defeated under the rule of priority by a valid later and legal sale or mortgage evidenced by a duly registered document.(Para 65)

State Of Uttarakhand vs Deepu Verma @ Devendra Lal 2025 INSC 244-Appeal Against Acquittal By HC - Benefit Of Doubt

Constitution of India - Article 136 - Appeal against acquittal - Unless the view taken by the High Court is found to be totally perverse or impossible, it will not be permissible for this Court to interfere with the same. Equally, if two views are possible and one of the views is taken by the High Court merely because the other view appears to be a possible view, the same cannot be a ground to interfere with the finding of acquittal. (Para 13)

Criminal Trial - In a criminal case, if there is any doubt, the benefit of doubt has to be given to the accused person. (para 20)

Rupa And Co. Limited vs Firhad Hakim 2025 INSC 245 - Art. 226 Constitution - Mediation

Constitution of India - Article 226- Under the constitutional scheme, a writ issued by the High Court in exercise of its jurisdiction under Article 226 of the Constitution of India which has not been interfered with by this Court has to be followed in letter and spirit, by all the authorities who are bound by such a writ. The majesty of law requires that due obedience has to be given to the command of the High Court under Article 226 of the Constitution of India, particularly when it is not interfered with by this Court. (Para 12) [Context: Supreme Court criticized Calcutta High Court for diluting its earlier orders and observed : The High Court having, on earlier occasions, emphasized the necessity to abide by the command of its directions and also issuing notice to the Chief Secretary to comply with the order, ought not to have directed the parties to mediation.]

Mediation - Mediation has to be by the consent of both the parties. Mediation cannot be thrust upon either of the parties. (Para 9)

Hitesh Umeshbhai Mashru vs State Of Gujarat 2025 INSC 246 - Anticipatory Bail

Note: No legal aspects discussed - SC allows appeal against HC judgment that dismissed anticipatory bail application.

Udhaw Singh vs Enforcement Directorate 2025 INSC 247 - PMLA - Bail

Prevention of Money Laundering Act, 2002 - When the trial is not likely to be concluded within few years, the decision in the case of V.Senthil Balaji v. Deputy Director, Directorate of Enforcement will apply - Distinguished Union of India through the Assistant Director v. Kanhaiya Prasad : there was no departure made from the law laid down in the case of Union of India v. K.A.Najeeb and V.Senthil Balaji [Context: SC allows appeal filed by PMLA accused against order denying bail]

State Of Rajasthan vs Surendra Singh Rathore 2025 INSC 248 - Permissibility Of Second FIR

Code of Criminal Procedure 1973 - Section 154 : BNSS 2023 - Section 173 - Principles regarding the permissibility of the registration of a second FIR: (1) When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered. (2) When the ambit of the two FIRs is different even though they may arise from the same set of circumstances. (3)When investigation and/or other avenues reveal the earlier FIR or set of facts to be part of a larger conspiracy. (4) When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances. (5)Where the incident is separate; offences are similar or different. (Para 9) [Context: SC set aside HC judgment which quashed the second FIR on the ground that FIRs were in regard to the same offence and observed: *The FIR prior in point of time refers to a particular incident and the action taken therein is limited. The second FIR pertains to the larger issue of widespread corruption in the concerned department and, therefore, is much larger in its scope than the previous FIR. Quashing of the FIR would nip the investigation into such corruption, in the bud. The same would be against the interest of society.]*

Jitender @ Kalla vs State (Govt. Of Nct Of Delhi) 2024 INSC 249 -Senior Advocate Designation - AoRs

Advocates Act 1961- Section 16 - An advocate can be designated as a senior advocate if:- a) He consents to such designation; and b) The Supreme Court or a High Court is of the opinion that by virtue of his ability, standing at the Bar, or special knowledge or experience in law, he is deserving of such distinction - This provision does not contemplate any application being made by any advocate for seeking designation as a senior advocate. (Para 31-32)

Senior Advocate Designation process - Both decisions In Indira Jaisingh's Case needs Reconsideration- Whether the Court should permit applications to be made for grant of designation, though the statute does not contemplate that. If the legislature intended to allow advocates to make applications for designation, sub-section (2) of Section 16 would not have provided for this Court or High Courts to take the consent of advocates before designation- **Experience** - Mere experience in terms of number of years of practice is not sufficient. Our concern is whether 10 or 20 points should be mechanically assigned only based on experience or the number of years of practice. It is worth considering whether only the number of years put in practice has any nexus with 'standing' within the meaning of Section 16(2) -**Interview** - If an advocate, by virtue of his standing at the Bar, his ability or special knowledge, deserves designation as a senior advocate, the question which arises is, by making such an advocate appear for an interview, are we not compromising on the dignity of the advocate? Are we not converting the process of designation into a selection process? whether by interviewing a candidate for a few minutes, his personality or suitability can be really tested- **Secret Ballot** - The issue of permitting voting by secret ballot needs serious reconsideration- whether the Judges should openly discuss the merits and demerits of those who appear before them on the judicial side - **Trial Court lawyers** - Whether the guidelines give sufficient opportunity to the advocates practising in our Trial Courts to get designated- designation under sub-section (2) of Section 16 cannot be the monopoly of the advocates practising in higher Constitutional Courts like this Court and the High Courts.-Registrar (Judicial) directed to place a copy of this judgment

before Chief Justice of India to consider whether the issues flagged deserve to be considered by a Bench of appropriate strength. (Para 43,45)

Supreme Court Rules 2013 - Advocates on Record - (i) When a petition/appeal is not drafted by the advocate- on-record, the advocate-on-record who files it is entirely and wholly responsible to this Court. Therefore, when an advocate-on-record receives a draft of a petition appeal/counter-affidavit from any other advocate, it is his duty to go through the case papers and, thereafter, to carefully go through the petition/appeal/counter-affidavit to ascertain whether correct facts have been stated in the draft and whether all relevant documents are annexed to the petition/appeal/counter-affidavit. After reading the case papers, if he has any doubt, he must get the doubt clarified either by contacting the client or his local advocate. He is responsible for ensuring that he gets correct factual instructions so that there is no suppression of facts while filing petitions/appeals/counter-affidavits. An advocate-on-record is answerable to this Court since he has a unique position under the 2013 Rules. Therefore, when incorrect facts are stated in the petition/appeal/counter-affidavit or when material facts or documents are suppressed, the advocate-on- record cannot shift the entire blame on either the client or his instructing advocates. Therefore, it is his duty to be cautious and careful. His duty is to file proper proceedings and affidavits before this Court to assist the court in dispensing justice. He must always be fair to the Court and effectively assist the Court in deciding cases. The duty of the advocate-on-record does not end after filing a case or a counter. Even if the counsel appointed by him is not present, he must be ready with the case on law and facts and effectively assist the Court; (ii) It is the obligation of the advocates on record not to merely lend their names to petitions/appeals drafted by somebody else. If they do that, the very purpose of making a provision for setting up the institution of advocates-on-record will be frustrated. (iii) If advocates-on-record start behaving irresponsibly and start merely lending their names while filing petitions/appeals/counter-affidavits, it may directly impact the quality of justice rendered by this Court. Therefore, if any advocate-on-record commits misconduct or is guilty of conduct unbecoming of an advocate-on-record, an action against him as per Rule 10 of Order IV is warranted. (Para 44)

Constitution of India - Part VI - Chapter 6, in part VI of the Constitution of India, in a sense, gives the status of Constitutional Courts to our trial and district courts - SC/HCs referred in this judgment as 'Higher Constitutional Courts'. (Para 43)

Chief Manager Of Rajasthan State Road Transport Corporation vs Haneef Khan 2025 INSC 250 - Backwages

Note - No legal aspects discussed - SC partly allows appeal against HC order which granted full back wages- For nearly ten years the respondent herein, without performing any of his duties, cannot at the same time seek full back wages.

Sajid Khan vs L Rahmathullah 2025 INSC 251 - Equivalence - Recruitment Matters

Public Appointments - Equivalence -In circumstances where the appointing authority has not objected to the qualifications of the candidates and there is no apparent or glaring difference in the qualifications, courts have no reason to interfere and set-aside the appointments made after due consideration. It is the appointing authority which has to take the decision on whether the candidate possesses what is required by the post in cases of disputed equivalence- The burden to show that the recruiting authority accepted the qualifications of the appellants illegally or arbitrarily was on the applicants who had approached the CAT by filing OAs- "The terms and conditions of service are [intended to be] construed reasonably, and too technical a view can defeat the essential spirit and intent embodied in them." (Para 18- 23) [Context: SC set aside CAT Order that set aside selection]

Racing Promotions Private Limited vs Dr. Harish 2025 INSC 252 - Judicial Review - Contractual Matters

Constitution of India - Article 226 - The scope of judicial review in matters concerning contractual relationship of the State or its instrumentality with private participation, particularly as regards the scope and ambit of work and finances, are limited. (Para 20)

Sports Development Authority - Sports Development Authority is an instrumentality of the State and acts as a nodal Governmental Authority for promoting sports and the welfare of sports persons. (Para 20)

Bank Of Baroda vs Farooq Ali Khan 2025 INSC 253 -Ss. 94-100 IBC - Judicial Review

Insolvency and Bankruptcy Code 2016 - Section 94-100 -The appointment of a resolution professional, at the very threshold, is statutorily mandated under Section 97 of the IBC - Adjudicating Authority does not adjudicate any point at this stage and need not decide jurisdictional questions regarding existence of the debt before appointing the resolution professional - This is because Section 99 requires the resolution professional to, at the first instance, gather information and evidence regarding repayment of the debt, and ascertain whether the application satisfies the requirements of Section 94 or Section 95 of the IBC. The existence of the debt will first be examined by the resolution professional in his report, and will then be judicially examined by the Adjudicating Authority when it decides whether to admit or reject the application under Section 100. (Para 9) - Referred to Dilip B. Jiwrajka v. Union of India (2024) 5 SCC 435.

Constitution of India - Article 226 - When statutory tribunals are constituted to adjudicate and determine certain questions of law and fact, the High Courts do not substitute themselves as the decision-making authority while exercising judicial review- While there is no exclusion of power of judicial review of High Courts, and the limits and restraint that the constitutional court exercises and must exercise are well articulated (Para 11) [Context: SC set aside HC judgment which interdicted the personal insolvency proceedings under the IBC]

Vishal Shah vs Monalisha Gupta - 2025 INSC 254 - Domestic Violence Act - Passport Impounding - Irretrievable Breakdown Of Marriage - Permanent alimony

Protection of Women from Domestic Violence Act, 2005 - There is no requirement for the personal presence of any party in the proceedings under the DV Act, because they are quasi-criminal in nature and do not entail any penal consequences

except when there is a breach of a protection order, which is the only offence provided under Section 31 of the DV Act. (Para 21)

Passports Act, 1967 -Section 10(3) - Rules of natural justice must be followed before impounding a passport - (Para 42-56) Referred to Maneka Gandhi v. Union of India (1978) 1 SCC 248.[**Context:** In this case, the appellant-husband's passport was impounded on the mere premise that the respondent-wife has filed numerous cases before the various courts in India- SC held that is act of impounding was ex-facie illegal]

Constitution of India - Article 142 -Court has discretion to dissolve the marriage on the ground of its irretrievable breakdown (Para 24) the factors to be examined inter alia include the period of cohabitation between the parties after marriage; the last cohabitation among the parties; the period of separation; the nature and the gravity of allegations made by the parties against each other and their family members; the orders passed in the legal proceedings from time to time, cumulative impact on the personal relationship; whether, and how many attempts were made to settle the disputes by intervention of the court or through mediation, and such other similar factors. (Para 25)

Permanent Alimony -List of factors to be looked into while deciding the question of permanent alimony: i. Status of the parties, social and financial. ii. Reasonable needs of the wife and the dependent children. iii. Parties' individual qualifications and employment statuses. iv. Independent income or assets owned by the party. v. Standard of life enjoyed by the wife in the matrimonial home. vi. Any employment sacrifices made for family responsibilities. vii. Reasonable litigation costs for a non-working wife. viii. Financial capacity of the husband, his income, maintenance obligations, and liabilities. (Para 40)

State Of Kerala vs Moushmi Ann Jacob 2025 INSC 255 - Kerala Conservation of Paddy Land and Wetland Act - Reclamation - Fee

Kerala Conservation of Paddy Land and Wetland Act, 2008 - Government Notification exempting the payment of fee upon reclamation of land originally reflected in the records of the State as 'paddy land' - (a) lands up to 25 cents as on 30th December

2017 can seek a change of category without having to pay any fee; (b) when a category change is sought in respect of land(s) that exceeds the limit of 25 cents, such a change shall be permissible upon having paid 10% of the fair value of such land- The exemption is only intended for lands up to 25 cents [Context: SC set aside HC judgment which held that fee payable by a person would be calculable for the portion of land that is in excess of 25 cents, since that much stands exempted.]

Legislation -A Notification issued in furtherance of an Act is a form of delegated legislation. (Para 13) A piece of subordinate legislation does not carry the same level of immunity as a plenary legislation enacted by the State legislature since the former is to yield to the plenary legislation. (Para 14)

Constitution of India - Article 14 - The State is permitted reasonable classification - The solitary, but all-important principle in this regard is that such classification should have a reasonable nexus to the object sought to be achieved.

Exemption Notification- A person, who claims the exemption or concession, must establish that he is so entitled. Such a Notification, it is also settled, is to be interpreted strictly. (Para 15)

Anmol vs Union Of India 2025 INSC 256 - MBBS Admission -RPwD Act - 'Both Hands Intact' NMC Guidelines

National Medical Commission (NMC) Guidelines for MBBS Admission - In the guidelines “both hands intact, with intact sensations, sufficient strength and range of motion” are considered essential to be eligible for the medical course- This prescription of “both hands intact...” is completely antithetical to Article 41 of the Constitution; the principles enshrined in the United Nations Convention on the Rights of Persons with Disabilities and the salutary provisions of the RPwD Act. It also indicates a classification which is overbroad and glorifies ‘ableism’ - A prescription such as “both hands intact...” reeks of ableism and has no place in a statutory regulation. In fact, it has the effect of denuding the rights guaranteed under the Constitution and the RPwD Act and makes a mockery of the principle of reasonable accommodation- It propagates that persons with

typical abilities and with faculties similar to what the majority may have or somehow superior- The “both hands intact...” prescription has no sanctity in law as it does not admit of a functional assessment of the individual candidate, a matter which is so fundamental in protecting the rights of persons with disabilities. (Para 21,25, 35) [Context: SC sets aside HC judgment that had upheld the denial of MBBS admission to appellant who is a person with disabilities]

Rights of Persons with Disabilities Act, 2016 - Reasonable Accommodation
-Section 2(y) -Flexibility in answering individual needs and requirements is an essential component of reasonable accommodation. There cannot be a “one size fits all” approach. (Para 20)

JSW Steel Ltd. vs Board Of Trustees Of Mumbai Port Trust 2025 INSC 257 - Art. 226 - Writ Petition

Constitution of India - Article 226 - Lapse of time alone not a ground to close the matter when it is a result of systemic delay - High Court has to answer the question of law when it does not really involve a disputed factual setting (Para 6-7) [Context: SC set aside HC judgment that disposed writ petition- Remanded matter to HC]

Surinder Dogra vs State 2025 INSC 258 - Criminal Case - Concurrent Conviction Upheld

Note: No legal aspects discussed - Accused concurrently convicted under Sections 420, 468 and 471 of the Ranbir Penal Code of 1989 and Section 5 (1) (d) read with Section 5 (2) of the Prevention of Corruption Act - Appeal dismissed.

State Of Odisha vs Sudhansu Sekhar Jena 2025 INSC 259 - Odisha Civil Services (Pension) Rules - Work-charged vs Job Contract Employee

Odisha Civil Services (Pension) Rules, 1992- There is a clear distinction between the employees who are in work charged establishment vis-à-vis those who are in job contract establishment- Work-charged employees who have worked in the establishment for a period of five years or more without interruption and are

subsequently appointed to the same or another post in temporary or substantive capacity in a pensionable establishment, the period of service rendered by him/her in a work-charged establishment shall qualify for pension - in case of a job contract employee, after he/she is brought in pensionable establishment, only that much period as job contract service shall be added to regular service as would make him qualify or eligible for pensionary benefits. (Para 15)

Delay and Laches - Courts do not come to rescue those who sleep over their rights. Be it the State. (Para 3)

**Md. Bani Alam Mazid @ Dhan vs State Of Assam 2025 INSC 260 - S 27,106
Evidence Act - Last Seen Together**

Indian Evidence Act 1872 - Section 27 -The word ‘fact’ contemplated in Section 27 of the Evidence Act is not limited to ‘actual physical material object.’ Discovery of fact arises by reason that the information given by the accused exhibited the knowledge or the mental awareness of the informant as to its existence at a particular place which includes discovery of the object, the place from which it is discovered and the knowledge of the accused as to its existence. (Para 38)

Criminal Trial - Motive - In a case where direct evidence of eye witness is available, motive loses its importance. But absence of motive in a case depending on circumstantial evidence is a factor that weighs in favour of the accused. (Para 49)
[**Context:** SC acquitted the accused overturning his conviction by the Gauhati High Court and the Sessions Court for kidnapping, murder, and causing disappearance of evidence under Sections 366(A), 302, and 201 read with Section 34 IPC.]

**State Of Madhya Pradesh vs Balveer Singh 2025 INSC 261 -Ss. 106,118
Evidence Act - Child Witness**

Indian Evidence Act 1872 - Section 118 - Principles on appreciation of evidence of Child witness: (I) The Evidence Act does not prescribe any minimum age for a witness, and as such a child witness is a competent witness and his or her

evidence and cannot be rejected outrightly. (II) As per Section 118 of the Evidence Act, before the evidence of the child witness is recorded, a preliminary examination must be conducted by the Trial Court to ascertain if the child-witness is capable of understanding sanctity of giving evidence and the import of the questions that are being put to him. (III) Before the evidence of the child witness is recorded, the Trial Court must record its opinion and satisfaction that the child witness understands the duty of speaking the truth and must clearly state why he is of such opinion. (IV) The questions put to the child in the course of the preliminary examination and the demeanour of the child and their ability to respond to questions coherently and rationally must be recorded by the Trial Court. The correctness of the opinion formed by the Trial Court as to why it is satisfied that the child witness was capable of giving evidence may be gone into by the appellate court by either scrutinizing the preliminary examination conducted by the Trial Court, or from the testimony of the child witness or the demeanour of the child during the deposition and cross-examination as recorded by the Trial Court. (V) The testimony of a child witness who is found to be competent to depose i.e., capable of understanding the questions put to it and able to give coherent and rational answers would be admissible in evidence. (VI) The Trial Court must also record the demeanour of the child witness during the course of its deposition and cross-examination and whether the evidence of such child witness is his voluntary expression and not borne out of the influence of others. (VII) There is no requirement or condition that the evidence of a child witness must be corroborated before it can be considered. A child witness who exhibits the demeanour of any other competent witness and whose evidence inspires confidence can be relied upon without any need for corroboration and can form the sole basis for conviction. If the evidence of the child explains the relevant events of the crime without improvements or embellishments, the same does not require any corroboration whatsoever. (VIII)Corroboration of the evidence of the child witness may be insisted upon by the courts as measure of caution and prudence where the evidence of the child is found to be either tutored or riddled with material discrepancies or contradictions. There is no hard and fast rule when such corroboration would be desirous or required, and would depend upon the peculiar facts and circumstances of each case. (IX) Child witnesses are considered as dangerous witnesses as they are pliable and liable to be influenced easily, shaped and moulded and as such the courts must rule out the

possibility of tutoring. If the courts after a careful scrutiny, find that there is neither any tutoring nor any attempt to use the child witness for ulterior purposes by the prosecution, then the courts must rely on the confidence-inspiring testimony of such a witness in determining the guilt or innocence of the accused. In the absence of any allegations by the accused in this regard, an inference as to whether the child has been tutored or not, can be drawn from the contents of his deposition. (X) The evidence of a child witness is considered tutored if their testimony is shaped or influenced at the instance of someone else or is otherwise fabricated. Where there has been any tutoring of a witness, the same may possibly produce two broad effects in their testimony; (i) improvisation or (ii) fabrication. (i) Improvisation in testimony whereby facts have been altered or new details are added inconsistent with the version of events not previously stated must be eradicated by first confronting the witness with that part of its previous statement that omits or contradicts the improvisation by bringing it to its notice and giving the witness an opportunity to either admit or deny the omission or contradiction. If such omission or contradiction is admitted there is no further need to prove the contradiction. If the witness denies the omission or contradiction the same has to be proved in the deposition of the investigating officer by proving that part of police statement of the witness in question. Only thereafter, may the improvisation be discarded from evidence or such omission or contradiction be relied upon as evidence in terms of Section 11 of Evidence Act. (ii) Whereas the evidence of a child witness which is alleged to be doctored or tutored in toto, then such evidence may be discarded as unreliable only if the presence of the following two factors have to be established being as under:

- • Opportunity of Tutoring of the Child Witness in question whereby certain foundational facts suggesting or demonstrating the probability that a part of the testimony of the witness might have been tutored have to be established. This may be done either by showing that there was a delay in recording the statement of such witness or that the presence of such witness was doubtful, or by imputing any motive on the part of such witness to depose falsely, or the susceptibility of such witness in falling prey to tutoring. However, a mere bald assertion that there is a possibility of the witness in question being tutored is not sufficient.
- Reasonable likelihood of tutoring wherein the foundational facts suggesting a possibility of tutoring as established have to be further proven or cogently substantiated. This may be done by leading evidence to prove a

strong and palpable motive to depose falsely, or by establishing that the delay in recording the statement is not only unexplained but indicative and suggestive of some unfair practice or by proving that the witness fell prey to tutoring and was influenced by someone else either by cross-examining such witness at length that leads to either material discrepancies or contradictions, or exposes a doubtful demeanour of such witness rife with sterile repetition and confidence lacking testimony, or through such degree of incompatibility of the version of the witness with the other material on record and attending circumstances that negates their presence as unnatural. (XI) Merely because a child witness is found to be repeating certain parts of what somebody asked her to say is no reason to discard her testimony as tutored, if it is found that what is in substance being deposed by the child witness is something that he or she had actually witnessed. A child witness who has withheld his or her cross-examination at length and able to describe the scenario implicating the accused in detail as the author of crime, then minor discrepancies or parts of coached deposition that have crept in will not by itself affect the credibility of such child witness. (XII) Part of the statement of a child witness, even if tutored, can be relied upon, if the tutored part can be separated from the untutored part, in case such remaining untutored or untainted part inspires confidence. The untutored part of the evidence of the child witness can be believed and taken into consideration or the purpose of corroboration as in the case of a hostile witness. (Para 58)

Indian Evidence Act 1872 - Section 106 - Principles of Law governing the Applicability of Section 106 of the Evidence Act- court should apply Section 106 of the Evidence Act in criminal cases with care and caution. It cannot be said that it has no application to criminal cases. The ordinary rule which applies to criminal trials in this country that the onus lies on the prosecution to prove the guilt of the accused is not in any way modified by the provisions contained in Section 106 of the Evidence Act. Section 106 cannot be invoked to make up the inability of the prosecution to produce evidence of circumstances pointing to the guilt of the accused. This section cannot be used to support a conviction unless the prosecution has discharged the onus by proving all the elements necessary to establish the offence. It does not absolve the prosecution from the duty of proving that a crime was committed even though it is a matter specifically within the knowledge of the accused and it does not throw the burden on the accused to show

that no crime was committed. To infer the guilt of the accused from absence of reasonable explanation in a case where the other circumstances are not by themselves enough to call for his explanation is to relieve the prosecution of its legitimate burden. So, until a *prima facie* case is established by such evidence, the onus does not shift to the accused. Section 106 obviously refers to cases where the guilt of the accused is established on the evidence produced by the prosecution unless the accused is able to prove some other facts especially within his knowledge which would render the evidence of the prosecution nugatory. If in such a situation, the accused offers an explanation which may be reasonably true in the proved circumstances, the accused gets the benefit of reasonable doubt though he may not be able to prove beyond reasonable doubt the truth of the explanation. But if the accused in such a case does not give any explanation at all or gives a false or unacceptable explanation, this by itself is a circumstance which may well turn the scale against him. Section 106 has no application to cases where the fact in question, having regard to its nature, is such as to be capable of being known not only to the accused but also to others, if they happened to be present when it took place. The intention underlying the act or conduct of any individual is seldom a matter which can be conclusively established; it is indeed only known to the person in whose mind the intention is conceived. Therefore, if the prosecution has established that the character and circumstance of an act suggest that it was done with a particular intention, then under illustration (a) to this section, it may be assumed that he had that intention, unless he proves the contrary. (Para 76-79)

Criminal Trial - Principles for appreciation of ocular evidence in a criminal case : a. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinize the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. b. If the Court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the Trial

Court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details. c. When eye-witness is examined at length it is quite possible for him to make some discrepancies. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the court is justified in jettisoning his evidence. d. Minor discrepancies on trivial matters not touching the core of the case, hyper technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole. e. Too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny. f. By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen. g. Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details. h. The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind whereas it might go unnoticed on the part of another. i. By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape recorder. j. In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guess work on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person. k. Ordinarily a witness cannot be expected to recall accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on. l. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross examination by counsel and out of nervousness mix up facts, get confused

regarding sequence of events, or fill up details from imagination on the spur of the moment. The subconscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him. m. A former statement though seemingly inconsistent with the evidence need not necessarily be sufficient to amount to contradiction. Unless the former statement has the potency to discredit the later statement, even if the later statement is at variance with the former to some extent it would not be helpful to contradict that witness. n. The evidence of an interested and/or related witnesses should not be examined with a coloured vision simply because of their relationship with the deceased. Though it is not a rule of law, it is a rule of prudence that their evidence ought to be examined with greater care and caution to ensure that it does not suffer from any infirmity. The court must satisfy itself that the evidence of the interested witness has a ring of truth. Only if there are no contradictions and the testimony of the related/interested witness is found to be credible, consistent and reasonable, can it be relied upon even without any corroboration. At the end of the day, each case must be examined on its own facts. There cannot be any sweeping generalisation. (Para 56)

Criminal Trial - Though there can be no straight jacket formula for appreciation of circumstantial evidence, yet to convict an accused on the basis of circumstantial evidence, the Court must follow certain tests which are broadly as follows: - (i) Circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established; (ii) Those circumstances must be of a definite tendency unerringly pointing towards guilt of the accused and must be conclusive in nature; (iii) The circumstances, if taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else; and (iv) The circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused but should be inconsistent with his innocence. In other words, the circumstances should exclude every possible hypothesis except the one to be proved. (Para 61)

Dr. Poornima Advani vs Government Of NCT 2025 INSC 262 - Doctrine Of Restitution - Interest - Compensation

Compensation - When a person is deprived of the use of his money to which he is legitimately entitled, he has a right to be compensated for the deprivation which may be called interest or compensation. Interest is paid for the deprivation of the use of money in general terms which has returned or compensation for the use or retention by a person of a sum of money belonging to other. (Para 17)

Doctrine of Restitution - If on facts of a case, the doctrine of restitution is attracted, interest should follow. Restitution in its etymological sense means restoring to a party on the modification, variation or reversal of a decree or order what has been lost to him in execution of decree or order of the Court or in direct consequence of a decree or order. The term "restitution" is used in three senses, firstly, return or restoration of some specific thing to its rightful owner or status, secondly, the compensation for benefits derived from wrong done to another and, thirdly, compensation or reparation for the loss caused to another. (Para 25)

Gopal Singh vs State Of Uttarakhand 2025 INSC 263 - Criminal Trial - Identity Of Accused

Criminal Trial - When the prosecution alleges that a particular person has committed an offence, it is the duty of the prosecution to establish the identity of the accused as the person who has committed the offence by adducing evidence. [**Context:** SC acquits accused allowing appeal against HC judgment which had convicted them under Section 304 Part II IPC]

Dr. Sunil Kumar Singh vs Bihar Legislative Council 2025 INSC 264 - Art. 212 Constitution - Expulsion From BLC - Proportionality Doctrine

Constitution of India - Article 212 - The action of the Ethics Committee neither forms part of the 'Proceedings of the Legislature' nor is it tantamount to a 'Legislative Decision'. (Para 23) [**Context:** Supreme Court on maintainability of writ petition filed

by Dr. Sunil Kumar Singh, who was a Member of the Bihar Legislative Council (MLC) and Chief Whip of the Rashtriya Janata Dal (RJD), challenging his expulsion from the Council. Court directed that he be reinstated as a member of the BLC with immediate effect.]

Constitution of India - Article 32,226 - Legislature - A few guiding principles for courts to consider while scrutinising the proportionality of actions taken by the House against its member(s). An indicative list of such parameters includes: (a) Degree of obstruction caused by the member in the proceedings of the House; (b) Whether the behaviour of the member has brought disrepute to the dignity of the entire House; (c) The previous conduct of the erring member; (d) The subsequent conduct of the erring member, such as expressing remorse, cooperation with the institutional scrutiny mechanism; (e) Availability of lesser restrictive measures to discipline the delinquent member; (f) Whether crude expressions uttered are deliberate and motivated or a mere outcome of language largely influenced by the local dialect; (g) Whether the measure adopted is suitable for furthering the desired purpose; and (h) Balancing the interest of society, particularly the electorates, with those of the erring members. (Para 64)

Constitution of India - Article 212 - The prohibition under Article 212(1) operates only with respect to the scrutiny of ‘Proceedings in the Legislature’ on the touchstone of ‘Irregularity of Procedure’. It does not oust the power of judicial review of the decisions of the Legislature, whether Legislative or Administrative, on the grounds of illegality or unconstitutionality. (Para 23) ‘**Proceedings in the Legislature**’ comprise the formal steps, debates, and motions undertaken to facilitate deliberations within the House. It is a structured mechanism that ensures due consideration of a proposed measure, allowing for discussion, amendment, and scrutiny before reaching a final resolution. These procedural steps are not ends in themselves but are designed to channel legislative discourse towards a definitive outcome- A ‘**Legislative Decision**’ is the culmination of the legislative procedure—the formal expression of the will of the House on a given matter. While Proceedings of the Legislature provide the framework within which members exercise their deliberative functions, the Legislative Decision is the authoritative determination that follows such deliberation. These decisions of the Legislature, though emanating from a coordinate branch of Government, are not immune from scrutiny by Constitutional Courts. Judicial review of Legislative Decisions

is not an encroachment upon legislative dominion but a necessary safeguard to uphold constitutional supremacy. (Para 13-14)

Constitution of India - Article 142- The extraordinary powers vested in this Court under Article 142 of the Constitution of India, may be invoked in cases where remitting the matter would result in undue delay and where the interests of justice demand a swift resolution - Court can transcend procedural limitations and provide equitable relief in cases where rigid adherence to legal provisions may result in injustice. When the established remedies fall short of addressing exceptional circumstances or fail to meet the demands of justice, this Court, as the final arbiter, must invoke its constitutional powers to bridge the gap and ensure a just, fair, and equitable resolution.(Para 84)

Legal Maxims - 'Expression unius est exclusion alterius' -Whatever has not been included has, by implication, been excluded. (Para 15)

Doctrine of proportionality - doctrine of proportionality is fundamentally embedded in the concept of fairness in action across domestic, foreign, and international legal systems. This principle ensures that measures taken are appropriate, necessary, and balanced in relation to the objectives they seek to achieve. Proportionality is deeply intertwined with the principles of the Rule of Law and natural justice, as it guards against arbitrary or excessive actions. Consequently, it is interpreted as an implicit requirement in almost every legal provision, unless it is explicitly barred by the legislation itself. (Para 54)

Administrative Law - Distinction between legislative and administrative functions is well recognized in constitutional jurisprudence. When a legislative body frames rules under Article 208 and subsequently enforces them through disciplinary measures, such enforcement is an exercise of administrative power rather than legislative power. (Para 18) if such an administrative decision is found to be arbitrary, mala fide, or in violation of constitutional rights, it is open to judicial intervention in the same manner as any other executive action of the State. Determining whether an impugned action or breach is an exempted irregularity or justiciable illegality is a matter of judicial interpretation and would undoubtedly fall within the ambit of Constitutional Courts. (para 20)

Constitution of India - Article 32, 226 - There is no absolute bar on the Constitutional Courts to examine the proportionality of the punishment imposed on a member while reviewing the validity of the action taken by the House. By focusing on

the proportionality of punishment, courts must ensure that justice aligns with constitutional values and societal norms, thereby upholding the integrity of the democratic process. (Para 62)

Nirmiti Developers vs State Of Maharashtra 2025 INSC 265 -S. 127 MRTP Act

Maharashtra Regional and Town Planning Act, 1966 - Section 127 - The principles underlying in Section 127 of the MRTP Act is either to utilize the land for the purpose for which it is reserved in the timeline given or let the owner utilize the land for the purpose as permissible under the town planning scheme. The reservation shall be deemed to have lapsed if no steps are taken for acquisition of the said land within the prescribed period- The landowner cannot be deprived of the use of the land for years together. Once an embargo has been put on a landowner not to use the land in a particular manner, the said restriction cannot be kept open-ended for indefinite period. The statute has provided a period of ten years to acquire the land under Section 126 of the Act. Additional one year is granted to the landowner to serve a notice for acquisition prior to the amendment by Maharashtra Act 42 of 2015. Such timeline is sacrosanct and has to be adhered to by the State or by the authorities under the State. (Para 47-50)

Hiralal Babulal Soni vs State Of Maharashtra 2025 INSC 266 - S 411 IPC - S 114 Evidence Act

Indian Penal Code 1860 - Section 411- In order to bring home the charge under Section 411 of the IPC, it is the duty of the prosecution to prove (i) that the stolen property was in the possession of the accused; (ii) that some persons other than the accused had possession of the property before the accused got possession of it and (iii) that the accused had knowledge that the property was stolen property. (Para 32)

Indian Evidence Act 1872 - Section 114 - Invocation of Section 114 of the Evidence Act is not at all permissible when the prosecution has failed to discharge its initial burden- The weakness in the defence or the accused's failure to substantiate the fact while answering question in his accused statement cannot become the strength of the prosecution. (Para 37)

Suneeti Toteja vs State Of U.P. 2025 INSC 267 - S 197 CrPC - Deemed Sanction

Code of Criminal Procedure 1973 - Section 197 - Section 197 of CrPC does not envisage a concept of deemed sanction - Clarified Subramanian Swamy vs. Manmohan Singh, (2012) 3 SCC 64 : A separate but concurring opinion had given some guidelines for the consideration of the Parliament, one of which is to the effect that at the end of the extended period of time limit, if no decision is taken, sanction will be deemed to have been granted to the proposal for prosecution, and the prosecuting agency or the private complainant will proceed to file the chargesheet/ complaint in the court to commence prosecution within fifteen days of the expiry of the aforementioned time limit. However, such a proposition has not yet been statutorily incorporated by the Parliament and in such a scenario, this Court cannot read such a mandate into the statute when it does not exist. (Para 30-31)

Mahaveer Sharma vs Exide Life Insurance Company Limited 2025 INSC 268 - Insurance Law

Insurance - An insurance is a contract uberrima fides. It is the duty of the applicant to disclose all facts which may weigh with a prudent insurer in assuming the risk proposed. These facts are considered material to the contract of insurance, and its non-disclosure may result in the repudiation of the claim. The materiality of a certain fact is to be determined on a case-to-case basis. [Context: In this case, the Court noted that the insured had made a substantial disclosure - and therefore held that the failure to mention about other policies does not amount to a material fact in relation to the policy availed and consequently, the claim could not have been repudiated by the respondent company.]

Lifecare Innovations Pvt. Ltd. vs Union Of India 2025 INSC 269 - MSMED Act - Public Procurement Policy

Micro, Small and Medium Enterprises Development Act, 2006 - Public Procurement Policy for Micro and Small Enterprises (MSEs) Order 2012 has force of law as it is formulated in exercise of power under Section 11 of the Act and also

encapsulates the purpose and object of the Act; (b) though there is no mandatory minimum procurement ‘right’ for an individual MSE there is certainly a statutorily recognized obligation on the authorities and the bodies under the Act and the Procurement Order 2012 to implement the mandate which is subject to judicial review. (Para 39)

Constitution of India - Article 226 - While exercising judicial review of administrative action in the context of Statutes, laws, rules or policies establishing statutory or administrative bodies to implement the provisions of the Act or its policy, the first duty of constitutional courts is to ensure that these bodies are in a position to effectively and efficiently perform their obligations -The power of judicial review in matters concerning implementation of policy objectives should transcend the standard power of judicial review to issue writs to perform statutory duty and proceed to examine whether the duty bearers, the authorities and bodies constituted properly and also whether they are functioning effectively and efficiently. By ensuring institutional integrity we achieve our institutional objectives. Further, effective and efficient performance of the institutes can reduce unnecessary litigation. (Para 22-23)

Jaya Bhattacharya vs State Of West Bengal 2025 INSC 270 - Service Law - Pension

Service Law - Denial of pensionary benefits to an employee must emanate from any rule enabling the government for such denial. When the services have been regularized by treating the same as extraordinary leave the same cannot be treated as unauthorised leave for denying the pensionary benefits. (Para 11)

Kanahaiya Lal Arya vs Md. Ehshan 2025 INSC 271 - Tenancy - Bonafide Need

Tenancy Law - Bonafide need - Eviction - The need has to be a real one rather than a mere desire to get the premises vacated. The landlord is the best judge to decide which of his property should be vacated for satisfying his particular need. The tenant has no role in dictating as to which premises the landlord should get vacated for his need alleged in the suit for eviction. (Para 10)

Radhika Agarwal vs Union Of India 2025 INSC 272 - GST Acts - Customs Act - Power To Arrest

Constitution of India - Article 246-A - Central Goods and Services Tax Act, 2017 - Section 69 and 70 - Constitutional Validity upheld - The Parliament has the power to make laws regarding GST and, as a necessary corollary, enact provisions against tax evasion. Article 246-A of the Constitution is a comprehensive provision and the doctrine of pith and substance applies. The impugned provisions lay down the power to summon and arrest, powers necessary for the effective levy and collection of GST- The GST Acts, in pith and substance, pertain to Article 246-A of the Constitution and the powers to summon, arrest and prosecute are ancillary and incidental to the power to levy and collect goods and services tax. ((Para 75-77) - Pre-conditions and when and how the power of arrest is to be exercised discussed.

Code of Criminal Procedure 1973 - Section 50, 41B, 41D, 50A, 55A- Customs Act -The customs officers are not police officers. (Para 16)- **Section 50** - The obligation to provide grounds of arrest is incumbent upon them. Customs officers must also maintain records of their statutory functions including details like the name of the informant, name of the person who has violated the law, nature of information received by the officers, time of arrest, seizure details, and statements recorded during the course of detection of the offence(s) (Para 24) **Section 41-B** - Procedures of arrest and the duties of the officer making the arrest - .Although this section refers to the police officer, we believe, it equally imposes a duty on the customs officers. Officers making an arrest are required to bear an accurate, legible, and clear indication of their names to facilitate ease of identification by the arrestee (Para 25)- **Section 41-D** of the Code is applicable for offences under the Customs Act. Accordingly, a person arrested by a customs officer has the right to meet an advocate of his choice during interrogation, but not throughout interrogation (Para 26) - **Section 55A** states that it shall be the duty of the person having custody of the accused to take reasonable care of their health and safety. This provision shall be equally applicable to arrests under the Customs Act. (Para 28) - Stipulations under **Section 50A** will apply in cases of arrests made by the customs officers. (Para 27)

Customs Act - Section 104(1) - A person arrested as soon as may be is required to be informed of the grounds of such arrest. The grounds of arrest must be given in writing to the arrestee before he is produced before the Magistrate in terms of Section 104(2). This is necessary as it enables the accused to contest and challenge his arrest and seek bail from the court. To deny and not give the grounds in writing would be to deprive the accused of his right in terms of Section 104(1) and also to seek right of bail under the provisions of the Code. (Para 47)

Constitution of India - Article 20(3) - A person summoned under Section 70 of the GST Acts is not per se an accused protected under Article 20(3) of the Constitution- Prohibitive sweep of Article 20(3) of the Constitution does not go back to the stage of interrogation. (Para 69)

Code of Criminal Procedure 1973 - Section 438 - It is not essential that the application for anticipatory bail should be moved only after an FIR is filed, as long as facts are clear and there is a reasonable basis for apprehending arrest - The power to grant anticipatory bail arises when there is apprehension of arrest. This power, vested in the courts under the Code, affirms the right to life and liberty under Article 21 of the Constitution to protect persons from being arrested. (Para 70) Decision in the context of GST Acts which are contrary to the aforesaid ratio should not be treated as binding. (Para 70)

M. S. Ananthamurthy vs J. Manjula 2025 INSC 273- Transfer of Property - Registration Act - Power Of Attorney - Res Judicata

Transfer of Property Act 1882- Section 54,55 - An agreement to sell does not meet the requirements of Sections 54 and 55 of the TPA to effectuate a 'transfer' -A transfer of immovable property by way of sale can only be by a deed of conveyance. An agreement to sell is not a conveyance. It is not a document of title or a deed of transfer of deed of transfer of property and does not confer ownership right or title. (Para 47)

Registration Act - Section 17,49 - Even though the GPA and the agreement to sell were contemporaneous documents executed by the original owner in favour of the holder, this alone cannot be a factor to reach the conclusion that she had an interest in the POA. Thus, even though the GPA and the agreement to sell were contemporaneous

documents executed by the original owner in favour of the same beneficiary, this cannot be the sole factor to conclude that she had an interest in the subject-matter - The practice of transferring an immovable property vide a GPA and agreement to sell has been discouraged in Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana, reported in (2012) 1 SCC 656.

Indian Contract Act 1872 -Chapter X ; Powers of Attorney Act, 1882 - Sections 1A and 2 -The power of attorney is a creation of an agency by which the grantor/donor/executant authorizes the grantee/donee/holder/attorney to do the acts specified on his behalf, which will be binding on the executant as if the acts were done by him.

Indian Contract Act 1872 - Section 202 -The essentials of Section 202 are: first, there shall be a relationship in the capacity of 'principal and agent' between the parties and secondly, there shall be agent's interest in the subject-matter of the agency. If both the conditions are fulfilled the agency becomes irrevocable and cannot be terminated unilaterally at the behest of the principal. (Para 35)

Contract Law - While construing a document, a reader should not go by the title to the document or the nomenclature of the document. In such a case, the court is endowed with a duty to see the contents of the document and intention of the parties which can be gathered from the terms of the document and/or from circumstances under which the document was entered into. The intention of the parties can be ascertained from the language used by the parties. A document has to be seen as a whole-(Para 41)

Code of Civil Procedure 1908 - Section 11 - Res Judicata - Where the question of title is "directly and substantially" in issue in a suit for injunction, and where a finding on an issue of title is necessary for granting the injunction, with a specific issue on title raised and framed, a specific prayer for a declaration of title is not necessary. As a result, a second suit would be barred when facts regarding title have been pleaded and decided by the Trial Court - Where a finding on title is necessary for granting an injunction and has been substantially dealt with by the Trial Court in a suit for injunction, a direct and specific prayer for a declaration of title is not a necessity- Where a finding on an issue of title is not necessary for deciding the question of possession and the grant of an injunction, or where no issue on title has been framed to decide a suit for injunction, any observation or decision on title would be incidental and collateral and will not operate

as res judicata. However, findings on an issue of title in an earlier suit will operate as res judicata in a subsequent suit where the question of title is directly and substantially in issue in a suit for injunction. (Para 58-59)

Power of Attorney - Even a POA termed as a 'general power of attorney' may confer powers that are special in relation to the subject matter. Likewise, a 'special power of attorney' may confer powers that are general in nature concerning the subject matter. The essence lies in the power and not in the subject-matter (Para 42) - Mere use of the word 'irrevocable' in a POA does not make the POA irrevocable. If the POA is not coupled with interest, no extraneous expression can make it irrevocable. At the same time, even if there is no expression to the effect that the POA is irrevocable but the reading of the document indicates that it is a POA coupled with interest, it would be irrevocable. (Para 4)

A.P. Electrical Equipment Corporation vs Tahsildar 2025 INSC 274 - Writ Jurisdiction - Disputed Question Of Facts - Precedent

Constitution of India - Article 226 - Normally, the disputed questions of fact are not investigated or adjudicated by a writ court while exercising powers under Article 226 of the Constitution of India. But the mere existence of the disputed question of fact, by itself, does not take away the jurisdiction of this writ court in granting appropriate relief to the petitioner. In a case where the Court is satisfied that the facts are disputed by the State merely to create a ground for the rejection of the writ petition on the ground of disputed questions of fact, it is the duty of the writ court to reject such contention and to investigate the disputed facts and record its finding if the particular facts of the case, like the one at hand, was required in the interest of justice. (Para 48) - It would all depend on the nature of the question of fact. In other words, what is exactly, that the writ court needs to determine so as to arrive at the right decision. (Para 53) **Mixed questions of law and fact** - Mixed question of law and fact refers to a question which depends on both law and fact for its solution. In resolving a mixed question of law and fact, a reviewing court must adjudicate the facts of the case and decide relevant legal issues at the same time. (Para 54)

Precedents -If two decisions of Supreme Court appear inconsistent with each other, the High Courts are not to follow one and overlook the other, but should try to reconcile and respect them both and the only way to do so is to follow that decision whose facts appear more in accord with those of the case at hand. (Para 35)

Urban Land (Ceiling and Regulation) Act, 1976 - Urban Land (Ceiling and Regulation) Repeal Act, 1999 - [1] The Repeal Act, 1999 clearly talks about the possession being taken under Section 10(5) or Section 10(6) of the Act, 1976, as the case may be. [2] It is a statutory obligation on the part of the competent authority or the State to take possession strictly as permitted in law. [3] In case the possession is purported to have been taken under Section 10(6) of the Act, 1976 the Court is still obliged to look into whether “taking of such possession” is valid or invalidated on any of the considerations in law. [4] The possession envisaged under Section 3 of the Repeal Act, 1999 is de facto and not de jure only. [5] The mere vesting of “land declared surplus” under the Act without resuming “de facto possession” is of no consequence and the land holder is entitled to the benefit of the Repeal Act, 1999. [6] The requirement of giving notice under sub-sections (5) and (6) of Section 10 respectively is mandatory. Although the word “may” has been used therein, yet the word “may” in both the sub-sections should be understood as “shall” because a Court is obliged to decide the consequences that the legislature intended to follow from the failure to implement the requirement. [7] The mere vesting of the land under sub-section (3) of Section 10 would not confer any right on the State Government to have de facto possession of the vacant land unless there has been a voluntary surrender of vacant land before 18th March 1999. [8] The State has to establish by cogent evidence on record that there has been a voluntary surrender of vacant land or surrender and delivery of peaceful possession under sub-section (6) of Section 10 or forceful dispossession under sub-section (6) of Section 10. (Para 41)

Sachin Jaiswal vs Hotel Alka Raje 2025 INSC 275 - S 14 Partnership Act

Indian Partnership Act,1932 - Section 14 - Separate property of an individual partner, can be converted into partnership property. (Para 13) Irrespective of the character of the property, when it is brought in by the partner when the partnership is

formed, it becomes a property of the partnership firm, by virtue of Section 14 of Partnership Act. (Para 13)

Mansoor Ali Farida Irshad Ali vs Tahsildari, Special Cell 2025 INSC 276 - Maharashtra Slum Areas Act

Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 - Development Control Regulations for Greater Mumbai, 1991 - A censused slum is also a slum as per Regulation 33(1o) DCR and a separate notification under section 4 of the Slum Act is not required.

Pappammal (D) vs Jothi 2025 INSC 277 - Order I Rule 10 CPC - Necessary Party

Code of Civil Procedure 1908 - Order I Rule 10 (2) - The entire purpose of a Trial is to reach the truth of the matter and it is absolutely important that all necessary parties must be heard, before a decision is taken by the Court. (Para 12)

Kanishk Sinha vs State Of West Bengal 2025 INSC 278 - S 156(3) CrPC - Priyanka Srivastava Direction - Prospective

Code of Criminal Procedure 1973 - Section 156(3) - The direction in Priyanka Srivastava vs. State of Uttar Pradesh (2015) 6 SCC 287 that all applications before the Court where Section 156(3) CrPC applications are made must be supported by an affidavit duly sworn by the applicant will be prospective in nature - (Para 4-6)

Judgments - Retrospectivity - The judgment of the Court will always be retrospective in nature unless the judgment itself specifically states that the judgment will operate prospectively. The prospective operation of a judgment is normally done to avoid any unnecessary burden to persons or to avoid undue hardships to those who had bona fide done something with the understanding of the law as it existed at the relevant point of time. Further, it is done not to unsettle something which has long been settled, as that would cause injustice to many. (Para 3)

Maharashtra State Road Transport Corporation vs Subhash Laxmanrao Bramhe 2025 INSC 279 - Labour Law

Note: No legal aspects discussed in this order.

Dileepbhai Nanubhai Sanghani vs State Of Gujarat 2025 INSC 280 - S 20 Prevention Of Corruption Act - Presumption

Prevention of Corruption Act - Section 20-The presumption under Section 20 of the Act cannot arise on the mere allegation of a demand and acceptance of illegal gratification as rightly pointed out by the appellant- Unless proof is offered to the satisfaction of the Court that there is a demand and acceptance of illegal gratification, the presumption would not arise - The presumption under Section 20 of the Act is that, if there is a demand and acceptance of bribe, then there is a presumption that it is to dishonestly carry out some activity by a public servant, for which, first, proof will have to be offered of the demand and acceptance. It is not otherwise that, if there is a misuse of authority then there is always a presumption of a demand and acceptance of bribe, resulting in a valid allegation of corruption. (Para 22)

Prevention of Corruption Act - Sections 7,13,20 -The proof of demand (or an offer) and acceptance of illegal gratification by a public servant is a fact in issue in the criminal proceeding and is a sine qua non to establish the guilt of the accused public servant under Sections 7 and 13 of the Act. (Para 12) - Referred to Neeraj Dutta v. State (NCT of Delhi).

Sudershan Singh Wazir vs State (NCT of Delhi) 2025 INSC 281 - Revision Against Discharge Order - Power To Stay

Code of Criminal Procedure 1973 - Section 390, 397, 401 - The High Court has the power to suspend the operation of the order impugned in the revision application -

The power under Section 390 can be exercised in a revision against an order of discharge - It is only in rare and exceptional cases where the order of discharge is ex-facie perverse that the revisional Court can take the extreme step of staying that order. However, such an order should be passed only after giving an opportunity of being heard to the accused. Moreover, while granting the stay, the Court must mould the relief so that the trial does not proceed against the discharged accused - While exercising power under Section 390 of the CrPC, the normal rule is that the acquitted accused should not be committed to custody, and a direction should be issued to admit him to bail. This normal rule should apply all the more to cases where the challenge is to the order of discharge, as the order of discharge is on a higher pedestal than an order of acquittal- Passing an order under Section 390 directing the discharged accused to admit to bail is sufficient to procure the presence of the discharged accused at the time of hearing of the revision application and for undergoing trial if the order of discharge is set aside. (Para 14-20)

Code of Criminal Procedure 1973 - Section 390 - As a normal rule, where an order under Section 390 of the CrPC is passed, the accused must be admitted to bail rather than committing him to prison. It is well-settled in our jurisprudence that bail is the rule, and jail is the exception. This rule must be applied while exercising power under Section 390 of the CrPC, as the position of the acquitted accused is on a higher pedestal than an accused facing trial. When an accused faces trial, he is presumed to be innocent until he is proven guilty. In the case of an acquitted accused, as stated earlier, the presumption of innocence is further strengthened because of the order of acquittal. Only in extreme and rare cases by way of exception can an order committing an acquitted accused to prison be passed under Section 390. (Para 18)

Code of Criminal Procedure 1973 - Section 227,245 - An order of discharge is passed when there is no sufficient material to proceed against the accused. When a discharge order is passed, the person discharged ceases to be an accused. The position of a discharged accused is on a higher pedestal than that of an accused who is acquitted after a full trial. The reason is that a charge can be framed, and an accused can be tried only when there is sufficient material in the charge sheet to proceed against him. An order of discharge is passed when the charge sheet does not contain sufficient material to proceed against the accused. Therefore, he is discharged at the threshold. After an

accused is discharged under Section 227 of the CrPC, he is set at liberty as he ceases to be an accused. (Para 12)

Manoj Rameshlal Chhabriya vs Mahesh Prakash Ahuja 2025 INSC 282 - S 378 CrPC - Grant Of Leave To Appeal

Code of Criminal Procedure 1973 - Section 378 - At the stage of considering grant of leave under sub-section (3) of Section 378 of the Cr.P.C., a *prima facie* case should be looked into by the High Court, of course, not ignoring the materials on record - How the application for grant of leave to appeal filed under Section 378(3) of the Cr.P.C. should be decided by the High Court and what are the parameters which the High Court should keep in mind - Referred to State of Maharashtra v. Sujay Mangesh Poyarekar reported in (2008) 9 SCC 475 - The principle underlying the above rule lies in the doctrine of human fallibility that "Men are fallible" and "Judges are also men" (Para 7- 12)

National Highways Authority Of India vs IRB Ahmedabad Vadodara Super Express Tollways Pvt. Ltd. 2025 INSC 283

Note: No legal aspects discussed in this order.

Shankar @ Savukku Shankar vs State Of Tamil Nadu 2025 INSC 284

Note: No legal aspects discussed in this order.

District Magistrate/ Collector, Sonbhadra vs Heera Lal 2025 INSC 285

Note: No legal aspects discussed in this order.

Arvind Kumar Bhati vs State Of Uttar Pradesh 2025 INSC 286

Constitution of India - Article 226 - PIL- SC set aside some directions that were issued by Allahabad HC to the State Government on maintenance of hospitals by the State of Uttar Pradesh, including hospitals in medical colleges and Universities and observed: Certain directions that were given did not fall within the four corners of the

writ powers exercised by the High Court, for several reasons, including the reason that they were purely policy matters or dealt with day-to-day administration.

Sanjay Kumar vs State Of Bihar 2025 INSC 287

Note: No legal aspects discussed in this order.

Chief Manager, Central Bank Of India vs Ad Bureau Advertising Pvt. Ltd 2025 INSC 288 - Consumer Protection Act - Commercial Purpose

Consumer Protection Act 1986 - Section 2(1)(d)(ii) - What is to be seen here is that whether the dominant intention or dominant purpose for the transaction was to facilitate some kind of profit generation for the person who has availed the service. (Para 21) [Context: National Consumer Disputes Redressal Commission (NCDRC) found the Central Bank of India deficient in service and awarded Rs. 75 lakh in compensation to M/s Ad Bureau, along with litigation costs of Rs. 20,000- In appeal before SC, the issue raised was whether M/s Ad Bureau, as a borrower of a project loan, qualifies as a "consumer" under Section 2(1)(d)(ii) of the Consumer Protection Act, 1986 - Allowing appeal and setting aside NCDRC Order, SC observed: The loan's dominant purpose was profit generation through the commercial venture of film post-production, not merely self-branding for livelihood.]

Sarita Choudhary vs High Court Of Madhya Pradesh 2025 INSC 289 - Service - Probation - Women In Judiciary - ACR

Judiciary - A greater representation of women in the judiciary, would greatly improve the overall quality of judicial decision making and this impacts generally and also specifically in cases affecting women. - It is not enough to find comfort solely in the growing number of female judicial officers if we are unable to secure for them a sensitive work environment and guidance - While gender is not a rescue for poor performance, it is a critical consideration which must weigh for holistic decision-making at certain times and stages of a woman judicial officer. (Para 17)

ACR - The imprimatur of the Chief Justice to an ACR is an approval of the highest judicial office in the State which is a mandatory requirement.(Para 15.8)

Service Law - Probation - The services of a probationer could result either in a confirmation in the post or ended by way of termination simpliciter. However, if a probationer is terminated from service owing to a misconduct as a punishment, the termination would cause a stigma on him. If a probationer is unsuitable for a job and has been terminated then such a case is non-stigmatic as it is a termination simpliciter. Thus, the performance of a probationer has to be considered in order to ascertain whether it has been satisfactory or unsatisfactory. If the performance of a probationer has been unsatisfactory, he is liable to be terminated by the employer without conducting any inquiry. No right of hearing is also reserved with the probationer and hence, there would be no violation of principles of natural justice in such a case- (Para 12) Even though a probationer has no right to hold a post, it would not imply that the mandate of Articles 14 and 16 of the Constitution could be violated inasmuch as there cannot be any arbitrary or discriminatory discharge or an absence of application of mind in the matter of assessment of performance and consideration of relevant materials. Thus, in deciding whether, in a given case, a termination was by way of punishment or not, the courts have to look into the substance of the matter and not the form. (Para 12.3)

Sachin Yallappa Usulkar vs Vijayata 2025 INSC 290 - Motor Accident Compensation - Minor Involvement

Motor Accident Compensation: Appeal against MACT and HC judgment on findings regarding involvement of Minor in the accident - Partly allowing appeal, SC observed: There is no substantive or direct evidence establishing the involvement of Appellant No. 2/Minor in the accident in question. No evidence can suggest any cogent or unequivocal proof linking Appellant No. 2/Minor as the actual driver of the offending Vehicle at the time of the incident. Accordingly, in the absence of even the slightest credible evidence pointing towards the direct involvement of Appellant No. 2/Minor in the alleged act, the claim against him remains untenable and unsubstantiated.

**Pradip N. Sharma vs State Of Gujarat 2025 INSC 291 - Ss. 438,482 CrPC
-Anticipatory Bail - Quashing**

Code of Criminal Procedure 1973 - Section 438 : BNSS 2023 - Section 482 -
Anticipatory bail can be granted where custodial interrogation is not essential, particularly in cases where the allegations hinge on official records and the presence of the accused can be secured without pre- trial detention. (Para 18)

Code of Criminal Procedure 1973 - Section 482 : BNSS 2023 - Section 528 -
The scope of allowing a prayer for quashing is limited and is to be exercised only in exceptional cases where it is manifestly clear that no offense is made out - At the stage of investigation, Courts should refrain from preemptively quashing criminal proceedings unless there is an evident abuse of process. When the accused's contentions relate to factual disputes that need verification through proper investigatory mechanisms, it would be inappropriate to exercise the inherent powers to quash the proceedings at this stage. (Para 17)

Union Of India vs Man Singh Verma 2025 INSC 292 - S. 439 CrPC - Bail - Compensation

Code of Criminal Procedure 1973 - Section 439 : BNSS 2023- Section 483
-The jurisdiction conferred upon a Court under Section 439 CrPC is limited to grant or refusal of bail pending trial. In the following decisions, this Court has time and again held that the sphere of consideration, when exercising power under this Section pertains only to securing or restricting liberty of the person in question. - [Context: SC set aside HC judgment directing NCB to pay Rs. 5 Lakh compensation to NDPS accused while disposing his bail application and observed: The undue restriction of liberty, i.e., without the backing of procedures established by law is unquestionably an affront to a person's rights but the avenues to seek recourse of law in connection therewith are limited to remedies as per law]

Prabhavathi vs Managing Director, Bangalore Metropolitan Transport Corporation 2025 INSC 293 - Motor Accident Compensation

Motor Accident Compensation - In the absence of any direct or corroborative evidence on record, it cannot be assumed that the accident occurred due to the rash and negligent driving of both the vehicles. (Para 11)

Motor Vehicle Act, 1988 - In compensation cases, the strict rules of evidence used in criminal trials do not apply. Instead, the standard of proof is based on the preponderance of probability. (Para 13)

Pushpa Jagannath Shetty vs Sahaj Ankur Realtors 2025 INSC 294 - S. 24A Consumer Protection Act - Limitation

Consumer Protection Act, 1986 - Section 24-A - Section 24-A of the Act prescribes the limitation period to be two years. The proviso thereto also provides for the possibility of the commission condoning delays beyond this point, but when doing so, it is to record its reasons- Limitation, while important as a feature of law, is not meant to defeat a substantive right. Efforts, in earnestness, to secure possession of the flats cannot be discounted in order to compute the applicable limitation. (Para 7-11)

Abdul Wahid vs State Of Rajasthan 2025 INSC 295 - Murder Case - Concurrent Conviction Set Aside

Note: No legal aspects discussed in the judgment - SC set aside concurrent acquittal in murder case and observed: There is no credible evidence at all to connect the accused persons with the homicidal death.

Rahul Verma vs Rampat Lal Verma 2025 INSC 296 - Arbitration Agreement - Death Of Party

Arbitration and Conciliation Act 1996 - Section 2(1)(g) , 40 - The existence of an arbitration agreement is not affected by the death of a party to the arbitration agreement- An arbitral agreement and the award is enforceable by or against the legal representatives of the deceased- The term 'partners' extends to and would include their legal heirs, representatives, assigns or legatees, etc. Persons claiming under the rights of a deceased person are the representatives of the deceased party, and therefore, both the parties to the agreement and their legal heirs are entitled to enforce an arbitral award

and are bound by it -The right to sue for rendition of account also survives, ensuring that the legal representatives can assert or defend claims arising from the partnership agreement. (Para 8-10)

**Zon Hotels Pvt. Ltd. vs Goa Coastal Zone Management Authority 2025 INSC
297 - NGT**

Note: No legal aspects discussed in the judgment- SC partly allowed appeal against NGT Order.



Supreme Court Monthly Digest

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60. [Kiran Raju Penumacha vs Tejuswini Chowdhury 2025 INSC 358 - Child Custody](#)
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85. [Amit Kumar vs Union Of India 2025 INSC 384 - Student Suicide - Ss. 154 & 174 CrPC](#)
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113. [State Of Jharkhand vs Rukma Kesh Mishra 2025 INSC 412 - Art.311,226 Constitution - Disciplinary Proceedings - Precedents - Stare Decisis](#)
114. [Gajendra Singh vs Reena Balmiki 2025 INSC 413 - Irrecoverable Breakdown Of Marriage](#)
115. [Surepally Srinivas vs State Of Andhra Pradesh 2025 INSC 414 - S. 52A NDPS Act - Non Compliance](#)
116. [Ranjit Sarkar vs Ravi Ganesh Bhardwaj 2025 INSC 415 - S. 256 CrPC](#)

C.S. Umesh vs T.V. Gangaraju 2025 INSC 298- Practice - For Being Spoken To -Oral Mentioning

Practice and Procedure- Practices of making oral mentions for modification of the orders/judgments by way of a “for being spoken to” deplored - The same cannot be permitted circumventing the legal process of filing a review. (Para 13)

Sharmila Velamur vs V. Sanjay 2025 INSC 299 - Child Custody - Foreign Court Order

Child Custody- The principle of comity of courts and a pre-existing order of a Foreign Court must yield to the best interests of the child, especially when the Court has decided to conduct an elaborate enquiry in this regard- Such cases must be decided on the sole and predominant criterion of ‘what would serve the interests and welfare’ of the minor-The pre-existing order of a Foreign Court is merely one of the circumstances to consider when assessing the best interests and welfare of the person concerned-his doctrine was evolved to protect children who may, unwittingly, become collateral damage in their parents’ legal disputes. It has gained significance over the past several years, owing to the frequency and ease of migration. To consider the interests of the child, the Court must take into account all attending circumstances and the totality of the situation. The Court must consider the welfare and happiness of the child as the paramount consideration and go into all relevant aspects of welfare including stability and security, loving and understanding care and guidance, and full development of the child’s character, personality, and talents - The Court has to give due weightage to the child’s ordinary contentment, health, education, intellectual development, favourable surroundings, and future prospects. Further, over and above physical comforts, moral and ethical values also have to be taken note of, as they constitute equal if not more important factors than the others. (Para 32)

**In Re: Recruitment Of Visually Impaired In Judicial Services 2025 INSC 300 -
Judicial Service - Visually Impaired Candidates Eligible**

Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 - Rule 6A - Visually impaired candidates are eligible to participate in selection for the posts under the judicial service and hence, Rule 6A of the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 is struck down insofar as it excludes visually impaired and low vision candidates for appointment in judicial service. Rule 7 to the extent of prescribing additional requirement of either a three-year practice period or securing an aggregate score of 70% in the first attempt, is struck down insofar as it applies to PwD candidates. The said rule will be applicable to the PwD candidates insofar as it prescribes the educational and other qualifications as eligibility criteria including the minimum aggregate score of 70% (with relaxation as may be determined like in the case of SC/ST candidates), but without the requirement of either that it should be in the first attempt or that they should have three years' practice. (Para 68)

Constitution of India - Article 15 ; Rights of Persons with Disabilities Act, 2016 - RPwD Act, 2016 has acquired the status equal to that of a 'super-statute' and hence, contains the ingredients of a quasi-constitutional law - It is high time that an anti- discrimination clause be included in the Constitution with a specific provision that the State shall not discriminate on the grounds of mental or physical disability in line with the principles as stated in the RPwD Act, 2016. (Para 35) The right against disability-based discrimination, as recognized in the RPwD Act 2016, of the same stature as a fundamental right, thereby ensuring that no candidate is denied consideration solely on account of their disability -The principle of reasonable accommodation, as enshrined in international conventions, established jurisprudence, and the RPwD Act, 2016, mandate that accommodations be provided to PwDs as a prerequisite to assessing their

eligibility - any indirect discrimination that results in the exclusion of PwDs, whether through rigid cut-offs or procedural barriers, must be interfered with in order to uphold substantive equality. The commitment to ensuring equal opportunity necessitates a structured and inclusive approach, where merit is evaluated with due regard to the reasonable accommodations required, thereby fostering judicial appointments that truly reflects the principles of fairness and justice. (Para 67)

Legislation - Super Statute - The term ‘super statute’ was first applied in 2001 by William N. Eskridge and John A. Ferejohn to characterise an ordinary statute that not only reveals intention but also establishes a new normative or institutional framework in the public culture and has a broad effect on the law. As a result, such statutes have a quasi-constitutional significance that exceed its former status as a statute. In the words of the authors, “these super-statutes penetrate the public normative and institutional and institutional culture. (Para 36)

Public Appointments - Recruitment - Relaxation in minimum cut- off marks is permissible, especially when there is a specific power of relaxation available to the appointing authority. (Para 62)

**Ram Lal vs Jarnail Singh (D) 2025 INSC 301 - S. 28 Specific Relief Act - Order XX
Rule 12A CPC**

Specific Relief Act 1963 - Section 28 - The non-payment of the balance sale consideration within the time period fixed by the Trial Court does not amount to abandonment of the contract and consequent rescinding of the same. The real test must be to see if the conduct of the plaintiff will amount to a positive refusal to complete his part of the contract. There must be an element of wilful negligence on the part of the plaintiff before a Court proceeds to invoke Section 28 of the Act and rescind the contract. (Para 49) Merely because rescission of contract was not sought by the judgment debtor the same would not

automatically result in extension of time. (Para 26) If during the specified time period the decree holder is not in a position to deposit the balance sale consideration or, in other words, fails to deposit the balance sale consideration and later upon expiry of the specified time period seeks permission to deposit, then it would be within the discretion of the trial court to grant further time to deposit the balance sale consideration or decline- This discretion has to be exercised judiciously keeping in mind various factors like bona fide of the decree holder, the cause for failure to deposit the balance sale consideration in time, the length of delay and also the equities that might have been created during the interregnum period in favour of the judgment debtor. It is the cumulative effect and considerations of such factors that should weigh with the court concerned while permitting the decree holder to deposit the balance sale consideration beyond the time period that might have been prescribed by the trial court in its final decree.- Just because a decree of specific performance can be executed within 12 years from the date of original decree or from the date the appellate court affirms such decree that, by itself, does not mean that a decree holder deposits the balance sale consideration at his own sweet will. 52. If the appellate court had failed to stipulate any particular time period then it is expected of the decree holder to deposit the same within a reasonable period of time. (Para 50-52)

Code of Civil Procedure 1908 - Order XX Rule 12A - Rule 12A makes it obligatory for the court to specify in the decree for specific performance of contract for sale or lease of immovable property the date by which purchase money or other sum should be paid by the vendee or lessee. The trial court has jurisdiction to fix time-limit for depositing the money by the decree- holder under Section 28 of the Specific Relief Act, 1963. The decree is preliminary in nature and the court retains control over it. (Para 34) **Appellate Courts owe a duty to comply with the provisions of Order XX Rule 12A** -Where an appeal is filed against the decree

passed by the trial court and the appeal is disposed of, the appellate court should specify time to deposit the balance sale consideration- It is too much to say that since the trial court had granted two months time to the decree holder to deposit the balance sale consideration the same time period would apply even to the decree that may be drawn by the appellate court. What is executable is the decree passed by the appellate court. The appellate court owes a duty to specify the time period.(Para 50)

Doctrine of merger - Once the judgment passed by the trial court is challenged before the appellate court the judgment and order passed by the trial court would get merged with the judgment of the appellate court irrespective of the fact whether the appeal is allowed or dismissed- 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. (Para 36-37)

Summary: The appellant filed a suit for specific performance based on a sale agreement - The Trial Court decreed the suit directing the plaintiff to deposit the balance sale consideration (Rs. 6,86,875 minus Rs. 2,50,000 already paid) within two months - The defendants appealed to the District Court, which dismissed the appeal on April 21, 2015, affirming the Trial Court's decree without specifying a new time limit for depositing the balance amount- In January 2017, the appellant filed an execution petition, seeking permission to deposit the balance sale consideration (Rs. 4,87,000). The Executing Court allowed this on May 6, 2019, and the amount was deposited on May 20, 2019- The Punjab and Haryana High Court, on August 30, 2022, overturned the Executing Court's order, ruling the decree unexecutable due to the appellant's delay (nearly three years after the appeal dismissal) in depositing the balance amount, absent compelling reasons-

The Supreme Court allowed the appeal, set aside the High Court's order, and upheld the Executing Court's order.

Maatr Sparsh An Initiative By Avyaan Foundation vs Union Of India 2025 INSC 302 - Rights Of Breast Feeding Women

Constitution of India - Article 21, 51A(e) -Breast Feeding - The practice of breast- feeding in public places and at workplaces is not stigmatized- Breast-feeding is an integral component of a child's right to life, survival, and development to the highest attainable standard of health. It is an integral part of a woman's reproductive process and is essential for the health and well-being of both mother and the child - As the right of a child to be breast-fed is inextricably linked with the mother, she also has the right to breast-feed her child- State has the obligation to ensure adequate facilities and environment to facilitate mothers to breast-feed their children. Such a right and the obligation emanate from Article 21 of the Constitution of India and the foundational principle of 'the best interest of the child' as enshrined in international law as well as the Juvenile Justice (Care and Protection of Children) Act, 2015- **Directions issued:Advisory** for setting up of the facilities at public places is for the purpose of ensuring privacy and comfort of nursing mothers, who have infants, and for the benefit of infants- Directed Union of India to incorporate the aforesaid advisory in the form of a reminder communication to the Chief Secretary/Administrator of all State Governments/ Union Territories- in the existing public places as far as practicable, the States/Union Territories should ensure that the aforesaid directions are given effect to- Insofar as the public buildings which are at the stage of planning and construction, it may ensure that sufficient space is reserved for the purposes in the form of child- care/nursing rooms.

Ramesh A. Naika vs Registrar General, High Court Of Karnataka 2025 INSC 303 - Death Sentence Commuted

Death Sentence - When sentence of death is imposed, it should only be imposed if the same is possible, even after an objective consideration of all the factors in favour of the person accused of having committed the offence (Para 17) Multiple factors, including the absence of criminal antecedents, may be a ground to commute the sentence of the accused. (Para 14)

Context: Ramesh A. Naika was convicted for murdering his two children, and separately for killing his sister-in-law, and mother-in-law. The Trial Court sentenced him to death, which the Karnataka High Court confirmed. The Supreme Court partly allowed the appeals, affirming the conviction under Section 302 IPC but commuting the death sentence to life imprisonment without remission for the remainder of Naika's natural life.

Hari Nandan Singh vs State Of Jharkhand 2025 INSC 305 - S 298 IPC - Calling 'Pakistani'

Indian Penal Code 1860 - Section 298 - FIR alleged that accused hurried the religious feelings of the informant by calling him "Miyan-Tiyan" and "Pakistani." - Undoubtedly, the statements made are poor taste. However, it does not amount to hurting the religious sentiments of the informant. (Para 19)

Context: According to FIR, The informant claimed that on 18th November 2020, while delivering information to the appellant's residence as per official duty, the appellant refused to accept the documents initially, abused him by referencing his religion (calling him "Miyan-Tiyan" and "Pakistani"), and used criminal force to intimidate him- A charge sheet was filed under Sections 298 (wounding religious feelings), 504 (intentional insult to provoke breach of peace), 506 (criminal intimidation), 353 (assault to deter a public servant), and 323 (voluntarily causing hurt) of the Indian Penal Code (IPC)-The appellant's discharge application under Section 239 Cr.P.C. was dismissed -High Court upheld this dismissal - Supreme Court allowed his appeal and discharged him from criminal case.

State Of Goa vs Namita Tripathi 2025 INSC 306 - Factories Act - Laundry Business - Manufacturing Process

Factories Act 1948 - Section 2(m),2(k) - The business of laundry involving cleaning and washing of clothes including dry cleaning would be squarely covered by the expression "manufacturing process" (Para 33) [Context: High Court quashed the JMFC's order, holding that dry cleaning does not fall within the definition of "manufacturing process" under Section 2(k) of the Act, as it does not result in a "new marketable commodity" or a transformation of the article into a commercially distinct product- In appeal, Supreme Court set aside the High Court's decision and held:" "Manufacturing process" has been defined to mean any process for washing or cleaning with a view to its use, sale, transport, delivery or disposal. The linen deposited with the launderer is, after washing and cleaning, delivered to the customer for use. The ingredients of the section are fully satisfied.]

Interpretation of Statutes -Where the words of statute are clear, the plain meaning has to be given effect (Para 33) - Where a statute under consideration itself defines for the purposes of the said Act a certain phrase, a court of law is bound to apply the term as defined except in exceptional cases where the opening part of a definition, 'anything repugnant in the subject or context' applies. (Para 41) Social welfare legislation intended to benefit the large community of workers ought to be interpreted in a manner to give efficacy to legislative intent. (Para 30)

Factories Act 1948 - A welfare statute aimed at ameliorating the conditions of the workmen employed in factories. It is a beneficial legislation intended to protect workers from occupational hazards by seeking to impose upon owners and occupiers certain obligations for protecting the workers and securing their employment in conditions conducive to their health and safety. (Para 29)

Shabeen Ahmad vs State Of Uttar Pradesh 2025 INSC 307 - Dowry Death - Bail

Indian Penal Code 1860 - Section 304B - Bail - In dowry-death cases, courts must be mindful of the broader societal impact, given that the offence strikes at the very root of social justice and equality. Allowing alleged prime perpetrators of such heinous acts to remain on bail, where the evidence indicates they actively inflicted physical, as well as mental, torment, could undermine not only the fairness of the trial but also public confidence in the criminal justice system. (Para 12) when a young bride dies under suspicious circumstances within barely two years of marriage, the judiciary must reflect heightened vigilance and seriousness. A superficial application of bail parameters not only undermines the gravity of the offence itself but also risks weakening public faith in the judiciary's resolve to combat the menace of dowry deaths. It is this very perception of justice, both within and outside the courtroom, that courts must safeguard, lest we risk normalizing a crime that continues to claim numerous innocent lives. (Para 15) [Context: Supreme Court allowed appeals against bail granted to accused by High Court]

Rajnish Singh @ Soni vs State Of U.P. 2025 INSC 308 - Rape On Promise To Marry

Indian Penal Code 1860 - Section 375- The accused is not liable for the offence of rape if the victim has wilfully agreed to maintain sexual relations (Para 35)- In a situation where the woman knowingly maintains the physical relationship for a prolonged period, it cannot be said with certainty that the said physical relationship was purely because of alleged promise made by the accused to marry her.- [Context: Supreme Court quashed a rape case against accused while observing thus: The long gap of 16 years between the first alleged act of sexual intercourse, continued relations for one and a half decade till the filing of the FIR convinces us that it is a clear case of a love affair/live in relationship gone sour.]

C. Kamalakkannan vs State Of Tamil Nadu 2025 INSC 309

Summary: The appellant, C. Kamalakkannan, challenged his conviction under Sections 120B (criminal conspiracy), 468 (forgery for cheating), and 471 (using a forged document as genuine) of the Indian Penal Code (IPC). The case stemmed from a forged marksheets submitted by Kumari Amudha for MBBS admission, inflating her marks- The trial court convicted Kamalakkannan in 2016, sentencing him to time already served (22nd October to 16th November 1996) and fines, which were later reduced by the appellate court in 2017. The High Court upheld the conviction- The Supreme Court allowed the appeal citing following reasons: (1)The original postal cover, allegedly bearing Kamalakkannan's handwriting, was not exhibited in evidence, and only a photostat copy was relied upon, which was insufficient as primary evidence. (2) The handwriting expert's testimony and report (Exhibit A-31) lacked credibility because the expert did not clearly identify the examined postal cover as the one in question, and the reasoning behind the analysis was not adequately presented or corroborated.

K. Ramasamy vs R. Nallammal 2025 INSC 310 Delay Condonation - Setting Aside Ex Parte Decree

Code of Civil Procedure 1908 - Order IX Rule 13- High Court order condoned a 1312-day delay and set aside an ex-parte decree - Allowing appeal, SC observed: There is falsity writ large, in the submission of the lawyer having misplaced the files. The application to set aside the ex parte decree was only an afterthought and purely experimental. The law favours the diligent and not the indolent. (Para 11)

C Prabhakar Rao vs Sama Mahipal Reddy 2025 INSC 311 - Order IX Rule 13 CPC - Setting Aside Ex Parte Decree & Delay Condonation

Code of Civil Procedure 1908 - Order IX Rule 13- The procedure for setting aside the ex-parte decree will be distinct from the procedure for condoning the delayed

filings of the application to set aside the ex-parte decree - The adjudication and determination of a court with respect to setting aside the ex-parte decree are independent of the adjudication with respect to condoning the delay -The remedies against these orders are independent and one remedy would not subsume the other. They must be adopted and pursued independently. (Para 11)

Mukesh Prasad Singh vs The Then Rajendra Agricultural University 2025 INSC 312 - University Statutes - Retiral Scheme

Rajendra Agricultural University Statutes, 1976 - The default retiral scheme applicable to the University's employees is General Provident Fund-cum-pension-cum-gratuity, unless the employee has specifically opted for the Contributory Provident Fund scheme. (Para 9)

Anmol vs Union Of India 2025 INSC 313 - MBBS Admission -RPwD Act - 'Both Hands Intact' NMC Guidelines

National Medical Commission (NMC) Guidelines for MBBS Admission - In the guidelines "both hands intact, with intact sensations, sufficient strength and range of motion" are considered essential to be eligible for the medical course- This prescription of "both hands intact..." is completely antithetical to Article 41 of the Constitution; the principles enshrined in the United Nations Convention on the Rights of Persons with Disabilities and the salutary provisions of the RPwD Act. It also indicates a classification which is overbroad and glorifies 'ableism' - A prescription such as "both hands intact..." reeks of ableism and has no place in a statutory regulation. In fact, it has the effect of denuding the rights guaranteed under the Constitution and the RPwD Act and makes a mockery of the principle of reasonable accommodation- It propagates that persons with typical abilities and with faculties similar to what the majority may have or somehow superior-

The “both hands intact...” prescription has no sanctity in law as it does not admit of a functional assessment of the individual candidate, a matter which is so fundamental in protecting the rights of persons with disabilities. (Para 21,25, 35)
[Context: SC sets aside HC judgment that had upheld the denial of MBBS admission to appellant who is a person with disabilities]

Rights of Persons with Disabilities Act, 2016 - Reasonable Accommodation
-Section 2(y) -Flexibility in answering individual needs and requirements is an essential component of reasonable accommodation. There cannot be a “one size fits all” approach. (Para 20)

Saranga Anilkumar Aggarwal vs Bhavesh Dhirajlal Sheth 2025 INSC 314 - S 96
IBC - Moratorium - Consumer Case

Insolvency and Bankruptcy Act 2016 - Section 96 ; Consumer Protection Act - Section 27 - The penalties imposed by the NCDRC are regulatory in nature and do not constitute "debt" under the IBC- practices. The penalties under Section 27 of the CP Act are aimed at compelling compliance and cannot be equated with recovery of an outstanding debt - The moratorium under Section 96 of the IBC does not extend to regulatory penalties imposed for non-compliance with consumer protection laws. (Para 35,40)

Insolvency and Bankruptcy Act 2016 - Section 14,96 - Distinction between the moratorium applicable to a corporate debtor under Section 14 of the IBC and the interim moratorium applicable to individuals and personal guarantors under Section 96 of the IBC-The former is much broader in scope and stays all proceedings against the corporate debtor, including execution and enforcement actions. However, Section 96 of the IBC is more limited in its scope, staying only "legal actions or proceedings in respect of any debt." Unlike corporate insolvency

proceedings, where the goal is a comprehensive resolution of the company's liabilities, individual insolvency proceedings are designed primarily for restructuring personal debts and providing relief to the debtor. The legislative intent behind limiting the scope of the interim moratorium under Section 96 of the IBC must be respected, and a blanket stay on all regulatory penalties would result in defeating the objectives of consumer protection laws. (Para 30)

Insolvency and Bankruptcy Act 2016 - Section 14,96 - While civil proceedings are generally stayed under IBC provisions, criminal proceedings, including penalty enforcement, do not automatically fall within its ambit unless explicitly stated by law. The penalties imposed by the NCDRC are regulatory in nature and arise due to non-compliance with consumer protection laws. They are distinct from "debt recovery proceedings" under the IBC. (para 27)

K. S. Mehta vs Morgan Securities And Credits Pvt. Ltd. 2025 INSC 315 - Ss. 138,141 NI Act - Non-Executive Directors

Negotiable Instruments Act 1882 - Section 138,141 - Non-executive and independent director(s) cannot be held liable under Section 138 read with Section 141 of the NI Act unless specific allegations demonstrate their direct involvement in affairs of the company at the relevant time - Mere designation as a director is not sufficient; specific role and responsibility must be established in the complaint - Only those who are responsible for the day-to-day conduct of business can be held accountable- The mere fact that they attended board meetings does not suffice to impose financial liability on them, as such attendance does not automatically translate into control over financial operations. (Para 15-18)

M.S. Nagabhushan vs D.S. Nagaraja 2025 INSC 316 - S 138 NI Act - Liability

Note: No legal aspect discussed in the judgment - SC held that the complainant failed to lead evidence to conclusively establish that the entire amount under the

post-dated cheques was a legally enforceable debt against the appellant- accused and therefore allowed appeal against HC judgment.

Sanjay vs State Of Uttar Pradesh 2025 INSC 317 -Last Seen Theory -Circumstantial Evidence - Extra-judicial Confession

Criminal Trial - Last Seen Theory - Conviction cannot be solely based on last-seen theory. (Para 32) - **Circumstantial Evidence** - In a case based on circumstantial evidence, the prosecution must convince the Court that circumstances point towards the guilt of the accused alone and none else, as also lack of his innocence. (Para 15) It is improbable that a person who killed 'X' would have been there all along, as a search party looking for her. (Para 19) When the recovery of the body of the deceased is from a field which is accessible and open to the public, it further warrants need for an independent witness. (Para 29)- **Extra-judicial confession** - The principles of the evidentiary value of an extra-judicial confession - Referred to Kalinga v. State of Karnataka: The standard required for proving an extra-judicial confession to the satisfaction of the Court is on the higher side and these essential ingredients must be established beyond any reasonable doubt. The standard becomes even higher when the entire case of the prosecution necessarily rests on the extra- judicial confession. (Para 24)

Suresh Vs State 2025 INSC 318 - S.32 Evidence Act - Dying Declaration

Indian Evidence Act 1872 - Section 32 - Dying Declaration -In cases where the dying declaration is suspicious, it is not safe to convict an accused in the absence of corroborative evidence- That a dying declaration is an important piece of evidence and a conviction can be made by relying solely on a dying declaration alone as it holds immense importance in criminal law. However, such reliance should be placed after ascertaining the quality of the dying declaration and considering the entire facts of a given case - If a dying declaration is surrounded

by doubt or there are inconsistent dying declarations by the deceased, then Courts must look for corroborative evidence to find out which dying declaration is to be believed. This will depend upon the facts of the case and Courts are required to act cautiously in such cases. (Para 12-14)

Sports Authority Of India vs Dr. Kulbir Singh Rana 2025 INSC 319 - Compromise Orders

Practice and Procedure - Once the order has been passed on a kind of a compromise or concession given by a party, that party cannot turn back and challenge the order before a higher court, unless it is a case of fraud or deception. (Para 10)

Devinder Kumar Bansal vs State Of Punjab 2025 INSC 320 - Anticipatory Bail- Corruption Cases

Code of Criminal Procedure 1973 - Section 438 - BNSS - Section 482 - Anticipatory Bail- The presumption of innocence, by itself, cannot be the sole consideration for grant of anticipatory bail. The presumption of innocence is one of the considerations, which the court should keep in mind while considering the plea for anticipatory bail. The salutary rule is to balance the cause of the accused and the cause of public justice. Over solicitous homage to the accused's liberty can, sometimes, defeat the cause of public justice - Anticipatory bail can be granted only in exceptional circumstances where the Court is *prima facie* of the view that the applicant has been falsely enrobed in the crime or the allegations are politically motivated or are frivolous. (Para 21) **Corruption Cases** - If liberty is to be denied to an accused to ensure corruption free society, then the courts should not hesitate in denying such liberty. Where overwhelming considerations in the nature aforesaid require denial of anticipatory bail, it has to be denied. It is altogether a different thing to say that once the investigation is over and

charge-sheet is filed, the court may consider to grant regular bail to a public servant - accused of indulging in corruption.

Prevention of Corruption Act 1988-Section 7,13- Mere demand or solicitation, therefore, by a public servant amounts to commission of an offence under Section 7 of the P.C. Act. The word "attempt" is to imply no more than a mere solicitation, which, again may be made as effectually in implicit or in explicit terms - Actual exchange of a bribe is not an essential requirement to be prosecuted under this law. Further, those public servants, who do not take a bribe directly, but, through middlemen or touts, and those who take valuable things from a person with whom they have or are likely to have official dealings, are also punishable as per Sections 10 and 11 of the Act 1988 respectively. - Section 7 is with regard to a public servant taking gratification other than the legal remuneration in respect of an official act. On the other hand, Section 13 of the Act, 1988 is with regard to criminal misconduct by a public servant. A public servant could be said to have committed an offence of criminal misconduct, if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than the legal remuneration as a motive or reward such as mentioned in Section 7 of the Act. (Para 10-17)

Mortuza Hussain Choudhury vs The State Of Nagaland 2025 INSC 321

Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 - Section 3(1) - Authorized officer must be 'satisfied' that the person concerned required to be detained so as to prevent him/her from engaging in illicit trafficking of narcotic drugs and psychotropic substances. Such 'satisfaction' of the detaining authority necessarily has to be spelt out after application of mind by way of separate grounds of detention made by the detaining authority itself and cannot be by inference from a casual reference to the material placed before such detaining authority or a bald recital to the effect

that the detaining authority was ‘satisfied on examination of the proposals and supporting documents’ that the detention of the individuals concerned was necessary. (Para 17)

Constitution of India - Article 22(5) - Oral communication of grounds does not amount to adequate communication, in terms of Article 22(5) of the Constitution – if the detenu is not conversant with the English language, in order to satisfy the requirements of the Constitution, the detenu must be given the grounds in a language which he/she can understand and in a script which he/she can read, if he/she is a literate person. (Para 11,14) -Preventive detention is a draconian measure whereby a person who has not been tried and convicted under a penal law can be detained and confined for a determinate period of time so as to curtail that person’s anticipated criminal activities- preventive detention deprives a person of his/her individual liberties by detaining him/her for a length of time without being tried and convicted of a criminal offence, the prescribed safeguards must be strictly observed to ensure due compliance with constitutional and statutory norms and requirements. (Para 2)

Patel Babubhai Manohardas vs State Of Gujarat 2025 INSC 322 - Abetment Of Suicide - Handwriting Expert Evidence -Poisoning

Indian Penal Code 1860 - Section 306 - Abetment to commit suicide involves a mental process of instigating a person or intentionally aiding a person in the doing of a thing. Without a positive proximate act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. Besides, in order to convict a person under Section 306 IPC, there has to be a clear mens rea to commit the offence. (Para 22)

Criminal Trial - Expert’s evidence as to handwriting is opinion evidence. It can rarely, if ever, take the place of substantive evidence. Before acting on such opinion evidence, it is necessary to see if it is corroborated either by clear direct evidence or by circumstantial evidence. – having due regard to the imperfect

nature of the science of identification of hand-writing, the approach of the court should be one of caution. Reasons for the opinion must be carefully probed and examined. In an appropriate case, corroboration may be sought. Where the reasons for the opinion are convincing and there is no reliable evidence throwing a doubt, uncorroborated testimony of a handwriting expert may be accepted. - when the trial court chose to rely on the report of the handwriting expert, it ought to have examined the handwriting expert in order to give an opportunity to the accused to cross-examine the said expert. (Para 42-44)

Tanaji Shamrao Kale vs State Of Maharashtra 2025 INSC 323

Note: No legal aspect discussed in the judgment - Supreme Court dismissed criminal appeal filed by accused convicted in murder case.

Suresh @ Hanuman vs State (Govt. of NCT Delhi) 2025 INSC 324

Note: No legal aspects discussed in the judgment - Supreme Court dismissed appeals filed by accused convicted in murder case

Lavanya C vs Vittal Gurudas Pai 2025 INSC 325 - Order XXXIX Rule 2A - Violation Of Injunction - Lawyer Client Relationship

Code of Civil Procedure 1908 - Order XXXIX Rule 1,2, 2A- Even if the injunction order was subsequently set aside, the disobedience does not get erased -The rigour of such disobedience may be toned down if the order is subsequently set aside- Referred to Samee Khan v. Bindu Khan (1998) 7 SCC 59. (Para 7.4)

Lawyer - Client Relationship -A lawyer-client relationship is fiduciary in nature and the former is cast in terms of agency of the latter- The lawyer is to respect the decision-making right of the client- Any undertaking given to a Court cannot be without requisite authority from the client. (Para 10)

Southern Power Distribution Company Of Telangana Ltd.(TSSPDCL) vs. B Ramesh 2025 INSC 326

Note: No legal aspects discussed in the judgment - SC allowed appeal against HC judgment that had directed appointment of a person as an Office Subordinate in the TSSPDCL Company.

Joyi Kitty Joseph vs Union Of India 2025 INSC 327 - COFEPOSA Detention

Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974- While quashing a detention order, SC observed: The criminal prosecution launched and the preventive detention ordered are on the very same allegations of organised smuggling activities- When bail was granted by the jurisdictional Court, that too on conditions, the detaining authority ought to have examined whether they were sufficient to curb the evil of further indulgence in identical activities; which is the very basis of the preventive detention ordered. The detention order being silent on that aspect, we interfere with the detention order only on the ground of the detaining authority having not looked into the conditions imposed by the Magistrate while granting bail for the very same offence; the allegations in which also have led to the preventive detention, assailed herein, to enter a satisfaction as to whether those conditions are sufficient or not to restrain the detenu from indulging in further like activities of smuggling. (Para 21)

Shri Sendhur Agro & Oil Industries vs Kotak Mahindra Bank Ltd. 2025 INSC 328 - S. 142 NI Act - S. 406 CrPC - Transfer Petition

Code Of Criminal Procedure 1973 - Section 406 ; Negotiable Instruments Act 1881 - Section 138, 142- Section 142 of the N.I. Act in clear terms, provides the complainant with the right to lodge a complaint, before a court, within whose

jurisdiction, the branch of the bank where the cheque is delivered for collection, is situated. Therefore, the argument that another court might also be empowered to take cognizance of the matter under Section 142, since the cause of action arose within that jurisdiction, cannot by itself be a ground for seeking transfer under Section 406 of the Cr.P.C. (Para 55)

Negotiable Instruments Act 1881 - Section 138, 142- The complainant can file a complaint before the courts within whose jurisdiction the collection branch of the bank falls (para 63) - The word 'delivered' used in Section 142(2)(a) of the N.I. Act has no significance. What is of significance is the expression 'for collection through an account'- The delivery of the cheque takes place where the cheque was issued and presentation of the cheque will be through the account of the payee or holder in due course, and the said place is decisive to determine the question of jurisdiction.(Para 62)

Code Of Criminal Procedure 1973 - Section 406 - It is only the Supreme Court that has the power to transfer a case pending in a Court subordinate to one High Court to be tried by a Court subordinate to another High Court - A case is transferred by virtue of the powers under Section 406 if there is a reasonable apprehension on the part of a party to a case that justice will not be done. There, however, must be reliable material from which it can be inferred that there are impediments that are interfering or likely to interfere, either directly or indirectly, with the cause of justice.(Para 31) - Some of the broad factors which could be kept in mind while considering an application for transfer of the trial are: (i) when it appears that the State machinery or prosecution is acting hand in glove with the accused, and there is likelihood of miscarriage of justice due to the lackadaisical attitude of the prosecution; (ii) when there is material to show that the accused may influence the prosecution witnesses or cause physical harm to the complainant; (iii) comparative inconvenience and hardships likely to be caused to the accused, the complainant/the prosecution and the witnesses,

besides the burden to be borne by the State exchequer in making payment of travelling and other expenses of the official and non-official witnesses; (iv) a communally surcharged atmosphere, indicating some proof of inability in holding a fair and impartial trial because of the accusations made and the nature of the crime committed by the accused; and (v) existence of some material from which it can be inferred that some persons are so hostile that they are interfering or are likely to interfere, either directly or indirectly, with the course of justice. (Para 49)- Mere inconvenience or hardship that the accused may have to face in travelling would not fall within the expression “expedient for the ends of justice”. (Para 65)

Code Of Criminal Procedure 1973 - Sections 461,462 - If an offender is tried by a Magistrate not empowered by law in that behalf, his proceedings shall be void under Section 461. Section 462 does not make the principle contained therein to have force notwithstanding anything contained in Section 461.(Para 38)

Cause of action- The whole bundle of material facts which it is necessary for the plaintiff to prove in order to entitle him to succeed in the suit.” To ascertain whether the bundle of facts give rise to the cause of action and to determine whether one or more of those facts had occurred within the territorial jurisdiction of the Court, the entire plaint needs to be looked into and taken into consideration. (Para 56)

Periyammal (Dead) vs V. Rajamani 2025 INSC 329 - Execution Petitions Delay- Order XXI Rule 97 -101 CPC - S. 47 CPC

Code of Civil Procedure 1908 - Execution Petitions -Long and inordinate delay at the end of the Executing Courts across the country in deciding execution petitions - The mandatory direction requiring the execution proceedings to be completed within six months from the date of filing reiterated - **Directions issued:** High Courts across the country to call for the necessary information from their respective district judiciary as regards pendency of the execution petitions.

Once the data is collected by each of the High Courts, the High Courts shall thereafter proceed to issue an administrative order or circular, directing their respective district judiciary to ensure that the execution petitions pending in various courts shall be decided and disposed of within a period of six months without fail otherwise the concerned presiding officer would be answerable to the High Court on its administrative side. Once the entire data along with the figures of pendency and disposal thereafter, is collected by all the High Courts, the same shall be forwarded to the Registry of this Court with individual reports.

Code of Civil Procedure 1908 - Section 47 with Order XXI Rule 101 - The questions relating to right, title or interest in a decadal property must be related to the execution, discharge or satisfaction of the decree. The import of such a reading of the provisions is that only matters arising subsequent to the passing of the decree can be determined by an executing court under Section 47 and Order XXI Rule 101.- The issues that ought to have been raised by the parties during the adjudication of the original suit cannot be determined by the executing court as such adjudication may undermine the decree itself- benefit of Section 47 cannot be availed to conduct a retrial causing failure of realisation of fruits of the decree. (Para 62- 63)

Code of Civil Procedure 1908 - Section 47 with Order XXI Rule 97 - Section 47 is a general provision whereas Order XXI Rules 97 and 101 deal with a specific situation. Moreover, Section 47 deals with executions of all kinds of decrees whereas Order XXI, Rules 97 and 101 deal only with execution of decree for possession -Even an application filed under Section 47 would be treated as an application under Order XXI Rule 97 and an adjudication is required to be conducted under Rule 98. Dispossession of the applicant from the property is not a condition for declining to entertain the application. (Para 52-54)

Code of Civil Procedure 1908 - Order XXI Rule 97 -101- Rules 97 to 101 deal with situation when execution is obstructed or resisted by “any person” claiming

right, title or interest in the property. The words “any person” include even a stranger to a decree resisting the decree of possession as not being bound by a decree or by claiming independent right, title or interest to the property. Rule 97 not only provides remedy to a decree holder in obtaining possession of an immovable property but also to a stranger who obstructs or resists delivery of possession of the property by claiming derivative title from the judgment debtor or independent right, title or interest in the decretal property. Whereas, Rule 99 gives right to a third party claiming right, title or interest in the property to seek restoration of the decretal property. Suffice it to say that the remedy under Rule 99 is available when a person claiming right to the decretal property is already dispossessed. (Para 49)

Jamin vs State Of Uttar Pradesh 2025 INSC 330 - S. 319 CrPC - Revisional Jurisdiction

Code of Criminal Procedure 1973 - Section 319, 397-401 -Unlike cases where an application under Section 319 is being decided in the first instance by the Trial Court, the conclusion of trial will have no bearing on the adjudication of an application under Section 319 in terms of the directions of the High Court passed in exercise of revisional jurisdiction - The legal effect of the order passed by the High Court relating back to the original order of the Trial Court is that the Trial Court would not be rendered functus officio for the purpose of considering the application under Section 319 after the conclusion of the trial Trial Court, in considering the application under Section 319 after the conclusion of the trial, merely gives effect to a revisional order directing it to consider the application afresh which it had originally rejected. (Para 115)

Code of Criminal Procedure 1973 - Section 319 - Section 319 does not contemplate that a summoned person must be given an opportunity of being heard before being added as an accused to face the trial. A right of hearing would accrue only to a person who is already discharged in the very same proceeding

prior to the commencement of the trial. This is different from holding that a person who has been summoned as per Section 319 CrPC has a right of being heard in accordance with the principles of natural justice before being added as an accused to be tried along with the other accused. However, after the rejection of an application under Section 319, a right ensues in favour of the proposed accused. Thereafter, if in exercise of revisional jurisdiction, the High Court is to pass an order which is prejudicial to the benefit which had already enured in favour of the proposed accused, then the High Court is obligated in law to provide an opportunity of hearing to the proposed accused. This is also the mandate as contained in sub-section (2) of Section 401 of the CrPC. (Para 115)

State Of Himachal Pradesh vs Rajesh Kumar @ Munnu 2025 INSC 331 - Rape Cases - Non-Allowance Of Medical Examination By Rape-Victim

Indian Penal Code 1860 - Section 376 - Non- allowance of medical examination by an alleged rape- victim raises negative inferences against them. (Para 10)

Vijay Bahadur vs Sunil Kumar - Election 2025 INSC 332 - Documents

Election - The candidates in the election wanting to keep an eye on voting during the day and inspect records of the same is something which cannot be denied to them. If the Presiding Officers' records are missing and cannot be verified, it can be found that the final conclusion is within the realm of questionability. Each and every document pertaining to an election is important and all efforts should be made to preserve the same. (Para 17)

Rabindranath Panigrahi vs Surendra Sahu 2025 INSC 333- S 100 CPC - Second Appeal

Code of Civil Procedure 1908 - Section 100 -A finding of fact could not be disturbed by the Court in the Second Appeal, as it was not open for the Court to

examine the evidence assuming First Appeal jurisdiction, unless the findings returned were perverse. (Para 10)

State Of Assam vs Arabinda Rabha 2025 INSC 334 - Public Employment

Public Employment - Empanelled/selected candidate can claim no right of appointment, if the State has cogent and germane grounds for not making the appointment. However, at the same time, it is also the law that the appointing authority cannot ignore the select panel or decline to make the appointment on its whims- the policy decision not to carry the process forward must be taken bona fide, there has to be justifiable reason if the process is abandoned mid-way, and such decision must not suffer from the vice of arbitrariness or the whims of the decision maker. This acts as a check on the employer's power deciding against not making any appointment from the select list despite availability of vacancy/vacancies on the advertised/notified public post(s).

Public Employment - The factors of "when", "which", "what", "who" and "how" that are associated with a recruitment/selection process is the prerogative of the recruiting authority and the selectors; however, at the same time, the process has to be conducted consistent with statutory provisions governing the same, if any, as well as principles of absolute fairness and complete non-arbitrariness. Though it is true that the law does not postulate a fetter on the authority of the employer-State and it is within the domain of the Government when to initiate a process of recruitment for public employment, either according to recruitment rules or even in the absence thereof, it is for the Government of the day to decide in which manner it proposes to conduct selection, what would be the various stages the candidates aspiring for appointment have to pass through in order to be placed in the select list, who would be the selectors, and how weightage is to be given to each of the testing methods, a great deal of credence is lent to a process if it is fairly and transparently conducted in accordance with rules, whatever be its source, without the slightest hint of any bias or favouritism or

nepotism. Normally, it is not for the courts to interfere unless the process smacks of mala fides. However, the right to be considered for public employment being a Fundamental Right, it would be safe and prudent to have recruitment rules to govern the process of selection so that the best possible talent is appointed in public service. Obviously, assessing the merit of the candidates aspiring for public employment on the basis of a prescribed standard would not only provide a level playing field for each of them, the excellence of any institution to which the appointment is to be made would depend directly on the proficiency of its members/staff and that would, in turn, depend on the quality and merit of those who offer themselves for selection and ultimately get selected, necessitating the selection to be conducted without any hidden taint or masked mala fides. (Para 35)

**Gyanendra Singh @ Raja Singh Vs State Of U.P. 2025 INSC 335 - Ss. 42,42A
POCSO Act**

Protection of Children from Sexual Offences Act, 2012 - Section 42,42A - The fields of operation of Section 42 and Section 42A are in completely different spheres. Section 42 specifically deals with the quantum of punishment mandating that when a particular act or omission constitutes an offence, both under the POCSO Act and also under the provisions of the IPC or the Information Technology Act, 2000 then, the offender found guilty of the offence would be liable to punishment under the POCSO Act or under the provisions of the IPC whichever provides a punishment of a greater degree - Section 42A of POSCO Act, on the other hand, deals with the procedural aspects and gives an overriding effect to the provisions of the POCSO Act over any other law for the time being in force where, the two acts are inconsistent with each other. Hence, the provisions of Section 42A of POSCO Act, by no stretch of imagination, can be interpreted so as to override the scope and ambit of enabling provision, i.e., Section 42 of POCSO Act. (Para 21-22)

Ayyavu vs Prabha 2025 INSC 336

Note: No legal aspects discussed in the judgment - SC allowed an appeal against HC judgment in a second appeal.

Delhi Development Authority vs S.G.G. Towers (P) Ltd. 2025 INSC 337

Note: No legal aspects discussed in this judgment - SC upheld HC judgment.

Yuvraj Laxmilal Kanther vs State Of Maharashtra 2025 INSC 338 - S.227 CrPC - Discharge - S. 304 Part II IPC

Code of Criminal Procedure 1973 - Section 227 - What Section 227 CrPC contemplates is that if upon consideration of the record of the case and the documents submitted therewith and after hearing the submissions of the accused and the prosecution in this behalf, the judge considers that there is no sufficient grounds for proceeding against the accused, he shall discharge the accused and record his reasons for doing so. At the stage of consideration of discharge, the court is not required to undertake a threadbare analysis of the materials gathered by the prosecution. All that is required to be seen at this stage is that there are sufficient grounds to proceed against the accused. In other words, the materials should be sufficient to enable the court to initiate a criminal trial against the accused. It may be so that at the end of the trial, the accused may still be acquitted. At the stage of discharge, court is only required to consider as to whether there are sufficient materials which can justify launch of a criminal trial against the accused. By its very nature, a discharge is at a higher pedestal than an acquittal. Acquittal is at the end of the trial process, may be for a technicality or on benefit of doubt or the prosecution could not prove the charge against the accused; but when an accused is discharged, it means that there are no materials to justify launch of a criminal trial against the accused. Once he is discharged, he is no longer an accused. (Para 16)

U.P. Power Corporation Ltd. Vs Satya Ram 2025 INSC 339

Note: No legal aspects discussed in the judgment - SC allowed appeal against HC judgment - Labour Law Matter

Madan Lal vs State Of Rajasthan 2025 INSC 340 -S.20 Prevention Of Corruption Act

Prevention of Corruption Act 1988 - Section 20- When the prosecution has failed to establish beyond all reasonable doubt, the demand of bribe and its acceptance, in a trap laid by the trap team, there is no question of a presumption under Section 20 arising in this case. (Para 16) [Context: SC acquitted accused in corruption case]

State Of Rajasthan vs Indraj Singh 2025 INSC 341 - Bail - Effect On Society

Code Of Criminal Procedure 1973 - Section 439- Bail - Lack of criminal antecedents and the period of custody are perfectly valid criteria for grant of bail, but the Court while giving due credence to them, cannot lose sight of the primary offence and its effect on society. (Para 9)

Government Jobs - In India, the reality is that there are far more takers of Government jobs than there are jobs available. Be that as it may, each job which has a clearly delineated entry process - with prescribed examination and/or interview process, has only to be filled in accordance thereof. Absolute scrupulousness in the process being followed instills and further rejuvenates the faith of the public in the fact that those who are truly deserving of the positions, are the ones who have deservedly been installed to such positions. (Para 10)

Justice V. Eswaraiah (Retd.) vs Union Of India 2025 INSC 342 - PIL - Medical Colleges Admission

Summary: PIL challenging clauses (viii) and (ix) of Rule II of the Andhra Pradesh Medical Colleges (Admission into Post Graduate Medical Courses) Rules, 1997 and the pari-materia provisions of the Telangana Medical Colleges (Admission into Post Graduate Medical Courses) Rules, 2017 closed - SC observed: The concern of the petitioner for maintaining the percentage of reservation of seats in medical specialities for the reserved category candidates could be genuine but, in our considered view, unless the specific cases of the candidates arise for consideration before the Court, such an issue cannot be decided in abstract. Furthermore, such an issue cannot be decided without hearing other candidates who may be adversely affected by any such adjudication.

V. Ravikumar vs S. Kumar 2025 INSC 343 - Power Of Attorney Cancellation

Power of Attorney - The power holder having exercised the authority conferred; to convey the properties in the name of the purchasers, the cancellation of the power of attorney will have no effect on the conveyances carried out under the valid power conferred. Nor would it confer the person who executed the power of attorney any cause of action, by virtue of a cancellation of the power conferred by a subsequent document, to challenge the valid exercise of the power when it existed. (Para 8)

Lok Mal @ Loku vs State Of Uttar Pradesh 2025 INSC 344 - S.376 IPC - Rape - Absence Of Injuries On Victim

Indian Penal Code 1860 - Section 376 -Absence of injuries on the private parts of the victim is not always fatal to the case of the prosecution - Merely because in the medical evidence, there are no major injury marks, this cannot be a reason to discard the otherwise reliable evidence of the prosecutrix. It is not necessary that in each and every case where rape is alleged there has to be an injury to the private parts of the victim and it depends on the facts and circumstances of a

particular case. (Para 11) The evidence of a prosecutrix in a case of rape is of the same value as that of an injured witness and conviction can be made on the basis of the sole testimony of the prosecutrix. (Para 13) The question of conviction of the accused for rape of the prosecutrix is independent and distinct. It has absolutely no connection with the character of the mother of the prosecutrix and seems to be a dire attempt at using it as a license to discredit the testimony of the prosecutrix. (Para 16)

Commissioner, Bangalore Development Authority vs Rathnamma 2025 INSC 345

Note: No legal aspects discussed in the order.

Vishnoo Mittal vs Shakti Trading Company 2025 INSC 346 - IBC - Moratorium - S. 138 NI Act

Negotiable Instruments Act - Section 138 - The cause of action arises only when the amount remains unpaid even after the expiry of fifteen days from the date of receipt of the demand notice-

Insolvency and Bankruptcy Code - Section 14 ; Negotiable Instruments Act - Section 138 -In this case, the accused contended that the corporate debtor is presently facing insolvency proceedings and a moratorium order was issued- HC refused to quashed complaint - Allowing appeal, SC observed: The case at hand is totally different from P.Mohan Raj as the cause of action in the present case arose after the commencement of the insolvency process- The bare reading of the above provision shows that the appellant did not have the capacity to fulfil the demand raised by the respondent by way of the notice issued under clause (c) of the proviso to Section 138 NI Act. When the notice was issued to the appellant, he was not in charge of the corporate debtor as he was suspended from his position as the director of the corporate debtor as soon as IRP was appointed on

25.07.2018. Therefore, the powers vested with the board of directors were to be exercised by the IRP in accordance with the provisions of IBC. All the bank accounts of the corporate debtor were operating under the instructions of the IRP, hence, it was not possible for the appellant to repay the amount in light of section 17 of the IBC. (Para 9- 11)- Distinguished P. Mohan Raj v. M/S Shah Brothers Ispat Pvt. Ltd. (2021) 6 SCC 258.

Auroville Foundation vs Navroz Kersasp Mody 2025 INSC 347 - Environmental Law - Sustainable Development

Environmental Law - Sustainable Development - “Sustainable Development” has been accepted as a viable concept to eradicate poverty and improve the quality of human life, while living within the carrying capacity of supporting ecosystems. “Sustainable Development” as defined by Brundtland Report means “development that meets the needs of the present without compromising the ability of the future generations to meet their own needs.” The “Sustainable Development” therefore has been held to be a balancing concept between Ecology and Development as a part of the customary international law- Though it is true that the “Precautionary Principle” and the “Polluter Pays Principle” are part of the environmental law of the country, it is equally true that while the right to clean environment is a guaranteed fundamental right under Articles 14 and 21 of the Constitution of India, the right to development through industrialisation equally claims priority under fundamental rights particularly under Articles 14,19 and 21 of the Constitution of India. There is therefore a need for “Sustainable Development” harmonising and striking a golden balance between the right to development and the right to clean environment. (Para 15-17)

National Green Tribunal Act - Section 14 - The Tribunal before exercising the jurisdiction has to satisfy itself that a substantial question pertaining to the violation of or implementation of any specific statutory environmental obligations contained in any of the enactments specified in Schedule I, is

involved. (para 7) Though strict law of evidence may not be applicable to the cases filed before the Tribunal, the Applicant has to raise the substantial question in his Application specifically alleging the violation of a particular enactment specified in Schedule I. (Para 9)

Auroville Foundation vs Natasha Storey 2025 INSC 348 - Doctrine Of Clean Hands

Legal Maxims and Doctrines - Doctrine of “Clean hands and non-suppression of material facts” is applicable with full force to every proceedings before any judicial forum. The party invoking extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India must come with clean hands and disclose all correct and material facts in his Writ Petition. If it is brought to the notice of the Court that the petition has been guilty of suppression of material and relevant facts or has not come with clean hands, such conduct must be seriously viewed by the courts as the abuse of process of law and the petition must be dismissed on that ground alone without entering into the merits of the matter- The rule, suppression of material fact by a litigant disqualifies such litigant from obtaining any relief. This rule has been evolved out of the need of the Courts to deter a litigant from abusing the process of court by deceiving it. (Para 9-10)

Auroville Foundation Act - The Governing Board is vested with all the powers and is empowered to discharge all the functions as may be exercised or discharged by the Foundation, and that the general superintendence, direction and management of the affairs of the Foundation vests in the Governing Board alone. (Para 16)

Pradeep Nirankarnath Sharma vs Directorate Of Enforcement 2025 INSC 349 - PMLA - Threshold Value

PMLA Act - Money laundering is not a static event but an ongoing activity, as long as illicit gains are possessed, projected as legitimate, or reintroduced into the economy. Thus, the argument that the offence is not continuing does not hold good. (Para 25) The determination of the amount involved in a money laundering offence is not to be viewed in isolation but in the context of the overall financial trail and associated transactions. The totality of the evidence must be assessed, which is a matter of trial. (Para 30) the determination of the threshold value must be based on the entirety of the transaction and not an isolated instance or a narrow interpretation of specific amounts at any given time. (Para 27)

Pradeep Nirankarnath Sharma vs State Of Gujarat 2025 INSC 350 - FIR - Preliminary Inquiry - Cognizable Offence

Code of Criminal Procedure 1973 - Section 154 - Clarified Lalita Kumari v. Government of Uttar Pradesh (2014) 2 SCC 1: The scope of a preliminary inquiry is limited to situations where the information received does not *prima facie* disclose a cognizable offence but requires verification. However, in cases where the information clearly discloses a cognizable offence, the police have no discretion to conduct a preliminary inquiry before registering an FIR -Lalita Kumari judgment does not create an absolute rule that a preliminary inquiry must be conducted in every case before the registration of an FIR. Rather, it reaffirms the settled principle that the police authorities are obligated to register an FIR when the information received *prima facie* discloses a cognizable offence-When the allegations against the accused pertain to the abuse of official position and corrupt practices while holding public office, Such allegations fall squarely within the category of cognizable offences, and there exists no legal requirement for a preliminary inquiry before the registration of an FIR in such cases- (para 12-13)

Judiciary - Courts cannot rewrite statutory provisions or introduce additional procedural safeguards that are not contemplated by law. (Para 15)

Siddharth Dalmia vs Union Of India 2025 INSC 351 - PIL Against Exploitation By Private Hospitals

Constitution of India - Article 21 - The provision of medical facilities to one and all is an essential component of the right to life guaranteed under Article 21 of the Constitution - PIL seeking direction to restrain private hospitals from compelling the patients to purchase medicines/ devices/ implants/ consumables from the hospital pharmacies only, where they allegedly charge exorbitant rates, as compared to the notified market prices of those items - They further seek a direction that the Union of India or the State Governments should formulate a policy to prevent this form of exploitation - Disposing PIL, SC observed -Such issues primarily involve policy decisions, for which the policy-makers are the best equipped to take a holistic view and formulate the guidelines as may be required, to safeguard the patients or their attendants from exploitation while simultaneously, ensuring that there is no discouragement and unreasonable restriction on private entities from entering the health sector. It may not be advisable for this Court to issue mandatory directions which may hamper the growth of hospitals in the private sector; but parallelly, it is necessary to sensitize the State Governments re: the problem of unreasonable charges and exploitation of patients in private hospitals- Directions issued to all the State Governments to consider this issue and take appropriate policy decisions as they may deem fit.

Disortho S.A.S. v. Meril Life Sciences Private Limited 2025 INSC 352- Arbitration Agreement - Lex Arbitri

Arbitration and Conciliation Act 1996 - Matters such as filling vacancies on arbitral tribunals and the removal of an arbitrator through the exercise of

supervisory jurisdiction, in the absence of a clear mechanism within the arbitration agreement, should be normally governed by the law applicable to the arbitration agreement itself, rather than by the procedural rules that govern the arbitration process. It is, after all, the lex arbitri that governs the arbitration and its associated processes. (Para 11) The mere choice of 'place' is not sufficient, in the absence of other relevant factors, to override the presumption in favor of the lex contractus. (Para 31)

Interpretation of Contracts- To resolve conflicts between competing or inconsistent clauses, the court should read the contract as a whole, striving to give effect to all its provisions. One clause may influence the content of another, and a clause should not be rejected unless it is clearly inconsistent or repugnant to the rest of the agreement- Only when such a reconciliation is not possible will the court consider one clause to prevail over an incorporated standard clause should not be dismissed as redundant unless it is manifestly inconsistent with or repugnant to the rest of the agreement. (Para 26)

Zaid Sheikh Vs State Of Madhya Pradesh 2025 INSC 353 - Actus Curiae Neminem Gravabit

Legal Maxim - Actus curiae neminem gravabit- An act of the Court should, ordinarily, not prejudice anyone. This is a fundamental principle of justice. (Para 8)

Education - Fulfilling the basic eligibility for admission to a course is a sine qua non, which ought not to be overlooked or ignored. (Para 7)

Sajithabai vs Kerala Water Authority 2025 INSC 354 - Service Law - Interpretation Of Statutes

Kerala Public Health Engineering Service Special Rules, 1960 - Rule 4(b) - Special Rules, 1960 deal with a separate service, its Rule 4(b) has no applicability to a stage prior to an officer becoming an Assistant Engineer i.e. to the

draftsman/overseer who are holding both degree and diploma qualification and who exercise the option of sitting in 6% (six per cent) competitive exam for promotion to the post of Assistant Engineer. To put it differently, the said Rule 4(b) has no relevance as to how the person was appointed to the feeder post (i.e. the post of Assistant Engineer) in the service governed by the Special Rules, 1960. (Para 24) – once a person joins as an Assistant Engineer, i.e. the feeder post under a separate service governed by Special Rules, 1960, then that person irrespective of how he/she has been appointed to that post, has the option to migrate to either the degree or diploma quota, provided he/she has obtained a degree or a diploma. (Para 25) –

Interpretation of Statutes & Contracts– More absurd a suggested conclusion of construction is, the more the court will lean against that conclusion. That is ordinarily so whether one is construing a contract or a statute. (Para 28)

Gangubai Raghunath Ayare vs Gangaram Sakharam Dhuri (D) 2025 INSC 355 – Order I Rule 9 – Necessary Party

Code of Civil Procedure 1908 – Order I Rule 9 – Care must be taken to ensure that the necessary party is before the court, be it a plaintiff or a defendant, otherwise, the suit or the proceedings will have to fail – Quoted form of Chief Conservator of Forests, Government of Andhra Pradesh v Collector, (2003) 3 SCC 472. (Para 24)

Madivalappa Vs Maharashtra State Road Transport Corporation 2025 INSC 356 – Motor Accident Compensation

Motor Accident Compensation – The multiplier ‘18’ should be applied since age is assessed as 24 years by the MACT. (Para 10)

Shivaleela Vs Divisional Manager, United India Insurance 2025 INSC 357 – Motor Accident Compensation

Motor Vehicles Act 1988- A beneficial and welfare legislation that seeks to provide compensation as per the contemporaneous position of an individual which is essentially forward-looking. Unlike tortious liability, which is chiefly concerned with making up for the past and reinstating a claimant to his original position, the compensation under the Act is concerned with providing stability and continuity in peoples' lives in the future. (Para 13)

Kiran Raju Penumacha vs Tejuswini Chowdhury 2025 INSC 358 - Child Custody
Child Custody - the welfare of the child is paramount in matters relating to custody. (Para 15)

Sita Ram vs State Of Himachal Pradesh 2025 INSC 359 - Dying Declaration - Apprehension Of Death

Indian Evidence Act - Section 32- Admissibility of a dying declaration not dependent upon the person's having a consciousness of the approach of death. Even if the person did not apprehend that he would die, a statement made by him about the circumstances of his death would be admissible under Section 32 of the Evidence Act- Referred to State of Haryana v. Mange Ram (2003) 1 SCC 637. (Para 52)

State Of Rajasthan vs Chatra 2025 INSC 360 - Rape Cases - Silence Of Prosecutrix

Indian Penal Code 1860 - Section 375 - If the prosecutrix is unable to testify, or for some justifiable reason remains unexamined, the possibility of conviction is automatically excluded - The testimony of the prosecutrix is present and forms an essential part of the conviction of an accused, but at the same time, there is no hard and fast rule that in the absence of such a statement a conviction cannot stand, particularly when other evidence, medical and circumstantial, is available pointing to such a conclusion - Further, the silence of a child cannot be equated

with the silence of a fully realised adult prosecutrix, which again would have to be weighed in its own circumstances. (Para 17)

Cross Examination - The purpose of cross-examination is to discredit the witness/elicit facts from such person, which may favour the other party, etc. (Para 19)

Rape cases - Child witness - a. No hard and fast rule can be laid down qua testing the competency of a child witness to testify at trial. b. Whether or not a given child witness will testify is a matter of the Trial Judge being satisfied as to the ability and competence of said witness. To determine the same the Judge is to look to the manner of the witness, intelligence, or lack thereof, as may be apparent; an understanding of the distinction between truth and falsehood etc. c. The non-administration of oath to a child witness will not render their testimony doubtful or unusable. d. The trial Judge must be alive to the possibility of the child witness being swayed, influenced and tutored, for in their innocence, such matters are of ease for those who may wish to influence the outcome of the trial, in one direction or another. e. Seeking corroboration, therefore, of the testimony of a child witness, is well-placed practical wisdom. f. There is no bar to cross-examination of a child witness. If said witness has withstood the cross-examination, the prosecution would be entirely within their rights to seek conviction even solely relying thereon. (Para 14)

Code of Criminal Procedure - Section 374- As the First Appellate Court, the High Court is expected to independently assess the evidence before it before confirming or disturbing the findings of the Court below. (Para 6)

Parminder Singh vs Honey Goyal 2025 INSC 361 - Motor Accident Compensation

Motor Accident Compensation - Concern expressed regarding mode of payment of compensation in motor accident cases - The process can be streamlined by directly transferring the amount in the bank accounts of the claimants, so that

the Insurance Companies and the claimants are saved from hassles of the court processes- For that purpose, the Tribunals at the initial stage of pleadings or at the stage of leading evidence may require the claimant(s) to furnish their bank account particulars to the Tribunal along with the requisite proof, so that at the stage of passing of the award the Tribunal may direct that the amount of compensation be transferred in the account of the claimant and if there are more than one then in their respective accounts. If there is no bank account, then they should be required to open the bank account either individually or jointly with family members only. It should also be mandated that, in case there is any change in the bank account particulars of the claimant(s) during the pendency of the claim petition they should update the same before the Tribunal. This should be ensured before passing of the final award. It may be ensured that the bank account should be in the name of the claimant(s) and if minor, through guardian(s) and in no case it should be a joint account with any person, who is not a family member. The transfer of the amount in the bank account, particulars of which have been furnished by the claimant(s), as mentioned in the award, shall be treated as satisfaction of the award. Intimation of compliance should be furnished to the Tribunal.

Shri Khereshwar Mahadev Va Dauji Maharaj Samiti, Aligarh vs State Of Uttar Pradesh - 2025 INSC 362

Legal Maxims and Doctrines - When a law requires a particular thing to be done in a particular manner, it has to be done in that manner alone or not at all. (Para 15)

Garden Reach Shipbuilders And Engineers Limited vs GRSE Limited Workmens Union 2025 INSC 363 - Roster Power- Chief Justice of High Court

Practice and Procedure - Judiciary - Chief Justice of the High Court, being the primus inter pares, has been vested with the power and authority to set the

roster, and such roster is final and binding on all the ‘Companion Justices’ of the said court- Any order which a bench - comprising of two judges or a single judge - may choose to make in a case that is not placed before them/him by the Chief Justice of the High Court or in accordance with His Lordship’s directions, such an order is without jurisdiction -An adjudication, beyond allocation, is void and such adjudication has to be considered a nullity. (Para 9)

Supreme Court Bar Association vs State Of Uttar Pradesh 2025 INSC 364 - AOR Practice - Guidelines

Practice and Procedure – (i) Where the Vakalatnama is executed in the presence of the Advocate-on-Record, he shall certify that it was executed in his presence. (ii) Where the Advocate-on-Record merely accepts the Vakalatnama which is already duly executed in the presence of a Notary or an Advocate, he shall make an endorsement thereon that he has satisfied himself about the due execution of the Vakalatnama. (iii) The Advocate on record shall furnish the details as required by the Appearance Slip prescribed in Form No. 30 through the link provided on the website as mentioned in the Notice dated 30.12.2022 issued by the Supreme Court; (iv) The respective Court Masters shall ensure to record appearances in the Record of Proceedings only of Senior Advocate/AOR/Advocate who are physically present and arguing in the Court at the time of hearing of the matter, and one Advocate/AOR each for assistance in Court to such arguing Senior Advocate/AOR/Advocate, as the case may be, as required in the Note mentioned at the foot of the said Form No. 30; and (v) If there is any change in the authorisation of the AOR or of the Senior Advocate or Arguing Advocate by the concerned party, after the submission of the Appearance Slip prescribed in Form No. 30, it shall be duty of the concerned AOR to submit an Appearance Slip afresh to the concerned Court Master informing him about such change, and the concerned Court Master shall record appearances of such Advocates accordingly

in the Record of Proceedings. (vi) A Senior Advocate shall not appear without an AOR in the Supreme Court. (Para 24)

Vishwanath vs State Of Uttarakhand 2025 INSC 365

Note: No legal aspects discussed in this judgment.

Sunita vs Vinod Singh 2025 INSC 366 – Motor Accident Compensation – Age From Post Mortem Report

Motor Accident Compensation – In the absence of material indicating to the contrary, there is no inhibition to accept the age of the deceased as per the Post-Mortem Report. (Para 11)

Motor Vehicles Act, 1988 – A beneficial and welfare legislation and it is a duty to award ‘just compensation’. (Para 14)

Delhi Agricultural Marketing Board vs Bhagwan Devi (D) 2025 INSC 367 – S. 34 Arbitration Act – Land Acquisition – Private Agreement

Arbitration and Conciliation Act 1996 – Section 34 – Award would be in conflict with the public policy of India if it is in contravention of the fundamental policy of Indian law or it is in conflict with the most basic notions of morality or justice– When the State uses its sovereign power of eminent domain and acquires land for a public purpose, such an exercise cannot be set at naught by the beneficiary of such acquisition, by entering into a private agreement shortly after the acquisition so as to reverse the usage of the power of eminent domain by the State– Such agreement is clearly in contravention of the fundamental policy of Indian law. (Para 15-16)

Raju Naidu vs Chenmouga Sundra 2025 INSC 368 - Execution -Limited Rights Of Transferee Pendent Lite

Code of Civil Procedure, 1908 - Order XXI - Transfer of Property Act - Section 53A -Limited rights of the transferee pendent lite on the principle of lis pendens - Such limited rights cannot be stretched to obstruct and resist the full claim of the decree holders to execute the decree in their favour.

Doctrine of Merger - Quoted from Chandi Prasad vs Jagdish Prasad 2004(8) SCC 724: When an Appellate Court passes a decree, the decree of the trial court merges with the decree of the Appellate Court and even if and subject to any modification that may be made in the appellate decree, the decree of the Appellate Court supersedes the decree of the trial court. In other words, merger of a decree takes place irrespective of the fact as to whether the Appellate Court affirms, modifies or reverses the decree passed by the trial court. (Para 10)

Naganna (D) Vs Siddaramegowda (D) 2025 INSC 369 - Declaration Of Title Suit

Civil Suit - One who comes before the court with a declaration that, he is the absolute owner of the schedule property, he must plead the correct property number, extent and also boundaries before the court with cogent and acceptable evidence- SC upheld HC judgment which held that the documents relied upon by the plaintiff to showcase that he was in possession of the property i.e. the revenue record extracts fall short to establish the case of the plaintiff. (Para 11-12)

State Of Uttar Pradesh vs Dinesh Kumar Sharma 2025 INSC 370 - Pension - Service Related Claims

Service Law - Pension is not a charity, or a bounty, and an employee is entitled to receive his pension. As a matter of principle, belated service-related claims need to be rejected on the ground of delay and laches. However, where the claim relates to a continuing wrong, which does not affect the rights of third parties, equities

can be balanced by restricting the arrears for the entitlement which a claimant is held to be eligible for- Normally, the period of three years prior to the date of filing of the Writ Petition in the High Court for restricting the consequential relief has been resorted to regarding disbursal of arrears, which is justified. In the present case also, therefore, the benefit of arrears of pension can be restricted to three years prior to the date of filing of the Writ Petition. (Para 19)

Citicorp Finance (India) Limited vs Snehasis Nanda 2025 INSC 371 - Consumer Protection Act

Consumer Protection Act 1986 - When there is no privity of contract between the concerned parties therein, no 'deficiency' would arise and the action (complaint) would not be maintainable before the concerned Consumer Forum. (Para 17)

Consumer Protection Act 1986 - Section 24A - While the NCDRC is competent to condone any period of delay in filing a complaint beyond two years from the date when the cause of action arises, the discretion is circumscribed by twin conditions: (i) that the complainant satisfy the NCDRC that he had sufficient cause for not filing his complaint within such period, and; (ii) that the NCDRC record the reasons for condoning such delay. (Para 22)

Arbitration and Conciliation Act 1996 - Consumer Protection Act - Even in a consumer dispute under the Act, or for that matter, the Consumer Protection Act, 2019, arbitration, if provided for under the relevant agreement/document, can be opted for/resorted to, however, at the exclusive choice of the 'consumer' alone - Referred to Emaar MGF Land Ltd. v Aftab Singh, (2019) 12 SCC 751 and M Hemalatha Devi v B Udayasri, (2024) 4 SCC 255. (Para 24-25)

Chandra Shekhar Singh vs State Of Jharkhand 2025 INSC 372- Food Safety and Standard Rules

Food Safety and Standard Rules, 2011- If a candidate, having undertaken a degree course in “Chemistry” subject, desires to apply for the post of FSO, he must possess a master’s degree in that subject. However, if a candidate has taken college education in the subjects of food technology; dairy technology; biotechnology; oil technology; agricultural science; veterinary science; biochemistry or microbiology, then such a candidate would be qualified for the FSO post, if he holds any one of the degrees, i.e., either graduation, post-graduation or doctorate degree in any of these subjects. There is no logic or rationale behind excluding the candidates having master’s or a doctorate degree in these subjects from staking a claim to the post of FSO because such an interpretation would be totally unjust, arbitrary and unconstitutional. (para 32)

Bank Of India vs Muthyala Saibaba Suryanarayana Murthy 2025 INSC 373 - Writ Jurisdiction - Mandamus - Sympathy Considerations

Constitution of India - Article 226 - In exercise of writ powers under Article 226 of the Constitution, the high courts of the country do not come to the aid of the tardy, the indolent, and the lethargic. This golden truth has to borne in mind by all courts exercising high prerogative writ jurisdiction. While mandamus will issue to reach injustice, wherever found, it is equally true that exercise of discretion should not unnecessarily be coloured by considerations of sympathy or grace or compassion or charity. These are beyond the scope of the high courts’ writ powers. In cases such as these, where acceptable justification for the failure to act with expedition is not proffered, the high courts should stay at a distance. (Para 18) - Quoted from Mani Subrat Jain v. State of Haryana (1977) 1 SCC 486 : no one can ask for a mandamus without a legal right. There must be a judicially

enforceable right as well as a legally protected right before one suffering a legal grievance can ask for a mandamus. A person can be said to be aggrieved only when a person is denied a legal right by someone who has a legal duty to do something or to abstain from doing something. (Para 16)

Indian Council Of Social Science Research (ICSSR) vs Neetu Gaur 2025 INSC 374 - Art. 12 Constitution - Deep & Pervasive Control

Constitution of India - Article 12- A ‘deep and pervasive’ control would require much more than just financing an institution or a body. Even guiding, controlling or regulating affairs of an institution will not be called a ‘deep and pervasive’ control. The ‘deep and pervasive’ control requires administrative, financial and functional control of such a body to a much higher degree including interference into its day to day working, and mere regulatory control cannot mean ‘deep and pervasive’ control. (Para 17)

Constitution of India - Article 12- ICSSR is indeed an “authority”, within the purview of Article 12 of the Constitution of India. It also controls CRRID to an extent inasmuch as CRRID depends on the funds released by ICSSR as grants. But this itself cannot be called a ‘deep and pervasive’ control- Merely because CRRID is under the control of an authority (as defined under Article 12) will not make CRRID an authority. (Para 17-18)

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

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

State (CBI) vs Mohd. Salim Zargar @ Fayaz 2025 INSC 376 - S.15 TADA - Free Atmosphere

Terrorist and Disruptive Activities (Prevention) Act, 1987 - Section 15

-Confession should be recorded in a free atmosphere. Recording of confessional statements in a heavily guarded BSF camp or in a JIC where the atmosphere for an accused would generally be daunting and overbearing cannot be said to be in a free atmosphere. (Para 26) Referred to Kartar Singh Vs. State of Punjab (1994) 3 SCC 569- The Legislature had reposed great faith in the fairness and uprightness of the higher police officials in the rank of SP and above while conferring the drastic power of recording confessional statements of the accused persons upon them making the same admissible in evidence subject to fulfillment of the procedural safeguards. But we are afraid, in so far the present case is concerned, the procedural safeguards were given a complete go-bye. The Special Court has stopped short of observing that it was a case of abuse of power and authority. It is indeed a sad reflection as to how investigation and trial unfolded in this case where truth and justice, both for the victims and the accused, remained elusive. It is not for nothing that such draconian provisions have since been repealed. (Para 27)

State Of Madhya Pradesh vs Shyamlal 2025 INSC 377 - Priority - Huge Criminal Appeal Pendency

Practice and Procedure -Huge pendency of criminal appeals against conviction and acquittal - Considering the pendency of very old criminal appeals, priority is usually given to the hearing of the appeals where the accused are in prison. The appeals against conviction where the accused are on bail take a backseat. However, a right balance has to be struck by taking up for hearing even some of the old criminal appeals against conviction where accused are on bail. The old

age of the accused and the long lapse of time from the commission of the offence can always be a ground available to give some priority to the appeals against conviction of the accused on bail. If the appeals against conviction where the accused are on bail and especially where a life sentence has been imposed are heard after a decade or more from its filing, if the appeal is dismissed, the question arises of sending the accused back to jail after a long period of more than a decade. Therefore, it is desirable that certain categories of appeals against conviction where the accused are on bail should be given priority. (Para 15)

Sudam Prabhakar Achat vs State Of Maharashtra 2025 INSC 378 - Related Witness Evidence

Criminal Trial - Related Witness - Merely because the witnesses are relatives of the deceased and as such are interested witnesses, that alone cannot be a ground to discard their testimony. The only requirement is that the testimony of such witnesses has to be scrutinized with greater caution and circumspection. (Para 9)

Yogesh Kumar vs State Of Uttar Pradesh 2025 INSC 379 - Art. 226 Constitution - Technicalities

Constitution of India - Article 226 - while exercising the jurisdiction under Article 226 of the Constitution of India, the Court is not expected to be hyper-technical. (Para 11) -Even in case of disputed questions of fact, the High Court would be justified in entertaining a petition under Article 226 - Even in cases where there are disputed questions of fact, where such disputes can be decided on the basis of an affidavit evidence and no elaborate evidence is required to be led, the High Court would be justified in granting a relief under Article 226. (Para 12)

Litigants - State as well as the High Courts are expected to be model litigants. The High Court is not expected to take a hyper-technical view, when dealing with

the case of payment of salary of the employees of the District Judiciary, who have actually put in eight years of service. (Para 13)

Dhirubhai Bhailalbhai Chauhan vs State Of Gujarat 2025 INSC 381 - S 149 IPC - Unlawful Assembly

Indian Penal Code 1860 - Section 149 - Where the evidence on record establishes the fact that a large number of persons were present, it may be safe to convict only those persons against whom overt act is alleged - **Plurality test** -The conviction could be sustained only if it is supported by a certain number of witnesses who give a consistent account of the incident - - Where a crowd of assailants, who are members of an unlawful assembly, proceeds to commit murder in pursuance of the common object of that assembly, any person who is a member of that unlawful assembly is equally liable even though no specific overt act of assault is attributed to him. Otherwise also, where the assailants are large in number it may not be possible for witnesses to describe accurately the part played by each one of them. Besides, if a large crowd of persons armed with weapons assault the intended victims, it may not be necessary that all of them must take part in the actual assault. Therefore, in a situation like this, what is important for the Court is to determine whether the accused put on trial was a part of the unlawful assembly or just a bystander. Such determination is inferential, based on the proven facts of the case-Accused vicariously liable inter alia, (a) where he had proceeded to the scene of crime along with other members of the assembly carrying arms or instruments which could serve the object of the assembly; and (b) where he had participated in any manner in the events which serve the common object of the assembly. (Para 14)

Inder Singh vs State Of Madhya Pradesh 2025 INSC 382 - Condonation Of Delay

Limitation Act - Section 5 - All parties, whether or not State under Article 12 of the Constitution, are required to act with due diligence and promptitude- delay cannot be condoned without sufficient cause, but a major aspect which has to be kept in mind is that, if in a particular case, the merits have to be examined, it should not be scuttled merely on the basis of limitation. (Para 13-14)

Yerikala Sunkalamma Vs State Of Andhra Pradesh 2025 INSC 383 - S.80 CPC Notice - Art.300A Constitution - Declaratory Title Suits Against Government

Code of Civil Procedure 1908- Section 80 -The primary objective behind Section 80 of the CPC is to provide the Government or a public officer with an opportunity to assess the legal merits of a claim and potentially settle it if it appears to be just and reasonable (Para 97)- A statutory notice holds significance beyond mere formality. Its purpose is to provide the Government or a public officer with an opportunity to reconsider the matter in light of established legal principles and make a decision in accordance with the law - A notice issued under Section 80 must include: i. The name, description, and place of residence of the person providing the notice. ii. A statement outlining the cause of action. iii. The relief sought by the plaintiff. - When determining whether the essential requirements of the Section have been met, the court should consider the following questions: (i) Has the notice provided adequate information to allow the authorities to identify the person issuing the notice? (ii) Have the cause of action and the relief sought by the plaintiff been sufficiently detailed? (iii) Has the written notice been delivered to or left at the office of the appropriate authority as specified in the section? (iv) Has the suit been initiated after the expiration of two months following the delivery or submission of the notice, and does the plaint include a statement confirming that such notice has been provided as required? (Para 103-105)

Declaratory title suits against the Government- Principles that govern the adjudication: i. Suits for declaration of title against the government differ from

suits against private parties on two counts: a. First, there is a presumption in favour of the Government in such suits, as all lands which are unoccupied or not vested in any individual or local authority, are presumed to belong exclusively to the Government. b. Secondly, there is an additional burden of proof on the party seeking declaration of title against the Government. The plaintiff has to establish its possession over the land in question for a period of thirty years as opposed to twelve years in the case of adverse possession against a private party. ii. A decree declaring title against the Government must not be passed casually. Before granting any such decree, the trial court must ensure that the plaintiff has furnished adequate documentary evidence, either through title deeds tracing ownership for over thirty years or by establishing adverse possession for a period of thirty years. iii. The trial court must verify whether the name of the plaintiff has been recorded as the owner, holder, or occupant in the relevant revenue or municipal records for more than thirty years. iv. Finally, the trial court must carefully scrutinize the nature of the possession as may be asserted, determining whether the same is authorized or unauthorized, permissive or casual, furtive or clandestine, as well as open, continuous, and hostile, or implied by title, to ensure that public property is not inadvertently converted into private ownership by unscrupulous elements. (Para 88) Public Authorities must take statutory notice issued to them in all seriousness. The Public Authorities must not sit over such notices and force the citizens to the vagaries of litigation. They are expected to let the plaintiff know their stand within the statutory period or in any case before he embarks upon the litigation. In certain cases, courts may be obliged to draw adverse presumption against the Public Authorities for not acknowledging the notice or telling the plaintiff of its stand and in the absence of that, a stand taken during the course of trial may be considered as an afterthought. (Para 113)

**Indian Evidence Act, 1872 - Section 110 ; Bharatiya Sakshya Adhiniyam 2023-
Section 113 - Possession is prima facie proof of ownership.** A person in

possession is entitled to remain in possession until another person can disclose a better title under Section 113 of the BSA. Therefore, once the plaintiff proves that he has been in possession of the suit property, the burden of proving that the plaintiff is not the owner is on the defendant who affirms that the plaintiff is not the owner. The Section does not make a distinction between the Government and a private citizen. Section 113 is, therefore, equally applicable where a Government claims to be the owner or challenges the ownership of the plaintiff who is in possession of the property. It is not disputed that before the possession of the Subject Land was taken over, the plaintiffs were in possession of the property for more than twenty years. The onus, therefore, under section 113 of the BSA was on the State to prove that the Government had a subsisting title to the Subject Land. (Para 72)

Constitution of India - Article 300A - Under the Constitution, the Executive cannot deprive a person of his property of any kind without specific legal authority which can be established in Court of law, however laudable the motive behind such deprivation may be -In case of dispossession of property except under the authority of law, the owner may obtain restoration of possession by a proceeding for mandamus against the governmental authorities- The phrase "by authority of law" means by or under a law made by the competent Legislature

Amit Kumar vs Union Of India 2025 INSC 384 - Student Suicide - Ss. 154 & 174 CrPC

Code of Criminal Procedure 1973 - Section 154 - In the event of any unfortunate incident, such as a suicide occurring on campus, it becomes their unequivocal duty to promptly lodge an F.I.R. with the appropriate authorities. Such action is not only a legal obligation but also a moral imperative to ensure transparency, accountability, and the pursuit of justice. Simultaneously, it is incumbent upon the police authorities to act with diligence and responsibility by registering the FIR without refusal or delay. This ensures that due process of law is upheld, and a

thorough investigation can be conducted to uncover the truth and address any underlying causes. (Para 47)

Code of Criminal Procedure 1973 - Section 154 and 174 - The investigations conducted under Sections 154 and 174 of the CrPC respectively are distinct in nature and purpose- The former begins with information about the commission of a cognizable offence referred to in Section 154(1), culminating in registration of F.I.R. and ending with filing of a chargesheet/challan before the competent court under Section 173 or a final report as the case may be- In contrast, an investigation under Section 174 of the CrPC focuses on ascertaining the apparent cause of death in cases of unnatural or suspicious deaths- The investigation after registration of F.I.R. under Section 154 of the CrPC is an investigation into an offence. In contrast, the investigation under Section 174 of the CrPC is an investigation or an “inquiry” into the apparent cause of death- Sections 174 to 176 of the CrPC only contemplate inquiry into the cause of death. Although the phrase ‘investigation’ is used in Section 174 of the CrPC, yet it is only an investigation in the nature of an inquiry. Sometimes, during the inquest, the police record the presence of witnesses who are also witnesses in the case. These statements are not meant as substitutes for statements under Section 161 of the CrPC. The inquest requirement under Section 174 does use the word investigation but if one considers the entire phraseology of Section 174 of the CrPC, one comes to the conclusion that the word investigation in Section 174 is not an investigation to find out who are the offenders. It is only to enable the police to come up with the “apparent cause of death”. This phrase in Section 174 should give us the clue as to the correct understanding of the role of the police in inquest panchnama. (Para 21-28)

Code of Criminal Procedure 1973 - Section 154 - i. Registration of an F.I.R. is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in

such a situation. ii. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether a cognizable offence is disclosed or not. iii. If the inquiry discloses the commission of a cognizable offence, the F.I.R. must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further. iv. The police officer cannot avoid his duty of registering the offence if a cognizable offence is disclosed. Action must be taken against erring officers who do not register an F.I.R. if information received by them discloses a cognizable offence. v. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence. vi. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under: a. Matrimonial disputes/ family disputes b. Commercial offences c. Medical negligence cases d. Corruption cases e. Cases where there is an abnormal delay in initiating criminal prosecution, for example, over three months delay in reporting the matter without satisfactorily explaining the reasons for delay. The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry. vii. While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry. viii. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of an F.I.R. or leading to an inquiry, must be mandatorily and

meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above. (Para 46)

Student Suicides - Supreme Court constitutes National Task Force To Address The Mental Health Concerns Of Students And Prevent The Commission Of Suicides In Higher Educational Institutions - The remit of this Task Force is to prepare a comprehensive report that includes:

- i. Identification of the predominant causes which lead to commission of suicides by students: An examination of the various causes which lead to student suicides in Higher Educational Institutions, including but not limited to ragging, caste-based discrimination, gender-based discrimination, sexual harassment, academic pressure, financial burden, mental health related stigma, discrimination based on ethnicity, tribal identity, disability, sexual orientation, political views, religious belief or any other grounds.
- ii. Analysis of Existing Regulations: A thorough assessment of the effectiveness of current laws, policies, and institutional frameworks applicable to Higher Educational Institutions concerning ragging, caste-based and gender-based discrimination, sexual harassment, mental health support, support for students facing academic challenges, financial support to students in need of funds, etc. This analysis will evaluate whether these frameworks adequately address the challenges faced by students.
- iii. Recommendations for Strengthening Protections: Proposing necessary reforms to the existing legal and institutional frameworks to ensure stronger enforcement, accountability, and preventive measures. The Task Force shall also put forth recommendations to address existing gaps, create a more inclusive and supportive academic environment, and ensure equal opportunities for members of marginalized communities. (Para 69-74)

State Of Uttar Pradesh vs Dr. Ritu Garg 2025 INSC 385- CBI Investigation

CBI Investigation - SC sets aside Allahabad HC direction to CBI to register a case based on the statement of one Dr. Umakant under Section 161 CrPC and observed : There can be no such direction issued in a bail application.

Jothiragawan vs State 2025 INSC 386 - Rape On Promise To Marry - Quashing

Indian Penal Code 1860 - Section 376 - Rape case quashed - SC observed: There is no promise of marriage to coerce consent from the victim for sexual intercourse; as forthcoming from the statements made by the victim. The promise if any was after the first physical intercourse and even later the allegation was forceful intercourse without any consent.

Firoz Khan Akbarkhan vs State Of Maharashtra 2025 INSC 387 - Delay In Recording Witness Statement

Code of Criminal Procedure 1973 - Section 161,164 - Stricto sensu, delay in recording witness statements, moreso when the said delay is explained, will not aid an accused. Of course, no hard-and- fast principle in this regard ought to be or can be laid down, as delay, if any, in recording statements will have to be examined by the Court concerned in conjunction with the peculiar facts of the case before it. (Para 21)

N.P. Saseendran vs N.P. Ponnamma 2025 INSC 388 - Gift, Settlement & Will

Transfer of Property Act, 1882- Section 122 -128- Gift - Delivery of possession is only one of the methods to prove acceptance and not the sole method. The receipt of the original document by the plaintiff and registration of the same, would amount to acceptance of the gift and the transaction satisfies the requirement of Section 122. (Para 18) - For a gift of an immovable property to be valid, it has to be registered, universal cancellation of the gift is impermissible and delivery of possession is not a condition sine qua non to validate the gift. (Para 11) Once the document is categorized as a gift, in the absence of any clause

or reservation to cancel, the executant has no right to cancel the same. The reasons for cancellation or revocation of gift have to be proved in a court of law. (Para 18)

Settlement - A disposition of one's property to another directly or to vest in any such person after successive devolution of rights on other(s). Further, the circumstances and reasons that led to the execution of such a settlement deed are described as its consideration, which need not necessarily be of any monetary value. More often than not, it consists of love, care, affection, duty, moral obligation, or satisfaction, as such deed are typically executed in favour of a family member. Also, a settlor is entitled to reserve a life interest either upon himself or upon others and impose any condition. The person in whose favour, a life interest is created, is permitted to use and enjoy the income arising out of such property during his life time, but has no right of alienation as the property had already vested in the settlee. The breach of any condition in the settlement, would then render the settlement void. However, there are restrictions under the Transfer of Property Act,1882 on the conditions that can be imposed. Section 11 of the Transfer of Property Act, 1882 states that when by virtue of a transfer, absolute right and interest has been vested in a party, any condition restricting or directing that the property must be enjoyed in a particular manner would be void as it is repugnant to the original grant. Similarly, any condition restraining or limiting the transferee from enjoying the property is also void to that extent. Though under both the situations, the conditions are void, the interest vested already can be enjoyed absolutely as per the will of the transferee. (Para 11.1)

Indian Succession Act, 1925 - Section 2(h) - Will is defined under Section 2(h) as a legal declaration of the intention of the testator to be given effect after his death. (Para 11.2)

Gift and settlement -Gift is a voluntary disposition, it is essentially not an agreement and hence, the element of consideration is taken away from it.

Settlement on the other hand is always coupled with consideration as it is mostly executed in favour of a family member. The gift or settlement of an immovable property has to be registered as per Section 17 of the Registration Act. The conditions regarding acceptance, reservation of life interest and restriction on revocation are applicable to both “gift and settlement”. The vesting of the right also takes place in praesenti in both the cases. Therefore, there is an element of gift in every settlement. (Para 11.3)

Will and Gift - A will is the declaration of the intention of the testator to give away his property. Such will comes into force after the death of the testator. The most important requirement for a valid will is that it must again be a voluntary disposition in sound mind, which must be explicit from the instrument itself -Every will also has an element of gift, with the difference being the disposition deferred until the death of the testator. Insofar as the revocation is concerned, the testator is at liberty to revoke or alter the will any number of times until his demise, but it is essential that he remains of sound mind while doing so. (Para 11.4)

Gift, Settlement and Will - In case of a gift, it is a gratuitous grant by the owner to another person; in case of a settlement, the consideration is the mutual love, care, affection and satisfaction, independent and resulting out of the preceding factors; in case of a will, it is declaration of the intention of the testator in disposition of his property in a particular manner. (Para 14.1)

Secretary To Government Department Of Health & Family Welfare VS KC Devaki 2025 INSC 389 - Service Law - Transfer

Service Law - Karnataka Civil Services (General Recruitment) Rules, 1977 ; Karnataka Government Servants (Seniority) Rules, 1957 - Rule 6 -Transfers characterised as in public interest are founded, sourced, and rooted in

administrative exigencies and nothing else. Effecting or transferring employees at their behest is equally important but exercise of that power and discretion is to subserve a different cause or a value, which is distinct from transfer in public interest- If a government employee holding a particular post is transferred on public interest, he carries with him his existing status including seniority to the transferred post. However, if an officer is transferred at his own request, such a transferred employee will have to be accommodated in the transferred post, subject to the claims and status of the other employees at the transferred place, as their interests cannot be varied without there being any public interest in the transfer. Subject to specific provision of the Rules governing the services, such transferees are generally placed at the bottom, below the junior-most employee in the category in the new cadre or department. The rationale in assignment of such seniority is to avoid heartburn of existing employees in the transferred cadre.

Deepak Kumar Tala vs State Of Andhra Pradesh 2025 INSC 390 - SC-ST Act - Anticipatory Bail

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

- Sections 2(1)(r) and 2(1)(s) - When there is no allegation that such statement was made in the presence of members of the general public, Sections 2(1)(r) and 2(1)(s) of the SC/ST not attracted - Anticipatory bail granted. (Para 4-7)

Akshay Gupta vs ICICI Bank Limited 2025 INSC 391

Note: No legal aspects discussed in this judgment - SC closed appeal recording settlement.

Raju @ Nirpendra Singh vs State Of Madhya Pradesh 2025 INSC 392 - Gang Rape Conviction Upheld

Indian Penal Code 1860 - Section 376 - Once the age of the prosecutrix at the time of the incident is established to be that of minority, the question of consent per se becomes irrelevant and the act shall qualify as statutory rape nevertheless- Subjection to sexual intercourse under fear of accused persons can in no way be understood to mean as consent on part of the prosecutrix - Normal rule of delay does not apply to rape cases. [Context: SC upheld gang rape conviction and observed: Even if the argument of consent is to be considered, we cannot lose sight of the fact that the accused- appellants were men who had held the prosecutrix, who was of a tender age, captive for a prolonged period of time by threatening her life. It would be illogical to rule out the role played by constant fear that the prosecutrix was operating under as she was being subjected to rape by the accused persons over the period of two months.- Such an expression as "being accustomed to sexual intercourse" is nothing but an archaic notion of sexual purity which intends to morally shame the victim and downplay the role of consent, or the lack thereof, in an offence of rape.]

Manilal Shamalbhai Patel (D) Vs Officer On Special Duty (Land Acquisition) 2025 INSC 393 - Land Acquisition

Land Acquisition - The land acquired is never used in the form it exists. It has to be first developed and made suitable either for habitation or for industrial purposes. In this connection, obviously roads have to be carved out, some open area has to be left for green belts, water, sewerage and electricity lines have to be laid down and the plots have to be carved out into some regular sizes and shapes. In this way, the transferable/saleable area hardly remains to be 50% of the land acquired. In such a situation, the courts have repeatedly held that 30% to 50% deduction be made from the rate for the purposes of such development (Para 11)

Large areas do not attract the same price as is offered for the small plots of lands - some amount of deduction is also normally permissible on account of largeness in area. Thus, deduction of at least 10% has to be applied to determine the rate of compensation. (Para 12) The determination of the prevalent market value of the acquired land is not an algebraic formula and that cannot be determined in a precise or an accurate manner. Some amount of guess work is always permissible. Therefore, a judge has to sit in an arm chair and without much taxing his mind has to determine the market value in a prudent manner. (Para 13)

Srikrishna Kanta Singh vs Oriental Insurance Company Ltd 2025 INSC 394- Motor Accident Compensation - Contributory Negligence

Motor Accident Compensation - When a person drives a vehicle without a licence, he commits an offence, which by itself cannot lead to a finding of negligence, leading to or as regards, the accident- Referred to Sudhir Kumar Rana v. Surinder Singh (2008) 12 SCC 436 [Context: In this case, the court held: The mere fact that the driver of the scooter had only a learners licence would necessarily lead to a conclusion of contributory negligence on the part of the scooter driver.

Motor Accident Compensation - In a motor accident claim, there is no adversarial litigation and it is the preponderance of probabilities which reign supreme in adjudication of the tortious liability flowing from it (Para 11)- Finding that the driver was not cautious is one thing and finding negligence is quite another thing. (Para 12) There cannot be separate compensation awarded for permanent disability, physical discomfort and loss of amenities of life. (Para 16)

J. Ganapatha Vs N. Selvarajalou Chetty Trust 2025 INSC 395 - Moulding Of Relief

Moulding Of Relief - The concept of moulding of relief refers to the ability of a court to modify or shape a relief sought by a party in a legal proceeding based on

the circumstances of the case and the facts established after a full-fledged trial. The principle enables the court to grant appropriate remedies even if the relief requested in the pleading is not exact or could not be considered by the court or changed circumstances have rendered the relief obsolete. The court aims that justice is served while taking into account the evolving nature of a case. The above road map is pursued by a court based on the notion of flexibility in relief, equitable jurisdiction, and is tempered by judicial discretion. When moulding the relief, the court considers the issues and circumstances established during the full-fledged trial, looks at shortening the litigation, and then in its perspective, renders complete justice to the issue at hand. The converse of the above is that the moulded relief should not take the aggrieved party by surprise or cause prejudice. The relief is moulded as an exception and not as a matter of course—the court of first instance, while exercising the discretion to mould the relief, juxtaposes the consideration with the established conditions of the original relief becoming inappropriate or shortening the litigation and enabling rendering complete justice between the parties. The scrutiny on the moulding of relief by the appellate court tests the exercise of discretion by the trial court, but not in all cases, sit in the very armchair of the court which moulded the relief and re-examine every detail unless prejudice and grave injustice are pointed out against the moulding of relief. In a further appeal on the moulding of relief, the examination by the second appellate court ought to be minimal and not unsettle the settled. (Para 20-25)

Ravinder Kumar @ Raju vs State Of Punjab 2025 INSC 396 - Road Rage

Indian Penal Code 1860 - Section 299-304 -While partly allowing criminal appeal in a road rage case, SC observed: Since the assailants, including the deceased, were not armed and in the midst of a wordy altercation, the accused took out an iron rod and hit one of the assailants on the head; a vital part of the

body. Hence, culpability under Section 299 of the I.P.C. though attracted, it does not result in a finding under Section 300 since it falls under Exception 1. The one blow inflicted on the head of the deceased resulted in his death, that too after five days, which overt act was without any pre-meditation and was occasioned in an altercation where the group comprising the deceased were the aggressors and the offender- appellant herein could be said to have acted under sudden provocation, thus being deprived of the power of self-control. Necessarily, the offence has to be found to be one under Section 304 of the I.P.C. being culpable homicide not amounting to murder. However, under Part I of Section 304 of the I.P.C., since the bodily injury deliberately inflicted was likely to cause death and in such circumstance, the conviction has to be modified to be under Section 304 Part I.

State vs G. Easwaran 2025 INSC 397 - Ss. 397, 482 CrPC - Quashing - Sanction

Code of Criminal Procedure 1973 - Section 482 - Sanction - Validity of the sanction is an issue that must be examined during the course of the trial (Para 12)- the validity of the sanction can always be examined during the course of the trial and the problems due to the typographical error as alleged by the State could have been explained by producing the file at the time of trial - A mere delay in the grant of sanction for prosecuting a public authority is not a ground to quash a criminal case.(Para 14)

Code of Criminal Procedure 1973 - Section 482 - The limited scope of Section 482 Cr.P.C is of determining “*whether or not there is sufficient ground for proceeding against the accused*” based on the material, and not “*whether that would warrant a conviction*” (para 10)

Code of Criminal Procedure 1973 - Section 397, 482 - While the bar under section 397(3) of the CrPC does not curtail the remedy under Section 482, it is trite that inherent powers must be exercised sparingly. (Para 7)

Chief Officer, Nagpur Housing And Area Development Board vs Manohar Burde
2025 INSC 398 – Consumer Case

Note- No legal aspects discussed in the order.

Rekha Sharad Ushir vs Saptashrungi Mahila Nagari Sahkari Patsansta Ltd.
2025 INSC 399 – S. 138 NI Act – S. 200 CrPC – Suppression Of Material Facts

Code of Criminal Procedure 1973 – Section 200 – Negotiable Instruments Act – Section 138 -While filing a complaint under Section 200 of CrPC and recording his statement on oath in support of the complaint, if the complainant suppresses material facts and documents, he cannot be allowed to set criminal law in motion based on the complaint (Para 21)- [Context: Notice issued to accused – Accused replied to notice calling upon the complainant to provide documents relied upon in the notice and that she would reply to the demand notice after receiving the documents- SC Held: Thus, this was a case where very material documents in the form of two letters addressed by the appellant were suppressed in the complaint and the statement on oath under Section 200. (Para 13-20)]

Negotiable Instruments Act – Section 138 - Firstly, the cheque has been presented to the bank within a period of six months from the date on which it is drawn or within the period of its validity, whichever is earlier. Secondly, if a cheque is returned by the bank unpaid, the payee or the holder in due course must make a demand for payment of the amount of money covered by the cheque by issuing a notice in writing within 30 days of receipt of information from the bank regarding the return of the cheque as unpaid. The third condition is that the drawer of the cheque must fail to make payment of the amount covered by the cheque within 15 days of the receipt of the notice. (Para 12)

Code of Criminal Procedure 1973 – Section 200 - Setting criminal law in motion by suppressing material facts and documents is nothing but an abuse of the process of law- Recording the complainant's statement on oath under Section

200 of the CrPC is not an empty formality. The object of recording the complainant's statement and witnesses, if any, is to ascertain the truth. The learned Magistrate is duty-bound to put questions to the complainant to elicit the truth. The examination is necessary to enable the Court to satisfy itself whether there are sufficient grounds to proceed against the accused. (Para 10)

Litigation - A litigant who, while filing proceedings in the court, suppresses material facts or makes a false statement, cannot seek justice from the court. The facts suppressed must be material and relevant to the controversy, which may have a bearing on the decision making. Cases of those litigants who have no regard for the truth and those who indulge in suppressing material facts need to be thrown out of the court. (Para 10)

Sanjay Sadashiv Bendre vs State Of Maharashtra 2025 INSC 400 - Service Law - Retirement

Service Law - While municipal bodies hold the power to reorganize or rationalize services, such steps must be undertaken by following the prescribed statutory procedure, after due notice, and with proper safeguards for employees' rights- Abruptly altering the retirement age, merely by reference to a generic classification under recruitment rules, disregards the legitimate expectations of employees who have structured their personal and professional lives around the established service regulations. Such actions strain not only the legal framework but also notions of fairness, particularly when no express legislative or regulatory change was initiated to revise the existing retirement scheme. (Para 17)

Service Law - A provision specifically dealing with retirement, especially one in force for a considerable length of time, cannot be undermined by a general classification clause in subordinate recruitment rules, in the absence of any clear legislative direction. (Para 14)

JSW Steel Limited vs Pratishtha Thakur Haritwal 2025 INSC 401 - IBC - Resolution Plan - Contempt

Insolvency and Bankruptcy Code 2016 - Section 31 - All such claims which are not a part of the Resolution Plan, shall stand extinguished and no person will be entitled to initiate or continue any proceedings in respect to a claim, which is not part of the Resolution Plan- 2019 amendment to Section 31 of the Code is clarificatory and declaratory in nature and therefore will be effective from the date on which the Code has come into effect- All the dues including the statutory dues owed to the Central Government, or any State Government or any local authority, if not part of the resolution plan, shall stand extinguished and no proceedings in respect of such dues for the period prior to the date on which the Adjudicating Authority grants its approval under Section 31 could be continued- Referred to *Ghanshyam Mishra and Sons Private Limited v. Edelweiss Asset Reconstruction Company Limited* (Para 17) -Even if any stakeholder is not a party to the proceedings before the NCLT and if such stakeholder does not raise his claim before the Interim Resolution Professional/Resolution Professional, the Resolution Plan as approved by the NCLT would still be binding on him. (Para 36)

R. Shashirekha vs State Of Karnataka 2025 INSC 402 - S. 306 IPC - Abetment Of Suicide - S. 482 CrPC - Quashing

Indian Penal Code 1860 - Section 306 - there must be a close proximity between the positive act of instigation by the accused person and the commission of suicide by the victim. The close proximity should be such as to create a clear nexus between the act of instigation and the act of suicide - Quoted from *Prakash v. State of Maharashtra 2024 INSC 1020.* (Para 13)

Code of Criminal Procedure 1973 - Section 482 ; Indian Penal Code 1860 - Section 420 -If the High Court was of the view that even investigation papers as

collected by the investigating agency did not constitute an offence punishable under Section 420 of IPC, then the least that was expected of the High Court was to give reasons as to why the material collected by the investigating agency which has been placed before the the High Court was not sufficient to constitute an offence punishable under Section 420 of IPC. (Para 18)

Aslam Alias Imran vs State Of Madhya Pradesh 2025 INSC 403 - Concurrent Murder Conviction Set Aside - Enmity - False Implication

Criminal Trial - Enmity is a double-edged weapon. On one hand, it provides motive, on the other hand it also does not rule out the possibility of false implication. (Para 22)

Samtola Devi vs State Of Uttar Pradesh 2025 INSC 404 - Senior Citizens Act - Eviction Orders

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 - Section 23 - The provisions of the Senior Citizens Act, nowhere specifically provides for drawing proceedings for eviction of persons from any premises owned or belonging to such a senior person. It is only on account of the observations in S. Vanitha vs. Commissioner, Bengaluru Urban District (2021) 15 SCC 730 that the Tribunal under the Senior Citizens Act may also order eviction if it is necessary and expedient to ensure the protection of the senior citizens -In a given case, the Tribunal “may order” eviction but it is not necessary and mandatory to pass an order of eviction in every case - Referred to Urmila Dixit vs. Sunil Sharan Dixit (2025) 2 SCC 787. (Para 31-32)

Family - In India we believe in “Vasudhaiva Kutumbakam” i.e. the earth, as a whole, is one family. However, today we are not even able to retain the unity in the immediate family, what to say of building one family for the world. The very concept of ‘family’ is being eroded and we are on the brink of one person one family. (Para 2)

Ramesh Kumaran vs State 2025 INSC 405 - Contempt Of Court - Suicide Threat

Contempt of Court -Lawyer threatened that if Court quashes the FIR registered against the respondent, he would commit suicide- SC observed: This conduct amounts to interference with the administration of justice. It is contemptuous and unbecoming of a member of the Bar. (Para 11)

Practice and Procedure -There are cases and cases which come before the courts where we find that the litigants are not in a position to understand what is in their best interest. Even if the litigants do not understand what is in their best interest, it is the duty of the Court to deliver substantial justice. (Para 15)

Arun vs State Of Madhya Pradesh 2025 INSC 406 - Falsus In Uno, Falsus In Omnibus

Criminal Trial - As the maxim 'Falsus in uno, falsus in omnibus' (false in one thing, false in everything) is not part of Indian law and jurisprudence and is, at best, a rule of caution, the entire evidence of these witnesses need not be discarded because some of their statements are proved to be factually incorrect. However, their depositions would have to be viewed with care and caution before they are accepted and acted upon. (para 16)

State Of Haryana vs Aalamgir 2025 INSC 407 - Land Acquisition

Note: No legal aspects discussed in this order - High Court followed the earlier judgment in Pune Municipal Corporation and granted relief to the respondents-land owners/subsequent purchasers - Allowing appeal, SC observed: We find it just and proper to set aside the impugned orders and remand these matters to the High Court for reconsideration of the Writ Petitions filed by the respondents- land owners/subsequent purchasers and to dispose of those Writ Petitions on the basis of the recent judgment of this Court in Indore

Development Authority by applying the ratio and the observations of the said judgment to the facts of each case as they emanate in each of the cases.

Madhya Pradesh Road Development Corporation vs Vincent Daniel 2025 INSC 408 - Land Acquisition- RFCTLARR Act

Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 -Section 26(1) - Section 26(1) (b) - Collector to consider the average sale price for similar types of land situated in the nearest village or the nearest vicinity. This test of average sale price is similar to the exemplar test which is adopted and applied in cases of acquisition under the Land Acquisition Act, 1894, but with modifications in terms of Explanations 1 to 4. Computation under Clause (b) is in relative terms. Therefore, while drawing a comparison with the average price of the other lands under Clause (b), the Collector must consider all such factors that have been held to be relevant for accurate valuation by this Court. These include the theory of deduction, the principle of belting, and accounting for other advantages or disadvantages of the acquired land, in comparison to the lands existing in the same vicinity (Para 19)- While the statutory language makes the procedure under Clauses (a), (b) and (c) mandatory, the value as computed according to the Explanations can be increased, decreased or even discarded. (Para 22) Explanation 4 uses the word “and” in conjoining the values referred to in the two parts of the Explanation. This is done to expand the scope of application of the Collector’s discretion to the entire provision, as is also evident from the phrase “while determining the market value under this section”. The discretion should not be interpreted as restricting the discretion to only the average sale price under Explanations 1 and 2. The two parts must be given a disjunctive reading, attracting the application of Explanation 4 when either of the values does not reflect the actual market value. Thus, though the word “and” is used to connect the two parts, it should be read as “or” to effectuate the legislative intent. (Para 25)

Theory of deduction - The theory of deduction, though not statutorily prescribed, has been applied by courts to compute the compensation payable under the Acquisition Act, 1894 primarily for two reasons. First, consideration of the potential value of the land can result in arriving at an enhanced or increased value, especially for undeveloped lands. Secondly, in acquisitions of large underdeveloped lands, a significant portion of the land would have to be utilised for making minimum amenities like roads, drains, sewers, water and electrical lines available. Thus, making the land usable would involve a substantial expense for the buyer in the form of development charges. (Para 6)

Interpretation of Statutes - Explanations can form part of the main provision and, when so, can be as central as the provision itself- an explanation appended to a Section or Clause gets incorporated into it, becomes an integral part of it, and has no independent existence apart from it. There is, in the eye of law, only one enactment, of which both the Section and the Explanation are two inseparable parts. They move in a body if they move at all. (Para 22)

Circle Rates - Fixing fair and accurate circle rates has a direct impact on each citizen. An inflated rate results in an unfair financial burden on purchasers. Conversely, an undervalued rate leads to inadequate stamp duty collection, adversely affecting the State's revenue. Circle rates which reflect the market price ensure proper revenue collection for the State by preventing under-valuation of properties. (Para 35)

State Of Uttar Pradesh vs Satendra 2025 INSC 409 - Murder Case - Acquittal Reversed

Note: No legal aspects discussed in judgment - SC reversed acquittal of accused in murder case.

**Imran Pratapgadhi vs State Of Gujarat 2025 INSC 410 - Ss. 173 BNSS - S.196 BNS
- Article 19 Constitution - Freedom of Speech - Preliminary inquiry**

Bharatiya Nagarik Suraksha Sanhita 2023 - Section 173(3) ; Constitution of India - Article 19(2) - When an allegation is of the commission of an offence covered by the law referred to in clause (2) of Article 19, if sub- Section (3) of Section 173 is applicable, it is always appropriate to conduct a preliminary inquiry to ascertain whether a prima facie case is made out to proceed against the accused. This will ensure that the fundamental rights guaranteed under sub-clause (a) of clause (1) of Article 19 remain protected. Therefore, in such cases, the higher police officer referred to in sub- Section (3) of Section 173 must normally grant permission to the police officer to conduct a preliminary inquiry.

Bharatiya Nagarik Suraksha Sanhita 2023 - Section 173(3) -Sub-Section (3) of Section 173 of the BNSS makes a significant departure from Section 154 of CrPC- In the category of cases covered by sub-Section (3), a police officer is empowered to make a preliminary inquiry to ascertain whether a prima facie case is made out for proceeding in the matter even if the information received discloses commission of any cognizable offence- After holding a preliminary inquiry, if the officer comes to a conclusion that a prima facie case exists to proceed, he should immediately register an FIR and proceed to investigate. But, if he is of the view that a prima facie case is not made out to proceed, he should immediately inform the first informant/complainant so that he can avail a remedy under sub-Section (4) of Section 173. (Para 42- i-ii)

Bharatiya Nyaya Sanhita 2023 - Section 196 - Mens rea will have to be read into Section 196 (Para 34) - When an offence punishable under Section 196 of BNS is alleged, the effect of the spoken or written words will have to be considered based on standards of reasonable, strong-minded, firm and courageous individuals and not based on the standards of people with weak and oscillating minds. The effect of the spoken or written words cannot be judged on the basis of

the standards of people who always have a sense of insecurity or of those who always perceive criticism as a threat to their power or position. (Para 42-vi) In case of the offence punishable under Section 196 of the BNS to decide whether the words, either spoken or written or by sign or by visible representations or through electronic communication or otherwise, lead to the consequences provided in the Section, the police officer to whom information is furnished will have to read or hear the words written or spoken, and by taking the same as correct, decide whether an offence under Section 196 is made out. Reading of written words, or hearing spoken words will be necessary to determine whether the contents make out a case of the commission of a cognizable offence. The same is the case with offences punishable under Sections 197, 299 and 302 of BNS. Therefore, to ascertain whether the information received by an officer-in-charge of the police station makes out a cognizable offence, the officer must consider the meaning of the spoken or written words. This act on the part of the police officer will not amount to making a preliminary inquiry which is not permissible under sub-Section (1) of Section 173. (Para 42-iii)

Constitution of India - Article 12 - The police machinery is a part of the State within the meaning of Article 12 of the Constitution. Moreover, the police officers being citizens, are bound to abide by the Constitution. They are bound to honour and uphold freedom of speech and expression conferred on all citizens. (Para 42-iv)

Constitution of India - Preamble - The philosophy of the Constitution and its ideals can be found in the preamble itself. The preamble lays down that the people of India have solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic and to secure all its citizens liberty of thought, expression, belief, faith and worship. Therefore, liberty of thought and expression is one of the ideals of our Constitution. (Para 42-iv)

Bharatiya Nagarik Suraksha Sanhita 2023 - Section 528 ; Code of Criminal Procedure 1973 - Section 482 - Constitution of India - Article 226 - There is no absolute rule that when the investigation is at a nascent stage, the High Court cannot exercise its jurisdiction to quash an offence by exercising its jurisdiction under Article 226 of the Constitution of India or under Section 482 of the CrPC equivalent to Section 528 of the BNSS. When the High Court, in the given case, finds that no offence was made out on the face of it, to prevent abuse of the process of law, it can always interfere even though the investigation is at the nascent stage. It all depends on the facts and circumstances of each case as well as the nature of the offence. There is no such blanket rule putting an embargo on the powers of the High Court to quash FIR only on the ground that the investigation was at a nascent stage. (Para 42-vii)

Bharatiya Nagarik Suraksha Sanhita 2023 - Section 173 - The allegations made in the information furnished to an officer-in-charge of a police station must be examined by the officer only with a view to ascertain whether a cognizable offence is made out. Taking the information as correct, the officer has to determine whether it makes out a case of the commission of a cognizable offence. If the allegation makes out a case of a cognizable offence, unless the offence falls in sub-Section (3) of Section 173, it is mandatory to register FIR. (Para 25)

Quotable Quotes- Free expression of thoughts and views by individuals or group of individuals is an integral part of a healthy civilised society. Without freedom of expression of thoughts and views, it is impossible to lead a dignified life guaranteed by Article 21 of the Constitution. In a healthy democracy, the views, opinions or thoughts expressed by an individual or group of individuals must be countered by expressing another point of view. Even if a large number of persons dislike the views expressed by another, the right of the person to express the views must be respected and protected. Literature including poetry, dramas,

films, stage shows including stand-up comedy, satire and art, make the lives of human beings more meaningful. The Courts are duty-bound to uphold and enforce fundamental rights guaranteed under the Constitution of India. Sometimes, we, the Judges, may not like spoken or written words. But, still, it is our duty to uphold the fundamental right under Article 19 (1)(a). We Judges are under an obligation to uphold the Constitution and respect its ideals. If the police or executive fail to honour and protect the fundamental rights guaranteed under Article 19 (1)(a) of the Constitution, it is the duty of the Courts to step in and protect the fundamental rights. There is no other institution which can uphold the fundamental rights of the citizens. (Para 42-viii) 75 years into our republic, we cannot be seen to be so shaky on our fundamentals that mere recital of a poem or for that matter, any form of art or entertainment, such as, stand-up comedy, can be alleged to lead to animosity or hatred amongst different communities. Subscribing to such a view would stifle all legitimate expressions of view in the public domain which is so fundamental to a free society. (Para 42-ix)

Gastrade International vs Commissioner Of Customs, Kandla 2025 INSC 411 - S. 45 Evidence Act - Customs Act- Most Akin Test

Customs Act, 1962 - Most Akin Test - If the attributes of the imported goods show that the goods are “most akin” to the specified goods amongst an array of other specified goods, these imported goods have to be classified as the specified goods with which these goods bear the most resemblance or most akinness. Thus, in our view, application of the principle of preponderance of probability does not provide an accurate test. The more accurate and precise test will be whether the goods in question are “most akin” or most similar to the specified goods- (Para 81-83) **Direction:** Ensure that proper facilities are made available in the appropriate laboratories for undertaking tests for all these parameters or at least for those parameters which the Authorities consider are of essential

character to satisfy the “most akin” test without which the article in issue cannot be properly classified. (Para 88) Expression “preponderance of probability” in contradistinction to “proof beyond reasonable doubt”- there may be varying range in the degree of probabilities. Certainly, where the proceedings involve requirement of fulfilment of technical/scientific parameters with confiscatory and penal consequences, the degree of probability would be of a higher order and not mere probability. (Para 77-78)

Indian Evidence Act 1872 - Section 45 - The opinion of the experts, however weighty they may be, are not binding on the court and is only relevant for the court to consider it to come to a final decision on any fact in issue. However, since courts are not experts in the discipline of science, they ordinarily accept the scientific report and act upon it. But where the expert opinion suffers from certain shortcomings or ambiguities, lack of clarity, or inadequacy, it would be subject to judicial scrutiny and it would not be safe to rely wholly on the same under such circumstances. (Para 56-60)

**State Of Jharkhand vs Rukma Kesh Mishra 2025 INSC 412 - Art.311,226
Constitution - Disciplinary Proceedings - Precedents - Stare Decisis**

Constitution of India - Article 311(1) - If one looks at Article 311(1), the sole safeguard that it provides to any member, inter alia, of a civil service of a State or the holder of a civil post under the State is that he shall not be dismissed or removed by an authority subordinate to that by which he was appointed (emphasis supplied). Clause (1) does not on its own terms require that the disciplinary proceedings should also be initiated by the appointing authority. (Para 33) Unless the relevant discipline and appeal rules applicable to an officer/employee of an authority within the meaning of Article 12 of the Constitution so require, disciplinary proceedings by issuance of a charge-sheet cannot be faulted solely on the ground that either the Appointing Authority or the Disciplinary Authority has not issued the same or approved it. (Para 26)

Constitution of India- Article 226 - In some very rare and exceptional cases the High Court can quash a show cause notice or charge-sheet if it is found to be wholly without jurisdiction or for some other reason it is wholly illegal (emphasis supplied). However, ordinarily the High Court should not interfere in such a matter. (Para 11)

Precedents - Each decision is an authority for what it decides and not what could logically be deduced therefrom. Mechanical reliance on precedents, as if they are statutes, has been deprecated. Whenever a precedent is cited laying down a principle of law having application to the facts of the case in hand and having binding effect, it is customary and expected of courts to be bound by the law declared by this Court under Article 141 of the Constitution. However, the courts are free not to place blind reliance on whatever precedent is cited by the parties since facts of two cases are not seldom alike. It is the duty of the court, if it considers the precedent not to be applicable, to refer to factual dissimilarities that are found and thereafter to distinguish the precedent cited before it by assigning brief but cogent reasons. (Para 35) Quoted from Regional Manager, Food Corporation of India v. Pawan Kumar Dubey: "... It is the rule deducible from the application of law to the facts and circumstances of a case which constitutes its ratio decidendi and not some conclusion based upon facts which may appear to be similar. One additional or different fact can make a world of difference between conclusions in two cases even when the same principles are applied in each case to similar facts". (Para 35)

Legal Maxims - **Stare decisis et non queta movere** - Stand by what has been decided and do not disturb what has been settled. (Para 26)

Gajendra Singh vs Reena Balmiki 2025 INSC 413 - Irretrievable Breakdown Of Marriage

Constitution of India - Article 142 - While dissolving a marriage on the ground of irretrievable breakdown of marriage, SC observed : It is unfortunate that the

parties have already spent a large number of years of their adult lives fighting marital battles in the courtrooms- The marital discord has reached to a point of no remedy and there is an irretrievable breakdown of marriage. Therefore, no purpose shall be served by insisting for the parties to continue a marital relation which is already dead. (Para 15)

Surepally Srinivas vs State Of Andhra Pradesh 2025 INSC 414 - S. 52A NDPS Act - Non Compliance

NDPS Act - Section 52A - What is to be seen is whether there has been substantial compliance with the mandate of Section 52-A and if not, the prosecution must satisfy the court that such non-compliance does not affect its case against the accused - Referred to Bharat Ambale v. State of Chattisgarh - To avoid suspicious circumstances and to ensure fair procedure in respect of search and seizure, it is always desirable to follow the standing order which provides suitable guidance for the officers investigating crimes under the NDPS Act. Should there be any departure, the same must be based on justifiable and reasonable grounds. [Context: In this case , the Investigating Officer kept the seized contraband in a separate room in his office for fifteen days - SC observed: This could give rise to an allegation that the seized contraband was by itself substituted and some other items planted to falsely implicate the accused.]

Ranjit Sarkar vs Ravi Ganesh Bhardwaj 2025 INSC 415 - S. 256 CrPC

Code of Criminal Procedure 1973- Section 256 - What assumes importance for invoking Section 256, Cr. PC is the purpose for which the case is fixed- If the date is not appointed for appearance of the accused but for some other purpose, acquittal of the accused does not necessarily follow as the logical result of absence of the complainant. Also, the words “on any day subsequent thereto”

must be understood in reference to the words preceding, namely, “the day appointed for the appearance of the accused”. Say, for instance, if a date is fixed by the magistrate for bringing an order from a superior court or for showing cause why an order of dismissal should not be passed for continuous absence of the complainant or for producing any material, which is not intrinsically connected with any step towards progress of the lis, and the complainant is found to be absent, a dismissal of the complaint can be ordered but the provision for acquitting the accused may not be attracted unless it happens to be the date appointed for appearance of the accused and they do appear personally or through an advocate; also, without the magistrate recording a clear acquittal along with the order of dismissal of the complaint, acquittal need not be read into every such order of dismissal of a complaint owing to absence of the complainant. (Para 19)



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Satbir Singh vs Rajesh Kumar 2025 INSC 416 - S. 319 CrPC

Code of Criminal Procedure 1973 - Section 319 - The court holding a trial, if it intends to exercise power conferred by Section 319 CrPC, must not act mechanically merely on the ground that some evidence has come on record implicating the person sought to be summoned; its satisfaction preceding the order thereunder must be more than *prima facie* as formed at the stage of a charge being framed and short of satisfaction to an extent that the evidence, if unrebutted, would lead to conviction - Referred to Hardeep Singh v. State of Punjab (2014) 3 SCC 92 and Jitendra Nath Mishra v. State of Uttar Pradesh (2023) 7 SCC 344.

Amresh Shrivastava vs State Of Madhya Pradesh 2025 INSC 417- Disciplinary Proceedings

Disciplinary Proceedings - Delay - Whether delay is a ground for stopping the departmental proceedings at the stage of the chargesheet itself, suffice it to say that this varies from case to case - Where there is unexplained inordinate delay in initiating departmental proceedings despite the alleged misconduct being within the knowledge of the department, but still no departmental proceedings are initiated, the answer must go in favour of the employee. However, there may be cases where the department was not even aware of such irregularities or the misconduct, which is of such a nature that it is indicative, based on material considerations of factors other than merit, such as extraneous influences and gratifications. In such cases, such a delay, by itself would not be a valid ground to scuttle the initiation of the process of departmental proceedings. (Para 17)

Disciplinary Proceedings - Situations where the government is not precluded from taking disciplinary actions for violation of the Code of Conduct: - “(i) Where the officer had acted in a manner as would reflect on his reputation for integrity

or good faith or devotion to duty; (ii) If there is prima facie material to show recklessness or misconduct in the discharge of his duty; (iii) if he has acted in a manner which is unbecoming of a Government servant; (iv) if he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers; (v) if he had acted in order to unduly favour a party; (vi) if he had been actuated by corrupt motive however, small the bribe may be because Lord Coke said long ago “though the bribe may be small, yet the fault is great- Mere technical violations or the fact that an order is wrong, if not falling under the above enumerated instances, does not warrant disciplinary actions- Each case depends on its facts, and absolute rules cannot be postulated. The above instances as referred and reproduced hereinabove, are thus only a guide and not meant to be mandatorily adhere to without exception - Quoted from Union of India and others vs. K.K. Dhawan (1993) 2 SCC 56.

**I.K. Merchants Pvt. Ltd. vs State Of Rajasthan 2025 INSC 418 - S. 34
CPC - Grant Of Interest- Public Interest**

Code of Civil Procedure 1908 - Section 34 -Court to grant interest at three different stages of a money decree viz., (i) the court may award interest on the principal sum claimed at a rate it deems reasonable, for the period before the suit was filed. Such interest is generally governed by agreements between the parties; (ii) The court may award interest on the principal amount from the date of filing the suit until the date of the decree, at a reasonable rate. Here, the court has full discretion to determine the interest rate based on fairness, commercial usage and equity; and (iii)the court may grant interest on the total decretal amount (principal + interest before decree) from the date of the decree until payment, at a rate not exceeding 6% per annum unless otherwise specified in contractual agreements or statutory provisions. However, if the claim arises from a commercial transaction, courts may allow interest at a higher rate based on

agreements between the parties- Courts have the authority to determine the appropriate interest rate, considering the totality of the facts and circumstances in accordance with law. That apart, the Courts have the discretion to decide whether the interest is payable from the date of institution of the suit, a period prior to that, or from the date of the decree, depending on the specific facts of each case- while the discretion to award interest, whether pendente lite or post-decree, is well recognized, its exercise must be guided by equitable considerations. The rate and period of interest cannot be applied mechanically or at an unreasonably high rate without any rationale. Though it is not possible to arrive at the actual value of improvement or the inflation on the fair consideration, if paid at the relevant point of time, it is just and necessary that the rate of interest must be a reparation for the appellant. The Court must ensure that while the claimant is fairly compensated, the award does not become punitive or unduly burdensome on the Judgement Debtor. Therefore, the rate of interest should be determined in a manner that balances both fairness and financial impact, taking into account the “loss of use” principle and economic prudence, in the specific facts of each case. (Para 13-16)

Words and Phrases - Public Interest - The term “Public Interest” denotes a wider concept with its genus rooted to the welfare of the public at large, with different species attributable to individual and specific impact, depending upon the concept and the subject under consideration. It deals with the impact of a policy decision on the society. Generally, public interest is anathema to commercial transactions. However, by exception, when the terms are oppressive or one-sided, they are to be termed as unconscionable, arbitrary and by application of externalities, public interest will have to lean towards the individual who has been wronged, as such contracts are deemed to take away the fairness, affecting the free consent required to culminate into a valid contract. The constitutional courts, under such circumstances will be armed with Article 14 to strike down such contracts or to pass appropriate decrees or orders. (Para 12)

Kishore Chhabra vs State Of Haryana 2025 INSC 419 - Land Acquisition - Change Of Land Use

Change of Land Use - Requirement for CLU being a statutory mandate, release of land, in the absence of CLU is not permissible. (Para 8)

Yadwinder Singh vs Lakhi Alias Lakhwinder Singh 2025 INSC 420 - S. 319 CrPC - State's Role In Criminal Matters

Code of Criminal Procedure, 1973 - Section 319 - Scope - Referred to In Sukhpal Singh Khaira v State of Punjab, (2023) 1 SCC 289, Hardeep Singh v State of Punjab, (2014) 3 SCC 92, Shishupal Singh v State of Uttar Pradesh, (2019) 8 SCC 682 and Yashodhan Singh v State of Uttar Pradesh, (2023) 9 SCC 108, Jamin v State of Uttar Pradesh- Merely because SIT found no evidence against the private respondents, however such factum by itself puts no fetters on the powers bestowed under Section 319 of the Code. (Para 16)

Practice and Procedure -The State should not forget that in criminal matters, it acts as investigator and prosecutor and must be available to assist the Courts when called upon so to do. (Para 9)

Quotable Quotes-While an innocent person should not be punished, no guilty person should go scot-free.

Piramal Capital And Housing Finance Limited Vs 63 Moons Technologies Limited 2025 INSC 421 - Ss. 31,61 IBC - Resolution Plan

Insolvency and Bankruptcy Code 2016- Section 31 - Once the RP is approved by the Adjudicating Authority, after it is satisfied that the RP as approved by the CoC meets the requirements as referred to in sub-section (2) of

Section 30, it shall be binding on the CD and its employees, members, creditors, guarantors and stakeholders. The legislature has consciously not provided for a ground to challenge the justness of the “commercial decision” taken by the Financial Creditors, because one of the dominant purposes of the IBC is revival of the CD and to make it a running concern- While considering the feasibility and viability of the Prospective Resolution Plans, the CoC can always suggest a modification therein and exercise its commercial wisdom. However, once the RP is approved by the requisite majority of CoC, and when such RP is placed before the Adjudicating Authority for its approval under Section 31, the Adjudicating Authority has to only see whether such RP as approved by the CoC meets the requirements as referred to in Section 30(2). It is only where the Adjudicating Authority is satisfied that the RP does not confirm to the requirements of sub-section (1) of Section 31, it may by an order reject the RP. It is true that the NCLT has to decide all the questions on law or fact arising out of or in relation to the insolvency resolution or liquidation under the residuary jurisdiction vested in NCLT under Section 60(5), such residual jurisdiction does not in any manner impact Section 30(2) of the Code, which circumscribes the jurisdiction of the Adjudicating Authority, when it comes to the confirmation of RP, as has been mandated by Section 31(1) of the Code. (Para 42-43)

Insolvency and Bankruptcy Code 2016- Section 61 - The scope of interference by the Appellate Authority i.e., NCLAT under Section 61 in the Appeals arising out of the order approving a RP under Section 31, is also very limited and restricted to the specific grounds mentioned in sub-section (3) of Section 61. The grounds for filing Appeal under Section 61 have to be confined to sub-section (3) thereof. (Para 44)

International Doctrines -The Court should be wary of transplanting international doctrines, which might have been evolved as responses to the specific needs of the jurisdictional regimes. (Para 80)

Insolvency and Bankruptcy Code 2016- Chapters III and VI - Both, the Avoidance Applications under Chapter III and the Applications in respect of Fraudulent trading or Wrongful trading under Chapter VI, operate in different situations. The powers of the Adjudicating Authority in respect of the Avoidance Applications filed under Chapter III and the powers of the Adjudicating Authority in respect of the Applications pertaining to the Fraudulent and Wrongful trading filed under Chapter VI, have also been separately circumscribed- the Applications filed in respect of “Fraudulent and Wrongful trading” carried on by the CD, could not be termed as “Avoidance Applications” used for the Applications filed under Sections 43, 45 and 50 to avoid or set aside the Preferential, Undervalued or Extortionate transactions, as the case may be. There is clear demarcation of powers of the Adjudicating Authority to pass orders in the Avoidance Applications filed by the Resolution Professional under Section 43, 45 and 50 falling under Chapter III and the Applications filed by the Resolution Professional in respect of the Fraudulent and Wrongful trading of CD, under Section 66 falling under Chapter VI of the IBC. If the Resolution Professional has filed common applications under Sections 43, 45, 50 and also under Section 66, the Adjudicating Authority shall have to distinguish the same and decide as to which provision would be attracted to which of the Applications, and then shall exercise the powers and pass the orders in terms of the provisions of IBC. (Para 56-61)

Insolvency and Bankruptcy Code 2016- Section 30,31 - The entire process right from the submission of RPs by the PRAs till the final approval/rejection of the Plan by the Adjudicating Authority has been duly prescribed, which is mandatory in nature. If there is any non-compliance of the mandatory requirements stated in Section 30(2) of IBC, readwith Regulation 38 of the Regulations, 2016, the Adjudicating Authority is empowered to reject the plan as envisaged in sub-section (2) of Section 31. If however, the plan approved by the CoC as per Section 30(4), meets with the requirements under Section

30(2), the Adjudicating Authority has to approve such plan under Section 31(1), which would be binding to all the stakeholders as stated therein. (Para 65)

Indian Evidence Act 1872 - Section 74 - The RP after having been approved by the NCLT under Section 31 of IBC, would become a Public Document within the meaning of Section 74 of the Indian Evidence Act. (Para 110)

Insolvency and Bankruptcy Code 2016- In absence of any specific provision in the IBC or the Regulations 2016, they, as the members of the superseded Board of Directors, could not have made any claim to have a copy of proposed RPs submitted by the PRAs during the CIRP proceedings. (Para 109)

Insolvency and Bankruptcy Code 2016 -Section 24 -Resolution Professional is required to give a notice of each of the meetings of the CoC to the members of the suspended Board of Directors, alongwith the members of CoC including the Authorized Representatives and the Operational Creditors or their representatives- Suspended Directors would have a right only to receive the notice of meetings of CoC and to attend the same, but would not have the right to vote in the meetings. (Para 107)

Secretary, All India Shri Shivaji Memorial Society (AISSMS) vs State Of Maharashtra 2025 INSC 422 - Judicial Review - Academic Matters

Constitution of India- Article 226 - Judicial Review - Normally, courts should not interfere with the decisions taken by expert statutory bodies regarding academic matter: may it relate to qualification for admission of students or qualification required by teachers for appointment, salary, promotion, entitlement to a higher pay scale etc. However, this does not mean that Courts are deprived of their powers of judicial review. It only means that courts must be slow in interfering with the opinion of experts in regard to academic standards and powers of judicial review should only be exercised in cases where prescribed qualification or condition is against the law, arbitrary or involves interpretation

of any principle of law- where a candidate does not possess the minimum qualifications, prescribed by an expert body, for appointment or promotion to a particular post in an educational institution, such a candidate will not be entitled to get appointed or will be deprived of certain benefits- Responsibility, of fixing qualifications for purposes of appointment, promotion etc. of staff or qualifications for admissions, is that of expert bodies (in the present case, the AICTE), and so long as qualifications prescribed are not shown to be arbitrary or perverse, the Courts will not interfere. (Para 25)

Faime Makers Pvt. Ltd. vs District Deputy Registrar, Co-Operative Societies 2025 INSC 423 - Res Judicata - Quasi Judicial Bodies - Foreigners Tribunal

Res Judicata - The principles of res judicata equally apply to quasi-judicial bodies. Whenever a judicial or quasi-judicial tribunal gives a finding on law or fact, its findings cannot be impeached collaterally or in a second round and are binding until reversed in appeal or revision or by way of writ proceedings. The characteristic attribute of a judicial act or decision is that it binds, whether right or wrong. Thus, any error, either of fact or law, committed by such bodies cannot be controverted otherwise by way of an appeal or revision or a writ unless the erroneous determination relates to the jurisdictional matter of that body - Referred to in Ujjam Bai vs. State of U.P. (Para 11)

Foreigners Tribunal -Opinion by the Foreigners Tribunal is a quasi-judicial order - Referred to in Abdul Kuddus vs. Union of India. (Para 12)

Ramayana ISPAT Pvt. Ltd. vs State Of Rajasthan 2025 INSC 424 - Electricity Act - Regulations Validity

Electricity Act, 2003 - RERC's authority to regulate intra-state aspects of open access transactions, even when electricity is sourced from another state, aligns with the Act's objectives and ensures effective regulatory oversight. (Para 50)

Rajasthan Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2016 - High Court upheld the validity of the Regulations of 2016 holding that any inconvenience caused or even some hardship faced by the captive power generators shall not make the regulations illegal - SC dismissed appeal and held: When 'Electricity' which is a subject matter of Entry 38, List III is wheeled from outside the state and distributed within the state, the regulations governing such distribution within the state cannot, by any stretch, be termed to be suffering from any excess of jurisdiction. (Para 46) Considering the technical and regulatory imperatives involved, the 24-hour advance notice condition under Regulation 26(7) cannot be considered ultra vires, as it falls within the regulatory domain of the State Commission to establish fair, transparent, and non-disruptive mechanisms for open access. (Para 58) The Regulations of 2016 are consistent with the legislative intent of the Act of 2003, ensuring that open access is exercised in a manner that does not compromise system stability, fairness, or economic viability. Therefore, the regulatory framework does not foreclose open access but rather operationalizes it within reasonable constraints essential for sustaining the electricity sector. (Para 65)

Jomon K.K. vs Shajimon P. 2025 INSC 425 - Public Employment - Over Qualification

Public Employment - Whether or not the action of the employer to exclude an aspirant from the process of selection (on the ground that either he is over qualified for a particular post or has qualifications which, being over and above what is ordained by statutory rules or rules framed under the proviso to Rule 309

of the Constitution, does not match the qualification specifically required) is justified has to be decided considering the rules governing the selection, the qualifications prescribed, the nature of duty to be performed, the nature of service to be rendered and a host of other factors- At times, the employer's need to have the right people at the right place, and not always the higher qualified, has to be conceded- Each case that comes before the Court has to be decided on its own peculiar facts and the problem that it presents for resolution and that there can be no universally accepted rule that every time, a higher qualified candidate is to be preferred to a candidate who matches the essential qualification required for the post. (Para 36)

Public Employment - If an appointment is illegal, it is non-est in the eye of law and rendering the appointment a nullity and principles of equity in a case of such nature would have no role to play; also that, sympathy should not be misplaced- Referred to in Ashok Kumar Sonkar v. Union of India (2007) 4 SCC 54. (Para 38) An appointment made contrary to the statute/statutory rule would be void- Referred to Pramod Kumar v. U.P. Secondary Education Services Commission (2008) 7 SCC 153].

Practice and Procedure - The effect of non-joinder of a necessary party in proceedings where an order is passed adverse to the interest of the non-party - Referred to in Ranjan Kumar v. State of Bihar (2014) 16 SCC 187

Quotable Quotes- Lack of public employment opportunities in sufficient numbers may force even a Master degree holder to apply for the job of a peon but, if he is appointed upon his application being favourably considered, what happens to the aspirants who have not had the means of pursuing study beyond the 12th standard? Do they remain unemployed for ever, if all or majority of the posts of peon are filled up by such degree holders? What happens if the Master degree holder, in pursuit of greener pastures, leaves the post of Peon for a better and secured higher job commensurate with his qualifications after a couple of

years? Does it not, in such a case, burden the public exchequer by requiring the employer to initiate a fresh selection process? Is not the State, as a model employer, obliged to ensure that the posts of peon are filled up only by those having the basic qualification, and not by over qualified candidates, for sub-serving the common good? Does not the State have the obligation to strive to ensure that all citizens have adequate means of livelihood? These are questions which no Court can afford to ignore- *Equality of opportunity in matters of public employment being a sine qua non for a fair and transparent selection process.* (Para 26)

General Manager Business Network Planning (Retail) Bharat Petroleum Corporation Limited vs P. Soundary 2025 INSC 426 - Writ Jurisdiction - Contractual Matters - Public Trust - Petroleum

Constitution of India - Article 12,226 - In writ jurisdiction, when parties to the dispute involve an organization deemed to be an instrumentality under Article 12 of the Constitution, there exists a responsibility of the State to act in a fair, reasonable manner and free from arbitrariness. The Court is bound to interfere when these qualities are either in doubt or are absent and in other situations, is to exercise restraint. (Para 13)

Public Trust - Public Sector Undertakings in the nature of BPCL or the like, deal with matters of petroleum and gasoline, which are precious natural resources held by the State in Public Trust. (Para 16)

Ashok Singh vs State Of Uttar Pradesh 2025 INSC 427 - S. 138 NI Act - Complainant's Financial Wherewithal

Negotiable Instruments Act 1881 - Section 138 - The onus is not on the complainant at the threshold to prove his capacity/financial wherewithal to make

the payment in discharge of which the cheque is alleged to have been issued in his favour. Only if an objection is raised that the complainant was not in a financial position to pay the amount so claimed by him to have been given as a loan to the accused, only then the complainant would have to bring before the Court cogent material to indicate that he had the financial capacity and had actually advanced the amount in question by way of loan.(Para 22) The complainant has only to establish that the cheque was genuine, presented within time and upon it being dishonoured, due notice was sent within 30 days of such dishonour, to which re-payment must be received within 15 days, failing which a complaint can be preferred by the complainant within one month as contemplated under Section 142 (1)(b) of the Act- The foremost defence available to the accused is to deny the very liability to pay the amount for which the cheque was issued on the ground that it was not a 'legally enforceable debt' under the Act. (Para 15-16)

Superintending Engineer, Operation, Telangana State Southern Power Distribution Company Ltd. vs Ch. Bhaskara Chary 2025 INSC 428

Note: No legal aspects discussed in this judgment.

Ferro Concrete Construction (India) Pvt. Ltd. vs State Of Rajasthan 2025 INSC 429 - Arbitration - Grant Of Interest

Arbitration and Conciliation Act 1996 - Section 31 - Arbitration Act 1940 -Under the 1940 Act, a stricter approach is followed that requires a clear and express clause against the payment of interest in case of difference, dispute, or misunderstanding, in case of delay of payment, or any other case whatsoever, to constitute a bar on the arbitrator from granting interest. A clause that only provides that interest shall not be granted on amounts payable under the contract

would not be sufficient. On the other hand, under the 1996 Act wherein Section 31(7)(a) sanctifies party autonomy, interest is not payable the moment the contract provides otherwise-(Para 10) The arbitrator's power to grant interest would depend on the contractual clause in each case, and whether it expressly takes away the arbitrator's power to grant pendente lite interest. This would have to be determined based on the phraseology of the agreement, clauses conferring powers relating to arbitration, the nature of claim and dispute referred to the arbitrator, and on what items the power to award interest is contractually barred and for which period. Further, a bar on award of interest for delayed payment would not be readily inferred as an express bar to the award of pendente lite interest by the arbitrator. (Para 13)

Precedent - It is just as necessary to follow a precedent as it is to make a precedent.(Para 2) It is not sufficient to lay down a precedent, but it is equally important to follow and apply them as well. (Para 14)

Manish vs State of Maharashtra 2025 INSC 430 - S. 415 IPC - Dishonest Intention - Breach Of Promise To Repay

Indian Penal Code 1860 - Section 415- Mere breach of promise to repay per se does not infer dishonest intention (Para 17) -Failure to pay due to unfortunate business losses cannot be clothed with culpability and the process of criminal law utilized to recover outstanding dues (Para 19) - In some cases a commercial dispute may give rise to a criminal offence in addition to a civil cause of action. The test to determine whether a case would attract penal consequences is as follows:- “Did the offending party make dishonest representation at the inception of the transaction and induce the other party to part with property, or act in a manner which but for such representation, the latter would not have done.” (Para 14)

Code of Criminal Procedure 1973 - Section 482 - Principles circumscribing the power of the High Court to quash a criminal proceeding - Quoted from State of Haryana vs. Bhajan Lal - (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused. (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code. (3) Where the uncontested allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused. (4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code. (5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused. (6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party. (7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge. (Para 9)

Code of Criminal Procedure 1973- Section 319 CrPC - powers under Section 319 CrPC1 are wide and if, during the trial or inquiry, any person, who appears to be involved in the commission of a crime but not brought before the Court as an accused, can be summoned by the Court to face the trial and such a person can be tried together with the other accused being tried before the Court. [Context: HC set aside the Trial Court order passed under Section 319 CrPC - Allowing appeal, SC observed: High Court erred in setting aside the well reasoned order of Trial Court by giving undue weightage to the Section 161 CrPC statements of some witnesses. When the Trial Court, on the strength of the testimonies of PW-1 and PW-2, has summoned respondent nos.2 and 3 to face Trial, then this decision of the Trial Court does not merit interference in the light of the evidence before the Court.]

Management Of Worth Trust vs Secretary, Worth Trust Workers Union 2025 INSC 432 - Payment of Bonus Act

Payment of Bonus Act, 1965 - Section 2(17)- When it is established that the appellant is running factories, then there can be no doubt regarding the applicability of the Bonus Act. Just because such factories come under the broad umbrella of the appellant-trust, which is also involved in some charitable work, the workers cannot be deprived of the benefit of the Bonus Act. (Para 16)

Vinay Aggarwal vs State Of Haryana 2025 INSC 433 - CBI Investigation

Constitution of India - Article 226 - CBI Investigation - The High Courts should direct for CBI investigation only in cases where material prima facie discloses something calling for an investigation by CBI and it should not be done in a routine manner or on the basis of some vague allegations. The “ifs” and

“buts” without any definite conclusion are not sufficient to put an agency like CBI into motion - Referred to Minor Irrigation & Rural Engg. Services, U.P. v. Sahngoo Ram Arya, (2002) 5 SCC 521 -Constitutional Courts are fully empowered to direct for CBI investigation, and restrictions under the Delhi Special Police Establishment Act, 1946 do not apply to Constitutional Courts. However, CBI investigation should not be directed in a routine manner or just because some allegations have been made against the local police. Courts should direct for CBI investigation only in exceptional cases - Referred to State of W.B. v. Committee for Protection of Democratic Rights, (2010) 3 SCC 571 . (Para 7-9)

Uma Devi vs Anand Kumar 2025 INSC 434 - Order VII Rule 11 CPC - Rejection Of Plaintiff - Registration

Code of Civil Procedure -Order VII Rule 11 - If in a suit, no cause of action is disclosed, or the suit is barred by limitation under Rule 11 (d), the Court would not permit the plaintiff to unnecessarily protract the proceedings in the suit. In such a case, it would be necessary to put an end to the sham litigation, so that further judicial time is not wasted - Quoted from Dahiben v. Arvindbhai Kalyanji Bhanusali (2020) 7 SCC 366 [Context: SC upheld Trial Court order that allowed the application of the defendants/appellants, holding that the suit filed by the plaintiffs was a meaningless litigation, that it did not disclose a proper cause of action and was barred by limitation].(Para 16-17)

Registration - A registered document provides a complete account of a transaction to any party interested in the property- Referred to Suraj Lamp Industries Pvt. Ltd. v. State of Haryana (2012) 1 SCC 656. (Para 12)

Maukam Singh vs State Of Madhya Pradesh 2025 INSC 435 - S. 302 IPC- Murder - Deadly Nature Of Weapons

Indian Penal Code 1860 - Section 302- While upholding murder conviction, SC observed: The fatal injury caused on the deceased was by a blow to the head; a vital part of the body, with the reverse side of an axe. The intention thus is clear, from the deadly nature of the weapons carried by the accused, who were the aggressors, who trespassed into the house of the victims and wielded such weapons in a manner causing grievous injuries to the victims; one of whom died. (Para 13)

Shri. Masaidevi Vividh Karyakari Sahakari Seva Sanstha Maryadit Warewadi vs State Of Maharashtra 2025 INSC 436 - Cooperative Societies - Govt. Resolutions

Maharashtra Co-operative Societies Act, 1960 - Section 4,6- if a society is unable to comply with the pre-condition or pre- requisite in regard to the economic viability of the society, allowing the registration of such a society which might not even be able to function, it may adversely affect the members of the society and, ultimately, it would be frustrating the very object of the establishment of the said society. (Para 30)

Government Resolutions - State Government may use its discretion for relaxation of conditions. However, such a discretion cannot be used to frustrate the very object of the Act. Such a power of relaxing the necessary pre-requisites could have been made only through the means of a Government Resolution and not at the whims of the State in an appeal which essentially led to by-passing the eligibility criteria set out by the Government through its multiple Resolutions. Once such an eligibility standard has been set out by the Government, the only proper route to introduce any alteration or relaxation of these conditions would have been through a subsequent Government Resolution. (Para 32)

State Of West Bengal VS Baishakhi Bhattacharyya (Chatterjee) 2025
INSC 437 - Public Employment - Selection Process - Fraud

Public Employment - Selection Process - When an in-depth factual inquiry reveals systemic irregularities, such as malaise or fraud, that undermine the integrity of the entire selection process, the result should be cancelled in its entirety. However, if and when possible, segregation of tainted and untainted candidates should be done in consonance with fairness and equity. • The decision to cancel the selection en masse must be based on the satisfaction derived from sufficient material collected through a fair and thorough investigation. It is not necessary for the material collected to conclusively prove malpractice beyond a reasonable doubt. The standard of evidence should be reasonable certainty of systemic malaise. The probability test is applicable. • Despite the inconvenience caused to untainted candidates, when broad and deep manipulation in the selection process is proven, due weightage has to be given to maintaining the purity of the selection process. • Individual notice and hearing may not be necessary in all cases for practical reasons when the facts establish that the entire selection process is vitiated with illegalities at a large scale.

Constitution of India - Article 226 - Evidence Act does not strictly apply to the proceedings in a Writ Court and the decision is rendered based on the evidence and material on record. (Para 39)

Acquiescence, delay and laches- They have distinct characteristics, though the underlying principle remains one of estoppel. Laches refers to remissness or slackness, involving unreasonable delay or negligence in seeking equitable relief, which prejudices the other party. It arises from the neglect of a party to assert their right, thereby preventing them from obtaining relief - The principle of acquiescence also does not apply, as it assumes knowledge of the act, followed by passive acceptance- Delay, as a general principle, encompasses both laches and acquiescence, and delay is always fact-specific. (Para 43)

Natural Justice - The principles of natural justice cannot be invoked to validate the fraud that has occurred. These principles are not rigid or inflexible; rather, they must be applied with due regard to the specific facts and circumstances at hand. (Para 44)

R. K.Transport Company vs Bharat Aluminum Company Ltd. (BALCO) 2025 INSC 438 - S. 34(3) Arbitration Act - Ss. 4,12 Limitation Act

Arbitration and Conciliation Act 1996 - Section 34(3) ; Limitation Act 1961 - Section 4,12(1) - Section 12(1) of the Limitation Act applies while calculating the limitation period under Section 34(3) such that the day from which such period is to be reckoned must be excluded - There is nothing in the statutory language or scheme of Section 34(3) that is contraindicative that Section 12(1) does not apply - Referred to State of Himachal Pradesh v. Himachal Techno Engineers (2010) 12 SCC 210. (Para 11-12) Section 4 of the Limitation Act applies to Section 34(3) of the ACA - Referred to My Preferred Transformation & Hospitality Pvt Ltd v. Faridabad Implements Pvt Ltd. (Para 13)

Arbitration and Conciliation Act 1996 - Section 34(3) - The statutory language of Section 34(3) clearly stipulates the limitation period as “three months”, as opposed to the condonable period as “thirty days”. This difference in language unambiguously demonstrates the legislative intent that the limitation period is 3 calendar months as opposed to 90 days. (Para 8) [Context: SC rejected argument that 3 months must be read as 90 days in the context of Section 34(3)]

G.C. Manjunath vs Seetaram 2025 INSC 439 - S. 197 CrPC - S. 170 Karnataka Police Act - Sanction - Police Excess

Code Of Criminal Procedure 1973 - Section 197 ; Karnataka Police Act

- Section 170- Any action undertaken by a public officer, even if in excess of the authority vested in them or overstepping the confines of their official duty, would nonetheless attract statutory protection, provided there exists a reasonable nexus between the act complained of and the officer's official functions (Para 39) - A mere excess or overreach in the performance of official duty does not, by itself, disentitle a public servant from the statutory protection mandated by law. (Para 40) The underlying rationale of both these statutory provisions is to safeguard public functionaries from frivolous or vexatious prosecution for actions undertaken in good faith in the discharge of, or purported discharge of, their official duties, thereby ensuring that the fear of litigation does not impede the efficient functioning of public administration. (Para 31) The pivotal inquiry is whether the impugned act is reasonably connected to the discharge of official duty. If the act is wholly unconnected or manifestly devoid of any nexus to the official functions of the public servant, the requirement of sanction is obviated. Conversely, where there exists even a reasonable link between the act complained of and the official duties of the public servant, the protective umbrella of Section 197 of the CrPC and Section 170 of the Police Act is attracted. In such cases, prior sanction assumes the character of a sine qua non, regardless of whether the public servant exceeded the scope of authority or acted improperly while discharging his duty. (Para 36)

New Mangalore Port Trust vs Clifford D Souza 2025 INSC 440- PP Act

- Limitation Act

Public Premises (Eviction of Unauthorised Occupants) Act, 1971 - Section 3,18 - Once the Limitation Act applies, all its provisions will be applicable to the proceedings under the PP Act. (Para 10)

Ram Kishan (D) vs. State Of Haryana 2025 INSC 441 - Land Acquisition Act

Land Acquisition Act - Potentiality of the land is also to be taken into consideration while assessing the market value- Potentiality is the use to which the land is put to use or reasonably capable of being put to use. (Para 31) Prior awards will be relevant as a piece of evidence and not be conclusive in nature (Para 30)

UCO Bank vs Vijay Kumar Handa 2025 INSC 442 - UCOBank (Employees') Pension Regulations

UCO Bank (Employees') Pension Regulations, 1995 - such of the employees who are otherwise entitled to superannuation benefits under the Regulations if visited with the penalty of removal from service with superannuation benefits shall be entitled for those benefits and such of the employees though visited with the same penalty but are not eligible for superannuation benefits under the Regulations shall not be entitled to that - Referred to Bank of Baroda Vs. S.K. Kool (2014) 2 SCC 715.

A. John Kennedy vs State Of Tamil Nadu 2025 INSC 443 - Agasthyamalai - Forest Restoration - Removal Of Encroachments

Environmental Law - Removal of encroachments and restoration of the forests - CEC directed to conduct an extensive survey of the entire Agasthyamalai landscape, which would include Periyar Tiger Reserve, Srivilliputhur Grizzled Squirrel Wildlife Sanctuary, Meghamalai and Thirunelveli Wildlife Sanctuaries. The CEC shall indicate in its report all instances of

non-forestry activities going on in these areas contrary to the statutory provisions viz, the Forest Conservation Act, 1980, the Wild Life (Protection) Act, 1972, etc.

**Karandeep Sharma @ Razia @ Raju vs State Of Uttarakhand 2025
INSC 444 - POCSO-Rape Cases - DNA Profiling - Non Examination Of Scientific Expert**

Criminal Trial - POCSO/Rape Cases - Non-examination of the scientific expert who carried out the DNA profiling is fatal, and the DNA report cannot be admitted in evidence -DNA profiling reports cannot be admitted in evidence ipso facto by virtue of Section 293 CrPC and it is necessary for the prosecution to prove that the techniques of DNA profiling were reliably applied by the expert- In order to make the DNA report acceptable, reliable and admissible, the prosecution would first be required to prove the sanctity and chain of custody of the samples/articles right from the time of their preparation/collection till the time they reached the FSL. For this purpose, the link evidence would have to be established by examining the concerned witness. (Para 54)

Indian Evidence Act 1872- Section 24-26 - Permitting a police officer to verbatim narrate the confession made by an accused during investigation is grossly illegal and contrary to the mandate of Sections 24, 25 and 26 of the Indian Evidence Act. [Context: In this case, police officer was allowed to narrate the entire confession of the accused, in his examination-in-chief.]

Rakesh Bhanot vs Gurdas Agro Pvt. Ltd. 2025 INSC 445 - S.96 IBC - Moratorium - S. 138 NI Act

Insolvency and Bankruptcy Code 2016 - Section 96 ; Negotiable Instruments Act 1881 - Section 138 - The statutory liability against the directors under Section 138 of the N.I. Act, 1881, is personal and hence, continues

to bind natural persons, irrespective of any moratorium applicable to the corporate debtor. The acceptance of the resolution plan under Section 31 IBC or its implementation thereof will have no effect on the prosecution under Section 138 of the N.I. Act (Para 13)- Similarly, the acceptance of the report by the resolution professional under Section 100 and the moratorium under Section 101, which reprises Section 96, will not bar the continual of any criminal action -The object of moratorium or for that purpose, the provision enabling the debtor to approach the Tribunal under Section 94 is not to stall the criminal prosecution, but to only postpone any civil actions to recover any debt. The deterrent effect of Section 138 is critical to maintain the trust in the use of negotiable instruments like cheques in business dealings. Criminal liability for dishonoring cheques ensures that individuals who engage in commercial transactions are held accountable for their actions, however subject to satisfaction of other conditions in the N.I. Act, 1881- Allowing to evade prosecution under Section 138 by invoking the moratorium would undermine the very purpose of the N.I. Act, 1881, which is to preserve the integrity and credibility of commercial transactions and the personal responsibility persists, regardless of the insolvency proceedings and its outcome. (Para 17) - The distinction between the right to sue based on a dishonoured cheque by initiating a civil suit and launching a prosecution under Section 138 of the Negotiable Instruments Act is significant. In case of former, the interim moratorium can operate, but not in case of later. (Para 13)

Insolvency and Bankruptcy Code 2016 - Section 96 - Section 96 IBC provides that any legal proceedings pending against the debtor concerning any debt shall be deemed to have been stayed. The term “any legal action or proceedings” does not mean “every legal action or proceedings”. In sub-clauses 96 (b) (i) and (ii), the term “legal action or proceedings” are followed by the term “in respect of any debt”. The term “legal action or proceedings” would have to be understood to include such legal action or proceedings relating to recovery of debt by invoking the principles of noscitur a sociis. The purpose of interim

moratorium contemplated under Section 96 is to be derived from the object of the act, which is not to stall the proceedings unrelated to the recovery of the debt. The protection is not available against penal actions, the object of which is to not recover any debt. This moratorium serves as a critical mechanism, allowing the debtor to reorganize their financial affairs without the immediate threat of creditor actions. The clear and unequivocal language of this provision reflects the legislative intent to provide a protective shield for debtors during the insolvency process. (Para 12)

Murugan vs State 2025 INSC 446 - Circumstantial Evidence

Circumstantial Evidence - Referred to Karakkattu Muhammed Basheer vs. State of Kerala - basic established principles which need to be taken as a guide for the Courts in cases of circumstantial evidence. (Para 21)

A Rajendra vs Gonugunta Madhusudhan Rao 2025 INSC 447 - S. 61 IBC - Limitation

Insolvency and Bankruptcy Code 2016 - Section 61 - Litigant has to file its appeal under Section 61(2) within 30 days which can be extended up to a period of 15 days, and no more, upon showing sufficient cause. (Para 18). - The extension of period so provided for has to be strictly construed and has not to be exercised in a liberal manner which highlights the legislative intent which has to be given effect to. (Para 14) The incident which triggers limitation to commence is the date of pronouncement of the Order and in case of non-pronouncement of the Order when the hearing concludes, the date on which the Order is pronounced or uploaded on the website- where the judgment was pronounced in open Court, the period of limitation starts running from that very day. (Para 24-25)

Interpretation of Statutes - A slate of interpretation of procedural rules cannot be used to defeat the substantive objective of legislation which is prescribed in a time frame. (Para 18)

Kousik Das vs State Of West Bengal 2025 INSC 448 - RTE Act

Right of Children to Free and Compulsory Education Act, 2009 - Such of the teachers who were in employment as on 10th August 2017 and who had undertaken the 18 months D. El. Ed. through NIOS would be treated as valid diploma holders for the purposes of applying to other institutions or for promotional avenues. (Para 38)

Jogeswar Sahoo vs District Judge 2025 INSC 449 - Service Law - Recovery From Employee

Service Law - Recovery - if the excess amount was not paid on account of any misrepresentation or fraud on the part of the employee or if such excess payment was made by the employer by applying a wrong principle for calculating the pay/allowance or on the basis of a particular interpretation of rule/order, which is subsequently found to be erroneous, such excess payments of emoluments or allowances are not recoverable - Such relief against the recovery is not because of any right of the employee but in equity, exercising judicial discretion to provide relief to the employee from the hardship that will be caused if the recovery is ordered - Referred to Thomas Daniel vs. State of Kerala (Para 9)

Sangita Sinha vs Bhawana Bhardwaj 2025 INSC 450 - Specific Performance - Readiness & Willingness

Specific Relief Act 1963 - Section 16-‘Readiness’ and ‘willingness’ are not one but two separate elements. ‘Readiness’ means the capacity of the buyer to perform the contract, which would include the financial position to pay the sale consideration. ‘Willingness’ refers to the intention of the buyer as a purchaser to perform his part of the contract, which is inferred by scrutinising the conduct of the buyer /purchaser, including attending circumstances-Continuous readiness and willingness on the part of the buyer /purchaser from the date of execution of Agreement to Sell till the date of the decree, is a condition precedent for grant of relief of specific performance- It is not enough to show the readiness and willingness up to the date of the plaint as the conduct must be such as to disclose readiness and willingness at all times from the date of the contract and throughout the pendency of the suit up to the decree- The readiness and willingness of the buyer to go ahead with the sale of the property at the time of the institution of the suit loses its relevance, if the buyer is unable to establish that the readiness and willingness has continued throughout the pendency of the suit.(Para 17-20)

Specific Relief Act 1963 - Section 16 - Absent a prayer for declaratory relief that termination/ cancellation of the agreement is bad in law, a suit for specific performance is not maintainable. (Para 27) Suppression of material facts disentitles the buyer from the equitable and discretionary relief of specific performance. (Para 29)

Soumen Paul vs Shrabani Nayek 2025 INSC 451 - Public Employment - Eligibility

Public Employment - The candidate seeking public employment must satisfy his eligibility requirements in terms of the date appointed by the relevant service rules and, “if there is no cut-off date appointed by the rules then such date as may be appointed for the purpose of advertisement calling for applications”. Further,

if there is no such date appointed then eligibility criteria shall be with reference to the last date appointed by which the applications have to be received. (Para 26)

-Recruitment notification - Recruitment notification occupies an important position in the recruitment process and this is for the reasons that the candidates participating in the selection process must be informed of the rules and regulations that would apply for considering the eligibility of the participants. It is an important principle of transparency, intended to prevent illegality and arbitrariness in executive action. (Para 27)

West Bengal Primary School Teachers Recruitment Rules, 2016 - Rule

6 - The intentment of Rule 6(2) of the Recruitment Rules 2016 is only to declare that the qualifications as prescribed by NCTE and that are prevailing on the date of publication of the recruitment notification should be possessed by the candidate. The purpose and object of the rule is not at all to declare a cut-off date for obtaining the qualifications. (Para 20)

Kuncham Lavanya Vs Bajaj Allianz General Insurance Co. Ltd. 2025

INSC 452 - Motor Accident Compensation - FIR

Motor Accident Compensation Claims - FIR - FIR is not expected to be encyclopaedic and is only for the purpose of putting into motion criminal law such that thorough and full-fledged investigation by the police ensues, it is the duty of the investigating agency to find out the identity of the culprit which in the present case would be the offending car and driver and take action in accordance with law. Thus, the mere fact that initially the FIR records the vehicle as unknown would not be fatal for the prosecution/claimants to later come up with the specific identity of the vehicle/driver, with the obvious caveat that the connection of the accident with the said vehicle has to be based on cogent and reliable evidence. (Para 17)

Sohom Shipping Pvt. Ltd. vs New India Assurance Co. Ltd. 2025 INSC 453 - Contra proferentum

Contra proferentum - Verba chartarum fortius accipiuntur contra proferentem- The common law rule of interpreting the clause against the maker of the contract in case of ambiguity - The said rule only applies to cases of real ambiguity, where the clause by itself is ambiguous irrespective of any external considerations. (Para 13-15)

Securities And Exchange Board Of India vs Ram Kishori Gupta 2025 INSC 454 - SEBI - Res Judicata

Res Judicata - These stellar principles would not only apply to the parties to a dispute but would also bind the adjudicating authorities seized of such dispute, be they judicial, quasi-judicial or administrative. (Para 28)

SEBI - Res Judicata - SEBI cannot claim exemption from the applicability of the principle of res judicata (Para 27)- It is not open to SEBI to claim that it could pass multiple final orders on the same cause of action. (Para 29)

Quotes - The scales of justice may be slow to tip but when they do, let them tip in favour of what is right - Quote by Nancy Taylor Rosenberg, American author. (Para 1)

United India Insurance Co. Ltd. vs Park Leather Industries Ltd. 2025 INSC 455 - Insurance Law

Note: No legal aspects discussed in the judgment.

**State (NCT) Of Delhi vs Rajeev Sharma 2025 INSC 456 - S. 167(2) CrPC
- Default Bail**

Code of Criminal Procedure 1973 - Section 167(2) - whether the term imprisonment for a term "not less than 10 years" in clause(i) of the proviso(a) to Section 167(2) Cr.P.C would include an offence where the punishment of 14 years of imprisonment is prescribed, but no minimum period of imprisonment is prescribed for such offence? Quoted from Rakesh Kumar Paul vs. State of Assam (2017) 15 SCC 67 : The words "not less than" occurring in clause (i) to proviso (a) of Section 167(2) CrPC (and in other provisions) must be given their natural and obvious meaning, which is to say, not below a minimum threshold and in the case of Section 167 CrPC these words must relate to an offence punishable with a minimum of 10 years' imprisonment.".(Para 8-9)

Jaspal Singh Kaural vs State Of NCT Of Delhi 2025 INSC 457 - Rape - Promise To Marry - Framing Of Charges

Indian Penal Code 1860 - Section 375 - Mere fact that physical relations were established pursuant to a promise to marry will not amount to a rape in every case. An offence under Section 375 IPC could only be made out, if promise of marriage was made by the accused solely with a view to obtain consent for sexual relations without having any intent of fulfilling said promise from the very beginning, and that such false promise of marriage had a direct bearing on the prosecutrix giving her consent for sexual relations. (Para 14) - Referred to of Naim Ahmed Vs State (NCT) of Delhi [2023] 15 SCC 385.

Code of Criminal Procedure 1973 - Section 227- At the time of framing of charge, a mini trial is not permissible and the Trial Court has to proceed with the material brought on record by the prosecution and determine whether the facts emerging from the material taken on its face value, disclose the existence of the

ingredients necessary of the offence alleged. (Para 16) - **Section 397-401** - The scope of interference and exercise of revisional jurisdiction is extremely limited and should be exercised very sparingly, specifically in instances, where the decision under challenge is grossly erroneous, or there is non-compliance of the provisions of law, or the finding recorded by the trial court is based on no evidence, or material evidence is ignored or judicial discretion is exercised arbitrarily or perversely by framing the charge. (Para 17)

Biswajyoti Chatterjee vs State Of West Bengal 2025 INSC 458 - Rape - Promise To Marry

Indian Penal Code 1860 - Section 376 - There is a growing tendency of resorting to initiation of criminal proceedings when relationships turn sour. Every consensual relationship, where a possibility of marriage may exist, cannot be given a colour of a false pretext to marry, in the event of a fall out. It is such lis that amounts to an abuse of process of law- [**Context:** SC while quashing criminal proceedings against accused, observed: Even if we take the case of the Complainant at the face value or consider that the relationship was based on an offer of marriage, the Complainant cannot plead ‘misconception of fact’ or ‘rape on the false pretext to marry’. It is from day one that she had knowledge and was conscious of the fact, that the Appellant was in a subsisting marriage, though separated. It is upon having an active understanding of the circumstances, actions and the consequences of the acts, that the Complainant made a reasoned choice to sustain a relationship with the Appellant.]

Hutu Ansari @ Futu Ansar Vs State Of Jharkhand 2025 INSC 459 - SC-ST Act - Public View

SC-ST (Prevention of Atrocities) Act- Section 3 - When there is nothing to indicate that there was anybody present in the vicinity of the alleged scene of occurrence, other than family members of the complainant, it cannot be said to have occurred in public view. (Para 9)

Jagdish Gond vs State of Chhattisgarh 2025 INSC 460 - Appeal Against Acquittal - S. 106 Evidence Act - Last Seen Together

Code of Criminal Procedure 1973 - Section 378 - Unless it is demonstrated that there is some manifest illegality or perversity in the conclusions recorded by the Trial Court while arriving at the finding of guilt of the accused, an acquittal ordinarily should not be reversed. Where two views were possible, it is also trite, that the one taken by the Trial Court to acquit the accused, if found to be a plausible one, cannot be upset lightly by the Appellate Court. The presumption of innocence available to an accused gets further fortified by the acquittal entered by the Trial Court. (Para 6)

Indian Evidence Act 1872 - Section 106 - When an accused is alleged to have committed the murder of his wife; if the prosecution establishes that shortly before the crime, they were seen together or the offence takes place in the dwelling home where the husband also resides, then if the accused does not offer any explanation or offers an explanation which is palpably false; that would be a strong circumstance, establishing his culpability in the crime. However, it cannot be the sole circumstance leading to the conclusion of guilt on the part of the accused husband. (Para 9)

Circumstantial Evidence - A mere suspicion cannot lead to a finding of guilt, especially when there is not available a chain of circumstances, unequivocally pointing to the guilt of the accused in the alleged crime. (Para 9)

Union Territory Of Jammu And Kashmir vs Brij Bhushan 2025 INSC 461 - FIR Quashing Upheld

Note: No legal aspects discussed in this judgment- SC dismissed SLP against HC judgment quashing FIR with respect to a transaction in land.

K. Gopi vs Sub-Registrar 2025 INSC 462 - Registration Act - Title Examination

Registration Act 1908 - No provision under the 1908 Act confers power on any authority to refuse registration of a transfer document on the ground that the documents regarding the title of the vendor are not produced, or if his title is not established. (Para 11) It is not the function of the Sub-Registrar or Registering Authority to ascertain whether the vendor has title to the property which he is seeking to transfer. Once the registering authority is satisfied that the parties to the document are present before him and the parties admit execution thereof before him, subject to making procedural compliances as narrated above, the document must be registered. The execution and registration of a document have the effect of transferring only those rights, if any, that the executant possesses. If the executant has no right, title, or interest in the property, the registered document cannot effect any transfer. (Para 15)

Registration Rules under the Registration Act, 1908 - Rule 55A(i) is inconsistent with the provisions of the 1908 Act and declared as ultra vires the 1908 Act - Rule 55A empowered the registering officer to refuse registration unless the presentant produces the original deed by which the executant acquired rights over the subject property and an encumbrance certificate pertaining to the property, obtained within ten days from the date of presentation. (Para 13)

Sakshi Arha vs Rajasthan High Court 2025 INSC 463 - Public Employment -Eligibility Criteria

Public Employment -The claim made by a candidate while filling his or her application as per the concerned advertisement are to hold good as on the date of his or her application or as per the last date of submission of applications prescribed by the concerned advertisement. (Para 34) The eligibility criteria for candidates aspiring public employment shall be determined pertaining to the cut-off date as outlined in the applicable rules of their respective service. In case the rules are silent, the decisive date is, ideally, indicated in the advertisement for recruitment. However, in case of absence of specifications in both context, the eligibility is to be adjudged in lieu of the last date of submission of applications before the concerned authority or institute. (Para 27)

Legal Maxim - Ignorantia juris non excusat- Ignorance of the law is no excuse. (Para 32)

Parsvnath Film City Ltd. vs Chandigarh Administration 2025 INSC 464 - Arbitration

Note: No legal aspects discussed in this judgment.

Dayananda Saraswati Swamiji (D) vs State Of Tamil Nadu 2025 INSC 465 -Writ Petition Challenging HR & CE Provisions

Summary : Writ petitions challenging various provisions of the Hindu Religious and Charitable Endowments Act of various States- SC held: The petitioners could

be permitted to approach the respective State High Courts to assail the said provisions since the scheme of the respective Scheme Acts may be distinct- a more effective manner of ventilating the grievances by the petitioners herein is to assail the provisions of the respective Acts before the respective jurisdictional High Courts so as to enable the High Courts to better appreciate the dimensions of challenge of the provisions of the respective Acts.

**Annaya Kocha Shetty (D) vs Laxmibai Narayan Satose 2025 INSC 466
- Contract - Ss.91,92 Evidence Act - Pleadings and Judgment**

Contracts - The guide to the construction of deeds and tools adopted can broadly be summarised as follows: (1) The contract is first constructed in its plain, ordinary and literal meaning. This is also known as the literal rule of construction - (2) If there is an absurdity created by literally reading the contract, a shift from literal rule may be allowed. This construction is generally called the golden rule of construction (3) Lastly, the contract may be purposively constructed in light of its object and context to determine the purpose of the contract. This approach must be used cautiously. (Para 17)

Indian Evidence Act 1872 - Section 91,92 - The construction of a deed is “generally speaking, a matter of law.” However, when there is an ambiguity in the deed, determining its meaning is a mixed question of fact and law - This concept is encapsulated by sections 91 and 92 of the Evidence Act, 1872 - The evidence to vary the terms of an agreement in writing is not admissible, but evidence to show that there is no agreement in the first place is admissible- Thus, unless the grounds fall within the provisos read with the illustrations to section 92, there is a bar on adducing oral evidence. (Para 18.2)

Judgment - A judgment should be coherent, systematic, and logically organised. It should enable the reader to trace the facts to a logical conclusion on the basis of legal principles. (Para 3)

Pleading - The effort of pleading and evidence should be to be concise to the cause and must not confuse the cause. The lengthy pleadings and avoidable evidence are well within the scrutiny of trial courts, and, at the right stage, must be regulated within four corners of the law. Such an approach by trial courts would like a stitch in time, save nine. Long and drawn-out pleadings will run the risk of having a cascading effect on the appellate and revisional courts. Meandering pleadings will land up with laden weight in SLPs, making the narrative difficult. The time has come for courts to invoke the jurisdiction under Order 6 Rule 16 and make litigation workable. Courts are also confronted with AI-generated or computer-generated statements. While technology is useful in enhancing efficiency and efficacy, the placid pleadings will disorient the cause in a case. It is time that the approach to pleadings is re-invented and re-introduced to be brief and precise. (Para 3)

Rajiv Ghosh vs Satya Naryan Jaiswal 2025 INSC 467 - Order XII Rule 6 - Admissions

Code of Civil Procedure 1908 - Order XII Rule 6 - The words "or otherwise" are wide enough to include all cases of admissions made in the pleadings or de hors the pleadings i.e. either in any document or even in the statement recorded in the Court. If one of the parties' statement is recorded under O. 10, Rr. 1 and 2 of the Code of Civil Procedure, the same is also a statement which elucidates matters in controversy. Any admission in such statement is relevant not only for the purpose of finding out the real dispute between the parties but also to ascertain as to whether or not any dispute or controversy exists between the parties. Admission if any is made by a party in the statement recorded, would be conclusive against him and the Court can proceed to pass judgment on the basis of the admission made therein. (Para 35-37)

Chatha Service Station vs Lalmati Devi 2025 INSC 468 - Motor Accident Compensation - Order XLI Rule 27 CPC

Motor Accident Compensation - It is incumbent on the Court/Tribunal considering a case of a licensee driving another type of vehicle, for which he has not obtained a licence, to take a decision as to whether this fact was the main or contributory cause of negligence- This factum of absence of licence to drive another type of vehicle is inconsequential if that is not the main or contributory cause of accident- Referred to National Insurance Co. Ltd vs. Swaran Singh (2004) 3 SCC 297. (Para 15)

Code of Civil Procedure 1908 - Order XLI Rule 27 - Only if there is a satisfactory explanation for the non-production before the original court, i.e. despite exercise of due diligence or the same was not within the knowledge of the party or it could not be produced despite exercise of due diligence, could there be an acceptance of the document at the appellate stage. (Para 18)

New India Assurance Co. Ltd. vs Sunita Sharma 2025 INSC 469 - Motor Accident Compensation - Compassionate Assistance - Art. 141 Constitution

Motor Vehicles Act 1988 - Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006- Motor Accident Compensation - Quoted from Reliance General Insurance Co. Ltd. v. Shashi Sharma: A just compensation payable under the Act of 1988, therefore, is to exclude the amount received or receivable by the dependents of the deceased Government employee under the Rules of 2006 towards the head financial assistance equivalent to “pay and other allowances” that was last drawn by the deceased Government employee in the normal course. This is not to say that the amount or payment receivable by the dependents of the deceased Government

employee under Rule 5 (1) of the Rules, is the total entitlement under the head of “loss of income”. So far as the claim towards loss of future escalation of income and other benefits, if the deceased Government employee had survived the accident can still be pursued by them in their claim under the Act of 1988. For, it is not covered by the Rules of 2006. (Para 5)

Constitution of India - Article 141 - High Court despite noticing a judgment of Supreme Court failed to follow the dictum and followed a contrary judgment of the High Court itself- SC held: This is per-se in violation of Article 141 of the Constitution of India. (Para 8)

State of Madhya Pradesh vs Dinesh Kumar 2025 INSC 470

Note: No legal aspects discussed in the judgment.

State Of Karnataka vs Sri Channakeshava.H.D. 2025 INSC 471 - Preliminary Enquiry - Corruption Cases

Code of Criminal Procedure 1973- Section 154 - In matters of corruption a preliminary enquiry although desirable, but is not mandatory. In a case where a superior officer, based on a detailed source report disclosing the commission of a cognizable offence, passes an order for registration of FIR, the requirement of preliminary enquiry can be relaxed- Referred to in State of Karnataka v. T.N Sudhakar Reddy (Para 11-12)

Kashmiri Lal Sharma vs Himachal Pradesh State Electricity Board Ltd. 2025 INSC 472 - Service Law - RPwD Act

Service Law - Rights of Persons with Disabilities Act, 2016 - The benefit of extension of retirement age as provided under the OM dated 9.03.2013 could not have been confined to visually impaired category. Rather, it should be available to persons suffering from all such benchmark disabilities as are specified in the 1995 Act and the 2016 Act. No intelligible basis to confer benefit of age extension to one disabled category and deny it to the other when both are specified in the 1995 Act as well as the 2016 Act. In this view of the matter, if benefit of extension of retirement age is available to visually impaired category, the same ought to be available to other categories of disabilities specified in the 1995 Act as reiterated in the 2016 Act. (Para 14)

Service Law - An employee has no fundamental right as regards the age at which he would retire. Moreover, termination of service of an employee on account of reaching the age of superannuation in accordance with law or rules regulating the conditions of service does not amount to his removal from service within the meaning of Article 311(2) of the Constitution of India. (Para 18)

Rakesh Kumar Verma vs HDFC Bank Ltd. 2025 INSC 473 - Contract - Exclusive Jurisdiction Clauses

Indian Contract Act, 1872 - Section 28 - Section 28 of the Contract Act does not bar exclusive jurisdiction clauses. What has been barred is the absolute restriction of any party from approaching a legal forum. The right to legal adjudication cannot be taken away from any party through contract but can be relegated to a set of Courts for the ease of the parties. (Para 29) For an exclusive jurisdiction clause to be valid, it should be (a) in consonance with Section 28 of the Contract Act, i.e., it should not absolutely restrict any party from initiating legal proceedings pertaining to the contract, (b) the Court that has been given exclusive jurisdiction must be competent to have such jurisdiction in the first place, i.e., a Court not having jurisdiction as per the statutory regime cannot be

bestowed jurisdiction by means of a contract and, finally, (c) the parties must either impliedly or explicitly confer jurisdiction on a specific set of courts. These three limbs/criteria have to be mandatorily fulfilled. (Para 18) **Private Sector Employment** - It may not be possible for all employers in the private sector to contest suits at far-off places from the registered office. This seems to be the overwhelming reason why exclusion clauses are inserted. (Para 22)

Government Service and Private Sector - The origin of government service is contractual. There is an offer and acceptance in every case. But once appointed to his post or office, the government servant acquires a status and his rights and obligations are no longer determined by the consent of both the parties, but by the statute or statutory rules as framed. In other words, the legal position of a government servant is more one of status than that of contract. A government servant may not be tied down by his employer to a court at a particular place, should a dispute arise for adjudication by a law court. Articles 14, 16 and 21 could stand in the way- On the other hand, service in the private sector is governed by the terms of the employment contract entered into by and between the parties inter-se. Like any other contract, even in an employment contract, a concluded contract pre-supposes the existence of at least two parties with mutual rights and obligations. Once a concluded contract comes into existence, it is axiomatic that such rights and obligations of the parties are governed by the terms and conditions thereof. (Para 21)

Contracts - A contract – be it commercial, insurance, sales, service, etc. – is after all a contract. It is a legally binding agreement, regardless of the parties involved or their inter se strengths- Law treats all contracts with equal respect and unless a contract is proved to suffer from any of the vitiating factors, the terms and conditions have to be enforced regardless of the relative strengths and weakness of the parties- Contracts should be treated equally, without bias or distinction. The fact that one party is more powerful or influential (the mighty lion) and the other more vulnerable (the timid rabbit) does not justify making

exceptions or distinctions in the application of contractual principles. (Para 24-26)

Hyeoksoo Son vs Moon June Seok 2025 INSC 474

Summary: HC quashed criminal proceedings against respondent- SC allowed appeal filed by complainant and observed: The rule of law has a responsibility to protect the investments of foreign investors, while at the same time ensuring that any person accused of mishandling such funds is really and fully protected by the power of the phrase ‘innocent till proven guilty’.

Karan Singh vs State Of Haryana 2025 INSC 475- Prisoners Act

Haryana Good Conduct Prisoners (Temporary Release) Amendment Act, 2012- The amendment came into effect on 1st October 2012- In this case, the offence was committed on 17th June 2010 and the order of sentence was issued on 11/13th November 2010- As such, the said amendment would not be applicable in the facts of the present case. (Para 11)

Neha Enterprises vs Commissioner, Commercial Tax 2025 INSC 476 - UP Vat - Taxation

Uttar Pradesh Value Added Tax Act, 2008 - Section 13 - Section 13(1) provides for allowing credit of an amount as input tax credit to the extent provided by or under the relevant clause to which the applicable condition is

attracted. If the purchased goods are resold in the course of exporting the goods out of India, then the full amount of input tax credit can be claimed. Section 13(7) outlines the circumstances under which such a benefit cannot be allowed. Section 13(7) also sets out that no facility for input tax credit shall be allowed to a dealer with respect to the purchase of any goods where the sale of such goods by the dealer is exempt from tax under Section 7(c) of the Act. The prohibition from allowing input tax credit is a statutory mandate. (Para 10)

Serious Fraud Investigation Office vs Aditya Sarda 2025 INSC 477 - Anticipatory Bail - Absconding Accused

Code of Criminal Procedure 1973 - Section 438, 82 - When after the investigation, a chargesheet is submitted in the court, or in a complaint case, summons or warrant is issued to the accused, he is bound to submit himself to the authority of law. If he is creating hindrances in the execution of warrants or is concealing himself and does not submit to the authority of law, he must not be granted the privilege of anticipatory bail, particularly when the Court taking cognizance has found him *prima facie* involved in serious economic offences or heinous offences. In such cases when the court has reason to believe that the person against whom the warrant has been issued has absconded or is concealing himself so that warrant could not be executed, the concerned court would be perfectly justified in initiating the proclamation proceedings against him under Section 82 Cr.P.C. The High Courts should also consider the factum of issuance of non-bailable warrants and initiation of proclamation proceedings seriously and not casually, while considering the anticipatory bail application of such accused. (Para 23)

Code of Criminal Procedure 1973 - Section 204 - Whether the attendance of the accused can be best secured by issuing a bailable warrant or non-bailable warrant, would be a matter, which entirely rests at the discretion of the concerned Court. Although the discretion should be exercised judiciously, diverse considerations such as the nature and seriousness of the offence, the circumstances peculiar to the accused, possibility of his concealing or absconding, larger interest of public and state etc. also must be seriously considered by the court- There cannot be a strait jacket formula that the Court must first issue a summons even in case of a warrant case, irrespective of the gravity or seriousness of the offence. (Para 28)

Companies Act 2013 - Section 212,447 - The offence covered under Section 447 of the Companies Act has been made cognizable and the person accused of the said offence is not entitled to be released on bail or on his bond, unless twin conditions mentioned therein are satisfied. The twin conditions are: - (i) that a Public Prosecutor should be given an opportunity to oppose the application for such release; and (ii) where the Public Prosecutor opposes the application, the Court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail. These twin conditions are mandatory in nature. (Para 24)

Economic Offences -Economic offences constitute a class apart, as they have deep rooted conspiracies involving huge loss of public funds, and therefore such offences need to be viewed seriously. They are considered as grave and serious offences affecting the economy of the country as a whole and thereby posing serious threats to the financial health of the country. (Para 23)

Quotable Quotes- The law aids only the abiding and certainly not its resists. (Para 23) The judicial time of every court, even of Magistrate's Court is as precious and valuable as that of the High Courts and the Supreme Court. The accused are duty bound to cooperate the trial courts in proceeding further with the cases and bound to remain present in the Court as and when required by the

Court. Not allowing the Courts to proceed further with the cases by avoiding execution of summons or warrants, disobeying the orders of the Court, and trying to delay the proceedings by hook or crook, would certainly amount to interfering with and causing obstruction in the administration of justice. (Para 27) If the Rule of Law is to prevail in the society, every person would have to abide by the law, respect the law and follow the due process of law. (Para 27)

R. Nagaraj (D) vs Rajmani 2025 INSC 478 - CPC - Framing of Issues - Limitation

Code of Civil Procedure 1908 - Framing of Issues - There could be several points directly or indirectly connected with the main issue that has been framed. In such cases, when the larger issue that has been framed is wide enough to cover different points of disputes within it, there is no necessity to frame a specific issue on that aspect. Further, when the parties go to trial with the knowledge that a particular point is at lis, had full opportunity to let in evidence, they cannot later turn back to say that a specific issue was not framed. All that is required under law, is for the Court to render a finding on the particular fact or law in dispute, on the facts of the case - Such evidence, in the absence of pleadings, cannot permit either of the parties to make out a new case- The Courts are vested with powers to go into the question of law, touching upon either the limitation or the jurisdiction, even if no plea is raised and not in cases, where facts have to be pleaded and evidence has to be let in. (Para 21)

Limitation - Limitation, as we generally know is a mixed question of fact and law. However, there is no hard and fast rule that every question of limitation is to be treated as a mixed question of fact and law. In cases, where the action is initiated after several years after the right to sue accrued, without any pleadings to explain the reasons for delay or as to when the fraud was discovered, the

question of limitation is to be treated as a question of law- In cases, where the pleadings are silent, then it becomes the duty of the Court to ascertain from the evidence and the overall facts of the case, as pleaded by either party, and to render a finding on limitation where the question of limitation is to be treated as a question of law, since the Court cannot entertain frivolous or stale claims. (Para 20)

Code of Civil Procedure 1908 - Section 100 -High Court possesses the authority to entertain second appeals strictly on substantial questions of law. Upon admitting such an appeal, the High Court is empowered to frame substantial questions and adjudicate them directly, without the necessity of remanding the matter to the trial court. This approach ensures judicial efficiency and prevents unnecessary prolongation of litigation. (Para 12.1)

Practice and Procedure - A question of law can be raised at any stage. (Para 20)

Code of Civil Procedure 1908- Limitation Act 1961 - Civil Procedure Code and the law of limitation, being procedural laws, meant to assist the Courts in the process of rendering justice, cannot curtail the power of the Courts to render justice. Procedural laws after all are handmaid of justice. What is to be seen is whether any irregularity arising from a failure to follow procedure has caused serious prejudice to the parties. It is not to be forgotten that the process of adjudication is to discern the truth. (Para 20)

Prabhjot Kaur vs State Of Punjab 2025 INSC 479 - Public Appointments

Public Appointments - Recruitment - The State or its instrumentalities cannot tinker with the ‘rules of the game’ once the recruitment process

commences - Referred to Tej Prakash Pathak v. High Court of Rajasthan, (2025) 2 SCC 1. (Para 22)

Zulfiqar Haider vs State Of Uttar Pradesh 2025 INSC 480 - Bulldozer Justice - Fundamental Right To Shelter - Demolition

Constitution of India - Article 21 - The right to shelter is also an integral part of Article 21 of the Constitution of India. This right can be taken away only by following due process of law. Moreover, our country is governed by the rule of law, which is an integral part of the basic structure of the Constitution. The residential structures of citizens cannot be demolished in such a summary manner without following the principles of natural justice. [Context: While setting aside Allahabad HC order in a demolition matter, SC observed: Carrying out demolition of residential structures in such a high-handed manner shows insensitivity on the part of the statutory development authority. This is one more case of bulldozer justice. The officers of the PDA have forgotten that the rule of law prevails in our country. Unfortunately, the State Government has supported the PDA.]

Uttar Pradesh Urban Planning and Development Act, 1973 -Section 43- If a person to whom the document is addressed is not found, it shall be affixed on some conspicuous part of his last known place of residence or business, or it should be tendered to some adult member of his family. There is also an option provided to send the document by registered post. Clause (d)(2) uses the words "if such person cannot be found". The words are not "if such a person is not found". It is clear that only after genuine multiple efforts are made to find the person on more than one day, one can say that "the person cannot be found". It cannot be that the person entrusted with the job of serving notice goes to the address and affixes it after finding that on that day, the person concerned is unavailable at a given time. The words "if such a person cannot be found" cannot

be given any other interpretation- Repeated efforts have to be made to effect personal service. Only if those efforts fail, can the other two options be resorted to. One is of affixing and the second is of sending by registered post. Considering the drastic consequences provided in Section 27, recourse should usually be taken to both modes. The officers of the PDA must understand that before a structure is demolished, every possible effort should be made to effect a proper service of the show-cause notice.

State Of Tamil Nadu vs Governor Of Tamilnadu 2025 INSC 481 - Article 200 Constitution - Timelines

Constitution of India - Article 200,201 - The scheme of Article 200 does not envisage either the exercise of a pocket or an absolute veto by the Governor-Governor can neither permanently keep a bill with him without according assent to it, nor can he declare a simpliciter withholding of assent - **Options available to a State Governor when a bill passed by the State Legislature is presented for assent**- When a bill passed by the State legislature is presented to the Governor, the Governor has three options: (i) to give assent to the bill, (ii) to withhold assent from the bill, or (iii) to reserve the bill for the consideration of the President -If the Governor decides to withhold assent, the first proviso to Article 200 mandates that the Governor must, as soon as possible after the presentation of the bill, return the bill to the House or Houses of the Legislature with a message requesting that the House or Houses reconsider the bill or any specified provisions thereof, and in particular, consider the desirability of introducing any such amendments as he may recommend in his message- Once a bill is returned by the Governor and is reconsidered and repassed by the State Legislature without material changes, the first proviso to Article 200 clearly states that the Governor "shall not withhold assent therefrom." The only exception is if the repassed bill is materially different from the bill originally

presented. In the case discussed, the reservation of the bills for the President in the second round was deemed illegal- **Timelines prescribed:** (i) For withholding assent or reserving a bill (upon the aid and advice of the State Council of Ministers): forthwith, subject to a maximum of one month. (ii) For returning a bill after withholding assent contrary to the advice of the State Council of Ministers: maximum of three months. (iii) For reserving a bill contrary to the advice of the State Council of Ministers: maximum of three months. (iv) For granting assent to a bill presented after reconsideration: forthwith, subject to a maximum of one month. (v) For the President to take a decision on reserved bills: within a period of three months from the date of receipt. Delays beyond this require recorded reasons to be conveyed to the State . (Para 434) - Delay caused by the Governor beyond the prescribed time-limits would be justiciable and the courts, with deference to applicable judicial principles, would be fully competent to ascertain whether the delayed exercise of power by the Governor under Article 200 was based on any reasonable grounds or not. (Para 244)

Constitution of India - Article 200,201- a. Where the bill which is under consideration is pertaining to a provision of the Constitution where primacy has been given to the Union government in taking a decision keeping in consideration the desirability of having certain uniform standards of national policy, then the limited grounds of judicial review would be based on arbitrariness, malafides, etc.

b. Where the bill which is under consideration pertains to a subject matter or domain within which State legislature has been accorded primacy, and the reservation of the bill is by the Governor contrary to the aid and advice of the State Council of Ministers, then in exercise of judicial review the courts would be competent to look into the reasons for withholding of assent and whether they are legally tenable or not, besides the grounds of malafides and arbitrariness, etc.

369. We clarify that the possible situations illustrated by above are not meant to be exhaustive and in the specific facts of a given case, the courts may evolve new

standards of judicial scrutiny to ensure that the constitutionally prescribed procedure is adhered to in letter and spirit. (Para 368-369)

Constitution of India - Article 200,201-There is no ‘pocket veto’ or ‘absolute veto’ available to the President in discharge of his functions under Article 201. The use of the expression “shall declare” makes it mandatory for the President to make a choice between the two options available under the substantive part of Article 201, that is, to either grant assent or to withhold assent to a bill. The constitutional scheme does not, in any manner, provide that a constitutional authority can exercise its powers under the Constitution arbitrarily. This necessarily implies that the withholding of assent under Article 201 is to be accompanied by the furnishing of reasons for such withholding. (Para 434-XVIII)

Constitution of India - Article 32,226, 200,201- Judicial Review - judicial review of the exercise of power by the Governor under Article 200 and the exercise of power by the President under Article 201 - a. Where the Governor reserves a bill for the consideration of the President in his own discretion and contrary to the aid and advice tendered to him by the State Council of Ministers, it shall be open to the State Government to assail such an action before the appropriate High Court or this Court. Such a challenge can broadly be made on the following grounds: (i) Where the reservation is on the ground that the bill is of a description falling under the Second Proviso to Article 200 of the Constitution, it may be assailed on the ground that the bill or any provision thereof does not so derogate from the powers of the High Court so as to endanger the position which that court is designed by the Constitution to fill. The Governor while reserving a bill on this count shall be expected to provide clear reasons and also point to the specific provision(s) of the bill which, in his opinion, attract the Second Proviso. This question being purely of a legal nature would be completely justiciable and the competent court would be, after a proper adjudication, fully

authorized to approve or disapprove of such reservation by the Governor. If such a challenge finds favour with the competent court, then, subject to any other considerations, it would be a fit case for the issuance of a writ in the nature of mandamus to the Governor for appropriate action. If, however, the challenge should fail then the mechanism envisaged under Article 201 of the Constitution will spring into action. (ii) Where the reservation is on account of the bill attracting any provision of the Constitution wherein the assent of the President is a condition precedent for the proper enactment and enforceability of such a bill as a law (such as under Article 364A2) or for the purpose of securing any immunity (such as under Article 31A) or overcoming any repugnancy that may exist qua a Central Legislation (under Article 254(2)), then the Governor is expected to make a specific and clear reference to the President properly indicating the reasons for such reservation and inviting his attention as described in Kaiser-I-Hind (*supra*). Such a reservation can be assailed by the State Government, if the reference made by the Governor either fails to indicate the reasons for such reservation as discussed above or that the reasons indicated are wholly irrelevant, mala- fide, arbitrary, unnecessary or motivated by extraneous considerations. Then such a reservation would be liable to be set aside. This question being purely of a legal nature would be completely justiciable and the competent court would be after a proper adjudication fully authorized to approve or disapprove of such reservation by the Governor. If such a challenge finds favour with the competent court, then, subject to any other considerations, it would be fit case for issuance of a writ in the nature of mandamus to the Governor for appropriate action. If however, the challenge should fail then the mechanism envisaged under Article 201 of the Constitution will spring into action. (iii) Where the reservation of a bill by the Governor for the consideration of the President is on the grounds of peril to democracy or democratic principles or on other exceptional grounds as mentioned in M.P. Special Police (*supra*) and Nabam Rebia (*supra*) then the Governor would be expected to make a specific

and clear reference to the President properly indicating the reasons for entertaining such a belief by pinpointing the specific provisions in this regard and the consequent effect that may ensue if such a bill were to be allowed to become a law. The Governor while making such a reference should also indicate his subjective satisfaction as to why the aforesaid consequences that may ensue cannot be possibly curtailed or contained by taking recourse to the constitutional courts of the country. It shall be open to the State Government to challenge such a reservation on the ground of failure on part of the Governor to furnish the necessary reasons as discussed aforesaid or that the reasons indicated are wholly irrelevant, mala-fide, arbitrary, unnecessary or motivated by extraneous considerations. This being a question completely capable of being determined by the constitutional courts, would be fully justiciable. (iv) Reservation of a bill on grounds other than the ones mentioned above, such as personal dissatisfaction of the Governor, political expediency or any other extraneous or irrelevant considerations is strictly impermissible by the Constitution and would be liable to be set-aside forthwith on that ground alone. This will also encompass reservation of a bill by the Governor after having already exercised the option of withholding of assent in terms of Article 200 except in such exceptional circumstance as mentioned in paragraph 204 of this judgment. (v) Where the Governor exhibits inaction in making a decision when a bill is presented to him for assent under Article 200 and such inaction exceeds the time-limit as has been prescribed by us in paragraph 250 of this judgment then it shall be open to the State Government to seek a writ of mandamus from a competent court against the Governor directing expeditious decision on the concerned bill as is the mandate of the Constitution, however, it is clarified that the Governor may successfully resist such a challenge on providing sufficient explanation for the delay caused -

Where the Governor reserves a bill for the consideration of the President and the President in turn withholds assent thereto then, it shall be open to the State Government to assail such an action before

this Court. Such a challenge can broadly be made on the following grounds: Where the Governor reserves a bill for the consideration of the President and the President in turn withholds assent thereto then, it shall be open to the State Government to assail such an action before this Court. Such a challenge can broadly be made on the following grounds: (i) Where a State bill has been reserved by the Governor for the consideration of the President on the ground that assent of the President is required for the purpose of making the bill enforceable or securing some immunity therefor, then in such cases the withholding of assent by the President would be justiciable to the limited extent of exercise of such power in an arbitrary or malafide manner. Owing to the political nature of the assent of the President in these categories of bills, the courts would impose a self-restraint. (ii) Where a State bill has been reserved by the Governor, in his discretion, for the consideration of the President on the ground that the bill appears to be patently unconstitutional for placing the principles of representative democracy in peril, the withholding of assent by the President would, in ordinary circumstances, involve purely legal and constitutional questions and therefore be justiciable without any impediments imposed by the doctrine of political thicket. In such cases, it would be prudent for the President to obtain the advisory opinion of this Court by way of a reference under Article 143 and act in accordance with the same to dispel any apprehensions of bias, arbitrariness or mala fides. (iii) Where the President exhibits inaction in making a decision when a bill is presented to him for assent under Article 201 and such inaction exceeds the time-limit as has been prescribed by us in paragraph 391 of this judgment then it shall be open to the State Government to seek a writ of mandamus from this Court. (Para 434-XXIV)

Constitution of India - Article 200 - Governor does not possess any discretion in the exercise of his functions under Article 200 and has to mandatorily abide by the advice tendered to him by the Council of Ministers-

There are two broad circumstances under which it would be permissible for the Governor to act in his own discretion under Article 200: a. Where the Governor is by or under the Constitution required to act in his discretion. The only situation in which such exercise of discretion has been explicitly laid down in the Constitution is the second proviso to Article 200, that is, where, in the opinion of the Governor, the bill, if assented to, would so derogate from the powers of the High Court as to endanger the position which the High Court is designed to fill by the Constitution; b. Where the Governor is by necessary implication required to act in his own discretion. This would include: (i) Where a bill attracts such a provision of the Constitution which requires the mandatory assent of the President for securing immunity or making the law enforceable. Exercise of discretion is permissible in these cases. For instance, Article(s) 31A, 31C, 254(2), 288(2), 360(4)(a)(ii) etc. (ii) Situations where the exceptional conditions as described in M.P. Special Police (*supra*) and Nabam Rebia (*supra*) are applicable i.e., the State Council of Ministers has disabled or disentitled itself; possibility of complete breakdown of the rule of law or by reason of peril to democracy/democratic principles respectively, as a consequence of which an action may be compelled which, by its nature is not amenable to ministerial advice. (Para 318-320)

Pre-legislation consultation -States should enter into pre-legislation consultation with the Central government before introducing legislations on matters pertaining to those provisions of the Constitution where the assent of the President may be required. Likewise, the Central government, should consider the legislative proposals sent by the State governments with due regard and expediency. Such a practice reduces friction between Centre- State relations and also ensures that future roadblocks are overcome in the beginning itself, thereby promoting public welfare. (Para 425)

Quotable Quotes- We take this opportunity to quote Dr. B.R. Ambedkar's concluding speech in the Constituent Assembly, which is as relevant today as it was in 1949 – “However good a Constitution may be, it is sure to turn out bad because those who are called to work it, happen to be a bad lot. However bad a Constitution may be, it may turn out to be good if those who are called to work it, happen to be a good lot. (Para 439) It is only when the constitutional functionaries exercise their powers by and under the Constitution that they show deference to the people of India who have given the Constitution to themselves. (Para 440) The soul of India is its Constitution. Our Republic, the foresight of dynamic visionaries. What a great edifice, they built, ensuring sovereignty with democratic values. The Constitution is our bedrock ensuring our safety and security. It outlines a process that keeps us rooted in values. We read it for reference and for every policy decision. Without it, we would be lost and make many mistakes. It is now seventy-five years old, but we still keep turning to it, why? Because it guarantees our rights and sets benchmarks for our responsibilities. The laws and rules that uplift all people sprout from its pristine womb, welfare of all is its primary concern, but its sanctity and safety should be our prime concern. (Para 441)

Pinki vs State Of Uttar Pradesh 2025 INSC 482 - Bail - Child Trafficking

Broad Principles for Grant of Bail - Referred to various precedents- The sacrosanctity of liberty is paramount in a civilised society. However, in a democratic body polity which is wedded to the rule of law an individual is expected to grow within the social restrictions sanctioned by law. The individual liberty is restricted by larger social interest and its deprivation must have due sanction of law. In an orderly society an individual is expected to live with dignity having respect for law and also giving due respect to others' rights. It is a

well-accepted principle that the concept of liberty is not in the realm of absolutism but is a restricted one. The cry of the collective for justice, its desire for peace and harmony and its necessity for security cannot be allowed to be trivialised. The life of an individual living in a society governed by the rule of law has to be regulated and such regulations which are the source in law subserve the social balance and function as a significant instrument for protection of human rights and security of the collective. This is because, fundamentally, laws are made for their obedience so that every member of the society lives peacefully in a society to achieve his individual as well as social interest. (Para 62) The true test to ascertain whether discretion has been judiciously exercised or not is to see whether the court has been able to strike a balance between the personal liberty of the accused and the interest of the State, in other words, the societal interests. Each bail application should be decided in the facts and circumstances of the case having regard to the various factors germane to the well settled principles of grant or refusal of bail. (Para 78)

Child Trafficking - We want to convey a message to one & all more particularly the parents across the country that they should remain extremely vigilant and careful with their children. A slight carelessness or negligence or laxity on their part may prove to be extremely costly. The pain and agony which any parents may have to face when the child dies is different from the pain and agony that the parents may have to face when they lose their children to such gangs engaged in trafficking. When the child dies, the parents may with passage of time resign to the will of the Almighty but when the child is lost and not found they have to suffer the pain and agony for the rest of their life. It is worst than death. Therefore, we humbly urge to one and all to remain very cautious and vigilant- If any newborn infant is trafficked from any hospital, the immediate action against the hospital should be suspension of licence to run the hospital over and above other actions in accordance with law. When any lady comes to deliver her baby in

any hospital, it is the responsibility of the administration of the hospital to protect the newborn infant in all respects. (Para 90-91)

Cryogas Equipment Private Limited vs Inox India Limited 2025 INSC 483 - Copyright Act - Design Act

Copyright Act - Section 15(2) ; Designs Act - There may be some designs that could be entitled to copyright protection, and conversely, there can be certain artistic works which lose their copyright protection when industrially applied (Para 17)- The original artistic work, which initially enjoys copyright protection, does not lose the same merely because a ‘design’ derived from it has been industrially applied to create a product. While the expression ‘artistic work’ has a broad spectrum, ‘design’ is restricted to specific features such as shape, configuration, pattern, ornamentation, or composition of lines or colours, applied to an article through an industrial process, resulting in a finished product that appeals to the eye. These visually appealing features, when applied industrially, define a ‘design’ under the Designs Act. (Para 58)- Two-pronged approach in order to ascertain whether a work is qualified to be protected by the Designs Act. This test shall consider: (i) whether the work in question is purely an ‘artistic work’ entitled to protection under the Copyright Act or whether it is a ‘design’ derived from such original artistic work and subjected to an industrial process based upon the language in Section 15(2) of the Copyright Act; (ii) if such a work does not qualify for copyright protection, then the test of ‘functional utility’ will have to be applied so as to determine its dominant purpose, and then ascertain whether it would qualify for design protection under the Design Act. The courts, while applying this test, ought to undertake a case- specific inquiry guided by statutory provisions, judicial precedents, and comparative jurisprudence. It must be kept in mind that the overarching objective is to ensure that rights granted

under either regime serve their intended purpose without unduly encroaching upon the domain of the other.(Para 60-61)

Code of Civil Procedure 1908- Order VII Rule 11 ; Copyright Act ; Designs Act - The question as to whether the original artistic work would fall within the meaning of ‘design’ under the Designs Act cannot be answered while deciding an application under Order VII Rule 11 of the CPC. This stage would involve only a *prima facie* inquiry as to the disclosure of cause of action in the plaint. The question pertaining to ascertaining the true nature of the ‘Proprietary Engineering Drawings’ involves a mixed question of law and fact and could not have been decided by the Commercial Court at a preliminary stage based upon such a casual appraisal of the plaint averments. (Para 67)

Neha Chandrakant Shroff & vs State Of Maharashtra 2025 INSC 484 - Writ Jurisdiction - Alternative Remedy

Constitution of India - Article 226 - The rule of exclusion of writ jurisdiction by availability of an alternative remedy is a rule of discretion and not one of compulsion. There can be many contingencies in which the High Court may be justified in exercising its writ jurisdiction inspite of availability of an alternative remedy. (Para 11) The constitutional powers vested in the High Court or the Supreme Court cannot be fettered by any alternative remedy available to the party concerned. Injustice, whenever and wherever it takes place, should be struck down as an anathema to the rule of law and the provisions of the Constitution. (Para 12) [Allowing appeal against HC judgment, Supreme Court directed Maharashtra Police Dept. to handover vacant and peaceful possession of flats belonging to appellants along with the arrears of rent accrued till the date of handing over of the possession of the two flats and observed: The High Court should have kept the year in mind i.e. 1940. This country was ruled by the Britishers. The country was fighting hard to seek independence from the

Britishers. Bombay in the year 1940 was altogether different. At the relevant point of time, the Department perhaps might have persuaded the appellants or their predecessors in title to part with the possession of the two flats for the Police Department. However, it has been now 84 years that the Police Department has been in occupation and use of the two flats. Look at the conduct of the Department. We are informed that past eighteen years even rent has not been paid.]

Nikhila Divyang Mehta vs Hitesh P. Sanghvi 2025 INSC 485 - CPC - Rejection Of Plaintiff - Limitation Act - Declaration Suit

Limitation Act 1961- Section 3 - Every suit instituted after the period prescribed under the Act shall be dismissed even if limitation has not been set up as a defence. The aforesaid provision is of a mandatory nature and cannot be ignored by the courts even if not pleaded or argued by the defence. It is obligatory upon the court to dismiss the suit if it is, on the face of it, barred by limitation. The aforesaid provision has been enacted for public good and to give quietus to a remedy after lapse of a particular period, as a matter of public policy, though without extinguishing the right in certain cases. Therefore, once a limitation prescribed for instituting a cause of action expires and even if limitation is not set up as a defence, it obliges the court to dismiss the suit as barred by limitation. (Para 26) When suit is ex-facie barred by limitation, no evidence is required to be adduced by the parties. (Para 27)

Code of Civil Procedure 1908 - Order VII Rule 11 - When the other reliefs are dependent upon the first relief and cannot be granted until and unless the plaintiff succeeds in the first relief, once the plaint or the suit in respect of the main relief stands barred by time, the other ancillary relief claimed therein also falls down. (Para 29)

Limitation Act 1961- Article 58 - The limitation for filing of the suit under Article 58 is three years from the date when the cause of action first arose. (Para 24)

Varshatai Sanjay Bagade vs State Of Maharashtra 2025 INSC 486 - Maharashtra Local Authorities (Official Languages) Act - Language - Marathi - Urdu

Constitution of India - Schedule VIII - Maharashtra Local Authorities (Official Languages) Act, 2022 - There is no prohibition on the use of Urdu under the 2022 Act or in any provision of law- If people or a group of people, residing within the area covered by the Municipal Council are familiar with Urdu, then there should not be any objection if Urdu is used in addition to the official language i.e. Marathi, at least on the signboard of the Municipal Council. Language is a medium for exchange of ideas that brings people holding diverse views and beliefs closer and it should not become a cause of their division. (Para 46) - The use of language for official purposes is not according to any rigid formula. (Para 40) - Marathi and Urdu occupy the same position under Schedule VIII of the Constitution of India (Para 15)

Language - Language is not religion. Language does not even represent religion. Language belongs to a community, to a region, to people; and not to a religion- Language is culture. Language is the yardstick to measure the civilizational march of a community and its people.(Para 17 -18) We must respect and rejoice in our diversity, including our many languages. India has more than hundred major languages (Para 20) **Urdu** - Urdu, like Marathi and Hindi, is an Indo-Aryan language. It is a language which was born in this land. Urdu developed and flourished in India due to the need for people belonging to different cultural milieus who wanted to exchange ideas and communicate amongst themselves. Over the centuries, it attained ever greater refinement and

became the language of choice for many acclaimed poets. (Para 27) Even today, the language used by the common people of the country is replete with words of the Urdu language, even if one is not aware of it. It would not be incorrect to say that one cannot have a day-to-day conversation in Hindi without using words of Urdu or words derived from Urdu. The word 'Hindi' itself comes from the Persian word 'Hindavi'! This exchange of vocabulary flows both ways because Urdu also has many words borrowed from other Indian languages, including Sanskrit. (Para 37) Urdu words have a heavy influence on Court parlance, both in criminal and civil law. From Adalat to halafnama to peshi, the influence of Urdu is writ large in the language of the Indian Courts. For that matter, even though the official language of the Supreme Court and the High Courts as per Article 348 of the Constitution is English, yet many Urdu words continue to be used in this Court till date. These include vakalatnama, dasti, etc. (Para 38) - When we criticize Urdu, we are in a way also criticizing Hindi, as according to linguists and literary scholars, Urdu and Hindi are not two languages, but it is one language. True, Urdu is mainly written in Nastaliq and Hindi in Devnagri; but then scripts do not make a language. What makes languages distinct is their syntax, their grammar and their phonology. Urdu and Hindi have broad similarities in all these counts. (Para 41)

Reliance General Insurance Company Limited vs Swati Sharma 2025 INSC 487 - Motor Accident Compensation - Insurer

Motor Accident Compensation - The insurer, who has insured the vehicle is bound to indemnify the owner of the vehicle who has the vicarious liability as against the negligence of his employee. (Para 6)

R. Baiju vs State of Kerala 2025 INSC 488 - S.120B IPC - Conspiracy

Indian Penal Code 1860 - Section 120B,149- By the very nature of the offence of conspiracy, being hatched in secrecy, no evidence of the common intention of the conspirators can be normally produced before Court. The offence can be proved largely by inferences from the acts committed or words spoken by the conspirators in pursuance of a common intention. (Para 18)

**Lakhani Housing Corporation Pvt. Ltd.vs State Of Maharashtra 2025
INSC 489 - MHADA**

MHADA - MHADA cannot also be said to have no jurisdiction to implement a Cluster Development Scheme, in a free hold land, since it is made possible as per the DCPR, if it is carried out jointly with the land owners/ Cooperative Housing Societies.

**Correspondence, RBANMS Educational Institution vs B. Gunashekar
2025 INSC 490 - TP Act - Income Tax**

Civil Suits - Income Tax Act 1961 - Section 269ST -(A) Whenever, a suit is filed with a claim that Rs. 2,00,000/- and above is paid by cash towards any transaction, the courts must intimate the same to the jurisdictional Income Tax Department to verify the transaction and the violation of Section 269ST of the Income Tax Act, if any, (B) Whenever, any such information is received either from the court or otherwise, the Jurisdictional Income Tax authority shall take appropriate steps by following the due process in law, (C) Whenever, a sum of Rs. 2,00,000/- and above is claimed to be paid by cash towards consideration for conveyance of any immovable property in a document presented for registration, the jurisdictional Sub-Registrar shall intimate the same to the jurisdictional

Income Tax Authority who shall follow the due process in law before taking any action, (D) Whenever, it comes to the knowledge of any Income Tax Authority that a sum of Rs. 2,00,000/- or above has been paid by way of consideration in any transaction relating to any immovable property from any other source or during the course of search or assessment proceedings, the failure of the registering authority shall be brought to the knowledge of the Chief Secretary of the State/UT for initiating appropriate disciplinary action against such officer who failed to intimate the transactions.

Code of Civil Procedure 1908 - Order VII Rule 11 -Order VII Rule 11 CPC serves as a crucial filter in civil litigation, enabling courts to terminate proceedings at the threshold where the plaintiff's case, even if accepted in its entirety, fails to disclose any cause of action or is barred by law, either express or by implication - There is a bounden duty on the Court to discern and identify fictitious suit, which on the face of it would be barred, but for the clever pleadings disclosing a cause of action, that is surreal. Generally, sub-clauses (a) and (d) are stand alone grounds, that can be raised by the defendant in a suit. However, it cannot be ruled out that under certain circumstances, clauses (a) and (d) can be mutually inclusive. For instances, when clever drafting veils the implied bar to disclose the cause of action; it then becomes the duty of the Court to lift the veil and expose the bar to reject the suit at the threshold. The power to reject a plaint under this provision is not merely procedural but substantive, aimed at preventing abuse of the judicial process and ensuring that court time is not wasted on fictitious claims failing to disclose any cause of action to sustain the suit or barred by law. (Para 14.1) - Only averments in the plaint are to be considered under Order VII Rule 11 CPC. While it is true that the defendant's defense is not to be considered at this stage, this does not mean that the court must accept patently untenable claims or shut its eyes to settled principles of law and put the parties to trial, even in cases which are barred and the cause of action is fictitious. (Para 17) When the defects go to the root of the case, barred by law

with fictitious allegations and are incurable, no amount of evidence can salvage the case (Para 16) Merely including a paragraph on cause of action is not sufficient but rather, on a meaningful reading of the plaint and the documents, it must disclose a cause of action. The plaint should contain such cause of action that discloses all the necessary facts required in law to sustain the suit and not mere statements of fact which fail to disclose a legal right of the plaintiff to sue and breach or violation by the defendant(s). It is pertinent to note here that even if a right is found, unless there is a violation or breach of that right by the defendant, the cause of action should be deemed to be unreal. This is where the substantive laws like Specific Relief Act, 1963, Contract Act, 1872, and Transfer of Property Act, 1882, come into operation. A pure question of law that can be decided at the early stage of litigation, ought to be decided at the earliest stage. In the present case, the respondents' claim based on an agreement to sell. (Para 15)

Transfer Of Property Act 1882 - Section 53A,54 - An agreement to sell does not confer any right on the proposed purchaser under the agreement. Therefore, as a natural corollary, any right, until the sale deed is executed, will vest only with the owner, or in other words, the vendor to take necessary action to protect his interest in the property (Para 15.2.1) - Though an agreement to sell creates certain rights, these rights are purely personal between the parties to the agreement and can only be enforced against the vendors or, in limited circumstances, under Section 53A of the Transfer of Property Act, 1882, against a subsequent transferee with notice - They cannot be enforced against third parties who claim independent title and possession.

Transfer Of Property Act 1882 - Section 53A - The applicability of Section 53-A of the Transfer of Property Act, 1882 is subject to certain conditions viz., (a) the agreement must be in writing with the owner of the property or in other words, the transferor must be either the owner or his authorised representative, (b) the transferee must have been put into possession or must have acted in furtherance of the agreement and made some developments, (c) the protection

under Section 53-A is not an exemption to Section 52 of the Transfer of Property Act, 1882 or in other words, a transferee, put into possession with the knowledge of a pending lis, is not entitled to any protection, (d) the transferee must be in possession when the lis is initiated against his transferor and must be willing to perform the remaining part of his obligation, (e) the transferee must be entitled to seek specific performance or in other words, must not be barred by any of the provisions of the Specific Relief Act, 1963 from seeking such performance. The protection under Section 53-A is not available against a third party who may have an adversarial claim against the vendor. (Para 15.1)

Constitution of India - Article 141 - Ratio laid down by Supreme court, is applicable irrespective of the stage at which it is relied upon. What is relevant is the ratio and not the stage. Such contentions go against the spirit of Article 141 of the Constitution of India. Once a ratio is laid down, the courts have to apply the ratio, considering the facts of the case and once, found to be applicable, irrespective of the stage, the same has to be applied, to throw out frivolous suits. (Para 15.2)

**Satish Chander Sharma vs State Of Himachal Pradesh 2025 INSC 491
- Art. 32 - Writ Petition Against SLP/Appeal Order**

Constitution of India - Article 32, 136 - A decision rendered by Supreme Court, be it at the stage of special leave petition or post grant of leave while exercising jurisdiction under Article 136 of the Constitution of India, cannot be assailed directly or collaterally under Article 32. Remedy of an aggrieved litigant is to file for review. If the grievance persists even thereafter, he may invoke the curative jurisdiction subject to compliance of the requirements of such jurisdiction. (Para 29-30)

State Of Karnataka vs Nagesh 2025 INSC 492 - S. 7 PC Act - Corruption

Prevention of Corruption Act - Section 7 - The prosecution is required to prove that: (i) The accused was a public servant at the material time; (ii) The accused accepted or obtained a gratification other than legal remuneration; and (iii) The gratification was for illegal purpose. (Para 13) [Context: Supreme Court restored conviction and sentence of accused in corruption case]

Indian Penal Code 1860 - Section 120B,149- By the very nature of the offence of conspiracy, being hatched in secrecy, no evidence of the common intention of the conspirators can be normally produced before Court. The offence can be proved largely by inferences from the acts committed or words spoken by the conspirators in pursuance of a common intention. (Para 18)

S.C. Garg vs State Of Uttar Pradesh 2025 INSC 493 - S.138 NI Act - Res Judicata In Criminal Matters

Negotiable Instruments Act - Section 138 - The finding recorded by the jurisdictional criminal court in 138 NI Act proceedings between the parties would be binding to both the parties in any subsequent proceedings involving the same issue. (Para 12)

Res Judicata - Principle of res judicata is equally applicable in criminal matters - The decision in Pritam Singh vs State of Punjab AIR 1956 SC 415 is binding insofar as the issue concerning the applicability of principle of res judicata in a criminal proceeding is concerned. (Para 13-19)

Irwan Kour vs Punjab Public Service Commission 2025 INSC 494 -Punjab Recruitment of Ex-Servicemen Rules - Indian Military Nursing Service

Punjab Recruitment of Ex-Servicemen Rules, 1982 - No reason to exclude Indian Military Nursing Service (IMNS) personnel from the category of “ex-servicemen”. (Para 18)

Suresh C. Singal vs State Of Gujarat 2025 INSC 495 - S. 482 CrPC - Predominant Civil Character

Code of Criminal Procedure 1973- Section 482- The stage and timing of the settlement play a crucial role in determination as to whether to exercise power under Section 482 of the CrPC 1973 or not -Where settlement has arrived at either immediately or in close vicinity after the alleged commission of offence and the matter is still under investigation, the High Court may be liberal in accepting the settlement to quash the criminal proceeding/investigation. Likewise, in cases where charge is framed but the evidence is not yet started or is at the infancy stage, the High Court may exercise its power by showing benevolence after prima facie assessment of circumstances and material mentioned. (Para 22) [Context: While quashing criminal proceedings , SC observed: the criminal case which has been sought to be projected and proceeded with against the Appellants has an overwhelming and pre-dominant civil character arising out of pure commercial transaction where the parties have resolved their entire dispute amongst themselves.]

State Of Rajasthan vs Combined Traders 2025 INSC 496 - Taxation - Central Sales Tax Act

Central Sales Tax Act, 1956 - Central Sales Tax (Rajasthan) Rules, 1957 - State has no rule-making power to frame a rule providing for the cancellation of validly issued declarations/forms. Sub-rule (20) of Rule 17 of the Rajasthan Rules

is inconsistent with the Central Registration Rules framed in exercise of power under clause (d) of sub-section (1) of Section 13 of the CST Act. (Para 1-18)

K. Shikha Barman vs State Of Madhya Pradesh 2025 INSC 497

Note:No legal aspects discussed in the judgment.

Directorate Of Revenue Intelligence vs Raj Kumar Arora 2025 INSC 498 - S.8 NDPS Act - S.216 CrPC - Doctrine Of Prospective Overruling

NDPS Act - All the psychotropic substances mentioned under the Schedule to the Act have potential grave and harmful consequences to the individual and the society at large, when abused. Some psychotropic substances mentioned under the Schedule to the NDPS Act are also mentioned under the D&C Act and the rules framed thereunder. This is only because those substances while capable of being abused for their inherent properties could also be used in the field of medicine. However, the mere mention of certain psychotropic substances under the D&C regime would not take them away from the purview of the NDPS Act, if they are also mentioned under the Schedule to the NDPS Act - It cannot be said that the dealing in of "Buprenorphine Hydrochloride" would not amount to an offence under Section 8 of the NDPS Act owing to the fact that the said psychotropic substance only finds mention under the Schedule to the NDPS Act and is not listed under Schedule I of the NDPS Rules.(Para 156-157)

Doctrine of Prospective Overruling - i. The default rule is that the overruling of a decision generally operates retrospectively. This is because a judgement which interprets a statute or provision declares the meaning of the statute as it should have been construed from the date of its enactment and what has been declared to be the law of the land must be held to have always been the law of the land. This rationale also stems from the Blackstonian rule that the duty

of the court is not to “pronounce a new law but to maintain and expound the old one”. The judge rather than being the creator of the law, is only its discoverer. Therefore, if a subsequent decision alters or overrules the earlier one, it cannot be said to have made a new law. The correct principle of law is just discovered and applied retrospectively. ii. Since resorting to the doctrine of “prospective overruling” is an exception to the normal rule that a judgement or decision applies retrospectively and to the general rule of doctrine of precedent, an express declaration by the court that its decision is prospectively applicable is absolutely necessary. Prospective as a concept cannot be considered to be inherent in situations since the intention to attribute prospectiveity to a decision must be limpid and clear. (iii) even if the overruling decision does not indicate that its decision is to apply with prospective effect, a different or even a smaller bench of this Court, subsequently, can declare that the doctrine of prospective overruling must be applied to the prior judgment of this Court, in exercise of the power under Article 142 to do complete justice to the matter at hand. (Para 122)

Code of Criminal Procedure 1973- Section 216,227,228- Once charges have been framed by the Trial Court in exercise of the powers under Section 228 CrPC, the accused cannot thereafter be discharged, be it through an exercise of the powers under Sections 227 or 216 CrPC- The language of Section 216 CrPC provides only for the addition and alteration of charge(s) and not for the deletion or discharge of an accused- Therefore, at such a stage of the trial, the accused must necessarily either be convicted or acquitted of the charges that were so framed against him. No shortcuts must be allowed. (Para 154)

Code of Criminal Procedure 1973- Section 216- Any Court is empowered to “alter” or “add” to any charge framed against the accused, at any time before the judgment is pronounced. Therefore, an outer time limit is set i.e. the power conferred upon the Courts cannot be exercised after a decision is pronounced in the matter. Although the provision does not expressly provide for the stage of the trial after which the power under Section 216 CrPC can be exercised, yet logic and

rationale obviously requires it to be exercised after a charge has been framed by the Trial Court under Section 228 CrPC. For if no charge has been framed, there arises no occasion to add or alter it. As a natural corollary, if an accused has already been discharged under Section 227 CrPC, no application or action under Section 216 CrPC would be maintainable. (Para 143) The Court may alter or add to any charge either upon its own motion or on an application by the parties concerned. Therefore, such a power can be invoked by the Court suo moto as well. This power under Section 216 CrPC is exclusive to the concerned Court and no party can seek such an addition or alteration of charge as a matter of right by filing an application. It would be the Trial Court which must decide whether a proper charge has been framed or not, at the appropriate stage of the trial. On a consideration of the broad probabilities of the case, the total effect of the evidence and documents adduced, the Trial Court must satisfy itself that the exercise of power under Section 216 is necessary. The provision has been enacted with the salutary object to ensure a fair and full trial to the accused person(s) in each case.(Para 144) To alter a charge would be to vary an existing charge and make a different charge. Hence, when the Court exercises its power under Section 216, either on its own motion or on an application made by the parties, and “alters” a charge, it would be necessary that the existing charge be varied and a new charge be made. (Para 149)

Subhash Aggarwal vs State Of NCT Of Delhi 2025 INSC 499 - Criminal Trial - Absence Of Motive

Criminal Trial - Motive - If the case is built solely upon circumstantial evidence, absence of motive will be a factor that weighs in favour of the accused. Just as a strong motive does not by itself result in a conviction, the absence of

motive on that sole ground cannot result in an acquittal. When the eyewitnesses are not convincing, a strong motive cannot by itself result in conviction, likewise when the circumstances are very convincing and provide an unbroken chain leading only to the conclusion of guilt of the accused and not to any other hypothesis; the total absence of a motive will be of no consequence- Motive remains hidden in the inner recesses of the mind of the perpetrator, which cannot, oftener than ever, be ferreted out by the investigation agency. Though in a case of circumstantial evidence, the complete absence of motive would weigh in favour of the accused, it cannot be declared as a general proposition of universal application that, in the absence of motive, the entire inculpatory circumstances should be ignored and the accused acquitted. (Para 20-24)

Ajay Raj Shetty vs Director 2025 INSC 500 - ESI Act - Managing Agent

Employees' State Insurance Act, 1948 - Section 2(17) - designation of a person can be immaterial if such person otherwise is an agent of the Owner/Occupier or supervises and controls the establishment in question- The definition also includes a ‘managing agent’ of the Owner/Occupier in the case of a factory or ‘named as the manager of the factory under the Factories Act, 1948’ (hereinafter referred to as the “Factories Act”) and for ‘any other establishment’, ‘principal employer’ would include ‘any person responsible for the supervision and control of the establishment. (Para 20)

Ankit Mishra vs State Of Madhya Pradesh 2025 INSC 501 - Anticipatory Bail Cancellation

Constitution of India - Article 136 ; Code of Criminal Procedure 1973 - Section 438 - Once the benefit of anticipatory bail has been given by the High Court, the consideration for its cancellation has to be tested on the anvil as to whether the High Court has committed any serious error in law while granting anticipatory bail in the facts and circumstances of the case. (Para 10)

**Shahed Kamal vs A. Surti Developers Pvt. Ltd. 2025 INSC 502 - S. 499
IPC - Defamation - Ninth Exception**

Consumer rights - A right to protest peacefully without falling foul of the law is a corresponding right, which the consumers ought to possess just as the seller enjoys his right to commercial speech. Any attempt to portray them as criminal offences, when the necessary ingredients are not made out, would be a clear abuse of process and should be nipped in the bud. (Para 34)

Indian Penal Code 1860 - Section 499 - 9th Exception - If the imputation is made in good faith for the protection of the person making it or for another person or for the public good it is not defamation. It has also been held that the interest of the person has to be real and legitimate when communication is made in protection of the interest of the person making it - Referred to Chaman Lal v. State of Punjab, (1970) 1 SCC 590 (Para 17) One of the tests to decide whether the case falls within the 9th exception is the choice of words employed in the impugned publication.(Para 22) In a given case, the language employed could be a clear pointer to decide whether the accused in the case has exceeded his privilege. (Para 24)

**State Of Himachal Pradesh vs Shamsher Singh 2025 INSC 503 - S. 307
IPC**

Indian Penal Code 1860- Section 307 - To attract Section 307 IPC, it is not necessary that the hurt should be grievous or of any particular degree. If hurt of any nature is caused and it is proved that there was intention or knowledge to cause death, Section 307 IPC would stand attracted- When he evidence establishes that the injuries were caused by firearm and the multiplicity of the wounds indicate that the accused fired more than once coupled with the fact that the hurt has been caused by the accused stands proved, the mere fact that the hurt, though, grievous but not dangerous to life, cannot be the basis to hold that Section 307 IPC is inapplicable. (Para 11-12)

Kamal vs State Of Gujarat 2025 INSC 504 - S. 482 CrPC -Quashing Power- Matrimonial Disputes

Code of Criminal Procedure 1973 - Section 482 -In matters arising from matrimonial disputes, particularly where the allegations are levelled after many years of marriage and, that too, after one party initiates divorce proceeding against the other, the Court must be circumspect in taking the allegations at their face value. Rather, it must examine, where allegations of mala fides are there, whether those allegations have been levelled with an oblique purpose. More so, while considering the prayer of the relatives of the husband. (Para 13)

Sushila vs State Of UP 2025 INSC 505 - S. 498A IPC - Implicating Husband's Relatives

Indian Penal Code 1860 - Section 498A ; Dowry Prohibition Act - Practice of involving the relatives of the husband in dowry related matters deprecated. (Para 10-12)

**Adavya Projects Pvt. Ltd. vs Vishal Structurals Pvt. Ltd. 2025 INSC
507 - Ss. 7, 11,16,21, Arbitration Act**

Arbitration and Conciliation Act 1996 - Section 11,21 - A notice invoking arbitration under Section 21 of the ACA is mandatory as it fixes the date of commencement of arbitration, which is essential for determining limitation periods and the applicable law, and it is a prerequisite to filing an application under Section 11. However, merely because such a notice was not issued to certain persons who are parties to the arbitration agreement does not denude the arbitral tribunal of its jurisdiction to implead them as parties during the arbitral proceedings. (Para 40)

Arbitration and Conciliation Act 1996 - Section 11 - The purpose of an application under Section 11 is for the court to appoint an arbitrator, so as to enable dispute resolution through arbitration when the appointment procedure in the agreement fails. The court only undertakes a limited and *prima facie* examination into the existence of the arbitration agreement and its parties at this stage. Hence, merely because a court does not refer a certain party to arbitration in its order does not denude the jurisdiction of the arbitral tribunal from impleading them during the arbitral proceedings as the referral court's view does not finally determine this issue. (Para 40)

Arbitration and Conciliation Act 1996 - Section 7,16 -The relevant consideration to determine whether a person can be made a party before the arbitral tribunal is if such a person is a party to the arbitration agreement. The arbitral tribunal must determine this jurisdictional issue in an application under Section 16 by examining whether a non-signatory is a party to the arbitration agreement as per Section 7 of the ACA.(Para 40)

Arbitration and Conciliation Act 1996 - Section 7- Non-signatories are parties to the arbitration agreement if the conduct of the signatories and non-signatories indicates mutual intention that the latter be bound by the

arbitration agreement- the arbitration agreement must be in writing, the mutual intention of non-signatories to be bound by the arbitration agreement must be evidenced in writing. The non-signatory's conduct in the formation, performance, and termination of the contract, and surrounding circumstances like direct relationship with signatory parties, commonality of subject-matter, and composite nature of transaction must be ascertained from the record of the agreement. (Para 36)

Rajendhiran vs Muthaiammal @ Muthayee 2025 INSC 508

Note: No legal aspects discussed in this judgment.

N. Eswaranathan vs State 2025 INSC 509- AoR - Vexatious Petition

Summary: Proceedings against AoR and Advocate for filing a second SLP when a SLP had already been dismissed- Divergent view on the issue of acceptance of the apology - Referred to CJI.

T. Udaykumar vs Ravichandran 2025 INSC 510 - Land Acquisition

Note: No legal aspects discussed in this judgment.

New India Assurance Co. Ltd. vs Gopu 2025 INSC 511 - S.6 Limitation Act- Disability Exemption

Limitation Act - Section 6 - The exemption under Section 6, based on a disability, is confined to suits and applications for execution of a decree- It will not apply in the case of an appeal - Legal disabilities specified in Section 6 creates an exemption and enables the period of limitation to run from the date on which

the disability has ceased, only in the case of a suit or an application for the execution of a decree. (Para 10-13)

Rikhab Birani vs State Of Uttar Pradesh 2025 INSC 512 - Criminal Proceedings - Civil Remedies

Indian Penal Code 1860 - Section 415-420 - Merely on the allegation of failure to keep a promise will not be enough to initiate criminal proceedings. Thus, the dishonest intention on the part of the party who is alleged to have committed the offence of cheating should be established at the time of entering into the transaction with the complainant, otherwise the offence of cheating is not established or made out. It is the duty and obligation of the court to exercise a great deal of caution in issuing process, particularly when the matter is essentially of civil nature. The prevalent impression that civil remedies, being time-consuming, do not adequately protect the interests of creditors or lenders should be discouraged and rejected as criminal procedure cannot be used to apply pressure. Failure to do so results in the breakdown of the rule of law and amounts to misuse and abuse of the legal process [Context: Supreme Court imposed costs of ₹50,000 on the State of Uttar Pradesh and observed: *we are being flooded with cases of civil wrongs being made the subject matter of criminal proceedings by filing chargesheets, etc.*]

R. Annamalai vs Lalitha Subanam 2025 INSC 513

Note: No legal aspects discussed in this order - SC dissolves marriage invoking Article 142 powers.

D.B. Ravikumar vs G.S. Suresh 2025 INSC 514 - S. 482 CrPC -Quashing Power

Code of Criminal Procedure 1973 - Section 482 - While allowing the appeal, SC observed: *The High Court could not have prematurely scuttled the entire investigation on the ground that the complainant/appellant, D.B. Ravikumar, sought to prosecute Respondent No. 1, G.S. Suresh, primarily because he held the position of Adhyaksha of the Grama Panchayat- Therefore, as the FIR discloses the commission of an offence, the High Court ought not to have quashed it solely on the aforementioned ground.*

B.S. Yeddiyurappa vs A. Alam Pasha 2025 INSC 515 - S.156(3) - Cognizance Taking

Code of Criminal Procedure 1973 - Section 156(3) - The petition raised this issue : Whether, while directing an investigation in terms of provisions under Section 156(3) of the CrPC, the Magistrate is applying his mind. In other words, whether the Magistrate takes ‘cognizance at that stage’? - Tagged along with reference in Manju Surana vs. Sunil Arora (2018) 5 SCC 557.

Sheela Devi vs Oriental Insurance Company Limited 2025 INSC 516 -Employees’ Compensation Act

Employees’ Compensation Act, 1923 - Section 4A - The necessary pre-requisite for imposing the statutory penalty under Section 4A(3)(b) is that the employer must default in payment of compensation due and the Commissioner must reach the conclusion that the non- payment is not justifiable (Para 13) - The statutory penalty which is imposed upon the employer under Section 4A(3)(b) of the Act is not to be indemnified by the Insurer - Insurer is liable to indemnify the owner only for the compensation along with interest thereon and not the penalty imposed on the employer for default in payment of amount within one month from the date of incident - Referred to Ved Prakash

Garg Vs. Premi Devi (1997) 8 SCC 1 and Ferro Alloys Ltd. v. Mahavir Mahto, (2002) 9 SCC 450. (Para 10)

**Manjunath Tirakappa Malagi vs Gurusiddappa Tirakappa Malagi (D)
2025 INSC 517 - Order XXIII Rule 3 CPC - Compromise Decree**

Code of Civil Procedure 1908 - Order XXIII Rule 3, 3A - The only remedy against a compromise decree is to file a recall application- No appeal is maintainable against a consent decree having regard to the specific bar contained in Section 96(3) CPC- No independent suit can be filed for setting aside a compromise decree on the ground that the compromise was not lawful in view of the bar contained in Rule 3-A. Referred to Pushpa Devi Bhagat v. Rajinder Singh, (2006) 5 SCC 566. (Para 10-12) [Context: SC upheld dismissal of a suit for declaring a compromise decree entered into as null and void]

Sachin vs State Of Maharashtra 2025 INSC 518

Note: No legal aspects discussed in this judgment.

Lilaben vs State Of Gujarat 2025 INSC 519 - S. 389 CrPC - Suspension Of Sentence

Code of Criminal Procedure 1973 - Section 389 -When an accused person applies to the Appellate Court for suspension of sentence and succeeds in getting the Court to make an order in his favour, what gets stayed is only the execution of the sentence and nothing more. The sentence remains and is only, not acted upon- In doing so, there has to be a recording of reasons, which, of course, can only be possible after due consideration - Whether or not the finding regarding the age of the victim is correct or not, or the manner in which was sought to be

proved before the Trial Court, was in accordance with the law or not, is a question that is open for consideration in the jurisdiction under Section 374 CrPC as may be provided therein, and not under Section 389 CrPC- Casting doubt upon a finding returned by the Court below, when the same isn't within immediate purview, cannot be justified. (Para 7-8)

Nafees Ahmad vs Soinuddin 2025 INSC 520 - Order XLII Rule 30,31 CPC

Code of Civil Procedure 1908 - Order XLII Rule 31 - Whether in a particular case, there has been substantial compliance, with the provisions of Order 41 Rule 31 CPC should be determined on the nature of the judgment delivered in each case. Non-compliance with the provisions, by itself, may not vitiate the judgment and make it wholly void and may be ignored if there has been a substantial compliance with it - The provisions of Rule 31 should therefore be reasonably construed and should be held to require the various particulars to be mentioned in the judgment only when the appellant has actually raised certain points for determination by the Appellate Court, and not when no such points are raised. (Para 9-12) [Followed G. Amalorpavam And Others v. R.C. Diocese of Madurai (2006) 3 SCC 224] [Context: SC set aside HC judgment which held that Order 41 Rule 31 CPC is mandatory and the failure on the part of the Appellate Court to frame the points for determination as per the provisions of Order 41 Rule 31 CPC would vitiate the entire judgment and make it wholly void]

Code of Civil Procedure 1908 - Order XLII Rule 30 - This Rule does not make it incumbent on the Appellate Court to refer to any part of the proceedings in the court from whose decree the appeal is preferred. The Appellate Court can refer, after hearing the parties and their pleaders, to any part of these proceedings to which reference be considered necessary. It is in the discretion of the Appellate Court to refer to the proceedings. It is competent to pronounce

judgment after hearing what the parties or their pleaders submit to it for consideration. It follows therefore that if the appellant submits nothing for its consideration, the Appellate Court can decide the appeal without any reference to any proceedings of the courts below and, in doing so, it can simply say that the appellants have not urged anything which would tend to show that the judgment and decree under appeal were wrong. (Para 13-14)

**Sumitraben Singabhai Gamit vs State Of Gujarat 2025 INSC 521 - S.26
RFCTLARR - Land Acquisition Act**

RFCTLARR Act, 2013-Section 26(1) ; Land Acquisition Act, 1894 - The market value of the land shall be determined as on the date of issuance of the Notification under Section 11 of RFCTLARR Act, 2013 - Section 11 Notification is the date for determination of the compensation- The legislative intent is to ensure that the land owners receive fair compensation reflective of the market value prevailing at the time of acquisition-The date of enactment of RFCTLARR Act, 2013 i.e. 01st January, 2014 has no relevance to fresh acquisition initiated under the statute- The date of 01st January, 2014 is relevant only if land acquisition proceedings had been initiated under the old Land Acquisition Act, 1894 and where no award had been made before the enforcement of the RFCTLARR Act, 2013. (Para 8-13)

Vinod Boob vs Dodballaur Spinning Mills Pvt. Ltd. 2025 INSC 522

Note: No legal aspects discussed in this order.

Larsen And Toubro Limited vs Puri Construction Pvt. Ltd. 2025 INSC 523 -Ss.34.37 Arbitration Act - Time Limit On Oral Submissions

Arbitration and Conciliation Act 1996 - Section 34,37- Lawyers' tendency to argue as if these proceedings were regular appeals - They must show restraint - The high monetary stakes involved in the proceedings should not result in unnecessarily long oral submissions or bulky written submissions. All this results in the criticism about the arbitrations in India. Therefore, there is a need to impose time limit on oral submissions in such cases. We cannot forget that this Court and the High Courts have the appellate jurisdiction in civil and criminal cases. These Courts should be in a position to also devote sufficient time to the cases of the common man. (Para 57-58)

Arbitration and Conciliation Act 1996 - Section 34,37- The powers of the Appellate Court under Section 37 of the Arbitration Act are not broader than those of the Court under Section 34 of the Arbitration Act. Therefore, what cannot be done in the exercise of the powers under Section 34 cannot be done in an Appeal under Section 37. An Arbitral Award cannot be modified. (Para 56)

Arunkumar H Shah HUF vs Avon Arcade Premises Co-Operative Society Limited 2025 INSC 524- Maharashtra Ownership Flats Act

Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management and Transfer Act) 1963- Section 11- Quasi-judicial powers have been conferred on the competent authority while dealing with applications under Section 11(3) of the MOFA. However, proceedings before the competent authority under Section 11(3) are of a summary nature, as can be seen from the MOFA Rules. Therefore, the competent authority, while passing the final order, must record reasons- The competent authority, while following the summary procedure, cannot conclusively and finally decide the question of title. Therefore, notwithstanding the order under sub-section (4) of Section 11, the aggrieved parties can always maintain a civil suit for establishing their rights; The provisions of Section 11 are for the benefit of the flat

purchasers- In writ jurisdiction, the Court should not interfere with the order granting deemed conveyance unless the same is manifestly illegal. The writ court should generally be slow in interfering with such orders. The reason is that, notwithstanding the order under Section 11(4), the remedy of aggrieved parties to file a civil suit remains open; and The registering officer has no power to sit in appeal over the order of the competent authority while exercising the power under Section 11(5). He can refuse registration only on the grounds indicated in paragraph 23 above and not beyond. Thus, the scope of the powers conferred on the registering officer is limited. (Para 37)

**Electrosteel Steel Limited vs ISPAT Carrier Private Limited 2025
INSC 525 - S.34 Arbitration Act - Execution Of Arbitration Award - S.
47 CPC Objections - IBC Moratorium**

Arbitration and Conciliation Act 1996 - Section 34 ; Code of Civil Procedure 1908 - Section 47 - Objection to execution of an award under Section 47 CPC is not dependent or contingent upon filing a petition under Section 34 of the 1996 Act (Para 49)- a plea of nullity qua an arbitral award can be raised in a proceeding under Section 47 CPC but such a challenge would lie within a very narrow compass.[**Context:** SC held that the view taken by the High Court that because the appellant did not challenge the award under Section 34 therefore, it was precluded from objecting to execution of the award at the stage of Section 47 of CPC is wholly unsustainable.]

Code of Civil Procedure 1908 - Section 47 - An objection as to executability of the decree can be raised but such objection is limited to the ground of jurisdictional infirmity or voidness- only a decree which is a nullity can be the subject matter of objection under Section 47 CPC and not one which is erroneous either in law or on facts. (Para 48)

Insolvency and Bankruptcy Code 2016 - Section 14- Moratorium is intended to ensure that no further demands are raised or adjudicated upon during the corporate insolvency resolution process so that the process can be proceeded with and concluded without further complications- Lifting of the moratorium does not mean that the claim of the respondent would stand revived notwithstanding approval of the resolution plan by the adjudicating authority. (Para 50.1)

Insolvency and Bankruptcy Code 2016 - Section 31 - Once a resolution plan is duly approved by the adjudicating authority under sub-section (1) of Section 31, all claims which are not part of the resolution plan shall stand extinguished and no person will be entitled to initiate or continue any proceeding in respect to a claim which is not part of the resolution plan -A successful resolution applicant cannot be faced with undecided claims after the resolution plan is accepted. Otherwise, this would amount to a hydra head popping up which would throw into uncertainty the amount payable by the resolution applicant. (Para 50)

Nidhi Bhargava vs National Insurance Company Ltd. 2025 INSC 526 - Motor Accident Compensation -Income Tax Return

Motor Accident Compensation - The Income Tax Return is a legally admissible document on which the income assessment of the deceased could be made- The relevance of the Income Tax Return stems, in the context of the Act, for the period which it relates to i.e., the Financial Year concerned, and not on the date on which it is filed with the Income Tax Department. When faced with Returns for different Assessment Years, it would be upto the Tribunal concerned to adopt either the average income therefrom or choose an Assessment Year to rely upon. There is good reason to leave judicial discretion on the Tribunal to

adopt one of the afore-noted two courses of action, bearing in nature the social purpose and object behind the Act, which is a beneficial legislation. (Para 13-15)

Managing Director, Kamineni Hospitals Vs. Peddi Narayana Swami 2025 INSC 527- Medical Negligence - Vicarious Liability Of Hospital

Medical Negligence - SC upheld NCDRC judgment that held the Hospital vicariously liable for medical negligence- However, the amount of compensation with regard to the liability of the hospital would stand at Rs.10 lakhs along with accrued interest.

Shahjahan vs State Of Uttar Pradesh 2025 INSC 528 - S.125 CrPC - Date Of Awarding Maintenance - Sharia Court

Code of Criminal Procedure 1973- Section 125- Section 125 of the Code is a beneficial piece of legislation which has been enacted to protect the wife and children from destitution and vagrancy and, in the usual course, it would not be appropriate to disadvantage the applicant for the delay in the disposal of the application by the judicial system- Maintenance be awarded from the date on which the application was made before the court concerned. The right to claim maintenance must date back to the date of filing the application, since the period during which the maintenance proceedings remained pending is not within the control of the applicant- Rajnesh v Neha, (2021) 2 SCC 324. (Para 17-18)

Family Court- Family Court will do well, henceforth, to bear in mind the observation in Nagarathinam v State, that the ‘...Court is not an institution to sermonise society on morality and ethics ...’.(Para 14)

Sharia Court - ‘Court of Kazi’, ‘Court of (Darul Kaja) Kajiyat’, ‘Sharia Court’ etcetera by whatever name styled have no recognition in law. As noted in Vishwa Lochan Madan (supra), any declaration/decision by such bodies, by whatever

name labelled, is not binding on anyone and is unenforceable by resort to any coercive measure. The only way such declaration/decision can withstand scrutiny in the eye of law could be when the affected parties accept such declaration/decision by acting thereon or accepting it and when such action does not conflict with any other law. Even then, such declaration/decision, at best, would only be valid inter-se the parties that choose to act upon/accept the same, and not a third-party. (Para 23) - Referred to Vishwa Lochan Madan v Union of India, (2014) 7 SCC 70

**Aejaz Ahmad Sheikh vs State of Uttar Pradesh 2025 INSC 529 - S. 313
CrPC**

Code of Criminal Procedure 1973- Section 313 : Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 351- When vital prosecution evidence is not put to the accused in statement under Section 313 of the CrPC, the Court becomes helpless, as due to the long lapse of time, the defect cannot be cured by passing an order of remand- When an appeal against conviction is preferred before the High Court, at the earliest stage, the High Court must examine whether there is a proper statement of the accused recorded under Section 313 of CrPC (Section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023). If any defect is found, at that stage, the same can be cured either by High Court recording further statement or by directing the Trial Court to record. (Para 28) - Referred to Raj Kumar v. State (NCT of Delhi).

In Re: Compensation Amounts Deposited With Motor Accident Claims Tribunals And Labour Courts 2025 INSC 530 - Practice Directions

Motor Vehicles Act, 1988 - Motor Accident Compensation Claims - Till the rules are not framed, the High Courts shall either issue practice directions or formulate rules of procedure by incorporating the following provisions:

- a) While filing claim petitions under the 1988 Act, following particulars shall be incorporated: (i) Names and addresses (local and permanent) of the injured persons or the owners of the damaged property, as the case may be, their Aadhar and PAN details and email-id, if any; and (ii) Names and addresses (local and permanent) of all the legal representatives of the deceased victim of the accident who are claiming compensation, their Aadhar and PAN details and email-id, if any;
- (b) If the aforesaid details are not furnished, the registration of the application should not be refused on that ground, but MAC Tribunals at the time of issuing notice may direct the applicant(s) to furnish the information and make the issue of the notice subject to making compliance;
- (c) While passing an interim or final order of grant of compensation, the MAC Tribunals shall call upon the person or persons held entitled to receive compensation, to produce their bank account details along with either a certificate of the banker giving all details of the bank account of the person or persons entitled to receive the compensation including IFS Code, or a copy of a cancelled cheque of the bank account. The Tribunal shall call upon the claimants to produce the documents within a specified reasonable time;
- (d) A further direction shall be issued to the persons entitled to receive compensation to keep on updating information regarding the bank accounts, email id, in case there is any change;
- (e) In the event a consent award or consent order is made, the MAC Tribunals may direct the deposit of the compensation amount ordered to be released to the claimants directly to the bank accounts of the persons held entitled to receive compensation. However, the consent terms must contain all relevant account details of the persons entitled to compensation in accordance with clause (c) above. The account details can also be incorporated in the order passed for the disbursement of the amount on the basis of a compromise between the parties.

In case of compromise before the Lok

Adalats, the MAC Tribunal, on the basis of the settlement, shall pass a consequential order in the above terms; (f) It shall be the duty of the learned Judges presiding over the MAC Tribunal to verify from the certificate issued by the banker and ascertain whether the account is of the persons held entitled to receive compensation; (g) The MAC Tribunals, while passing orders of withdrawal/disbursement, shall, in the ordinary course, pass an order of transfer of the requisite amounts directly to the bank account of the person/s entitled to receive compensation as per the account details furnished. If there is a long gap between the date of furnishing the account details and the date of filing application for withdrawal of the amount, the Tribunal will be well advised to get fresh account details of the claimants; (h) Whenever the MAC Tribunal passes an order of deposit of compensation amount with the Tribunal, there shall be a direction issued to invest the amounts to be deposited in fixed deposit with any nationalised bank and the fixed deposit shall be with the standing instructions to the bank to renew the same after periodical intervals till further orders are passed by the Tribunal; (i) Similarly, practice directions/rules be framed in respect of adjudication made under the 1923 Act. The above directions issued while passing awards in claims under the 1988 Act shall be applied in case of the claims for compensation under the 1923 Act; (j) The Central Project Co-ordinator of e-court project or Registrar (Computer/IT) of the High Courts, as the case may be, with the help of the State Government, shall create a dashboard on which the information regarding the amounts lying deposited in connection with the compensation granted under 1988 or 1923 Acts shall be regularly uploaded with all details. It will help all concerned to implement the directions issued under this order; (k) All the High Courts shall issue administrative directions to the MAC Tribunals and Commissioners under the 1923 Act to initiate a massive drive to ascertain the whereabouts of the persons who have been held to be entitled to receive compensation, but have not taken the same. This shall be done by taking the assistance of the District and Taluka Legal Services Authorities and para-legal

volunteers; (l) The State Governments shall provide assistance to the Legal Services Authorities of the local police officers/revenue officers of the district and taluka to trace the claimants who are held entitled to receive compensation; (m) The State Legal Services Authorities shall monitor compliance with the directions issued in terms of clauses (k) and (l) above and report compliance within a period of four months from today.

Barla Ram Reddy vs State of Telangana 2025 INSC 531 - Land Acquisition -Sale Instances & Market Value

Land Acquisition Act 1894 - Section 23- The computation of compensation for acquisition must be guided by the “market value of the land as on the date of publication of the Section 4 notification” - ‘Market value’ to represent ‘the price that a willing buyer would pay to a willing seller in light of the land’s condition and potentiality’-Of course, in ordinary circumstances, the best way to identify this price is by considering instances of sale of similar or comparable lands. Such exemplars can serve as a foundation for determining compensation, so long as they fulfil the following requirements: i. The sale exemplar depicts a genuine, open-market transaction; ii. The land covered by the sale deed is in the vicinity of the acquired land; iii. The land covered by the sale deed is similar in nature to the acquired land; and iv. The sale was executed at a time proximate to the date of the notification issued under Section 4 of the 1894 Act. Any sale exemplar which is presented to the Court ought to be considered on the touchstone of these requirements, so that the most representative sale instance can be determined. 15. Sale instances, however, cannot guide us to the market value of the land with exactitude. In some cases, direct examples of sale of comparable land may not be available, while in other cases, there may be relevant distinguishing features between the sale exemplar and the acquired land. In such

cases, Courts adopt the process of guesstimation to apply the evidence and arrive at an equitable price for the acquired land. (Para 12-15) As a rule of thumb, sale instances which take place after the initiation of the acquisition are not reliable sources to compute land acquisition compensation. This position arises from the tendency of land value in the area to appreciate upon acquisition, expecting benefits from the public purpose of the acquisition. For example, the acquisition of land for development of commercial hubs, residential projects, and arterial roads would inevitably shoot up the price of the other nearby land. As such, post-Section 4 sale instances are bound to be skewed. (Para 25)

Angadi Chandranna vs Shankar 2025 INSC 532 - Hindu Law - Joint Family Property - Doctrine Of Blending - Partition - Second Appeal

Hindu Law -Partition - After partition, each party gets a separate and distinct share and this share becomes their self-acquired property and they have absolute rights over it and they can sell, transfer, or bequeath it as they wish. Accordingly, the properties bequeathed through partition, become the self- acquired properties of the respective sharers. (Para 17)

Hindu Law - Doctrine of blending of self-acquired property with joint family -Property separate or self- acquired of a member of joint Hindu family may be impressed with the character of joint family property if it is voluntarily thrown by the owner into the common stock with the intention of abandoning his separate claim therein but to establish such abandonment a clear intention to waive separate rights must be established. From the mere fact that other members of the family were allowed to use the property jointly with himself, or that the income of the separate property was utilized out of generosity to support persons whom the holder was either bound or not bound to support, or from the failure to maintain separate accounts, abandonment cannot be inferred, for an

act of generosity or kindness, will not ordinarily be regarded as an admission of a legal obligation. (Para 20) There is no presumption of a property being joint family property only on account of existence of a joint Hindu family. The one who asserts has to prove that the property is a joint family property. If, however, the person so asserting proves that there was nucleus with which the joint family property could be acquired, then there would be presumption of the property being joint and the onus would shift on the person who claims it to be self-acquired property to prove that he purchased the property with his own funds and not out of joint family nucleus that was available. That apart, while considering the term 'nucleus' it should always be borne in mind that such nucleus has to be established as a matter of fact and the existence of such nucleus cannot normally be presumed or assumed on probabilities. (Para 13)

Hindu Law- Karta - When the income derived from the joint family property or when a joint family property is sold and the sale consideration is utilised for maintenance and education within the joint family, the same are to be treated as out of necessity as it is the duty of every Kartha to do so. Hence, it is sufficient to satisfy the legal necessity if the Kartha had sold the property and used the funds for upbringing the children. That apart, under the customary practices and tradition in this country, it is the father who performs the marriage of his children and therefore, the expenses incurred for that purposes are also to be treated as expenses out of necessity. (Para 19.1)

Code of Civil Procedure 1908 - Section 100-103 - The authority to re-consider the evidence is available only to the First Appellate Court under Section 96 and not to the High Court in exercise of its authority under Section 100, unless the case falls under the exceptional circumstances provided under Section 103- High Court can go into the findings of facts only if the First Appellate Court has failed to look into the law or evidence or considered inadmissible evidence or without evidence. Section 103 permits the High Court to go into the facts only when the courts below have not determined or rendered any

finding on a crucial fact, despite evidence already available on record or after deciding the substantial question of law, the facts of a particular case demand re-determination. For the second limb of Section 103 to apply, there must first be a decision on the substantial question of law, to which the facts must be applied, to determine the issue in dispute. When the First Appellate Court in exercise of its jurisdiction has considered the entire evidence and rendered a finding, the High Court cannot re-appreciate the evidence just because another view is possible, when the view taken by the First Appellate Court is plausible and does not suffer from vice in law. When the determination of the High Court is only by way of re-appreciation of the existing evidence, without there being any legal question to be answered, it would be axiomatic that not even a question of law is involved, much less a substantial one. (Para 12.1)

Jharkhand Urja Utpadan Nigam Ltd. vs Bharat Heavy Electricals Limited 2025 INSC 533 - Order XX Rule 1 CPC - Commercial Courts Act

Code of Civil Procedure 1908 - Order XX Rule 1 - Commercial Courts Act, 2015 -Section 13(1-A) - Order XX Rule 1 CPC as amended and made applicable to the Commercial Courts is to be treated as only directory and not mandatory. So notwithstanding the provision contained in the amended Order XX Rule 1 CPC (mandating issuance of copies to the parties to the dispute through electronic mail or otherwise), if such copies are not issued within a reasonable time, the parties to the dispute have to apply for the same, and after obtaining it, prefer an appeal within the time prescribed in Section 13(1-A) of the Commercial Courts Act, 2015. -Merely because Order XX Rule I enjoins a duty upon the commercial courts to provide the copies of the judgment that does not mean that the parties can shirk away all responsibility of endeavoring to procure the certified copies thereof in their own capacity. (Para 10-20)

Limitation - The law of limitation cannot be read in such a manner whereby parties stop showing any modicum of regard for their own rights and on the pre-text of untimely communication continue to litigate without being vigilante themselves.

(Para

14)

**Ashutosh Pathak vs State Of Uttar Pradesh 2025 INSC 534 - S.311
CrPC - Successive Application For Recalling Witness**

Code of Criminal Procedure 1973 - Section 311 - The power is to be exercised only for strong and valid reasons and it should be exercised with great caution and circumspection. The court has vide power under this section to even recall witnesses for re-examination or further examination, necessary in the interest of justice, but the same has to be exercised after taking into consideration the facts and circumstances of each case. The power under this provision shall not be exercised if the court is of the view that the application has been filed as an abuse of the process of law- The court should not encourage the filing of successive applications for recall of a witness under this provision. (Para 13) - Quoted from Satbir Singh v State of Haryana.

**Md. Firoz Ahmad Khalid vs State Of Manipur 2025 INSC 535 - S. 14
Waqf Act - Muslim Member In Bar Council**

Waqf Act 1995 - Section 14 - Ex-Member of the Bar Council would constitute the electoral college only when there is no eligible Member as provided for in Section 14(1)(b)(iii) and the proviso contained therein. This means that if there is no serving Muslim Member in the Bar Council and also no Senior Muslim advocate who is available, only then would an ex-Member of the Bar Council be eligible to be a Member of the Board- An existing Muslim Member of the Board

from the Bar Council, would cease to be a Member of the Board, upon the completion of their tenure as a Member of the Bar Council, when there is another Muslim Member available to replace them from within the Bar Council- There is no conscious intention on the part of the Legislature to omit the applicability of Explanation II to Section 14(1)(b) of the 1995 Act, to Muslim Members of the Board elected from the Bar Council. (Para 13) - the term of a Member of the Bar Council serving on the Board, is co-terminus with their membership in the Bar Council itself (Para 15)

Interpretation of Statutes - To interpret a legislative provision, what must be primarily considered is its substantive part. An explanation simply performs a clarifying function. In other words, the substantive part of a provision cannot be understood solely from the point of view of an explanation. - An explanation, which is simply in the nature of a clarification as regards certain categories, cannot be read in a manner which is violative of the substantive part of the provision. Although normally, a proviso cannot be used to understand the substantive part of the provision, there is no absolute bar in doing so, particularly in cases where the statute is peculiar and the proviso does not create any exception. For the aforementioned purpose, an explanation can also be understood through the proviso. In other words, if a proviso or an explanation, as the case may be, is phrased in a manner which throws more light on the objective behind the substantive part of the provision, there would be no difficulty in appreciating the same. Ultimately, a proviso or an explanation may be used for several purposes. Therefore, what is required is that Courts appreciate the context of such usage before rendering an interpretation to a provision vis-a-vis the proviso or explanation contained therein. (Para 14)

Constitution of India - Article 14 -A classification would be reasonable only when there is an intelligible differentia which has a rational nexus with the object sought to be achieved through the statute. (Para 15)

**Janshruti (People's Voice) vs Union Of India 2025 INSC 536 - S. 498A
IPC - Constitutional Validity Upheld**

Indian Penal Code 1860 - Section 498A : Bharatiya Nyaya Sanhita, 2023 - Section 84 - Constitutional Validity upheld -While it is acknowledged that certain individuals may face hardship due to the misuse of the provision, it is equally important to look beyond these instances and recognize that the provision serves a constitutionally sound objective. It is aimed at protecting a vulnerable section of society that often requires legal support and institutional safeguards to shield them from systemic abuse and exploitation. The provisions were enacted in furtherance of the principle of positive discrimination envisaged under Article 15 of the Constitution of India, which expressly empowers the State to make special laws for the protection and advancement of women, children and other disadvantaged groups- **Re: misuse** : For every such instance, there are likely hundreds of genuine cases where Section 498A has served as a crucial safeguard for victims of domestic cruelty. We are also aware that certain unconscionable individuals, emboldened by the rising fervor to dismantle such protective provisions, have gone so far as to publicly share videos depicting the exchange of dowry –an act not only unlawful but also indicative of the entrenched nature of the very evil this provision seeks to combat- The harsh truth is that dowry continues to persist as a deeply entrenched social evil, prevalent across vast sections of the country. A significant majority of such cases go unreported, with countless women compelled to endure injustice in silence. This underscores the continuing need for legal provisions such as Section 498A, which serve as vital instruments of protection and redressal for those most vulnerable.

Constitution of India - Article 32.226- Courts refrain from intervening in matters of legislative policy or mandate unless the provision in question is: (i) devoid of reasonable justification or basis; (ii) actuated by mala fides or an

ulterior motive; (iii) lacking a rational nexus with the object sought to be achieved; or (iv) in violation of Fundamental Rights or any other constitutional provision. (Para 4) mere possibility or occasional misuse of a legal provision does not render it constitutionally infirm, either procedurally or substantively. (Para 6)

N. Vijay Kumar vs Vishwanath Rao N. 2025 INSC 537 - Ss. 138,139 NI Act - Cheque Bounce Case - Probable Defence

Negotiable Instruments Act - Section 118,138,139- Section 118 (a) assumes that every negotiable instrument is made or drawn for consideration, while Section 139 creates a presumption that the holder of a cheque has received the cheque in discharge of a debt or liability. Presumptions under both are rebuttable, meaning they can be rebutted by the accused by raising a probable defence. (Para 6) Once such a defence is established, the burden again shifts upon the complainant to now establish his case beyond a reasonable doubt, for after all, the effect of Section 138 of the N.I. Act is a criminal conviction. (Para 11)

Reji Kumar Alias Reji vs State Of Kerala 2025 INSC 538 - Death Penalty Commuted

Death Penalty - Conviction under Section 302, 376, 297 and 201 IPC upheld - Death sentence commuted considering the following mitigating factors: No prior antecedents; good conduct for the past 16-17 years of incarceration; difficulties in mental health and consistent efforts at being a model prisoner. (Para 17)

Central Bureau Of Investigation vs Ramesh Chander Diwan 2025 INSC 539 -S. 197 CrPC - Deputation

Code of Criminal Procedure 1973 - Section 197- Protection of sub-section (1) of Section 197, Cr. PC is available only to such public servants whose appointing authority is the Central Government or the State Government and not to every public servant. (Para 26)

Service Law - Deputation - Where exigency of public service requires the parent department (lending authority) to send its employee on deputation to the receiving department (borrowing authority) and such an arrangement is preceded by a consensus among the three, i.e., the lending authority, the borrowing authority and the officer/employee, the statutory rules do normally provide for his repatriation. In such a case, there can be no severance of relationship with the parent department. However, during the period the officer/employee is sent on deputation to the receiving department, the parent department may fill up the post vacated by the deputationist in accordance with law under the category of 'deputation vacancy', which also is not unknown in public service law, but it is only for a limited period till the officer/employee is repatriated- Insofar as disciplinary control over a deputationist is concerned, such control generally vests with the appropriate authority in the parent department in which the substantive appointment is held. However, it cannot be gainsaid that by statutory rules or by conditions contained in the order of deputation, it can be provided that the deputationist, for the period he is serving on deputation, will be subject to the disciplinary control of the department to which he is deputed. Should there be a provision in this behalf, the deputationist may be proceeded against, if the occasion therefore arises, by the appropriate authority in the receiving department. Although generally an employee is supposed to have one master, in the context of deputation there could be a plurality of masters. Nonetheless, it is the statutory rules which would be the deciding factor. If the rules indicate that disciplinary control is retained by the parent department, the receiving department would have no jurisdiction to exercise such control. (Para 20-21)

**Chellammal vs State 2025 INSC 540 - S.4 Probation of Offenders Act -
Ss. 360,361 CrPC - S. 498A IPC**

Probation of Offenders Act, 1958 - Section 4 - Unless applicability is excluded, in a case where the circumstances stated in sub- section (1) of Section 4 of the Probation Act are attracted, the court has no discretion to omit from its consideration release of the offender on probation; on the contrary, a mandatory duty is cast upon the court to consider whether the case before it warrants releasing the offender upon fulfilment of the stated circumstances. The question of grant of probation could be decided either way. In the event, the court in its discretion decides to extend the benefit of probation, it may upon considering the report of the probation officer impose such conditions as deemed just and proper. However, if the answer be in the negative, it would only be just and proper for the court to record the reasons therefor. (para 28) The report of the probation officer referred to in sub-section (2) of Section 4 of the Probation Act is a condition precedent and, therefore, must be complied with by the trial courts and the high courts. Importantly, it has also been held that the courts may not be bound by such report.(Para 30)

Code of Criminal Procedure 1973 - Section 360,361 ; Probation of Offenders Act, 1958 - Section 4 - While Section 360 permits release of an offender, more twenty-one years old, on probation when he is sentenced to imprisonment for less than seven years or fine, Section 4 of the Probation Act enables a court to exercise its discretion in any case where the offender is found to have committed an offence such that he is punishable with any sentence other than death or life imprisonment. Additionally, the non-obstante clause in sub-section gives overriding effect to sub-section (1) of Section 4 over any other law for the time being in force. Also, it is noteworthy that Section 361, Cr. PC itself, being a subsequent legislation, engrafts a provision that in any case where the court could have dealt with an accused under the provisions of the Probation

Act but has not done so, it shall record in its judgment the special reasons therefor. (Para 26)

Indian Penal Code 1860 - Section 498A - Fine is not an alternative to imprisonment. (Para 9)

Superintendent Of Prison vs Venkatesan @ Senu @ Srinivasan @ Baskaran @ Radio @ Prakasam 2025 INSC 541 - S. 428 CrPC - Interpretation - Referred to Larger Bench

Code of Criminal Procedure 1973 - Section 428 - The words 'of the same case'- Interpretation of Section 428, Cr. PC is not found to be consistent and an authoritative decision seems to be the need of the hour - Referred to larger bench. (Para 10 -29)

Precedents- Consistency, certainty, predictability and finality of judicial decisions are the hallmarks of a sound justice delivery system. The relevance and significance of the principle of stare decisis have to be borne in mind. (para 29)

Kanchhu vs Prakash Chand 2025 INSC 542 - CPC - Ex Parte Defendant Rights - Pleadings

Code of Civil Procedure 1908 -Order VI Rule 2- Pleadings, either in a plaint or a written statement, constitute the plinth on which the respective claims and defence of the parties to a civil suit rest. What a pleading ought to contain is provided in Order VI Rule 2, CPC. Only material facts, on which the party pleading relies for his claim or defence to succeed, have to be stated without the evidence by which the pleading is to be proved. (Para 19)

Code of Civil Procedure 1908 -The rights of a defendant in a civil suit where such defendant has been set ex parte. - Once the pleadings are complete but the defendant is set ex parte, and such order has attained finality,

the defendant's rights suffer a curtailment. He cannot produce evidence in defence and hence statements, which are in the nature of factual assertions, cannot be proved by leading evidence. Generally speaking, the limited right that the defendant, set ex parte, would have is confined to cross-examining the plaintiff's witnesses. The effort has to be directed towards demonstrating that they are not speaking the truth and, thereby, demolish the case of the plaintiff. Essentially, therefore, in such a case the defendant has to convince the court that the case put up by the plaintiff is so false that the court ought not to accept it. However, if the defendant raises an issue on law which is traceable in the written statement, for instance, the suit is barred by limitation or Section 9, CPC is attracted, or if the relief claimed in the suit cannot be granted for reasons disclosed, the requirement of the defendant proving such defence as raised in the written statement by leading evidence may not arise and the court may frame an issue of law and decide the same. (Para 19)

Quotable Quotes- vigilance and diligence go hand-in-hand, making them two sides of the same coin, when it comes to pursuing/defending a legal action. (Para 16)

Ramanuj Kumar vs Priyanka 2025 INSC 543 - Dissolution Of Marriage Invoking Art. 142 Powers

Note: No legal aspects discussed in this judgment - SC dissolved marriage invoking Article 142 powers

Ramyash @ Lal Bahadur vs State Of Uttar Pradesh 2025 INSC 544 - S. 362 CrPC - Modification Of Conviction

Code of Criminal Procedure 1973 - Section 362- What would fall within the meaning of a clerical and arithmetical error discussed- Quoted from Sooraj Devi v. Pyare Lal: A clerical or arithmetical error is an error occasioned by an accidental slip or omission of the court. It represents that which the court never

intended to say. It is an error apparent on the face of the record and does not depend for its discovery on argument or disputation. An arithmetical error is a mistake of calculation, and a clerical error is a mistake in writing or typing. [Context: In the First Judgment, High Court confirmed the conviction under Section 302 IPC- Then HC allowed correction application and modified conviction from Section 302 of IPC to Part-II of Section 304 of IPC- Allowing appeal, SC observed: Even upon a plain reading of the provisions of Section 362 of Cr.P.C., the procedure adopted by the High Court was totally untenable.]

Pawan Kumar Agrawal vs State Of Chhattisgarh 2025 INSC 545

Note: No legal aspects discussed in this judgment.

Rajan Chadha vs Sanjay Arora 2025 INSC 546 - Contempt of Court

Contempt of Courts Act - When one Judge of the same Court has taken a particular view holding the Respondent to be guilty of contempt, another Judge could not have come to a finding that the Respondent was not guilty of contempt. (Para 19)

A.J. Shetty And Co. Pvt. Ltd. vs St. Antony's Charity Institutes 2025 INSC 547

Note: No legal aspects discussed in this judgment.

Durga Prasad vs Govt. Of Nct Of Delhi 2025 INSC 548 - Disciplinary Proceedings

Disciplinary Proceedings - In the event of disagreement, Disciplinary authority has to give brief reasons for his disagreement with inquiry officer and provide an opportunity to the employee to respond to such disagreement note before forming its own opinion with regard to imposition of punishment on the delinquent. (Para 18)

Constitution of India - Article 226 - Disciplinary Proceedings - Ordinarily where enquiry is found deficient, procedurally or otherwise, High Court should remand the matter back to the authority concerned for redoing the exercise from the stage where the error crept in. However, it is equally settled that where there is long time-lag or circumstances are such that a remand at that stage would be unfair, or harsh, or otherwise unnecessary, the High Court can exercise its discretion and pass suitable orders as the facts and circumstances of the case may demand - At times, where enquiry is found faulty, necessitating a remand, the Court may, on account of long delay, instead of remanding the matter, mould the relief. (Para 17)

Bijender Singh vs Union Of India 2025 INSC 549 - Army Pension Regulations

Pension Regulations for the Army, 1961 - If there is no note or report of the Medical Board at the time of entry into service that the member suffered from any particular disease, the presumption would be that the member got afflicted by the said disease because of military service. Therefore the burden of proving that the disease is not attributable to or aggravated by military service rest entirely on the employer. Further, any disease or disability for which a member of the armed forces is invalidated out of service would have to be assumed to be above 20% and attract grant of 50% disability pension.

Suresh Kumar vs State Of Haryana 2025 INSC 550 - Land Acquisition Compensation - Delay

Constitution of India - Article 300A, 31A - Land Acquisition Compensation - Delay is not a reason to deny the land losers their compensation, which is just, fair and reasonable for the land they have lost- State has the power of eminent domain, the owner of a land can only be divested thereof in accordance with the procedure established by law after appropriately compensating them. (Para 11-12)

Rekha Sharma vs High Court Of Judicature For Rajasthan 2025 INSC 551 - Judicial Service

Judicial Service - Invoking Article 142 powers, SC directed the authority to accommodate the petitioner herein in one of the posts, either in any of the vacant posts which are available in the reserved category for persons with disability or to create a supernumerary post and appoint her as a Civil Judge (Junior Division) and observed: the petitioner has secured the minimum qualifying marks and therefore calls for the consideration of this Court. We also say this having regard to the fact that the petitioner belongs to the EWS category and is also having lind and low vision disability. In our view, she ought to be considered for the said post.

Rajeev Gupta vs Prashant Garg 2025 INSC 552 - Limitation Act - TP Act - Suit For Declaration

Limitation Act 1961 - Article 58- If cause of action to sue means accrual of the right for an actionable claim, it is the moment from which such right first accrues that the clock of limitation would start ticking -Even though cause of action for instituting a suit might arise on varied occasions and/or at different times, what is material and assumes relevance for computing the period of limitation under Article 58 is the date when the right to sue first accrues to the aggrieved suitor. Though dominus litus, a suitor cannot pick and choose a time for approaching court. The period of limitation in terms of Article 58 being 3 (three) years, the prescribed period has to be counted from that date of the right to sue first accruing and the suit, if not instituted within 3 (three) years therefrom, would become barred by time. (Para 30)

Limitation Act 1961 - Article 59- Any suit seeking cancellation of a particular instrument as void or voidable would be governed by Article 59 and, therefore, has to be instituted within 3 (three) years from date the suitor could be said to have first derived knowledge of the fact of such an instrument (which, according to him, is void or voidable) coming into existence. The word “first” in Article 59 would ordinarily have the same connotation as in Article 58. (Para 31)

Transfer of Property Act 1881- Section 52- Section 52 of the ToP Act does not ipso facto render a sale transaction as inoperative, it merely subjects it to the outcome of the pending proceedings. (Para 41) - Referred to G.T. Girish v. Y. Subba Raju (2022) 12 SCC 321 - The effect of the doctrine of lis pendens, which Section 52 of the ToP Act embodies, is not to annul all voluntary transfers effected by a party to the suit but only to render it subservient to the rights of the parties thereto under the decree or order that the court may make in the suit. The transfer, subject to the result of the suit, could remain valid. (Para 42)

Indian Evidence Act 1872 - Section 68 - The requirement of proof of a will in accordance with Section 68 is not done away with, even if the will is not disputed by the opposite party. In Ramesh Verma v. Lajesh Saxena (2017) 1 SCC 257, (Para 48)

Specific Relief Act 1963- Section 34- Where the plaintiff is in possession, but his title to the property is in dispute, or under a cloud, or where the defendant asserts title thereto and there is also a threat of dispossession from the defendant, the plaintiff will have to sue for declaration of title and the consequential relief of injunction; however, where the title of the plaintiff is under a cloud or in dispute and he is not in possession or not able to establish possession, necessarily the plaintiff will have to file a suit for declaration, possession and injunction- In a suit filed for possession based on title the plaintiff is bound to prove his title and pray for a declaration that he is the owner of the suit land because his suit on the basis of title cannot succeed unless he is held to have some title over the land. - Referred to Anathula Sudhakar v. P. Buchi Reddy (2008) 4 SCC 594 and Sopanrao v. Syed Mehmood (2019) 7 SCC 76 (Para 62-63)

Legal maxim- Nemo dat quod non habet - no one can transfer a better title than what he himself possesses. (Para 40)

**Hussain Ahmed Choudhury vs Habibur Rahman (D) 2025 INSC 553 -
Ss. 31,34 Specific Relief Act - Declaration of Title**

Suit for declaration of title -The declaration of title is as good as a relief of cancellation of the sale deed or at least, a declaration that the sale deed is not binding on the plaintiff being void and thus non est. (Para 36)

Specific Relief Act 1963 - Section 31 and 34 -Where the executant of a deed wants it to be annulled, he has to seek cancellation of the deed under Section 31 of the Act, 1963. But if a non-executant seeks annulment of a deed, he has to only seek a declaration that the deed is invalid, or non est, or illegal or that it is not binding on him. The difference between a prayer for cancellation and declaration in regard to a deed of transfer/conveyance, can be brought out by the following illustration relating to 'A' and 'B' – two brothers. 'A' executes a sale deed in favour of 'C'. Subsequently 'A' wants to avoid the sale. 'A' has to sue for

cancellation of the deed. On the other hand, if 'B', who is not the executant of the deed, wants to avoid it, he has to sue for a declaration that the deed executed by 'A' is invalid/void and non est/ illegal and he is not bound by it. In essence, both may be suing to have the deed set aside or declared as non-binding. (Para 29)

Reliefs - Plaintiff must be read as a whole and the actual relief sought can also be culled out from the averments of the plaintiff. Those reliefs can be granted, if there is evidence and circumstances justifying the grant of such relief, though not directly or specifically claimed, or asked as a relief. (Para 37)

Specific Relief Act 1963 - Section 34 - Section 34 entitles a person to approach the appropriate court for a declaration, if that person is entitled to (i) any legal character or (ii) any right as to any property. "Legal character" and "right to property" are used disjunctively so that either of them, exclusively, may be the basis of a suit. The disjunctive 'or' cannot be read as a conjunctive 'and' (Para 26)- Courts have ample inherent powers and indeed it is their duty to shape their declaration in such a way that they may operate to afford the relief which the justice of the case requires. Section 34 of the Act, 1963 is not exhaustive of the cases in which a declaratory decree may be made and the courts have power to grant such a decree independently of the requirements of the Section. Section 34 merely gives statutory recognition to a well-recognised type of declaratory relief and subjects it to a limitation, but it cannot be deemed to exhaust every kind of declaratory relief or to circumscribe the jurisdiction of courts to give declarations of right in appropriate cases falling outside Section 34. The circumstances in which a declaratory decree under Section 34 should be awarded is a matter of discretion depending upon the facts of each case. (para 38)

Section 34 proviso - All that the proviso forbids is a suit for pure declaration without necessary relief where the plaintiff being able to seek such a relief, has omitted to do so. The proviso must not be construed in a manner which compels the plaintiff to sue for any and all the reliefs which could possibly be granted to him. The plaintiff must not be debarred from obtaining a relief that he wants for the reason that he has

failed to seek a relief which is not directly flowing from the relief of declaration already sought for.(Para 28)

Specific Relief Act 1963 - Section 31 -As Section 31 of the Act, 1963 uses the word “may”, it is not a mandate, even as regards the parties to the instrument or the persons claiming through or under them, to seek for the cancellation of an instrument which is otherwise void and therefore, it cannot be contended that a stranger to that instrument must necessarily seek for its cancellation. By no stretch of imagination can this be construed to mean that when there exists an instrument with respect to the same property but executed by some other person, the plaintiff despite being a stranger to that instrument would fall under the scope of “any person” in Section 31 of the Act, 1963. (Para 24)

Maharana Pratap Singh vs State Of Bihar 2025 INSC 554 - Disciplinary Proceedings

Disciplinary Proceedings - If there is a flaw from the inception of the disciplinary proceedings, i.e., the charge-sheet is not issued conforming to the relevant rules and the charged officer finds it difficult to meet the charges because it is vague, indefinite, not specific and lacking in material particulars, the charge- sheet itself becomes susceptible to vulnerability. (Para 35) - In carrying out the purpose of rooting out corruption, mere suspicion should not be allowed to take the place of proof even in domestic enquiries. Although technical rules which govern criminal trials in courts may not necessarily apply to disciplinary proceedings, nevertheless, the principle that in punishing the guilty scrupulous care should be taken to see that the innocent is not punished, applies as much to regular criminal trials as to disciplinary enquiries held under statutory rules. (Para 42) While an acquittal in a criminal case does not automatically entitle the accused to have an order of setting aside of his dismissal from public service following disciplinary proceedings, it is well-established that when the charges,

evidence, witnesses, and circumstances in both the departmental inquiry and the criminal proceedings are identical or substantially similar, the situation assumes a different context. In such cases, upholding the findings in the disciplinary proceedings would be unjust, unfair, and oppressive. (Para 47) To assess the degree of similarity between the charges, evidence, witnesses, and circumstances in the disciplinary and criminal proceedings, it is indeed crucial to review the materials placed before the Court where such an issue arises. (Para 48)

Constitution of India - Article 226 - Disciplinary Proceedings - While exercising its powers under Articles 226 and 227 of the Constitution, the High Court does not exercise powers that are available to an appellate court. It is the decision-making process that falls for scrutiny. Be that as it may, the High Courts can rectify errors of law or procedural irregularities, if any, that lead to a manifest miscarriage of justice or breach of the principles of natural justice. (Para 55)

Natural Justice - Any action resulting in penal or adverse consequences must be consistent with the principles of natural justice. To sustain a complaint of natural justice violation, based on lack of opportunity for cross-examination, the party alleging the violation must show that prejudice was caused. (Para 56)

**State Of Uttar Pradesh vs Ram Prakash Singh 2025 INSC 555 -
Disciplinary Proceedings - Non Furnishing Of Enquiry Report - Test
Of Prejudice**

Disciplinary Proceedings - Whenever a challenge is mounted to an order of punishment on, inter alia, the ground that the report of enquiry has not been furnished, the tribunal/court should require the employer (Government, public or private) to justify non- furnishing of such report. If no valid explanation is proffered and the tribunal/court suspects unfair motives (report has not been furnished as part of a strategic ploy or to advance an unholy cause or prompted by extraneous reasons) or carelessness, without much ado and without insisting

for ‘prejudice’ to be demonstrated, the order of punishment should be set aside and the proceedings directed to resume from the stage of offering opportunity to the delinquent employee to respond to the enquiry report. Irrespective of ‘prejudice’ being demonstrated, no employer or for that matter anyone should be permitted to steal a march and gain any benefit by violating the law. In case the tribunal/court is satisfied that real effort was made by the employer but such effort remained abortive because the report could not be furnished to the employee for reason(s) beyond its control, or some other justification is placed on record, which is acceptable to the tribunal/court, the test of ‘prejudice’ is open to be applied but only after ensuring service of a copy of the enquiry report on the employee. In a case where the employee either expressly or by his conduct appears to have waived the requirement of having access to the report, it would be open to the tribunal/court to deal with the situation as per its discretion. (Para 51)

Disciplinary Proceedings - continuation of disciplinary proceedings beyond the time stipulated by a tribunal/court could invite interdiction if no bona fide attempt is shown to have been made to seek an extension of time. However, much would depend on the facts of each case and it may not be possible to lay down a common formula applicable to each case. In an exceptional case, the tribunal/court would have the discretion to overlook the laxity and make such direction as it deems fit in the circumstances. (Para 63)

Disciplinary Proceedings - Non-furnishing of the enquiry report would deprive the employee of the opportunity and disable him to demonstrate before the disciplinary authority the perversity in such report by filing a representation. The object that is sought to be achieved by furnishing of the enquiry report is this. If the report were furnished, the delinquent employee could persuade the disciplinary authority to hold that either he is innocent and/or that he does not deserve any punishment, or may be let off with a minor punishment. Providing a delinquent employee with an opportunity to respond to the enquiry report is,

thus, a crucial procedural step that must precede disciplinary action. Failure to do so, such as imposing punishment without furnishing the report, could severely handicap the employee's ability to effectively question or challenge the decision in an appeal/appropriate proceedings, as he would be unaware of the materials against him. In such a case, at best, nothing more than a plain and simple plea can be urged that non-furnishing of the enquiry report has deprived him of reasonable opportunity to counter the findings of guilt without, however, he being able to demonstrate prejudice. It is axiomatic that without reading the enquiry report, there cannot be an effective and meaningful challenge to the findings contained therein. 45. That apart, the right to receive the report of enquiry being available prior to a final decision being taken in the disciplinary proceedings cannot be postponed by any arbitrary act of the employer in not following the law, which can be or should be validated by the court, and what was intended to be a pre-decisional opportunity cannot be made to partake the character of a post-decisional opportunity. (Para 44-45)

Disciplinary Proceedings - 'Materials brought on record by the parties' (to which consideration in the enquiry ought to be confined) mean only such materials can be considered which are brought on record in a manner known to law. Such materials can then be considered legal evidence, which can be acted upon. Though the Indian Evidence Act, 1872 is not strictly applicable to departmental enquiries, which are not judicial proceedings, nevertheless, the principles flowing therefrom can be applied in specific cases. Evidence tendered by witnesses must be recorded in the presence of the delinquent employee, he should be given opportunity to cross- examine the witnesses and no document should be relied on by the prosecution without giving copy thereof to the delinquent - all these basic principles of fair play have their root in such Act. (Para 14)

Ramachandraiah vs M. Manjula 2025 INSC 556 - CBI Investigation

CBI Investigation - The power to direct for CBI investigation is to be exercised sparingly and in exceptional circumstances, but, when the facts so demand, it is extremely necessary to exercise the said power to provide credibility and instil confidence in order to do complete justice and for enforcing the fundamental rights.(Para 11) - A prospective accused has no right to be heard at the stage of registration of FIR- once an FIR is registered and investigation has taken place, direction for an investigation by the CBI is not open to challenge by the prospective suspect or accused. The matter for entrusting investigation to a particular agency is basically at the discretion of the Court. (Para 16)

Shrikanth NS vs K. Munivenkatappa 2025 INSC 557- Order XI Rule 14 CPC

Code of Civil Procedure 1908 - Order XI Rule 14 - The provision enables the Court to seek production of the documents during the pendency of the suit. (Para 9)

Sivakumar vs Inspector Of Police 2025 INSC 558

Note: No legal aspects discussed in this judgment.

State Of Sikkim vs Dr. Mool Raj Kotwal 2025 INSC 559 - Leave Encashment

Sikkim Government Services (Leave) Rules, 1982 - Rule 36 -Under Rule 36 of Leave Rules, a regular government servant, if retires under Sikkim Government Service Rules, 1974 would be entitled for leave encashment

maximum for 300 days. If the government servant is re-employed after 58 years of age and continued for a long time and get leaves accumulated during the period of re-employment, he/she cannot get benefit of leave encashment second time merely because he/she is having leave in his/her credit during the period of re-employment. (Para 33)

Leave encashment- Leave encashment is a legal entitlement that exists within the framework of service law and in the welfare of the employee. It allows employees to receive a monetary benefit in exchange for leave they have earned but not taken during regular employment. This right is based on the principle of deferred compensation to an employee who has not taken leaves and served, for which the employer must compensate not only for his/her work, but also for benefits of leave accumulated over time limited to 300 days maximum. This entitlement is often established in statutory provisions, service rules (such as Rule 36 of the Leave Rules) or employment contracts, ensuring that employees are fairly compensated for their unutilized leave- while leave encashment ensures that extra- ordinary work ethic of an employee is rewarded, it must be applied in a way that upholds both employee rights and institutional sustainability. Naturally, courts must interpret leave encashment rules and statutes in a manner that prevents undue financial burden on employers while ensuring that employees receive what they are lawfully entitled to. (Para 25-27)

Pramila Devi vs State Of Jharkhand 2025 INSC 560 - S. 190 CrPC

Code of Criminal Procedure 1973 - Section 190 - The scope of the exercise of application of mind on the police papers/case diary for deciding as to whether to take cognizance or not - it has only to be seen whether there is material forthcoming to indicate commission of the offence(s) alleged. The concerned Court is not empowered to go into the veracity of the material at that time. That is

why, the law provides for a trial where it is open to both the parties i.e., the prosecution as well as the defence to lead evidence(s) either to prove the materials which have come against the accused or to disprove such findings. (Para 20)

State Of Himachal Pradesh vs Sanjay Kumar 2025 INSC 561 - Rape Case - Acquittal

Summary: SC upheld acquittal of accused in rape case and observed: there is material contradiction in the statement of the Prosecutrix as to the date of commission of rape.

Muppidi Lakshmi Narayana Reddy Vs State Of Andhra Pradesh 2025 INSC 562 - S.498A IPC - Dowry Prohibition Act

Indian Penal Code 1860 - Section 498A - Dowry Prohibition Act - The practice of involving the relatives of the husband in dowry related matters deprecated - Criminal case quashed.

Raju Naryana Swamy vs State of Kerala 2025 INSC 563 - Service Law - Promotion - ACRs

Service Law - Promotion - Impact of prior entries in ACRs on promotion- Adverse remarks of an officer for the entire period of service can be taken into consideration while promoting an officer or while passing an order of compulsory

retirement. But the weight which must be attached to the adverse remarks depends upon certain sound principles of fairness - The adverse remarks relate to a period prior to an earlier promotion they must be treated as having lost their sting and as weak material, subject however to the rider that if they related to dishonesty or lack of integrity they can be considered to have not lost their strength fully so as to be ignored altogether- Quoted from Badrinath vs. Government of Tamil Nadu (2000) 8 SCC 395. (Para 17)

Murlidhar Aggarwal (D) vs Mahendra Pratap Kakan (D) 2025 INSC 564- Bonafide Need - Eviction

Tenancy Laws - The bona fide requirement for occupation of the landlord has to be liberally construed and, as such, even the requirement of the family members would be covered. (Para 25)

Uttar Pradesh Urban Buildings (Regulation of Letting, Rent and Eviction) Act, 1972- Section 21 - one of the circumstances to be seen while appreciating the comparative hardship is to examine whether the tenant has brought on record any material to indicate that at any time during the pendency of the long drawn-out litigation, he made any attempt to seek an alternative accommodation and was unable to get it. This factor will be one of the circumstances to be taken into consideration while determining whether the claim of the landlord is bona fide. (Para 28)

Chief Executive Officer vs S. Lalitha 2025 INSC 565 - Administrative Tribunals Act - CAT- Limitation

Administrative Tribunals Act 1985 - Section 19,20 - If the relevant service rules do not provide for making of a representation against final orders, by reason of absence of such a provision, the remedy of the aggrieved

applicant-public servant would lie directly before the CAT in challenging the order/action of the authorities adverse or prejudicial to his interest; and, in such a case, an original application ought not to be rejected mechanically on the ground that all “remedies” have not been exhausted- If the relevant service rules do provide for making of a representation, the remedy made available has to be exhausted unless an exceptional case is set up-

Administrative Tribunals Act 1985 - Section 19,20 ,21- Except in cases where final orders are passed on appeals/ revisions/ memorials/ representations which are statutorily provided, limitation for the purpose of filing an original application under Section 19 of the 1985 Act , has to be reckoned keeping in mind the date of accrual of the cause of action and the proximity of the date of the representation, and the period of one year for filing an original application has to be counted from the date of expiry of six months from date of such a representation if no order were passed thereon- The cause of action cannot be deferred by making a highly belated representation and awaiting its outcome. (Para 35)

Constitution of India - Article 226 - unexplained delay or laches is considered one of the factors which could assume significance in denying relief when the discretionary writ remedy is invoked. In an appropriate case, a writ court may refuse to invoke its extraordinary powers if the applicant's negligence or omission to assert his right combined with undue delay or laches and prejudice to the other party warrants such refusal. (Para 24)

Amruddin Ansari (D) vs Afajal Ali 2025 INSC 566 -CPC - Fresh Suit After Dismissal For Default

Code of Civil Procedure 1908- Order IX Rule 4 -Whether after the dismissal of the petition for restoration of suit under Order IX Rule 4 of the C.P.C. a fresh suit is maintainable? A fresh suit is maintainable even after the rejection of the application filed under Order IX Rule 4 of the C.P.C- In case of

dismissal of suit under Order IX Rule 4 of the C.P.C. the plaintiff has both the remedies of filing of fresh suit or application for restoration of the suit. If he chooses one remedy, he is not debarred from availing himself of the other remedy. Both these remedies are simultaneous and would not exclude either of them. (Para 21)

Code of Civil Procedure 1908- Order IX Rule 2,3-Whether after dismissal of the suit for default, a fresh suit is barred by res judicata? If a fresh suit is filed, then such an order of dismissal cannot and shall not operate a res judicata. (Para 26)

Code of Civil Procedure 1908- Order IX Rule 2,3,4,8- where the suit is dismissed under Rule 2 or Rule 3 of Order IX, the remedy provided is under Rule 4 of Order IX of the C.P.C. In case of such dismissal, the plaintiff either brings a fresh suit on the same cause of action or he may apply for setting aside the order of dismissal and for restoration of suit. Whereas if the suit is dismissed under Rule 8 of Order IX of the C.P.C., the plaintiff cannot bring a fresh suit on the same cause of action. The only remedy available to the plaintiff is to move an application for setting aside the order of dismissal and for restoration of suit. (Para 16)

Code of Civil Procedure 1908- Order IX Rule 2,3- An order of dismissal of a suit or application in default under Rule 2 or Rule 3 of Order IX of the C.P.C. is neither an adjudication or a decree nor it is an appealable order. If that is so, such order of dismissal of a suit under Rule 2 or Rule 3 of Order IX of the C.P.C. does not fulfill the requirement of the term “judgment” or “decree”, inasmuch as there is no adjudication. (Para 26)

Res Judicata - The principle of res judicata is based on the common law maxim “nemo debet bis vexari pro una et eadem causa”, which means that no man shall be vexed twice over the same cause of action. It is a doctrine applied to give finality to a lis. According to this doctrine, an issue or a point once decided and

attends finality, should not be allowed to be reopened and re-agitated in a subsequent suit. In other words, if an issue involved in a suit is finally adjudicated by a Court of competent jurisdiction, the same issue in a subsequent suit cannot be allowed to be re-agitated. It is, therefore, clear that for the application of principle of res judicata, there must be an adjudication of an issue in a suit by a court of competent jurisdiction. (Para 23)

Chithra Woods Manors Welfare Association vs Shaji Augustine 2025 INSC 567 -Contempt of Court

Contempt of Courts Act 1971- A party, misguiding the Court to pass an order which was never intended to be complied with, would constitute an act of overawing the due process of law and, thus, commit contempt of Court- Any person who misuses the process of the Court with ulterior motives cannot be said to be a person having approached the Court with clean hands. A person who tries to tarnish the process of litigation to the extent of misguiding and misleading the proceedings before the Court resulting in passing of order(s) which are to his benefit at the cost of the loss of dignity, leading to shrinkage of the faith of the common man in the judicial process cannot be permitted. (Para 33-36)

Ayyub Ali vs State Of Uttar Pradesh 2025 INSC 568 - CrPC - Framing of Charge

Code of Criminal Procedure 1973 - Framing of Charge - Court undoubtedly has the power to sift through and weigh the evidence for the limited purpose of finding out whether or not a prima facie case is made out. When the materials placed before the Court disclose a grave suspicion, which is not properly explained, the Court would be justified in framing a charge and proceeding with the trial - Referred to in Ghulam Hassan Beigh v. Mohd. Maqbool Magrey: But at the stage of framing of the charge, the trial court could

not have reached to such a conclusion merely relying upon the post-mortem report on record.

Principal Chief Conservator of Forest vs Suresh Mathew 2025 INSC 569 - Tender - Judicial Review

Constitution of India - Article 226 - Tender matters - Government is the protector of financial resources of the state and thus, it has every right to cancel and call for fresh tender if it is in the nature of protecting the financial interests of the State- Scope of judicial review in the cases of award of government contracts or auctions. (Para 16-22)

Sakina Sultanali Sunesara (Momin) vs Shia Imami Ismaili Momin Jamat Samaj 2025 INSC 570 - CPC- Compromise Decree

Code of Civil Procedure 1908 - Order XXIII Rule 3,3A - Order XLIII Rule 1-A - If a person was already a party to the suit, and denies that any lawful compromise ever took place, the CPC requires that person to go back to the Trial Court under the proviso to Order XXIII Rule 3 and ask that Court to decide whether the compromise is valid. On the other hand, someone who was not a party to the suit, but whose rights are hurt by a consent decree, may approach the Appellate Court in a First Appeal under Section 96 of the CPC, but only after obtaining leave. Order XLIII Rule 1-A does not create an independent appeal at all; it merely says that, once an appeal is otherwise before the Court, the appellant may argue that the compromise should, or should not, have been recorded. (Para 15)

Dinesh Sharma vs EMGEE Cables And Communication Ltd. 2025 INSC 571 - S. 482 CrPC - Economic Offences

Code of Criminal Procedure 1973 -Section 482- Though the High Court has unfettered powers conferred by the CrPC for exercising its inherent jurisdiction under Section 482., the same is expected to be used very sparingly and only in exceptional circumstances. There cannot be any straight jacket formula as to when the High Court would be justified to exercise jurisdiction under Section 482 of CrPC and each case is required to be dealt with on its own merits. (Para 18) There is a growing tendency of parties to rope in their counterparts to harass and extract monetary transaction, it is the duty of the Court to consider the facts of each case, in its proper perspective and then to arrive at the conclusion as to whether the case warrants investigation or the proceedings are required to be quashed. (Para 24) economic offences by their very nature lie beyond the domain of mere dispute between private parties and the High Court would be justified in declining to quash where the offender is involved in an activity akin to a financial or economic fraud or misdemeanour. (Para 23)

Economic offences -economic offences by their very nature stand on a different footing than other offences and have wider ramifications. They constitute a class apart. Economic offences affect the economy of the country as a whole and pose a serious threat to the financial health of the country. If such offences are viewed lightly, the confidence and trust of the public will be shaken. (Para 24)

Central Bureau Of Investigation vs Surendra Patwa 2025 INSC 572 - FIR - Natural Justice - Administratve Action

Criminal Investigation - The principles of natural justice are not applicable at the stage of reporting a criminal offence. It has further been clarified that providing an opportunity of being heard prior to the commencement of a criminal action (i.e. registration of an FIR), would frustrate the very purpose of

initiating a criminal proceeding, which is to meet the ends of justice. (Para 10) An FIR, by taking cognizance of an offence, merely sets the law into motion. This has nothing to do with a decision on the administrative side, made by a different authority. Merely because the facts are same or similar, one cannot say that in the absence of a valid administrative action, no offence which is otherwise cognizable, can be registered. At that stage, one only has to see the existence of a cognizable offence, based on the FIR registered. Therefore, even assuming that there is no action forthcoming on the administrative side, an FIR can be held to be maintainable. The scope and role of both the actions are totally different and distinct, more so when undertaken by different statutory/public authorities- Even in a case where an FIR is registered based on an administrative action, setting aside the latter on a technical or a legal premise would not ipso facto nullify the former. It is ultimately a matter for investigation by the appropriate authority. When an administrative order is set aside on the ground of non-compliance of a legal necessity or mandate, the facts mentioned thereunder could still be the basis for the registration of an FIR. (Para 7-8)

Disciplinary Proceedings - Setting aside of an administrative action on the grounds of violation of the principles of natural justice does not bar the administrative authorities from proceeding afresh. (Para 12)

Okhla Enclave Plot Holders Wel. Ason. vs Union Of India 2025 INSC 573

Note: No legal aspects discussed in this judgment.

Consolidated Construction Consortium Limited vs. Software Technology Parks Of India 2025 INSC 574 - S.34 Arbitration Act - Ss. 55,73,74 Contract Ac

Indian Contract Act 1872 - Section 55,73,74 - In a contract whether time is of the essence or not, if the contractor fails to execute the contract within the specified time, the contract becomes voidable at the option of the promisee and the promisee would be entitled to compensation from the promisor for any loss occasioned to him by such failure. However, in case of a contract where time is of the essence, the contract becomes voidable on account of the contractor's failure to execute the contract within the agreed time. The promisee cannot claim compensation for any loss occasioned by such breach of the contract unless he gives notice to the promisor of his intention to claim compensation. This is made more specific in Section 73. Section 74 contemplates a situation where penalty is provided for and quantified as compensation for breach of contract. In such a case, the party complaining of the breach is entitled to compensation whether or not actual damage or loss is proved to have been caused thereby but such compensation shall not exceed the quantum of penalty stipulated. (Para 20)

Arbitration and Conciliation Act 1996 - Section 34 - An arbitral award cannot be set aside on a ground which is beyond the grounds mentioned in sub-sections (2) and (2A) of Section 34. (Para 22) Court. Section 34 is not in the nature of an appellate provision. It provides for setting aside an arbitral award that too only on very limited grounds i.e. as those contained in sub-sections (2) and (2A) of Section 34. It is the only remedy for setting aside an arbitral award. An arbitral award is not liable to be interfered with only on the ground that the award is illegal or is erroneous in law which would require re-appraisal of the evidence adduced before the arbitral tribunal. If two views are possible, there is no scope for the court to re-appraise the evidence and to take the view other than the one taken by the arbitrator. The view taken by the arbitral tribunal is ordinarily to be accepted and allowed to prevail. Thus, the scope of interference in arbitral matters is only confined to the extent envisaged under Section 34 of the Act. The court exercising powers under Section 34 has perforce to limit its jurisdiction within the four corners of Section 34. It cannot travel beyond Section

34. Thus, proceedings under Section 34 are summary in nature and not like a full-fledged civil suit or a civil appeal. The award as such cannot be touched unless it is contrary to the substantive provisions of law or Section 34 of the 1996 Act or the terms of the agreement. (Para 23)

Aaditya Khaitan @ Aditya Khaitan vs State of Jharkhand 2025 INSC 575 - S. 482 CrPC - Financial Transactions

Code of Criminal Procedure 1973- Section 482- A complaint can be quashed when the allegation made in the complaint, even when taken on its face value and accepted in its entirety, do not prima facie constitute any offence or make out the case alleged against the accused. What is required is the examination of the complaint as a whole, without examining the merits of the allegations; desisting from a detailed inquiry or meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint. (Para 5) [Context: SC quashed criminal proceedings observing thus: A reading of the complaint, hence, would indicate a contract having been entered into pursuant to which there were financial transactions and allegedly amounts are due to the complainant.]

K. P. Tamilmaran vs State 2025 INSC 576 - FIR - Hostile Witness - S. 165 Evidence Act - Honour Killing

Code of Criminal Procedure 1973 - Section 154 - Even in the absence of a formal informant, the police is duty-bound to register the case whenever they receive any information regarding the commission of a cognizable offence. (Para 69)

Code of Criminal Procedure 1973 - Section 162,165 - The Courts are not barred from putting questions which may contradict the witness with the

previous statements made before the police. The special powers of the Court under Section 165 of the Evidence Act are not impaired or controlled by the provisions of Section 162 of the CrPC (Para 51)- The importance of Section 165 in the meaningful conduct of a trial discussed - Referred to Ram Chander v. State of Haryana (1981) 3 SCC 191. (Para 52)

Code of Criminal Procedure 1973 - Sections 311, 162,165 - Powers under Section 311 CrPC can either be exercised on an application moved by either side to the case or suo moto by the Court. In case a person is not listed as a witness in the charge-sheet but later, the prosecution desires to bring that person as an additional prosecution witness, then the prosecution can move an application to bring this person as a prosecution witness. It is then for the Court to decide whether such a person is required as a witness or not. If the Court finds that such a person should have been examined as a prosecution witness and he/she was omitted from the list of witnesses due to some oversight, mistake or for any other reason, the Court may allow the application and such a person can be examined as a prosecution witness. Thereafter, the normal course of examination-in-chief, cross- examination, etc. would follow as per the procedure. On the other hand, when the Court calls a person as a Court witness, there are some restrictions regarding the cross-examination of such witness- In a case where neither party is interested in examining a person as a witness yet the Court feels that the evidence of such a person is necessary for a just decision, the Court though cannot compel either the prosecution or the defence to call a witness, but it can invoke its power under Section 311 CrPC, read with Section 165 of the Evidence Act and call such a person as a Court witness. Whether a person is required to be examined as a witness for a just decision is again a question which has to be decided by the Court on the basis of the facts of that particular case. (Para 49) As far as cross-examination of a Court witness is concerned, no party can claim cross-examination of a Court witness as a matter of right. A Court witness can only be examined with the leave of the Court -Where a Court witness says

something prejudicial to any party, then such a party must be allowed to cross-examine that witness- Court witnesses can be cross- examined by either side but only with the leave of the Court. Further, the cross-examination is to be restricted only to what was stated by this witness in his/her reply to the questions of the Court, and a Court witness cannot be contradicted to his/her previous statements made before the police i.e. statements under section 161 of CrPC. (Para 48-51)

Criminal Trial - Court cannot ignore the testimonies of witnesses only because they are close relatives of the victim- In cases where the crime is committed at the residence or a place near the residence of the deceased, it is the close relatives who are likely to be a witness to the crime. They are natural witnesses. (Para 39)

Criminal Trial - Hostile Witness - The phrase 'hostile witness' has come to be used for a witness who gives a statement contrary to the story of the side for which he/she is a witness. All the same, because a witness has supported some, though not all, aspects of a case, it would not automatically mean that this witness has to be declared 'hostile'. the maxim "falsus in uno, falsus in omnibus", is not applicable to our criminal justice system. It is for the Court to distinguish the wheat from the chaff while dealing with the depositions of a hostile witness. Courts can rely upon that part of the deposition of a hostile witness which is corroborated by other evidence on record. If part of the evidence of a hostile witness corroborates with other reliable evidence, then that part of the evidence is admissible. Once a prosecution witness has been declared hostile and then cross-examined by the prosecution, then it is for the Court to evaluate the veracity of the testimony. There can be several reasons for a witness to turn hostile and the court must also look into these factors while evaluating the evidence given by a hostile witness. (Para 36)

Indian Evidence Act - Section 154 - A party can cross-examine its own witness under Section 154 Evidence Act, even without getting a declaration of 'hostility'. The only restriction to cross- examination under Section 154 Evidence

Act is that the party, who seeks to cross-examine its own witness, must obtain the leave of the Court. Whether there is a declaration of 'hostility' or not, one thing is clear that evidence of witness, who has been cross-examined under Section 154 Evidence Act by the party who called such witness, cannot be washed off entirely and it is for the Court to see what can be retrieved from such evidence. (Para 31)

Honor Killing - A wicked and odious crime is the ugly reality of our deeply entrenched caste structure. Honour-killing, as these are called, must get a strong measure of punishment. (Para 75)

Criminal Investigation - The purpose of an investigation, like the purpose of a trial, is to reach to the truth. The duty of an Investigating Officer is to lawfully collect evidence. (Para 67)

Chunni Bai vs State Of Chhattisgarh 2025 INSC 577 - S.84 IPC - Insanity - Murder - S. 165 Evidence Act

Indian Penal Code 1860 - Section 84 -What Section 84 IPC provides is legal insanity as distinguished from medical insanity. A person is said to be of unsound mind on whom criminal liability cannot be fastened if at the time of commission of the act, he is incapable of knowing the nature of the act, or that what he was doing was either wrong or contrary to law. It may also be noted that the expression "unsoundness of mind" or the word "insanity" has not been defined in the Indian Penal Code, though these have been used interchangeably. In the absence of a precise definition of these terms, insanity or unsoundness of mind has been variously understood by courts in varying degrees of mental disorder and the courts have applied this attribute to give the benefit of doubt or otherwise, depending on the facts and circumstances of the cases. However, mere odd behaviour or certain physical or mental ailments affecting the emotions or capacity to think and act properly have not been construed to be "unsound mind"

within the scope of Section 84 of the IPC. All kinds of insanity as are understood are not covered under Section 84 of IPC but only such acts, when committed by a person who was incapable of knowing the nature of the act or that he was doing which is either wrong or contrary to law are concerned. As a consequence, only such mental or medical condition which affects or disturbs the faculty of the person which renders him unable to know the nature of act committed or that he was doing which he did not know that it was wrong or contrary to law can be given the benefit of insanity under Section 84 IPC, and thus escape criminal liability. (Para 33)

Indian Evidence Act 1872 - Section 165 ; Indian Penal Code 1860 - Section 84- Re: Plea that the accused was under the influence of certain invisible force or where the prosecution is also totally unable to explain circumstances which motivated him or her to commit the act of homicide or where the evidence on record unambiguously show totally inexplicable but highly intriguing, strange and unusual circumstances under which the crime was committed - If such circumstances emerge in course of the trial which remain inexplicable and bizarre as in the present case, the court, in our opinion, even if the accused opts to remain silent, should ask such questions to the witnesses, as may be necessary to elicit the truth by invoking Section 165 of the Evidence Act, since the court has to be satisfied that the offence alleged has been proved beyond reasonable doubt not only in respect of actusreas but also mens rea. This assumes great importance when the accused pleads existence of certain circumstances which are beyond his/her control and which may indicate unsoundness of mind even temporarily, incapacitating the accused to take a conscious and informed decision. It is for the salutary reason that if the accused at the time of commission of crime was incapable of making conscious and informed decision or was suffering from certain mental incapacity or unsoundness of mind even if temporarily, it may put a question mark on the "intention" of the accused in committing such a crime, in which event, the benefit of doubt may be extended to

the accused as regards proof of intention and mens rea, as it would determine the nature of conviction and sentence which may be imposed. (Para 63-64)

Indian Penal Code 1860 - Section 299-304 - One of the criteria to determine, in any given case, as to whether the act amounts to “murder” or “culpable homicide not amounting to murder” is the presence or absence of intention of the offender. If the “intention” to cause death or to cause such bodily injury as is likely to cause death or the knowledge, which obviously has to be a conscious one, that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death and commits such act “without any excuse” for incurring the risk of causing death or such injury, comes out aloud and clear in the case, it would be most appropriate to categorise it as a case of “murder” under Section 300 IPC in which event, penal provision of Section 302 IPC would be attracted. On the other hand, if the “intention” in causing the death or to causing such bodily injury is not so clear, the case will fall under the less stringent category of “culpable homicide not amounting to murder” as punishable under Section 304 IPC. (Para 21)

Indian Evidence Act 1872 - Section 165 ; Code of Criminal Procedure 1973- Section 161,162- Even though the statements recorded under Section 161 of CrPC cannot be used for any purposes in a trial due to the embargo placed under Section 162 CrPC, however, the power of the Trial Court under Section 165 Evidence Act is wide enough to put questions based on the statement under Section 161 CrPC to any witness or party at any stage to secure the ends of justice. (Para 54)

Criminal Trial - Were the motive which can provide the basis for the intention appears to be totally missing, the court has to be very circumspect in drawing the inference of the proof of the presence of intention. (Para 47)

Oswal Petrochemicals Ltd. vs Commissioner Of Central Excise, Mumbai 2025 INSC 578 -Central Excise Rules

Central Excise Rules 1944-Rule 56- The use of the word shall in sub-rule (2) is indicative of the mandatory nature of the provision. The officer who has taken the samples for testing has to communicate the result of such test to the manufacturer. Therefore, the officer is under a positive mandate to communicate to the manufacturer the result of such test. On the other hand, what sub-rule (4) contemplates is that upon receipt of the test result if a manufacturer is aggrieved by the same, he may within 90 days of the date on which the result of the test is received by him, request the Assistant Commissioner that the samples be re-tested. Unless a copy of the test report is furnished to the manufacturer, he would not be in a position to seek re-test within the specified period, if he is aggrieved by the result of the test. Therefore, a copy of the test report has to be furnished to the manufacturer. In such circumstances, extracting the gist of the test reports, that too in the show-cause notices, would clearly be in breach of Rule 56 (2) and Rule 56 (4) of the Central Excise Rules. Such a procedure is not contemplated under Rule 56. That apart, it will defeat the right of a manufacturer to seek re-test if he is aggrieved by the result of the test. CESTAT has missed the point when it says that appellant was aware of the test report as gist of the same was communicated to it through the medium of the show-cause notices but it never sought for any re-test- The manufacturer can seek re-test within the stipulated period only if he is furnished with a copy of the test report. (Para 39)

Central Excise Rules 1944-Rule 9B- The first and foremost requirement of Rule 9B is that it is the assessee who has to request in writing the proper officer for provisional assessment in the event the assessee is unable to determine the value of excisable goods or the correct classification of goods. This is the first requirement. The second requirement is that the proper officer competent to make provisional assessment may direct after making necessary inquiry that duty

leviable on such goods shall be assessed provisionally. Such directions the proper officer can issue only by passing a written order and not otherwise. Thirdly, the assessee must execute a bond in the proper form binding the assessee to pay the differential amount of duty as provisionally assessed and as may be finally assessed. However, Rule 9B also provides for an exception. If the proper officer is satisfied that the self-assessment made by the assessee is not in order, he may direct the assessee to resort to provisional assessment. In any event, for an assessment to be provisional in terms of Rule 9B, an order is required to be passed- in order to establish that the clearances were of provisional basis, an order under Rule 9B and payment of duty on provisional basis are essential. (Para 45-47)

X vs Rajesh Kumar 2025 INSC 579 - POCSO Act - Teacher - Student

Protection of Children from Sexual Offences Act, 2012 - Section 7 -
According to FIR allegations, the accused would hold the hands of female students in the computer lab while using the mouse - SC held: clearly falls within the ambit of 'any other act with sexual intent which involves physical contact'. In the context of a teacher-student relationship, where the teacher is in a position of authority and trust, such physical contact, when accompanied by other inappropriate behavior including asking invasive questions about sanitary napkins and sending vulgar images, provides sufficient basis to infer sexual intent for the purpose of proceeding with trial. (Para 4)

Sri Venkateswara Constructions vs State of Odisha 2025 INSC 580

Note: No legal aspects discussed in this judgment.

Shakuntla Devi vs State Of Uttar Pradesh 2025 INSC 581 - S.306 IPC - Abetment Of Suicide - Dowry

Indian Penal Code, 1860 - Section 306 - the offence requires an active act or omission which led the deceased to commit suicide, and this act or omission must have been intended to push the deceased into committing suicide. [Context: While upholding the conviction of the accused-mother in law, SC observed: the deceased was repeatedly tortured and abused by the accused on account of dowry demand to the extent that the deceased had to return to her parental home seeking refuge. It was only on the assurance of her parents that the deceased went back to her matrimonial home hoping that the events would take an upturn once her parents have returned from the wedding and settle the matter of dowry with the appellant- accused. However, the abuses hurled at the deceased by the appellant on the day of the incident, i.e. 04.05.1998, unfortunately acted as a straw that broke the camel's back and led her to committing suicide.] (Para 11)

Punit Beriwala vs State Of NCT Of Delhi 2025 INSC 582 - S.482 CrPC - Civil Dispute

Code of Criminal Procedure 1973 - Section 482- Mere institution of civil proceedings is not a ground for quashing the FIR or to hold that the dispute is merely a civil dispute - Simply because there is a remedy provided for breach of contract, that does not by itself clothe the Court to conclude that civil remedy is the only remedy, and the initiation of criminal proceedings, in any manner, will be an abuse of the process of the court- Merely because the offence was committed during a commercial transaction, it would not be sufficient to hold that the complaint did not warrant a further investigation and if necessary, a trial (Para 28)- Power of quashing of a complaint/FIR should be exercised sparingly

with circumspection and while exercising this power, the Court must believe the averments and allegations in the complaint to be true and correct- Save in exceptional cases where non-interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences. Extraordinary and inherent powers of the Court should not be used in a routine manner according to its whims or caprice. (Para 29)

Code of Criminal Procedure 1973 - Section 468, 482- Delay in registration of the FIR for offences punishable with imprisonment of more than three years cannot be the basis of interdicting a criminal investigation. The delay will assume importance only when the complainant fails to give a plausible explanation and whether the explanation is plausible or not, has to be decided by the Trial Court only after recording the evidence. (Para 37)- There is no period of limitation for offences which are punishable with imprisonment of more than three years. (Para 40)

Criminal Investigation - Cross FIRs - In cases involving cross-FIRs, it would be prudent and fair if the investigation was carried out in a comprehensive manner. After all, the object of the investigation is the discovery of truth. (Para 45)

Shardhamma vs Dy. Commissioner 2025 INSC 583 - PTCL Act - Delay and Latches

Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 - Section 5 - Supreme Court held that, in this case, as the application under Section 5 of the was preferred after expiry of more than 10 years period, the same should have been dismissed on the ground of delay and latches. (Para 8)

Amit Kumar vs Nihal Singh 2025 INSC 584

Note: No legal aspects discussed in this order.

GBJ Hotels Private Limited Vs Sriharan Sripathmanathan 2025 INSC 585

Note: No legal aspects discussed in this order.

Shyam Nandan Mehta vs Santosh Kumar 2025 INSC 586 - Writ Petition -Illegal Appointment - Incorrect Information

Constitution of India - Article 226 - Supreme Court set aside HC judgment which declared the appointment of a candidate illegal and observed: It is for the recruiting agency to take action against any candidate if incorrect information is supplied. The same cannot be made a foundation for allowing the writ petition when the said information does not affect the candidate's eligibility to appear in the examination.

Arathy Ramachandran vs Bijay Raj Menon 2025 INSC 587 - Child Custody

Child Custody - In cases of child custody, the paramount consideration should be the welfare of the child. The utmost sincerity, love and affection showered by either of the parents, by itself, cannot be a ground to decide the custody of a child - **Factors:** Food: Continued consumption of food procured from restaurants/hotels would pose a health hazard, even to a grown-up person, what to talk of a tender aged child of eight years. The child definitely requires nutritious home cooked food for her overall well-being, growth and development (Para 22)- The periodic division of custody is definitely adverse to the well-being; physical, mental and emotional, of the children. In a long run, this arrangement

may prove extremely harmful and may cause irreversible mental trauma to both the children. (Para 26)

Amarveer Kaur vs Reliance General Insurance Company Limited 2025 INSC 589 -Motor Accident Compensation

Motor Accident Compensation-Even if the deceased was working in an unspecified job like a coolie considering the increase of cost of living and economic advancements over the years, it can be safely assumed that even a coolie would be eligible for incremental enhancement of wages of least ₹500/- per month in every subsequent year. (Para 8)- Apart from spousal consortium, filial and parental consortium loss also must be compensated, thus entitling children and parents of the deceased. (Para 10)

Sri Malakappa vs IFFCO Tokio General Insurance Company Limited 2025 INSC 590 - Motor Accident Compensation

Motor Accident Compensation - Loss of consortium is not restricted to the wife alone but has to be awarded to the children and parents. (Para 8)

Kamal Dev Prasad vs Mahesh Forge 2025 INSC 591 - Employees' Compensation Act

Employees' Compensation Act, 1923 - It is not as if there can never be a departure from the Schedule in deciding the functional disability, which it has been recognised would in certain cases have a corelation with the physical disability. (Para 7)

Jaipur Vidyut Vitaran Nigam Limited vs Rajasthan Textile Mills Association 2025 INSC 592 - Electricity Act

Electricity Act 2003 - Section 42 ; Rajasthan Tariff Regulations, 2014 -

Neither in the provisions of the 2003 Act nor under the provisions of the Rajasthan Tariff Regulations, 2014, is there a provision which makes the determination of the CSS simultaneously with the determination of the tariff mandatory- the determination of CSS is not necessarily a part of the tariff determination process. (Para 15-19)

Rutu Mihir Panchal vs Union Of India 2025 INSC 593 - Consumer Protection Act - Pecuniary Jurisdiction Prescription - Constitutional Validity Upheld

Consumer Protection Act 2019 - Sections 34(1), 47(1)(a)(i) and 58(1)(a)(i) -Constitutional Validity of provisions prescribing pecuniary jurisdictions of the district, state and national commissions on the basis of value of goods and services paid as consideration, instead of compensation claimed upheld - The said provisions are constitutional and are neither violative of Article 14 nor manifestly arbitrary- (Para 13) There is no right or a privilege of a consumer to raise an unlimited claim of compensation and thereby chose a forum of his choice for instituting a complaint - classification of claims based on value of goods and services paid as consideration has a direct nexus to the object of creating a hierarchical structure of judicial remedies through tribunals.(Para 11.1)

Consumer Protection Act 2019 - Sections 3, 5, 10, 18 to 22 - Central Consumer Protection Council and the Central Consumer Protection Authority shall in exercise of their statutory duties under sections 3, 5, 10, 18 to 22 take such measures as may be necessary for survey, review and advise the government about such measures as may be necessary for effective and efficient redressal and working of the statute.

Constitution of India - Article 246 - Parliament has the legislative competence to enact the Consumer Protection Act- Entry 95 of List I read with Entries 11-A and 46 of List II- The legislative competence to prescribe jurisdiction and powers of a court, coupled with the power to constitute and organize courts for administration of justice, takes within its sweep the power to prescribe pecuniary limits of jurisdiction of the courts or tribunals. Parliament has the legislative competence to prescribe jurisdiction and powers of courts. This power extends to prescribing different monetary values as the basis for exercising jurisdiction. (Para 9)

Constitution of India - Article 32- Performance Audit of the Statute - A peculiar feature of how our legislative system works is that an overwhelming majority of legislations are introduced and carried through by the Government, with very few private member bills being introduced and debated. In such circumstances, the judicial role does encompass, in this Court's understanding, the power, nay the duty to direct the executive branch to review the working of statutes and audit the statutory impact. It is not possible to exhaustively enlist the circumstances and standards that will trigger such a judicial direction. One can only state that this direction must be predicated on a finding that the statute has, through demonstrable judicial data or other cogent material, failed to ameliorate the conditions of the beneficiaries. The courts will also do well, to at the very least, arrive at a *prima facie* finding that much statutory schemes and procedures are gridlocked in bureaucratic or judicial quagmires that impede or delay statutory objectives. This facilitative role of the judiciary compels audit of the

legislation, promotes debate and discussion but does not and cannot compel legislative reforms. (Para 12.5)

S.D. Jayaprakash vs Union Of India 2025 INSC 594 -Central Civil Services (Pension) Rules

Central Civil Services (Pension) Rules, 1972- Rule 17 - Although Rule 2(g) of the Pension Rules excludes contractual employees from their application, Rule 17 applies once such contractual employee is regularised on a later date. The effect is that upon regularisation, the Pension Rules become applicable and Rule 17 requires that past service as a contractual employee is to be taken into account for calculating pension - Referred to State of H.P. v. Sheela Devi. (Para 8)

Filomena Saldanha Vs Sunil Kohli 2025 INSC 595 - Application For Speaking To The Minutes

Practice and Procedure - Application for Speaking to the Minutes - While setting aside an HC order, SC observed: High Court has treated the application for modifying an order as if it were exercising review jurisdiction, which is impermissible as such applications may only enable courts to correct clerical or typographical errors. (Para 9)

Renuka vs State of Karnataka 2025 INSC 596- S. 498A IPC - S. 482 CrPC - Inconsistent Decisions

Indian Penal Code 1860 - Section 498A - Offences involving cruelty on wife would invariably arise out of matrimonial disputes. Accordingly, pendency of matrimonial proceeding between the parties cannot per se lead to an inference that institution of criminal proceeding alleging assault supported by medical

evidence and independent witness is a product of malice and abuse of court. (Para 16)

Code of Criminal Procedure 1973- Section 482- High Court forbidden from embarking on a ‘mini trial’ in exercise of its inherent jurisdiction to quash proceeding. (Para 11). Whether the ocular evidence is fully incompatible with medical evidence is a matter of trial and cannot be a ground to terminate prosecution at the initial stage. (Para 13)

Judiciary - Consistency in judicial outcomes is the hallmark of a responsible judiciary. Inconsistent decisions coming out from different benches shake public trust and reduce litigation to a punter’s game. It gives rise to various insidious sharp practices like forum shopping spoiling the clear stream of justice. (Para 17)

Indian Penal Code 1860 - Section 34, 149 - When multiple accused share common intention/common object to commit a crime, it is irrelevant to determine the exact role played by each of them in the assault. (Para 15)

Visa Coke Limited vs Mesco Kalinga Steel Limited 2025 INSC 597-S.8,9 IBC - Demand Notice

Insolvency and Bankruptcy Code 2016 - Section 8,9- Whether the notice served by the Operational Creditor upon the Key Managerial Personnel (KMP) of the Corporate Debtor at their registered office constitutes valid service of the statutory demand notice under Section 8 of the IBC, so as to maintain a section 9 petition for initiation of CIRP against the Corporate Debtor? SC held: It can be construed as a deemed service of demand notice as required under section 8 of the IBC. In such view of the matter, the approach of the NCLT and the NCLAT rejecting the section 9 petition on the technical ground that no notice was sent to the corporate debtor and the notice sent by the appellant to the KMP of the corporate debtor cannot be taken to be a notice issued under section 8 of the IBC, is incorrect and is unsustainable in law.(Para 14)

Insolvency and Bankruptcy Code 2016 - Section 8,9- An operational creditor must send a demand notice of unpaid operational debt to the corporate debtor as mandated under section 8 of the IBC, before initiating the proceedings under section 9 for CIRP and the failure to issue a proper demand notice can render the section 9 petition invalid- A section 9 petition can be filed only against the corporate debtor after giving prior notice under section 8 of the IBC to the corporate debtor; and the key requirements for filing the same are (i) demand notice under section 8 must be served on the corporate debtor; (ii) after 10 days, if the payment is not made or if there is no valid dispute, the application can be filed; (iii) application must be filed in Form 5 as prescribed by the Adjudicating Authority Rules, 2016; and (iv) supporting evidence such as invoices, bank statements, or written contracts must be attached. Further, a conjoint reading of section 8 of the IBC r/w Rule 5(2)(a) and (b) of the Adjudicating Authority Rules, 2016 would reveal that a demand notice under section 8 can be addressed and delivered to the corporate debtor through its KMP. (Para 8-8.1) [Context: The issue raised in this case was]

Insolvency and Bankruptcy Code 2016 - Section 8,9- The trigger to initiate CIRP under section 9 of the IBC is occurrence of a “default” and not “mere existence of debt”. In other words, the operational creditor has to establish as to what is the actual date of default, failing which, the application filed under section 9 of the IBC is incomplete. (Para 15)

Procedural Laws - ‘Laws of procedure are meant to regulate effectively, assist and aid the object of doing substantial and real justice and not to foreclose even an adjudication on merits of substantial rights of citizen under personal, property and other laws. Procedure has always been viewed as the handmaid of justice and not meant to hamper the cause of justice or sanctify miscarriage of justice’. It is also a trite law that ‘the procedural defect may fall within the purview of irregularity, but it should not be allowed to defeat the substantive right accrued to the litigant without affording reasonable opportunity’. In other words, a

substantive right should not be allowed to be defeated merely on technicality.
(Para 14.1)

P. Kumarakurubaran vs P. Narayanan 2025 INSC 598 - CPC - Rejection Of Plaintiff - Limitation Act - Date Of Knowledge

Code of Civil Procedure 1908- Order VII Rule 11(d) - When the question of limitation involves disputed facts or hinges on the date of knowledge, such issues cannot be decided at the stage of Order VII Rule 11 CPC- Once the date of knowledge is specifically pleaded and forms the basis of the cause of action, the issue of limitation cannot be decided summarily. (Para 12.1-12.2)

Limitation Act, 1963 - Article 59 - The emphasis under Article 59 is not on the date of the transaction per se, but on the accrual of the cause of action, which, in cases involving allegations of fraud or unauthorized execution of documents, hinges upon the date on which the plaintiff acquired knowledge of such facts. (Para 11)

Pragya Prasun vs Union Of India 2025 INSC 599 - Digital KYC - Access To PwDS

Constitution of India - Article 21 - Supreme Court issues directions in order to make the process of digital KYC accessible to persons with disabilities, especially facial / eye disfigurements due to acid attacks and visual impairments- (Para 18)

Constitution of India - Article 21 - The State's obligations under Article 21 – read in conjunction with Articles 14,15 and 38 of the Constitution – must encompass the responsibility to ensure that digital infrastructure, government portals, online learning platforms, and financial technologies are universally accessible, inclusive and responsive to the needs of all vulnerable and

marginalized populations. Bridging the digital divide is no longer merely a matter of policy discretion but has become a constitutional imperative to secure a life of dignity, autonomy and equal participation in public life. The right to digital access, therefore, emerges as an intrinsic component of the right to life and liberty, necessitating that the State proactively design and implement inclusive digital ecosystems that serve not only the privileged but also the marginalized, those who have been historically excluded. (Para 17)

**Meera Bai vs ICICI Lombard General Insurance Company Ltd. 2025
INSC 600 - Motor Accident Compensation**

Motor Accident Compensation - HC dismissed the claim petition for reason of no eyewitness having been examined to prove the rash and negligent driving- Allowing appeal, SC observed: As far as examining the eyewitness, such a witness will not be available in all cases. The FIR having been lodged and the charge sheet filed against the owner driver of the offending vehicle, we are of the opinion that there could be no finding that negligence was not established.(Para 4)

M. Sabitha vs Brahma Swamulu 2025 INSC 601 - Motor Accident Compensation - Contributory Negligence

Motor Accident Compensation - While allowing appeal , SC observed: The fact remains that there was a collision, and that the car was dragged to a distance of 20 feet after the collision, clearly indicating rash and negligent driving on the part of the lorry driver. We are hence inclined to find that the contributory negligence on the drivers will be equal, since there is fault on the part of the car driver in not taking sufficient care when overtaking, while the impact could have been avoided or gravity lessened, if the lorry had been driven in normal speed. Hence, apportionment of liability can be fixed at 50% for each. (Para 6)

Rina Rani Mallick vs Susim Kanti Mohanty 2025 INSC 602 - Motor Accident Compensation - Child Victim

Motor Accident Compensation - The main element of damage in the case of child victim is the pain, shock, frustration, deprivation of ordinary pleasures and enjoyment associated with healthy and mobile limbs, it was held that compensation should enable the child to develop in such a manner as to offset, at least, to some extent, the inconvenience or discomfort arising out of the disability- compensation in such circumstances has to be under the non-pecuniary heads in addition to the actual amounts for treatment done, transportation, assistance of attendant, etc - Referred to Mallikarjun v. Divisional Manager, National Insurance Company Limited (2014) 14 SCC 396. (Para 5)

Keshav vs State Of Maharashtra 2025 INSC 604 - Rape Case Acquittal

Indian Penal Code 1860 - Section 376 - If the evidence of the prosecutrix inspires confidence, it can be relied on and can also be the sole ground for conviction. However, if it is difficult to place implicit reliance on the testimony of the prosecutrix, then the Court has to look for evidence to lend assurance to her testimony which would be short of corroboration required in the case. The testimony of the prosecutrix must be appreciated in the background of the entire case- while rape causes the greatest distress and humiliation, a false allegation of rape also can cause equal distress, humiliation and damage to the accused as well. The Court should be equally careful in protecting the accused from a false implication. While applying the broad principle that an injured witness, whose presence cannot be doubted, as she would ordinarily not lie, still there is no

presumption or any basis for assuming that the statement of such a witness is always correct or without any embellishments - Referred to State of Punjab v. Gurmit Singh (1996) 2 SCC 384 and finding. Raju v. State of M.P (2008) 15 SCC 133 [Context: Supreme Court acquitted the accused by setting aside concurrent conviction and observed: The story put up by the prosecution are full of holes and it raises a grave suspicion in our minds which qualifies as reasonable doubt.]

Gayatri Balasamy vs ISG Novasoft Technologies Limited 2025 INSC 605 - Arbitration Act - Courts' Power To Modify Awards



Whether the powers of the Court under Sections 34 and 37 of the Arbitration and Conciliation Act 1996 will include the power to modify an arbitral award?

Majority Judgment (4:1) - Court has a limited power under Sections 34 and 37 of the 1996 Act to modify the arbitral award. This limited power may be exercised under the following circumstances: I. when the award is severable, by severing the “invalid” portion from the “valid” portion of the award . II. by correcting any clerical, computational or typographical errors which appear erroneous on the face of the record, III. post award interest may be modified in some circumstances (Para 85) The authority to set aside an arbitral award necessarily encompasses the power to set it aside in part, rather than in its entirety. The authority to sever the “invalid” portion of an arbitral award from the “valid” portion, while remaining within the narrow confines of Section 34, is inherent in the court’s jurisdiction when setting aside an award. (Para 33-34) Partial setting aside may not be feasible when the “valid” and “invalid” portions are legally and practically inseparable. In simpler words, the “valid” and “invalid” portions must not be inter-dependent or intrinsically intertwined. If they are, the award cannot be set aside in part - the power of partial setting aside should be exercised only when the valid and invalid parts of the award can be clearly

segregated—particularly in relation to liability and quantum and without any correlation between valid and invalid parts. (Para 35-36)

Dissenting opinion by Viswanathan J: while exercising power under Section 34 of the A&C Act and consequently the Courts in the appellate hierarchy do not have the power to modify the arbitral award. (Para 157)



If the power to modify the award is available, whether such power can be exercised only where the award is severable, and a part thereof can be modified?

Majority (4:1): Section 34 court can apply the doctrine of severability and modify a portion of the award while retaining the rest. This is subject to parts of the award being separable, legally and practically.

Dissenting opinion: Modification and severance are two different concepts while modification is not permitted under Section 34, severance of the award falling foul of Section 34 is permissible in exercise of powers under Section 34. Such a power of severance is also available to the courts in the appellate hierarchy to the Section 34 Court. (Para 157)



Whether the power to set aside an award under Section 34 of the Act, being a larger power, will include the power to modify an arbitral award and if so, to what extent? Whether the power to modify an award can be read into the power to set aside an award under Section 34 of the Act?

Majority (4:1): Power of judicial review under Section 34, and the setting aside of an award, should be read as inherently including a limited power to modify the award within the confines of Section 34 (Para 46)

Dissenting opinion: The power to set aside will not include the power to modify since the power to modify is not a lesser power subsumed in the power to set aside and the power to set aside and power to modify do not emanate from the same genus and are qualitatively different powers in the context of the A&C Act.(Para 157)

?

Can Article 142 of the Constitution of India be invoked by Supreme Court to modify awards passed by arbitrators?

Majority (4:1): The power should not be exercised where the effect of the order passed by the court would be to rewrite the award or modify the award on merits. However, the power can be exercised where it is required and necessary to bring the litigation or dispute to an end. Not only would this end protracted litigation, but it would also save parties' money and time. (Para 84)

Dissenting opinion: Article 142 of the Constitution of India will not be exercised by this Court to modify awards passed by arbitrators as it is well settled that the Article 142 power cannot be used to give a go by to the substantive statutory provision. (Para 156)

?

Can Section 34 Court modify the post-award interest?

Majority Judgment: It is appropriate for the Section 34 court to have the authority to intervene and modify the post-award interest if the facts and circumstances justify such a change -court's power to both increase or decrease the post-award interest rate. It would be incorrect to state that the court's power to interfere with this interest rate is limited solely to decreasing the interest rate. Situations may arise where the rate should be increased due to delays or obstructions in the execution of the award. Interest rates may also fluctuate over time. However, the court, while exercising this power, must be cautious and mindful not to overstep its role by altering the interest rate unless there are compelling and well-founded reasons to do so. In exercising this power, the court is not acting in an appellate capacity, but rather under limited authority. For instance, the 1996 Act stipulates a standard post-award interest rate. When the statute itself benchmarks a standard, unless there are special and specific reasons, the rate of interest stipulated by the statute should be applied. 79. Nevertheless, this limited power is significant, as it can help avoid further rounds

of litigation. Without it, the court may be forced to set aside the entire award or order a fresh round of arbitration because of an erroneous interest rate rather than simply adjusting this rate. (Para 76-78)

Dissenting opinion: Interest awarded also cannot be modified in exercise of powers of setting aside and the course of action under Section 34(4) will have to be adopted. (Para 156)



Should the request under Section 34(4) be in writing?

CJI Judgment: The request may be oral. Nevertheless, there should be a request which is recorded by the court. (Para 62)

Viswanathan J: Even an oral request under Section 34(4) can be entertained by the Court. (Para 156)



Can the power under Section 34(4) can be exercised by the Court Suo Moto?

CJI Judgment: No discussion on this aspect.

Viswanathan J: The power under Section 34(4) can be exercised by the Court Suo Moto (Para 156) If it arrives at an opinion that the award is vulnerable and the threat of setting aside is looming large and if within the parameters laid down in Section 34(4) the grounds for setting aside can be eliminated - the case is appropriate and time is ripe for exercise of power under Section 34(4). The need for an application oral or in writing is really directory and does not militate against the exercise of Suo Moto powers in given cases by the Court. (Para 136)

Arbitration and Conciliation Act 1996- Section 34(4) - the power of remand permits the court only to send the award to the tribunal for reconsideration of specific aspects. It is not an open-ended process; rather, it is a limited power, confined to limited circumstances and issues identified by the court. Upon remand, the arbitral tribunal may proceed in a manner warranted by the situation – including recording additional evidence, affording a party an

opportunity to present its case if previously denied, or taking any other corrective measures necessary to cure the defect.(Para 56) An order of remand should not be passed when such order would place the arbitral tribunal in an invidious or embarrassing position. Additionally, remand may be inappropriate when it does not serve the interests of the parties, particularly in time-sensitive matters or where it would lead to undue costs and inefficiencies. Once an order of remand is granted, the arbitral tribunal has the authority to vary, correct, review, add to, or modify the award. Notably, under Section 34(4), the tribunal's powers, though confined, remain nonetheless substantial. (Para 60)

Arbitration and Conciliation Act 1996- Section 34(4) - SC disagreed the view taken in Kinnari Mullick (*supra*), which insists that an application or request under Section 34(4) must be made by a party in writing. The request may be oral. Nevertheless, there should be a request which is recorded by the court. (Para 62)

Arbitration and Conciliation Act 1996- Section 34(4),37-Section 37 court still possesses the power of remand stipulated in Section 34(4). Of course, the appellate court, while exercising power under Section 37, should be mindful when the award has been upheld by the Section 34 court. But the Section 37 court still possesses the jurisdiction to remand the matter to the arbitral tribunal. (Para 62)

Arbitration and Conciliation Act 1996- Section 34, 37-Section 37 (Annexure A) permits an appeal against any order setting aside or refusing to set aside an arbitral award under Section 34. To this extent, the appellate jurisdiction under Section 37 is coterminous with, and as broad as, the jurisdiction of the court deciding objections under Section 34. (Para 62)

Arbitration and Conciliation Act 1996- Section 34- The jurisdiction conferred under Section 34 does not distinguish between statutory and non-statutory arbitration in terms of the scope of courts' power of review. (Para 70)

Arbitration and Conciliation Act 1996- Section 34 - Post Award Settlements

Settlements - The parties are entitled to enter into an agreement or settlement even after an award is pronounced. Such a settlement should be in accordance with the provisions of Order XXIII of the Code. The law of the land does not bar the parties from entering into a post award or post decree settlement. The only legal requirement is that such settlement must be verifiable and in accordance with law i.e., the settlement is not a result of undue influence, force, fraud, coercion, etc. (Para 80)

Arbitration and Conciliation Act 1996- Section 43(4) - Section 43(4) provides liberty for the parties to invoke either arbitration or court proceedings, as applicable, following the annulment of the award- the period between the commencement of arbitration and the Court's order setting aside the award is excluded for the purposes of calculating the limitation period under the Limitation Act, 1963. In essence, the time during which the award is in force is not counted. (Para 81)

K. Valarmathi vs. Kumaresan 2025 INSC 606 - Art. 227 Constitution - Rejection Of Plaintiff

Constitution of India - Article 227 ; Code of Civil Procedure 1908 - Order VII Rule 11 - Can the High Court in exercise of its supervisory jurisdiction under Article 227 reject a plaint? SC held that High Court erred in law invoking the supervisory jurisdiction under Article 227 of the Constitution to reject the plaint and observed: Civil Procedure Code is a self-contained Code and Order VII Rule 11 therein enumerates the circumstances in which the trial court may reject a plaint. Such rejection amounts to a deemed decree which is appealable before the High Court under Section 96 of the Code. This statutory scheme cannot be upended by invoking supervisory jurisdiction of the High Court under Article 227 to entertain a prayer for rejection of plaint. (Para 10) Essence of

the power under Article 227 being supervisory, it cannot be invoked to usurp the original jurisdiction of the court which it seeks to supervise. Nor can it be invoked to supplant a statutory legal remedy under the Civil Procedure Code, 1908. (Para 9)

Constitution of India - Article 227 -Power of the High Court under Article 227 is supervisory and is exercised to ensure courts and tribunals under its supervision act within the limits of their jurisdiction conferred by law. This power is to be sparingly exercised in cases where errors are apparent on the face of record, occasioning grave injustice by the court or tribunal assuming jurisdiction which it does not have, failing to exercise jurisdiction which it does have, or exercising its jurisdiction in a perverse manner. (Para 8)

Procedural law - Procedural law provides the necessary legal infrastructure on which edifice of rule of law is built. Short-circuiting of procedure to reach hasty outcomes is an undesirable propensity of an overburdened judiciary. Such impulses rendering procedural safeguards and substantive rights otiose, subvert certainty and consistency in law and need to be discouraged. (Para 14)

Shenbagavalli vs Inspector Of Police 2025 INSC 607 - S. 306 IBC - Abusive Language - Abetment Of Suicide

Indian Penal Code 1860 - Section 306- Merely because the act of an accused is highly insulting to the deceased by using abusive language would not by itself constitute abetment of suicide. There should be evidence suggesting that the accused intended by such act to instigate the deceased to commit suicide- The essential ingredients of the offense under Section 306 IPC are (i) the abetment; (ii) intention of the accused to aid and instigate or abet the deceased to commit suicide (Para 15)

Code of Criminal Procedure 1973 - Section 482- The Court would not hesitate to exercise its extraordinary powers which are inherent to quash such

proceedings when it comes to fore, and the court is satisfied that allowing the proceedings to continue would be an abuse of process of Court or that the ends of the justice require that the proceedings ought to be quashed. (Para 18)



Supreme Court Monthly Digest

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130. Rajo Devi vs Manjeet Kaur 2025 INSC 741 - Motor Accident Compensation
131. S. Janaki Iyer vs Union Of India 2025 INSC 742 - Disciplinary Proceedings - Non-Supply Of Documents - Delay - Natural Justice & Test Of Prejudice
132. Shital Fibers Limited vs Commissioner of Income Tax 2025 INSC 743 - S. 80IA Income Tax Act
133. A.M. Kulshrestha vs Union Bank of India 2025 INSC 744 - Disciplinary Proceedings Quashed
134. K. H. Kamaladini vs State 2025 INSC 745 - CrPC - Framing Of Charge- Scope Of Hearing
135. Mohammed Asarudeen vs Union Of India 2025 INSC 746 - S.44(2) UAPA - Witness Protection
136. State Of U.P. vs Bhavna Tiwari 2025 INSC 747 - NEET - Seat Blocking
137. In Re: Performance Appraisal Reports Of The Officers Of The Indian Forest Service 2025 INSC 748
138. Dileep Kumar Pandey vs Union Of India 2025 INSC 749 - Air Force School Not A State
139. Lt. Col NK Ghai (Retd.) vs Union of India 2025 INSC 750
140. Padman Bibhar vs State Of Odisha 2025 INSC 751 - Last Seen Together - Murder Case
141. Ganeshkumar Rajeshwarrao Selukar vs Mahendra Bhaskar Limaye 2025 INSC 752 - Consumer Forums
142. Gyan Prakash vs Union of India 2025 INSC 753 -National Highways Act
143. In Re: Zudpi Jungle Lands 2025 INSC 754 - Zudpi Jungle lands - Directive Principles and Fundamental Rights
144. Suraj Impex (India) Pvt. Ltd. vs Union Of India 2025 INSC 755 - Retrospectivity Of Statute
145. Pinky Meena vs High Court Of Judicature For Rajasthan 2025 INSC 756 - Women in Judiciary - Probationer Rights
146. State Of Kerala vs Asianet Satellite Communications 2025 INSC 757 - Constitution - Taxation Powers - Entertainment Tax
147. State vs Eluri Srinivasa Chakravarthi 2025 INSC 758 - Discharge - Accused's Right To File Material Or Documents
148. HDFC Bank Limited vs State Of Maharashtra 2025 INSC 759- S.141 NI Act
149. Kushal Kumar Agarwal vs Directorate Of Enforcement 2025 INSC 760 - PMLA - CrPC -BNSS
150. Chaduranga Kantharaj Urs vs S.V. Ranganath 2025 INSC 762 - Contempt of Court
151. Chandra Bhan Singh vs State Of Uttar Pradesh 2025 INSC 763 - MMDRC Act
152. Sulthan Said Ibrahim vs Prakasan 2025 INSC 764 - Res Judicata - Order I Rule 10, Order XXII Rule 4 CPC - Specific Relief Act
153. Bank Of India vs Sri Nangli Rice Mills Pvt. Ltd. 2025 INSC 765 - Section 11 SARFAESI Act
154. Old Jalukai Village Council vs Kakiho Village 2025 INSC 766 - Judicial Review - Cabinet Decisions
155. Vinod Bihari Lal vs State Of Uttar Pradesh 2025 INSC 767 - UP Gangsters Act - S. 482 CrPC - Criminal Antecedents

156. Kasireddy Upender Reddy vs State Of Andhra Pradesh 2025 INSC 768 - Art.22(1) Constitution - Communication Of Grounds Of Arrest
157. Reserve Bank Of India vs M.T. Mani 2025 INSC 769 - Pension - Cut Off Date Fixation - Financial Constraints
158. Jaipur Vidyut Vitran Nigam Ltd. vs Adani Power Rajasthan Ltd. 2025 INSC 770 - S.125 Electricity Act
159. Peter Augustine vs K.V. Xavier 2025 INSC 771 -CPC - First Appeal - Remand Order
160. Vinod Infra Developers Ltd. vs Mahaveer Lunia 2025 INSC 772 - CPC - Rejection Of Plaintiff - TP Act - Registration Act
161. Maya P.C. vs State Of Kerala 2025 INSC 773 - Service Law - Withdrawal Of GO - Persons With Disability
162. Agniraj vs State 2025 INSC 774 - Art. 136 Constitution - Appeal From Conviction
163. Dr. I.S.Tomar vs Invertis University 2025 INSC 775 - S.26 NGT Act
164. Sameer Sandhir vs Central Bureau of Investigation 2025 INSC 776 - Production Of Addl. Documents By Prosecution
165. Sakhawat vs State of Uttar Pradesh 2025 INSC 777 - Trial Court Records Not To Be Called LCR
166. In Re: Right To Privacy Of Adolescents 2025 INSC 778 - POCSO Conviction Upheld - No Jail Sentence
167. Sanjay Prakash vs Union Of India 2025 INSC 779 - CAPF - Cadre Review
168. K. Umadevi vs Government Of Tamil Nadu 2025 INSC 781 - Maternity Benefit Act - Number Of Children
169. Amol Bhagwan Nehul vs State Of Maharashtra 2025 INSC 782- S.376 IPC - Rape- False Promise To Marry
170. Prasanta Kumar Pal vs State Of West Bengal 2025 INSC 783 - West Bengal Land Reforms Act
171. Bindu Kapurea vs Subhashish Panda 2025 INSC 784- Contempt Of Court
172. Arif Md. Yeasin Jwadder vs State of Assam 2025 INSC 785 - Fake Encounters
173. Chandigarh Administration vs Registrar General, High Court Of Punjab And Haryana 2025 INSC 786
174. N.S. Gnaneshwaran vs Inspector Of Police 2025 INSC 787 - S.482 CrPC - Quashing On Settlement
175. Central Bureau Of Investigation vs Sekh Jamir Hossain 2025 INSC 788 - Cancellation of Bail
176. Rakhi Sadhukhan vs Raja Sadhukhan 2025 INSC 789 - Permanent Alimony
177. Batlanki Keshav (Kesava) Kumar Anurag vs State Of Telangana 2025 INSC 790 - Rape Case Quashed
178. Kamla Nehru Memorial Trust vs U.P. State Industrial Development Corporation Limited 2025 INSC 791 - Legal Notice - Land Allotment - Public Trust Doctrine
179. Municipal Corporation of Greater Mumbai vs Pankaj Babulal Kotecha 2025 INSC 792 - Environmental Law - Delayed Grievances - Public Trust Doctrine
180. Chetan vs State Of Karnataka 2025 INSC 793 - Evidence Act
181. Shrichand Rajaram Kukreja vs State Of Maharashtra 2025 INSC 794 - Quashing - Civil Disputes - Criminal Cases

Krishna Kumar Kedia vs Union Of India 2025 INSC 608

Note: No legal aspects discussed in this judgment - SC upholds concurrent conviction of accused under Section 407, 420, 465, 471 of Indian Penal Code- Sentence reduced considering the fact that the accused is a 71-year-old individual who is afflicted with various age-related ailments

Coal India Limited vs Commissioner Of Customs (Port) 2025 INSC 609 - Customs Act

Customs Act, 1962 - Dismissing appeal against CESTAT Order, SC observed: Services rendered by the Indian agent were not post-importation activities. The services provided were directly relatable to the import of the goods by way of product support service which is covered by Sections 14(1) and 14(1A) of the Customs Act read with Rule 9(1)(e) of the Customs Valuation Rules.

Kaniz Ahmed vs Sabuddin 2025 INSC 610 - Demolition Of Unauthorized Constructions

Unauthorized Constructions - A person who has no regards for the law cannot be permitted to pray for regularisation after putting up unauthorised construction of two floors. This has something to do with the rule of law. Unauthorised construction has to be demolished. There is no way out. Judicial discretion would be guided by expediency. Courts are not free from statutory fetters. Justice is to be rendered in accordance with law - the Courts must adopt a strict approach while dealing with cases of illegal construction and should not readily engage themselves in judicial regularisation of buildings erected without requisite permissions of the

competent authority. The need for maintaining such a firm stance emanates not only from inviolable duty cast upon the Courts to uphold the rule of law, rather such judicial restraint gains more force in order to facilitate the well-being of all concerned. The law ought not to come to rescue of those who flout its rigours as allowing the same might result in flourishing the culture of impunity. Put otherwise, if the law were to protect the ones who endeavour to disregard it, the same would lead to undermine the deterrent effect of laws, which is the cornerstone of a just and orderly society. (Para 6-7)

J N Real Estate vs Shailendra Pradhan 2025 INSC 611 -Order I Rule 10(2) CPC - Impleadment

Code of Civil Procedure 1908 - Order I Rule 10(2) - The plaintiff, being dominus litis, may choose the persons against whom he wishes to litigate and seek relief, yet this rule of impleadment would be subject to the provisions of Order I Rule 10(2) wherein courts are vested with the discretion to strike out or add parties to a suit depending on whether their impleadment is deemed necessary or proper- If a party is found to either a necessary or proper party, the court would have the jurisdiction to implead him, even against the wishes of the plaintiff concerned (Para 22-24) - Order I Rule 10(2) CPC did not pertain to the ‘right’ of a non-party to be impleaded as a party but deals with the ‘judicial discretion’ of the court to strike out or add parties at any stage of the proceeding. In exercising this judicial discretion, courts must act according to reason and fair play and not according to whims and caprice- The court may exercise discretion in impleading a person who is a ‘proper party’ upon an application by a non-party to the suit for specific performance. If the court is of the view

that the impleadment of such a proper party will alter the nature of the suit or introduce a new cause of action, it may either refuse to implead such person or order for his impleadment on certain conditions. However, even otherwise, the court would not be precluded from impleading a ‘proper party’ unconditionally in its discretion. (Para 28-29) - Referred to Mumbai International Airport (P) Ltd. v. Regency Convention Centre & Hotels (P) Ltd., reported in (2010) 7 SCC 417-A party who is seeking impleadment may not be a necessary party but still, could be termed as a proper party. There is a fine distinction between a necessary party and a proper party. A necessary party is a person in whose absence no effective decree could be passed at all by the court. Whereas a proper party is one who though not a necessary party is a person whose presence would enable the court to effectively and adequately adjudicate upon all matters in dispute in the suit. (Para 32)

R. Ranjith Singh vs State Of Tamil Nadu 2025 INSC 612 - Executive Instructions - Retrospective Amendment Of Recruitment Rules

Executive Instructions - Government cannot issue executive instructions in contravention of the statutory rules- Executive instructions can supplement a Statute or cover areas which the Statute does not extend. They cannot run contrary to the statutory provisions or whittle down their effect. (Para 20-22)

Recruitment Rules - State Government amending the recruitment rules with retrospective effect is certainly violative of Articles 14, 16 and 21 of the Constitution of India. A statute which takes away the right of an individual with retrospective effect deserves to be set aside. (Para 23)

Dinesh D Panchal vs Union Of India 2025 INSC 613 - Service Law

Note: No legal aspects discussed in this judgment.

Ashok Kumar Jain vs State Of Gujarat 2025 INSC 614 - S.482 CrPC - Quashing - Civil Disputes

Code of Criminal Procedure 1973 - Section 482 - While quashing an FIR, SC observed : FIR is filed showing that the appellant- accused had an intention to cheat and commit breach of trust. The documents belie the allegations in the FIR -

A mere civil dispute has been given the colour of an offence of cheating and criminal breach of trust- FIR against the appellant is an abuse of the process of law, and at best, the non-payment of the sale price could be a civil dispute. (Para 12-17)

Indian Penal Code 1860 - Section 406 -The expression 'entrustment' carries with it the implication that the person handing over any property or on whose behalf that property is handed over to another, continues to be its owner. Entrustment is not necessarily a term of law. It may have different implications in different contexts. In its most general significance, all its

imports is handing over the possession for some purpose which may not imply the conferment of any proprietary right therein. The ownership or beneficial interest in the property in respect of which criminal breach of trust is alleged to have been committed, must be in some person other than the accused and the latter must hold it on account of some person or in some way for his benefit. (Para 9.1)

**Raju @ Umakant Appellant(S) vs State Of Madhya Pradesh 2025
INSC 615 - S.376 IPC - Gang Rape - SC-ST Act - S.114A Evidence
Act - Two Finger Test**

Indian Penal Code 1860 - Section 376(2)(g)- In a case of gang rape under Section 376(2)(g), an act by one is enough to render all in the gang for punishment as long as they have acted in furtherance of the common intention. Further, common intention is implicit in the charge of Section 376(2)(g) itself and all that is needed is evidence to show the existence of common intention. (Para 23) not necessary that the prosecution should adduce clinching proof of complete act of rape by each one of the accused on the victim or on each one of the victims where there are more than one-
Referred to in Pramod Mahto and Others vs. State of Bihar, (1989) Supp (2) SCC 672. (Para 21-23)

SC-ST (Prevention of Atrocities) Act- Section 3(2)(v) -The sine qua non for application of Section 3(2)(v) was that the offence must have been committed against a person on the ground that such person is a member of the Scheduled Caste/Scheduled Tribe (Para 44) [Context: Supreme Court acquitted the accused by observing thus: There is no evidence whatsoever to establish the fact that the victims caste identity was one of the grounds

for the occurrence of the offence. In the absence of any evidence attracting the offence of Section 3(2)(v), we are constrained to record an acquittal for the appellant from the charge of Section 3(2)(v) of the 1989 Act.]

Indian Penal Code 1860 - Section 376 - The prosecutrix is not an accomplice and that if the evidence of the prosecutrix inspires confidence it can be acted upon without corroboration- a woman or a girl subjected to sexual assault is not an accomplice but a victim of another person's lust and it will be improper and undesirable to test her evidence with suspicion. All that the law mandates is that the Court should be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of charge levelled by her and if after keeping that aspect in mind if the Court is thereafter satisfied that the evidence is trustworthy, there is nothing that can stop the Court from acting on the sole testimony of the prosecutrix. (Para 17-18)

Indian Evidence Act 1872 - Section 114A- There is a presumption as to absence of consent in case of gang rape and it will be presumed that the prosecutrix did not give consent as long as the prosecutrix states in evidence before the Court that she did not consent- The presumption is based on the reasoning that nobody can be consenting to several persons simultaneously- Referred to State of Rajasthan vs. Roshan Khan and Others, (2014) 2 SCC 476 and Mohd. Iqbal and Another vs. State of Jharkhand, (2013) 14 SCC 481. (Para 25)

Two finger test - Obnoxious, inhuman and degrading practice on victims of sexual assault- Referred to Lillu alias Rajesh and Another vs. State of Haryana, (2013) 14 SCC 643 and State of Jharkhand vs. Shailendra Kumar Rai alias Pandav Rai, (2022) 14 SCC 299. (Para 29)

Two finger test - Obnoxious, inhuman and degrading practice on victims of sexual assault- Referred to Lillu alias Rajesh and Another vs. State of Haryana, (2013) 14 SCC 643 and State of Jharkhand vs. Shailendra Kumar Rai alias Pandav Rai, (2022) 14 SCC 299. (Para 29) Indian Evidence Act 1872 - Section 114A- There is a presumption as to absence of consent in case of gang rape and it will be presumed that the prosecutrix did not give consent as long as the prosecutrix states in evidence before the Court that she did not consent- The presumption is based on the reasoning that nobody can be consenting to several persons simultaneously- Referred to State of Rajasthan vs. Roshan Khan and Others, (2014) 2 SCC 476 and Mohd. Iqbal and Another vs. State of Jharkhand, (2013) 14 SCC 481. (Para 25) Indian Penal Code 1860 - Section 376 - The prosecutrix is not an accomplice and that if the evidence of the prosecutrix inspires confidence it can be acted upon without corroboration- a woman or a girl subjected to sexual assault is not an accomplice but a victim of another person's lust and it will be improper and undesirable to test her evidence with suspicion. All that the law mandates is that the Court should be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of charge levelled by her and if after keeping that aspect in mind if the Court is thereafter satisfied that the evidence is trustworthy, there is nothing that can stop the Court from acting on the sole testimony of the prosecutrix. (Para 17-18) SC-ST (Prevention of Atrocities) Act- Section 3(2)(v) -The sine qua non for application of Section 3(2)(v) was that the offence must have been committed against a person on the ground that such person is a member of the Scheduled Caste/Scheduled Tribe (Para 44) [Context: Supreme Court acquitted the accused by observing thus: There is no evidence whatsoever to establish the fact that the victims caste identity

was one of the grounds for the occurrence of the offence. In the absence of any evidence attracting the offence of Section 3(2)(v), we are constrained to record an acquittal for the appellant from the charge of Section 3(2)(v) of the 1989 Act.] Indian Penal Code 1860 - Section 376(2)(g)- In a case of gang rape under Section 376(2)(g), an act by one is enough to render all in the gang for punishment as long as they have acted in furtherance of the common intention. Further, common intention is implicit in the charge of Section 376(2)(g) itself and all that is needed is evidence to show the existence of common intention. (Para 23) not necessary that the prosecution should adduce clinching proof of complete act of rape by each one of the accused on the victim or on each one of the victims where there are more than one- Referred to in Pramod Mahto and Others vs. State of Bihar, (1989) Supp (2) SCC 672. (Para 21-23)

ASF Buildtech Private Limited vs Shapoorji Pallonji And Company Private Limited 2025 INSC 616 - Arbitration Act - Impleading Power Of Arbitral Tribunal

Arbitration and Conciliation Act 1996 - Even in the absence of an express provisions in the Act, 1996 empowering the arbitral tribunal to implead or join a party who is otherwise bound by the arbitration agreement, the arbitral tribunal does possess such power by virtue of the doctrine of implied powers, as long as the same is in tandem with the scheme of Act, 1996 i.e., as long as the parties had either expressly or impliedly consented to the arbitration agreement. (Para 127)

Arbitration and Conciliation Act 1996 - Section 21- Mere non-service of a notice of invocation on a party would not nullify the arbitral tribunal's jurisdiction over such party, and that such party can be impleaded and arrayed in the arbitration proceedings if any claim or counter- claim is made against such party by the claimant in statement of claims or counter-claims, or by even amending the memo of parties of the putative statement of claims counter-claims filed by it, provided that such party is found to be bound by the arbitration agreement either by virtue of it being a signatory, or where such party is a non-signatory. (Para 160)

Arbitration and Conciliation Act 1996 - Applicability of the doctrine of 'implied power' - The doctrine may be read into the Act, 1996 for the purpose of effectuating and advancing its object and to avoid hardship - Referred to Gayatri Balasamy vs ISG Novasoft Technologies Limited 2025 INSC 605 - Arbitration Act - Courts' Power To Modify Awards - the recourse to doctrine of implied powers would be permissible, if without it, it is impossible to effectuate a final power, and such exercise of implied power would effectuate and advance the object of the legislation. (Para 120-123)

K.R. Suresh vs R. Poornima 2025 INSC 617 -S. 22 Specific Relief Act - Earned

Specific Relief Act 1963- Section 22- The relief of refund of earnest money under Section 22(1)(b) is not a relief that automatically flows from a decree for specific performance of a sale agreement and must, therefore, be explicitly sought- The plaint may be amended at any stage of the

proceedings to enable the plaintiff to seek an alternative relief, including that of refund of earnest money, and the courts have been vested with wide judicial discretion to permit such amendments. However, the courts cannot grant such relief suo moto, since the inclusion of the prayer clause remains a sine qua non for the grant of such a relief. In other words, when an “appropriate case” exists for seeking the said relief under this provision, it must be specifically sought either in the original plaint or by way of an amendment. Section 22(2) is adequately broad and flexible to allow the appellant to seek an amendment of the plaint for the said relief, even at the appellate stage. (Para 58-63)

Indian Contract Act 1872 - Section 74 - clause for the forfeiture of earnest money is not penal in the ordinary sense, rendering Section 74 of the 1872 Act, inapplicable. (Para 51)

Contract Law - Distinction between “advance money” and “earnest money”- The word “advance” means money in whole or in part, forming the consideration of an agreement paid before the same is completely payable. On the other hand, the word “earnest” stands for a sum of money given for the purpose of binding a contract, which is forfeited if the contract does not go off and adjusted in price if the contract goes through - The principles governing the scope of “earnest money” - Referred to Shree Hanuman Cotton Mills v. Tata Air Craft Ltd (1969) 3 SCC 522, Videocon Properties Ltd. v. Bhalchandra Laboratories (2004) 3 SCC 711, In Satish Batra v. Sudhir Rawal, (2013) 1 SCC 345, Central Bank of India v. Shanmugavelu (2024) 6 SCC 641,(Para 30-32)

**Aman Bhatia vs State (GNCT Of Delhi) 2025 INSC 618 - PC Act -
Stamp Vendors Public Servants**

Prevention of Corruption Act 1988 - Section 2(c)(i) - Stamp vendors across the country, by virtue of performing an important public duty and receiving remuneration from the Government for the discharge of such duty, are undoubtedly public servants within the ambit of Section 2(c)(i) of the PC Act. (Para 68.3)

Prevention of Corruption Act 1988 - Section 2(c)(i) -The definition of “public servant” as defined under the PC Act should be given a purposive and wide interpretation so as to advance the object underlying the statute- It is the nature of duty being discharged by a person which assumes paramount importance when determining whether such a person falls within the ambit of the definition of public servant as defined under the PC Act. (Para 68.1-68.2) A person would be a public servant under Section 2(c)(i) of the PC Act if he is: 1. in the service of the Government; or 2. in the pay of the Government; 3. remunerated by fees or commission for the performance of any public duty-.All three categories are independent of each other. There may be cases where more than one of the aforesaid categories are applicable and “or” may be read as “and”, however, the present case does not warrant such reading. (Para 17-18)

Prevention of Corruption Act 1988 - Section 7,13- Mere possession and recovery of tainted currency notes from a public servant, in the absence of proof of demand, is not sufficient to establish an offence under Sections 7

and 13(1)(d) of the PC Act respectively- without evidence of demand for illegal gratification, it cannot be said that the public servant used corrupt or illegal means, or abused his position, to obtain any valuable thing or pecuniary advantage.(Para 55)

Prevention of Corruption Act 1988 - Section 20-Presumption is drawn only qua the offence under Sections 7 and 11 respectively and not qua the offence under Section 13(1)(d) of the PC Act. The presumption is contingent upon the proof of acceptance of illegal gratification to the effect that the gratification was demanded and accepted as a motive or reward as contemplated under Section 7 of the PC Act. Such proof of acceptance can follow only when the demand is proved. The presumption under Section 20 arises once it is established that the public servant accepted the gratification. However, in determining whether such acceptance occurred, the totality of the evidence led at the trial must be appreciated. The evidence led by the prosecution, the suggestions made by the defence witnesses, if any, the entire record is required to be considered. Only if the cumulative effect of all the evidence is such that the sole possible conclusion is that the public servant accepted the gratification can it be said that the prosecution has established its case beyond reasonable doubt. (Para 64- 66)

Interpretation of Statutes- Where the wording of a statutory provision indicates that the legislature has consciously attributed varying degrees of significance to different interpretative elements such as the nature of the relationship or the duty performed, the courts are obliged to adhere to that legislative determination and interpret the provision in a manner that

reflects the intended statutory scheme. While interpreting a statute, it is essential not only to consider the words used but also to examine the Statement of Objects and Reasons, as it provides the background against which the legislation was enacted- It is an important rule of interpretation that every interpretation of a statute must be undertaken by considering the statute in its entirety, the prior state of the law, other statutes in pari materia, the general scope and purpose of the legislation, and the mischief that the legislature intended to address. (Para 43-44) The interpretation of a definition should not only avoid being repugnant to the context but it should also be interpreted to achieve the purpose which is sought to be served by the statute. A construction which would defeat or may likely defeat the purpose of the Act has to be ignored and not accepted. A definition, like any other word in a statute, has to be read in the light of the context and scheme of the Act. (Para 39)

**Shanmugam @ Lakshminarayanan vs High Court Of Madras
2025 INSC 619 - Contempt - Create Fake Court Orders -
Limitation**

Contempt of Courts Act 1971- Creating fake orders of the Court is one of the most dreaded acts of contempt of court. It not only thwarts the administration of justice, but it has inbuilt intention by committing forgery of record. (Para 16) The sole object of the Court wielding its power to punish for contempt is always for maintaining the purity of administration of justice. Nothing is more incumbent upon the courts of justice than to preserve their proceedings from being misrepresented, nor is there anything more pernicious when the order of the court is forged and

produced to gain undue advantage. A misleading or a wrong statement deliberately and wilfully made by a party to the proceedings to obtain a favourable order would undoubtedly tantamount to interference with the due course of judicial proceedings. When a person is found to have utilised an order of a court which he or she knows to be incorrect for conferring benefit on persons who are not entitled to the same, the very utilisation of the fabricated order by the person concerned would be sufficient to hold him/her guilty of contempt, irrespective of the fact whether he or she himself or herself is the author of fabrication. (Para 8)

Contempt of Courts Act 1971- Section 20 - The contempt action must be initiated either by filing of an application or by the Court issuing notice suo motu within a period of one year from the date on which the contempt is alleged to have been committed. The originating point for calculating the period of limitation has been - (Para 14) the date of initiation of suo motu contempt action is regarded as the initiation by the Court for the purpose of Section 20. (Para 15) - Referred to Pallav Sheth vs. Custodian (2001) 7 SCC 549.

P. Sakthi vs Government Of Tamil Nadu 2025 INSC 620 - Service - Promotion

Service Law - Promotion - The employee has no right to be promoted but has a right to be considered, when selections for promotions are carried out, unless disqualified. (Para 4)

**Kalyani Transco vs. Bhushan Power And Steel Ltd. 2025 INSC
621 - IBC - Resolution Plan - PMLA**

Insolvency and Bankruptcy Code 2016 (IBC) - Section 30 - If the Resolution Plan does not comply with mandatory requirements and such plan is approved by the CoC, it could not be said that the CoC had exercised its commercial wisdom while approving such Resolution Plan. (Para 73) Merely because the Code is silent with regard to the phase of implementation of the Resolution Plan by the Successful Resolution Applicant, neither the Tribunal nor the Courts should give excessive leeway to the Successful Resolution Applicant to act in flagrant violation of the terms of the Resolution Plan or in a lackadaisical manner. (Para 82)

Prevention of Money Laundering Act 2002 (PMLA) -Companies

Act 408,410 - IBC - Section 31,60- The PMLA being a Public Law, the NCLAT did not have any power or jurisdiction to review the decision of the Statutory Authority under the PMLA. (Para 30) Neither the NCLT nor the NCLAT is vested with the powers of judicial review over the decision taken by the Government or Statutory Authority in relation to a matter which is in the realm of Public Law - wherever the Corporate Debtor has to exercise a right that falls outside the purview of the IBC, especially in the realm of the public law, they cannot take a bypass and go before NCLT for the enforcement of such a right- NCLAT also, being an Appellate Authority under Section 61 over the orders passed by the NCLT, could not exercise any power or jurisdiction beyond Section 61 of IBC. (Para 27)

IBC - Section 62 - The use of the phrase “any person aggrieved” indicates that there is no rigid locus requirement to institute an Appeal challenging the order of NCLT before the NCLAT, or an order of NCLAT before this Court. Any person who is aggrieved by the order may institute an Appeal.

Once the Corporate Insolvency Resolution Process is initiated, the proceedings are no longer restricted to any individual Applicant Creditor or to the Corporate Debtor, but rather they become collective proceedings in rem, where all the creditors and the Ex- Directors would be necessary stakeholders. Therefore, the Appellants who are the operational creditors, and the erstwhile Promoters, being important stakeholders, and whose Company Appeals have been dismissed by the NCLAT vide the impugned judgment, would certainly be the persons aggrieved entitled to file Appeals before this Court under Section 62 of the IBC.

IBC - Section 29A- eligibility/ineligibility of the Resolution Applicant to submit the Resolution Plan goes to the root of the matter, it was incumbent on the part of the Resolution Professional to verify and certify that the contents of the mandatory affidavit, filed by the Resolution Applicant-JSW in respect of Section 29A were in order. (Para 23)

IBC - Section 12 - The provision contained in Section 12(1) is mandatory in nature as the expression “shall be completed” is used. (Para 46)

IBC - Section 31,61- For filing an Appeal under Section 61, there has to be an order passed by the NCLT so far as sub-section (1) is concerned, and if the Appeal is filed against the order of NCLT approving the Resolution Plan under Section 31, it could be filed only on the grounds mentioned in sub-section (3) of Section 61. (Para 29)

Dr. Vimal Sukumar vs D. Lawrence 2025 INSC 622 - Order 1 Rule 8 CPC -Interim Relief

Code of Civil Procedure 1908 - Order 1 Rule 8 - Grant of leave under Order 1 Rule 8 is not prerequisite for grant of interim reliefs since the permission under the said rule can be granted at any stage of the

proceedings- While filing of application it is not a mandatory pre- condition for the institution of a suit or for the granting of interim relief, it is a procedural requirement that cannot be disregarded altogether which bears upon the binding nature of any orders issued. Therefore, while the absence of Order 1 Rule 8 is a curable defect, its compliance remains crucial to ensure the enforceability and representative effect of the orders passed. (Para 62-63)

Kabir Paharia vs National Medical Commission 2025 INSC 623- Persons With Disabilities - Reasonable Accommodation

Constitution of India - Article 14,16,21 - Rights of Persons with Disabilities Act, 2016 - Reasonable accommodation is not a matter of charity but a fundamental right flowing from Articles 14, 16, and 21 of our Constitution. When administrative authorities create arbitrary barriers that exclude qualified PwBD candidates, they not only violate statutory provisions but also perpetuate the historical injustice and stigmatisation. The fundamental rights and the dignity of PwD and PwBD candidates must be protected by ensuring that assessment of their capabilities is individualised, evidence-based, and free from stereotypical assumptions that have no scientific foundation. (Para 15) - No deserving candidate in the PwBD category is denied admission into the MBBS course in spite of his/her/their entitlement. It must be ensured that systemic discrimination against persons with benchmark disabilities, whether direct or indirect, is eliminated and that the admission process upholds their right to equal

opportunity and dignity- Referred to Om Rathod v. Director General of Health Sciences and Anmol v. Union of India (Para 14)

Sheikh Javeed Ahmad vs State Of J&K 2025 INSC 624 - Service Law

Note: No legal aspects discussed in this judgment.

Royal Sundaram Alliance Insurance Co. Ltd. vs Honnamma 2025 INSC 625 -Motor Accident Compensation

Motor Accident Compensation - If an insured vehicle hits another vehicle which in turn hits a third vehicle, then for the entire chain of accidents, the liability would pass on to the vehicle which was the root cause of the accident because it is the result of the action in the same chain of events which cannot be segregated or compartmentalized. Moreover, this Court is duty-bound to be mindful of the ground realities of our nation and cannot let practicality be overshadowed by technicality. (Para 12)

Powergrid Corporation Of India Limited vs Central Electricity Regulatory Commission 2025 INSC 626 - Electricity Act - Tariff Regulations

Electricity Act - Tariff Regulations -Regulation 53 does not include within its scope replacement of ICTs due to damage or failure. Regulation 53(2)(iv) says that any additional work/services which have become

necessary for the efficient and successful operation of the project but not included in the original project cost may be admitted by the CERC as additional capital expenditure. (Para 29)

Santosh Devi vs Sunder 2025 INSC 627 - Order VII Rule 6 CPC -S. 17 Limitation Act - Registration

Code of Civil Procedure 1908 - Order VII Rule 6 - It is necessary that the plaintiff should show the ground upon which the exemption from the normal period of limitation is claimed. (Para 18) It is not the mere use of general words such as 'fraud' that can serve as the foundation for the plea. Such expressions are quite ineffective to give the legal basis in the absence of particular statements of fact which alone can furnish the requisite basis for the action. (Para 19)

Limitation Act -Section 17- Under Section 17 of the Limitation Act, the plaintiff should have been kept out of knowledge of his right to sue by means of fraud - the fraud relating to the sale transaction as alleged itself would not help the plaintiff in getting over the plea of limitation (Para 21) When fraud is alleged against the defendant, it is an acknowledged rule of pleading that the plaintiff must set forth the particulars of the fraud which he alleges. (Para 18) [Context: In this case, the court found that the alleged fraud relating to the sale transaction itself has nothing to do with the question viz., that the plaintiff had been kept out of knowledge of his right to file a suit for cancellation of the sale deed because of fraud.]

Registration Act - A document is presumed to be genuine if the same is registered - Prem Singh and Ors. v. Birbal (Para 17)

Shubhkaran Singh vs Abhayraj Singh 2025 INSC 628 - Order XVIII Rule 17 CPC - S.165 Evidence Act

Code of Civil Procedure 1908 - Order XVII Rule 17 - If it appears to a court trying the suit at any stage of the proceedings that it is necessary to recall and further examine a witness it can always do so. This power can be exercised even at the stage of writing a judgment by the court. It is, however, proper that this power should not be exercised lightly and the rule is that it should be used sparingly and in exceptional cases only. The power is to be used for removing ambiguities, for clarifying the statement and not for the purposes of filling up the lacuna in a party's case. It is true that the power can be exercised by the Court at its own initiative and may even be so done at the instance of a party. (Para 7) The right to put questions to the witness recalled under Rule 17 is given only to the court and even cross-examination is not ordinarily permitted on the answers given to such questions, without the leave of the court -Witness cannot be recalled at the instance of a party for the purpose of examining, cross examining or re-examining, and that rule is not intended to serve such purpose, and the purpose for which that rule can be invoked is the one that is indicated above- If circumstances warrant, an opportunity to a party to recall a witness for examining, cross- examining or re-examining can be granted by a Court in the exercise of its inherent jurisdiction under Section 151 C.P.C. (Para 8-10)

Indian Evidence Act 1872 - Section 165 [Bharatiya Sakshya Adhiniyam 2023 – Section 168] - Code of Civil Procedure 1908 - Order XVII Rule 17 - If the provisions of Order 18 Rule 17 are read along with the provisions of Section 165 of the Evidence Act it is clear that the power to recall and re-examine a witness is exclusively that of the court trying the suit. The parties to the suit cannot take any objection to the question asked nor can they be permitted to cross-examine any witness without the leave of the court- (Para 7)

A. Raja vs. D. Kumar 2025 INSC 629 -RP Act - Election Petition - Caste Certificates

Kerala (Schedule Castes and Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 - Section 10 - Caste/Community Certificate cannot be assailed in an Election Petition. Exception to the above proposition can only be by way of legislative carve-out in the State concerned, which will be determinative - ‘Any trial’ occurring in Section 10 does not include an Election Petition - if the legislation permits challenge to Caste/Community Certificate in an Election Petition, then the Madhuri Patil v Commr., Tribal Development, (1994) 6 SCC 241 guidelines cannot come in the way. (Para 45)

Constitution (Scheduled Castes) Order, 1950- Mere observance/performance of a ritual of/associated with any religion does not ipso facto and necessarily mean that the person ‘professes’ that religion. That is why the term used in the 1950 Order is ‘professes’, signifying that a person although born in a particular religion can profess another religion, inter alia, by practicing the rituals of that other religion as the basic tenets

of his beliefs and lifestyle. Adherence merely to some ritual of another religion would not tantamount to giving-up the original religion, unless the person concerned makes such belief explicit-(Para 34) As far as marriage rites are concerned, per se, assuming a practice associated with one religion was followed/observed, the same, ceteris paribus, would not mean the person ‘professes’ the said other religion.

Kerala (Schedule Castes and Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 - A Caste Certificate could be invalidated, in the first instance, by the Caste Scrutiny Committee, whose decision could be challenged in writ proceedings under Article 226 of the Constitution.

Precedents - Doctrine of Sub Silento - Quoted from Municipal Corp. of Delhi v Gurnam Kaur, (1989) 1 SCC 101 . (Para 48)

Representation of People Act - An Election Petitioner is obligated to plead and prove his case beyond reasonable. (Para 57)

Arabian Exports Private Limited vs National Insurance Company Ltd 2025 INSC 630 - Arbitration

Arbitration and Conciliation Act 1996 - Section 11(6) - SC set aside HC judgment that rejected applications seeking appointment of arbitrator and observed: The question as to whether the applicant was compelled to sign the standardized voucher/advance receipt forwarded to it by the respondent out of economic duress and whether notwithstanding receipt of Rs.1,88,14,146.00 as against the claim of Rs. 5,71,69,554.00 the claim to arbitration is sustainable or not are clearly within the domain of the arbitral tribunal.

Doctrine of Kompetenz-Kompetenz - The doctrine is now firmly embedded in the arbitration jurisprudence in India. This doctrine is based on the principle that an arbitral tribunal is competent to rule on its own jurisdiction including on the issue of existence or validity of an arbitration agreement. The object is to minimize judicial intervention which is an acknowledgment of the concept of party autonomy. (Para 40)

Kumari Rekha vs Shambhu Saran Paswan 2025 INSC 631 - Art. 142 Constitution - Irretrievable Breakdown Of Marriage

Constitution of India - Article 142 - Even when none of the available grounds on which a Hindu marriage could be dissolved is present, the same is not a bar to exercise powers under Article 142 of the Constitution; more particularly when it is a case of irretrievable breakdown of marriage. (Para 12)

Saroj Salkan vs Huma Singh 2025 INSC 632 - Order XII Rule 6 CPC -

Code of Civil Procedure 1908 - Order XII Rule 6- The Court can pass a judgment at any stage of the suit and that too on its own motion i.e. without any application being filed by any party - Rule 16 authorises the Court to not only pass a decree regarding admitted claim, but also to dismiss the suit. (Para 36) - Referred to Rajiv Ghosh vs. Satya Naryan Jaiswal.

Hindu Law - Succession -Members of a branch, or of a sub-branch, can form a distinct and separate corporate unit within the larger corporate family and hold property as such. Such property will be joint family property of the members of the branch inter se, but will be separate property of that branch in relation to the larger family

Partition - Partition need not be effected in any particular/standard format. (Para 45)

Rajendra Anant Varik Vs Govind B. Prabhugaonkar 2025 INSC 633

Note: Supreme Court invoked Article 142 powers to compound the offence under Section 138 NI Act and acquit the accused-subject to the condition that the entire amount [Cheque amount plus compensation amount] deposited by the accused-appellant shall be paid to the complainant-respondent, if the same has not been paid till date.

Harjinder Singh vs State Of Punjab 2025 INSC 634 - S. 319 CrPC - S.306 IPC - Abetment Of Suicide

Code of Criminal Procedure 1973 - Section 319 [BNSS 2023-Section 358] - Once cognizance is taken and trial commences, the investigating agency's view yields to the Court's independent assessment. If, in the midst of that trial, evidence implicating a new participant surfaces, the Court is duty-bound to act on it. Section 319 CrPC would be rendered otiose if an Investigating Officer's earlier opinion could freeze the array of accused for all time. (Para 12) A first information report is only an initial

version; a statement under oath, recorded in Court, is substantive evidence. Indeed, it is difficult to conceive of what stronger material could be demanded at the summoning stage short of a confession. The threshold is not proof beyond reasonable doubt; it is the appearance of involvement which is apparent from evidence adduced in the proceeding. (Para 13)

Indian Penal Code, 1860 -Section 306 - [BNS - Section 108]

-Telling a physically challenged man that he and his family should die, and doing so in the immediate aftermath of a grievous acid attack, is not banter. Sensitivity to the social context, where honour and shame weigh heavily, was called for

Ravish Singh Rana vs State Of Uttarakhand 2025 INSC 635 - Rape - Long Drawn Live-in Relationships

Indian Penal Code 1860 - Section 375-376 - [BNS - Section 63-64]

- If two able-minded adults reside together as a live-in couple for more than a couple of years and cohabit with each other, a presumption would arise that they voluntarily chose that kind of a relationship fully aware of its consequences- allegation that such relationship was entered because there was a promise of marriage is in the circumstances unworthy of acceptance, particularly, when there is no allegation that such physical relationship would not have been established had there been no promise to marry- Moreover, in a long drawn live-in relationship, occasions may arise where parties in that relationship express their desire or wish to formalize the same by a seal of marriage, but that expression of desire, or wish, by itself would not be indicative of relationship being a consequence of that expression of desire or wish. A decade or two earlier, live-in relationships

might not have been common. But now more and more women are financially independent and have the capacity to take conscious decision of charting their life on their own terms. This financial freedom, inter alia, has led to proliferation of such live-in relationships. Therefore, when a matter of this nature comes to a court, it must not adopt a pedantic approach rather the Court may, based on the length of such relationship and conduct of the parties, presume implied consent of the parties to be in such a relationship regardless of their desire or a wish to convert it into a marital bond. (Para 14-15)

Suresh Kumar Agarwal vs Haldia Steels Limited 2025 INSC 636 - Criminal Case - Civil Dispute

Note: Supreme Court upheld Trial Court order accepting closure report and observed: complainant-Company had twisted and manipulated the facts in the highly belated complaint just in order to give a colour of criminal offence to a dispute which was purely civil in nature emanating from the breach of agreement.

District Appropriate Authority vs Kaushik Babulal Shah 2025 INSC 637 - PC & PNDT Act

Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 - Section 29,30 - There is no prescription of a specified period for which such record needs to be preserved. The words used in Section 29(1) are either 'two years' or 'as may be prescribed', and in Section 29(2) the words used are at all reasonable times. Admittedly, there is nothing on record to show that there is any prescription of period specified by way of any

notification issued by either the government or the competent authority. (Para 11)

Code of Criminal Procedure 1973 - Section 451 [BNSS - Section 497] - Referred to in Ashok Kumar v. State of Bihar [**Context:** High Court directed to open the seal of the sonography machine while the criminal proceedings were still pending - Dismissing appeal, SC observed: keeping the sonography machine in a sealed condition for a further indefinite period would only result in making the machine either useless or worthless. (Para 14-16)]

Krishan Kumar vs State of Haryana 2025 INSC 638 - Land Acquisition - Belting & Comparable Sales Method - Development Cut & Collector's Rates

Land Acquisition - Adacent lands or villages possessing similar potential and advantages must be compensated equitably, unless distinctions are clearly and substantially justified. (Para 14) The '**belting method**' is a recognized technique in land acquisition whereby the land is divided into distinct zones based on its proximity to key infrastructural assets, such as a National Highway. This method operates on the principle that lands closer to such assets inherently possess greater market potential and thus warrant a higher compensation as compared to those situated further away. In essence, it constitutes an exception to the general rule of uniformity in awarding equitable compensation. Typically, the belting method is applied in large-scale acquisitions where the land is non-homogeneous and the

benefits of proximity to major infrastructure can be clearly delineated- the belting method must be grounded in objective evidence of differential developmental potential. (Para 22-23) The '**comparable sales method**' as perhaps the best mode of determining compensation for an acquired land. While the reasons for this may be manifold, it seems to us that the advantage of using the comparable sales method in land acquisition is that it provides the Court with tangible, real-world examples of transactions, eliminating the need for speculation about how a willing buyer and seller might negotiate a price- comparable sale deeds may only be considered if they pre-date the Section 4 Notification, which would consequently be truly reflective of the market value of the acquired land at the relevant time. (Para 28-30) **Development cut** - To determine the market value of a large tract of undeveloped agricultural land (with potential for development) from a sale exemplar of a smaller plot of land, deductions usually range from 20 to 75%.²⁰ That is not to say, however, that such cuts are mandatory in all factual scenarios. The rationale for applying such deductions is that smaller, developed plots typically command higher prices, whereas a larger tract of undeveloped land necessitates significant allocation for roads, parks, and essential services. These sale exemplars can thus be relied upon only after making appropriate deductions. (Para 39) **Collector's rates**, often referred to as the statutory minimum, serve only as a baseline for compensation and should not ordinarily be relied upon as the sole basis for determining the Award. (Para 50)

Tata Steel Ltd. vs Raj Kumar Banerjee 2025 INSC 639 - NCLAT - S. 61 IBC - Limitation

Insolvency and Bankruptcy Code 2016- Section 61(2) -NCLAT has no power to condone delay beyond the period stipulated under the statute - Once the prescribed and condonable periods (i.e., 30 + 15 days) expire, the NCLAT has no jurisdiction to entertain appeals, regardless of the reason for the delay. (Para 11-12) The benefit of Section 4 of the Limitation Act and Rule 3 of the NCLAT Rules, 2016, extends the limitation period to the next working day, if the prescribed period expires on a holiday. (Para 10.1)

Limitation Act 1961- Section 4 - The benefit of exclusion of period during which the court is closed shall be available when the application is filed within “prescribed period of limitation” and shall not be available in respect of period extendable by court in exercise of its discretion.

Limitation - Time is of the essence in statutory appeals, and the prescribed limitation period must be strictly adhered to. Even a delay of a single day is fatal if the statute does not provide for its condonation. (Para 13)

Jindal Steel And Power Ltd. vs Bansal Infra Projects Pvt. Ltd. 2025 INSC 640 - Bank Guarantee

Bank Guarantee - Bank guarantees serve as the backbone of commercial transactions and must be honoured in accordance with their terms -The Courts should refrain from interfering with the invocation of a bank guarantee except in cases of fraud of an egregious nature or in cases where allowing encashment would result in irretrievable injustice. (Para 11)
[Context: SC upheld the High Court order observing thus: In view of the

ongoing arbitration proceedings concerning the bank guarantee, it is imperative to maintain the existing position regarding the bank guarantee until the final outcome of the Section 9 arbitration petition.]

Kanubhai Gokalbhai Bariya vs Jaydipsinh Gopalsinh Parekhiya 2025 INSC 641 - Motor Accident Compensation -Functional Disability

Motor Accident Compensation -Functional Disability - Referred to Raj Kumar v. Ajay Kumar - the disability assessed for determining compensation should be the functional disability. (Para 6)

Sunil Kumar Khushwaha vs Katragadda Satyanarayana 2025 INSC 642 - Motor Accident Compensation -Functional Disability

Motor Accident Compensation -Functional Disability - A functional disability of 100% cannot be assessed merely because he cannot carry on the vocation which he was carrying on earlier. (Para 5)

P. Nallammal vs State 2025 INSC 643 - Prevention of Corruption Act

Note: Split verdict on acquittal of wife of public servant accused in a corruption case.

Rajumon T.M. vs Union Of India 2025 INSC 644 - Service - Army - Disability Pension

Service Law - Army -If any action is taken by the authority for the discharge of a serviceman and the serviceman is denied disability pension on the basis of a report of the Medical Board wherein no reasons have been disclosed for the opinion so given, such an action of the authority will be unsustainable in law- There is a difference between the “conclusion” or “opinion”, and “reasons” to support such a conclusion or opinion. The reasons have to be separately mentioned for the conclusion arrived at by the Medical Board. The bare conclusion arrived by the Medical Board cannot treated as the reasons for discharge of the serviceman and denial of invalid pension within the meaning of the Regulations. (Para 25-26)

Regulation for Medical Services for Armed Forces - Regulation 423: 1. It is immaterial whether the cause giving rise to the disability or death occurred in an area declared to be a field service/active service area or under normal peace conditions- 2. It is, however, essential to establish that the disability or death bore a causal connection with the service conditions. 3. All evidence, both direct and circumstantial, will be taken into account and benefit of reasonable doubt, if any, will be given to the individual. 4. A disease which has led to an individual's discharge or death will ordinarily be deemed to have arisen in service if no note of it was made at the time of the individual's acceptance for service in the armed forces. 5. However, if the medical opinion holds, for reasons to be stated that the disease could not have been detected on medical examination prior to acceptance for service, the disease will not be deemed to have arisen during service. 6. The question, whether a disability or death is attributable to or aggravated by service or not, will be decided as regards its medical aspects

by a Medical Board or by the medical officer who signs the certificate. The Medical Board/medical officer will specify reasons for their/his opinion. 7. The opinion of the Medical Board/medical officer, insofar as it relates to the actual cause of the disability or death and the circumstances in which it originated will be regarded as final. 8. The question whether the cause and the attendant circumstances can be attributed to service will, however, be decided by the pension sanctioning authority. 9. To assist the medical officer who signs the death certificate or the Medical Board in the case of an invalid, the CO unit will furnish a report on: (i) AFMS F-81 : in all cases other than those due to injuries. (ii) IAFY 2006 : in all cases of injuries other than battle injuries. (Para 17)

Sarla Gupta vs Directorate of Enforcement 2025 INSC 645 - PMLA - Accused 's Right To Get Copies Of Documents

Prevention of Money Laundering Act 2002 - Section 17,18 -(a)
When records, instruments or documents of title of the property are seized along with the property under Sections 17 and 18 of the PMLA, the accused from whom the same are seized is entitled to true copies thereof;(Para 55)

PMLA 2002 - Section 44(1)(b) ; Code of Criminal Procedure 1973 - Section 204 [BNSS - Section 227] - Section 204 of the CrPC (Section 227 of the BNSS) is applicable to a complaint under Section 44(1)(b) of the PMLA. (Para 25) Once cognizance is taken on the basis of a complaint under Section 44(1)(b) of the PMLA, the learned Special Judge must direct that along with the process, a copy of the complaint and the following documents be provided to the accused; (i) Statements recorded by the

learned Special Judge of the complainant and the witnesses, if any, before taking cognizance; (ii) The documents including the copies of the Statements under Section 50 of the PMLA produced before the Special Court, along with the complaint, and the documents produced subsequently by the ED till the date of taking cognizance; and (iii) Copies of the supplementary complaints and the documents, if any, produced with supplementary complaints- (c) A copy of the list of statements, documents, material objects and exhibits that are not relied upon by the investigating officer must also be furnished to the accused. the object is to ensure that the accused has knowledge of the documents, objects, etc. in the custody of the investigating officer which are not relied upon so that at the appropriate stage, the accused can apply by invoking the provisions of Section 91 of the CrPC (Section 94 of the BNSS) for providing copies of the documents which are not relied upon by the prosecution. (Para 30)

PMLA Act -At the time of hearing for framing of charge, reliance can be placed only on the documents forming part of the chargesheet. In case of the PMLA, at the time of framing charge, reliance can be placed only on those documents which are produced along with the complaint or supplementary complaints. Though the accused will be entitled to a list of documents, objects, exhibits etc. that are not relied upon by the ED at the stage of framing of charge, in ordinary course, the accused is not entitled to seek copies of the said documents at the stage of framing of charge. (Para 55)

PMLA Act ; Code of Criminal Procedure - Section 233 -At the stage of entering upon defence, an accused can apply for the issue of process for the production of any document or thing in accordance with Section 233(3) of the CrPC (Section 256(3) of the BNSS). At this stage, he can also apply

for the production of a document or a thing that is in the custody of the prosecution but has not been produced. A fair trial is a part of the right guaranteed to an accused under Article 21 of the Constitution. The right to a fair trial of the accused includes the right to defend. The right to defend consists of the right to lead the defence evidence by examining the witnesses and producing the documents. Therefore, the accused is entitled to exercise his right at the stage of entering upon defence by compelling the prosecution or a third party to produce a document or a thing in their possession or custody. The Court can decline the request of the accused for issuing process for the production of documents only on the limited grounds set out in sub-section (3) of section 233 of the CrPC (f) When at the stage of defence evidence of the accused, documents are produced on the prayer of the accused and the accused desires to cross-examine any of the prosecution witnesses based on the said documents, it is always open for the accused to apply under Section 311 of the CrPC (Section 348 of the BNSS) to recall a prosecution witness already examined for further cross-examination. The reason is that the right to effectively cross-examine the prosecution witnesses is also a part of the right to have a fair trial. The accused can exercise this right even if evidence of both sides is closed. (Para 55)

PMLA - Section 45 ; Code of Criminal Procedure - Section 91 - At the time of hearing of an application for bail governed by Section 45(1)(ii) in connection with the offences under Section 3 of the PMLA, an accused is entitled to invoke Section 91 of the CrPC (Section 94 of the BNSS) seeking production of unrelied upon documents. If investigation or further investigation in progress, the ED is entitled to raise objection to production of documents sought by the accused on the ground that if the documents

are disclosed at this stage to the accused, it may prejudice the investigation. Only if the Court after perusing the documents is satisfied that the disclosure of the documents at that stage may prejudice the ongoing investigation, it can deny the prayer for the production of such documents. (Para 55)

PMLA - Section 2(w) - Deeds and instruments of title are included in the definition of property and books or records stored in a computer become records within the meaning of Section 2(w). (Para 14)

PMLA - Section 20 - The order of retention of the property under Section 20 does not amount to forfeiture of the property. The seized property does not vest in the ED. There is no prohibition on providing copies of the deeds or instruments evidencing title to the person from whom or from whose premises the deeds or instruments are seized. If the provision is interpreted to mean that the person from whom such deeds or instruments are seized is not entitled to receive even copies of the same, the provision will be rendered arbitrary and violative of Article 14 of the Constitution. (Para 18)

Code of Criminal Procedure - Section 173(6) [BNSS- Section 193(7)] - After the charge sheet is filed, the accused is entitled to copies of the police report, FIR, confessions, statements, if any, recorded under Section 164 of the CrPC, and statements recorded under sub-section (3) of Section 161 of the CrPC of all the persons whom the prosecution proposes to examine as witnesses. There is an exception to the rule as regards the supply of statements under Section 161(3) of the CrPC. Sub-section (6) of Section 173 (sub-section (7) of Section 193 of the BNSS) provides that if the police officer is of the opinion that any part of such statement is not relevant to the subject matter of the proceeding or that its disclosure to the accused is not essential in the interest of justice and is inexpedient in public

interest, he shall indicate that part of the statement and append a note requesting the learned Magistrate to exclude that part of the statement from the copies to be provided to the accused. The police officer is required to state reasons for making such a request. As can be seen from the first proviso to Section 207 of the CrPC, after considering the request of the police officer and the reasons given by him, it is open for the learned Magistrate to direct a copy of that part of the statement or such portion thereof as the learned Magistrate thinks proper, to be furnished to the accused. However, the learned Magistrate is not bound by the request made by the police officer. After considering the request, the learned Magistrate is empowered to reject the request of the police officer and supply the complete copies of such statements. It is pertinent to note that the Police have the power to apply for the exclusion of parts of only the statements. This power does not extend to the documents covered by clause (v) of Section 207. (Para 27)

Mahnoor Fatima Imran vs M/S Visweswara Infrastructure Pvt. Ltd 2025 INSC 646 - Registration Act

Registration Act 1908 - Clarified Suraj Lamp & Industries Pvt. Ltd. v. State of Haryana : The observation that registration of a document gives notice to the world that such a document has been executed is not to confer an unimpeachable validity on all such registered documents. [Context: It was contended that the title deeds; registered instruments of conveyance, are to be deemed valid unless set aside or declared void by a Civil Court of competent jurisdiction- SC observed: There is no such dictum in the said decision wherein a Division Bench of this Court was concerned

with conveyances made on the strength of agreements of sale, General Power of Attorney and Wills.] (Para 15-16)

Vishal Tiwari vs Union Of India 2025 INSC 647 - Judiciary - Judicial Review - Hate Speech

Constitution of India - Article 32,226 - Each branch of the State in a democracy, be it the legislature, executive or the judiciary, especially in a constitutional democracy, acts within the framework of the Constitution. It is the Constitution that is higher than all of us. It is the Constitution which imposes limits and restrictions on the powers vested in the three organs. The power of judicial review is conferred by the Constitution on the judiciary. Statutes are subject to judicial review to test their constitutionality as well as for judicial interpretation. Therefore, when the constitutional courts exercise their power of judicial review, they act within the framework of the Constitution. (Para 7) Judicial decisions are made in accordance with legal principles and not in keeping with political, religious or community considerations. When citizens approach the court praying for exercise of the power of judicial review, they do so in furtherance of their fundamental and/or legal rights. The court's consideration of such a prayer is the fulfilment of its constitutional duty. (Para 9)

Constitution of India - Article 19 - Judicial pronouncements result in an order or a decision which may aggrieve a party or sometimes a section of the public. Critical analysis and objective criticism of an order's reasoning or even its outcome is protected under the fundamental right to free speech and expression under clause (a) of Article 19(1) of the Constitution of India. (Para 3)

Contempt of Courts Act, 1971 - Exercise of the power of contempt is discretionary. (Para 3) when criticism is an obvious distortion or a gross misstatement, which is made in a manner designed to lower the respect of the judiciary and destroy public confidence, it should not be ignored. However, the power to initiate contempt is discretionary in its unsheathed exercise. Every commission of contempt need not erupt in an indignant committal or levy of punishment, however deserving it may actually be. It is so because judges are judicious, their valour non-violent and their wisdom springs into action when played upon by a volley of values, the least of which is personal protection. Courts believe in values like free press, fair trial, judicial fearlessness and community confidence. Thus, courts need not protect their verdicts and decisions by taking recourse to the power of contempt. Surely, courts and judges have shoulders broad enough and an implicit trust that the people would perceive and recognize when criticism or critique is biased, scandalous and ill-intentioned. (Para 6) [Context: SC observed that Nishikant Dubey's comments were highly irresponsible and reflect a penchant to attract attention by casting aspersions on the Supreme Court of India and the Judges of the Supreme Court.]

Judiciary - The judiciary, as an institution, is accountable to the people through various mechanisms. Arguments take place in open court. Decisions and judgments are reasoned. Judicial procedure ensures transparency and accountability. Judgments are put to scrutiny and critique. Decisions are debated and if required, corrected by exercise of right of appeal, review, in curative jurisdiction and by reference to a larger bench. The judiciary's legitimacy and credibility are rooted in public trust and are maintained through fair, impartial and transparent decision-making. (Para 7)

Hate speech - that any attempt to spread communal hatred or indulge in hate speech must be dealt with an iron hand. Hate speech cannot be tolerated as it leads to loss of dignity and self-worth of the targeted group members, contributes to disharmony amongst groups, and erodes tolerance and open-mindedness, which is a must for a multi-cultural society committed to the idea of equality. Any attempt to cause alienation or humiliation of the targeted group is a criminal offence and must be dealt with accordingly.

M. Seetharama @ Seetharama Gowda vs Manager Future General India Insurance Co. Ltd 2025 INSC 648

Note: No legal aspects discussed in this order.

Disha Kapoor vs State Of Uttar Pradesh 2025 INSC 649 - S.482 CrPC - Quashing - Contrary Stands Of Complainant & Inconsistencies

Code of Criminal Procedure 1973 - Section 482 - Dismissing SLP against HC judgment quashing criminal proceedings, the Court observed: The petitioner had taken contrary stands and there are inconsistencies in the complaint and statement which was made before the Magistrate, which persuade us to find the proceedings to be a clear abuse of process of the Court. (Para 11)

State Of Uttar Pradesh vs Gaurav Kumar 2025 INSC 650 - Environmental Law - EIA Notification -District Survey Report (DSR) -

Environmental Law - EIA Notification, 2006 -District Survey Report (DSR) - (i) A District Survey Report is a document of seminal importance as it enables informed decision making. (ii). Preparation of a DSR as per the procedure prescribed for its preparation under Appendix X, read with para 7(iii)(a), is required to be followed meticulously. (iii). A valid and a subsisting DSR alone can be the basis for an application for grant of EC. A draft DSR is untenable for grant of an EC. (iv). Preparation of reports and appraisal of projects by DEIAA and DEAC shall be on the basis of a valid and a subsisting DSR. (v). DEIAA and DEAC are recognized as the authorities fastened with the statutory duty of preparing the DSR every five years and this duty compels them to have a comprehensive and a real time perspective of the environment position of the district including its eco-sensitivity and other fragilities.

Mahendra Magruram Gupta vs Rajdai Shaw 2025 INSC 651 - CPC - Appeal Against Order Refusing Injunction

Code of Civil Procedure 1908 - Order XLII - In an appeal to the High Court against the order of the Trial Court refusing to grant injunction pending disposal of the suit, the High Court cannot dismissed the substantive portion of the suit itself and direct that the remaining part of the suit be agitated in a suit filed by the defendant. [Context: High Court reversed the finding of the Trial Court and granted injunction. It dismissed prayers (a) and (b) in the appellants' suit and then proceeded to direct that the other prayers in the suit filed by the appellants, namely prayers (c), (d),

and (e), should now be considered in the suit filed by respondent no. 1/defendant no. 1 for recovery of possession.] (Para 11-12)

Muruganandam vs Muniyandi (D) 2025 INSC 652 - Unregistered Document - Specific Performance Suit

Registration Act 1908 -Section 49 ; Specific Relief Act, 1963- an unregistered document may be received as evidence of a contract in a suit seeking specific performance - Referred to in S. Kaladevi v. V.R. Somasundaram (2010) 5 SCC 401 (Para 10)

Umashankar Yadav vs State of Uttar Pradesh 2025 INSC 653 - Ss.195,482 CrPC - Ss. 186,353 IPC

Code of Criminal Procedure 1973 - Section 2(d), 195 - As per explanation in definition clause, a police report disclosing a non-cognizable offence shall be deemed to be a complaint and the police officer shall be deemed to be the complainant. Even then, the legal embargo under section 195 Cr.PC is not dispelled as the legal fiction deems the police officer and not the aggrieved public servant as the complainant- Referred to B.N. John v. State of U.P (Para 34-35)

Code of Criminal Procedure 1973 - Section 482 - Summoning of an accused is a serious matter which affects liberty and dignity of the individual concerned. Judicial intervention under Section 482 Cr.PC to

weed out vexatious proceedings is of pivotal importance in order to protect individuals from untelling harassment and misery and to ensure unmerited prosecutions do not crowd overflowing dockets of criminal courts and yield space for deserving cases. Faced with the agony of a lame prosecution, it is of little solace to a litigant to be told that inherent powers are shut out as he is entitled to approach the trial court and pray for discharge. The inherent power of the High Court to prevent abuse of process of court is much wider in amplitude than the discharge powers and cannot be whittled down on the plea of existence of such remedy. (Para 11)

Indian Penal Code 1860 - Section 186 - Essential ingredients of offence under Section 186 are as follows:- (i) Obstruction of a public servant in discharge of public functions (ii) Such obstruction is done voluntarily and with the intention to prevent discharge of official duties- Obstruction to a public servant must be done with the requisite mens rea i.e. to prevent the latter from discharging his official duty. (Para 18, 26)

Indian Penal Code 1860 - Section 353 - Section 353 is attracted when the following ingredients are satisfied:- (i) Use of assault or criminal force on a public servant during execution of his duty. (ii) With the intention :- (a) to prevent or deter discharge of such duty; or (b) as a consequence of anything done or attempted to be done in the lawful discharge of his duty. (Para 19)

Dashrath vs State Of Maharashtra 2025 INSC 654 - Art.142 Constitution - S.19 PC Act - Corruption - Sanction

Constitution of India - Article 142 - Exercise of power conferred by Article 142, in a case where a minimum sentence is prescribed by the

statute, cannot be tinkered, for, the same would amount to legislation by the Court; and, prescription of a term of sentence quite contrary to what the Parliament has legislated would be legally impermissible. The statutory prescription in relation to punishment for a minimum period, unless challenged, cannot be reduced by this Court even in exercise of powers under Article 142 of the Constitution- It is only rarely, and in extraordinary cases, that this Court may, in the exercise of its plenary power to temper justice with mercy grant a convict a prison-term waiver. As and by way of illustration, a convict (on bail) who is too ill to understand why he needs to be sent to prison or too ill to be taken to prison or the like, could qualify for grant of extreme leniency by this Court but only on production of unimpeachable evidence to that effect. (Para 28-30)

Prevention of Corruption Act, 1988 - Section 19 - Sanction - There is a legal impediment to prosecute a public servant for corruption, if there be no sanction. Grant of sanction is an administrative function based on the subjective satisfaction of the sanctioning authority after due application of mind to the materials placed before him. Whether sanction should be granted or not is, however, not about mental satisfaction of the truth of the facts placed before the officer competent to grant sanction but all that is necessary for a sanction to be granted is for him to be satisfied about the existence of a *prima facie* case. (Para 11) If a draft order is placed before the sanctioning authority and he is satisfied that nothing needs to be added/deleted therefrom, the grant of sanction cannot be faulted merely on the ground of absence of addition of words to/deletion of words from the draft. (Para 14)

**Paritala Sudhakar vs State Of Telangana 2025 INSC 655 - S.20
Prevention Of Corruption Act**

Prevention of Corruption Act - Section 20 - Where demand has not been proved, Section 20 will also have no application- Referred to in Om Parkash v State of Haryana, (2006) 2 SCC 250. (Para 21)

**Wikimedia Foundation Inc. vs ANI Media Private Limited 2025
INSC 656 - Judiciary and media - Subjudice principle**

Judiciary and media - Subjudice principle - Courts, as a public and open institution, must always remain open to public observations, debates and criticisms. Infact, courts should welcome debates and constructive criticism. Every important issue needs to be vigorously debated by the people and the press, even if the issue of debate is subjudice before a court. However, those who offer criticism should remember that Judges cannot respond to such criticism but if a publication scandalizes the court or a Judge or Judges and if a case of contempt is made out, certainly courts should take action. But it is not the duty of the court to tell the media: delete this, take that down. (Para 30) - For the improvement of any system and that includes the judiciary, introspection is the key. That can happen only if there is a robust debate even on issues which are before the court. Both the judiciary and the media are the foundational pillars of democracy

which is a basic feature of our Constitution. For a liberal democracy to thrive, both must supplement each other. (Para 31)

Contempt of Courts Act 1971 - If a member of the public or a litigant or for that matter even the media tries to scandalize the court by making sweeping unfounded allegations against the court or the Judge(s) or by imputing motives against the Judge or Judges who had passed a judicial order or had conducted the court proceedings, certainly the courts would be justified to initiate criminal contempt proceedings against such contemnors. This would also be a ground to direct postponement of publication as contempt of court is a reasonable restriction enumerated under Article 19(2) on the freedom of speech and expression under Article 19(1)(a). (Para 28)

Renuka Prasad Vs State 2025 INSC 657 - S. 161 CrPC - Ss.27,30 Evidence Act

Code of Criminal Procedure 1973 - Section 161,162 - Section 161 statements of various witnesses who were questioned by the police during investigation are wholly inadmissible under Section 162 of the Cr.P.C. Merely because the IOs spoke of such statements having been made by the witnesses during investigation, does not give them any credibility, enabling acceptance, unless the witnesses themselves spoke of such motive or acts of commission or omission or instances from which conspiracy could be inferred as also the preparation, established beyond reasonable doubt. (Para 26) when the statements recorded under Section 161 of the Code of Criminal Procedure is resiled from, there arises a possibility that the police coerced such statements, but considering the huge prevalence of such instances, as in the present case, of the entire witnesses turning hostile,

there could be various other factors also. It could be for fear of deposing against the accused, political pressure, pressure from family or society and even instances of monetary consideration. (Para 46)

Indian Evidence Act 1872 -Section 27,30 - Confession as mentioned in Section 30 is not evidence under Section 3 of the Evidence Act- When even the recovery made based on a confession under Section 27, by itself cannot inculpate the person who made such a confession, if there is no independent evidence otherwise connecting the fact discovered to the crime, there is no question of such a confession being made use of, to inculpate the other accused under Section 30 of the Evidence Act. (Para 41-42)]

Test Identification Parade -If there was an identification at the stage of investigation, it only aids the investigation and cannot lead to a conviction, unless the accused are identified in the box at the time of trial, in Court. (Para 19)

Code of Criminal Procedure 1973 - Section 378 - When there are two reasonable views possible from the evidence led, the one favouring the accused should be adopted, especially since the presumption of innocence of the accused until proved guilty, a fundamental tenet of criminal jurisprudence, stands further strengthened by the order of acquittal. (Para 48)

Gopal Govind Lakade vs State Of Maharashtra 2025 INSC 658 - S. 482 CrPC - Dismissing Quashing Petition Without Issuing Notice

Code of Criminal Procedure 1973 - Section 482 - Allowing appeal against HC judgment that dismissed petition seeking quashing of FIRs, SC observed: If the High Court was not inclined to even issue notice to the

respondent(s), then reasons ought to have been assigned for that purpose, or in the alternative, notice should have been issued to the respondent(s) and after giving a fair opportunity to both sides, dismissed the complaint on merits. In the absence of any of the aforesaid options being exercised by the Division Bench of the High Court, we find that the impugned order is in violation of the principles of natural justice inasmuch as we are not able to gather any reason as to why the High Court was not inclined to even issue notice to respondent(s) in the application filed by the appellant(s) herein seeking quashing of the FIR registered against the appellant(s). (Para 6-7)

Nadeem Ahmad vs State Of U.P. 2025 INSC 659 - Attempt To Murder Case Quashed - Settlement

Note: Supreme Court quashed offences alleged against the appellant under Sections 307 and 324 IPC by invoking Article 142 powers as parties settled the matter

Vijay Kumar Padalia vs State Of Uttarakhand 2025 INSC 660 - NGT Act

National Green Tribunal Act, 2010 - Section 14,16 - NGT dismissed an Original Application on the ground that the order granting sanction was challenged and, therefore, the applicant should have filed an appeal under Section 16 of the NGT Act - Allowing appeal, SC observed: This is a case where there has been miscarriage of justice and technicalities have been overstretched to dismiss and oust the appellant- Even accepting that the order granting sanction is appealable, theNGT should have permitted the appellant to either amend the Original Application, as filed, or permitted him to file a fresh appeal under Section 16 of the NGT Act.

**C.T. Kochouseph vs State Of Kerala 2025 INSC 661 - Kerala & TN
General Sales Tax Act - Constitutional Validity**

Kerala General Sales Tax Act, 1963-Section 5A - Tamil Nadu General Sales Tax Act, 1959 - Section 7A -Constitutional Validity upheld (Para 39) - Sections 5A or 7A, as the case may be, impose purchase tax specifically in situations where the seller is granted exemption from payment of tax - Exemption from payment of tax at the time of sale is a pre-condition for attracting Sections 5A and 7A respectively. Further, the fact that in case the goods were not exempt from payment of tax at the time of sale and the goods would have attracted tax at the first point of sale, is immaterial and inconsequential. Levy of purchase tax is governed by the provisions and stipulations of Sections 5A or 7A. They are independent and in a way constitute charging sections. Purchase tax is leviable on and payable by the purchaser. However, the legislations do not levy the purchase tax to tax the transaction of the sale and purchase twice. Instead, it levies purchase tax only where no sales tax was payable on the sale. Further, purchase tax has not been made leviable in all situations, except in three situations, namely, (a) where the goods on which no tax is paid were used in manufacture; or (b) where the goods were despatched out of the State other than by way of inter- State trade or commerce; or (c) where the goods are disposed of in a manner other than sale within the State. However, the need to satisfy the conditions do not change the nature of the charge, which is, tax on purchase. (Para 31)

Constitution of India - Seventh Schedule - State List - the event, that is inter-State movement of the goods, which does not amount to inter-State sale, falls within the legislative domain and power of the State Legislature. The State, when it imposes such tax, does not exceed its power

to impose tax conferred by the State List as inter-State sale of goods is not being subjected to tax. (Para 32)

Interpretation of Statutes - Taxation Laws - While examining tax provisions, we must give sufficient latitude to the Legislature. Income generation in the form of taxes is an important source of revenue for both the State and the Central governments. Some play in the joints should be given to the Legislature while dealing with laws relating to taxation and economic activities except in case of encroachment upon the power to tax that is not vested with them in terms of the Union or the State List, etc. (Para 33)

**Harpreet Singh Talwar @ Kabir Talwar vs State of Gujarat 2025
INSC 662 - UAPA - Bail**

Unlawful Activities (Prevention) Act 1967 - Section 43D(5) - The court, at the stage of bail is not required to meticulously examine the admissibility and reliability of evidence. The degree of satisfaction required under this provision has to be lower than the proof beyond reasonable doubt, but must still be rooted in material that is not inherently improbable or ex facie unreliable- The rigour of Section 43D(5) of the UAPA would, however, in an appropriate case yield to the overarching mandate of Article 21 of the Constitution, especially where the trial is inordinately delayed or where the incarceration becomes punitive. However, such relaxation cannot possibly be automatic and must be evaluated in light of the specific facts and risks associated with each case, (Para 23-24)

**Tushar Himatlal Jani vs Jasbir Singh Vijan 2025 INSC 663 -
Order XXXIX CPC- Interim Injunctions**

Code of Civil Procedure 1908 - Order XXXIX - Before granting an interim injunction, the Court must satisfy itself of three essential prerequisites: firstly, the existence of a *prima facie* case in favour of the applicant evincing a reasonable probability of success at trial; secondly, that the balance of convenience lies in favour of granting the injunctive relief; and thirdly, that the applicant would suffer irreparable injury or harm not adequately compensable in damages if the injunction is refused. It is only when these three conditions are cumulatively fulfilled that an interim injunction ought to be granted. (Para 15)

**Parshottam Shantilal Chaddarwalaa vs State Of Gujarat 2025
INSC 664 - S.195 CrPC**

Code of Criminal Procedure 1973 - Section 195 [Section 215 BNSS] - The object of imposition of the bar under Section 195 CrPC is to avoid the frivolous litigation and not to provide shelter or tool to a mischief player or an offender- The scheme of the Section requires that the offence should be such which has a direct bearing on the discharge of lawful duties of a public servant or has a direct correlation with the proceedings in a Court of justice, affecting the administration of justice. -The provision only creates a bar against taking cognizance of an offence in certain specified situations except upon complaint by the Court. vi. To attract the bar under Section 195(1)(b), the offence should have been committed when the document was in "custodia legis" or in the custody of the Court concerned- High Courts can exercise jurisdiction and power enumerated under Section 195 on an application being made to it or suo-motu, whenever the interest of justice so demands- In such a case, where the High Court as a superior Court directs a complaint to be filed in respect of an offence covered under

Section - 195(1)(b)(i), the bar for taking cognizance, will not apply. (Para 18)

Office For Alternative Architecture vs IRCON Infrastructure And Services Ltd. 2025 INSC 665 - S.11 Arbitration Act -

Arbitration and Conciliation Act 1996 - Section 11 - In this case, while appointing an arbitral tribunal, High Court excluded certain claims by holding them to be non-arbitrable - Allowing appeal, SC observed: High Court fell in error in bisecting the claim of the appellant into two parts, one arbitrable and the other not arbitrable, when it found arbitration agreement to be there for settlement of disputes between the parties. The correct course for the High Court was to leave it open to the party to raise the issue of non-arbitrability of certain claims before the arbitral tribunal, which, if raised, could be considered and decided by it. (Para 12)

Aashish Yadav Vs Yashpal 2025 INSC 666 - Ss. 34,302 IPC - Bail

Indian Penal Code 1860 - Sections 34,302 - Bail - Merely because no overt act was attributed to the accused in the First Information Report the same cannot be the sole consideration for grant of bail to these respondents in a serious offence under Section 302 of IPC - FIR is not an encyclopaedia of facts. An FIR is a starter point to set the investigation in motion and subsequently, the investigating agency collects the necessary material in the course of investigation so as to unearth the real offenders. (Para 16)

Jitender @ Kalla vs State (Govt. of NCT of Delhi) 2025 INSC 667 - Senior Advocate Designation

Senior Advocate Designation - Directions issued: (i) The directions contained in paragraph 73.7 of Indira Jaising-1 as amended by Indira Jaising-2 shall not be implemented; (ii) It will be appropriate if all the High Courts frame Rules in terms of what is held in this decision within a period of 4 months from today by amending or substituting the existing Rules. The Rules shall be made keeping in view the following guidelines: a. The decision to confer designation shall be of the Full Court of the High Courts or this Court; b. The applications of all candidates found to be eligible by the Permanent Secretariat along with relevant documents submitted by the applicants shall be placed before the Full House. An endeavour can always be made to arrive at consensus. However, if a consensus on designation of Advocates is not arrived at, the decision-making must be by a democratic method of voting. Whether in a given case there should be a secret ballot, is a decision which can be best left to the High Courts to take a call considering facts and circumstances of the given case; c. Minimum qualification of 10 years of practice fixed by Indira Jaising-1 needs no reconsideration; d. The practice of Advocates making applications for grant of designation can continue as the act of making application can be treated as consent of the Advocates concerned for designation. Additionally, the Full Court may consider and confer designation dehors an application in a deserving case; e. In the scheme of Section 16(2), there is no scope for individual Judges of this Court or High Courts to recommend candidate for designation; and f. At least one exercise of designation should be undertaken every calendar year. (iii) The processes already initiated on the basis of decisions of this Court in the case of Indira Jaising-1 and Indira Jaising-2 shall continue to be governed by the said decisions. However, new process shall not be initiated and new applications shall not be considered

unless there is a proper regime of Rules framed by the High Courts; (iv) It is obvious that even this Court will have to undertake the exercise of amending the Rules/Guidelines in the light of this decision; and (v) Every endeavour shall be made to improve the regime/system of designation by periodically reviewing the same by this Court and the respective High Courts. (Para 87)

Advocates Act 1961 - Section 16 -An Act of making application will amount to consent of the Advocate for being considered for designation. Act of making such applications may not necessarily amount to soliciting the designation. The practice of allowing applications to be made has practical advantages. The educational qualifications, experience in law, field of practice, income, pro bono work, work of mentoring juniors, articles and books, writing publications, etc., are relevant in the process of designation. Instead of the Court's Registry calling for these details, it becomes more convenient if the Advocates furnish the details along with their applications -A deserving Advocate who does not apply can be always be designated after obtaining his consent. (Para 77)

Competition Commission Of India vs Schott Glass India Pvt. Ltd.
2025 INSC 668 - S.4 Competition Act - Abuse Of Dominance - Effects Based Analysis

Competition Act, 2002 - Section 4 -An effects-based analysis is an obligatory component of every inquiry under Section 4 (Para 66); Section 4 does not per se prohibit dominance; it prohibits the abuse of dominance. Abuse, by definition, is conduct that distorts the competitive process or harms consumers. The statute therefore contemplates two logically separate findings: (i) that the impugned practice falls within one of the

descriptive clauses (a)–(e) of sub-Section (2), and (ii). that it results in, or is likely to result in, an appreciable adverse effect on competition (“AAEC”). To collate the second enquiry into the first would equate description with proscription and convert the provision into a strict-liability offence. (Para 59)

Competition Act, 2002 - Section 36(2) - It incorporates the Code of Civil Procedure’s guarantees, including the right to “examine witnesses on oath” and to test them in cross-examination, while Regulation 41(5) of the 2009 General Regulations obliges the DG or the CCI to grant that opportunity whenever it is “necessary or expedient”. *Audi alteram partem* is therefore woven into the statute itself. (Para 68)

Competition Act, 2002 - Section 4(2)(a) - To attract Section 4(2)(a) of the Act, it must be shown that transactions which are equivalent in every commercially relevant respect are nevertheless subject to dissimilar conditions (Para 41) An abuse arises only where a dominant enterprise “directly or indirectly imposes unfair or discriminatory...price in purchase or sale”. As the words “unfair or discriminatory” import a comparative enquiry, it must first be established that transactions which are materially equivalent have been accorded materially different treatment. If the challenged differentiation rests on an objective commercial justification, or if it is open on identical terms to every purchaser similarly placed, the price cannot be stigmatised as abusive. (Para 32)

Competition Act, 2002 -Section 4(2)(e) - This section proscribes the use of a dominant position in one relevant market “to enter into, or protect, another relevant market.” The classical manifestation of this is the alleged margin-squeeze: a vertically integrated firm fixes the wholesale input price so high, and its own downstream price so low, that downstream rivals,

though equally efficient, cannot earn a viable margin - Three cumulative conditions must therefore be shown: (i). The respondent must itself operate downstream; (ii). The wholesale-to-retail spread must be insufficient for an equally efficient competitor; and (iii). The compression must threaten competitive harm. (Para 48)

Competition Act, 2002 - Section 4(2)(d) - This section is attracted only where a dominant enterprise: (1) supplies two distinct products,(2) makes the supply of the tying product conditional upon acceptance of the tied product, and (3) thereby forecloses competitors in the tied-product market.

Competition Act, 2002 - Competition law is not designed to humble the successful or to clip the wings of enterprises that have, through industry and innovation, secured a commanding share of the market. The true purpose of antitrust laws is to preserve the process of competition, i.e., to ensure that rivals may challenge the incumbent on the merits, that consumers enjoy the fruits of efficiency, and that technological progress is not stifled by artificial barriers. If mere size or success were treated as an offence, and every dominant firm exposed to sanction without tangible proof of competitive harm, the law would defeat itself: it would freeze capital formation, penalise productivity, and ultimately impoverish the very public it is meant to protect- Heavy-handed enforcement, divorced from market effects, would discourage the long-term capital and expertise the economy urgently needs. An effects- based standard is therefore not a mere procedural nicety. It is both a constitutional bulwark against arbitrary restraint of lawful enterprise and a strategic necessity if India is to capture the opportunities that more protectionist economies are in danger of forsaking. (Para 79)

Jawala Real Estate Pvt Ltd vs Haresh 2025 INSC 669 - NCDRC - Developer vs Homebuyer

Note: No legal aspects discussed in this order.

Vijay Kumar Joshi vs Akash Tripathi 2025 INSC 670

Service Law - Absorption - upon merger or absorption, the original identity of the service ceases to exist and complete functional integration must follow- full functional integration carries with it the rights and benefits attached to the new service. (Para 21-22) It would be wholly unjust to deny pension benefits to the absorbed employees when they are performing the same duties and discharging the same responsibilities as other employees (Para 23)

Rajesh Chaddha vs State Of Uttar Pradesh 2025 INSC 671 - S. 498A - Dowry Prohibition Act

Indian Penal Code 1860 - Section 498A ; Dowry Prohibition Act - Sections 3,4- In order to meet the threshold of the offences under Section 498A IPC & Sections 3 & 4 of the D.P. Act, 1961, the allegations cannot be ambiguous or made in thin air (Para 8)- A cursory or plausible view cannot be conclusive proof to determine the guilt of an individual under Section 498A & Section 4 of the D.P. Act (Para 11)- The term “cruelty” is subject to rather cruel misuse by the parties, and cannot be established simpliciter without specific instances, to say the least. The tendency of roping these sections, without mentioning any specific dates, time or incident, weakens the case of the prosecutions, and casts serious suspicion on the viability of the version of a Complainant (Para 14)- Growing tendency to append every relative of the husband, casts serious doubt on the veracity of the

allegations made by the Complainant wife or her family members, and vitiates the very objective of a protective legislation. (Para 13)

Thirunagalingam vs Lingeswaran 2025 INSC 672 - Limitation Act - Condonation of Delay

Limitation Act 1961 - Section 5 - While considering the plea for condonation of delay, the first and foremost duty of the court is to first ascertain the bona fides of the explanation offered by the party seeking condonation rather than starting with the merits of the main matter. Only when sufficient cause or reasons given for the delay by the litigant and the opposition of the other side is equally balanced or stand on equal footing, the court may consider the merits of the main matter for the purpose of condoning the delay- Delay should not be condoned merely as an act of generosity. The pursuit of substantial justice must not come at the cost of causing prejudice to the opposing party. (Para 31-32)

Shaikh Sadik Shaikh Rafique vs Reliance General Insurance Company Limited 2025 INSC 673 - Motor Accident Compensation

Motor Accident Compensation - An unskilled worker would be entitled to claim monthly income of Rs.10,000 - The multiplier in the case of a 25 year old would be 18. ((Para 5)

P. Shanthi Pugazhenthi vs State 2025 INSC 674 - Prevention Of Corruption Act - Abetment

Prevention of Corruption Act 1988 - Section 13- Any person who persuades a public servant to take bribes, decides to raise money through bribes along with a public servant and prompts such public servant to keep the wealth with him/her or keeps the amassed wealth of a public servant in his/her own name is guilty of committing the offence of abetment of offence under section 13(1)(e) - Offence under section 13(1)(e) was abettable even prior to the 2018 Amendment (Para 13). When the accused was actively involved in concealing disproportionate wealth amassed through bribery by keeping assets in her name, she is guilty of offence of abetment falling under section 109 IPC read with 13(2) and 13(1)(e) of the 1988 Act - Even a non-public servant can be convicted under section 109 IPC read with 13(1)(e) of the 1988 Act. (Para 15)

Deep Shikha vs National Insurance Company Ltd 2025 INSC 675 - MV Act - Married Daughter - Dependency Compensation

Motor Vehicles Act, 1988 - Sections 140, 166,168 - Motor Accident Compensation - When a married daughter fails to prove that she was being financially supported by her mother post marriage, she cannot be said to be a dependent of her mother, the deceased - Once a daughter is married, logical presumption is that she now has rights on her matrimonial household and is also financially supported by her husband or his family, unless proven otherwise. It is more than likely that her dependence on her natal family, including her mother has now ceased.

Sections 166 and 168 focus on the financial relationship between the deceased and the Claimant. A married daughter may be considered a legal representative, but she will not be eligible for loss of dependency compensation unless it is proven by the daughter that she was financially dependent- Referred to in Manjuri Bera & Anr. vs. Oriental Insurance Co. Ltd. (2007) 10 SCC 634 - As the legal representative of the deceased, she will only be entitled to compensation envisaged in Section 140 as liability under the same does not cease to exist in the absence of dependency. (Para 13-14)

Maintenance - The obligation of a child to maintain their parent in old age is as much of a duty as the obligation of a parent to maintain their child during minority. (Para 16)

NDA Securities Ltd. vs State 2025 INSC 676 - S.482 CrPC - Quashing -

Code of Criminal Procedure 1973 - Section 482 - [Section 528 BNSS] -While exercising the inherent jurisdiction under section 482 CrPC, the High Court is not supposed to conduct a mini trial. (Para 10)

Pavul Yesu Dhasan vs Registrar, State Human Rights Commission Of Tamil Nadu 2025 INSC 677 - Human Rights - FIR Registration

Constitution of India - Article 21 ; Human Rights Act, 1993 - Section 2(d) - Every citizen of India who goes to a Police Station to report commission of an offence deserves to be treated with human dignity. That is his fundamental right under Article 21 of the Constitution of India. A citizen who wants to report commission of an offence, should not be treated like a criminal. [Context: SC upheld the findings of Human Rights Commission that there was a violation of human rights in this case]

Tata Mohan Rao vs S. Venkateswarlu 2025 INSC 678 - Contempt of Court

Contempt of Court - When a Constitutional Court or for that matter, any court issues any direction, every person or authority regardless of rank, is duty bound to respect and comply with that order. Disobedience of the orders passed by the court attacks the very foundation of the rule of law on which the edifice of a democracy is based.

Quotes - The majesty of law lies not in punishing, but in forgiving (Para 11)-view, it is necessary for this Court to send a clear message that no one, howsoever high they may be, they are not above the law.(Para 15)

State Of Telangana vs Dr. Pasupuleti Nirmala Hanumantha Rao Charitable Trust 2025 INSC 679 - S.10 TP Act - Land Allotment

Transfer of Property Act - Section 10 ; Telangana Alienation of State Lands and Land Revenue Rules, 1975 - When the State had allotted land to public trust for public purpose, the State cannot be put in the normal classical inter vivos party's position as public interest is supreme and must prevail - Rules 1975 and the Board of Revenue Standing Orders operate in a completely distinct space and are not eclipsed by

Section 10 of the TPA. (Para 23) Government cannot distribute State's largesse and normally the State 'must' get the 'maximum value' of the resources, especially when State-owned assets are passed over to private individuals/entities unless there are good and cogent reasons for doing so in special circumstances (Para 22)

HP Power Transmission Corporation Ltd. vs BRUA Hydrowatt Pvt. Ltd 2025 INSC 680

Contract Law - Doctrine of Privity - A party not privy to the agreement or contract cannot be, unless the context otherwise makes it apparent, made liable for any term(s) and condition(s) unrelated to it. (Para 29)

G.V. Adhimoolam vs Inspector Of Police 2025 INSC 681 - S.420 IPC - Cheating

Indian Penal Code 1860 - Section 420 - For invocation of the offence punishable under Section 420 IPC, it is imperative that the accused should have induced the victim to part with valuable security and that such inducement should at the inception been made with the intention to defraud the aggrieved person. (Para 25)

Hanumantharaju B (D) Vs M Akram Pasha 2025 INSC 682 - Motor Accident Compensation - Pensionary Benefit

Motor Accident Compensation- Pensionary benefit could not be treated as "pecuniary advantage" liable to be deducted for the purpose of computation of compensation - Any amount receivable on account of PF, pension or insurance cannot be deducted from the salary of the victim for

the purpose of determining the income or loss of earning for calculating compensation. (Para 19-20)

Motor Accident Compensation- There should be an addition of 30% of the salary where the age of the claimant is within 40 to 50 years. (Para 22)

Tukesh Singh vs State of Chhattisgarh 2025 INSC 683 - Eyewitness - Identification Of Accused In Court

Criminal Trial -The failure of the eyewitnesses to identify the accused in the court as the accused they had seen committing the crime is fatal to the prosecution's case-In a case where there are eyewitnesses, one situation can be that the eyewitness knew the accused before the incident. The eyewitnesses must identify the accused sitting in the dock as the same accused whom they had seen committing the crime. Another situation can be that the eyewitness did not know the accused before the incident. In the normal course, in case of the second situation, it is necessary to hold a Test Identification Parade. If it is not held and if the evidence of the eyewitness is recorded after a few years, the identification of such an accused by the eyewitness in the Court becomes vulnerable. Identification of the accused sitting in the Court by the eyewitness is of utmost importance. For example, if an eyewitness states in his deposition that "he had seen A, B and C killing X and he knew A, B and C". Such a statement in the examination-in-chief is not sufficient to link the same to the accused. The eyewitness must identify the accused A, B and C in the Court. Unless this is done, the prosecution cannot establish that the accused are the same persons who are named by the eyewitness in his deposition. If an eyewitness states that "he had seen one accused assaulting the deceased with a sword, another accused assaulting the deceased with a stick and another accused holding the

deceased to enable other accused to assault the deceased.” In such a case, the eyewitness must identify the accused in the open Court who, according to him, had assaulted the accused with a stick, who had assaulted the deceased with a sword and who was holding the deceased. Unless the eyewitnesses identify the accused present in the Court, it cannot be said that, based on the testimony of the eyewitnesses, the guilt of the accused has been proved. (Para 21)

Noble Resources And Trading India Private Limited vs Union Of India 2025 INSC 684 - Export-Import (EXIM) policy - Manufacture

EXIM Policy - Manufacture- To constitute manufacture, the following are the essential features: i. There must be a process or series of process. ii. The original commodity or raw material undergoes a transformation through the process or series of process. iii. At the end of the process or series of process, a new commodity emerges. iv. The new commodity should have a distinct name, character or use and can no longer be regarded as the original commodity. v. It should be regarded as distinct from the original commodity and recognized as so in the trade- The test is not whether the end product is a consumable product or not. (Para 51-52)

Circular and Notification - A circular cannot take away the effect of a notification statutorily issued. (Para 34)

Brig Sandeep Chaudhary vs Union Of India 2025 INSC 685 - Service Law

Note: No legal aspects discussed in this judgment.

Sanjay Colaro vs State Of Karnataka 2025 INSC 686 - Probation of Offenders Act

Note: SC granted the benefit under the Probation of Offenders Act to appellant -convict and set aside the sentence by which he has been directed to undergo simple imprisonment for six months- compensation of Rs. 10,00,000/- (Rupees ten lakhs only) to paid in favour of the surviving legal heirs of the deceased in lieu of the benefit extended to the appellant.

K. Mangayarkara vs N.J. Sundaresan 2025 INSC 687 - S.8 Arbitration Act

Arbitration and Conciliation Act 1996 - Section 8 - Once an application in due compliance with Section 8 is filed, the approach of the civil court should be not to see whether the court has jurisdiction. It should be to see whether its jurisdiction has been ousted- Once there is an arbitration agreement between the parties, a judicial authority before whom an action is brought covering the subject-matter of the arbitration agreement is under a positive obligation to refer parties to arbitration by enforcing the terms of the contract. There is no element of discretion left in the court or judicial authority to obviate the legislative mandate of compelling parties to seek recourse to arbitration - Allegations of fraud or criminal wrongdoing or of statutory violation would not detract from the jurisdiction of the arbitral tribunal to resolve a dispute arising out of a civil or contractual relationship on the basis of the jurisdiction conferred by the arbitration agreement. (Para 15-16)

**S.C. Narang vs State (NCT Of Delhi) 2025 INSC 688 - S.75
Juvenile Justice Act**

**Juvenile Justice (Care and Protection of Children) Act, 2015-
Section 75** -A person who can be punished for cruelty to a child must be shown to have either the actual charge of the child or control over the child. The reference to the child in Section 75 is to the victim of the offence.[**Context:** In this case, the accused was Chairman of the Managing Committee, which runs a school which has classes from KG to 12th standard- Allowing appeal, SC held: it is impossible to even allege that the

appellant, being Chairman of the Managing Committee, had the actual charge of all the children studying in the school run by the institution. It cannot be said that he had control over all the children in the School. He may have control over the management of the institution which runs the School. That does not give him control over every child studying in the school. While considering the applicability of Section 75 of the JJ Act, we are not concerned with the moral responsibility of the school's management. Assuming that the appellant was morally responsible, Section 75 of the JJ Act cannot be applied unless it is shown that the appellant had the actual charge of the victim child or control over the victim child.]

**Harcharan Dass Gupta vs Union Of India 2025 INSC 689 -
MSMED Act Overrides Arbitration Act**

Arbitration and Conciliation Act 1996 - Micro, Small and Medium Enterprises (Development) Act 2006 - Provisions of Chapter V of the MSMED Act, 2006 have an effect overriding the provisions of the Arbitration Act, 1996 - no party to a dispute covered under Section 17 of the MSMED Act, 2006 would be precluded from making a reference to the Facilitation Council under Section 18(1) thereof, merely because there is an arbitration agreement existing between the parties -- A private agreement between the parties cannot obliterate the statutory

provisions. Once the statutory mechanism under sub-section (1) of Section 18 is triggered by any party, it would override any other agreement independently entered into between the parties, in view of the non obstante clauses contained in sub-sections (1) and (4) of Section 18. The provisions of Sections 15 to 23 have also overriding effect as contemplated in Section 24 of the MSMED Act, 2006 when anything inconsistent is contained in any other law for the time being in force - Referred to Gujarat State Civil Supplies Corporation Ltd. v. Mahakali Foods Pvt. Ltd. (2023) 6 SCC 401 (Para 8-9)

Vijaya Bank vs Prashant B Narnaware 2025 INSC 691 - Employment Contract - Restrictive Covenant

Employment Contracts - Restrictive covenant prescribing a minimum term cannot be said to be unconscionable, unfair or unreasonable and thereby in contravention of public policy. [Context: SC held that the restrictive covenant in clause 11(k) of the appointment letter issued by Vijaya Bank does not amount to restraint of trade nor is it opposed to public policy.]

Indian Contract Act 1872 - Section 27 - A restrictive covenant operating during the subsistence of an employment contract does not put a clog on the freedom of a contracting party to trade or employment- In this case, the relevant clause was to work for a minimum term i.e. three years and in default to pay liquidated damages of Rs. 2 Lakhs. SC held: The clause sought to impose a restriction on the respondent's option to resign and thereby perpetuated the employment contract for a specified term. The

object of the restrictive covenant was in furtherance of the employment contract and not to restrain future employment. Hence, it cannot be said to be violative of Section 27 of the Contract Act. (Para 15-16) -Distinction between restrictive covenants operating during the subsistence of an employment contract and those operating after its termination - Referred to Niranjan Shankar Golikari v. Century Spinning and Manufacturing Co. (Para 13)

Precedents - judgments cannot be read as statutes and have to be applied keeping in mind the factual matrix peculiar to each case. (Para 34)

Standard form employment contracts - Interpretation of standard form employment contracts may be summarized as follows:- (i) Standard form employment contracts *prima facie* evidence unequal bargaining power. (ii) Whenever the weaker party to such a contract pleads undue influence/coercion or alleges that the contract or any term thereof is opposed to public policy, the Court shall examine such plea keeping in mind the unequal status of the parties and the context in which the contractual obligations were created. (iii) The onus to prove that a restrictive covenant in an employment contract is not in restraint of lawful employment or is not opposed to public policy, is on the covenantee i.e. the employer and not on the employee. (Para 21)

Public Policy - Generally speaking, public policy relates to matters involving public good and public interest. What is 'just, fair and reasonable' in the eyes of society varies with time. Civilizational advancements, growth of knowledge and evolving standards of human rights and dignity alter the

contours of public good and policy. From the prism of employer-employee relationship, technological advancements impacting nature and character of work, re-skilling and preservation of scarce specialized workforce in a free market are emerging heads in the public policy domain which need to be factored when terms of an employment contract is tested on the anvil of public policy. (Para 22-25)

**South Delhi Municipal Corporation of Delhi vs SMS Limited
2025 INSC 693 - Valid Arbitration Agreement -Elemental Test**

Arbitration and Conciliation Act 1996 - Section 7 - A dispute resolution clause may only rise to the level of a valid arbitration clause or agreement when it signifies a clear intent to arbitrate, entails a binding adjudicatory process, and contemplates compliance with general arbitral norms.

i. Clear Intent to Arbitrate The agreement must reflect a definitive and mutual intention to refer disputes to arbitration, excluding the jurisdiction of civil courts in respect of such matters. Consensus ad-idem or ‘meeting of the minds’ of the respective parties towards settling any disputes that may arise between them through the process of arbitration must be made out from the form and substance of the legal agreement or contract. This ideally entails the parties reducing their intention of entering into an arbitration agreement into some tangible medium.

ii. Binding Adjudicatory Process The arbitration agreement must contemplate a binding and enforceable resolution of disputes. The process must culminate in a final and conclusive award, not a non-binding recommendation or

mediation outcome. In essence, the result of the arbitral process should be final and binding on both the parties- iii. Compliance with Arbitration Norms While the statutory minimums do not universally require specification of seat, venue, or applicable procedural rules, best practices and several foreign jurisdictions encourage clarity in these respects to ensure legal certainty. The agreement should allow for party autonomy in the appointment of arbitrators and procedural conduct, subject to statutory safeguards. The adversarial process, which inheres in the institution of arbitration, must also be given due credence via provision for an impartial adjudicatory body, whose decisions involve deference to the principles of natural justice- The aforementioned elemental test is a conjunctive one, and not a disjunctive one -All the elements identified hereinabove must co-exist, apart from being duly proven by the party which seeks to assert that an arbitration agreement subsists. (Para 30-33) While it is true that an arbitration clause must result in a conclusive determination, finality alone does not equate it to arbitration.(Para 39)

Practice and Procedure - Arbitration - Courts or judicial fora of our country—as a matter of judicial best policy—must show an unwavering tendency towards rejecting shoddily drafted clauses at the very threshold. Such cases, which *prima facie* disclose *mala fides* woven into the very Agreement they seek adjudication over, must be thrown out of the Court, as they have been indulged for far too long. We would complementarily urge the Courts to invoke their *suo moto* powers in appropriate cases wherein legal firms or counsel are found designing ‘arbitration clauses’ which deliberately mislead and misguide. The time is not far when personal liability must be assigned for such unscrupulous acts, along with the

sanctioning of the harshest punitive measures against the actors. We are confident that these steps are vital to infuse probity, transparency, and professionalism into Indian arbitration. Needless to say, to uphold the integrity of the arbitral process, the sanctity of such agreements must be preserved. (Para 59)

**National Spot Exchange Limited vs Union Of India 2025 INSC
694 - MPID Act vs SARFAESI Act & RDB Act**

Maharashtra Protection of Investors and Depositors Act, 1999 ; SARFAESI Act, 2002 ; RDB Act, 1993 -IBC 2016 - SARFAESI Act and RDB Act having been enacted by the Parliament for the subject matter falling in List-I and the MPID Act having been enacted by the State Legislature for the subject matter falling in List-II in the Seventh Schedule, the latter would prevail in the State of Maharashtra in respect of the specific subject matter for which the said Act was enacted (Para 41)- Merely because the SARFAESI Act and RDB Act which are enacted in respect of the subject matter falling in List-I and having been enacted by Parliament, they could not be permitted to override the MPID Act, which is validly enacted for the subject matter falling in List-II – State List. (Para 38) The properties of the Judgment Debtors and Garnishees attached under the provisions of the MPID Act, would be available for the execution of the decrees against the Judgment Debtors by the S.C. Committee, despite the provision of Moratorium under Section 14 of the IBC. (Para 52)

SARFAESI Act, 2002 - Section 26E - Monies or deposits of depositors/investors, who have been allegedly defrauded by the Financial Establishment, and for the recovery of which the MPID Act has been enacted, could not be said to be a “debt” contemplated in Section 26E of the SARFAESI Act- No priority of interest can be claimed by the Secured Creditors against the properties attached under the MPID Act and that the provisions of MPID Act would override any claim for priority of interest by the Secured Creditors in respect of the properties which have been attached under the MPID Act. (Para 43-44)

Constitution of India - Article 142 -while exercising the powers under Article 142, the express provisions in the other relevant Statutes should not be ignored, particularly when the exercise of powers under Article 142, would directly be in conflict with what has been express provisions in such Statutes (Para 19) The exercise of power under Article 142(1) of the Constitution of India being curative in nature, the Supreme Court would not ordinarily pass an order ignoring or disregarding a statutory provisions governing the subject, except to balance the equities between conflicting claims of the litigating parties by ironing out creases in a “cause or matter” before it. Therefore, even while exercising the powers under Article 142, the Supreme Court has to take note of the express provisions of any substantive statutory law and accordingly regulate the exercise of its power and discretion to do complete justice between the parties in the pending “cause or matter” arising out of such statutes. Though, the powers of this Court cannot be controlled by any statutory provisions, when the exercise of powers under Article 142 comes directly in conflict with what has been expressly provided in a statute, ordinarily, such power should not be

exercised. Article 142 cannot be used to achieve something indirectly what cannot be achieved directly. (Para 13)

Constitution of India - Article 246 -A three-fold distribution of legislative power between the Union and the States made in the three Lists in the Seventh Schedule of the Constitution read with Article 246, exhibits the Principle of Federal supremacy viz. that in case of inevitable conflict between Union and State powers, the Union power as enumerated in List-I shall prevail over the State power as enumerated in Lists-II and III, and in case of overlapping between Lists II and III, the latter shall prevail. In view of such distribution of Legislative powers, situations have arisen where two legislative fields have apparently overlapped. In such situations, this Court has held that it would be the duty of the courts to ascertain as to what degree and to what extent, the authority to deal with the matters falling within these classes of subjects exists in each of such legislatures, and to define the limits of their respective powers. (Para 26)

Constitution of India - Article 254 - The issue of repugnancy or conflict as contemplated in Article 254 would arise only when the State Legislation and the Central Legislation, both, are relatable to the Entries contained in List-III-Concurrent List of Seventh Schedule. (Para 47)

Interpretation of Statutes - While interpreting the statutes which have arguably the conflicting provisions, has to keep in mind the Federal structure embedded in our Constitution, as a Basic Structure. (Para 26)

In Re : Alarming Rise In The Number Of Reported Child Rape Incidents 2025 INSC 695 - POCSO Act- Timelines

POCSO Act - Since the timelines have been stipulated under the POCSO Act for all stages right from the stage of Investigation up to the stage of Trial, the same must be adhered to as far as possible- Union of India and the State Governments shall take appropriate steps to sensitize the officials associated with the investigation of POCSO cases, and also to create dedicated Courts to try POCSO Cases on top priority basis, and to see to it that the chargesheets are filed within the mandatory period stipulated in the Act, and the Trials are completed within the time frame as contemplated in the Act. (Para 6)

Dhanbad Fuels Private Limited vs Union Of India 2025 INSC 696 - S. 12A Commercial Courts Act - Pre Litigation Mediation - Order VII Rule 11 CPC

Commercial Courts Act - Section 12A - Section 12A is mandatory in nature - The declaration of the mandatory nature of Section 12A of the 2015 Act relates back to the date of the Amending Act- Referred to Patil Automation Private Limited v. Rakheja Engineers Private Limited (2022) 10 SCC 1 - A suit which contemplates an urgent interim relief may be filed under the 2015 Act without first resorting to mediation as prescribed under

Section 12A of the 2015 Act- leave of the court is not required to be obtained before filing a suit without complying with Section 12A of the 2015 Act- **The test for “urgent interim relief”** : If on an examination of the nature and the subject-matter of the suit and the cause of action, the prayer of urgent interim relief by the plaintiff could be said to be contemplable when the matter is seen from the standpoint of the plaintiff.- The urgent interim relief must not be merely an unfounded excuse by the plaintiff to bypass the mandatory requirement of Section 12A of the 2015 Act- Even if the urgent interim relief ultimately comes to be denied, the suit of the plaintiff may be proceeded with without compliance with Section 12A if the test for “urgent interim relief” is satisfied notwithstanding the actual outcome on merits. (Para 62)

Code of Civil Procedure 1908 - Order VII Rule 111 ; Commercial Courts Act - Section 12A - Any suit which is instituted under the 2015 Act without complying with Section 12A is liable to be rejected under Order VII Rule 11 -If the suit is instituted on or after the date of the decision in Patil Automation (supra), i.e., 20.08.2022, without complying with Section 12A of the 2015 Act, then it must meet with rejection under Order VII Rule 11, either on an application by the defendant or suo motu by the court - If the suit was instituted prior to 20.08.2022 without complying with Section 12A of the 2015 Act, and the same does not fall within one of the exceptional categories, then it would be open to the court to keep the suit in abeyance and direct the parties to explore the possibility of mediation in accordance with the 2015 Act, the PIMS Rules and the 2020 SOP. (Para 62-63)

Code of Civil Procedure 1908 - Order VII Rule 11 - No time period within which the plaint may be rejected has been stipulated. The power to reject a plaint, thus, can be exercised at any stage of the suit. (Para 39)

Legal Maxims - Lex non cogit ad impossibilia - law does not compel an impossible performance. (Para 49)

Interpretation of Statutes -Any declaration of the correct position of the law goes back to the day of the inception of the law itself, as the courts merely discover the correct position of law by applying settled legal principles and not legislate a new legal position- But Courts, while declaring an interpretation of the law, may declare it to be operative only prospectively so as to prevent chaos which may ensue as a result of the unsettling of the transactions which may have taken place before such declaration. (Para 48)

Power Grid Corporation Of India Limited vs Madhya Pradesh Power Transmission Company Limited 2025 INSC 697 - S. 79 Electricity Act

Electricity Act - Section 79 -CERC is enabled to exercise its regulatory powers by way of orders under Section 79 and the purview of Section 79 is not limited to only adjudicatory orders but includes within its scope administrative functions as well- The regulatory powers provided to the CERC under Section 79 are of ad hoc nature and are required to be

exercised by the CERC in context of the specific circumstances of the parties before it. (Para 48) Grant of compensation for delay on the part of a party is a regulatory function. CERC is empowered to order for imposition of transmission charges on the party to whom delay is attributable. (Para 66)

Electricity Act - Section 79,178- CERC functions as both, decision-making and regulation-making authority under Sections 79 and 178 respectively. However, while the authority exercising both these functions is one and the same, it is a settled position of law that the functions by themselves are separate and distinct. The functions under Section 79 are administrative or adjudicatory whereas those under Section 178 are legislative (Para 38)- The absence of a regulation under Section 178 does not preclude the CERC from exercising its powers under Section 79(1) to make specific regulations or pass orders between the parties before it. (Para 43) Unlike the regulations enacted under Section 178 that have a general application, the CERC, under Section 79, has both regulatory and adjudicatory functions which it exercises in respect of specific issues arising between specific parties.(Para 47)

Gayatri Project Limited vs Madhya Pradesh Road Development Corporation Limited 2025 INSC 698 - S.34 Arbitration Act - Lack Of Jurisdiction

Arbitration and Conciliation Act 1996 - Section 34 - A plea of lack of jurisdiction, being a question of law, may be raised for the first time under Section 34, yet such a plea is nevertheless subject to the waiver - Such a plea may only be entertained if the party demonstrates a strong and sufficient reason for not raising it before the arbitral tribunal. (Para 36)

Arbitration and Conciliation Act 1996 - Section 34 - M.P. Madhyastham Adhikaran Adhiniyam, 1983 - Where the arbitration proceedings have concluded and an award has been passed, and if no objection to the jurisdiction in view of the applicability of MP Act, 1983 was taken at the relevant stage then such an award cannot be annulled only on the ground of lack of jurisdiction. (Para 38)

Interstate Construction vs National Projects Construction Corporation Ltd. 2025 INSC 699 - S. 31(7) Arbitration Act - Pre Reference & Pendente Lite Interest

Arbitration and Conciliation Act - Section 31(7)(a) - There is now a statutory recognition of the power of the arbitral tribunal to grant pre-reference interest from the date on which the cause of action arose till the date on which the award is made (Para 34) - The arbitral tribunal has the discretion to include in the sum awarded : firstly, interest at such rate as it deems reasonable; and secondly, for the whole or any part of the period between the date on which the cause of action arose and the date on which the award is made. This would mean that the arbitral tribunal can exclude a

period from the date on which the cause of action arose till the date on which the award is made for the purpose of grant of interest - It would also mean that the arbitral tribunal can grant interest for the whole or any part of the period between the date on which the cause of action arose and the date on which the award is made. It can be a composite period or the said period can be further sub-divided, as done in the present case i.e. from the date of cause of action to filing of the claim and from the date of filing of the claim till the date of the award excluding the period when the appellant was found to be remiss. It would also mean that there can be one rate of interest for the whole period or one or more rates of interest for the sub-divided periods.- Referred to North Delhi Municipal Corporation Vs. S.A. Builders Ltd and Pam Developments Private Limited Vs. State of West Bengal (Para 35) [Context: SC set aside HC judgment which had held that the arbitral tribunal had no jurisdiction to award interest for two periods i.e. pre-reference and pendente lite]

Arbitration and Conciliation Act - Section 31(7) - Post-award interest can be granted by an arbitrator on the interest amount awarded.- The sum awarded would mean the principal amount plus the interest awarded from the date of cause of action upto the date of the award. The sum awarded in Section 31(7)(a) would mean principal amount plus the interest awarded. Thereafter, as per Section 31(7)(b) of the 1996 Act, the sum (principal amount + interest) would carry further interest at the rate of 2 per cent higher than the current rate of interest prevalent on the date of the award to the date of payment- Referred to North Delhi Municipal Corporation Vs. S.A. Builders Ltd. (Para 43)

Ishwar Chanda Sharma vs Devendra Kumar Sharma 2025 INSC 700 - Mathura Temple Matters

Note: No legal aspects discussed in this judgment.

In Re: Construction Of Multi Storeyed Buildings In Forest Land Maharashtra 2025 INSC 701 - Environmental Law- Doctrine OF Desuetude - Public Trust Doctrine - Forest Lands

Doctrine of desuetude - Although this doctrine has been made applicable in India on a few occasions, however, for its applicability, two factors are necessary, namely, (i) that the statute or legislation has not been in operation for a very considerable period, and (ii) the contrary practice has been followed over a period of time. It has been held that, not one but, both the conditions must be available to attract the applicability of the said doctrine of desuetude- Referred to Municipal Corporation for City of Pune and another v. Bharat Forge Co. Ltd. (1995) 3 SCC 434 : 1995 INSC 181. and Monnet Ispat and Energy Limited v. Union of India (2012) 11 SCC 1 : 2012 INSC 305 (Para 42-45))

Doctrine of public trust - Importance of doctrine of public trust in the environmental matters- referred to In Re: T.N. Godavarman Thirumulpad v. Union of India 2024 INSC 178 :: (2025) 2 SCC 641.

Revenue Records - The entries in the revenue record do not confer a title to the property. (Para 52)

Forest Conservation Act, 1980 - Section 2- Neither the State Government nor any other authority can make an order or issue a direction for de-reservation of reserved forest or any portion thereof or permit use of

any forest land or any portion thereof for any non-forest purpose. Neither is it permissible to assign any forest land or any portion thereof by way of lease or otherwise to any private person or to any authority, corporation, agency or organization not owned, managed or controlled by the Government except after obtaining prior approval of the Central Government- **Directions issued:** Chief Secretaries of all the States and the Administrators of all the Union Territories to constitute Special Investigation Teams for the purpose of examining as to whether any of the reserved Forest Land in the possession of the Revenue Department has been allotted to any private individuals/institutions for any purpose other than the forestry purpose;- The State Governments and the Union Territories directed to take steps to take back the possession of the land from the persons/institutions in possession of such lands and handover the same to the Forest Department. In case, it is found that taking back the possession of the land would not be in the larger public interest, the State Governments/Union Territories should recover the cost of the said land from the persons/institutions to whom they were allotted and use the said amount for the purpose of development of forests - Chief Secretaries of all the States and the Administrators of all the Union Territories to constitute Special Teams to ensure that all such transfers take place within a period of one year from today- Such land should be used only for the purpose of afforestation. (Para 95)

**Ramkirat Munilal Goud vs State Of Maharashtra 2025 INSC 702 -
Minor's Rape & Murder - Death Penalty Acquittal**

Criminal Trial - Circumstantial Evidence - The prosecution has to prove the entire chain of incriminating circumstances by adducing unimpeachable evidence, which leads to only one hypothesis that is consistent with the guilt of the accused, inconsistent with his innocence or the guilt of anyone else. The chain of circumstances sought to be relied upon by the prosecution must be complete in all aspects and must unerringly link the accused with the crime. In case of any breach in the chain of incriminating circumstances, the Court would be left with no option but to acquit the accused by giving him the benefit of doubt. (Para 31) [Context: SC acquits man who was concurrently convicted and sentenced to death for rape and murder of minor girl]

Nagarajan vs State Of Tamil Nadu 2025 INSC 703 -Prevention of Food Adulteration Act - Probation

Prevention of Food Adulteration Act, 1954 - The benefit that the Probation Act envisages is inapplicable to an offence committed under the PoFA Act, if the offence has been committed between introduction of Section 20AA in 1976 and its repeal in 2006 by the FSS Act. (Para 41)

Interpretation of Statutes - Criminal Laws - Is mollification of a punishment on the ground that the new enactment provides for a lesser punishment permissible ?- A ‘repeals and savings’ clause in any statute is not mere surplusage that the Courts may ignore in the interpretation of the law. When a ‘repeal and savings’ clause specifically protects a penalty provided for in the old enactment, the intention of the legislature is clear. This Court, in its enthusiasm, cannot and should not provide a benefit to

the accused that is not permitted in law. Mollification must only be provided in cases where a provision in relation to ‘repeal and savings’ is either not present or where the ‘repeal and savings’ clause envisages such a possibility. (Para 43) -The benefit of mollification of sentence cannot be given when a ‘repeal and savings’ clause in the repealing statute expressly saves a penalty incurred under the repealed statute. (Para 48)

Sentencing - Difference between reduction or mollification of a sentence and releasing an offender on probation - The probationary process envisages that first time offenders who are capable of reformation can be provided a benefit such that they can continue to be a part of society as capable and law-abiding citizens in the future. The thrust of penology in the past few decades has been focused on the reformation of an individual. “Every saint has a past, and every sinner has a future”. (Para 41)

Mohit Kumar vs State Of Uttar Pradesh 2025 INSC 704 - Public Employment - Advertisement - Caste Status

Public Employment - Advertisement - The terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of Article 16 of the Constitution or, for that matter, Article 14. Once an advertisement is issued inviting applications for public employment, it is the responsibility, nay duty, of an aspirant to read and note the terms and understand what its requirements are. If any aspirant finds any of the terms ambiguous and there is scope for an inquiry inbuilt in the advertisement or is provided by any rule/regulation, an effort ought to be first made to obtain

clarity for understanding the requirements accurately. If no such scope is available, nothing prevents the aspirant from seeking clarity by making a representation. Should such clarity be not provided, the aspirant may participate in the process without prejudice to his rights and may question the term even after he is not selected. However, if the aspirant does not make any such effort and takes a calculated chance of selection based on his own understanding of the disputed term in the advertisement and later, he emerges unsuccessful, ordinarily, it would not be open to him to challenge the selection on the ground that the disputed term is capable of being understood differently. In such cases, the courts should be loath to entertain such plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term. This is for the simple reason that the recruiting authority is the best judge of what its requirements are and it is such understanding of the recruiting authority that would matter most in cases brought up before the courts; hence, after commencement of the process wherein aspirants have participated without raising any demur as to what a particular terms means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority- If the procedure followed by the selecting body/appointing authority is such that the same is in breach of constitutional safeguards, an aspirant's challenge to the procedure may not be nipped in the bud only on the ground that he has participated in the process- It may not always be possible for an aspirant to foresee any illegality in the procedure followed, till such time the select list is published. In all such cases where the illegality could not have been foreseen, a challenge to the procedure cannot be spurned on the specious ground that the aspirant having participated in the process, he has forfeited his right. (Para 19-20)

Public Employment - Advertisement - Irrespective of whether an aspirant for public employment belongs to a particular community like SC/ST/OBC, the status claimed by him for being accorded the benefit of reservation is per se not decisive. Such status has to be certified by the competent authority upon following due process and identification that the aspirant is what he claims to be. (Para 14) [Context: The issue raised was whether whether UPPRPB was bound to accept the OBC certificates submitted by candidates which, admittedly, were not in the format prescribed in the Recruitment Notification.]

Rajesh vs Union of India 2025 INSC 705 - Wild Life (Protection) Act

Wild Life (Protection) Act, 1972 - Any infringement on the life and liberty of an accused should only be countenanced when the prosecution meets the standard of ‘proof beyond reasonable doubt’. (Para 19) [Context: SC upheld conviction of accused under Wild Life (Protection) Act but reduced sentence]

Hansa Devi vs SBI General Insurance Company Limited 2025 INSC 706 - Motor Accident Compensation

Motor Accident Compensation - Claim made before the Tribunal with respect to the driver of heavy vehicle getting Rs.10,000/- as wages per

month must be necessarily accepted- Even the children and the parents are entitled to compensation for loss of consortium - Referred to New India Assurance Company v. Somwati (2020) 9 SCC 644(Para 4)

Tata AIG General Insurance Co. Ltd. vs Suraj Kumar 2025 INSC 707 - Motor Accident Compensation - Insurer Liability - Victim's Future Wellbeing

Motor Accident Compensation - SC accepts the contention that as an insurer, the liability is only to indemnify the loss of estate of the insured, that too, in monetary terms, by pecuniary compensation as awarded by the Tribunal - Insurer cannot be required to ensure the future wellbeing, which in any event can be computed in monetary terms and awarded as 'just compensation'. (Para 3-6)

V. S. R. Mohan Rao vs K. S. R. Murthy 2025 INSC 708- AP Land Grabbing (Prohibition) Act

Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 - it cannot be said that there should necessarily be criminality insofar as the encroachment or trespass carried out. The mens rea or intention required is only of illegally taking possession of land, through unlawful or arbitrary means, by oneself or through others, for creation of third party rights, carrying out constructions or use and occupation unauthorisedly - the allegation of any act of land grabbing is the sine qua non for maintaining an application under the Act and not the truth or otherwise of such an allegation. However, to hold that a person is a land grabber, it is necessary to find that the allegations satisfying the requirement of land grabbing are proved to make out a case that the appellant is a land grabber. The

applicant should include both the ingredients, the factum as well as the intention, that the person accused of land grabbing falls under the definition clause (d) of section 2 of the Act and that the intention was to illegally take possession of such land, as required under clause (c) of Section 2. (Para 7-8)

Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 - Section 10 - On prima facie proof being offered the onus will shift to the land grabber, since there is a presumption arising if the ownership of the subject land is proved prima facie. The allegation of land grabbing by itself does not give rise to the presumption, which arises only when prima facie the ownership is established, at which point the alleged land grabber can lead evidence to rebut the presumption. Merely because of the shifting of the onus, on the initial prima facie burden being discharged, it cannot be said that there is a prejudice caused (Para 14)

Eby Cherian vs Jerema John 2025 INSC 709 - Child Custody

Child Custody - Meaningful contact with both parents is an integral component for the child's welfare -Where a non-custodial parent demonstrates consistency to be with the child, pays maintenance, and arranges his professional life around the child's calendar, procedure ought not to stand in the way of a predictable schedule- Custody litigation at Family Court generally proceeds at a measured pace and compelling repetitive applications for what is, in essence, the same relief reduces the child's time, exhausts the father's limited leave, and invites avoidable conflict at every turn. (Para 15- 17)

Virender Pal @ Vipin vs State Of Haryana 2025 INSC 710 - Dowry Death Conviction Upheld

Indian Penal Code 1860 - Section 304B - Concurrent conviction upheld - Dismissing appeal, SC observed: There is ample evidence on record establishing that deceased- Punita was being treated with cruelty in her matrimonial home owing to the demand of dowry soon before her death. (Para 38-39)

Criminal Trial - SC noted that in this case, medical officer in his testimony, did neither elaborate number and nature of injuries nor did he give specific opinion regarding the cause of death and observed: If the Public Prosecutor was negligent in performing his duties, the presiding officer of the trial Court should have remained vigilant and the Court questions should have been put to the medical officer regarding the number and nature of injuries caused to the deceased and to seek a clear opinion regarding the cause of death. (Para 22)

Hansura Bai vs State Of Madhya Pradesh 2025 INSC 711 - Transfer Of Criminal Investigation - Custodial Death

Criminal Investigation - Transfer - The credibility of investigating agency should be impeachable. Further, the power to transfer investigations to a certain investigating agency must be sparingly used in the interest of justice and to maintain public trust on the institution. If the investigating agency is privy to the dispute, it may raise doubts on the credibility of investigation and thus, make out a ground to transfer the investigation - Referred to Narmada Bai v. State of Gujarat (2011) 5 SCC 79.

(Para 25) [Context: SC allowed the plea to transfer investigation in a custodial death case]

Legal Maxim - Nemo judex in causa sua' - No one should be a judge in his own cause. (Para 28)

All India Judges Association vs Union Of India 2025 INSC 713 - Court Managers – Recruitment & Conditions Of Service

Judiciary -Court Managers - Professionally qualified Court Managers are necessary to render assistance to the courts in performing the court administration - The appointment of Court Managers in the district judicial system would enable the District Judges to devote more time to their core work, that is, judicial functions- This would also help in identifying the weaknesses in the court management systems and for rectifying the same, recommend appropriate steps under the supervision of their respective judges (Para 32)- **Directions:** High Courts in the country shall frame or amend the rules providing for recruitment and conditions of service of Court Managers, by taking the Assam Rules of 2018 as the model Rules, and submit it to the State Government for approval within a period of 3 months from the date of this judgment- upon receipt of the rules framed or amendments thereof by the High Courts, the respective State Governments shall finalise and grant approval to the same within a further period of 3 months- (Para 44)

Siddhi Sandeep Ladda vs Consortium Of National Law Universities 2025 INSC 714 - CLAT Exams

Constitution of India - Article 226 - In academic matters, the Courts are generally reluctant to interfere, inasmuch as they do not possess the requisite expertise for the same. However, when the academicians themselves act in a manner that adversely affects the career aspirations of lakhs of students, the Court is left with no alternative but to interfere-
[Context: SC expressed its concern regarding the callous and casual manner in which the Consortium has been framing questions for the Common Law Admission Test.]

Saraswati Devi vs Santosh Singh 2025 INSC 715 - Limitation - Execution Of Permanent Prohibitory Injunction

Code of Civil Procedure 1908 - Order XXI - When the decree is one of permanent prohibitory injunction from interference to the peaceful possession of the scheduled property, a satisfaction recorded in one EP would not result in the dismissal of a further EP filed on the ground of a subsequent interference caused. (Para 6)

Limitation Act, 1963 - Article 136 - While 12 years is provided as the period of limitation the proviso specifically provides that there would be no limitation to enforce or execute a decree granting perpetual injunction. When a permanent injunction is granted it operates perpetually against the judgment debtors, their assignees and successors and it could be enforced at any time, breach is occasioned. The decree- holder; their assignees and successors, has a perpetual right in personam against the decree holders their assignees and successors. (Para 7)

**Sachin vs State Of Maharashtra 2025 INSC 716 - Ss. 377,386,401 -
Appeal against Conviction - Enhancement Of Sentence**

Code of Criminal Procedure 1973 - Section 386,401 [Section 427,442 BNSS] - No appellant by filing an appeal can be worse-off than what he was - The appellate court, in an appeal filed by the accused cannot, while maintaining the conviction, enhance the sentence - In an appeal filed by the accused seeking setting aside of the conviction or sentence, the High Court cannot exercise its revisional powers and while affirming the conviction, direct for enhancement of sentence where appeal could have been filed by the State, complainant or the victim and has not been filed- Where an appeal has been filed by the accused challenging the conviction and the sentence, the revisional jurisdiction cannot be exercised by the High Court so as to remand the matter to the trial court for the purpose of enhancement of the sentence. (Para 27-28) The power to enhance the sentence can be exercised by the appellate court only in an appeal filed by the State, victim or complainant provided the accused has had an opportunity of showing cause against such enhancement. (Para 31)

Code of Criminal Procedure 1973 - Section 377, 401 [Section 418,442 BNSS] -Even while exercising appellate powers under Section 377 CrPC, there cannot be exclusion of revisional jurisdiction of the High Court to act suo motu for enhancement of sentence in appropriate cases and what is an appropriate case has to be left to the discretion of the High Court. Further, the High Court can suo motu call for the record of proceedings of any inferior criminal court under its jurisdiction and exercise revisional powers. (Para 29)

Code of Criminal Procedure 1973 - The distinction between 'appellate jurisdiction' and 'revisional jurisdiction' discussed - In law, 'revision' stands on a different footing from an 'appeal'. In a revision, the revising authority is not bound to examine the facts for itself but is entitled to give its decision on points of law alone, whereas in an appeal, the whole case is before the appellate authority, which must enter into questions both of fact and law. Also in a revision, the person seeking revision has mere restricted rights than one who prefers an appeal. Whereas an appeal confers statutory vested right on the litigant which accrues the moment the proceedings in question are instituted, the right of revision is merely a discretionary power to be exercised by the revisional court according to the circumstances of the case or exigencies of the situation. A person cannot as a matter of right claim the proceedings to be revised. (Para 28.6)

Legal Maxims- Reformatio in peius - It is a latin phrase meaning a change towards the worse i.e., a change for the worse. As a legal expression it means that a lower court judgment is amended by a higher court into a worse one for those appealing it. In many jurisdictions, this practice is forbidden ensuring that an appellant cannot be placed in a worse position as a result of filing an appeal. When the above phrase is prefixed by the words 'no' or 'prohibition', which would render the maxim as no reformatio in peius or prohibition of reformatio in peius, it would denote a principle of procedure as per which using a remedy available in law should not aggravate the situation of the person who avails the remedy. In other words, a person should not be placed in a worse position as a result of filing an appeal. No reformatio in peius or prohibition of reformatio in peius is a part of fair procedure and thus by extension can also be construed as part of

natural justice. It is not only a procedural guarantee but is also a principle of equity. (Para 32)

Prasannatma Das vs K.N. Haridasan Nambiar (D) 2025 INSC 717 - ISKON Mumbai vs ISKCON Bangalore

Maharashtra Public Trusts Act, 1950 -Section 22B - There is a mandatory requirement of making registration of a property of a Public Trust in the name of such Trust. (Para 54)

Vanashakti Vs Union Of India 2025 INSC 718 - Ex Post Facto EC - EIA Notification

Environment Impact Assessment Notification - The concept of ex post facto or retrospective EC is completely alien to environmental jurisprudence and the EIA notification (Para 18)- The 2017 notification and the 2021 OM as well as all circulars/orders/OMs/notifications issued for giving effect to these notifications are illegal and are hereby struck down -Central Government restrained from issuing circulars/orders/OMs/notifications providing for grant of ex post facto EC in any form or manner or for regularising the acts done in contravention of the EIA notification- ECs already granted till date under the 2017 notification and the 2021 OM shall, however, remain unaffected.

Ex post facto- Various dictionary meanings can be summarised as under:
a) Having retrospective effect or force; b) From a thing done afterwards; c)
Retroactive or affecting something that has already happened. (Para 28)

Quotable Quotes - In environmental matters, the Courts must take a very strict view of the violations of the laws relating to the environment. It is the duty of the Constitutional Courts to do so. (Para 32) Can there be development at the cost of environment? Conservation of environment and its improvement is an essential part of the concept of development. (Para 34)

Constitution of India - Article 51A - Even the Central Government has a duty to protect and improve the natural environment. (Para 32)

Naresh Kumar Gupta vs State Of Punjab 2025 INSC 719 - Punjab Value Added Tax Act

Punjab Value Added Tax Act, 2005 - Section 29 [as amended in 2013] - SC upheld the HC judgment that dismissed writ petitions challenging the amended Section 29.

Chhattisgarh Dental College And Research Institute vs Shweta Kabra 2025 INSC 720 -

Note: No legal aspects discussed in this judgment.

Hydraulics And Pneumatics [India] LLP vs Metal Arc Agri. LLP 2025 INSC 721

Note: No legal aspects discussed in this judgment.

Anand Sheshman Patel vs Registrar North Maharashtra University 2025 INSC 722 - Caste Claim - Admission

Education - College Admission - HC dismissed writ petition on the ground that though the appellant had taken admission against a seat reserved for OBC category, the claim of the appellant has been invalidated and so he was not entitled to any relief - Allowing appeal , SC held: education undertaken by the appellant herein deserves to be protected -Appellant would hereinafter not be entitled to any of the benefits as are available to the members of OBC Category- respondents are directed to release the marks sheets and degree certificate of the appellant.

Raghunath Sharma vs State Of Haryana 2025 INSC 723 - Ss.362,482 CrPC - Recall Of Order Quashing

Code of Criminal Procedure 1973 - Section 362, 482 - [Sections 403,528 BNSS]-Once the criminal cases had been quashed, under Section 482 Cr.P.C. on the ground of compromise entered into between the parties, one of the parties violating terms thereof is a ground entirely foreign to law, to once again invoke such powers and recall the order of quashing. Violations of a term of a compromise have their own avenues of law from which they can be enforced. (Para 12)

Code of Criminal Procedure 1973 - Section 362 [Section 403 BNSS]-The bar under Section 362 Cr.P.C. is almost absolute -The only exceptions to the bar, which would then permit the invocation of inherent powers, would be if it is necessary to meet the ends of justice; or to remedy the abuse of the process of law. Other than the above two circumstances, such inherent powers do not permit the doing of what stands prohibited by the text of the statute - When a Court finds itself in such extraordinary circumstances, the reasons for exercising such power should be recorded, justifying the invocation thereof. (Para 14)

New India Assurance Co. Ltd. vs Kamlesh 2025 INSC 724 - Motor Accident Compensation - Haryana Compensation Assistance to the Dependents of Deceased Government Employees Rules

Motor Accident Compensation - Haryana Compensation Assistance to the Dependents of Deceased Government Employees Rules, 2006 - the proper method would be for the Tribunal

itself considering the death of a Government employee, to whom the Rules of 2006 is applicable, to first consider the loss of income, quantum of compensation with reference to loss of income as would be available from the principles enunciated in Sarla Verma and Pranay Sethi's case and to deduct the pay and allowances payable under the Rules of 2006. If the compensation for loss of income arrived at under the M.V. Act is more, then necessarily the difference has to be paid to the claimants. (Para 15)

P Krishna Mohan Reddy vs State Of Andhra Pradesh 2025 INSC 725 - CrPC - Evidence Act - Anticipatory Bail - Confession Of Co-accused

Code of Criminal Procedure 1973 - Section 438 [Section 482 BNSS] - Anticipatory Bail - Custodial interrogation -Even in cases where custodial interrogation may not be required the court is obliged to consider the entire case put up by the State, more particularly, the nature of the offence, the punishment provided in law for such offence etc. - For the purpose of custodial interrogation, the investigating agency has to make out a prima facie case at the time when remand is prayed for. Whether any case for police remand is made out or not, it is for the Court concerned to look into. (Para 23-24) -

Code of Criminal Procedure 1973 - Section 438 [Section 482 BNSS] - Anticipatory Bail -Political vendetta by itself is not sufficient

for the grant of anticipatory bail. The courts should not just look into the aspect of political vendetta and ignore the other materials on record constituting a *prima facie* case as alleged by the State. It is only when the court is convinced more than *prima facie* that the allegations are frivolous and baseless, that the court may bring into the element of political vendetta into consideration for the purpose of considering the plea of anticipatory bail. The frivolity in the entire case that the court may look into should be attributed to political bias or vendetta. (Para 27)

Code of Criminal Procedure 1973 - Section 438 [Section 482 BNS] - Anticipatory Bail - In corruption cases concerning influential persons, effective interrogation of the suspect is of tremendous advantage in disinterring many useful information and also materials which are likely to be concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such condition would reduce to a mere ritual.(Para 19)

Indian Evidence Act 1872 - Section 24-30 [Section 22-24 BSA] : A Confessional statement of an accused will only be admissible if it is not hit by Section(s) 24 or 25 respectively and is in tune with the provisions of Section(s) 26, 28 and 29 of the Evidence Act respectively -A police statement of an accused which is in the form of a confession is per se inadmissible and no reliance whatsoever can be placed on such statements either at the stage of bail or during trial. Since such confessional statements

are rendered inadmissible by virtue of Section 25 of the Evidence Act, the provision of Section 30 would be of no avail, and no reliance can be placed on such confessional statement of an accused to implicate another co-accused. (Para 53- iv)

Code of Criminal Procedure 1973 - Section 438, 161 [Section 482,180 BNSS] Before the court looks into the police statement of any person under Section 161 of the Cr.P.C for the purpose of anticipatory or regular bail, the court must first ascertain whether such person is actually a witness or an accused person, or likely to be an accused person in respect of the offence(s) alleged -There may be situations where a person while giving his statement under Section 161 of the Cr.P.C may not be an accused, but later arrayed as one. In such a scenario the courts must be mindful of the fact that because the investigation is still ongoing, a person who was originally a witness may happen to be later arrayed as an accused person. If the court was to blindly place reliance on statement of such a person merely because he is not named in the first information report, without first seeing whether such person is likely to be arrayed as an accused or not, it would lead to an absurd situation where the statement of such a person may be relied upon up until such person is arrayed as an accused - Where it emerges from the material on record, that such a person is likely to be arrayed as an accused, the courts should refrain from expressing any such opinion so that the investigation is not prejudiced in any manner. (Para 53-x)

Indian Evidence Act 1872 - Section 24-30 [Section 22-24 BSA] :A confessional statement of one accused implicating another co- accused may be taken into consideration by the court against such co- accused in terms of Section 30 of the Evidence Act, only at the stage of trial, where (1) the confession itself was relevant and admissible in terms of the Evidence Act; (2) was duly proved against the maker; (3) such confessional statement incriminates the maker along with the co- accused and; (4) both the accused persons in question are in a joint trial for the same offence- Such a confession can only be pressed into consideration by the court as a rule of prudence, to lend assurance to the other evidence against such co-accused- Such confession cannot be taken into consideration under Section 30 where the confession itself was not relevant or inadmissible or where a co-accused was not being tried jointly with the accused person who made the confession or where he did not make a statement incriminating himself along with the co- accused(Para 37, 53- v, vi)

Indian Evidence Act 1872 - Section 17,21, 30 [Section 15,19,24 BSA] Where the police statement of an accused is in the form of an admission, such inculpatory statement even if it implicates another co-accused cannot be taken into consideration against such co-accused in terms of Section(s) 17 read with 21 of the Evidence Act, as doing so would militate against the general principle, that an admission may be given as evidence against the maker alone. The exceptions to the aforesaid general principle carved out under the Evidence Act, do not permit the usage of such admission against a co-accused in any scenario whatsoever. (Para 53-vii)

Code of Criminal Procedure 1973 - Section 161-162 -[Section 180,181 BNSS] A person who is accused of an offence or named in the first information report, can be examined by the police and his statement may be recorded under Section 161 of the Cr.P.C - A statement of an accused under Section 161 of the Cr.P.C, would ordinarily be of two kinds, it may be inculpatory in nature or may be exculpatory in nature - An inculpatory statement again may be in the form of an admission or a confession. If such statement admits either a gravely incriminating fact or substantially all the facts which constitute the offence, respectively, then it amounts to confession. (Para 53-i-iii)

Code of Criminal Procedure 1973 - Section 161-162 -[Section 180,181 BNSS] - Where the police statement of the accused is an exculpatory statement i.e., it is neither a confession nor an admission, the statement being one under Section 161, would immediately attract the bar under Section 162 of the Cr.PC., and the same may be used only for the very limited purpose provided in the Proviso for the purpose of contradiction or re- examination of such accused person alone -Even if such exculpatory statement of one accused, implicates another co-accused, the same cannot be taken into consideration against such co-accused, as there can be no credibility attached to an exculpatory statement of an accused implicating another co-accused, more particularly because it is neither required to be given on oath, nor in the presence of the co-accused, the same cannot be tested by cross- examination and the exculpatory nature of such statement

militates against the foundational principle that permits taking into consideration a statement of one accused person against another co-accused. (Para 53- viii) Where such statement of the accused is exculpatory in nature, the same can be looked into by the courts only for the limited purpose of either culling out the stance of the accused person qua the allegations or for contradicting the accused, if the accused chooses to be examined as a witness in terms of Section 315 of the Cr.P.C.. However, such exculpatory statement insofar as it implicates another accused person cannot be looked into by the courts, as such statements by their nature cannot be tested by cross-examination if such accused person declines to be a witness in the trial in terms of Section 315 of the Cr.P.C., and because such exculpatory statement has no credibility. (Para 53-x)

Code of Criminal Procedure 1973 - Section 161-162 -[Section 180,181 BNSS] - While it is permissible for the courts to examine the statements recorded under Section 161 of the Cr.P.C. for the purpose of ascertaining whether a prima-facie case has been made out against the accused and the nature or gravity of the allegations, the same applies only insofar as such police statements are of witnesses and not accused persons. (Para 45)

Indian Evidence Act 1872 - Section 30 [Section 24 BSA] Section 30 of Evidence Act postulates that such a confession can be taken into consideration only where the accused persons are jointly tried. The said provision does not merely require that the persons must be accused of the

same offence, but rather requires that they must be being tried jointly for the said offence - Joint trial here refers to the one provided under Section 223 CrPC- Thus, where the accused persons are either not being tried jointly, or are yet to be charged for the same offence and thereafter tried together, Section 30 of the Evidence Act would be inapplicable- Section 30 of the Evidence Act, would not spring into action when the charges are yet to be framed and the accused persons are yet to be committed to trial, and any confession admissible thereunder cannot be taken into consideration by the courts. (Para 39-iiii)

In Re: Refixation Of Pension Considering Service Period In District Judiciary And High Court 2025 INSC 726 - HCJ Act

High Court Judges (Salaries and Conditions of Service) Act, 1954

- (i) The Union of India shall pay the full pension of Rs.15,00,000/- per annum to a retired Chief Justice of the High Court; (ii) The Union of India shall pay the full pension of Rs.13,50,000/- per annum to a retired Judge of the High Court, other than a retired Chief Justice of the High Court; (iii) A retired Judge of the High Court shall also include such of the retired Judges of a High Court who have retired as Additional Judge of the High Court; (iv) We direct that the Union of India shall follow the principle of One Rank One Pension to all the retired Judges of the High Courts irrespective of their source of entry i.e., District Judiciary or the Bar, and irrespective of number of years that they have served either as a District Judge or a High Court Judge and all of them shall be paid full pension as aforesaid; (v) In

the case of a retired Judge of the High Court who has previously served in the District Judiciary, the Union of India shall pay full pension irrespective of any break-in-service between the date on which he/she retired as a Judge of the District Judiciary and the date on which he/she assumed charge as a Judge of the High Court; (vi) In the case of a retired Judge of the High Court who has previously served in the District Judiciary and who entered into the District Judiciary after the coming into force of the Contributory Pension Scheme or New Pension Scheme (NPS), the Union of India shall pay the full pension. Insofar as his/her contribution under the NPS is concerned, we direct the States to forthwith refund the entire amount contributed by such of the retired Judges of the High Court back to them along with the dividend, if any, accrued thereon. However, the contributions made by the State Governments shall be retained by the respective States along with the dividend, if any, accrued thereon; (vii) The Union of India shall pay family pension to the widow or family members of a Judge of the High Court who dies in harness irrespective of whether such a Judge of the High Court was a Permanent Judge of the High Court or Additional Judge of the High Court; (viii) The Union of India shall pay gratuity to the widow or family members of a Judge of the High Court who dies in harness by adding 10 years period to the period of service undergone by the said Judge irrespective of whether the minimum qualifying service as provided under clause (i) of sub-section (3) of Section 17A of HCJ Act had been completed or not; and (ix) The Union of India shall pay all allowances payable to a retired Judge of a High Court in accordance with the provisions of the HCJ Act and the same shall include Leave Encashment in accordance with Section 4A of HCJ Act, Commutation of Pensions in

accordance with Section 19, Provident Fund under Section 20 of the HCJ Act, etc.

Ravinder Singh Sidhu vs State Of Punjab 2025 INSC 727 - Multiple FIRs - Clubbing

Criminal Investigation - Multiple FIRs - Writ Petition seeking direction for clubbing and transferring the multiple First Information Reports (FIRs) registered against the petitioner in different States to the Court of competent jurisdiction at Panchkula, Haryana- SC observed: Multiplicity of proceedings will not be in larger public interest. Further, since many States have invoked local Acts, particularly the Act dealing with the Protection of Interest of Depositors, transferring them out of the State also will not serve the ends of justice. Hence, the correct course of action would be to merge the FIRs with the earliest FIR in the State concerned. It is clarified that if the first FIR in the respective States of Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, Punjab, Rajasthan, Uttar Pradesh and Uttarakhand is registered in respect of offence under the general law and not the special enactment, but if the subsequent FIRs now clubbed are registered in connection with the special law or registered also in connection with the special law, the same after clubbing must be tried under the special law by the Special Court(s).

Hakim vs State Of NCT Of Delhi 2025 INSC 728 - Acid Attack case - Concurrent Conviction Upheld

Constitution of India - Article 136 - while exercising jurisdiction under Article 136 of the Constitution of India, ordinarily refrains from re-evaluating the evidence afresh. Interference is warranted only if it is

clearly demonstrated that the courts below failed to consider material evidence or that their conclusions suffer from perversity, irrationality, or other serious infirmities rendering the findings unreasonable or unjustified in law. In the absence of such grounds, the concurrent conclusions are not lightly disturbed by this Court. [Context: Supreme Court upholds concurrent conviction in acid attack case confirmed]

Criminal Trial - Sentencing - Relevant factors while determining sentence of a convict include: (a) motive or past enmity; (b) whether the act was impulsive; (c) the accused's intent or knowledge when causing injury; (d) whether death was immediate or occurred later; (e) the injury's gravity and nature; (f) the accused's age and health; (g) if the injury arose in a sudden fight without premeditation; (h) type and size of weapon and force used; (i) accused's criminal history; (j) if death resulted from shock despite non-fatal injury; (k) pending cases; (l) whether within family; and (m) post-incident conduct- Referred to Jameel v. State of Uttar Pradesh (2010) 12 SCC 532. (Para 37)

**Shivappa Reddy vs S. Srinivasan 2025 INSC 729 - S.63
Partnership Act - Resignation**

Indian Partnership Act 1932 - Section 63 - Merely putting forth a resignation or the partners entering into an agreement or drafting a deed or/and accepting the resignation of a partner of the Firm is insufficient for discharging the liability of a partner of the Firm unless a proper entry to the said effect after the publication has been given effect to with the same, having been recorded in the Register of Firms in the office of the Registrar of Firms as provided for in Section 63 of Partnership Act. (Para 10)

[Context: Supreme Court restored criminal proceedings in a cheque bounce case]

Code of Criminal Procedure 1973 - Section 482 [Section 528 BNSS] - Mixed questions of fact and law touching on the anvil of disputed questions calling for proof by way of evidence cannot be gone into and decided in a proceeding under Section 482 CrPC. (Para 13)

Rofiqul Hoque vs Union Of India 2025 INSC 730 - Foreigners Act - Burden Of Proof - NRC

Foreigners Act, 1946 - Section 9 - Burden of proof on the proceedee to prove that he is not a foreigner - He has to establish by cogent documents or other evidence that either he himself had entered the territory of Assam prior to 25.03.1971 or his ancestors had entered the territory prior to the said date. (Para 13) **[Context:** SC upheld the Foreigners' Tribunal finding that the appellant could not discharge his burden of proving that he is not a foreigner - The Court also held that inclusion of the name of the appellant in the draft NRC would have no bearing on the order passed by the Tribunal, affirmed by the High Court, declaring the appellant a foreigner.]

Gopal Dikshit vs United India Insurance Company Ltd. 2025 INSC 731 - Consumer Protection Act - Insurance

Note: No legal aspects discussed in this judgment- In appeal against NCDRC judgment, the issue raised was whether, the cause of loss to the premises is due to the seepage water or the heavy rains in Delhi- Allowing appeal, SC found that the damage to the insured premises was not caused by any inherent structural defect or seepage, but was instead a direct

consequence of the unprecedented and heavy rainfall experienced during the relevant period, which led to flooding of water into the basement.

**Patanjali Foods Limited vs Union Of India 2025 INSC 733 -
Section 27 Customs Act - Unjust Enrichment Doctrine - Bank
Guarantee**

Customs Act, 1962 - Section 27- The key word in Section 27 is ‘paid’. Refund thereunder is permissible only if any duty is ‘paid’ by the claimant which subsequently becomes refundable either fully or in part- The encashment of bank guarantees offered as security cannot be treated as payment of customs duty. Respondents could have either awaited the decision of this Court or could have directed Such encashment of bank guarantees cannot be treated as payment of duty or duty paid by a claimant. In such circumstances, the doctrine of unjust enrichment or Section 27 of the Customs Act would not be applicable. (Para 30)

**Shaurabh Kumar Tripathi vs Vidhi Rawal 2025 INSC 734 - S.482
CrPC - Domestic Violence Cases**

Code of Criminal Procedure 1973 - Section 482 [Section 528 BNSS] - High Courts can exercise power under Section 482 of CrPC (Section 528 of the BNSS) for quashing the proceedings emanating from the application under Section 12(1) of the DV Act, 2005, pending before the Court of the learned Magistrate. However, considering the object of the DV Act, 2005, the High Courts should exercise caution and circumspection

when dealing with an application under Section 12(1). Normally, interference under Section 482 is warranted only in the case of gross illegality or injustice. (Para 39) [SC has clarified that it is not dealing with other legal proceedings in which reliefs under Sections 18 to 22 are sought in the Courts referred to in Section 26 of the DV Act. (Para 25)]

Protection of Women from Domestic Violence Act, 2005 -
Notwithstanding the penal provisions in the form of Sections 31 and 33 of Chapter V, the proceedings before the Magistrate under the DV Act, 2005, are predominantly of a civil nature. (Para 28.1)

Protection of Women from Domestic Violence Act, 2005 -Section 12 - Code of Criminal Procedure 1973 - Section 200 [Section 223 BNSS] - An application under Section 12 of the DV Act, 2005, cannot be equated with a complaint within the meaning of Section 200 of the CrPC (Section 223 of the BNSS)- the normal rule is that a notice of hearing must be issued on the application. The scheme of Section 12 is completely different from Section 200 of the CrPC or Section 223 of the BNSS. (Para 21)

Protection of Women from Domestic Violence Act, 2005 -Section 12,26,27 - The Court of the Judicial Magistrate of the First Class or the Metropolitan Magistrate, as the case may be, has jurisdiction to entertain applications under Section 12 of the DV Act, 2005 as can be seen from the provisions of Sections 12 and 27 read with clause (i) of Section 2 of the DV Act, 2005- in a given case, in any legal proceedings pending before a Civil Court or Family Court affecting the aggrieved person, the reliefs under Sections 18 to 22 can be sought. Similarly, in a Criminal Court other than the Courts of Judicial Magistrate of the First Class and Metropolitan Magistrate, reliefs under Sections 18 to 22 can be sought. For example, in

proceedings before a Court of Session, such reliefs can be sought provided the proceeding affects the aggrieved person. We must note here that Section 26 does not confer jurisdiction on Courts other than the Courts mentioned in Section 27 to entertain an application under Section 12 of the DV Act, 2005. It only enables the Courts mentioned therein to grant the reliefs under Sections 18 to 22 in the pending legal proceedings. (Para 24.1)

Code of Criminal Procedure 1973 - Section 482 [Section 528 BNSS] - Protection of Women from Domestic Violence Act, 2005

-Section 12,26,27 -When it comes to exercise of power under Section 482 of the CrPC in relation to application under Section 12(1), the High Court has to keep in mind the fact that the DV Act, 2005 is a welfare legislation specially enacted to give justice to those women who suffer from domestic violence and for preventing acts of domestic violence. Therefore, while exercising jurisdiction under Section 482 of the CrPC for quashing proceedings under Section 12(1), the High Court should be very slow and circumspect. Interference can be made only when the case is clearly of gross illegality or gross abuse of the process of law. Generally, the High Court must adopt a hands-off approach while dealing with proceedings under Section 482 for quashing an application under Section 12(1). Unless the High Courts show restraint in the exercise of jurisdiction under Section 482 of the CrPC while dealing with a prayer for quashing the proceedings under the DV Act, 2005, the very object of enacting the DV Act, 2005, will be defeated. (Para 33-35)

Judicial Service Exams - Directions issued : All the High Courts and the State Governments in the country shall amend the relevant service rules to the effect that candidates desirous of appearing in the examination for the post of Civil Judge (Junior Division) must have practiced for a minimum period of 3 years to be eligible for the said examination. To fulfill the said requirement, the Rules shall mandate that the candidate produces a certificate to that effect duly certified either by the Principal Judicial Officer of that Court or by an advocate of that Court having a minimum standing of 10 years duly endorsed by the Principal Judicial Officer of such a District or a Principal Judicial Officer at such a station. Insofar as the candidates who are practicing before the High Courts or this Court, they shall be certified by an advocate who has a minimum standing of 10 years duly endorsed by an officer designated by that High Court or this Court. We further direct that the experience of the candidates which they have gained while working as Law Clerks with any of the Judges or Judicial Officers in the country should also be considered while calculating their total number of years of practice. The Rules shall also mandate that the candidates who are appointed to the post of Civil Judge (Junior Division) pursuant to their selection through the examination must compulsorily undergo at least 1 year of training before presiding in a Court- It is directed that the number of years of practice completed by a candidate desirous of appearing in the examination for the post of Civil Judge (Junior Division) be calculated from the date of their provisional enrolment/registration with the concerned State Bar Council- It is further directed that the said requirement of minimum years of practice shall not be applicable in cases where the concerned High Court has already initiated the selection process for the post of Civil Judge (Junior Division) prior to the date of this judgment and

shall be applicable only from the next recruitment process;- All the amendments in terms of the aforesaid directions shall be carried out by the High Courts within a period of three months from the date of this judgment and the concerned State Governments shall consider and approve the same within a further period of three months.

**State Of Lokayuktha Police, Davanagere vs C B Nagaraj 2025
INSC 736 - Prevention of Corruption Act**

Prevention of Corruption Act, 1988 - Sections 7, 13,20- Just because money changed hands, it cannot be ipso facto presumed that the same was pursuant to a demand, for the law requires that for conviction under the Act, an entire chain – beginning from demand, acceptance, and recovery has to be completed- when the initial demand itself is suspicious, even if the two other components – of payment and recovery can be held to have been proved, the chain would not be complete- while a reverse onus under specific statute can be placed on an accused, even then, there cannot be a presumption which casts an uncalled for onus on the accused. (Para 25)

Rajni vs State Of Uttar Pradesh 2025 INSC 737 - S.94 Juvenile Justice Act - Review Power

Juvenile Justice (Care and Protection of Children) Act, 2015 - Section 94 - Only in the absence of the certificates under clause (i) and clause (ii) of sub- section (2) of Section 94 can the JJB order for an ossification test or any other medical test to determine the age of the juvenile. (Para 28)

Juvenile Justice (Care and Protection of Children) Act, 2015 - The JJ Act, 2015 confers no such power of review upon the Juvenile Justice Board (JJB). It is trite law that power of review is either statutorily conferred or by necessary implication. No such power of JJB is traceable under the JJ Act, 2015. (Para 30)

**Ramji Prasad Jaiswal @ Ramjee Prasad Jaiswal vs State Of Bihar
2025 INSC 738 - S.313 CrPC - Juvenile Justice**

Code of Criminal Procedure 1973- Section 313 [Section 351 BNSS]- Principles discussed - Referred to Raj Kumar alias Suman Vs. State (NCT of Delhi) (2023) 17 SCC 95 , Ashok Vs. State of Uttar Pradesh (2025) 2 SCC 381. (Para 29-34) [Context: In this case, SC noticed that all the incriminating evidence were not put to the notice of the accused, it is a clear breach of Section 313 CrPC as well as the principle of audi alteram partem- SC held: Such omission, which is a serious irregularity, has completely vitiated the trial.]

Juvenile Justice (Care and Protection of Children) Act, 2000 - Section 7A - When a claim of juvenility was raised or if the court was of the opinion that a person was a juvenile on the date of commission of the offence, the court was mandated to make an inquiry and after taking such evidence as might be necessary, was mandatorily required to record a finding whether the person was a juvenile or a child or not, stating his age as nearly as possible. As per the proviso, a claim of juvenility could be raised before any court and at any stage. If upon such inquiry, court found the person to be a juvenile on the date of commission of the offence, it had to forward the juvenile to the Juvenile Justice Board for passing

appropriate orders and the sentence if any, passed by a court, would be deemed to have no effect. Where a juvenile charged with an offence was produced before a Juvenile Justice Board then in terms of Section 14(1) of the JJ Act, the Juvenile Justice Board was required to hold an inquiry in accordance with the provisions of the JJ Act and make such order in relation to the juvenile as it deemed fit. If the Juvenile Justice Board found that the juvenile had committed an offence then Section 15 of the JJ Act kicked in. Under Section 15 of the JJ Act, the Juvenile Justice Board could take various steps as contemplated thereunder and under sub-section (1)(g) had the discretion to make an order directing the juvenile to be sent to a special home for a period of 3 years, which period could be reduced in an appropriate case in terms of the proviso. (Para 20-21)

Shaifali Gupta vs Vidya Devi Gupta 2025 INSC 739 - CPC - Rejection Of Plaintiff - Benami Transaction

Code of Civil Procedure 1908 - Order VII Rule 11 (d) ; Benami Transaction (Prohibition) Act, 1988 - Section 4 - For rejecting a plaintiff, the test is whether from the statement made in the plaint it appears without doubt or dispute that the suit is barred by any statutory provision. Where a plea is taken that the suit is saved by the exception to the benami transaction, it becomes the disputed question of fact which has to be adjudicated on the basis of the evidence. Therefore, the plaint cannot be rejected at the stage of consideration of application under Order VII Rule 11 CPC- The issue whether the property is benami and is not covered by the exception, is again an issue to be decided on the basis of evidence and not simply on mere averments contained in the plaint. The defendants have to

adduce evidence to prove the property to be benami - Referred to Pawan Kumar vs. Babu Lal (2019) 4 SCC 367 (Para 28-29)

Hindu Succession Act, 1956 - Section 14 - Section 14 simply provides that the property possessed by a female Hindu shall be held by her as a full owner. It does not bar or prohibit a suit in respect of such a property. (Para 31)

Rampat Azad (R.P. Azad) vs Union Of India 2025 INSC 740 - Service Law

Service Law - No legal aspects discussed in this order - SC upheld Delhi HC order dismissing writ petition against CAT order which directed to create promotional avenues or extend the financial upgradation as per the method laid down under the law.

Rajo Devi vs Manjeet Kaur 2025 INSC 741 - Motor Accident Compensation

Motor Accident Compensation- The provision of providing compensation to the injured/dependants in accident cases under Motor Vehicles Act, 1988 is a beneficial provision to enhance social justice. Accordingly, the rigours of procedure cannot be allowed to defeat its purpose as the trial in such cases is summary in nature. (Para 18)
[Context: SC relied on site plan produced before it and found that there was no contributory negligence on the part of deceased]

S. Janaki Iyer vs Union Of India 2025 INSC 742 - Disciplinary Proceedings - Non-Supply Of Documents - Delay - Natural Justice & Test Of Prejudice

Disciplinary Proceedings - Non Supply of Documents - Violation of the principles of justice cannot be on the touchstone of technical infringement made the basis of setting aside the action taken by the authority against an employee unless it is established that grave prejudice has been caused to an employee because of non-supply of a particular document- Mere assertion that some documents have not been supplied or even mentioning the said documents would not be enough unless the consequential prejudice which would or has been caused to a delinquent employee is put forth. (Para 22) The Court is not bound to simply accept an assertion of a delinquent employee and proceed to question the disciplinary proceedings without being satisfied with regard to any prejudice having been caused to the employee. (Para 23) **Delay** - Mere delay during the inquiry proceedings, when it is explained with regard to the time taken for the inquiry to conclude and that too justifying the same with no prejudice having been caused, cannot be made the basis for vitiating the departmental proceedings. Inordinate or unexplained delay in the departmental proceedings may be a justifiable ground if tampered with prejudice having been established to have been caused to the delinquent employee in the said process for interference by the Court (Para 26)- **Natural Justice**- The principles of natural justice are founded on three fundamental rules that ensure fairness in legal and administrative proceedings. Firstly, the Hearing Rule (Audi Alteram Partem) which mandates that no person should be judged without being given a fair

opportunity to present his case. Secondly, the Bias Rule (Nemo Judex in Causa Sua) which asserts that no one should act as a judge in its own case, thereby safeguarding impartiality and preventing any form of bias. Lastly, the principle of Reasoned Decision, also known as Speaking Orders, requires every decision to be supported by valid and clearly stated reasons to promote transparency and accountability in the decision-making process.

**Shital Fibers Limited vs Commissioner of Income Tax 2025 INSC
743 - S. 80IA Income Tax Act**

Income Tax Act 1961 - Section 80-IA - If a deduction of profits and gains under Section 80-IA is claimed and allowed, the deduction to the extent of such profits and gains in any other provision under the heading 'C' is not allowed. The deduction to the extent allowed under Section 80-IA cannot be allowed under any other provision under heading 'C'. Therefore, if deduction to the extent of 'X' is claimed and allowed out of gross total income of 'Y' under Section 80-IA and the assessee wants to claim deduction under any other provision under the heading 'C', though he may be entitled to deduction 'Y' under the said provision, he will get deduction under the other provisions to the extent of (Y-X) and in no case total deductions under heading 'C' can exceed the profits and gains of such eligible business of undertaking or enterprise- Sub-section (9) of Section 80-IA, on its plain reading, does not provide that when a deduction is allowed under Section 80-IA, while considering the claim for deduction under any of the provision under heading 'C', the deduction allowed under

Section 80-IA should be deducted from the gross total income. The restriction under sub-section (9) of Section 80-IA is not on computing the total gross income. It restricts deduction under any other provision under heading 'C' to the extent of the deduction claimed under Section 80- IA. (Para 20-21)

A.M. Kulshrestha vs Union Bank of India 2025 INSC 744 - Disciplinary Proceedings Quashed

Note: No legal aspects discussed in the judgment - SC quashed charge sheet served on bank employee pursuant to disciplinary proceedings .

K. H. Kamaladini vs State 2025 INSC 745 - CrPC - Framing Of Charge- Scope Of Hearing

Code of Criminal Procedure 1973 -Section 228 [Section 251 BNSS] - Scope of hearing at the time of framing of the charge -
Firstly, at this stage, the Court can examine only the documents forming part of the charge sheet, and no other material can be considered. Secondly, after considering the material on record, the Court has to decide whether or not there exists a sufficient ground for proceeding with the trial against the appellant. Thirdly, at this stage, the Court cannot sift the evidence forming a part of the chargesheet with a view to separating the grain from the chaff. Fourthly, if the Court is of the view that the evidence without

cross-examination or rebuttal shows that the accused has not committed any offence, then an order of discharge must be passed. Lastly, if the evidence adduced before the Court creates a grave suspicion against the accused, the Court will not discharge the accused. (Para 9)

Prevention of Corruption Act -Section 13 (Prior to 2018 amendment)- When there is no allegation made in the chargesheet that the accused obtained for himself or for any other person any valuable thing or pecuniary advantage, clause (d) of sub-section (1) of Section 13 of the PC Act will not be attracted. (Para 14)

Mohammed Asarudeen vs Union Of India 2025 INSC 746 - S.44(2) UAPA - Witness Protection

Unlawful Activities (Prevention) Act, 1967 - Section 44(2) - Witness Protection -An omnibus application cannot be made by the Special Public Prosecutor for the grant of protection under Section 44 for all witnesses or a number of witnesses. Even if an application is made in respect of more than one witness, specific averments in relation to every witness must be made in the application. In our view, sub-section 2 of Section 44 of the UAPA (sub-section 2 of Section 17 of NIA) must be strictly complied with, as the exercise of the power may affect the right of the accused to defend. (Para 11) Section 44 (2) can be invoked by a prosecution witness or by the Public Prosecutor. In a given case, even the Special Court

can exercise this power suo motu (Para 9) The first condition precedent for the exercise of powers under Section 44(2) is the recording of the satisfaction by the Special Court that the life of the concerned witness is in danger. Obviously, this satisfaction must be recorded based on the material available before the Special Court. The extent and the nature of the material required to record such satisfaction will depend upon the facts and circumstances of each case. Since Section 44 (2) UAPA is an exception to the general rule, the condition precedent for the exercise of power of recording a clear satisfaction based on material as stated above must be complied with. After recording the satisfaction, the second stage comes into play. It is not that in every case that after such satisfaction is recorded, the Court can pass an order prohibiting the prosecution from providing a copy of the entire statement of the prosecution witnesses till the conclusion of the trial. The Court has to apply its mind considering the material on record, what kind of measures should be adopted for keeping the identity and address of such a witness, secret. While deciding what kind of measures should be adopted, the Court must record brief reasons. (Para 9) The satisfaction as required by sub-section 2 of Section 44 of UAPA has to be recorded qua an individual witness.(Para 15) The accused has a right of hearing on the application under sub-section 2 of Section 44 of the UAPA, but obviously, till orders are passed by the Court on the application and subject to such orders, the accused is not entitled to know the identity of the witnesses in respect of whom the application is made. If, during the pendency of the application, the identity of the witness is disclosed in any manner, the very purpose of the power conferred on Section 44(2) of the UAPA will be lost. (Para 21)

State Of U.P. vs Bhavna Tiwari 2025 INSC 747 - NEET - Seat Blocking

NEET - Seat Blocking - Seat Blocking in NEET-PG counselling occurs when candidates temporarily accept seats, only to abandon them later after securing more preferred options. This leads to those seats remaining unavailable in earlier rounds and opening up only in later stages, disadvantaging higher-ranked aspirants, who may have already committed to less preferred choices. Delays in state counselling, last-minute seat additions or deletions, and lack of coordination between quotas worsen the issue. As a result, lower-ranked candidates can secure better seats by taking

risks, while merit-based selection is undermined. (Para 8) - This malpractice distorts the actual availability of seats, fosters inequity among aspirants, and often reduces the process to one governed more by chance than merit. Seat blocking is not merely an isolated wrongdoing – it reflects deeper systemic flaws rooted in fragmented governance, lack of transparency, and weak policy enforcement. (Para 7) Directions issued: (i) Implement a Nationally synchronized counselling calendar to align AIQ and State rounds and prevent seat blocking across systems. (ii) Mandate Pre-Counselling Fee Disclosure by all private / deemed universities, detailing tuition, hostel, caution deposit, and miscellaneous charges. (iii) Establish a Centralized Fee Regulation Framework under the National Medical Commission (NMC) (iv) Permit upgrade windows post-round 2 for admitted candidates to shift to better seats without reopening counselling to new entrants. (v) Publish raw scores, answer keys and normalization formulae for transparency in multi-shift NEET-PG exams. (vi) Enforce strict penalties for seat blocking including forfeiture of security deposit, disqualification from future NEET-PG exams (for repeat offenders), blacklisting of complicit colleges. (vii) Implement Aadhaar-based seat tracking to prevent multiple seat holdings and misrepresentation. (viii) Hold state authorities and institutional DMEs accountable under contempt or disciplinary action for rule or schedule violations. (ix) Adopt a Uniform Counselling Conduct Code across all States for standard rules on eligibility, mop-up rounds, seat withdrawal, and grievance timelines. (x) Set up a third-party oversight mechanism under NMC for annual audits of counselling data, compliance, and admission fairness.

In Re: Performance Appraisal Reports Of The Officers Of The Indian Forest Service 2025 INSC 748

Forest Service - Insofar as writing of ACRs up to the rank of APCCF is concerned, the “reporting authority” should be the immediate superior authority in the Forest Department. The position is clear as regards “reviewing authority” or “reporting authority” in relation to officers up to the rank of APCCF. It is clear that except the PCCF, the “reporting authority” has to be a superior officer from the IFS. It is only with regard to PCCF that the “reporting authority” would be a person to whom he reports and who is superior to him in rank. No doubt that, if necessary, the State Governments can provide that the Collectors and Commissioners can record their comments on a separate sheet about the performance of the IFS officers in relation to the implementation of developmental work funded by the district administration. However, the same is again required to be considered by a superior departmental officer of the IFS. (Para 37)

Dileep Kumar Pandey vs Union Of India 2025 INSC 749 - Air Force School Not A State

Constitution of India- Article 12,226 -HC held held that Air Force Schools at Bamrauli is not a state within the meaning of Article 12, and as a result, a writ petition under Article 226 could not be entertained - Dismissing appeal, SC observed: It is not shown how the IAF headquarters has any control over the management of the said school. Although some funds may have originated from the Army Welfare Society, it cannot be said that the State or the IAF has any control, let alone all-pervasive control, over the school. Moreover, the said Society is not governed by any statutory rules- The relationship between the appellants and the said school is in the

realm of private contract. Assuming that there was a breach of private contract, the same does not involve any public law element. (Para 22-24)

Lt. Col NK Ghai (Retd.) vs Union of India 2025 INSC 750

Note: No legal aspects discussed in this judgment.

Padman Bibhar vs State Of Odisha 2025 INSC 751 - Last Seen Together - Murder Case

Criminal Trial - Circumstantial Evidence - In a case based on circumstantial evidence, the prosecution is obliged to prove each circumstance, taken cumulatively to form a chain so complete that there is no escape from the conclusion that within all human probabilities, crime was committed by the accused and none else. Further, the facts so proved should unerringly point towards the guilt of the accused. (Para 10) Evidence on 'last seen together' is a weak piece of evidence and conviction only on the basis of 'last seen together' without there being any other corroborative evidence against the accused, is not sufficient to convict the accused for an offence under Section 302 IPC. (Para 20)

Ganeshkumar Rajeshwarrao Selukar vs Mahendra Bhaskar Limaye 2025 INSC 752 - Consumer Forums

Consumer Forums -Directions issued : Union of India is directed to file an affidavit on the feasibility of a permanent adjudicatory forum for

consumer disputes, either in the form of a Consumer Tribunal or a Consumer Court, within a period of 3 months from today, on the touchstone of the constitutional mandate. Such a forum shall consist of permanent members, including both staff and the Presiding officers. The Union of India may also consider facilitating sitting Judges to head the fora. The strength may be increased adequately- The Union of India to notify the new Rules within a period of 4 months from the date of this Judgment, strictly adhering to the following: a. The earlier view of this Court in Rojer Mathew (*supra*), MBA - III (*supra*) and MBA - IV (*supra*), with respect to the tenure of office being five years, being both logical and necessary, must be incorporated in the new Rules to be notified. b. The composition of the Selection Committee shall be such that the members from the Judiciary must constitute the majority. To achieve the same, the Selection Committee shall comprise two members from the Judiciary, one of whom shall be the Chairperson, and the third member from the Executive, all of whom shall have voting rights. However, this shall not preclude the concerned Secretary from being an ex-officio Member of the Selection Committee, without voting rights. The proposal made by the Union of India qua Rule 6(1) of the 2020 Rules, may be accordingly modified. c. No written examination, followed by a *viva voce*, shall be required for appointment and reappointment to the posts of President of the State Commission, Judicial Members of the State Commission and President of the District Commission. d. A written examination followed by a *viva voce* shall be required only for appointment and reappointment to the posts of Non-Judicial Members of the State Commission and Members of the District Commission. e. The written examination for appointments to the State and District Commissions shall be conducted in consultation with the

respective State Service Commissions. f. The proposal made by the Union of India qua Rule 4(1) of the 2020 Rules, as recorded by us in Para 72 of this Judgement, that the qualification for appointment to the post of President of the District Commission, shall be restricted to either a serving or a retired District Judge, stands accepted. (Para 102)

Gyan Prakash vs Union of India 2025 INSC 753 -National Highways Act

National Highways Act, 1956 - Section 4,23- It is the obligation of the Central Government to maintain the National Highways. The maintenance of highways includes the obligation to keep them in good condition. It also includes keeping them free of encroachments and, most importantly, providing adequate safety measures to reduce the possibility of accidents. (Para 6) Regarding the removal of unauthorised occupation of highway lands, what is important is Section 24 of the 2002 Act, which provides for the prevention of such occupation. Both provisions of Sections 24 and 26 must be implemented in their true letter and spirit. (Para 13) - Various directions issued (Para 14)

In Re: Zudpi Jungle Lands 2025 INSC 754 - Zudpi Jungle lands - Directive Principles and Fundamental Rights

Constitution of India - Part III, IV- Inter-relationship between DPSP and Fundamental Rights - Kesavananda Bharati judgment recognizes that both the Fundamental Rights and the Directive Principles of the State Policy are equally important and that there is no conflict amongst them. It recognises that they are complementary to each other, and that they together are the conscience of the Constitution. (Para 83-84)

Constitution of India -Article 21 - Right to Shelter is one of the facets of Article 21 of the Constitution- Right to Livelihood to be a Fundamental Right. (Para 108-111)

Forest Lands - Zudpi Jungle lands shall be considered as Forest lands in line with the order of this Court dated 12th December 1996 in the present proceedings.

Suraj Impex (India) Pvt. Ltd. vs Union Of India 2025 INSC 755 - Retrospectivity Of Statute

Interpretation of Statutes- The retrospectivity of a statute is to be tested on the anvil of the doctrine of “fairness”. The substratum of a beneficial legislation is to ensure that the benefit is uniform and absolute, which may be prospective in nature, but when such benefit to one person does not inflict any undue burden on the other, the purposive construction can be considered to be given a retrospective effect- Except in cases where such enactments or issuance of Circulars are arbitrary, vexatious or constitute a parallel mechanism making its operation unfair, the Courts need not entertain objections to the operation of a clarificatory/declaratory provision which is only intended to assert & give effect to its parent provision/statute. (Para 18) [Context: SC held that Appellant is entitled to the benefit of 1 % AIR Customs Duty Drawback on its export of SBM from the year 2008 as applicable, by according retrospective operation to the Circular No. 35/2010- Cus. dated 17.09.2010 issued by the Central Board of Excise & Customs, New Delhi, for the purposes of All Industry Rate (AIR) Duty Drawbacks.]

Pinky Meena vs High Court Of Judicature For Rajasthan 2025 INSC 756 - Women in Judiciary - Probationer Rights

Judiciary - A greater representation of women in the judiciary, would greatly improve the overall quality of judicial decision making and this impacts generally and also specifically in cases affecting women. (Para 29) Advancing women's greater participation in the judiciary also plays a role in promoting gender equality in broader ways: a. Female judicial appointments, particularly at senior levels, can shift gender stereotypes, thereby changing attitudes and perceptions as to appropriate roles of men and women. b. Women's visibility as judicial officers can pave the way for women's greater representation in other decision-making positions, such as in legislative and executive branches of government. c. Higher numbers, and greater visibility, of women judges can increase the willingness of women to seek justice and enforce their rights through the courts - The country will greatly benefit from a judicial force that is competent, committed and most importantly, diverse. (Para 30)

Probationer - Even though a probationer has no right to hold a post, it would not imply that the mandate of Articles 14 and 16 of the Constitution could be violated inasmuch as there cannot be any arbitrary or discriminatory discharge or an absence of application of mind in the matter of assessment of performance and consideration of relevant materials. Thus, in deciding whether, in a given case, a termination was by way of punishment or not, the courts have to look into the substance of the matter and not the form. (Para 26) The services of a probationer could result either in a confirmation in the post or ended by way of termination simpliciter. However, if a probationer is terminated from service owing to a misconduct as a punishment, the termination would cause a stigma on him. If a probationer is unsuitable for a job and has been terminated then such a

case is non-stigmatic as it is a termination simpliciter. Thus, the performance of a probationer has to be considered in order to ascertain whether it has been satisfactory or unsatisfactory. If the performance of a probationer has been unsatisfactory, he is liable to be terminated by the employer without conducting any inquiry. No right of hearing is also reserved with the probationer and hence, there would be no violation of principles of natural justice in such a case. if a termination from service is not visited with any stigma and neither are there any civil consequences and nor is founded on misconduct, then, it would be a case of termination simpliciter. On the other hand, an assessment of remarks pertaining to the discharge of duties during the probationary period even without a finding of misconduct and termination on the basis of such remarks or assessment will be by way of punishment because such remarks or assessment would be stigmatic. According to the dictionary meaning, stigma is indicative of a blemish, disgrace indicating a deviation from a norm. Stigma might be inferred from the references quoted in the termination order although the order itself might not contain anything offensive. Where there is a discharge from service after prescribed probation period was completed and the discharge order contain allegations against a probationer and surrounding circumstances also showed that discharge was not based solely on the assessment of the employee's work and conduct during probation, the termination was held to be stigmatic and punitive. (Para 24-25)

**State Of Kerala vs Asianet Satellite Communications 2025 INSC
757 - Constitution - Taxation Powers - Entertainment Tax**

Constitution of India - Seventh Schedule - Broadcasting is a form of communication and entertainment is a species of luxuries under Entry 62 –

List II- State Legislature fully justified in imposing entertainment tax under Entry 62 – List II- The said entry contemplates imposition of taxes, inter alia, on the entire genus of “entertainments and amusements”- The pith and substance of the provisions of the State Act referred to above are in the realm of taxation of providers/receivers of entertainment/amusement as luxuries within the said Entry through the medium of television which involves broadcasting service which is regulated under Entry 31 – List I as a form of communication in accordance with Prasar Bharti Act, 1990. (Para 8)

Constitution of India - Seventh Schedule - Entry 31 – List I deals with various forms of communications including broadcasting. The said Entry does not deal with entertainments or amusements as luxuries. Entry 97 – List I deals with any other matter not enumerated in List II or List III including any tax not mentioned in either of those lists. Entry 31 - List I is a regulatory entry while Entry 97 - List I, inter alia, can be the basis for imposition of any tax such as service tax as per the provisions of the Finance Act, 1994 and its subsequent amendments. (Para 17.5)

Doctrine of pith and substance- If an enactment substantially falls within the powers expressly conferred by the Constitution upon the legislature which enacted it, the same cannot be held to be invalid merely because it incidentally encroaches on matters assigned to another legislature. Also, in a situation where there is overlapping, the said doctrine has to be applied to determine to which entry, a piece of legislation could be related to by examining the true character of the enactment or a provision thereof. Due regard must be had to the enactment as a whole and to its scope and objects. It is said that the question of invasion into another

legislative territory has to be determined by substance and not by degree. According to the pith and substance doctrine, if a law is in its pith and substance within the competence of the Legislature which has made it, it will not be invalid because it incidentally touches upon the subject lying within the competence of another Legislature. (Para 8.22)

Constitution of India - Seventh Schedule - Taxation is considered to be a distinct matter for purposes of legislative competence and the power to tax cannot be deduced from the general legislative entry as an ancillary power. Also, a power to legislate as to the principal matter specifically mentioned in the entry shall also include within its expanse legislation touching only upon incidental and ancillary matters. But the power to levy tax cannot be considered to be an incidental and ancillary matter while interpreting an entry in the Lists concerning legislative competence of Parliament or legislature of any State to enact laws on the subjects mentioned in the entry. (8.2.17) while interpreting a taxation entry in List I or List II, all efforts must be made to interpret them in such a way as to give content and meaning to the same having regard to the constitutional scheme under which the distribution of legislative powers have been envisaged in the Seventh Schedule and bearing in mind and the object and intent behind them. (Para 17.12)

Taxation - A legislative enactment which provides for the imposition of a tax must specify the following parameters of taxation: (i) The taxable event which forms the basis of levy, also referred to as “subject” of a tax; (ii) The measure of the tax; (iii) The rate(s) of taxation; and (iv) The incidence of the tax. The said parameters are each distinct and must not be conflated with the others. (Para 8.26-27) **Principles of interpretation of**

taxation entries- i. In interpreting expressions in the Legislative Lists of the Seventh Schedule of the Constitution, a wide meaning should be given to the entries. ii. In the scheme of the Lists in the Seventh Schedule, there exists a clear distinction between the general subjects of legislation and heads of taxation. They are separately enumerated. iii. As the fields of taxation are to be found clearly enumerated in Lists I and II, there can be no overlapping in law. There may be overlapping in fact, but there can be no overlapping in law. iv. In the first instance, the pith and substance or true nature and character of the legislation must be determined with reference to the legislative subject matter and the charging section; v. The measure of tax is not a true test of the nature of tax; vi. The same transaction may involve two or more taxable events in its different aspects. Merely because the aspects overlap, such overlapping does not detract from the distinctiveness of the aspects. (Para 11.18)

Aspect Theory - The ‘Aspect’ theory, also known as the ‘double aspect doctrine’- the aspect doctrine is applied to ascertain whether a legislature can tax on a particular aspect of a transaction/activity rather than on competence of a legislature vis-à-vis the scope of entries in List I or List II- The aspect theory, in the Indian context, comes into play at the level of determining the applicability of a taxing statute on the activity sought to be taxed. Invariably, an activity conducted by an assessee which is sought to be taxed by a legislation, may have different aspects. The aspect theory is used to determine if, in fact, there are different aspects within the activity sought to be taxed and whether, the taxable event which forms the basis of the levy in a legislative enactment corresponds to any aspect in the activity sought to be taxed. (Para 11.24)

**State vs Eluri Srinivasa Chakravarthi 2025 INSC 758 - Discharge
- Accused's Right To File Material Or Documents**

Code of Criminal Procedure 1973 - Section 227,239 [Section 250,262 BNSS]- Accused at the stage of framing of charge does not have a right to file material or documents- only the chargesheet along with accompanying materials are to be considered at the stage of framing of charges, so as to satisfy the existence of a case for trial- defence on merits is not to be considered at the stage of framing of charges/discharge. (Para 24-27)

**HDFC Bank Limited vs State Of Maharashtra 2025 INSC 759-
S.141 NI Act**

Negotiable Instruments Act, 1881 - Section 138, 141 - The repetition of the exact words of the Section in the same order, like a mantra or a magic incantation is not the mandate of the law. What is mandated is that the complaint should spell out that the accused sought to be arrayed falls within the parameters of Section 141(1) of the NI Act. Only then could vicarious liability be inferred against the said accused, so as to proceed to trial - Substance will prevail over form. [**Context:** SC rejected the contention that in the absence of the words "was in charge of", the present case cannot be proceeded.]

Negotiable Instruments Act, 1881 - Section 138, 141 - The complainant is supposed to know only generally as to who are in charge of the affairs of the company -There is no obligation on the complainant to plead in the complaint as to matters within the special knowledge of the company or the directors or firm about the specific role attributed to them in the company. [Context:SC rejected the contention that specific role be attributed to the persons who are mere directors or employees of the company.]

**Kushal Kumar Agarwal vs Directorate Of Enforcement 2025
INSC 760 - PMLA - CrPC -BNSS**

Prevention of Money Laundering Act, 2002 - Section 44; Bhartiya Nagarik Suraksha Sanhita, 2023 - Section 223 - The provisions of Chapter XVI of BNSS, containing Sections 223 to 226, will also apply to a complaint (filed after 1st July, 2024) under Section 44 of the PMLA. [Context: In this case, an opportunity of being heard was not given by the Special Judge to the appellant before taking cognizance of the offence on the complaint- SC held: Only on that ground, the impugned order dated 20th April, 2024, will have to be set aside.]

Chaduranga Kantharaj Urs vs S.V. Ranganath 2025 INSC 762 - Contempt of Court

Contempt of Court - In contempt proceedings, the court is sitting in a limited jurisdiction viz., to examine as to whether order passed by it has been complied or not and would not act as an appellate court and re-examine the correctness or otherwise of the orders passed. (Para 12)

Chandra Bhan Singh vs State Of Uttar Pradesh 2025 INSC 763 - MMDRC Act

Mines and Minerals (Development and Regulation) Act, 1957- Sections 5 to 13 of the 1957 Act would not be applicable when the mineral which is sought to be mined is a minor mineral i.e., sand. (Para 18)

District Mineral Foundation Trust Rules, 2017- Apart from the royalty, an amount of 10% of the royalty is payable to the DMF Trust of the district in absence of any prescribed amount by the State Government. However, in case an amount is prescribed by the State Government then the said rate or amount would prevail and be payable at the end of the holder of the mineral concession or permit. (Para 23)

Sulthan Said Ibrahim vs Prakasan 2025 INSC 764 - Res Judicata - Order I Rule 10, Order XXII Rule 4 CPC - Specific Relief Act

Res Judicata - The principles of res judicata apply not only to two different proceedings but also to different stages of the same proceeding as well. - Referred to Bhanu Kumar Jain v. Archana Kumar reported in (2005) 1 SCC 787

Code of Civil Procedure 1908 - Order I Rule 10 - Order I Rule 10 inter alia empowers the court to allow addition, substitution or deletion of a party to a suit at any stage of the proceedings - The power to strike out or add parties under Sub-rule (2) can be exercised by the court on an application made by the parties before it, or upon an application by a third party who desires to be added as a party, or even suo motu. (Para 45)

Code of Civil Procedure 1908 - Order I Rule 10 and Order XXII Rule 4 - The power to strike out or add a party to the proceedings under Order I Rule 10 can be exercised by the court at any stage of the proceeding. However, the same cannot be construed to mean that when a particular party has been impleaded as a legal heir under Order XXII Rule 4 after due inquiry by the court and without any objections, the party can approach the court anytime later and seek his deletion from the array of parties by filing an application under Order I Rule 10. If at all the appellant was aggrieved by his impleadment as a legal heir, the suitable course of action was to first object to his impleadment under Sub-rule (2) of Order XXII Rule 4. (Para 51)

Specific Relief Act 1963 - When the exclusive possession of the suit property could be said to be with the original defendant when the suit was decreed, the relief of transfer of possession is implicit in the decree for

specific performance directing the original defendant to execute a sale deed in the favour of the original plaintiff - Referred to Rohit Kochhar v. Vipul Infrastructure Developers Ltd. (Para 64-65)

Quotes - The path to justice is often winding, shaped by the weight of hierarchy and the labyrinth of procedure. The seeker, weary yet resolute, climbs each rung of the judicial ladder, only to stand at the summit with hope overshadowed by the fear of denied relief. (Para 2)

Bank Of India vs Sri Nangli Rice Mills Pvt. Ltd. 2025 INSC 765 - Section 11 SARFAESI Act

SARFAESI Act - Section 11 -Section 11 of the SARFAESI Act, provides for a statutory arbitration for any dispute mentioned therein between any of the parties enumerated thereunder. There is no need for an explicit written agreement to arbitrate between such parties in order to attract Section 11 of the SARFAESI Act. The said provision creates a legal fiction as regards the existence of an arbitration agreement notwithstanding whether such agreement exists or not in actuality. (Para 124-I,V) Section 11 of the SARFAESI Act is mandatory in nature. The use of the word “shall” therein, the mandate of the said provision cannot be bypassed or subverted by the parties by seeking recourse elsewhere. (Para 124-VI) There is no need for an explicit written agreement to arbitrate between such parties in order to attract Section 11 of the SARFAESI Act. The said provision creates a legal fiction as regards the existence of an arbitration agreement

notwithstanding whether such agreement exists or not in actuality. (Para 124-V) In order to attract the provision of Section 11 of the SARFAESI Act, twin conditions have to be fulfilled being; first, the dispute must be between any bank or financial institution or asset reconstruction company or qualified buyer and secondly, the dispute must relate to securitisation or reconstruction or non-payment of any amount due including interest. Where the aforesaid two conditions are found to be *prima-facie* satisfied, there the DRT will have no jurisdiction and the proper recourse would only be through Section 11 of the SARFAESI Act read with the Act, 1996- The expression “non-payment of any amount due, including interest” used in Section 11 of the SARFAESI Act is of wide import and would include a various range of scenarios of ‘disputes’ connected to unpaid amounts including those arising due to third-party defaults, such as indirect defaults of the borrowers- Any dispute between two banks, financial institutions, asset reconstruction companies or qualified buyers etc., where the jural relation between the two is of a lender and borrower, then Section 11 of the SARFAESI Act will have no application whatsoever. The use of the phrase “any person” in the definition of ‘borrower’ in Section 2(f) of the SARFAESI Act, makes it abundantly clear that even a bank, financial institution or asset reconstruction company or qualified buyer can be considered a borrower, if they receive financial assistance from a bank or financial institution etc by providing or creating a security interest. Thus, a lender-turned-borrower would also fall within the scope of a “borrower” under the SARFAESI Act and shall be governed by the same statutory framework as any ordinary borrower. (Para 124 -IV)

Old Jalukai Village Council vs Kakiho Village 2025 INSC 766 - Judicial Review - Cabinet Decisions

Constitution of India - Article 32,226 - Cabinet Decisions- When the State has taken a policy decision or through its Cabinet has arrived at a certain conclusion, in their wisdom, after exhaustively considering all the relevant factors and recommendations, it would not be appropriate for courts to interfere or supplant the finding arrived at by the government. In the absence of any patent arbitrariness, capriciousness, mala fides or illegality, courts have always subscribed to the rule that executive decision-making must not be dissected and prodded unnecessarily. (Para 56) When an executive Cabinet decision is the outcome of sound reasoning, an inclusive consideration of all the relevant factors and based on recommendations, it cannot be sought to be faulted with, especially through judicial intervention. Assailing it in the absence of arbitrariness and merely because a 'better' alternate view could have been taken or was possible, would not suffice in order to strike down such a decision or render it inoperative. (Para 60)

Vinod Bihari Lal vs State Of Uttar Pradesh 2025 INSC 767 - UP Gangsters Act - S. 482 CrPC - Criminal Antecedents

Uttar Pradesh Gangsters & Anti-Social Activities (Prevention) Act, 1986 - The satisfaction of the approving authority is sine qua non for taking action under the Act of 1986. It is indispensable for the approving authority to record his satisfaction in his own words, to indicate application of mind before approving the gang-chart. The recording of satisfaction need not be exhaustive, because at the stage of approval the investigation under the Act of 1986 is yet to be conducted, but it must be independent,

indicating the reasons justifying the exercise of jurisdiction under the Act of 1986- the satisfaction must not be a cyclostyle reproduction of the application of mind communicated by the recommending authority. This is only possible when the approving authority meticulously refers to the materials on record on the basis of which he will come to the conclusion about existence of grounds justifying registration of an FIR under the Act of 1986 - Reiteration of the contents of the FIR or chargesheet does not constitute application of mind- Such satisfaction must stand on certain grounds; it cannot arise in absence of any basis, leaving the liberty of the accused in a precarious position. The basis of satisfaction must bear a reasonable nexus with the facts present before the concerned authority. Thus, the decision of the recommending, forwarding, and approving authorities respectively must be at the behest of the application of mind to the relevant and material facts available on record- An independent application of mind cannot be presumed unless it is demonstrable from the record that the approving authority has, in letter and spirit, independently considered all the materials that culminated in the preparation and placement of the gang chart before him. While the correctness of such application of mind may lie beyond the scope of judicial scrutiny, the absence thereof certainly does not. A mechanical or routine exercise of power by the recommending, forwarding, and approving authorities respectively is impermissible, as it directly impinges upon the liberty of citizens. (Para 51-54)

Uttar Pradesh Gangsters & Anti-Social Activities (Prevention) Act, 1986 -Section 2(b)- The definition of the term “gang” is not attracted by mere association with a miscreant group- A group of persons may be said to constitute a gang only when they, either singly or

collectively, indulge in any of the anti-social activity enumerated in clauses (i) to (xv) of Section 2(b), by means specified therein, or otherwise, and most importantly, with the object of disturbing public order, or securing any undue temporal, pecuniary, material or other advantage for himself or any other person. (Para 18-25)

Code of Criminal Procedure 1973 - Section 482 [Section 528 BNSS] - The criminal antecedents of an accused cannot be the sole consideration to decline to quash the proceedings if otherwise no offence is disclosed- Referred to Mohammad Wajid v. State of U.P.

Kasireddy Upender Reddy vs State Of Andhra Pradesh 2025 INSC 768 - Art.22(1) Constitution - Communication Of Grounds Of Arrest

Constitution of India - Article 22(1) - For the purposes of Clause (1) of Article 22, it is not necessary for the authorities to furnish full details of the offence. However, the information should be sufficient to enable the arrested person to understand why he has been arrested. The grounds to be communicated to the arrested person should be somewhat similar to the charge framed by the Court for the trial of a case (Para 28) - If a person is arrested on a warrant, the grounds for reasons for the arrest is the warrant itself; if the warrant is read over to him, that is sufficient compliance with the requirement that he should be informed of the grounds for his arrest. If he is arrested without a warrant, he must be told why he has been arrested. If he is arrested for committing an offence, he must be told that he has committed a certain offence for which he would be placed on trial. In order to inform him that he has committed a certain offence, he must be told of the acts done by him which amounts to the offence. He must be informed of

the precise acts done by him for which he would be tried; informing him merely of the law applicable to such acts would not be enough. (Para 36)

Constitution of India - Article 21, 22(1) -Summarized Vihaan Kumar v. State of Haryana: a) The requirement of informing the person arrested of the grounds of arrest is not a formality but a mandatory constitutional condition. b) Once a person is arrested, his right to liberty under Article 21 is curtailed. When such an important fundamental right is curtailed, it is necessary that the person concerned must understand on what grounds he has been arrested. c) The mode of conveying the information of the grounds of arrest must be meaningful so as to serve the true object underlying Article 22(1). d) If the grounds of arrest are not informed as soon as may be after the arrest, it would amount to a violation of the fundamental right of the arrestee guaranteed under Article 22(1). e) On the failure to comply with the requirement of informing the grounds of arrest as soon as may be after the arrest, the arrest would stand vitiated. Once the arrest is held to be vitiated, the person arrested cannot remain in custody even for a second. f) If the police want to prove communication of the grounds of arrest only based on a diary entry, it is necessary to incorporate those grounds of arrest in the diary entry or any other document. The grounds of arrest must exist before the same are informed. g) When an arrestee pleads before a court that the grounds of arrest were not communicated, the burden to prove the compliance of Article 22(1) is on the police authorities. h) The grounds of arrest should not only be provided to the arrestee but also to his family members and relatives so that necessary arrangements are made to secure the release of the person arrested at the earliest possible opportunity so as to make the mandate of Article 22(1) meaningful and effective, failing which, such arrest may be rendered illegal. (Para 18)

Reserve Bank Of India vs M.T. Mani 2025 INSC 769 - Pension - Cut Off Date Fixation - Financial Constraints

Pension - Cut off date fixation - Financial constraints can constitute a valid and non-arbitrary basis for fixing a cut-off date for extending pensionary benefits or pay revisions. It emphasized that economic considerations are germane to governmental policy decisions, and distinguishing between retirees based on such a date does not violate Article 14 of the Constitution- individual hardships cannot justify altering a rule of general application and underscored that the determination of cut-off dates is a matter of policy- making. This function squarely lies within the domain of the rule-making authority, not the judiciary, as courts cannot assume the role of framing or modifying policy decisions in the guise of judicial review. (Para 35)

Jaipur Vidyut Vitran Nigam Ltd. vs Adani Power Rajasthan Ltd. 2025 INSC 770 - S.125 Electricity Act

Electricity Act 2003- Section 125 - A mere question of law would not be sufficient enough to entertain an appeal under Section 125 of the 2003 Act. Added to that, it should be such that the substantial question of law, if answered in the affirmative in favour of the appellant, shall have the effect of reversing the decision of the APTEL. While deciding a substantial question of law, this Court shall do so, based upon the findings of fact rendered by the APTEL, unless by way of an exception, a perversity is found thereunder. In a case where a finding is rendered contrary to the records, without assigning any reason, and/or on a total misconception of the fact seen apparently on the face of the record, may in a given case, give rise to a substantial question of law. Suffice it is to state that a substantial question

of law has to be framed by this Court in exercise of the power under Section 125 of the 2003 Act and, thereafter, to be answered accordingly. (Para 16)

Peter Augustine vs K.V. Xavier 2025 INSC 771 -CPC - First Appeal - Remand Order

Code of Civil Procedure 1908 - Section 96 - Order XLI - High Court
set aside the Trial Court judgment remanding the matter back to the Trial Court for de-novo disposal - Allowing appeal, SC observed: The appeal could have been very well decided on the basis of the interpretation of the three documents (being the sale deed, the conveyance deed and the settlement deed) since the area of the property as well as the borders and boundaries shown were the same in all the said documents. When the matter could have been decided on the interpretation of the said three documents, again remitting the matter only for the appointment of another Court Commissioner would further delay the proceedings between the parties which have been pending for more than 14 years- In any case, if the learned Single Judge of the High Court was of the view that a Court Commissioner's report would have assisted in deciding the appeal, the learned Single Judge of the High Court himself could have appointed the Court Commissioner and called for the report. Even then, in view of the aforesaid discussion, the same was not necessary. (Para 13-14)

Vinod Infra Developers Ltd. vs Mahaveer Lunia 2025 INSC 772 - CPC - Rejection Of Plaintiff - TP Act - Registration Act

dure 1908 - Order VII Rule 11 - a plaint cannot be rejected in its entirety merely because one of the prayers or reliefs sought is legally untenable, so long as other reliefs are maintainable and based on independent causes of action- Selective severance of reliefs is impermissible where different causes of action are independently pleaded and supported by distinct facts. (Para 9.6)

Code of Civil Procedure 1908 - Order VII Rule 11 -Factual disputes cannot be resolved at the stage of considering an application under Order VII Rule 11 CPC. (Para 9.7)

Code of Civil Procedure 1908 - Order VII Rule 11 -The suit cannot be dismissed merely on the ground of insufficient court fee. The law mandates that the plaintiff be afforded an opportunity to rectify such deficiency. Only upon failure to comply, can the plaint be rejected. (Para 11)

Transfer of Property Act - Section 54 ; Registration Act, 1908 - Section 17,49- Unregistered agreements to sell, even if coupled with possession, do not convey title or create any interest in the immovable property- title and ownership of immovable property can only be conveyed by a registered deed of sale. (Para 9.2,9.3)

Civil Courts - Issues relating to title of immovable property fall exclusively within the jurisdiction of civil courts and not revenue authorities. (Para 10)

Maya P.C. vs State Of Kerala 2025 INSC 773 - Service Law - Withdrawal Of GO - Persons With Disability

Service Law - Withdrawal of GO - G.O. dated 18th May, 2013, is to ensure that the persons with disability appointed through the employment exchange in a particular post should be regularly appointed. Therefore, all of them were appointed on probation. Now, by the subsequent G.O. dated 3rd February 2016, what is conferred on the appellants by the G.O. dated 18th May 2013 cannot be withdrawn. Moreover, many appellants based on the G.O. dated 18th May 2013 changed their position and opted for other employment for securing the benefits under the G.O. The G.O. contemplates regular appointments to be given. Clause 3.5 of the G.O. dated 3rd February, 2016 seeks to withdraw what is specifically conferred by the G.O. dated 18th May 2013. Hence, the G.O. dated 3rd February 2016 is discriminatory and irrational and therefore, violative of Article 14 of the Constitution of India. (Para 23)

Agniraj vs State 2025 INSC 774 - Art. 136 Constitution - Appeal From Conviction

Constitution of India - Article 136 - In appropriate cases, this Court can interfere with the concurrent findings of the Courts when the assessment of evidence is vitiated by misreading of the evidence. However, this should be done in rare and exceptional cases of manifest illegality- Appeal against conviction - if this Court finds that High Court has overlooked striking features in the evidence which demolish the

prosecution's case, a finding of fact recorded can be disturbed by this Court. (Para 37-39)

Criminal Trial - Recovery of weapons at the instance of the accused - Only on the basis of recovery, by no stretch of imagination can the accused be convicted. (Para 35)

Dr. I.S.Tomar vs Invertis University 2025 INSC 775 - S.26 NGT Act

National Green Tribunal Act - Section 26 - Sub-section (1) of Section 26 is a penal provision. Therefore, it must be strictly construed. The direction of the NGT was to stop the dumping of municipal solid waste. To prove the failure on the part of the appellant to comply with the direction, it must be established that it was the appellant who was responsible for dumping solid wastes at the site after prohibitory orders were passed by the NGT. A person can be said to have failed to comply with the direction issued by the NGT, provided it is shown that the person against whom a direction is issued has the power to prevent the act which was prohibited by the NGT. (Para 14)

Sameer Sandhir vs Central Bureau of Investigation 2025 INSC 776 - Production Of Addl. Documents By Prosecution

Code of Criminal Procedure - If there is an omission on the part of the prosecution in forwarding the relied upon documents to the learned Magistrate, even after the chargesheet is submitted, the prosecution can be permitted to produce the additional documents which were gathered prior to or subsequent to the investigation - Referred to Central Bureau of Investigation v. R S Pai (2002) 5 SCC 82. (Para 11)

Sakhawat vs State of Uttar Pradesh 2025 INSC 777 - Trial Court Records Not To Be Called LCR

Practice and Procedure - The record of the Trial Court should not be referred to as “Lower Court Record”. Describing any Court as a “Lower Court” is against the ethos of our Constitution. (Para 25)

Criminal Investigation - The Police are under an obligation to carry out a fair investigation. This is a crucial aspect of fairness. The objective of the investigation is to ensure that the real culprits are brought to justice. The legal system must ensure that an innocent person is not punished. (Para 17)

In Re: Right To Privacy Of Adolescents 2025 INSC 778 - POCSO Conviction Upheld - No Jail Sentence

POCSO Act - SC refused to award jail sentence a POCSO convict and observed: she is at a stage where she is desperate to save her husband. Now, she is emotionally committed to the accused and has become very possessive of her small family- If we send the accused to jail, the worst sufferer will be the victim herself -in this case, the society, the family of the victim and the legal system have done enough injustice to the victim. She has been subjected to enough trauma and agony. We do not want to add to the injustice done to the victim by sending her husband to jail. We as Judges, cannot shut our eyes to these harsh realities. Now, at this stage, in order to do real justice to the victim, the only option left before us is to ensure that the accused is not separated from the victim. The State and the society must ensure that the family is rehabilitated till the family settles down in all respects. (Para 24-26)

Sanjay Prakash vs Union Of India 2025 INSC 779 - CAPF - Cadre Review

CAPFs - Directions Issued - 1. Let the cadre review in all the CAPFs which was due in the year 2021 be carried out within a period of six months from today. 2. Ministry of Home Affairs, Government of India shall give effect to the DoPT OM dated 12.07.2019 and undertake the exercise for review of the existing service rules/recruitment rules of each of the CAPFs. While carrying out the aforesaid exercise, representative of the cadre officers of each of the CAPFs shall be given an opportunity of being heard. 3. Let the above exercise pertaining to review of existing service rules/recruitment rules of each of the CAPFs be carried out and completed within a period of six months from today. 4. DoPT shall take appropriate decision after receipt of action taken report(s) from the Ministry of Home Affairs regarding cadre review and review of existing service rules/recruitment rules within a period of three months from the date of receipt of such report(s). 5. Keeping in mind the twin objectives of service mobility of the cadre officers of CAPF thereby removing stagnation on the one hand and the operational/functional requirement of the forces on the other hand, we are of the view that the number of posts earmarked for deputation in the cadres of the CAPFs upto the level of Senior Administrative Grade (SAG) should be progressively reduced over a period of time, say within an outer limit of two years. 6. This will bring in a sense of participation of the cadre officers belonging to the CAPFs in the decision making process within the administrative framework of the CAPFs thereby removing the long standing grievances of the cadre officers. (Para 45)

**K. Umadevi vs Government Of Tamil Nadu 2025 INSC 781 -
Maternity Benefit Act - Number Of Children**

Maternity Benefit Act - Section 5 - A woman employee having less than two surviving children is entitled to a maximum period of benefit i.e. 26 weeks and for a woman employee having two or more than two surviving children, the benefit is restricted to 12 weeks. Thus, there is no ceiling or cap on the number of children to claim maternity benefit. Only thing is that in case of a woman employee having two or more than two surviving children seeking maternity leave, period of the benefit is reduced: from a maximum period of 26 weeks to a maximum of 12 weeks. (Para 19)

Maternity Benefits - Policy of the State to arrest population growth by resorting to various population control measures is certainly a laudable objective. So is the objective of granting maternity benefit to women employees. The object of having two child norm as part of the measures to control population growth in the country and the object of providing maternity benefit to women employees including maternity leave in circumstances such as in the present case are not mutually exclusive. The two must be harmonized in a purposive and rationale manner to achieve the social objective. [Context: In this case, the appellant has two biological children out of her first wedlock. But that was before entry into her service. Post entry into service and from her subsisting marriage, this is her first child, also the two children out of her first wedlock are not residing with her but with their father, who is having their custody. The State's contention is that Fundamental Rule (FR) 101(a) which is applicable to state government employees of Tamil Nadu, maternity leave is available to women state government employees having less than two surviving children- **SC held** that that appellant shall be granted maternity leave under FR 101(a).]

**Amol Bhagwan Nehul vs State Of Maharashtra 2025 INSC 782-
S.376 IPC - Rape- False Promise To Marry**

Indian Penal Code 1860 - Section 376- A consensual relationship turning sour or partners becoming distant cannot be a ground for invoking criminal machinery of the State. Such conduct not only burdens the Courts, but blots the identity of an individual accused of such a heinous offence. This Court has time and again warned against the misuse of the provisions, and has termed it a folly to treat each breach of promise to marry as a false promise and prosecute a person for an offence under section 376 IPC. (Para 9) [Context: Criminal proceedings quashed]

**Prasanta Kumar Pal vs State Of West Bengal 2025 INSC 783 -
West Bengal Land Reforms Act**

West Bengal Land Reforms Act, 1955 - In factual context of this case, SC held that genuineness of the registered gift deed executed on 07.12.1967 could not be put in question two decades later only because an amendment of West Bengal Land Reforms Act, 1955 had been carried out in 1989 with retrospective effect.

**Bindu Kapurea vs Subhashish Panda 2025 INSC 784- Contempt
Of Court**

Constitution of India - Article 129 - Supreme Court, being a court of record, is vested with inherent powers to punish contempt-These broad-

ranging powers are not merely procedural but are central to preserving the dignity, authority, and effective functioning of the judiciary. In fact, it has been quoted in a catena of decisions that the contempt powers afforded to this Court are integral to maintaining the sanctity of judicial proceedings. The constitutional provision for contempt is not subordinate to Parliamentary Legislation; rather, it represents an intrinsic aspect of the judiciary's autonomy. As a nation rooted in the Rule of Law and constitutionalism, there is immense faith placed in its judiciary, so much so that orders of this Court carry a binding force equivalent to that of Legislative enactments. (Para 10) The power to punish for contempt, though wide and constitutionally entrenched, is to be exercised with circumspection in a manner that serves the ends of justice rather than merely penalising the individual. (Para 13) Public authorities and public servants are duty-bound to act in the furtherance of public interest, with every action aligned to subserve the common good. In adjudicating contempt, the Court must necessarily consider the nature and degree of contempt. To instantiate, while public officials may be engaged in the performance of their duties, if there is even an attempt to exhibit wilful and deliberate disregard for the orders of this Court, such conduct would not merely amount to contempt in the narrow sense defined under Statute. Rather, it has a cascading effect—it fosters a perception that judicial directives can be defied with impunity. This cannot be viewed as routine disobedience but must be recognised as a serious affront to the Rule of Law itself. Such acts are generally classified as grave and offensive instances of contempt, warranting appropriate punishment without any misplaced sympathy or unwarranted magnanimity from the Court- On the contrary, where the Court finds that a breach of its order amounts to technical

contempt, absent any intent to wilfully defy or disobey its authority, this Court has evolved the practice of affording an opportunity to purge such contempt. For example, where the breach of the Court's order stems from an act genuinely intended to serve the larger public interest and undertaken in good faith, the Court may lean towards magnanimity and provide the contemnor(s) with an opportunity to purge the contempt. (Para 15) The conscious non-disclosure of material facts before this Court during the course of proceedings strikes at the very heart of the justice delivery system. It contaminates the sanctity of judicial proceedings, may cause irreversible prejudice to the opposite parties, and carries the potential to result in erroneous precedents being laid down. (Para 17)

Arif Md. Yeasin Jwadder vs State of Assam 2025 INSC 785 - Fake Encounters

Fake encounters - Fake encounters are extra-judicial killings and must be subject to strict legal scrutiny- (Para 13) The use of excessive or unlawful force by public authorities, irrespective of the nature of the offence or the antecedents of the victim, cannot be condoned or legitimised on any pretext. Any derogation from the principles of due process, even in the name of expediency or public safety, erodes the foundation of a democratic and civilised society. [Context: AHRC directed to necessary inquiry into the allegations on fake encounters in the State of Assam independently and expeditiously, in accordance with law]

Constitution of India - Article 32, 226 - Where the alleged cause espoused by a third party in the form of a PIL relates to a specific individual or a closed set of individuals — particularly where the implications of judicial intervention may directly alter or jeopardize the legal position of

the victim or their kin — it becomes imperative for the courts to tread with utmost circumspection- The danger of an unintended miscarriage of justice or irreversible prejudice being caused to an invisible and voiceless victim or their family, merely because a well-meaning but distanced individual has approached a Writ Court, cannot be discounted. In such situations, it is not sufficient for the court to proceed solely on the averments of the person advancing the cause before the court. Instead, it becomes obligatory for the court to independently explore mechanisms — institutional or otherwise — that can facilitate direct communication with the victim or their family, thereby enabling them to make an informed choice about participation or redressal through judicial means. (Para 20-21) The invocation of public interest jurisdiction, cannot become a substitute for procedural safeguards and the right of individual victims or their families to be heard. The risk of issuing general directions in the absence of independent assessment is not merely procedural — it strikes at the very heart of the principles of fairness and due process that underpin our judicial system. The jurisprudence developed by this Court over the decades reinforces the position that justice must be individualized where the consequences are personal and irreversible. (Para 24)

Chandigarh Administration vs Registrar General, High Court Of Punjab And Haryana 2025 INSC 786

Note: No legal aspects discussed in this judgment - SC upheld HC order directing construction of the verandah in front of Court Room No. 1 in alignment with the design of the pre-existing verandahs in front of Court Room Nos. 2 to 9 is absolutely justified and would not violate the UNESCO guidelines- SC observed: High Court administration is under an obligation

to provide appropriate facilities for the lawyers and the litigants who throng the Courts - if so required, the administration would not be precluded from seeking ex-post facto approval for this minimal protective measure which is considered necessary without admitting any exception.

**N.S. Gnaneshwaran vs Inspector Of Police 2025 INSC 787 - S.482
CrPC - Quashing On Settlement**

Code of Criminal Procedure 1973 - Section 482 - HC dismissed petition seeking quashing of criminal proceedings against accused for offences under Section 120B read with Sections 420, 468, and 471 of the Indian Penal Code – Allowing appeal, SC observed: the present criminal proceedings to continue would serve no meaningful purpose, particularly when the dispute between the parties has already been resolved through a full and final settlement. The settlement between the parties having taken place after the alleged commission of the offence, and there being no continuing public interest we see no justification for allowing the matter to proceed further.

**Central Bureau Of Investigation vs Sekh Jamir Hossain 2025
INSC 788 - Cancellation of Bail**

Bail - Considerations for grant of bail and cancellation thereof are entirely different. Bail once granted to the accused should normally not be interfered with/cancelled unless there exist circumstances giving rise to an inference that the bail has been procured by practicing fraud or mis-representation; that the allegations against the accused are so grave that the same have an adverse impact on the society at large and shake the conscience of the Court; that releasing the accused respondents on bail is likely to create a sense of fear and terror amongst the society or that the

accused while on bail may abscond or tamper with the prosecution evidence. (Para 13) [Context: SC cancelled bail granted to accused and observed : on both counts, i.e., (i) the nature and gravity of the offence which is nothing short of an attack on the roots of democracy and (ii) the imminent likelihood of the accused adversely affecting a fair trial, the bail granted to the accused respondents has to be cancelled. (Para 19)]

Rakhi Sadhukhan vs Raja Sadhukhan 2025 INSC 789 - Permanent Alimony

Permanent Alimony - Allowing appeal filed by a wife seeking modification of permanent alimony awarded, SC observed: The respondent-husband's income, financial disclosures, and past earnings establish that he is in a position to pay a higher amount. The appellant-wife, who has remained unmarried and is living independently, is entitled to a level of maintenance that is reflective of the standard of living she enjoyed during the marriage and which reasonably secures her future. Furthermore, the inflationary cost of living and her continued reliance on maintenance as the sole means of financial support necessitate a reassessment of the amount- opinion, a sum of Rs. 50,000/- per month would be just, fair and reasonable to ensure financial stability for the appellant-wife. This amount shall be subject to an enhancement of 5% every two years. (Para 7-8)

Batlanki Keshav (Kesava) Kumar Anurag vs State Of Telangana 2025 INSC 790 - Rape Case Quashed

Code of Criminal Procedure 1973 - Section 482 - HC refused to quash criminal proceedings against accused - Allowing appeal, SC observed: Even assuming that the accused appellant retracted from his

promise to marry the complainant, it cannot be said that he indulged in sexual intercourse with the de-facto complainant under a false promise of marriage or that the offence was committed by him with the de-facto complainant on the ground that she belonged to the Scheduled Castes/Scheduled Tribes community- The impugned FIR is nothing but a bundle of lies full of fabricated and malicious unsubstantiated allegations levelled by the complainant. The facts on record clearly establish the vindictive and manipulative tendencies of the complainant and these aspects have a great bearing on the controversy. (Para 30)

Kamla Nehru Memorial Trust vs U.P. State Industrial Development Corporation Limited 2025 INSC 791 - Legal Notice - Land Allotment - Public Trust Doctrine

Legal Notice - The essential elements of a legal notice would include: a. It should contain a clear and concise set of facts which convey the information leading to the relevant circumstances. This element is also fulfilled when reference is made to any earlier communications issued between the concerned parties; b. It should convey the intimation of any impending legal obligation or breach committed by any party; c. It should convey the intention of the party issuing the communication to hold the other party liable to appropriate legal action or charge; and d. The communication in toto must be unambiguous and should not mislead or suppress material information. If issued under a Statute, it must comply with the relevant requirements prescribed therein as well. (Para 23)

Constitution of India - Article 226 - Land allotment authorities such as UPSIDC possess the inherent right to cancel allotments upon violation of stipulated conditions, this Court has consistently emphasized that judicial intervention in matters concerning land revocation should be circumscribed to ensure adherence to procedural safeguards. (Para 20)

Public Trust Doctrine - The Doctrine emanates from the ancient principle that certain resources (seashores, rivers and forests) are so intrinsically important to the public that they cannot be subjected to unrestricted private control. Rooted in Roman law and incorporated into English common law, this Doctrine recognizes that the Sovereign holds specific resources as a trustee for present and future generations -The Doctrine does not impose an absolute prohibition on transferring public trust property, it subjects such alienation to stringent judicial review to ensure legitimate public purpose and adequate safeguards - When a substantial tract of industrial land is allocated without a comprehensive evaluation, it raises critical questions about adherence to these principles. The Doctrine requires that allocation decisions be preceded by a thorough assessment of public benefits, beneficiary credentials, and safeguards ensuring continued compliance with stated purposes. (Para 29-32)

[Context: SC directed State Government of Uttar Pradesh and UPSIDC (i) ensure that any such allotment in the future be made in a transparent, non-discriminatory and fair manner by ensuring that such allotment process fetches maximum revenue and also achieves the larger public interest like industrial development priorities, environmental sustainability, and regional economic objectives; and ii) The Subject Land

shall also be allotted strictly in accordance with the procedure as illustrated in direction (i) above. (Para 38)]

Municipal Corporation of Greater Mumbai vs Pankaj Babulal Kotecha 2025 INSC 792 - Environmental Law - Delayed Grievances - Public Trust Doctrine

Environmental Law - Environmental grievances must be raised promptly when alleged violations commence, not after transformative changes have materialized and become entrenched. (Para 19) [Context: SC set aside High Court's direction to restore the Subject Property to its original condition as a pond and observed: Though made with laudable intentions, fails to account for the transformed reality and the substantial public benefit derived from the current recreational space. (Para 20)]

Public Trust Doctrine -The public trust doctrine establishes that certain environmental resources are held in trust by the State for the unimpeded enjoyment of the public and for posterity. Although the doctrine imposes a legal obligation upon governmental authorities to protect these resources for public benefit and ecological sustainability, extending to public lands, parks, forests, water bodies, wetlands, and other areas acquired by the State, its application must necessarily be calibrated according to the factual matrix and contemporary public needs. The doctrine, thus, does not operate in isolation but must be harmonized with the objectives of sustainable development and evolving public welfare priorities. (Para 12)

Chetan vs State Of Karnataka 2025 INSC 793 - Evidence Act

Indian Evidence Act 1872 - Section 8 - [Section 6 BSA] - Mere absconding by itself does not constitute a guilty mind as even an innocent man may feel panicky and may seek to evade the police when wrongly suspected of being involvement as an instinct of self-preservation. But the act of absconce is certainly a relevant piece of evidence to be considered along with other evidence and is a conduct under Section 8 of the Evidence Act, 1872, which points to his guilty mind- The needle of suspicion gets strengthened by the act. (Para 10.9.2)

Indian Evidence Act 1872 - Section 8 - [Section 23(2) BSA] -when recoveries are made under Section 27 of the Evidence Act, the accused should explain how he came into possession of the incriminating articles.

Criminal Trial - Motive - Motive is something that is very difficult to prove as it remains hidden in the deep recess of the mind of the person concerned and in the absence of any open declaration by the person concerned himself, the motive has to be inferred from the activities and conduct of the person. (Para 10.11.2) that while proof of motive certainly strengthens the prosecution case based on circumstantial evidence, failure to prove the same cannot be fatal. (Para 10.11.3)

Law Of Evidence - Fact and Proof - Law does not require that a fact requires to be proved on absolute terms bereft of all doubts. What law contemplates is that for a fact to be considered proven, it must eliminate any reasonable doubt. Reasonable doubt does not mean any trivial, fanciful or imaginary doubt, but doubt based on reason and common sense growing out of the evidence in the case. A fact is considered proved if the court, after reviewing the evidence, either believes it exists or deems its existence

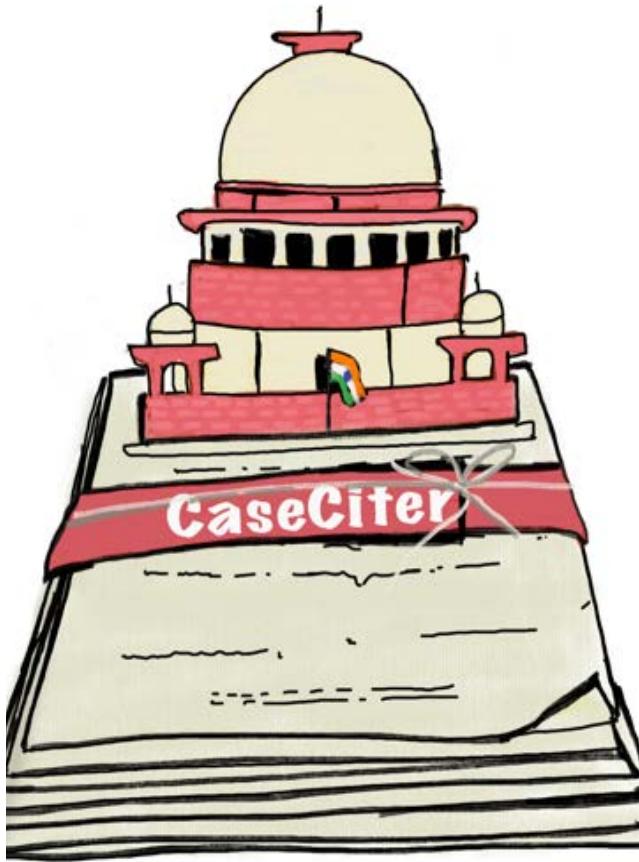
probable enough that a prudent person would act on the assumption that it exists. (Para 10.12) -**Circumstantial Evidence** - Where the evidence is circumstantial in nature, the circumstances from which the inference of guilt is to be drawn, should be fully established. In other words, each of the circumstances from which certain inferences are sought to be drawn, is required to be proved in accordance with law, and there cannot be any element of surmise and conjecture, and each of these circumstances so proved must form a complete chain without any break to clearly point to the guilt of the accused person. The court has to examine the cumulative effect of the existence of these circumstances, which would point to the guilt of the accused, though any single circumstance may not in itself be sufficient to prove the offence. Thus, if the combined effect of all these circumstances, each of which has been independently proved, establishes the guilt of the accused, then the conviction based on such circumstances can be sustained. These circumstances so proved must be consistent only with the hypothesis with the guilt of the accused and should exclude every hypothesis except the one sought to be proved. Thus, if upon evaluation of a set of proved circumstances consistent with understandable and socially recognised human behaviour, as a cumulative consequence, a clear and definitive pattern emerges which irresistibly points to the culpability of the accused person, we see no reason why we should not accept such an inferred conclusion to be correct to fasten criminal liability on the accused. On the other hand, if such an inference is sought to be assailed on the ground of any doubt, the doubt must be a reasonable one consistent with human behaviour under the circumstances of the case and not fanciful, abstract speculation or imagination. (Para 10.12.1)

Code of Criminal Procedure 1973 - Section 313 - Examination of an accused under Section 313 CrPC is an important component of the process of judicial scrutiny of the evidence sought to be relied upon by the prosecution against an accused. At the time of indictment and framing of charges against an accused, the untested evidence marshalled by the investigating authority in the course of the investigation is laid bare before the accused, who would have an idea as to the nature of evidence and case being built up against him by the prosecution. This is to enable the accused to prepare and strategize his defence. He will have all the opportunities to discredit any prosecution witness or question any evidence through the tool of cross examination. He will thereafter have the opportunity to lead his defence evidence if any. It is in this context that the answers given by an accused assume great significance in assessing the evidence by the court. While the accused is not obligated to answer the questions put to him and still can maintain his silence or deny the evidence, yet silence or evasive or wrong answers to the questions put by the court provides a perspective to the court in properly evaluating the incriminating materials which have been brought forth by the prosecution by drawing necessary inference including an adverse one. (Para 10.16)

Shrichand Rajaram Kukreja vs State Of Maharashtra 2025 INSC 794 - Quashing - Civil Disputes - Criminal Cases

Code of Criminal Procedure 1973 - Section 482 [Section 528 BNSS] - Attempts of the over-zealous litigants in trying to settle their civil disputes by misusing the police machinery and resorting to criminal proceedings- While quashing a criminal case, SC observed: the admitted

facts as available on record reveal that the complainant's claim is for reimbursement of the remaining amount claimed by him towards the works executed in furtherance of a contract. The allegations, made in the complaint, present a dispute which is purely commercial and civil in nature. It seems that the complainant has contrived to somehow or the other, involve the police machinery to act as recovery agents on his behalf. The complaint, on the face of record, did not disclose any offence whatsoever and no FIR should have been registered based thereupon. (Para 18)



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**Shrichand Rajaram Kukreja vs State Of Maharashtra 2025
INSC 794 - Quashing - Civil Disputes - Criminal Cases**

Code of Criminal Procedure 1973 - Section 482 [Section 528 BNSS] - Attempts of the over-zealous litigants in trying to settle their civil disputes by misusing the police machinery and resorting to criminal proceedings- While quashing a criminal case, SC observed: the admitted facts as available on record reveal that the complainant's claim is for reimbursement of the remaining amount claimed by him towards the works executed in furtherance of a contract. The allegations, made in the complaint, present a dispute which is purely commercial and civil in nature. It seems that the complainant has contrived to somehow or the other, involve the police machinery to act as recovery agents on his behalf. The complaint, on the face of record, did not disclose any offence whatsoever and no FIR should have been registered based thereupon. (Para 18)

Machhindranath Kundlik Tarade vs Ramchandra Gangadhar Dhamne 2025 INSC 795 -Maharashtra Co-operative Societies Act - Void and Voidable

Maharashtra Co-operative Societies Act, 1960 - Section 48 - Alienation of any such property on which a charge is created in favour of the concerned cooperative society by way of declaration is totally beyond the capacity of the owner/member who has declared it as a charged property, until the amount, for which the charge was created along with the interest, is repaid in full. However, even if a part of the

amount due is paid then a society may, on an application moved by the member, release from charge such part of the property, as it may deem proper having regard to the outstanding amount (Para 20) - **Section 48(e)** of the Act declares void any transaction by a member-loanee against the society, where he/she alienates such immovable property on which a charge is created under declaration. Thus, the primal purpose is to safeguard the interest of the society which advanced the loan. As a corollary, the right to sue or get a declaration qua any alienation made by a loanee rests and is available only to the society in favour of whom the property under a declaration was charged. It would, therefore, not be within the domain of the member- loanee who himself commits a breach to take a stand that the act done by him should be declared void, without the society coming forward before an appropriate forum to set aside such alienation. The law cannot, and does not, reward a person for his/her own wrongs

Legal Maxims - Ex injuria sua nemo habere debet- No party can take advantage of his/her own wrong - Referred to In Kusheshwar Prasad Singh v State of Bihar, (2007) 11 SCC 447 and Ram Pyare v Ram Narain, (1985) 2 SCC 162- It would not be proper for a Court of law to assist or aid such person who states that the wrong he committed be set aside and a relief be granted de hors the wrong committed, after condoning the same. In the present case, the plaintiff cannot be allowed to benefit from his own wrong and the Court will not be a party to a perpetuation of illegality. (Para 32)

Words and Phrases - Distinction between ‘void’ and ‘voidable’ - Dhurandhar Prasad Singh v Jai Prakash University, (2001) 6 SCC 534.

Bail - While setting aside HC order granting bail to murder accused, SC observed: It may be a fact that the respondent-accused(s) may have carried the injured victim, who later died, to the Hospital but he was actually brought dead to the hospital. This fact will have to be considered de hors from the fact as to who actually had committed the offence in the first place in the instant case. The trial court has rightly noted the said aspect and declined to grant bail. However, the High Court has set aside the said order and in a very cryptic reasoning has granted the relief of bail. (Para 20)

Pintu Thakur @ Ravi vs State Of Chhattisgarh 2025 INSC 797- POCSO Case - Sentence Reduced

POCSO Act - While modifying sentence of POCSO convict from imprisonment for life to twenty years, SC observed: The minimum sentence under Section 6 of the POCSO Act is twenty years. Bearing in mind the fact that the appellants herein were in their early twenties when the incident took place and the fact that now they have completed only five years of incarceration and even for completion of the minimum sentence it would mean another fifteen years, we find that the appellants are now in their mid-twenties and even if the minimum sentence is to be completed they would be in their early forties. (Para 8-9)

Baljinder Singh Alias Aman vs State Of Punjab 2025 INSC 796 - Murder Case - Bail Order Set Aside

Bail - While setting aside HC order granting bail to murder accused, SC observed: It may be a fact that the respondent-accused(s) may have carried the injured victim, who later died, to the Hospital but he was actually brought dead to the hospital. This fact will have to be considered de hors from the fact as to who actually had committed the offence in the first place in the instant case. The trial court has rightly noted the said aspect and declined to grant bail. However, the High Court has set aside the said order and in a very cryptic reasoning has granted the relief of bail. (Para 20)

Nagam Janardhan Reddy vs State Of Telangana 2025 INSC 798 - Writ Jurisdiction - Factual Adjudication

Constitution of India - Article 226 - While upholding dismissal of writ petition by HC, SC observed : We find that those are aspects which would call for determination of facts or in other words, a factual adjudication which cannot be done in a writ petition filed under Article 226 of the Constitution of India. (Para 18)

Tr. A. Babu vs State Of Tamil Nadu 2025 INSC 799 - Bail

Bail - SC allows an application for bail/suspension of sentence filed by accused by observing thus - In the facts and circumstances noted above and considering the fact that the appellant by way of repentance has volunteered to deposit an enhanced fine of Rs. 5 crores, we hereby

direct that the appellant shall be released on bail subject to such terms and conditions as may be imposed by the trial Court. (Para 14)

Vaibhav vs State Of Maharashtra 2025 INSC 800 - Gunshot Cases - Circumstantial Evidence - Motive

Criminal Trial - Gunshot cases -In gunshot cases wherein the nature of death – suicidal, accidental or homicidal – is not ascertainable from direct evidence, multiple factors are taken into account for arriving at a conclusion. Such factors include, but are not limited to, the point of entrance, the size of wound, direction of wound, position of wound, possible distance of gunshot, number of wounds, position of weapon, trajectory of bullet after entering into the human body, position of exit wound (if bullet has exited), direction of exit wound, direction of the bullet after exit, distance travelled by the bullet after exit, nature of final impact on surface (if any) etc. All such factors, to the extent of their applicability to the facts of the case, need to be examined by the Court before arriving at a judicial finding of fact (Para 19)- **Circumstantial Evidence** - In a case based on circumstantial evidence, facts indicating subsequent conduct are relevant facts under Section 8 of the Evidence Act. Equally, the inconsistencies in the version of the appellant are also relevant. However, the occasion to examine the version/defence of the appellant could have arisen only if the prosecution had succeeded in discharging its primary burden beyond reasonable doubt. (Para 21) **Evidentiary burden to be discharged by the prosecution and the accused**

- Whereas, the former is expected to discharge its burden beyond reasonable doubt, the latter is only required to prove a defence on the anvil of preponderance of probabilities. If the accused leads defence evidence in the course of a criminal trial, the same ought to be tested as probable or improbable in the facts and circumstances of the case.

(Para 22) **Motive** - In cases purely based on circumstantial evidence, the absence of motive could raise serious questions and might even render the chain of evidence as doubtful. It is so because the presence of motive does the job of explaining the circumstantial evidence.(Para 23-25)

Harinagar Sugar Mills Ltd. (Biscuit Division) vs State Of Maharashtra 2025 INSC 801 - S.25-O Industrial Disputes Act - Right To Shut Down A Business

Constitution of India - Article 19- Article 19(1)(g) includes the right to shut down a business but is, of course, subject to reasonable restrictions. (Para 7) Freedom of trade, profession, occupation and business -All citizens of the country have freedom to choose a location of their choice and run it as they deem it fit, subject to the reasonable restrictions that may be made by the legislature. When it comes to industry which is covered under Article 19, the field of the statute is occupied by the Industrial Disputes Act, 1947 (Para 7) - **Industrial Disputes Act, 1947- Section 25-O:** i. the right to close the business is subject to the interest of the general public; ii. any application seeking permission for closure must disclose adequate and genuine

reasons which the authority has to have regard for; iii. in certain cases, however, even if the reasons are genuine and adequate, it does not mean that permission to close ought to be granted; iv. if it is found that the reasons are generally adequate, and despite that the appropriate Government decides for refusal of permission of foreclosure, then the interest of the general public involved in that particular case must be “compelling” and “overriding”; v. financial difficulty on its own cannot constitute the reason for shutting down the business. An employer must demonstrate exceptional circumstances or an impossibility of running the business -Referred to Orissa Textile and Steel v. State of Orissa (2002) 2 SCC 578. (Para 12-13)

Practice and Procedure - Reliance cannot be placed on internal noting to establish compliance with procedure- ...a mere noting in the official files of the Government while dealing with any matter pertaining to any person is essentially an internal matter of the Government and carries with it no legal sanctity - Referred to Pimpri Chinchwad New Township Development Authority v. Vishnudev Coop. Housing Society (2018) 8 SCC 215. (Para 16)

Administrative Law -Administrative authorities are also required to give reasons for a decision made- Referred to Star Enterprises v. City and Industrial Development Corpn. of Maharashtra Ltd (1990) 3 SCC 280. (Para 16)

**Nagarajan vs State Of Tamil Nadu 2025 INSC 802 - CrPC -
Appeal Against Conviction - Suo Motu Revision**

Code of Criminal Procedure 1973 - Section 374,386, 401- In an appeal filed by the accused/convict and in the absence of any appeal filed by the victim, complainant or the State, the High Court cannot exercise suo motu revision either to enhance the sentence or to convict the appellant on any other charge. (Para 16) - Referred to Sachin vs. State of Maharashtra

**Ghanshyam Soni vs State (Govt. Of NCT Of Delhi) 2025 INSC
803 - S.468 CrPC - S.498A IPC Misuse**

Code of Criminal Procedure 1973 - Section 468 [Section 514 BNSS] -For the computation of the limitation period under Section 468 CrPC the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance - Referred to Bharat Damodar Kale & Anr. v. State of Andhra Pradesh [2003] 8 SCC 55 and Kamatchi v. Lakshmi Narayanan [2022] 15 SCC 50. (Para 15-16)

Indian Penal Code 1860 - Section 498A - Growing tendency to misuse legal provisions condemned - Reiterated Dara Lakshmi Narayana & Ors. v. State of Telangana 2024 INSC 953. (Para 13)

**Celestium Financial vs A. Gnanasekaran 2025 INSC 804 -
CrPC - Victim's Right To Appeal - Cheque Bounce Cases**

Code of Criminal Procedure 1973 - Sections 372,378 [Section 413,419 BNSS] - The victim of an offence has the right to prefer an appeal under the proviso to Section 372 of the CrPC, irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 and need not advert to sub-section (4) of Section 378 of the CrPC. (Para 10) However, if the complainant is not a victim and intends to file an appeal, in such a case a complainant would have to proceed under Section 378 of the CrPC which circumscribes the right to file an appeal by virtue of the conditions which are stipulated under the said Section. (Para 6.6) the victim of a crime must have an absolute right to prefer an appeal which cannot be circumscribed by any condition precedent. (Para 7.12) - [Referred to Mallikarjun Kodagali vs State of Karnataka, (2019) 2 SCC 752 -Followed view taken by Madan B. Lokur J.]

Negotiable Instruments Act 1881 - Section 138; Code of Criminal Procedure 1973 - Section 2(wa) - In the case of an offence alleged against an accused under Section 138 of the NI Act, the complainant is indeed the victim owing to the alleged dishonour of a cheque. In the circumstances, the complainant can proceed as per the proviso to Section 372 of the CrPC and he may exercise such an option and he need not then elect to proceed under Section 378 of the CrPC. (Para 7.8) Merely because the proceeding under Section 138 of the Act

commences with the filing of a complaint under Section 200 of the CrPC by a complainant, he does not cease to be a victim inasmuch as it is only a victim of a dishonour of cheque who can file a complaint- Under Section 138 of the Act both the complainant as well as the victim are one and the same person (Para 7.9)

Code of Criminal Procedure 1973 - Section 2(wa) - The expression 'victim' means a person who has suffered any loss or injury. The loss or injury could be either physical, mental, a financial loss or injury. The expression injury could also be construed as a legal injury in a wider sense and not just a physical or a mental injury. The loss or injury must be caused by reason of an act or omission for which the accused person has been charged. Thus, it can be both by a positive act or negatively by an omission which is at the instance of the accused and for which such accused has been charged. Further, the expression 'victim' also includes his/her guardian or legal heir in the case of demise of the victim. the expression 'victim' has been couched in a broad manner so as to include a person who has suffered any loss or injury. The expressions 'loss' or 'injury' themselves are of a very broad import which expressions also enlarge the scope of the expression 'victim'. Further, the expression 'victim' includes not only the person who has suffered any loss or injury caused by reason of any act or omission for which the accused person has been charged but also includes his or her guardian or legal heir which means that the definition of victim is inclusive in nature. (Para 6.4,6.5)

Charge - Charge is actually a precise formulation of the specific accusation made against a person who is entitled to know its nature at the earliest stage. The charge is against a person in respect of an act committed or omitted in violation of penal law forbidding or commanding it. In other words, a charge is an accusation made against a person in respect of offence alleged to have been committed by him. (Para 6.7.1) In a fuller and more accurate sense, the expression charge includes the responsibility for the crime. As a formal complaint, a charge signifies an accusation, made in a legal manner of legal conduct, either of omission or commission by the person charged. A person charged with a crime means something more than being suspected or accused of a crime by popular opinion or rumour and implies that the offence has been alleged against the accused parties according to the forms of law. The purpose of a charge is to tell an accused person as precisely and consciously as possible of the matter with which he is charged with. Thus, the expression charge includes the element of offence and also reference to the person who is alleged to have committed the offence. (Para 6.7.2)

**Union Of India vs Kamakhya Transport Pvt. Ltd. 2025 INSC
805 - Section 66,83 Railways Act**

Railways Act, 1989 - Section 83 - High Court view that penal charges can only be applied prior to the delivery of goods erroneous - Clarified Jagjit Cotton Textile Mills v. Chief Commercial Superintendent N.R. (1998) 5 SCC 126: When this Court observed

“one such ‘condition’ could be by directing that penal charges could be collected before delivering the goods”, it was a suggestion, to explain the conditions that could be imposed by the Railway Administration under Section 54(1). Moreover, the above exposition in Jagjit Cotton Textile (supra), was made in the context of Section 54 only, while the facts of this case pertain to Section 66 of the Act. (Para 18-19)

Railways Act, 1989 - Section 66 - A consignee/owner of goods/person having charge of goods who has brought goods for the purpose of carriage has to give the Railway authorities a written statement regarding the description of the goods, to enable them to charge the appropriate rate of carriage. Under sub-section (4), if the statement is found to be materially false, the Railway authority is empowered to charge the goods at the required rate. No reference is made to the stage at which such a charge can be made, i.e., either before or after delivery. Consequently, it can be seen that the legislative intent had to be, to permit levy of charge under this Section, at either stage and not at a specific one. (Para 14)

Balaji Traders vs State Of U.P 2025 INSC 806 - S.387 IPC - Extortion

Indian Penal Code 1860 - Section 387 [Section 308(4) IPC]

Nowhere does the Section say that extortion has to be committed while putting a person in fear of death or grievous hurt. Instead, it is the other way around, that is to say, putting a person in fear of death or grievous hurt to commit extortion. Extortion is not yet committed;

it is in the process of committing it that a person is put in fear. Putting a person in fear would make an accused guilty of an offence under Section 387 IPC; it need not satisfy all the ingredients of extortion provided under Section 383 IPC. (Para 25) for prosecution under Section 387 IPC, the delivery of property is not necessary. (Para 14)

Code of Criminal Procedure 1973 - Section 482 [Section 528 BNSS] - principles of quashing criminal cases/complaints/FIR - Referred to B.N. John v. State of U.P , Neeharika Infrastructure (P) Ltd. v. State of Maharashtra (2021) 19 SCC 401 and Dalip Kaur v. Jagnar Singh (2009) 14 SCC 696. (Para 17-18)

Interpretation of Statutes - Penal statutes must be given strict interpretation- The scope of the provision cannot be extended by reading into it words which are not there- The Court ought not to read anything into a statutory provision that imposes penal liability -A penal provision must be strictly construed; that is to say, in the absence of clear, compelling language, the provision should not be given a wider interpretation. M. Narayanan Nambiar v. State of Kerala 1962 SCC OnLine SC 85 and Tolaram Relumal v. State of Bombay (1954) 1 SCC 961, R. Kalyani v. Janak C. Mehta (2009) 1 SCC 516 and Dilip Kumar Sharma v. State of M.P. 1968 SCC OnLine SC 310. (Para 19-24)

Abhishek Singh vs Ajay Kumar 2025 INSC 807 - S.482 CrPC - Scope Of Quashing Power

Code of Criminal Procedure 1973 - Section 482 - [Section 528]

BNSS]- The task of the High Court, when called upon to adjudicate an application seeking to quash the proceedings, is to see whether, *prima facie*, an offence is made out or not. It is not to examine whether the charges may hold up in the Court. In doing so, the area of action is circumscribed- Referred to Rajeev Kourav v. Baisahab (2020) 3 SCC 317 and Naresh Aneja v. State of U.P. (2025) 2 SCC 604. (Para 9-10)

Greater Mohali Area Development Authority (Gmada) Vs Anupam Garg 2025 INSC 808 - Consumer Protection Act - Builder - Buyer Issues

Consumer Protection Act - Principles regarding grant/non-grant of relief to an allottee who is aggrieved by non-delivery or delay in delivery of plots/flats - Referred to Bangalore Development Authority v. Syndicate Bank (2007) 6 SCC 711 : Where the development authority having received the full price, does not deliver possession of the allotted plot/flat/house within the time stipulated or within a reasonable time, or where the allotment is cancelled or possession is refused without any justifiable cause, the allottee is entitled for refund of the amount paid, with reasonable interest thereon from the date of payment to date of refund. In addition, the allottee may also be entitled to compensation, as may be decided with reference to the facts of each case. (Para 11) **Builder - Buyer Disputes-** Whether the buyers of the flat do so by utilizing their savings, taking a loan for such purpose or securing the required finances by any other permissible

means, is not a consideration that the developer of the project is required to keep in mind. For, so far as they are concerned, such a consideration is irrelevant. The one who is buying a flat is a consumer, and the one who is building it is a service provider. That is the only relationship between the parties. If there is a deficiency or delay in service, the consumer is entitled to be compensated for the same. (Para 15)

Dhanya M vs State Of Kerala 2025 INSC 809 - Preventive Detention - KAAPA

Constitution of India - Article 21, 22(3) -The provision for preventive detention is an extraordinary power in the hands of the State that must be used sparingly. It curtails the liberty of an individual in anticipation of the commission of further offence(s), and therefore, must not be used in the ordinary course of nature. The power of preventive detention finds recognition in the Constitution itself, under Article 22(3)(b)- The power of preventive detention is an exception to Article 21 and, therefore, must be applied as such, as an exception to the main rule and only in rare cases - Referred to Mortuza Hussain Choudhary v. State of Nagaland

Kerala Anti-Social Activities (Prevention) Act, 2007 - Distinction between public order as also law and order situations - Referred to Nenavath Bujji etc. v. State of Telangana [Context: While quashing a detention order, SC observed: The circumstances pointed out in the order by the detaining authority may be ground enough for

the State to approach the competent Courts for cancellation of bail, but it cannot be said that the same warranted his preventive detention.]

Amlesh Kumar vs State Of Bihar 2025 INSC 810 - Accused's Right To Voluntarily Undergo Narco Analysis Test

Criminal Trial - The accused has a right to voluntarily undergo a narco- analysis test at an appropriate stage. We deem it appropriate to add, that the appropriate stage for such a test to be conducted is when the accused is exercising his right to lead evidence in a trial. However, there is no indefeasible right with the accused to undergo a narco-analysis test, for upon receipt of such an application the concerned Court, must consider the totality of circumstances surrounding the matter, such as free consent, appropriate safeguards etc., authorizing a person to undergo a voluntary narco-analysis test. (Para 21)

[**Overruled** the view taken by Rajasthan High Court in Sunil Bhatt v. State that the accused can seek a narco- analysis test at a relevant stage in view of the statutory right to lead evidence in defence under Section 233 of the Criminal Procedure Code.]

Constitution of India - Article 21, 20(3) - Under no circumstances, is an involuntary or forced narco-analysis test permissible under law - A report of such involuntary test or information that is discovered subsequently is also not per se admissible as evidence in criminal or other proceedings (Para 9)- While the need for modern investigative techniques may be true, such

investigative techniques cannot be conducted at the cost of constitutional guarantees under Articles 20(3) and 21. (Para 12)- Referred to Selvi and Ors. v. State of Karnataka (2010) 7 SCC 263.

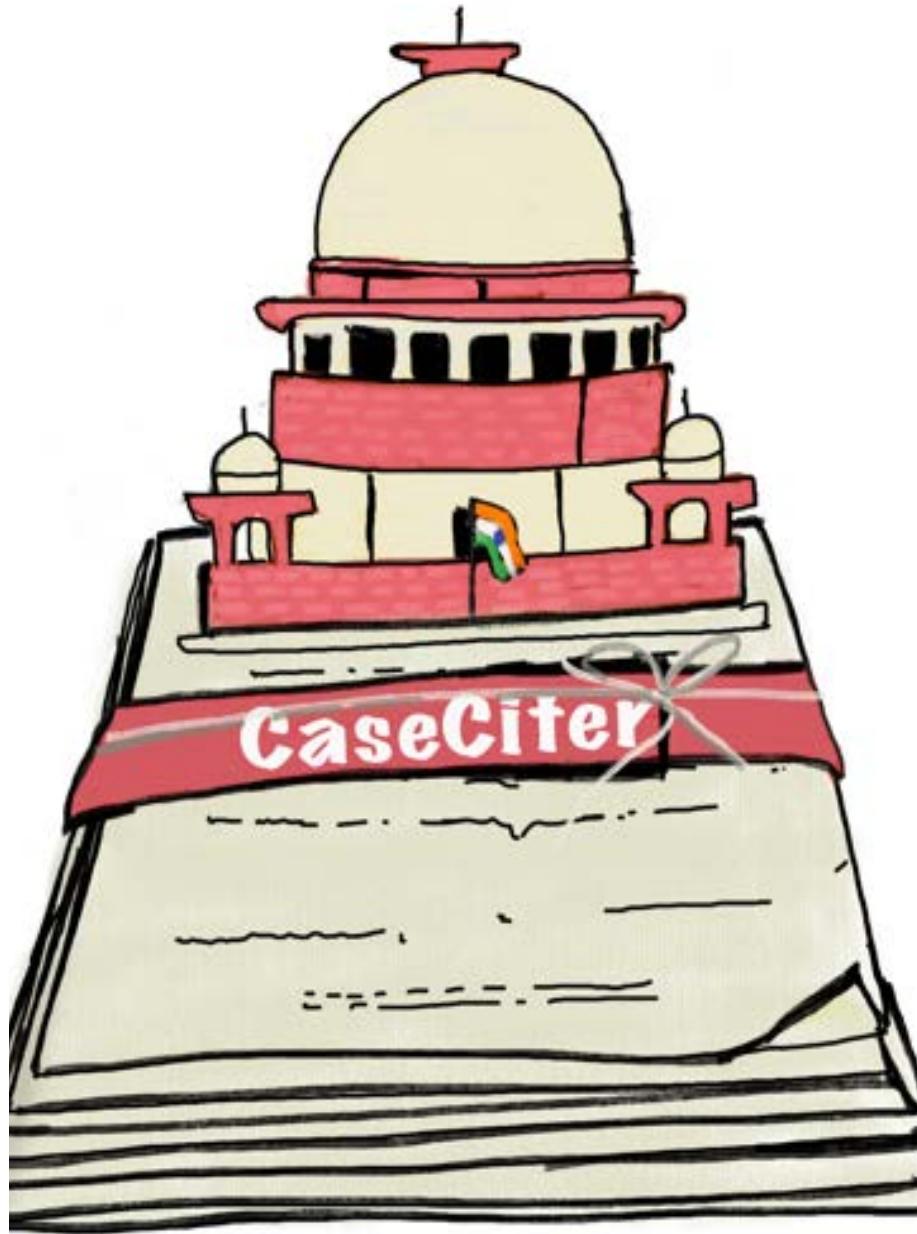
Criminal Trial - A report of a voluntary narco- analysis test with adequate safeguards as well in place, or information found as a result thereof, cannot form the sole basis of conviction of an accused person. (Para 16)

Narco-analysis test -A narco-analysis test is an interrogation method whereby a suspect of a crime is injected with a psychoactive drug under controlled conditions to suppress their reasoning power or the ability to determine what is good/bad for themselves- The drug used for this test is sodium pentothal, which is also used in higher dosages for inducing general anesthesia in surgeries. (Para 7)

Selvi v. State of Karnataka: Articles 20 and 21 of the Constitution are non-derogable and sacrosanct rights to which the judiciary cannot carve out exceptions; -Involuntary administration of narco-analysis and similar tests is in contravention of the protection given by Article 20(3) of the Constitution, i.e. the right against self- incrimination-The results of such involuntary tests cannot be considered as ‘material evidence’ in the eyes of the law-Conducting such tests in the absence of consent violates ‘substantive due process’ – which is an essential element required for restraining one’s personal liberty. Permitting such tests may lead to a disproportionate exercise of police powers- The boundaries of privacy of a person are also breached when these

tests are conducted without consent - For voluntary tests, it must be ensured that appropriate safeguards are in place. Moreover, the results of the same cannot be admitted directly as evidence. Pertinently, any fact or information that is discovered subsequent thereto, with the help of the information supplied in the result, can be admitted into evidence with the aid of Section 27 of the Indian Evidence Act 1872. (Para 8-9) - Guidelines discussed (Para 21)

Code of Criminal Procedure, 1973 - Section 439 - While entertaining an application for grant of bail, the Court has to take into consideration the allegations against the accused; period of custody undergone; nature of evidence and the crime in question; likelihood of influencing witnesses and other such relevant grounds. It does not involve entering into a roving enquiry or accepting the use of involuntary investigative techniques. (Para 11)



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Disclaimer: We have made these notes based on our understanding of the Supreme Court judgments. Readers are requested to read full judgments before they use our notes for any purpose.

**S. N. Vijayalakshmi vs State of Karnataka 2025 INSC 917 -
S.156(3) CrPC - Affidavit Requirement**

Code of Criminal Procedure 1973 - Section 156(3) - Directions issued in *Priyanka Srivastava v State of Uttar Pradesh* are mandatory and operate prospectively - Non-filing of the supporting affidavit is a curable defect, but must be cured before the Magistrate passes any substantive order on the complaint/application, and if the Magistrate proceeds without the requisite affidavit, such order/any consequential orders/proceedings can be quashed on the sole ground of non-compliance with Priyanka Srivastava. (Para 45)

Code of Criminal Procedure 1973 - Section 482- If the element of criminality is there, a civil case can co-exist with a criminal case on the same facts. The fact that a civil remedy has already been availed of by a complainant, ipso facto, is not sufficient ground to quash an FIR- The obvious caveat being that the allegations, even if having a civil flavour to them, must *prima facie* disclose an overwhelming element of criminality. In the absence of the element of criminality, if both civil and criminal cases are allowed to continue, it will definitely amount to abuse of the process of the Court, which the Courts have always tried to prevent by putting a stop to any such criminal proceeding, where civil proceedings have already been instituted with regard to the same issue, and the element of criminality is absent. If such an element is absent, the prosecution in question would have to be quashed. (Para 42)

Manchu Mohan Babu vs. State of Andhra Pradesh 2025 INSC 916 - S.482 CrPC

Code of Criminal Procedure 1973 - Section 482 - The issue to be addressed by the High Court is whether, assuming all the allegations in the FIR and chargesheet are correct as they stand, offences punishable under the aforesaid sections were made out. [Context: SC allowed appeal against HC judgment that refused to quash criminal proceedings and observed: none of the offences alleged against the appellants herein is made out]

Urmila Devi vs Balram 2025 INSC 915 - S.482 CrPC - Civil Nature - Cloak Of Criminal Offence

Code of Criminal Procedure 1973 - Section 482 - While exercising powers under Section 482 of the Cr.P.C, a High Court can examine whether a matter which is essentially of a civil nature has been given a cloak of a criminal offence- Courts have to be vigilant to ensure that the machinery of criminal justice is not misused for achieving oblique motives and agendas. Tacitly endorsing such misuse only unnecessarily burdens the courts and the criminal justice system. (Para 8.9)

Commissioner of Service Tax-III, Mumbai v. Vodafone India Limited 2025 INSC 914 - Export of Service Rules

Export of Service Rules, 2005 - CESTAT held that the services provided by the respondents-assesseees have been in fact exported out of

India. Consequently, service tax is not payable by the assessees on such services so exported, vide Rule 4 of the Export of Service Rules, 2005 -It also held that the assessees had rightly availed payment of CENVAT credit on inputs and input services used for providing such services vide Rule 5 of the Rules - Dismissing appeal filed by Revenue, SC observed: What has been determined by the CESTAT are purely findings of facts. We do not find any perversity in the determination of the findings of facts. In the circumstances, we find no reason to interfere with the impugned orders of the CESTAT and the High Court.

Gajanan Dattatray Gore vs State of Maharashtra 2025 INSC 913 - Bail On Undertaking

Code of Criminal Procedure 1973 - Section 437-439 - There shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. (Para 24) Henceforth no Trial Court or any of the High Courts shall pass any order of grant of regular bail or anticipatory bail on any undertaking that the accused might be ready to furnish for the purpose of obtaining appropriate reliefs- The High Courts as well as the Trial Courts shall decide the plea for regular bail or anticipatory bail strictly on the merits of the case. The High Courts and the Trial Courts shall not exercise their discretion in this regard on any undertaking or any statement that the accused may be ready and willing to make. (Para 19-20)

**Padi Kaushik Reddy v. State of Telangana 2025 INSC 912 -
Speaker - Disqualification Plea**

Constitution of India - Tenth Schedule and Article 136, 226,227 -
The Speaker, while acting as an adjudicating authority in Paragraph 6(1) of the Tenth Schedule to the Constitution, acts as a Tribunal amenable to the jurisdiction of the High Court under Articles 226 and 227 of the Constitution and of this Court under Article 136 of the Constitution - The Speaker/Chairman, while acting as an adjudicating authority under Paragraph 6 of the Tenth Schedule to the Constitution does not enjoy the constitutional immunity as available either under Article 122 or 212 of the Constitution. (Para 100)

Constitution of India - Tenth Schedule - It is for the Parliament to consider whether the mechanism of entrusting the Speaker/Chairman the important task of deciding the issue of disqualification on the ground of defection, is serving the purpose of effectively combating political defections or not? If the very foundation of our democracy and the principles that sustain it are to be safeguarded, it will have to be examined whether the present mechanism is sufficient or not. (Para 94) With the experience of over 30 years of working of the Tenth Schedule to the Constitution, the question that we will have to ask ourselves is as to whether the trust which the Parliament entrusted in the high office of the Speaker or the Chairman of avoiding delays in deciding the issue with regard to disqualification has been adhered to by the incumbents in the high office of Speaker and the Chairman or not? We need not answer this question, since the facts of the various cases we have referred to hereinabove themselves provide the answer. (Para 73-74]

Constitution of India - Article 226,227 - The difference between the jurisdictional exercise under Article 227 of the Constitution and the jurisdiction of the High Court to issue a writ of certiorari under Article 226 of the Constitution is very thin - Referred to *Surya Devi Rai v. Ram Chander Rai.* (Para 36)

IL & FS Financial Services Ltd. vs Adhunik Meghalaya Steels Pvt. Ltd. 2025 INSC 911 - IBC- S.18 Limitation Act - Balance Sheet

Insolvency and Bankruptcy Code 2016 - Section 238A - Limitation Act 1961- Section 18- Entries in Balance Sheets could constitute a valid acknowledgement - Referred to *Asset Reconstruction Co. (India) Ltd. v. Bishal Jaiswal and Another,* (2021) 6 SCC 366. (Para 22) As to whether a certain document in a given case constitutes a valid acknowledgement would depend on the facts and circumstances of each case.(Para 38)

[Context: In this case, the Court found that Balance Sheet of F.Y. 2019- 20, viewed in the background of the other admitted documents, including the financial statements of the previous years, clearly constitutes a valid acknowledgment of a subsisting liability and indicated the existence of a jural relationship and an admission as to the existence of such relationship. (Para 41)]

Limitation Act 1961- Section 18- An acknowledgment of debt merely renews the debt and does not create a new right of action. It is further essential that the acknowledgment must relate to a subsisting liability and must indicate the jural relationship between the parties such as that of

debtor and creditor, and it must appear that the statement is made with the intention to admit such jural relationship- Such intention can be inferred by implication from the nature of the admission and need not be expressed in words- In construing the words used in the statements, surrounding circumstances can always be considered and that Courts lean in favour of a liberal construction of such statements, though intention cannot be fastened by an involved or far-fetched process of reasoning- Referred to *Khan Bahadur Shapoor Fredoom Mazda v. Durga Prasad Chamaria and Others*, 1961 SCC OnLine SC 147 (Para 26-28)

Subha Prasad Nandi Majumdar vs State of West Bengal Service 2025 INSC 910 - Service Law - Fraternity

Service Law - Extension of the retirement date, dependent on past experience of teaching in a university or a college located in West Bengal alone has no object to subserve and as such classification of employers into those who have acquired teaching experience in West Bengal and those who acquired such experience outside West Bengal is artificial, discriminatory and arbitrary- To insist on past teaching experience of 10 years within the State of West Bengal for extension of service, particularly when the employee has already worked for fourteen years is arbitrary and illegal. (Para 20-21) [Context: Calcutta HC judgment upheld the University and State's stance that a government Notification dated 24.02.2021 extending the retirement age from 60 to 65 years is inapplicable to him due to non-satisfaction of the 10-year continuous teaching condition in a university situated in West Bengal- Allowing appeal, SC observed: Notification's intent

was not to exclude employees with experience from universities outside the State of West Bengal. The text, the context, and the objective of the Notification reveal that its purpose was solely to distinguish between state-aided and private institutions. Classifying employees based on past teaching experience from Universities within or outside West Bengal, particularly at the verge of retirement, after having served for decades lacks nexus and discernible object.

Fraternity - The principle of fraternity never asserts itself. It is the duty of the constitutional court to recognise its erosion, even in the bylanes of public administration and to restore the essential ‘We’ to ensure the unity and integrity of the nation. (Para 4)

**Satender Kumar Antil vs. Central Bureau of Investigation 2025
INSC 909 - S.35 Bharatiya Nagarik Suraksha Sanhita 2023 -
Electronic Communication Of S.35 Notice**

Bharatiya Nagarik Suraksha Sanhita 2023 - Section 35- Electronic communication is not a valid mode of service of notice under Section 35 BNSS - Introducing a procedure into Section 35 of the BNSS, 2023, that has not been specifically provided for by the Legislature, would be violative of its intent- (Para 43) The usage of electronic communication by the Investigating Agency, has only been provided for effecting the procedure under Sections 94 and 193 of the BNSS.(Para 41)

Bharatiya Nagarik Suraksha Sanhita 2023 - Section 35(6)-Non-compliance with a notice does not ipso facto mandate arrest, as

there lies a discretion with the Investigating Agency, which must be of the opinion that the arrest of the concerned person is necessary for the purpose of investigation- Failure to comply with the notice does not lead to automatic arrest. Rather, it is the last resort available to the Investigating Agency, after due exercise of discretion regarding the necessity of arrest.(Para 23)

Interpretation of Statute - While interpreting a statute, the legislative intent is to be gathered from a plain and simple reading of the language employed in the provisions, in a purposive manner, thereby upholding the objective behind the enactment. (Para 28)

Shri Shri Swami Samarth Construction & Finance Solution vs Board of Directors of NKGSB Co-op. Bank Ltd. 2025 INSC 908 - SARFAESI Act - MSMED Act

Micro, Small and Medium Enterprises Development Act, 2006 - SARFAESI Act 2002 - Section 13 - Framework for Revival and Rehabilitation of MSMEs - A right under the MSME Act is not destroyed by the SARFAESI Act or vice versa - The terms of the FRAMEWORK do not prohibit the lending bank/secured creditor (assuming that it has no conscious knowledge that the defaulting borrower is an MSME) to classify the account of the defaulting MSME as NPA and to even issue the demand notice under Section 13(2) of the SARFAESI Act without such identification of incipient stress in the account of the defaulting borrower (MSME);

however, upon receipt of the demand notice, if such borrower in its response under Section 13(3-A) of the SARFAESI Act asserts that it is an MSME and claims the benefit of the FRAMEWORK citing reasons supported by an affidavit, the lending bank/secured creditor would then be mandatorily bound to look into such claim keeping further action under the SARFAESI Act in abeyance; and, should the claim be found to be worthy of acceptance within the framework of the FRAMEWORK, to act in terms thereof for securing revival and rehabilitation of the defaulting borrower. (Para 6)

Umri Pooph Pratappur (UPP) Tollways Pvt. Ltd. vs. M.P. Road Development Corporation 2025 INSC 907 - Right To Safe, Well-Maintained - Motorable Roads - Writ Petitions

Constitution of India- Article 19,21- The right to access any part of the country, with certain exceptions and restrictions under certain circumstances, is a fundamental right guaranteed under Article 19(1)(g) of the Constitution, and the right to safe, well-maintained, and motorable roads is recognised as a part of the right to life under Article 21 of the Constitution of India, it is the responsibility of the State to develop and maintain the roads directly under its control. (Para 8)

Constitution of India- Article 226 -The contract for laying of a State Highway/District Road, when assigned by the Corporation owned and run by the government, assumes the character of a public function – even if performed by a private party – and would satisfy the functionality test to sustain the writ petition. (Para 8)

Madhya Pradesh Madhyastham Adhikaran Adhiniyam, 1983 - When the Concession Agreement pertains to the construction of a State Highway situated entirely within the State of Madhya Pradesh and was awarded by a State-controlled entity, the agreement clearly qualifies as a “works contract” under section 2(1)(i) of the 1983 Act. Consequently, the dispute arising therefrom falls within the exclusive jurisdiction of the Madhya Pradesh Arbitration Tribunal.(Para 11.9-10)

Words and Phrases -'Ascertained' - A claim which can be determined through evidence and quantification falls within the ambit of the term ‘ascertained’. (Para 11.3)

Santhosh Karunakaran vs. Ombudsman cum Ethics Officer, Kerala Cricket Association 2025 INSC 906

Note: No legal aspects discussed in the judgment.

S. Mohammed Hakkim vs. National Insurance Co. Ltd. 2025 INSC 905 - Contributory Negligence

Motor Accident Compensation - Contributory Negligence - On a highway, high speed of vehicles is expected and if a driver intends to stop his vehicle, he has a responsibility to give a warning or signal to other vehicles moving behind on the road. (Para 6) [In this case, both MACT and HC found that appellant was definitely negligent in not maintaining a sufficient distance from the vehicle moving ahead and driving the

motorcycle without a valid license- In appeal SC observed: It cannot be ignored that the root cause of the accident is the sudden brakes applied by the car driver. The explanation given by the car driver for suddenly stopping his car in the middle of a highway is not a reasonable explanation from any angle-Appellant is liable for contributory negligence but only to the extent of 20% whereas the car driver and bus driver are liable for negligence to the extent of 50% and 30% respectively.]

**Daiyshala vs Oriental Insurance Company Ltd. 2025 INSC 904 -
S.3 Employees Compensation Act - Accident Occurring To
Employee**

Employees' Compensation Act, 1923- Section 3- The phrase “accident arising out of and in the course of his employment” occurring in Section 3 includes accident occurring to an employee while commuting from his residence to the place of employment for duty or from the place of employment to his residence after performing duty, provided the nexus between the circumstances, time and place in which the accident occurred and the employment is established. (Para 55)

Interpretation of Statutes - Where statutes in pari materia serve a common object in absence of any provision indicating to the contrary, it is permissible for a court of law to ascertain the meaning of the provision in the enactment by comparing its language with the other enactment relating to the same subject matter. (Para 49) An Act will be declaratory if it is intended to remove doubts and if its object was to supply an obvious omission or to clear up any ambiguity as to the meaning of a previously

existing statute. In such an event, the said statute being declaratory and clarificatory in nature, it can be given retrospective effect. (Para 25)

Words and Phrases - Deemed - The expression “deemed” is sometimes used to impose for the purpose of a statute an artificial construction for a word or phrase that would not otherwise prevail. Very often, it is also used to put beyond doubt a particular construction that might otherwise be uncertain. Sometimes it is used to give a comprehensive description that it includes what is obvious, what is uncertain and what is, in the ordinary sense, impossible. (Para 45)

Chirag Sen vs State Of Karnataka 2025 INSC 903 - S. 482 CrPC - Manifest Injustice

Code of Criminal Procedure 1973 - Section 482 : Bharatiya Nagarik Suraksha Sanhita 2023 - Section 528 - Where allegations are inherently improbable and no case is made out, continuation of proceedings amounts to abuse of process - While jurisdiction to quash must be exercised with caution, the law equally mandates that courts must not remain passive in the face of manifest injustice- Where a criminal proceeding is instituted with an ulterior motive for wreaking vengeance, the Court has a duty to interdict such abuse- While the conclusion of administrative bodies is not conclusive for criminal liability, they do bear relevance when evaluating whether a complaint discloses prima facie grounds to proceed further- Summoning an accused in a criminal proceeding is a serious matter and should not be undertaken lightly. (Para

Bengani Food Products Private Limited vs. National Insurance Co. Ltd 2025 INSC 902. - Interpretation Of Insurance Policy

Insurance Law - The insured cannot claim anything more than what is covered under the Insurance Policy, and that policy terms must be construed as they stand without adding or subtracting words- Quoted from Vikram Greentech India Limited vs New India Assurance Company Limited (2009) 5 SCC 599 : An insurance contract, is a species of commercial transactions and must be construed like any other contract to its own terms and by itself. In a contract of insurance, there is requirement of uberrima fides i.e. good faith on the part of the insured. Except that, in other respects, there is no difference between a contract of insurance and any other contract. (Para 20-23)

Rimjhim Ispat Limited vs. Union of India 2025 INSC 901 - Central Excise Act

Central Excise Act 1944- There is no bar on parallel proceedings, with one being by the Department and the other being criminal in nature, under the CEA 1944- a direction for de novo proceedings on technical or procedural grounds cannot be assumed to be in equivalence to having been set-aside on merits, when it was specifically mentioned that the merits have

not been considered. (Para 31)

Manohar vs State of Maharashtra 2025 INSC 900 - Land Acquisition - Sale Exemplars

Land Acquisition Act -Even where there are several exemplars with reference to similar lands, usually the highest of the exemplars, which is a bonafide transaction will be considered. Further, only where there are several sales of similar lands whose prices range in a narrow bandwidth, the average thereof can be taken, as representing the market price (Para 46)- The compensation payable to the owner of the land is determined by reference to the price which a seller might reasonably expect to obtain from a willing purchaser- The land acquired has to be valued not only with reference to its condition at the time of notification under Section 4 of the LA Act but its potential value must be taken into account. In this respect, the sale deeds of lands situated in the vicinity and the comparable benefits and advantages which they have, provide a ready method of computing the market value. (Para 32-40)

Bansal Milk Chilling Centre v. Rana Milk Food Private Ltd. 2025 INSC 899 - S. 200 CrPC - Amendment Of Complaint

Code of Criminal Procedure 1973 - Section 200 - Whether a criminal court has power to order amendment of a complaint filed under

Section 200 CrPC? - It is fallacious to contend that in no circumstance can amendments to complaints be allowed after cognizance is taken (Para 11)- Referred to S.R. Sukumar v. S. Sunaad Raghuram: If the amendment sought to be made relates to a simple infirmity which is curable by means of a formal amendment and by allowing such amendment, no prejudice could be caused to the other side, notwithstanding the fact that there is no enabling provision in the Code for entertaining such amendment, the court may permit such an amendment to be made. On the contrary, if the amendment sought to be made in the complaint does not relate either to a curable infirmity or the same cannot be corrected by a formal amendment or if there is likelihood of prejudice to the other side, then the court shall not allow such amendment in the complaint. (Para 8) Amendments/alterations are not alien to the Code of Criminal Procedure. (Para 15) The test of ‘prejudice to the accused’ is the cardinal factor that needs to be borne in mind. (Para 16)

Union of India vs R. Shankarappa 2025 INSC 898 -Service Law - CCS Rules - Disciplinary Proceedings - Chargesheet Issuance

Central Civil Services (Classification, Control & Appeal) Rules, 1965 (CCS CCA Rules) - Rule 13(2) - An authority empowered to inflict minor penalties (in the present case, the General Manager) can certainly issue a charge-sheet even for imposition of major penalties- Initiation of disciplinary proceedings can be done by Member Telecommunications Commission as well as by General Manager, Telecommunication.

Prakash Chimanlal Sheth vs. Jagruti Keyur Rajpopat 2025 INSC 897 - S. 142 NI Act - Territorial Jurisdiction - Cheque Bounce Complaint

Negotiable Instruments Act 1881- Section 138,142 - The Court where the cheque is delivered for collection, that is, through an account in the Branch of the Bank where the payee maintains that account -[Context:In this case, SC held: Once it is established that, at the time of presentation of the cheques in question, the complainant maintained his account with the Kotak Mahindra Bank at its Bendurwell, Mangalore Branch, he was fully justified in filing his complaint cases before the jurisdictional Court at Mangalore.]

Manjusha vs United India Assurance Company Limited & 2025 INSC 896 - Motor Accident Compensation - Limited Liability Pleadings

Motor Accident Compensation - In this case, the issue was whether the family of the brother of the owner of the vehicle, who died in the accident when the tyre of the car he was driving burst, is entitled to claim compensation? SC held: When the contention of limited liability was neither taken before the Tribunal nor even in the memorandum of appeal filed, there was no reason for the High Court to look into the policy document to find limited liability; which again is urged before us on the basis of an extract of the Indian Motor Tariffs, termed to be a guideline issued, with respect to insurance policies, by the Tariff Advisory Committee.

Tariff Advisory Committee - The guidelines issued by the Tariff Advisory Committee regulates the issuance of the policies by the insurers but unless it is specified in the insurance policy, it cannot bind the insured. (Para 11)

Motor Accident Compensation - Insurer has no statutory liability to cover the risk of the owner, or as in this case the driver of the vehicle, who steps into the shoes of the owner, when the statutory liability is restricted to third party liabilities. (Para 2)

Law of Evidence - Pleadings and proof of such pleadings; by valid evidence led, is the crux and core of any adjudicatory process. Trite is the principle that there can be no proof offered without specific pleadings. (Para 13)

**Anurag Bhatnagar v. State (NCT of Delhi) 2025 INSC 895 -
Ss.154,156 CrPC - FIR - Reasoned Order By Magistrate**

Code of Criminal Procedure, 1973 (CrPC) - Section 154,156 - The Magistrate ought not to ordinarily entertain an application under Section 156(3) CrPC directly unless the informant has availed and exhausted his remedies provided under Section 154(3) CrPC, but as the Magistrate is otherwise competent under Section 156(3) CrPC to direct the registration of an FIR if the allegations in the application/complaint discloses the commission of a cognizable offence, the order so passed by the Magistrate would not be without jurisdiction and would not stand vitiated on this count. (Para 33)

Code of Criminal Procedure, 1973 (CrPC) - Section 154,156 -A reasoned order upon application of judicious mind is inherent while passing an order under Section 156(3) of the CrPC. (Para 35)

Interpretation of Statutes - Merely because a judgment by the Court has simply interpreted and reiterated the established principles of law that ought to have been into practice, it would not mean that such principles would be applicable prospectively only from the date of its interpretation. The interpretation made later on would not mean that the provision had a different meaning prior to its above interpretation. (Para 38)

Code of Criminal Procedure, 1973 (CrPC) - Section 300 - Section 300 CrPC debars a second trial. This is based on the public policy that no one should be harassed twice for the same offence by putting him to trial again and again. (Para 52) But complainant not debarred from preferring a second complaint on the same allegations if the first complaint did not result in conviction, acquittal or even discharge. However, when a complaint is dismissed on merits, a second complaint on the same facts cannot be made except in a very exceptional circumstance. (Para 53) Successive FIRs in respect of a same cognizable offence are not maintainable provided that on the basis of the earlier FIR, investigations have been completed and the trial had either resulted in conviction or acquittal of the accused.(Para 54)

Code of Criminal Procedure, 1973 (CrPC) - Section 154 -When information of the commission of the same offence was given to the police at two different places, by different persons and at different times, both the reports will be independent First Information Reports- Referred to in State

of Bombay vs. Rusy Mistry. (Para 56) Successive FIRs in respect of a same cognizable offence are not maintainable provided that on the basis of the earlier FIR, investigations have been completed and the trial had either resulted in conviction or acquittal of the accused.(Para 54)

Code of Criminal Procedure, 1973 (CrPC) - Section 482- The powers vested in the court either under Section 482 CrPC or Article 226/227 of the Constitution of India are not for the purposes of appreciating the evidence or examining the correctness of the evidence collected during investigation to record a different conclusion other than recorded by the Magistrate that he is satisfied that a cognizable offence has been disclosed in the application/complaint. Moreover, when information disclosing commission of cognizable offence is conveyed to the police station, the officer-in-charge of the police station cannot refuse to register the FIR. Therefore, if an FIR has not been registered for any reason at the police station and the Magistrate is satisfied that the information discloses a cognizable offence, he can certainly direct for its registration obviously on compliance of the provisions of Section 154(3) of the CrPC. (Para 40)

Natural Justice- A speaking order is a part and an essential component of the principles of natural justice, which are applicable to every judicial order. (Para 38)

K. Purushottam Reddy vs. Union of India 2025 INSC 894 - Delimitation Notification - Andhra Pradesh - Art.170 Constitution

Constitution of India - Article 170- Legality of Notification Nos. SO No. 1015(E) dated 06.03.2020 (2020 Notification) - The exclusion of the States of Andhra Pradesh and Telangana from the purview of the delimitation process under the Impugned Notifications does not suffer from the vice of arbitrariness or discrimination. The proviso to Article 170 (3), which expressly bars any readjustment in the total number of seats in the Legislative Assemblies of States until the first census after the year 2026- Article 170 has no application to Union Territories, including the Union Territory of Jammu and Kashmir- The delimitation exercise carried out in Jammu and Kashmir—being governed by a distinct constitutional and statutory regime—cannot be analogically extended to States that are explicitly bound by the constitutional restraint imposed under Article 170(3). (Para 22,29) Section 26 of the AP Reorganization Act is expressly made “subject to” the mandate contained in Article 170 of the Constitution. (Para 15)

Doctrine of Legitimate Expectation - It arises when a public authority, either through a consistent past practice, an express promise, or a statutory policy, creates an expectation in the mind of an individual or class of persons that a certain course of action will be followed. While such expectation does not amount to a legal right in the strict sense, courts have consistently held that it may nonetheless warrant judicial protection where its denial results in manifest unfairness or arbitrariness, thereby violating the fundamental principles of natural justice- The doctrine of legitimate expectation cannot override an express provision of law or the Constitution- The expectation must be legitimate, in the sense that it is not only reasonable but also legally sustainable within the structure of the

governing statute or constitutional scheme. In the event of any conflict between an expectation and the existing legal framework, the expectation has to run hand in hand with the legal intent and not against it. The doctrine of legitimate expectation is not a rigid rule and must be conceded where a superseding public interest or a statutory or constitutional bar exists. Thus, while legitimate expectation may guide how discretionary powers are exercised, it cannot be invoked to compel an authority to act contrary to a binding legal or constitutional command- The doctrine of legitimate expectation, while forming an integral part of the jurisprudence on fairness in administrative action, does not clothe a party with an enforceable right in itself. It operates within the bounds of legality and must necessarily conform to constitutional and statutory mandates. (Para 33-35)

Sukdeb Saha vs. State of Andhra Pradesh 2025 INSC 893 - Right To Mental Health - Guidelines Issued To Educational Institutions

Constitution of India - Article 21 - Mental health is an integral component of the right to life under Article 21 of the Constitution of India- The right to life does not mean mere animal existence, but a life of dignity, autonomy, and well-being. Mental health is central to this vision. (Para 31) - Mental health crisis afflicting students in educational institutions across the country- Guidelines issued to all educational institutions across India, including public and private schools, colleges, universities, training centres, coaching institutes, residential academies, and hostels, irrespective of their affiliation. (Para 27-35)

CBI Investigation - The power to transfer the investigation of a criminal case to the CBI is an extraordinary measure, which must be exercised with great caution, and only in rare and exceptional circumstances. This jurisdiction is not to be invoked lightly or in a routine manner, but only where the facts of the case disclose a compelling necessity to ensure fairness in investigation, preservation of public confidence in the administration of justice, and protection of fundamental rights of the parties involved. In examining the prayer made by an aggrieved person seeking transfer of investigation to the CBI, the Court must necessarily be guided by the strict parameters laid down in binding precedents-These parameters inter alia include, instances where the State police authorities appear to be biased or complicit, where the investigation has been tainted by delay, irregularity, or suppression of material facts, or where the complexity and inter-state ramifications of the matter necessitate the involvement of a central agency.

(Para 19-20)

Satauram Mandavi vs. State of Chhattisgarh 2025 INSC 892 - Art. 20(1) Constitution -Bar Against Retrospective Harsher Penalty Imposition

Constitution of India - Article 20(1) - The Constitutional bar against retrospective imposition of a harsher penalty under Article 20(1) is clear and absolute. [Context: SC observed: The Trial Court, in applying the enhanced sentence introduced by the 2019 Amendment to Section 6 of the POCSO Act, has effectively subjected the appellant to a punishment greater than that which was permissible under the law in force at the time of

commission of the offence which is clearly violative of the bar contained in Article 20(1) of the Constitution of India.]

POCSO Act - Section 6 (prior to 2019 amendment) - The sentence of “imprisonment for life, meaning remainder of natural life,” as per the amended provision, did not exist in the statutory framework on 20.05.2019, the date of the incident. Under the unamended Section 6, the maximum punishment permissible was imprisonment for life in its conventional sense and not imprisonment till the remainder of natural life. (Para 10-12)

Hyatt International Southwest Asia Ltd. vs. Additional Director of Income Tax 2025 INSC 891 - DTAA -Permanent Establishment

Agreement between the Government of India and the UAE for the Avoidance of Double Taxation (DTAA) - What constitutes a “place of business” under Article 5(1) of the DTAA ? For a Permanent Establishment (PE) to exist, two essential conditions must be satisfied: (i)the place must be “at the disposal” of the enterprise, and (ii)the business of the enterprise must be carried on through that place - A PE must demonstrate the three core attributes of: stability, productivity, and a degree of independence. Among these, the “disposal test” is pivotal, meaning thereby the enterprise must have a right to use the premises in such a way that enables it to carry on its business activities. This test is to be applied contextually, taking into account the commercial and operational realities of the arrangement- Under DTAAs, the taxing rights of the source State over the business profits of a foreign enterprise are contingent upon the existence of a Permanent Establishment in the source country. One of

the sine qua non for a fixed place PE is that the place through which the business is carried on must be ‘at the disposal’ of the enterprise – a principle commonly referred to as the “disposal test” - There is no strait-jacket formula applicable to all cases- Determining whether a Fixed place PE exists must involve a fact-specific inquiry, including: the enterprise’s right of disposal over the premises, the degree of control and supervision exercised, and the presence of ownership, management, or operational authority. (Para 13-15) [Context: SC held that Hyatt International Southwest Asia Ltd., a UAE-based company, has a “fixed place” Permanent Establishment (PE) in India under Article 5(1) of the India–UAE Double Taxation Avoidance Agreement (DTAA) due to its substantial and continuous operational control over hotel activities in India. As a result, the income received by Hyatt under its Strategic Oversight Services Agreement (SOSA) is taxable in India]

**ASP Traders vs. State of Uttar Pradesh 2025 INSC 890 - S.129
CGST Act**

Central Goods and Services Tax Act, 2017 - Section 129 - Whether, upon payment of tax and penalty by the assessee within the time stipulated in the notice under section 129(3), the proper officer is still mandatorily required to pass a final order under section 129(3), or whether the deeming fiction under section 129(5) dispenses with such requirement?: While Section 129(5) provides that proceedings shall be deemed to be concluded upon payment of tax and penalty, this deeming

fiction cannot be interpreted to imply that the assessee has agreed to waive or abandon the right to challenge the levy – a right that is protected by the very enactment itself. The term “conclusion” as used in Section 129(5) merely signifies that no further proceedings for prosecution will be initiated. It does not absolve the responsibility of the proper officer to pass an order concluding the proceedings. Therefore, the proper officer is duty-bound to pass a formal order in Form GST MOV-09 and upload a summary thereof in Form GST DRT 07 as mandated under Rule 142(5) and the Circular dated 13.04.2018, so as to enable the taxpayer to avail the appeal remedy as per law. (Para 14) Once objections are filed, adjudication is not optional, it becomes imperative to pass a speaking order to justify the demand of tax and penalty, to safeguard the right of appeal under Section 107. The language of section 129(3) is categorical in stating that the officer “shall issue a notice... and thereafter, pass an order”. The use of the words “and thereafter” reinforces the mandatory nature of passing a reasoned order, regardless of payment, particularly where protest or dispute is raised. (Para 14-15)

Constitution of India - Article 265 - Show Cause Notice - Every show cause notice must culminate in a final, reasoned order- Failure to issue a speaking order in response to a show cause notice creates a legal vacuum. Any consequential action including imposition of tax or penalty, would then be unsupported by authority of law, thereby potentially violating Article 265 of the Constitution of India, which prohibits the levy or collection of tax except by authority of law. (Para 14,18)

Legal Maxims and Doctrines - Waiver and Acquiescence- A waiver is an abandonment of a right by express terms or by implication. It is an act

by which a party elects to abandon his right to pursue a particular remedy with full knowledge of its existence, making the other party to alter his position or legal status. Acquiescence, on the other hand, will imply the conduct of a party, who refrains from taking any action for a long period of time, despite the knowledge of the violation of his right, thereby precluding his future right to agitate the issue, as it would be hit by laches- There must be much more than an abandonment of a right to plead waiver or acquiescence(Para 16.2)

Taxation Law - There can be no acquiescence in tax. (Para 16.1)

Tamil Nadu Housing Board vs. S. Ganesan 2025 INSC 889 - Public Auction

Auction- Any auction process by any public authority should be above reproach, guided by the principles of transparency, fairness, and reasonableness. (Para 29)

M.C. Ravikumar vs D.S. Velmurugan 2025 INSC 888 - S.482 CrPC - Second Quashing Petition

Code of Criminal Procedure 1973 - Section 482 : Bharatiya Nagarik Suraksha Sanhita 2023 - Section 528 - Whether a second quashing petition would be maintainable on grounds/pleas that were available to be raised even at the time of filing/decision of the first quashing petition?- The failure of the accused to raise a pertinent ground/plea which

was tangibly available to them at the time of adjudication of the first quashing petition can in no circumstance grant a right to the said accused persons to file a subsequent quashing petition as it would amount to seeking review on pre-existing material- It is not open to an accused person to raise one plea after the other, by repeatedly invoking the inherent jurisdiction of the High Court under Section 482 CrPC, though all such pleas were very much available to him even at the first instance. We may hasten to add that there is no sweeping rule to the effect that a second quashing petition under Section 482 CrPC is not maintainable and its maintainability will depend on the facts and circumstances of each case. However, the onus to show that there arose a change in circumstances warranting entertainment of a subsequent quashing petition would be on the person filing the said petition. (Para 11-13)

Code of Criminal Procedure 1973 - Section 482,362 : Bharatiya Nagarik Suraksha Sanhita 2023 - Section 403 - High Courts while exercising their inherent jurisdiction under Section 482 CrPC cannot override a specific bar laid down by other provisions of CrPC, i.e., to say that the High Court is not empowered to review its own decision under the purported exercise of its inherent powers. (Para 15)

Sua vs State Of Rajasthan 2025 INSC 887 - Juvenile Justice Act - Plea Of Juvenility

Juvenile Justice (Care and Protection of Children) Act, 2000 -
The plea of juvenility can be raised before any court and has to be

recognized at any stage, even after disposal of the case -Such a claim is required to be determined in terms of the provisions contained in the 2000 Act and the Rules framed thereunder, i.e., the 2007 Rules, even if the juvenile has ceased to be so on or before the date of commencement of the 2000 Act, as in the present case. The relevant factor, therefore, is that the accused, to be a juvenile, should have not completed 18 years of age on the date of commission of the offense, which entitles him to the benefit of the 2000 Act. (Para 15)

Konde Nageshwar Rao Vs A. Srirama Chandra Murty 2025 INSC 886 - SC-ST Act

SC-ST (Prevention of Atrocities) Act - While upholding HC judgment quashing criminal proceedings under SC-ST Act, SC observed: Perusal of the complaint would also indicate that the grievance was not really relatable to the false and malicious involvement in the criminal proceedings against the Appellant and his family members because of them belonging to Scheduled Caste. The very intent being absent, the offences for which the prosecution has been launched are not made out - Referred to **Masumsha Hasanasha Musalman v. State of Maharashtra** : Merely because the complainant belongs to the Scheduled Castes or Scheduled Tribes cannot be the sole ground for prosecution. The offences alleged must have been committed solely on the basis of the victim's caste status.

**Kal Airways Private Limited vs Spicejet Limited 2025 INSC 885 -
S.37 Arbitration Act - Condonation Of Delay**

Arbitration and Conciliation Act 1996 - Section 37 - While dismissing SLP against HC order which refused to condone delay in re-filing appeal under Section 37, SC observed: The Division Bench was of the view that considering the conduct of the petitioners, an inference could be drawn that the petitioners were in fact fence sitting inasmuch as they awaited the adjudication of the appeals preferred by the respondents under Section 37 of the Act as well as the Special Leave Petitions preferred by them against the said order - It was of the view that the conduct of the petitioners was such that it did not satisfy the conscience of the Court so as to condone the delay- the inference drawn by the Division Bench while refusing to condone the delay cannot be brushed away or that the conclusions drawn were without any basis. (Para 5-6)

Vishnu Vardhan @ Vishnu Pradhan vs State Of Uttar Pradesh 2025 INSC 884 - Exceptions To Doctrine Of Merger- Writ Jurisdiction - Fraud

Legal Maxims and Doctrines - Doctrine of Merger - When an appeal is limited to a specific part of the judgment and order of the first-instance court, the merger occurs only to that extent, leaving the rest intact and available for future consideration. The extent of merger is determined by the subject matter of the appeal. The merger can only operate on issues

which were the subject-matter of the appellate court's judgment and order and cannot have any application to issues which are not being taken on appeal by either party or which had not been touched upon by the appellate court. (Para 110) what gets merged is the operative part of the original judgment and order, not its entirety, unless the appellate court adopts, reiterates the reasoning, or expressly approves the reasoning contained in the first-instance court's judgment and order. Put differently, a 'declaration of law' by the appellate court regarding the issues before the first-instance court is necessary, which can only be inferred from a detailed, analytical order rather than a mere dismissal seeking closure of the case without clear discussion or analysis. Therefore, it becomes imperative to discern whether the appellate court's judgment and order indeed 'declares' the law on the issues presented before the first-instance court. (Para 113) The doctrine of merger may not have any application in all cases of cognate civil appeals being carried from the same order (obviously at the instance of a party different from the appellant who approached this Court first in point of time), if it is convincingly demonstrated that (i) his right of appeal should not be foreclosed because of the very rare or special circumstance(s) that is/are projected before the court; or (ii) his appeal raises an issue of seminal public importance, which was not available to be raised by the appellant who approached this Court in its appellate jurisdiction in the earlier round of litigation, and also that such issue in the greater public interest requires a resolution by this Court; or (iii) since an act of court ought to prejudice none, refusal to interfere by this Court would invariably result in offending the principle of *actus curiae neminem gravabit*; or (iv) the earlier appellate decision is vitiated because of fraud having been practiced on this Court by a party in whose favour the ruling had been made, as in this case; or (v) that

public interest would be put to extreme jeopardy by reason of irretrievable consequences ensuing, if interference which is otherwise found to be warranted in law were declined solely based on the doctrine of merger. (Para 123) If such a judgment and order is unsuccessfully challenged before a superior court by one of the petitioners to the proceedings, and such a challenge fails, the doctrine of merger may not apply when another set of petitioners challenges the same (common) judgement and order; if the second set of petitioners are able to demonstrate that the case run by them is not identical (though bearing resemblance) with the proceedings already decided, it would still be open for the superior court to entertain the challenge and rule in a manner different from the earlier proceedings.

Constitution of India - Article 32,226 - Although the provisions of the CPC do not apply to writ proceedings ex proprio vigore, the principles flowing therefrom, as far as practicable, can be made applicable. Order I Rule 9, CPC, as originally enacted, ordained that a suit shall not be defeated by reason of misjoinder or non-joinder of parties; however, after its amendment in 1976 introducing the proviso, the implication is that non-joinder of a party could, in a given case, prove fatal for the right to relief claimed by the plaintiff, more so when a necessary party is not impleaded, and defeat the suit. Although Order I Rule 10 does empower a court to implead at any stage of the proceedings a party who should have been joined as a defendant, either upon or without the application of either party, a decree passed by the court in the absence of a necessary or proper party to the suit and affecting his interest could be avoided by such party; however, if the decree is such that it acknowledges and declares the right of the decree-holder to the subject matter of the suit and entitles him to its

benefits, such a decree has to be carried either in appeal or review by the affected non-party to divest the decree-holder of whatever the decree entitles him to. Insofar as writ proceedings are concerned, it is no longer res integra that any order made on a writ petition affecting the interest of a party who has not been arrayed as a respondent could be invalidated on the ground of breach of natural justice. (Para 43-44)

Constitution of India - Article 32,226 - Suppression of even a single material fact can be fatal before writ courts. (Para 50) The High Courts are empowered under the Constitution to enforce legal rights, apart from Fundamental Rights, the power conferred under Article 226 is considered to be more expansive compared to the power under Article 32.(Para 67)

Constitution of India - Article 32 - Merely because a litigant barely pleads in his writ petition before this Court that any of his Fundamental Rights has been breached would not entitle him to maintain a petition under Article 32 of the Constitution. What is additionally necessary for him to plead is the nature of breach of Fundamental Right, actual or apprehended, and the (likely) consequence - For a writ petition under Article 32 of the Constitution to be entertained, the petitioner has to run a case establishing *prima facie* violation or imminent threat of violation of any Fundamental Right. (Para 68-70) A loosely drafted writ petition under Article 32 ought not to be entertained in the absence of the requisite pleadings. Even where violation of a statutory right is sought to be camouflaged as violation of a Fundamental Right, or where a statutory right is found to have been predominantly violated with only an incidental infringement of a Fundamental Right, this Court may, in the judicious exercise of its discretion, refuse to entertain the writ petition while

safeguarding the liberty of the suitor to pursue his writ remedy before the High Court under Article 226 of the Constitution. (Para 75) a writ petition cannot lie against a judicial order

Legal Maxims and Doctrines - The principle of “fraud unravels everything” is not confined only to examining judgments rendered by the courts below but could include the unravelling of judgments of this Court as well, if at all the justice of the case before us so demands. (Para 84) Every Court, either superior or inferior – first or final – has jurisdiction in cases where a judgment of the court has been obtained by fraud to treat it as nullity. (Para 86) - **Actus curiae neminem gravabit** - No act of Court should harm a party being the foremost principle in the mind of any Court, it would be a travesty of justice if such court, feeling bound by the shackles of technicalities, were to decline interference to set things right despite arriving at a definitive conclusion of being tricked by fraud. (Para 130)

Code of Civil Procedure 1908 - Order XLVII Rule 1 - An appeal against a decree or order, passed or made by an inferior court, before a superior court and a review of the same decree/order before the court which passed/made it cannot simultaneously be pursued by the same party. The logic behind it is that there cannot be a parallel challenge to the same decree or order by the same party before two different fora – that is, in the courts of appellate jurisdiction and original jurisdiction. (Para 133)

Procedural law - Procedural law is a sentinel of non-arbitrariness; it not only provides a safeguard against the individual vagaries of a judge but also establishes a structured framework for litigants to approach the legal system for redressal of their issues. However, procedural law cannot foresee

all situations that may arise. Procedure must facilitate justice, not detract from it. In special cases, the letter of procedural law must yield to the ends of justice. Courts are, of course, duty-bound to apply procedural law in its entirety, save where such application would result in manifest absurdity. (Para 125)

Shivangi Bansal vs Sahib Bansal 2025 INSC 883 - S.498A IPC Misuse Safeguards Guidelines

Indian Penal Code 1860 - Section 498A - The guidelines framed by the High Court of Allahabad with regard to 'Constitution of Family Welfare Committees for safeguards regarding misuse of Section 498A, IPC' shall remain in effect and be implemented by the appropriate authorities (Para 26)-[HC Guidelines: (i) No arrest or police action to nab the named accused persons shall be made after lodging of the FIR or complaints without concluding the "Cooling-Period" which is two months from the lodging of the FIR or the complaint. During this "Cooling-Period", the matter would be immediately referred to Family Welfare Committee(hereinafter referred to as FWC) in the each district. (ii) Only those cases which would be transmitted to FWC in which Section 498-A IPC along with, no injury 307 and other sections of the IPC in which the imprisonment is less than 10 years. (iii) After lodging of the complaint or the FIR, no action should take place without concluding the "Cooling-Period" of two months. During this "Cooling-Period", the matter may be referred to Family Welfare Committee in each districts. (iv) Every district shall have at least one or more FWC (depending upon the

geographical size and population of that district constituted under the District Legal Aid Services Authority) comprising of at least THREE MEMBERS]

Sakshi Chauhan vs Dr. Yashwant Singh Parmar University Of Horticulture & Forestry, Nauni 2025 INSC 882

Constitution of India - Article 142 - SC invoked Article 142 powers for regularizing appellant's admission to the M.Sc. Environmental Management course and upholding the conferring of the postgraduate degree.

United Bank Of India vs Swapan Kumar Mullick 2025 INSC 881 - Service Law - Resignation & Voluntary Retirement - Art. 226 Constitution - Policy Matters

Service Law- “Resignation” and “voluntary retirement”- A public servant, who is in permanent employment, is entitled to continue in service till his retirement on superannuation. However, any such employee may sever his relationship with his employer prior to the date of superannuation by any of the two modes, i.e., resignation and voluntary retirement - Both are modes bringing about an early severance of employer-employee relationship, there exists clear distinction between the two - **Distinction** : Resignation, being a voluntary relinquishment of employment, is an implied term of employer - employee relationship. As noticed in the cited

precedents, resignation can be exercised anytime while the employee is in service. But unless specified otherwise, say cases where resignation is unilateral , majorly, resignation is bilateral which, to be effective, requires acceptance by the employer. Nowadays, it is not uncommon to find clauses in offers of employment providing the conditions for a resignation to take effect. In changing times, resignation tendered soon after entry in service and before completion of the mandatory period of service mentioned in the offer, does come with a price. On the other hand, an employee may seek voluntary retirement if an option is provided by the employer as a condition of service to such employee to retire from service on fulfilment of the specified terms and conditions. Any employee may, thus, offer to retire voluntarily upon completion of the requisite period of service and upon fulfilling other requirements. An offer to retire voluntarily, made by an employee, is normally accepted by the employer unless, of course, there is any debilitating factor. Further, if the employer introduces a scheme for voluntary retirement and the pre-conditions are satisfied upon receipt of any offer, the employee may be permitted to retire voluntarily in accordance therewith. Importantly, when a provision for voluntary retirement does exist, yet, an employee elects to resign, such resignation (irrespective of the length of service) cannot be treated as voluntary retirement unless, in a given case, the employee also satisfies the conditions for voluntary retirement. What is applicable in a case of voluntary retirement ex proprio vigore may not apply to resignation in all cases. Also, if an employee does not wish to continue in service, whatever be the reason therefor, and any provision/scheme for voluntary retirement is non-existent, the only mode open to him for severing the relationship, if he

so desires, is resignation; and once he does resign, he agrees to submit to the consequences thereof as are applicable. (Para 51-52)

Constitution of India - Article 14 -United Bank of India (Employees') Pension Regulations, 1995- Clubbing of resignation with dismissal, removal and termination of service leading to forfeiture of past service and consequent disentitlement to pensionary benefits per se do not offend Article 14. Such regulation is a signal to the employees warning them of the consequences should there be severance of relationship by any of the modes, referred to therein. While a resignation, when asked for by an employee, may be accepted upon exercise of discretion by the employer, the other modes are referable to punitive measures. It is as a matter of policy that forfeiture of past service and disentitlement to pension have been provided. (Para 54)

Constitution of India - Article 32.226 - Judicial review courts should refrain from assessing the merits of policies formulated by legislative or regulatory authorities which are codified in statutes/regulations. Such codified policy may be wise or flawed, the policy may be effective in achieving the objectives or could warrant a revision by way of an improvement. However, any shortcomings in the policy do not render the regulation ultra vires. Courts cannot invalidate a regulation merely because in its opinion the policy is unwise or ineffective. The scrutiny has normally to be restricted to the process of policy making. As long as the policy is not beyond the scope of the regulation-making power or does not transgress the bounds of the parent enactment or is in violation of any of the limitations imposed by the Constitution, there is little or no scope for interference by

the Courts - Whether the policy is wise or prudent is not a matter for the courts to be concerned with (Para 55-56)

Constitution of India - Article 226 -The power under Article 226 of the Constitution cannot be exercised by a high court to direct the legislature/executive to enact a law (primary or subordinate) or frame a regulation/bye-law. These are executive functions which are required to be performed based on policy decisions taken at the appropriate level. The jurisdiction of a high court is limited to the extent of pointing out why a law, in the given circumstances, is necessary for regulating the affairs of the public/society and/or to remedy a particular mischief that is noticed in course of proceedings; but in such a case too, it is only a nudge in the form of a request that could be made to the executive to consider the desirability of enacting/framing such a law or to amend an existing law. (Para 67)

[Context: Although, in this case, HC required the Board of Directors of the Bank to ‘consider’ an amendment to Regulation 22 of the 1995 Regulations, SC observed that user of the word ‘consider’ is really a mandate on the Bank to amend Regulation 22 of the 1995 Regulations.]

Esakkimuthu vs State 2025 INSC 880 - Evidence - Related/Interested Witness

Law Of Evidence- When the witnesses are related/interested, their testimonies have to be scrutinized with greater care and circumspection -

The testimony of such related witnesses should be analysed with caution for its credibility- Referred to *Gangadhar Behera v. State of Orissa* [Context: In this case, the two key witnesses are the son and wife of the deceased- While acquitting accused, SC observed: *They are very well-interested witnesses in the case. Therefore, their testimonies shall have to be treated with great caution, required to be met with a stricter standard of proof and deserve to be scrutinized in order to rule out any embellishment.*]

Metpalli Lasum Bai (D) vs Metapalli Muthaih(D) 2025 INSC 879 - Will - Presumption Regarding Genuineness

Will- When the Will is a registered document, there is a presumption regarding genuineness thereof and the burden would lie on the party who disputed its existence. (Para 9)

Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs State Of Maharashtra 2025 INSC 878- Anticipatory Bail

Code of Criminal Procedure 1973 - Section 438 [Bharatiya Nagarik Suraksha Sanhita 2023 - Section 482] - Anticipatory Bail

- Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner. There must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offences -Referred to *Srikant Upadhyay v. State of Bihar*. (Para 18)

Victim 'X' vs State Of Bihar 2025 INSC 877 - Cancellation of Bail - SC-ST Act

Bail - Cancellation -Bail once granted should not be cancelled ordinarily, but where the facts are so grave that they shake the conscience of the Court; and where the release of the accused on bail would have an adverse impact on the society, the Courts are not powerless and are expected to exercise jurisdiction conferred by law to cancel such bail orders so as to subserve the ends of justice.[Supreme Court sets aside bail granted to Superintendent of the Uttar Raksha Grah accused of administering intoxicating medicines and injections to female inmates of the protection home and subjecting them to sexual exploitation and observed: *Grant of bail to person accused of such grave offences without assigning reasons shakes the conscience of the Court and would have an adverse impact on the society.*]]

Khursheed Ahmad Chohan vs Union Of Territory Of Jammu And Kashmir 2025 INSC 876 - Custodial Violence - FIR - CBI Investigation

Constitution of India - Article 21 - Where fundamental rights, particularly the right to life and personal liberty under Article 21 of the Constitution of India are violated by State machinery, appropriate monetary compensation may be an effective remedy -Such compensation must focus on the compensatory element and serve as a balm to the victim, without prejudice to other remedies in civil or criminal law. (Para 34)

Code of Criminal Procedure 1973 - Section 154 [Bharatiya Nagarik Suraksha Sanhita 2023 - Section 173] registration of an FIR is mandatory under Section 154 of CrPC (corresponding Section 173 of BNSS) when information disclosing the commission of a cognizable offence is received by the police, and no preliminary inquiry is required or permissible in such cases- The police have no discretion in the matter of registration of an FIR once alleged facts disclose commission of cognizable offences- Allowing preliminary inquiry, particularly in matters involving custodial violence, would enable institutional cover-up and defeat the very purpose of criminal law, designed to protect citizens from state excesses. (Para 10-12)

Code of Criminal Procedure 1973 - Section 482 [Bharatiya Nagarik Suraksha Sanhita 2023 - Section 528] -at the stage of considering a petition for quashing criminal proceedings, it is not the function of the Court to meticulously examine the truthfulness, reliability, or veracity of the allegations contained in the FIR or accompanying materials. Nonetheless, it remains a settled principle of law that the allegations, even if accepted at their face value, must disclose the commission of a cognizable offence. Whether such disclosure arises from the FIR itself, the chargesheet, or any other material placed on record, the essential requirement is that the ingredients of the alleged offence must be *prima facie* satisfied. It is the duty of the Constitutional Courts to safeguard the machinery of criminal law from being reduced to a means of vengeance, oppression, or personal vendetta. Where it is evident that the initiation or continuation of proceedings amounts to an abuse of process or is intended to harass the accused, the Court is not only empowered but obligated to

intervene and quash such proceedings in the interest of justice. Thus, while the threshold for interference at the preliminary stage is high, it does not preclude judicial scrutiny altogether. Discretion under Section 482 of the CrPC (corresponding Section 528 of the BNSS) must be exercised judiciously, especially in cases where the allegations are inherently improbable, absurd, or lack the factual substratum necessary to constitute a prosecutable offence.

CBI Investigation - Power to transfer the investigation of a criminal case to the CBI is an extraordinary measure, which must be exercised sparingly with great caution, and only in rare and exceptional circumstances. This jurisdiction must not be invoked lightly or in a routine fashion, but only where the facts of the case disclose a compelling necessity to ensure fairness in investigation, preservation of public faith in the administration of justice and protection of fundamental rights of the parties involved. In examining the prayer made by an aggrieved person seeking transfer of investigation to the CBI, the Court must necessarily be guided by the strict parameters laid down in binding precedents. These include, inter alia, instances where the State police authorities appear to be biased or complicit, where the investigation has been tainted by delay, irregularity, suppression of material facts, or where the complexity and inter-State ramifications of the matter necessitate the involvement of a central agency. (Para 18)

**Arifa vs Abhiman Apartment Co-Operative Housing Society Ltd
2025 INSC 875 - Order XXIII CPC - Limitation - Liberty To File Fresh Suit**

Code of Civil Procedure 1908 - Order XXIII ; Limitation Act 1961
- Section 3 - Even when a suit is withdrawn with leave of the Court to file a fresh suit, under Order 23 Rule 1 of the CPC limitation applies with full force as per Rule 2 of Order 23. (Para 7)

Limitation Act 1961 - Section 3 -In this case, the High Court, while dismissing the Second Appeal, granted liberty to file a comprehensive suit for the reliefs sought for, including the proposed amendment- Before SC, the issue raised was whether the liberty granted to file a fresh suit by the High Court would enable the party to revive a cause of action and save limitation, so as to enable raking up all grounds earlier raised and rejected by concurrent findings of the trial court and the first appellate court- SC held: High Court in the second appeal was akin to flogging a dead horse; which cannot give a fresh lease of life to either the cause of action; to save limitation or the grounds on which the declaration and consequential relief has been prayed for in the present suit; which grounds were already adjudicated in the earlier suit and found against the plaintiff by three Courts. (Para 10)

**BGM and M-RPL-JMCT (JV) vs Eastern Coalfields Limited 2025
INSC 874 - Arbitration Agreement - Reference**

Arbitration and Conciliation Act 1996 - Section 7- Any agreement, or clause in an agreement, requiring or contemplating a further consent or consensus before a reference to arbitration, is not an arbitration agreement - Mere use of the word “arbitration” or “arbitrator” in a clause will not make it an arbitration agreement, if it requires or contemplates a further or fresh consent of the parties for reference to arbitration- (Para 26) Referred to **Mahanadi Coalfields Ltd. vs. IVRCL AMR Joint Venture (Para 26)** **Context:** In this case, the relevant clause in the Contract between parties read as follows: *In case of parties other than Govt. Agencies, the redressal of the dispute may be sought through Arbitration And Conciliation Act, 1996 As Amended By Amendment Act Of 2015* - Whether this clause would constitute an arbitration agreement between the parties? SC held: Use of the words “may be sought”, imply that there is no subsisting agreement between parties that they, or any one of them, would have to seek settlement of dispute(s) through arbitration. It is just an enabling clause whereunder, if parties agree, they could resolve their dispute(s) through arbitration. In our view, the phraseology of clause 13 is not indicative of a binding agreement that any of the parties on its own could seek redressal of inter se dispute(s) through arbitration. (Para 31) Essential ingredients of an arbitration agreement as follows: (a) there must be a present or future difference in connection with some contemplated affair; (b) the parties must intend to settle such difference by a private tribunal; (c) the parties must agree in writing to be bound by the decision of such tribunal; and (d) the parties must be ad idem. (Para 20)

Arbitration and Conciliation Act 1996 - Section 11 - Referral Court before appointing an arbitral tribunal will have to be *prima facie* satisfied

that an arbitration agreement as contemplated in Section 7 exists. For this limited purpose it can scrutinize the documents relied upon by the parties in proof of its existence. Though the burden of proving the existence of arbitration agreement lies on the party seeking to rely on such agreement, only *prima facie* proof of its existence must be adduced before the Referral Court because the Referral Court is not the appropriate forum to conduct a mini-trial by allowing the parties to adduce the evidence in regard to its existence- However, where professed arbitration agreement is found in an undisputed document, no trial or inquiry is required as to its existence. In such a situation, the Court would have to simply peruse the same to satisfy itself whether it, *prima facie*, fulfills the essential ingredients of an arbitration agreement as contemplated under Section 7 of the 1996 Act. But where the professed arbitration agreement is not contained in any one document and is to be inferred from two or more documents, such as exchange of letters or communications, parties may raise various pleas and place various documents to prove or disprove its existence. In such a scenario, if from the documents placed, existence of an arbitration agreement, as defined in Section 7, is *prima facie* made out, Referral Court, instead of undertaking a deeper probe or inquiry, should refer the matter to the arbitral tribunal. More so, because opinion of the Referral Court as to existence of an arbitration agreement is neither binding on the arbitral tribunal nor the Court dealing with the arbitral award. (Para 16-17) - Referred to **Interplay Between Arbitration Agreements under Arbitration, 1996 & Stamp Act, 1899** (2024) 6 SCC 1.

Arbitration and Conciliation Act 1996 - Section 7 - Essential ingredients of an arbitration agreement as follows: (a) there must be a

present or future difference in connection with some contemplated affair; (b) the parties must intend to settle such difference by a private tribunal; (c) the parties must agree in writing to be bound by the decision of such tribunal; and (d) the parties must be ad idem.

**Suresh Chandra (D) vs Parasram 2025 INSC 873 - Order XXII
CPC - Abatement Of Appeal - Order XLI Rule 4 CPC**

Code of Civil Procedure 1908 - Order XXII - Whether abatement of an appeal on non-substitution of a deceased party is partial or whole? : The answer to the question whether the entire appeal abates or it abates partially qua the deceased party alone, will depend on facts of each case and, therefore, no exhaustive statement about the circumstances in which the entire appeal would abate can be made- As a matter of course courts will not proceed with an appeal (a) when the success of the appeal may lead to the court coming to a decision which is in conflict with the decision between the appellant and the deceased respondent which had become final with respect to the same subject-matter between the appellant and the deceased respondent; (b) when the appellant could not have brought the action for the necessary relief against those respondents alone who are still before the court; and (c) when the decree against the surviving respondents, if the appeal succeeds, be ineffective that is to say, it would not be successfully executed- In a case of “joint and indivisible decree” or “joint and inseverable or inseparable decree”, the abatement of appeal in relation to one or more of the appellant(s) or respondent(s) on account of

failure to bring on record his or their legal representatives in time would prove fatal to the entire appeal because proceeding qua the surviving party or parties may give rise to inconsistent or contradictory decrees.-The question as to whether the decree is joint and inseverable, or joint and severable or separable, must be decided, for the purposes of abatement or dismissal of the entire appeal, only with reference to the fact as to whether the judgment/decree passed in the proceedings vis-à-vis the remaining parties would suffer the vice of contradictory or inconsistent decrees- A decree can be said to be contradictory or inconsistent with another decree only when the two decrees are incapable of enforcement or would be mutually self-destructive and that the enforcement of one would negate or render impossible the enforcement of the other which means that the two decrees are mutually irreconcilable or totally inconsistent, that is, if laid side by side, the only impression would be that one is in the teeth of the other-Where the plaintiffs or appellants have distinct, separate and independent rights of their own i.e., not inter-dependent upon the other, and for the purpose of convenience, or otherwise, joined together in a single litigation to vindicate their rights, the decree passed by the court thereon is to be viewed in substance as a combination of several decrees in favour of one or the other parties and not as a joint and inseverable decree-Existence of a joint right as distinguished from tenancy-in-common is not the criterion of a joint or inseverable or inseparable decree. The joint character of the decree will take colour from the nature of the decree challenged. (Para 17) If, due to non-substitution of LRs of a deceased party, the decree qua the deceased party has attained finality by abatement of proceedings qua him, the Court cannot proceed further if a reversal or modification of the decree under appeal would result in conflicting or inconsistent decrees.

Therefore, in such a situation, the appeal would abate in its entirety. (Para 25) Appeal filed can be heard in favour of the remaining defendant-appellants only if the rights and interests of the surviving defendants were not joint and indivisible with those of the deceased defendant, and in the event of the success of the appeal, it does not lead to two inconsistent and contradictory decrees. (Para 32)

Code of Civil Procedure 1908 - Order XLI Rule 4 and Order XXII

- Interplay between the provisions qua abatement of an appeal - Rule 4 of Order XLI applies to the stage when an appeal is filed and empowers one of the plaintiffs or defendants to file an appeal against the entire decree in certain circumstances. A plaintiff or defendant can take advantage of this provision, but he may not. Therefore, once an appeal is filed by all the plaintiffs or defendants aggrieved by the decree, the provisions of Order XLI, Rule 4 become unavailable. ii. Rule 4 of Order XLI is to enable one of the parties to a suit to obtain relief in appeal when the decree appealed from proceeds on a ground common to him and others. The court in such an appeal may reverse or vary the decree in favour of all the parties who are having the same interest as the appellant, even though they have not appealed against the decree. This is so, because it is not the law that when a decree is passed on a ground common to all the parties, the appeal is to be filed by all the parties or not at all. iii. Order XXII applies without exception to all proceedings covered by it. It operates during the pendency of a proceeding including an appeal and not at its institution. Therefore, if an appellant dies during the pendency of the appeal, his legal representatives must be brought on record within the period of limitation. If that is not done, the appeal by the deceased appellant abates. iv. Where an appeal is

filed by any one or some of the plaintiffs, or defendants, aggrieved by the decree, by impleading other such plaintiff(s) or defendant(s) as proforma-respondent(s), in the event of death of such proforma-respondent, the benefit of the provisions of Order XLI Rule 4 would be available to continue the appeal regardless of substitution of LRs of such proforma-respondent. v. There is no inconsistency between the provisions of Order XXII and those of Rule 4 of Order XLI CPC. They operate at different stages and provide for different contingencies. There is nothing common in their provisions which make the provisions of one interfere in any way with those of the other. (Para 31)

Code of Civil Procedure 1908 - Order XXII Rule 9 - The Court has power to condone the delay in filing an application for setting aside abatement as well as for substitution and can set aside the abatement in exercise of its power under Order XXII Rule 9 of CPC. But before condoning the delay the Court must consider whether sufficient cause has been shown for condonation. (Para 10)

**Narayan Das vs State Of Chhattisgarh 2025 INSC 872- S.32B
NDPS Act**

NDPS Act 1985 - Section 32-B - In a given case, the trial court may not find it necessary to consider the factors as prescribed in Section 32-B. Having regard to the quantity of the contraband, the nature of the narcotic or the psychotropic substance, as the case may be, the antecedents, if any,

etc., may deem fit to impose punishment which can be more than the minimum- Since Section 32-B uses “may deem fit” in addition to the enumerated factors, it does not restrict the courts to only those factors but allows broader discretion in sentencing - Clarified Rafiq Qureshi vs. Narcotic Control Bureau Eastern Zonal Unit (2019) 6 SCC 492[**Context:** SC disagreed with the HC view that if the trial court wants to impose sentence more than the minimum prescribed under the NDPS Act, then it is obliged to assign reasons and observed: It appears that the understanding of the High Court so far as Section 32-B of the NDPS is concerned is that the minimum sentence should be considered as maximum sentence. That is not the correct understanding of Section 32-B of the NDPS Act.]

Kaushal Singh Vs State Of Rajashtan 2025 INSC 871 - Bail - Strictures Against Judicial Officers

Practice and Procedure - Judiciary - High Courts should ordinarily refrain from passing strictures against the judicial officers while deciding matters on the judicial side. The Courts higher in the judicial hierarchy should refrain from commenting on the conduct and calib of judicial officers- Referred to Re: ‘K’, A Judicial Officer and Sonu Agnihotri v. Chandra Shekhar. (Para 18-20)

Bail - Referred to the rules and orders of the Punjab and Haryana High Court- Rule 5 of Chapter 1-A(b) Volume-V: Every High Court in the country should consider incorporating a similar provision in the respective High Court Rules and/or Criminal Side Rules as it would impose an obligation on

the accused to make disclosures regarding his/her involvement in any other criminal case(s) previously registered. (Para 22-23)

Mala Choudhary vs State Of Telangana 2025 INSC 870 - Section 482 CrPC - Quashing - Civil Nature

Code of Criminal Procedure 1973 - Section 482 - While quashing an FIR, SC imposed cost of Rs. 10 Lakhs on complainant and observed: A plain and simple dispute involving non-execution of a registered sale deed in terms of so-called oral agreement to sell has been given the cloak of a criminal case by misusing the criminal machinery - Complainant should be penalized with exemplary cost for misusing the process of criminal law in a case which was of purely civil nature.

Shailesh Kumar Singh Alias Shailesh R. Singh vs State Of Uttar Pradesh 2025 INSC 869 - S.482 CrPC - Civil Disputes - Settlement

Code of Criminal Procedure 1973 - Section 482 - Civil Disputes - Money cannot be recovered, more particularly, in a civil dispute between the parties by filing a First Information Report and seeking the help of the Police. This amounts to abuse of process of law. (Para 13)

Code of Criminal Procedure 1973 - Section 482 - In this case, HC directed accused-petitioner to appear before the Mediation and Conciliation Centre for the purpose of settlement - In appeal, SC observed: That's not what is expected of a High Court to do in a Writ Petition filed under Article 226 of the Constitution or a miscellaneous application filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR or any other criminal proceedings. What is expected of the High Court is to look into the averments and the allegations levelled in the FIR along with the other material on record, if any. (Para 16) Why should High Court make an attempt to help the complainant to recover the amount due and payable by the accused. It is for the Civil Court or Commercial Court as the case may be to look into in a suit that may be filed for recovery of money or in any other proceedings? (Para 11)

Bharatiya Nyaya Sanhita 2023 - Section 318 - [IPC - Section 420] : To constitute an offence of cheating, there has to be something more than prima facie on record to indicate that the intention of the accused was to cheat the complainant right from the inception. (Para 10)

M Sambasiva Rao Vs State Of Andhra Pradesh 2025 INSC 868 - Prevention of Corruption Act - Trap Cases

Prevention of Corruption Act 1988 - Trap Cases - In trap cases where after a complaint is received, independent witnesses of the trap team are also required to confirm the demand made by the accused personally - before the trap is set into motion, there should be corroboration of the

allegation made by the complainant of actual and real demand being made by the accused-public servant as a quid pro quo for extending a favour to the complainant. (Para 37) - Referred to Neeraj Dutta v State (NCT of Delhi) (2023) 4 SCC 731 on evidentiary standard to prove offence(s) under PC Act. (Para 24)

Code of Criminal Procedure 1973 - Section 386 - Where the accused persons have been acquitted by the Trial Court, there is a double presumption of innocence which accrues in their favour- Jafarudheen v State of Kerala (2022) 8 SCC 440- Where two views are possible, the Court should err on the side of caution and lean in favour of the defence- Referred to Suresh Thipmppa Shetty v State of Maharashtra (Para 34-36)

Sunita Vs United India Insurance Co. Ltd. 2025 INSC 867 - Motor Accident Compensation - Pay and Recover Principle

Motor Accident Compensation - Although the offending vehicle is a commercial one and the driver of the said vehicle at the time of accident possessed a license to only drive a Light Motor Vehicle (LMV) and, considering the gross weight of the vehicle in question is not in excess of 7500 Kg., the driver can be said to be holding a valid license to drive the same - Referred to Bajaj Alliance General Insurance Co. Ltd. v. Rambha Devi (2024) 1 SCC 818 - (Para 10)

Principle of “Pay and Recover”- In this case, vehicle in question was insured with “Liability Only Policy” and no premium was paid to cover the

driver, owner, or a gratuitous passenger travelling therein, but SC held that Principle Of Pay and Recover can be invoked - Referred to National Insurance Co. Ltd. v. Baljit Kaur ; Anu Bhanvara v. IFFCO Tokio General Insurance Co. Ltd Amrit Lal ; Sood v. Kaushalya Devi Thapar; New India Assurance Co.Ltd. v. C.M. Jaya10; National Insurance Co. Ltd. v. Challa Upendra Rao; New India Assurance Co. Ltd. v. Vimal Devi; National Insurance Co. Ltd. v. Saju P. Paul; Manuara Khatun v. Rajesh Kumar Singh; and Puttappa v. Rama Naik. (Para 13-16)

Gurdial Singh (D) Vs Jagir Kaur (D) 2025 INSC 866

Will -Deprivation of a natural heir, by itself, may not amount to a suspicious circumstance because the whole idea behind execution of the Will is to interfere with the normal line of succession- But prudence requires reason for denying the benefit of inheritance to natural heirs and an absence of it, though not invalidating the Will in all cases, shrouds the disposition with suspicion as it does not give inkling to the mind of the testator to enable the court to judge that the disposition was a voluntary act- When unusual features appear in a Will or unnatural circumstances surround its execution, the Court must undertake a close scrutiny and make an overall assessment of the unusual circumstances before accepting the Will -Non- mention of the status of wife or the reason for her disinheritance in the Will ought not to be examined in isolation but in the light of all attending circumstances of the case. (Para 16-18) [Context: SC upheld HC judgment which disbelieved a Will and observed: Non-mention of Wife or the reasons for her disinheritance in the Will, is an eloquent reminder that

the free disposition of the testator was vitiated by the undue influence of the appellant]\

Indian Succession Act, 1925 - Section 63 ; Indian Evidence Act, 1872 - Section 68 -A Will has to be proved like any other document subject to the requirements of Section 63 of the Indian Succession Act, 1925 and Section 68 of the Indian Evidence Act, 1872, that is examination of at least of one of the attesting witnesses. However, unlike other documents, when a Will is propounded, its maker is no longer in the land of living. This casts a solemn duty on the Court to ascertain whether the Will propounded had been duly proved. Onus lies on the propounder not only to prove due execution but dispel from the mind of the court, all suspicious circumstances which cast doubt on the free disposing mind of the testator. Only when the propounder dispels the suspicious circumstances and satisfies the conscience of the court that the testator had duly executed the Will out of his free volition without coercion or undue influence, would the Will be accepted as genuine - When suspicious circumstance exists, Courts should not be swayed by due execution of the Will alone - Suspected features should not be mere fantasies of a doubting mind - Any and every circumstance is not a “suspicious” circumstance. (Para 11-14)

Ram Charan Vs Sukhram 2025 INSC 865 - Tribal Woman - Right To Inheritance

Constitution of India - Article 14 - Unless otherwise prescribed in law, denying the female heir a right in the property only exacerbates gender division and discrimination, which the law should ensure to weed out.

[Context: The High Court and the Trial courts denied the claim of the appellants (legal heirs of a tribal woman Dhaiya) for partition of property inherited from their maternal grandfather, citing lack of evidence of custom and the inapplicability of the Hindu Succession Act to Scheduled Tribes - Allowing appeal, SC observed: In the present case, a woman or her successors, if the views of the lower Court are upheld, would be denied a right to property on the basis of the absence of a positive assertion to such inheritance in custom- There appears to be no rational nexus or reasonable classification for only males to be granted succession over the property of their forebears and not women, more so in the case where no prohibition to such effect can be shown to be prevalent as per law -Denying Dhaiya her share in her father's property, when the custom is silent, would violate her right to equality vis-à-vis her brothers or those of her legal heirs vis-à-vis their cousin.]

Customs - Customs too, like the law, cannot remain stuck in time and others cannot be allowed to take refuge in customs or hide behind them to deprive others of their right. (Para 19)

Sonali Power Equipments Pvt. Ltd vs Chairman, Maharashtra State Electricity Board, Mumbai 2025 INSC 864 - Conciliation & Arbitration Under MSMED Act - Applicability Of Limitation Act

Limitation Act 1961 - Micro, Small and Medium Enterprises

Development Act 2006 [MSMED Act] - Section 18(2) and 18(3) -

The Limitation Act does not apply to conciliation proceedings under Section 18(2) of the MSMED Act. A time-barred claim can be referred to conciliation as the expiry of limitation period does not extinguish the right to recover the amount, including through a settlement agreement that can be arrived at through the conciliatory process - But Limitation Act applies to arbitration proceedings under Section 18(3) of the MSMED Act. (Para 51)

MSMED Act - Section 18(3),22 ; Arbitration and Conciliation Act

- Section 18(3) - The applicability of the provisions of ACA to arbitrations is determined as per Section 18(3) and other provisions of the MSMED Act, as these are special laws, rather than by Section 2(4) of the ACA, which is under a general law Further, the extension of the limitation period on the basis of disclosure under Section 22 of the MSMED Act must be examined on a case-to-case basis. (Para 51)

Limitation Act 1961 - Section 18 - An entry in the balance sheet of the debtor would amount to an acknowledgement of liability as per Section 18 of the Limitation Act- it is not uncommon for such entry to have notes annexed, or the auditor's report that must be read along with the balance sheet, that indicate that such entry does not amount to an acknowledgement of debt for reasons stated therein- While the law mandates the preparation of the balance sheet, the entry made therein must be examined on a case-to-case basis to determine whether it amounts to an acknowledgement of debt as per the requirements of Section 18 of the Limitation Act. (Para 50)

Conciliation - i. Conciliation is not an adjudicatory or judicial process where the conciliator hears the parties and decides a dispute. ii. The parties to the conciliation resolve their disputes through settlement, whose terms may be arrived at with the assistance of the conciliator. The role of the conciliator is to guide and assist the parties in arriving at a compromise or settlement , make proposals for settlement , formulate the terms of settlement or assist the parties in doing so, and reformulate the terms of settlement based on the observations of the parties.iii. The conciliator must be guided by the principles of independence, impartiality, objectivity, justice, equity, fair play, fairness, and confidentiality, and must also consider he rights and obligations of the parties, trade usages, and business practices between the parties. He must also take into account the wishes of the parties and the need for speedy settlement of dispute. The parties must also cooperate with the conciliator in good faith and endeavour to comply with the conciliator's requests. iv. Finally, the terms of the settlement that are recorded in a settlement agreement must be signed by the parties and it shall be final and binding on them. The same is enforceable as an arbitral award. (Para 25)

Limitation Act 1961 - Limitation Act only applies suits, appeals, and applications filed before courts. Conciliation being an out-of- court and non-adjudicatory process of dispute resolution, the Limitation Act cannot be extended to. (Para 26)

Birka Shiva vs State Of Telangana 2025 INSC 863 - S.35 Evidence Act - Entry Made In Official Register - S.375 IPC - Rape

Indian Evidence Act 1872 - Section 35 - The evidentiary value of such an entry made in public or official registers may be admissible in evidence under Section 35 of the Indian Evidence Act, 1872. However, admissibility is distinct from probative value. While such documents may be admitted into evidence, their evidentiary weight depends on proof of their authenticity and the source of the underlying information. Mere production and marking of a document as exhibited by the Court does not amount to proof of its contents. Its execution has to be proved by leading substantive evidence, that is, by the 'evidence of those persons who can vouchsafe for the truth of the facts in issue' (para 8) [Context: In this case, prosecution relied on birth certificate issued by a school to establish that the victim was below the age of sixteen years on the date of the alleged offence - SC observed: here is nothing on record to corroborate the date of birth of the victim as recorded in the birth certificate (Ex.P11) issued by the school. Therefore, it cannot be relied upon to definitely determine the age of the victim and held with certainty that the victim was below sixteen/eighteen years of age.

Indian Penal Code 1860 - Section 375,376- Conviction for rape can be sustained solely on the testimony of the prosecutrix/victim, provided that her evidence inspires confidence in the mind of the Court and appears to be natural and truthful. However, if the version given by the prosecutrix is inconsistent, unsupported by any medical evidence, or the whole surrounding - The absence of consent is the *sine qua non* to sustain a charge under Section 376. (Para 18-19)

Criminal Trial - Courts of law cannot make a determination of guilt in thin air, based on estimations. (Para 12)

Byluru Thippaiah @ Byaluru Thippaiah @ Nayakara Thippaiah Vs State Of Karnataka 2025 INSC 862

Note: Supreme Court commuted a death sentence to life imprisonment without remission for a man convicted of murdering five family members- Regarding possibility of reformation, SC observed: It can be said that given there is mixed opinion on whether he shall or shall not be able to reform his way, the Court will err on the side of caution just as when there are two possible interpretations of a given set of facts or circumstances, the one that favours the accused is to be adopted.

Jai Prakash Vs State Of Uttarakhand 2025 INSC 861 - Death Sentence Commuted - Minor's Rape And Murder Case

Death Sentence - Rarest of Rare Doctrine - The brutality of a crime cannot be the only criterion for determining whether a case falls under the “rarest of the rare” category. - While commuting death sentence of accused in 10 year old girl's rape and murder case, SC observed: The Courts below have only commented on the brutality of the crime in question, to hand down the death penalty to the appellant. No other circumstance came to be discussed by the Courts in reaching the conclusion that the case forms part

of the “rarest of the rare” category. Such an approach in our view cannot be sustained.

Shiv Baran vs State Of U.P. 2025 INSC 860 - S.319 CrPC - Principles To Be Followed By Trial Courts

Code of Criminal Procedure 1973 - Section 319 - The following statutory requisites for summoning any person not being the accused: (a) such person has committed an offence; (b) his complicity is revealed from the evidence collected during inquiry or trial; and (c) for such offence, he can be tried together with the accused already facing trial- The principles that the Trial Court ought to follow while exercising power under this Section are : (a) This provision is a facet of that area of law which gives protection to victims and society at large, ensuring that the perpetrators of crime should not escape the force of law; (b) It is the duty cast upon the Court not to let the guilty get away unpunished; (c) The Trial Court has broad but not unbridled power as this power can be exercised only on the basis of evidence adduced before it and not any other material collected during investigation; (d) The Trial Court is not powerless to summon a person who is not named in the FIR or Chargesheet; they can be impleaded if the evidence adduced inculpates him; (e) This power is not to be exercised in a regular or cavalier manner, but only when strong or cogent evidence is available than the mere probability of complicity; (f) The degree of satisfaction required is much stricter than the *prima facie* case, which is needed at the time of framing of charge(s); (g) The Court should not conduct a mini-trial at this stage as the expression used is 'such person

could be tried' and not 'should be tried'- The power under Section 319 CrPC must be exercised sparingly. However, where the evidence reveals the complicity of the prospective accused, it becomes obligatory for the authority to exercise the power provided under the said Section. (Para 14,15,25)

Krishna Swaroop Agarwal (D) Vs Arvind Kumar 2025 INSC 859 - S.27 General Clauses Act

General Clauses Act 1897 - Section 27 - In this case, the tenant contention was that notice terminating tenancy under Section 106 of Transfer of Property Act, 1882- Trial Court held that since the registered notice was sufficient even when the same was returned by the postal department with the endorsement 'ND' - High Court set aside the Trial Court order - Allowing appeal, SC held: The High Court held that since the endorsement on the notice read "ND", the notice was not delivered and, therefore, any and all proceedings arising therefrom would be bad in law and, hence, the decree of ejectment was set aside. We are of the view that the High Court was plainly in error in coming to this conclusion. The impugned order was passed without consideration of Section 27 of GC Act, which provides that if services are made through Registered Post, it is deemed to have been made in accordance with law. (Para 15)

**Rahil vs State (Govt. of N.C.T. of Delhi) 2025 INSC 858 - S.65B
Evidence Act - CrPC - Appeal**

Code of Criminal Procedure 1973 - Section 378,386 - In an appeal against acquittal, the appellate court would not interfere with the finding of the trial court unless the same finding is wholly perverse or against the weight of evidence on record. In the event acquittal is based on findings which are reasonable and plausible, appellate court would be slow to interfere with the same as the presumption of innocence stands re-enforced by the acquittal. (Para 16)

Indian Evidence Act 1872 - Section 65B(4) - Issuance of certificate under section 65-B(4) is a condition precedent for admissibility of computer-generated secondary evidence. It cannot be supplemented through oral evidence- Followed Anvar PV v. PK Basheer (2014) 10 SCC 473 (Para 33)- **Section 106** - In a criminal case whether based on direct or circumstantial evidence, the burden of proof always rests on the prosecution. Only when the prosecution discharges the initial onus, that is, proves the incriminating attending circumstances to establish the cause of death are within the ‘special knowledge’ of an accused does the onus shift and an adverse inference against such accused may be drawn if he fails to discharge such onus. (Para 42)

**State Of Himachal Pradesh vs JSW Hydro Energy Limited 2025
INSC 857 - Electricity Act - Writ Petition**

Constitution of India - Article 226 - Electricity Act 2003- Since tariff determination, including the power to make regulations for this purpose, has been entrusted to a specialised and expert regulator constituted under the statute itself, it would not be proper for constitutional courts to interfere and assume these functions, or to examine tariff fixation on its merits and substitute its own determination for the one made by the expert body after duly considering all material circumstances - When a constitutional court is interpreting statutes, rules, or regulations that fall within the regulator's domain, it must bear in mind the need to enable the regulator to exercise comprehensive jurisdiction. Courts must not impair the functioning of the regulator by taking away certain aspects of the sector outside the regulator's scope, thereby fragmenting regulation and creating plurality of jurisdictions. It is in the interest of good governance through regulation to ensure that there is no proliferation of remedies and there are no parallel, multiple remedial forums. Further, this also ensures that the sectoral law is developed in a coordinated and systematic fashion by the regulator that is equipped to deal with not only legal issues but also has specialised knowledge in other areas. (Para 32-33)

Baljinder Kumar @ Kala vs State Of Punjab 2025 INSC 856 - S.106 Evidence Act- Alternative Plausible Explanation - Death Penalty Acquittal

Indian Evidence Act 1860 - Section 106 - Merely lack of an alternative plausible explanation to the incident cannot serve as enough evidence in

itself to send a man to the gallows, whose guilt otherwise remains unestablished- Section 106 of the Evidence Act cannot be employed against the accused in a detrimental manner in the absence of any foundational facts, shall lead to a severe and unwarranted application of the provision.(Para 38-39) [Context: Supreme Court acquits man who was sentenced to death in murder case]

Evidence - Witness Testimony Contradiction - Only such omissions which amount to contradiction in material particulars can be used to discredit the testimony of the witness. Whereas contradiction in the statement of the witness is fatal for the case, minor discrepancy or variance in evidence will not make the prosecution's case doubtful. Material discrepancies are those which are not normal and not expected of a normal person. Moreover, when witness testimonies exhibit significant contradictions between their initial statements and trial depositions, they cannot be relied upon unless independently corroborated. (Para 30)

Mala Devi vs. Union of India 2025 INSC 855 - Railway Pension Rules

Railway Pension Rules, 1993 - Rule 75 - The qualifying service for a temporary railway servant to be entitled for the grant of benefit of family pension is a continuous service of one year. More so, this benefit of family pension is accrued to the family of the deceased railway servant who died in harness after completion of one year of continuous service, without any

discrimination, whether the post was temporary or had been regularized. [Context: While allowing a widow's appeal, SC observed: we find that the argument canvassed by the Respondents in depriving the Appellant of family pension from her deceased husband for not completing 10 years of qualifying service by falling short of hardly 3 months, is not in congruence with the legislative intent of the Indian Railway Establishment Manual & the Railway Pension Rules, 1993. The salutary purpose of the rules thereunder is to extend the benefit of family pension to the families of those servants who have served for a considerable strength of time. The present case is not a case of a casual labourer being simply accorded a temporary status, without any scrutiny or examination as cautioned against in Clause 4.4. of the Master Circular issued by the Ministry of Railways]

G. Mohandas vs. State of Kerala 2025 INSC 854

Note: No legal aspects discussed in this judgment- Supreme Court upheld Kerala HC judgment refusing to quash criminal proceedings for constructing a four-storeyed commercial building in Thiruvananthapuram without proper permission, allegedly in conspiracy with municipal officials.

Neethu B. @ Neethu Baby Mathew vs. Rajesh Kumar 2025 INSC 853 - Child Custody Orders

Child Custody - Custody orders are always considered interlocutory orders and by the nature of such proceedings, custody orders cannot be

made rigid and final. Rather, the Courts are entitled to alter and mould the custody orders in view of the best interest of the minor. The core and inalienable standard is the paramount consideration of the child's welfare, which is affected by an array of factors, is ever evolving and cannot be confined in a straitjacket. Therefore, each case has to be dealt with on the basis of its unique facts and take into account any change in circumstances which have an impact on the quality of a child's upbringing. (Para 14-15)

Best interests of a child -The factors defining the best interests of a child are multiple and range from quality education, a nurturing family environment, healthy worldly experiences, provision of basic amenities of life, meeting of financial requirements, access to a friendly social system to imparting of spiritual and cultural learnings. The list is naturally not an exhaustive one. However, the essential feature is that a secure, supportive and loving family forms the bedrock of a healthy childhood experience and helps one grow into a balanced, positive and confident adult. (Para 25) The stability and security of the child is an essential ingredient for the full development of the child's talent and personality. Even most of the well grown adults do not perceive sudden and huge changes in their lives very comfortably and often exhibit symptoms of distress when confronted with such an imminent change to their regular life. It would be extremely harsh and insensitive for the courts of law to expect the child to accept and flourish in an alien household where his own biological father is akin to a stranger to him. We cannot turn a blind eye to the trauma that is being inflicted on the child in consequences of the orders of the courts of law handing custody to the father, who is alleged to exhibit apathy towards the tender emotional state of the minor. (Para 34)

Constitution of India - Article 137 - The scope of a review is usually considered very limited, and the grounds for maintainability of a review petition - before entertaining review on the ground of discovery of new matter or evidence is required to record its satisfaction about three aspects, which can also be called as “triple test” i.e., (i) new matter/evidence discovered is of such nature which could change the judgment (ii) such new matter/evidence was not within the knowledge of the party seeking review (iii) same could not be produced before court even after due diligence. When any of the conditions of the test, as laid down above is not fulfilled, “discovery of new matter/evidence” ipso facto would not be sufficient ground for the Court to interfere with the finality of the judgment. (Para 11-12)

Pradeep Bhardwaj vs. Priya 2025 INSC 852 - Irretrievable Breakdown Marriage

Constitution of India - Article 142 - SC dissolves marriage between parties and observed: The institution of marriage is rooted in dignity, mutual respect and shared companionship, and when these foundational aspects are irreparably lost, forcing a couple to remain legally bound serves no beneficial purpose - The welfare and dignity of both the spouses must be prioritized, and that compelling a dead marriage to continue only perpetuates mental agony and societal burden.

**G. Kalawathi Bai (D) vs G. Shashikala (D) 2025 INSC 851 - S. 32
Registration Act - Power Of Attorney - Referred To Larger Bench**

Registration Act 1908 - Section 32 - Supreme Court Doubts correctness of the view taken in Rajni Tandon vs. Dulal Ranjan Ghosh Dastidar (2009) 14 SCC 782 that power-of-attorney holder who signs a sale deed on behalf of the principal would become the ‘executant’ thereof and would be covered by Section 32(a) of the Act and observed: A power-of-attorney holder executes a document, say, a sale deed, not in his own name but in the name of his principal, and signs it on behalf of the principal by virtue of the authority conferred upon him by the power of attorney. He does not, thereby, become the ‘executant’ of the sale deed as the said sale deed would invariably be executed in the name of the principal, who would be shown therein as represented by the power-of-attorney holder. The power-of-attorney holder, therefore, does not become the ‘executant’ referred to in Section 32(a) of the Act but would still remain the agent and, by virtue of being authorized by the power of attorney, he merely executes and signs it on that principal’s behalf- Issue referred to larger bench. (Para 11-19)

**Krishan Gopal Vs Gurmeet Kaur (D) 2025 INSC 850 - Ss. 16,22
-Specific Relief Act - Readiness and Willingness - Escalation Of Land Prices**

Specific Relief Act 1963 - Section 16 - To prove his readiness and willingness, a purchaser need not necessarily produce the money or carry it with him or vouch a concluded scheme of finance- Readiness and willingness is to be inferred from the conduct of the parties -mere escalation of land prices would not be a reason, by itself, to deny the equitable relief of specific performance once sufficient grounds are made out for granting such relief (Para 18) - **Section 22** - Court's power to grant the reliefs of possession, partition, refund of earnest money, etc., while dealing with specific performance of contracts- In appropriate cases of specific performance of contracts of sale of immovable property, the Court can order delivery of possession of the property even if it has not been specifically asked for. It was observed that an order for delivery of possession without a corresponding amendment in the plaint would only be a mere omission which would not be fatal to the relief of possession under Section 22 and more so, when the order is being made in furtherance of the cause of justice. (Para 17)

**Torino Laboratories Pvt. Ltd. vs. Union of India 2025 INSC 849-
S. 2A EPF Act**

Employees' Provident Funds and Miscellaneous Provisions Act, 1952 - Section 2A - The contention that Section 2A cannot be applied if ostensibly two separately registered entities under the Companies Act are involved, has only to be stated to be rejected - Each case has to be decided on its own peculiar facts, regard being had to the scheme and object of the statute under consideration and in the context of the claim. In a given case,

unity of ownership, management and control may be the important test, while in certain other cases Functional Integrality or general unity may be the determinative consideration. In some instances, unity of employment could be the most vital test - While each aspect may not by itself be conclusive, what is important is to consider cumulatively the facts while applying the different tests. The employer/management's own conduct in mixing up or not mixing up the capital, staff and management could in a given case be a significant pointer. Mere separate registration under the different statutes cannot be a basis to claim that the units are separate. Similarly, maintenance of separate accounts and independent financial statement is also not conclusive. The onus lies on the employer/management to lead necessary evidence to bring home their contention. (Para 31-34)

Vijay Kumar vs. Central Bank of India 2025 INSC 848 - Pension Regulations - Central Bank Regulations

Service Law - Pension - Pension is not a discretion of the employer but a valuable right to property and can be denied only through authority of law. When an authority is vested with the discretion to grant pension less than full pension admissible under the Pension Regulations, all procedural safeguards in favour of the employee including prior consultation must be strictly followed. (Para 17)

Central Bank of India (Employees') Pension Regulations, 1995 - Regulation 33- The pension payable to an employee who has been compulsorily retired as a penalty shall not be less than two-third of his full

pension or Rs. 375 per mensem, whichever is higher. The word ‘may’ must be read in its proper context, that is to say, it was used in the regulation not to vest discretion in the superior authority to grant pension less than two-third of full pension payable but to clarify that the aforesaid clause will not entitle a compulsorily retired employee to pension if he is not otherwise entitled to such pension on superannuation on that day. For example, if an employee is compulsorily retired without completing ‘qualifying service’ making him eligible to pension under the regulations -Clause (1) and clause (2) of regulation 33 must be read conjointly and in all cases when the full pension admissible to a compulsorily retired employee under the regulations is reduced, a prior consultation with the Board is necessary. (Para 18-19) Award of pension less than full pension is to be done with prior consultation of the Board of Directors. Such prior consultation with the highest authority of the Bank i.e., Board of Directors must be understood as a valuable mandatory safeguard before an employee’s constitutional right to pension is curtailed. In these circumstances, a post facto approval cannot be a substitute of prior consultation with the Board before the decision is made. (Para 21)

**PNB Housing Finance Limited vs. Manoj Saha 2025 INSC 847 -
Writ Petitions- SARFAESI Matters - Tenants**

Constitution of India - Article 226,227 - SARFAESI Act - Any person claiming to be lessees/tenants in respect of secured assets to approach the DRT against measures under section 13(4) of SARFAESI, including taking possession of the secured asset. Tribunal is empowered to

declare such measures invalid and restore possession. Order of DRT is made appealable before the appellate tribunal under section 18 of SARFAESI. In light of the aforesaid statutory scheme, this Court repeatedly deprecated interference of High Courts under Article 226/227 in matters pertaining to SARFAESI. (Para 11-12)

**Jaykishor Chaturvedi vs. Securities and Exchange Board of India
2025 INSC 846 - S.28A SEBI Act - Legislation By Incorporation & Reference**

Securities and Exchange Board of India Act 1992 [SEBI] - Section 28A -Section 28A is a substantive law insofar as the levy of interest. The adjudication is conducted as per the mechanism outlined under SEBI Act and the rules framed thereunder. Notably, the provisions of the SEBI Act or its rules do not mandate the issuance of a separate demand notice before recovery. Adjudication amounts to a crystallization of liability, and the demand is a natural sequitur. Therefore, there is no corresponding requirement for issuance a separate notice of demand seeking payment of the amount determined under the adjudication order. The adjudication authority is well within his powers to fix a period for payment of the amount specified in the adjudication order, and upon default, the liability to pay interest becomes inevitable. (Para 9.9)

Interpretation of Statutes - Difference between “legislation by incorporation” and “legislation by reference” - In the case of “legislation by incorporation”, the provisions of the original Act, once specified, become an integral and independent part of the subsequent Act.

The provisions of the original Act are deemed to be incorporated in the subsequent Act as if they were enacted within it. On the other hand, in the case of “legislation by reference”, the provisions are generally referred to for applicability, and the effect of such reference is that not only the provisions existing at the time the subsequent Act was enacted are applied, but also any subsequent amendments made to the provisions referred to in the original enactment. Therefore, in the case of “legislation by incorporation”, only the provisions as they existed on the date of incorporation into the subsequent law are applicable. In contrast, in the case of “legislation by reference”, the law as it exists on the date of application, including any subsequent modifications or amendment, is applicable. Thus, in the case of “legislation by incorporation”, modifications to the provisions in the original Act are not carried into the subsequent Act- There is yet another possibility, where, in the original Act, there can be an incorporation of another provision from the same or a different enactment. In such cases, the incorporated provision should also be deemed to have been incorporated into the subsequent Act. Furthermore, when there is a general reference in the original Act that forms part of the incorporation in the subsequent Act, the general reference also gets incorporated into the subsequent Act as a reference. (Para 9.6-9.7)

Interpretation of Statutes - An “explanation” in any law serves to clarify, restrict, or expand the scope of the main provision. The nature and effect of an Explanation must be understood in the context of the object of the Act, and in particular, the provision to which the Explanation is inserted. (Para 11.4)

Kattavellai @ Devakar vs State Of Tamilnadu 2025 INSC 845 - DNA Sample Collections - Directions Issued

Criminal Trial -Collection Of DNA Samples - Directions Issued:

In all cases where DNA Evidence is involved: (1) The collection of DNA samples once made after due care and compliance of all necessary procedure including swift and appropriate packaging including a) FIR number and date; b) Section and the statute involved therein; c) details of I.O., Police station; and d) requisite serial number shall be duly documented. The document recording the collection shall have the signatures and designations of the medical professional present, the investigating officer and independent witnesses- The absence of independent witnesses shall not be taken to be compromising to the collection of such evidence, but the efforts made to join such witnesses and the eventual inability to do so shall be duly put down in record. (2) The Investigating Officer shall be responsible for the transportation of the DNA evidence to the concerned police station or the hospital concerned, as the case may be. He shall also be responsible for ensuring that the samples so taken reach the concerned forensic science laboratory with dispatch and in any case not later than 48- hours from the time of collection. Should any extraneous circumstance present itself and the 48-hours timeline cannot be complied with, the reason for the delay shall be duly recorded in the case diary. Throughout, the requisite efforts be made to preserve the samples as per the requirement corresponding to the nature of the sample taken.(3) In the time that the DNA samples are stored pending trial appeal etc., no package shall be opened, altered or resealed without express authorisation

of the Trial Court acting upon a statement of a duly qualified and experienced medical professional to the effect that the same shall not have a negative impact on the sanctity of the evidence and with the Court being assured that such a step is necessary for proper and just outcome of the Investigation/Trial. (4) Right from the point of collection to the logical end, i.e., conviction or acquittal of the accused, a Chain of Custody Register shall be maintained wherein each and every movement of the evidence shall be recorded with counter sign at each end thereof stating also the reason therefor. This Chain of Custody Register shall necessarily be appended as part of the Trial Court record. Failure to maintain the same shall render the I.O. responsible for explaining such lapse. The Directors General of Police of all the States shall prepare sample forms of the Chain of Custody Register and all other documentation directed above and ensure its dispatch to all districts with necessary instruction as may be required.

L. Muruganantham Vs State Of Tamil Nadu 2025 INSC 844 - Prisoners With Disability - Rights - Directions Issued

Constitution of India - Article 14,21 - Criminal Justice - Prisoners With Disability - Rights of Persons with Disabilities Act 2016 -
Inaccessibility and denial of basic care to prisoners with disabilities are not mere administrative lapses; they amount to violations of fundamental rights enshrined under Articles 14 and 21 of the Constitution of India. They also breach provisions of the RPwD Act, 2016 – specifically Sections 6, 25, and 38 – which mandate the State to ensure healthcare and non-discriminatory treatment for persons with disabilities, including those

in custody. Furthermore, under Article 15 of the UNCRPD, to which India is a signatory, any cruel, inhuman, or degrading treatment of disabled persons in detention is strictly prohibited. (Para 27) The State has a constitutional and moral obligation to uphold the rights of prisoners with disabilities. This includes not only ensuring non-discriminatory treatment but also enabling their effective rehabilitation and reintegration into society. This Court emphasizes that reasonable accommodations are not optional, but integral to any humane and just carceral system. A systemic transformation is urgently required – one grounded in compassion, accountability, and a firm constitutional commitment to dignity and equality. The disabilities of incarcerated individuals must not become a basis for further deprivation or suffering; rather, the prison system must evolve to affirm their rights and provide the care necessary for rehabilitation- Various directions issued. (Para 34,35)

Estate Officer, Haryana Urban Development Authority vs. Nirmala Devi 2025 INSC 843

Specific Relief Act -Section 39- Conditions for granting a Mandatory Injunction.i) Obligation: There must be a clear obligation on the part of the defendant. ii) Breach: A breach of that obligation must have occurred or be reasonably apprehended iii) Necessity: It must be necessary to compel the performance of specific acts to prevent or rectify the breach. iv) Enforceability: The court must be able to enforce the performance of those acts. v) Balance of Convenience: The balance of convenience must be in favour of the party seeking the injunction. vi) Irreparable Injury: The injury

or damage caused by the breach must be irreparable or not adequately compensable in monetary terms.

Specific Relief Act - Section 2: The definition of 'obligation' in Section 2 of the Specific Relief Act is so wide that any breach of legal obligation may give a cause to the affected party. The definition of the word 'obligation' in Section 2 of the Act of 1963 should be interpreted in a way which may serve the cause of the society. 'Obligation' may be said to be a bond or tie, which constrains a person to do or suffer something, it implies a right in another person to which it is co-related, and it restricts the freedom of the obligee with reference to definite acts and forbearance; but in order that it may be enforced by a Court, it must be a legal obligation. (Para 77)

Law of Precedents - Not every observation in a judgment of this Court is binding as precedent. Only the ratio decidendi or the propositions of law that were necessary to decide on the issues between the parties are binding. Observations by the judge, even determinative statements of law, which are not part of her reasoning on a question or issue before the court, are termed obiter dicta. Such observations do not bind the Court. More simply, a case is only an authority for what it actually decides. (Para 47) Discussed Wambaugh's Test / Inversion Test, Halsbury's Test and Goodhart's Test. (Para 47- 61) Inversion Test- The test mandates that to determine whether a particular proposition of law is part of the ratio decidendi of the case, the proposition is to be inverted. This means that either that proposition is hypothetically removed from the judgment, or it is assumed that the proposition was decided in reverse. After such removal or reversal, if the decision of the Court on that issue before it would remain the same then the observations cannot be regarded as the ratio decidendi of the case (Para 50)

Binod Pathak Vs Shankar Choudhary 2025 INSC 842 - Order XXII Rule 10 CPC - Duty Of Pleader To Inform Death Of Party

Code Of Civil Procedure 1908 - Order XXII Rule 10A -The duty of a pleader to apprise the court as well as the other parties to the suit or appeal of the death of his client is a duty of candour and propriety as a responsible officer of the court. The failure of a party to perform the duty under Rule 10A constitutes a wrongful act and such party must not be allowed to avail the benefit arising therefrom in the form of abatement of suit- Providing merely an information with regard to the fact of death is not sufficient compliance of the Rule 10A of the CPC. unless and until the counsel furnishes the information with regard to the details of the persons on whom and against whom the right to sue survives and the information under Rule 10A of the CPC. and the object behind it would remain incomplete as the parties would still be labouring to inquire who are the legal representatives and find out as to upon whom and against whom the right to sue survives.

Legal Maxims and Doctrines -'Doctrine of ‘clean hands’ originates from the Roman Law, and finds expression in two latin maxims being (i) ex injuria ius non oritur and (ii) nullus commodum capere potest de injuria sua propria, which mean “from wrong, no right arises” and “no one can take advantage of their own wrong”, respectively- the maxim ‘ex injuria ius non oritur’ is different from the maxim ‘nullus commodum capere potest de injuria sua propria’ for the reason that the former pertains to a ‘right’ that

may become available to a wrongdoer due to the wrongful act and the latter relates to an ‘advantage’ or ‘benefit’ that a wrongdoer may derive from his wrongful conduct. (Para 45-56)

Stemcyte India Therapeutics Pvt. Ltd. vs Commissioner Of Central Excise And Service Tax 2025 INSC 841- Extension Of Limitation - Retrospective Operation Of Circular Or Notification

Finance Act, 1994 – Section 73 - In the absence of fraud, collusion, wilful misstatement, or suppression of facts with an intent to evade payment of service tax, the invocation of the extended period of limitation under is wholly unwarranted. Mere non-payment of service tax, by itself, does not justify the invocation of the extended limitation period. (Para 9.4)

Interpretation of Statute - Unless a notification or circular explicitly provides for retrospective operation, it must be construed as prospective. (Para 10.2)

State vs. B. T. Ramesh 2025 INSC 840 - Karnataka Civil Services Rules - CrPC

Code of Criminal Procedure 1973 ; Karnataka Civil Services Rules, 1958 - Rule 214 - Rule 214 cannot be read in a manner so as to

have the effect of whittling down the powers conferred on the investigative agencies by Part XII of the Cr. PC or the relevant magistrate under Chapter XIV thereof. Even without an order/action for withholding or withdrawing pension, an investigation of a cognisable offence punishable under the IPC or the PC Act or any analogous law is not barred either under Rule 214 or by any other statutory intendment- In a particular case, the Government could find itself disabled to withhold or withdraw pension owing to the timelines creating a bar, but that per se cannot be seen as reason enough for stifling an otherwise valid investigative process including submission of police report in terms of the provisions of the Cr. PC., or for taking cognisance of the offence, once such report is submitted. (Para 17)

Karnataka Civil Services Rules, 1958 - Rule 214 -The policy behind Rule 214 is that a pensioner's entitlement to pension is contingent upon a clean record, both during and after service. This rule seeks to ensure that a pensioner does not go scot-free despite having indulged in misconduct or criminal activity while in service or even after quitting service (as future good conduct is a condition for continuous entitlement to pension). The need for a clean record is, thus, essential. Needless to observe, the scope of Rule 214 extends beyond corruption-related crimes, enabling withholding or withdrawal of pension for any offence punishable under the law. The timelines in Rule 214, as embodied, would bear significance to ensure that no pensioner is unnecessarily harassed or made to wait indefinitely for release of the whole of his pension and other retiral benefits owing to institution/pendency of disciplinary/judicial proceedings in relation to events of the distant past. (Para 17)

Interpretation of Statutes - It is an acknowledged art of interpretation of statutes to harmonise the textual meaning of a particular provision with its contextual significance; and, to gain a deeper insight, the interpreter may uncover the underlying policy for the same to be codified. (Para 15)

Code of Criminal Procedure 1973 - Section 197 - The acts of commission of offence in the discharge of official duties by a public servant, punishable under the IPC and the PC Act, have obviously to be dealt with firmly. But Section 197, Cr. PC contemplates protection to responsible public servants against institution of possible vexatious criminal proceedings alleged to have been committed by them while acting or purporting to act as public servants. Protection under Section 197, Cr. PC extends both to serving as well as retired public servants. Prior to taking cognisance of offences punishable under the IPC, sanction ought to have been obtained. (Para 20)

Orissa High Court vs Banshidhar Baug 2025 INSC 839 - Senior Advocate Designation - HC Suo Motu Power

Advocates Act, 1961 - Section 16(2) - The source of the power to designate an advocate as Senior Advocate is contained in Section 16(2)- It implicitly recognizes the power of a High Court to confer the distinction of Senior Advocate, subject to its opinion that the concerned Advocate, by virtue of his ability, standing at the Bar, or special knowledge or experience in law, is deserving of such recognition.

Senior Designation - The designation of a Senior Advocate is a mark of distinction granted by the Court in recognition of exceptional legal acumen and advocacy. It is not conferred as a matter of right, nor can any advocate claim it merely on the basis of seniority, experience, or popularity. The designation is conferred at the discretion of the Court, upon satisfaction that the advocate possesses outstanding ability, integrity, and professional standing. Courts are not expected to grant this status arbitrarily or as a matter of favour. At the same time, the process for designation must be merit-based, transparent, fair, and free from personal preferences or informal influences. It must, therefore, be reiterated that the conferment of Senior Advocate status is a privilege, not an entitlement, and must be governed strictly by the principles of fairness, accountability, and institutional integrity. (Para 19)

Torrent Power Limited vs. U.P. Electricity Regulatory Commission 2025 INSC 838 - S.128 Electricity Act

Electricity Act 2003- Section 128 - Unless some satisfactory grounds are given for initiating an investigation, a petition or an application under Section 128 cannot be held to be maintainable. The ERCS are required to consider matters in public interest wherever mandated by the Act, 2003, i.e., in matters relating to tariff determination, procurement of power processes, and utility/licensee management which requires safeguarding of consumer interest alongside the commercial principles (Para 68)- The Act does not envisage direct regulatory oversight as regards distribution franchisees and by virtue of their relationship of agency, such franchisees

can only be indirectly regulated through the distribution licensee. Therefore, even an investigation under Section 128 can only happen in respect of a distribution licensee and not its franchisee. (Para 75)

Suhagrani vs. Manager, Cholamandalam MS General Insurance Co. Ltd. 2025 INSC 837

Motor Accident Compensation - Witness was pillion rider of the deceased - SC observed: Non-filing of the complaint immediately after the occurrence of the accident by her would not be fatal particularly when the near and dear of the claimants were in trauma and were attending to the immediate requirement of medical attention to the deceased. (Para 10)

New India Assurance Vs Usha Devi 2025 INSC 836 - Motor Accident Compensation Claims- S.163A MV Act - Question Of Negligence

Motor Vehicles Act - Section 163A - While entertaining a claim petition u/s 163A of the Act, the question of negligence cannot be looked into. (Para 11)

Communidade of Tivim vs. State of Goa 2025 INSC 835 -Code of Comunidades

Code of Comunidades- Art. 30 (4) (g) of the Code merely empowers a Communidade to deliberate upon terms of compromise, which upon finalisation, has to be forwarded to the Administrative Tribunal. This does not mean that it confers an unfettered power on the Communidade to enter into a compromise, without the Tribunal's sanction. (Para 20)

Mandeep Singh vs State of Punjab 2025 INSC 834- Public Employment - Adoption By Incorporation - Art. 14 Constitution

Public Employment -Supreme Court quashed the entire recruitment of Assistant Professors and Librarians in Government Degree Colleges in the State and directed the State to initiate the recruitment process as per the 2018 UGC Regulations which are now in force in the State of Punjab and observed: These posts were within the purview of the Commission. Thus, selection of these posts ²² was within the purview of the State Commission, and it was mandatory that it ought to be consulted. (Para 24)

Interpretation of Statutes - In case of adoption by incorporation, the subsequent amendment or repeal of the incorporated statute will be of no consequences on the incorporation. The adoption then becomes frozen at the point in time when the incorporation was made. But the question whether a provision of law is adopted by reference or incorporation also depends upon the language of the order/statute in which such provision is being adopted. It may also depend upon the conduct of the State and how it has been recognised and accepted in that State. (Para 38)

Constitution of India- Article 14 - The State and its instrumentalities have a duty and responsibility to act fairly and reasonably in terms of the mandate of Article 14 of the Constitution. Any decision taken by the State must be reasoned, and not arbitrary. This Court has consistently held that when a thing is done in a post-haste manner, mala fides would be presumed, and further that anything done in undue haste can also be termed as arbitrary and cannot be condoned in law. (Para 52) State is entitled to change its policy, yet a sudden change without valid reasons will always be seen with suspicion. Even in cases where there is no statutory prescription of any particular way of doing a thing, the executive must observe the long-standing practice, and a deviation from such a practice would require passing the muster of reasonableness, which is a facet of Article 14 of the Constitution. (Para 58)

Legal Maxims and Doctrines - When the law prescribes a thing to be done in a particular manner, then it should be done in that manner alone. (Para 57)

United Spirits Ltd. vs. State of Madhya Pradesh 2025 INSC 833 - M.P. Entry Tax Act

M.P. Entry Tax Act, 1976- Section 3B - Section 3B is only a machinery provision and in the teeth of Section 14 of the M.P. Entry Tax Act, it is not correct to say that there cannot be any assessment or collection of Entry Tax merely because there is no notification under Section 3B- Section 3B of the M.P. Entry Tax is an enabling provision. Further, the ‘non-obstante’ in

Section 3B will not foreclose the operation of Section 14, since Section 3B will override only if there is a contrary provision. In the absence of any notification under Section 3B, there is nothing contrary in Section 14 for the non-obstante in Section 3B to be invoked to override Section 14. (Para 32-33)

Indian Oil Corporation Limited Vs Shree Niwas Ramgopal 2025 INSC 832 - Partnership Act - Death Of Partners

Partnership Act, 1932 -Section 42 - The partnership will stand dissolved inter alia on the death of the partner but this is applicable in cases where there are only two partners constituting the partnership firm. The aforesaid principle would not apply where there are more than two partners in a partnership firm and the deed of partnership provides otherwise that the firm will not stand automatically dissolved on the death of one of the partners. (Para 21)

Indian Oil Corporation - IOCL is supposed to act in a manner which is beneficial for the continuance of the business and not to adopt an arbitrary approach thereby creating hindrance in the running business. (Para 27)

Dhanasingh Prabhu Vs Chandrasekar 2025 INSC 831 - S.138 NI Act - Partnership Firm Not Arraigned As Accused

Negotiable Instruments Act 1881 - Section 138 - Even in the absence of partnership firm being named as an accused, if the partners of the partnership firm are proceeded against, they being jointly and severally liable along with the partnership firm as well as inter-se the partners of the firm, the complaint is still maintainable. The accused in such a case would in substance be the partners of the partnership firm along with the firm itself. Since the liability is joint and several, even in the absence of a partnership firm being proceeded against by the complainant by issuance of legal notice as mandated under Section 138 of the Act or being made an accused specifically in a complaint filed under Section 200 of CrPC, (equivalent to Section 223 of the BNS), such a complaint is maintainable.

**Kum. Shubha @ Shubhashankar vs State Of Karnataka 2025
INSC 830 - S.65B Evidence Act - Art.161 Constitution**

Indian Evidence Act 1872 - Section 65B - The compliance of this provision is mandatory. However, there is no straitjacket formula to arrive at the conclusion of such due compliance, with specific reference to the CDR. It is the duty of the concerned Court to satisfy itself on such compliance, by taking due note of the requisite certificate produced under Section 65-B(4) of the IEA, coupled with the oral evidence adduced by the competent officer on behalf of the TSP. One must understand that in contrast to the other prosecution witnesses, the one who speaks in support of such certificates, has no other interest in the case and therefore, has to be considered as a Court witness, having no axe to grind with anyone. He

deposes on behalf of the TSP, concentrating only with respect to the certificate issued. Thus, in the absence of any fundamental flaw in his testimony, with competency to depose on behalf of the TSP, the Court is expected to take due note of it, accordingly. (Para 64) **Officers-** It is not necessary for the said officers to be holding positions of technical expertise, and is enough if they depose to the 'best of their knowledge or belief' (Para 65) **CDR** - The information pertaining to CDR is stored in huge servers, which cannot be produced before the Court, and are thus, produced by way of printouts which qualify as secondary evidence. (Para 63) while CDR data may not be construed as a substantive piece of evidence, it is certainly to be used for appropriate corroboration. One has to see the attending circumstances to decide the evidentiary value of CDR. For example, where the evidence is so overwhelming and the conduct of an accused is such that he is bound to give a sufficient explanation for it, but fails to do so, the CDR might even take the position of substantive evidence. Therefore, in a given factual scenario, the Court can place heavy reliance upon the same for the purpose of rendering a conviction. Suffice it is to state that proving the guilt depends upon the degree of probability. (Para 86)

Indian Evidence Act 1872 - Section 27 - The presence of the witness to the disclosure statement is not a mandate and only one of prudence. The mere absence of the witness to the disclosure statement is hardly sufficient to hold that the recovery itself is doubtful. (Para 88) Evidence adduced before the Court, can be accepted either in toto or in part. Furthermore, it can also be rejected. A Court shall apply its mind to the evidence available to arrive at a just conclusion. (Para 48) When a case is founded on circumstantial evidence, it is imperative to establish the motive of the

accused to commit the offence. This is because it serves as the foundation of the evidentiary chain that ultimately leads to the implication of the accused.

(Para 55) **Circumstantial Evidence** - (1) The circumstances from which the conclusion of guilt is to be drawn must or should be and not merely 'may be' fully established, (2) the facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty, (3) the circumstances should be of a conclusive nature and tendency, (4) they should exclude every possible hypothesis except the one to be proved, and (5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused. (Para 54)

Constitution of India - Article 161 - Notwithstanding the existence of a Circular or a Rule introduced by way of a statutory power under Section 473 of the BNSS, the constitutional powers granted under Article 161 of the Constitution, can also be exercised in a given case. Thus, even in cases where statutory mechanisms exist, the constitutional mandate under Article 161 of the Constitution remains inviolable and exercisable, in order to ensure that justice in individual cases is not constrained by procedural norms.

Constitutional Power - A constitutional power is fundamentally different and distinct from a statutory one. While statutory powers are derived from laws enacted by legislatures and remain subject to amendment or repeal, constitutional powers originate from the Constitution itself. (Para 15)

Vibhor Garg vs Neha 2025 INSC 829 - Secretly Recorded Conversation - S.122 Evidence Act

Indian Evidence Act 1872 - The three-fold test of relevance, identification and accuracy has to be satisfied before a Court admits a recorded conversation in evidence. However, the fact that the conversation was recorded without the consent and knowledge of the person speaking is not a prohibition on the admissibility of the evidence, as laid down by the Evidence Act and read into the statutory provisions by this Court. (Para 9.5)

Indian Evidence Act 1872 - Section 122 - Applicability of Section 122 of the Evidence Act to a proceeding for divorce: When the communication sought to be disclosed is in a proceeding between the husband and the wife, i.e., the petition filed by the husband for divorce under Section 13 of the Hindu Marriage Act, such a privileged communication is not barred from being disclosed and brought before the Court. (Para 10) In adjudicating situations where the privilege under Section 122 of the Act is not granted, as in suits between a couple (an exception provided for in Section 122 itself), the right to privacy is not a relevant consideration, since it is not the rationale under which spousal communications were deemed privileged under Section 122 of the Act. (Para 12.6)

Asian Paints Limited Vs Ram Babu 2025 INSC 828 - S.372 CrPC - Right To Appeal Of Victim

Code of Criminal Procedure 1973 - Section 372 - Whether an appeal under the proviso to Section 372 of the CrPC would be restricted only to mean an appeal to the First Appellate Court or include even an appeal to the Second Appellate Court/High Court? The right to appeal accrues on the ‘victim’ from the instance of a Court acquitting the accused. The proviso to Section 372 of the CrPC is agnostic to the factum of such acquittal being by the Trial Court or the First Appellate Court - The right of a victim to prefer an appeal as granted under the proviso to Section 372 of the CrPC, which was inserted vide 2009 amendment is not restricted by any other provision of the CrPC. It serves the salutary purpose of safeguarding the rights of the victim. (Para 45-47)

Code of Criminal Procedure 1973 - Section 2(wa), 372 - It is not necessary for the ‘victim’ to also be the ‘complainant’ or the ‘informant’ in a given case. (Para 44)

Umedraj Jain vs V. Sudarsanan 2025 INSC 827

Note: No legal aspects discussed in this judgment

Arun Kumar Sharma Vs State Of Madhya Pradesh 2025 INSC 826 - Suppression Of Necessary Facts

Practice and Procedure - Access to justice is inextricably connected to maintaining integrity in the process of invocation and conduct of remedial proceedings before Courts and Tribunals- [SC dismissed appeal imposing Rs. 50,000 as costs observing that appellants have suppressed the necessary facts and there is reason to believe that the proceedings before NGT were initiated to subserve business interest of appellant]

**Pandurangan Vs T. Jayarama Chettiar 2025 INSC 825 - Order VII
Rule 11 CPC - Res Judicata**

Code of Civil Procedure 1908 -Order VII Rule 11- The adjudication of the plea of res judicata is beyond the scope of Order VII, Rule 11 CPC- Res judicata cannot be decided merely on assertions made in the application seeking rejection of plaint -Identifying similarity in causes of action should be a matter for trial where documents from the first suit are studied and analysed. Res judicata cannot be a matter of speculation or inference.

Vikram Bhalchandra Ghongade Vs Headmistress Girls High School And Junior College 2025 INSC 824 - Service Law - Aided School Teachers

Service Law - Maharashtra Civil Services (Pension Rules), 1982 Aided School Teachers -The aided school teachers who are governed by

the service conditions brought out by the State Government are also covered under the Rules of 1982 -Teacher in an aided school for all practical purposes is akin to a post under the State Government - Posts in aided schools are either sanctioned by the Government or approved in accordance with the Rules and pay and allowances are also paid by the Government. The aided school teachers are also entitled to some of the conditions of service as are applicable to Government teachers, with entitlement of pension, provident fund and gratuity as applicable, in accordance with the Rules brought out under Article 309 of the Constitution of India. Though strictly speaking the teachers may not be holding a post under the State Government, it is akin to a post under the State Government, at least for the monetary benefits of pay and allowances, while in service, as also pension and other benefits on retirement.(Para 7-10)

Service Law - Payment made to a nominee or one of the legal heirs, when there are also other legal heirs left behind, is in trust and the person who receives the payment as a nominee holds the money in trust for all the others. The nomination made by the deceased employee while she was alive only absolves the employer from finding out the different legal heirs for the purpose of making payments apportioning their separate shares. (Para 11)

Sanju Bai Prajapati Vs New India Assurance Company Ltd 2025 INSC 823 - Motor Accident Compensation - FIR Delay

Motor Accident Compensation -In this case, FIR was registered after three months , SC observed: The mere fact that the eyewitness did not approach the police cannot be a reason to find the delay in FIR to be

suspicious. The accident itself having been proved and a Murg report filed, definitely investigation would be carried out. We see from the FIR that based on the Murg report an investigation was carried out in the course of which the eyewitness was detected and Annexure P-2 FIR was registered. We do not find any reason to disbelieve the FIR, especially since the insurance company did not make any attempt to examine the investigating officer before the Tribunal. (Para 6-7)

Oriental Insurance Co. Ltd. Vs Niru @ Niharika 2025 INSC 822 - Motor Accident Compensation

Motor Accident Compensation Claims - Interest must run from the date of filing of the claim petition, to the date of payment- Merely because, on various dates, for 4 years, the case was posted for the claimants' evidence, it does not necessarily mean that the claimants were responsible for the delay. Laws delays cannot, without proper substantiation, be cast upon the shoulders of one or other party to the lis. (Para 7)

Motor Accident Compensation Claims - In the 1980's, Courts were awarding 12% interest which stood reduced to 9% in the 1990's. With the advent of the 21st century and the economic recession world over, the interest rates fell considerably. But even now the rates offered by National Banks for long term deposits are 7% or more. [SC upheld grant of 9% interest rate noticing the accident having occurred in the year 1995.]

Suresh Jatav Vs Sukhendra Singh 2025 INSC 821 - Motor Accident Compensation - Expert Opinion On Disability

Motor Accident Compensation - There should be valid reasoning to go behind the opinion of an expert, especially in the matter of assessment of disability. (Para 6)

Meena (D) vs Prayagraj 2025 INSC 820 -Motor Accident Compensation - Loss Of Property

Motor Accident Compensation - Referred to Oriental Insurance Company Limited v. Kahlon @ Jasmail Singh Kahlon (2022) 13 SCC 494 - If the legal heirs can pursue claims in case of death, there is no reason to prohibit the legal representatives to pursue claims for loss of a property, akin to estate of the injured, if the injured dies subsequently. (Para 5)

Madhukar vs State Of Maharashtra 2025 INSC 819 - Rape Case FIR Quashed

Code of Criminal Procedure 1973 - Section 482; Indian Penal Code 1860 - Section 376 - Offence under Section 376 IPC is undoubtedly of a grave and heinous nature. Ordinarily, quashing of proceedings involving such offences on the ground of settlement between the parties is

discouraged and should not be permitted lightly. However, the power of the Court under Section 482 CrPC to secure the ends of justice is not constrained by a rigid formula and must be exercised with reference to the facts of each case. [Context: SC quashed FIR in rape case noticing that the informant has unequivocally expressed her desire not to pursue the case.]

Kathyayini Vs Sidharth P.S. Reddy 2025 INSC 818 - S.482 CrPC - Pendency Civil Proceedings

Code of Criminal Procedure 1973 - Section 482- Pendency of civil proceedings on the same subject matter, involving the same parties is no justification to quash the criminal proceedings if a prima facie case exists against the accused persons. (Para 23)

Gauri Mahto @ Gauri Kumar vs State Of Bihar 2025 INSC 817 - S.364A IPC

Indian Penal Code 1860 - Section 364A - - Referred to Shaik Ahmed Vs. State of Telangana, (2021) 9 SCC 59 - The usage of word 'and' after the first condition in Section 364-A, signifies that the first condition is not independent, and should not be read in seclusion or isolation with the other conditions prescribed therein. Therefore, for conviction under this Section, what is to be ensured is that first condition, i.e., the act of kidnapping or abduction or detention after such kidnapping or abduction shall either be

coupled with a threat to cause death or hurt or with such conduct creating reasonable apprehension of death or hurt in the mind of person so kidnapped or abducted; or causes hurt or death in order to compel the Government or any foreign State or any Governmental organization or any other person to do or abstain from doing any act or to pay a ransom. (Para 10)

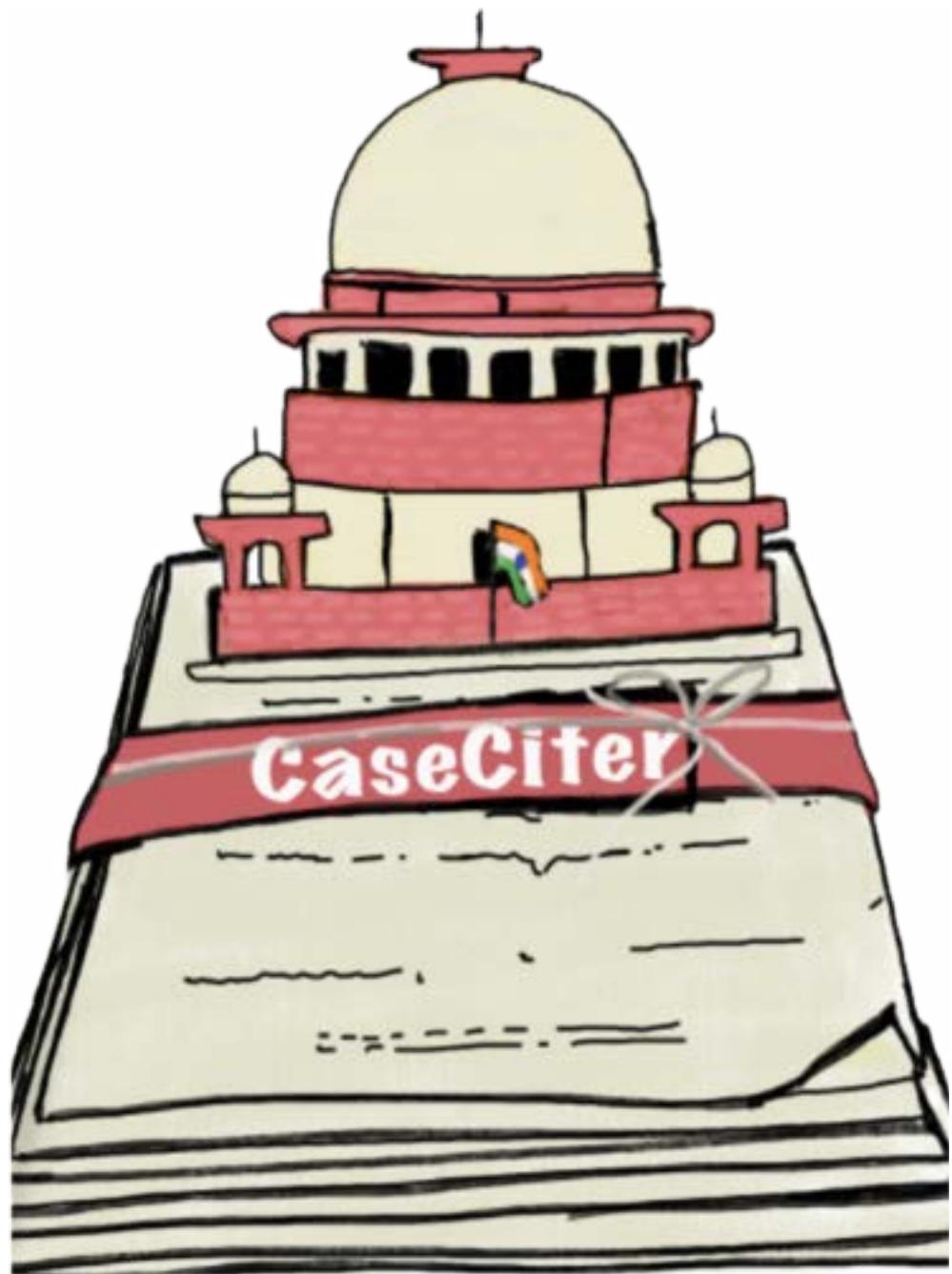
Nimai Ghosh vs State of Bihar (now Jharkhand) 2025 INSC 816 - Eyewitness Testimony

Law of Evidence - As a general rule, to prove the case of the prosecution, the testimony of eyewitness primarily ought to be considered and be relied upon to prove the guilt of the accused- The testimony of the eyewitness must be trustworthy, free from any kind of blemish and of sterling character to prove the incident, whereby the case of the prosecution may be proved beyond reasonable doubt- The quality of evidence brought to prove the guilt is a relevant factor and not the quality of the witnesses. The testimony of those witnesses either proves the case as alleged by the prosecution or otherwise. Sometimes, the testimony of the eyewitness is found unbelievable and can be discarded. To adjudge the credibility of the said testimony, relevant factor would be the conduct of the witness indicating the natural reaction comparable to a prudent man, making the conduct of witness realistic- If a friend or relative is accompanying the deceased at the time of incident, action taken by the witness is a relevant factor to save him. Moreover, in addition, at the time of incident and

immediately after commission of the offence, what steps were taken by the eyewitness to save the life of the deceased. Whether the eyewitness left the place of occurrence and returned the place of incident simpliciter without furnishing information to the police or intimating the relatives/friends/near dear ones becomes relevant. In case, the eyewitness does not convey any information about the incident to anyone which is not expected from a prudent man, his conduct does not appear to be natural of a human being. The time of furnishing information to the police at the earliest by eyewitness is one of the relevant factors to dislodge the plea of belated FIR, therefore, the conduct of an eyewitness should be reflected like a real image in a mirror, thereby making his testimony reliable to prove the guilt of the accused. (Para 16-17)

Hiralal Motilal Parikh (D) vs Spl. LAQ Officer 2025 INSC 815 - Land Acquisition Act - Sale Exemplar

Land Acquisition - Bona fide transaction of sale, if proximate to the land acquired and the date, in absence of any evidence that acquisition has not motivated the purchaser to pay a higher price on account of resultant improvement in development prospects, can be relied upon while determining the compensation. (Para 9) post notification instances may be taken into consideration while computing the compensation. (Para 10)



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50. Union of India vs Saleem Khan 2025 INSC 1008 - UAPA Bail
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52. Mahesh Chand (D) v. Brijesh Kumar 2025 INSC 1005 - UPZALR Act
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55. Nabha Power Limited v. Punjab State Power Corporation Limited 2025 INSC 1002 - Foreign Trade Policy - Deemed Export Benefits
56. Sunil Sharma v. Hero Fincorp Limited 2025 INSC 1001 - S.405 IPC - Loan Transactions
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59. Dharan Singh vs State of U.P. 2025 INSC 998 - Uma Devi Judgment - Ad-Hocism
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65. Ajmera Shyam vs Kova Laxmi 2025 INSC 992 - RP Act - Election - Non-Disclosure Of Assets
66. Madduri Gangaraju @ Babu Rao v. Madduri Sunanda 2025 INSC 991 - Matrimonial - Criminal Prosecutions - Settlement
67. Abhinav Mohan Delkar vs State of Maharashtra 2025 INSC 990 - S.306 IPC - Abetment Of Suicide - Mens Rea
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70. Shanti Devi vs State of Haryana 2025 INSC 987 - Benefit Of Acquittal To Non-Appealing Accused
71. Sethia Infrastructure Pvt. Ltd. v. Mafatlal Mangilal Kothari 2025 INSC 985 - Restoration Application
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74. Armour Security (India) Ltd. vs Commissioner, CGST, Delhi East Commissionerate 2025 INSC 982 - S. 6(2)(b) CGST Act
75. Pernod Ricard India Private Limited vs Karanveer Singh Chhabra 2025 INSC 981 - Trade Marks Act - Interim Injunction - Passing Off
76. Mini v. CBI/SPE Cochin 2025 INSC 980 - Prevention Of Corruption Act - S. 313 CrPC
77. State of Karnataka vs Sri Darshan 2025 INSC 979 - CrPC - Written Grounds Of Arrest - Bail
78. A. Ranjithkumar v. E. Kavitha 2025 INSC 978 - Irretrievable Broken Down Of Marriage
79. In Re: "City Hounded By Strays, Kids Pay Price" 2025 INSC 977 - Stray Dogs Menace - Directions Issued
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81. Kamal Gupta vs L.R. Builders Pvt. Ltd 2025 INSC 975 - Arbitration - Non-Signatory Presence During Arbitration Proceedings
82. Ashok Dhankad vs State of NCT of Delhi 2025 INSC 974 - CrPC -Appeal Against Grant Of Bail
83. State of Andhra Pradesh vs N. Sanjay 2025 INSC 973 - Anticipatory Bail - Investigation
84. Dasari Anil Kumar vs Child Welfare Project Director 2025 INSC 972 - Child Custody - Adoptive Parents
85. Paradip Port Authority vs Paradeep Phosphates Ltd 2025 INSC 971 - Major Port Authorities Act - TAMP
86. Khaja Mohaideen vs State of Tamil Nadu 2025 INSC 970
87. Sukhdev Yadav @ Pehalwan vs State (NCT of Delhi) 2025 INSC 969 - Sentencing - Fixed

- Term Life Imprisonment - Release
88. Ajwar vs Waseem 2025 INSC 968 - Bail Orders - Reasoning
89. A. Karunanithi vs State 2025 INSC 967 - Prevention of Corruption Act
90. Time City Infrastructure and Housing Limited Lucknow vs State of U.P. 2025 INSC 966 - Order XXXIX Rule 3 CPC - Ex Parte Injunction Order - Non Compliance Of Proviso
91. Rejanish K.V vs. K. Deepa 2025 INSC 965 - Art.233 Constitution - Referred To Constitution Bench
92. Yogesh Madhav Makalwad vs State of Maharashtra 2025 INSC 964 - Caste Claim - Affinity Test - Pre-Independence Documents
93. Navneesh Aggarwal vs State of Haryana 2025 INSC 963 - S.482 CrPC - Matrimonial Matters
94. Mange Ram vs State of Madhya Pradesh 2025 INSC 962 - S.482 CrPC - Quashing Power - Matrimonial Cases
95. Vanashakti v. Union of India 2025 INSC 961 - EIA Notification - Sustainable Development
96. State of Punjab vs. Gurnam @ Gama 2025 INSC 960 - NDPS Act - Acquittal Relying On Mohan Lal's Case Set Aside
97. Ashdan Properties Pvt. Ltd. vs DSK Global Education a 2025 INSC 959 - NCLAT Rules - IBC - Certified Copy Of Impugned Order
98. KrishnaKant Kwivedy vs State of Chhattisgarh 2025 INSC 958 - S.482 CrPC - Meaning "Manifestly Attended With Mala Fide"
99. Gurdeep Singh vs State of Punjab 2025 INSC 957 S.319 CrPC - S.120B IPC - Hostile Witness - Sole Eyewitness Testimony - Public Functionaries
100. Kishundeo Rout vs Govind Rao & 2025 INSC 956 - Adverse Possession Plea At Appellate Stage
101. Basheera Khanum vs City Municipal Council 2025 INSC 955 - Registered Document
102. Arshnoor Kaur vs Union of India 2025 INSC 954 -S.12 Army Act - Male Reservation
103. Manohar Keshavrao Khandate vs State of Maharashtra 2025 INSC 953 - Murder Conviction - Child Witness Testimony
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105. National Insurance Company Limited vs Sunita Devi 2025 INSC 951 - Motor Accident Compensation - Pay & Recover
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107. Thangavel vs Managing Director, Tamil Nadu State Transport Corporation Limited 2025 INSC 949 - Schedule II - MV Act
108. Brij Bihari Gupta vs. Manmet 2025 INSC 948 - Motor Accident Compensation -Registered Owner Liability
109. Shyam Kali Dubey vs State of Madhya Pradesh 2025 INSC 947 - Related Witnesses
110. Assistant Commissioner of Income Tax (International Taxation) vs Shelf Drilling Ron Tappmeyer Ltd. 2025 INSC 946, - Ss. 144C, 153(3) Income Tax Act
111. Shikhar Chemicals vs State Of Uttar Pradesh 2025 INSC 945 - Directions Against HC Judge Recalled
112. Aasif @ Pasha vs. State of U.P. 2025 INSC 944 - S.389 CrPC - Suspension Of Sentence
113. XXX vs Union of India 2025 INSC 943 - CJI - In-house Procedure - Judges (Protection) Act
114. State of Bihar Now Jharkhand vs Nilu Ganjhu 2025 INSC 942- Witnesses' Reaction
115. Mathews J. Nedumpara vs Supreme Court of India 2025 INSC 941 - WP Seeking FIR Dismissed - Burnt Currency Notes

116. Ritu Maheshwari vs Ramesh Chandra Nagar 2025 INSC 940 - Contempt Of Court
117. Lokesh B vs Suryanarayana Raju Jaggaraju 2025 INSC 939 - Motor Accident Compensation - Self Employed Claimant - Future Prospects
118. Kavita Devi vs Sunil Kumar 2025 INSC 938 - Motor Accident Compensation - Allowances
119. BSES Rajdhani Power Ltd vs Union of India 2025 INSC 937 - Electricity Act
120. Shail Kumari vs State of Chhattisgarh - 2025 INSC 936 - Witness Testimony - Circumstantial Evidence
121. Jamnalal vs State of Rajasthan -2025 INSC 935 - S.389 CrPC - Suspension Of Sentence
122. Bhanei Prasad @ Raju vs State of Himachal Pradesh 2025 INSC 934 - POCSO Act - Restitution
123. Managing Director Bihar State Food and Civil Supply Corporation Limited vs Sanjay Kumar 2025 INSC 933 - S.11 Arbitration Act - Fraud & Arbitrability
124. Operation ASHA vs Shelly Batra 2025 INSC 932 - S.92 CPC - Societies & Constructive Trusts
125. Sincere Securities Private Limited & Ors. v. Chandrakant Khemka 2025 INSC 931 - IBC - CoC - Commercial Wisdom
126. Kallu Nat alias Mayank Kumar Nagar v. State of U.P. 2025 INSC 930 - S. 193 CrPC - Summoning Power Of Sessions Court
127. Deepak Kumar Sahu vs State of Chhattisgarh 2025 INSC 929 - Rape Case - Sole Testimony Of Victim
128. Odisha State Financial Corporation vs Vigyan Chemical Industries 2025 INSC 928 - Ss.47,80 CPC - Doctrine of Sub Silentio
129. Narayan Yadav vs State of Chhattisgarh 2025 INSC 927 - Evidence Act - IPC - Confessional FIR
130. Anurag Vijaykumar Goel vs State of Maharashtra 2025 INSC 926 - Permanent Alimony
131. Apeejay School vs Dhriti Duggal 2025 INSC 925 - Haryana School Education Act - Civil Court Jurisdiction - Recovery Of Fee
132. Harish Kumar vs Amar Nath 2025 INSC 924 - Specific Performance - Burden & Onus Of Proof
133. Delhi Pollution Control Committee vs Lodhi Property Co. Ltd. 2025 INSC 923 - Air Act & Water Act - Power To Impose Restitutionary & Compensatory Damages
134. Gujarat Urja Vikas Nigam Limited vs Green Infra Corporate Wind Private Limited 2025 INSC 922 - Electricity Act
135. Tosh Kumar Sharma v. High Court of Judicature at Allahabad 2025 INSC 921 - Uttar Pradesh Higher Judicial Service Rules - Art. 235 Constitution
136. Joseph vs Telangana State Road Transport Corporation 2025 INSC 920- Service Law - Disability Of Employee
137. Wakia Afrin (Minor) vs National Insurance Co. Ltd. 2025 INSC 919 - Insurer's Liability U/S.163A MV Act - Referred To Larger Bench
138. Suresh vs State of Uttar Pradesh 2025 INSC 918 - S. 35 Evidence Act - Non Govt. School

KKK Hydro Power Limited v. Himachal Pradesh State Electricity Board Limited 2025 INSC 1057 - S. 86 Electricity Act - PPA Execution

Electricity Act 2003 - Section 86 - A generating company and a distribution licensee cannot, by private agreement, execute a PPA on their own or stipulate tariff therein as per their choice, for supply of electricity within a State, without seeking the review and approval of the Electricity Regulatory Commission under Section 86(1) (b). (Para 31)

State of Punjab vs Ex. C. Satpal Singh 2025 INSC 1056 - Punjab Police Rules

Punjab Police Rules, 1934 - A plain reading of Rule 16.2(1) of the Rules of 1934 suggests that it consists of two parts, the first part where the punishment of dismissal can be awarded to the delinquent for the gravest act of misconduct. However, in the second part, the punishment can be awarded as a cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. While imposing punishment for such continued misconduct proving incorrigibility and complete unfitness for police service, the length of service of the offender is required to be taken into consideration, which is missing in the case of the first part of Rule 16.2(1) of the Rules of 1934.

Const. Amar Singh v. Union of India 2025 INSC 1055 - CISF - Disciplinary Proceedings

Note: No legal aspects discussed in this judgment - Supreme Court upheld the disciplinary penalty against appellant for misconduct while serving in CISF.

In Re: Zudpi Jungle Lands 2025 INSC 1054 - Forest Land

Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 - SC clarified its earlier order in Re: Zudpi Jungle Lands - If the State desires to use any of the fragmented land parcels, which we have directed to be declared as protected forest, the State can always take recourse to the provisions of sub-Section (2) of Section 3 of the said Act- Further clarified: the directions made in paragraph (x) would not be applicable to the encroachments made prior to 12th December 1996 for the purposes of agriculture, kuccha houses, pakka houses, slums, govt. employees colonies, govt. or Z.P. Schools, private schools and other public utilities to the extent of 10365.049 hectares, as has been observed in the report of the CEC. Insofar as any encroachment which has been made after 12th December 1996, if the State Government desires to regularize the same, the same shall be done only in accordance with the provisions of clauses (ii) to (vi) of paragraph 138 of this judgment.

Nandeshwar Kumar v. Pandey 2025 INSC 1053 - CrPC - Appeal Against Acquittal

Code of Criminal Procedure 1973 - Section 378,386 - Appeal against acquittal - In an appeal against acquittal, the appellate Court

should interfere only if the finding of acquittal is perverse on the face of the record or if the appellate Court is convinced that no view other than the guilt of the accused is possible upon appreciating the evidence available on record. Where two views are reasonably possible, one consistent with the guilt of the accused and the other with his or her innocence, then the appellate Court should refuse to interfere with the judgment of acquittal and allow the same to stand. (Para 15) [Context: Supreme Court upheld Trial Court judgment acquitting murder case accused]

Tarachand Logistic Solutions Limited v. State of Andhra Pradesh 2025 INSC 1052 - Motor Vehicles Act - Tax

**Andhra Pradesh Motor Vehicle Taxation Act, 1963 - Section 3 ;
Andhra Pradesh Motor Vehicles Taxation Rules, 1963 - Rule 12A -**
If a motor vehicle is not used in a ‘public place’ or not kept for use in a ‘public place’ then the person concerned is not deriving benefit from the public infrastructure; therefore, he should not be burdened with the motor vehicle tax for such period - Motor vehicle tax is compensatory in nature. It has a direct nexus with the end use. The rationale for levy of motor vehicle tax is that a person who is using public infrastructure, such as roads, highways etc. has to pay for such usage. (Para 46) , The words appearing in Rule 12A i.e. ‘a motor vehicle shall be deemed to be kept for use’ has to be read as ‘a motor vehicle deemed to be kept for use in a public place’. (Para 48)

Constitution of India - Article 265 - No tax shall be levied or collected except by authority of law. Thus, what Article 265 contemplates is that: (i) there must be a law; (ii) that law must authorize levy of tax; and (iii) the tax has to be levied or collected so authorized - Levy of tax has to be explicit. There cannot be exaction of tax by implication or by following an interpretative process. (Para 35-36)

Interpretation of Statutes - Tax Statutes - The charging section is the core of a taxing statute. Generally speaking, a taxing statute has to be construed literally; this is more so in the case of a charging section- In a

taxing statute one has to look merely at what is clearly said. There is no room for any intendment. There is no equity about a tax. There is no presumption as to tax. Nothing is to be read in, nothing is to be implied- A subject is not to be taxed unless the words of the relevant taxing statute unambiguously imposes the tax on him. (Para 37) taxation statute has to be interpreted strictly because the State at its whims and fancies cannot burden the citizens without the authority of law -when the competent legislature mandates taxing certain persons/ certain objects in certain circumstances, it cannot be expanded/interpreted to include those, which were not intended by the legislature. (Para 38)

Interpretation of Statutes - A rule cannot traverse beyond the scope and ambit of the parent statute. (Para 47)

Bhagwati Devi v. State of Uttarakhand 2025 INSC 1051 - S. 498A IPC

Indian Penal Code 1860 - Section 498A - Demand for dowry in any form is itself sufficient for Section 498-A of IPC being attracted. Demand made in any form either by the husband or by the relative of the husband would also attract Section 498-A of IPC. Even if the demand exhibits the conduct that would likely to drive the said woman being unable to bear such conduct would attract Explanation (a). Likewise, harassing of a married woman with a view to coercing her or her relative to meet any unlawful demand would also fall within the mischief of the expression 'cruelty' - It has to be established that the woman had been subjected to cruelty continuously/ persistently or atleast in close proximity of time of lodging of complaint. (Para 8) [Context: SC acquitted the accused who was concurrently convicted under Section 498A IPC]

Additional Director General Adjudication, Directorate of Revenue Intelligence v. Suresh Kumar and Co. Impex Pvt. Ltd. 2025 INSC 1050 - Section 138C Customs Act

Customs Act, 1962 - Section 138C - Section 65B(4) of the Indian Evidence Act is para materia to Section 138C(4) (Para 35) - 'Due Compliance' should not mean that a particular certificate stricto sensu in accordance with Section 138C(4) must necessarily be on record. The various documents on record in the form of record of proceedings and the statements recorded under Section 108 of the Act, 1962 could be said to be due compliance of Section 138C(4) of the Act, 1962. (Para 44)

Partha Das vs State of Tripura 2025 INSC 1049 - Executive Instructions vs Statutory Provisions/Rules - Public Employment - Recruitment

Constitution of India - Article 166- Executive instructions issued under Article 166(1) cannot override the act done under the statute and the rules made thereunder. The executive instructions can only supplement the provisions of the act and the rules in case of any ambiguity or if gaps are to be filled but such executive instructions cannot supplant the specific provisions which already occupy the field. (Para 40)**Public Employment - Recruitment** - Merely suggesting that a decision to keep an ongoing recruitment process in abeyance and its subsequent cancellation was in the larger public interest, is not sufficient. The burden is on the State to justify the decision on the anvil of Articles 14 and 16 of the Constitution of India and show how its decision was in furtherance of larger public interest. (Para 45) recruitment authority can devise a procedure for selection only in absence of rules to the contrary, however, the same should be done prior to commencement of the recruitment process- If benchmarks are to be laid down in different steps of the recruitment process, they cannot be laid down after the completion of that particular step, when the game has already been played. (Para 49) While candidates do not have any

indefeasible right to be appointed merely by participating in the recruitment process, they do have a legitimate expectation of completion of recruitment process in a fair and non-arbitrary manner. (Para 57)

Vijay Krishnaswami v. Deputy Director of Income Tax (Investigation) 2025 INSC 1048 - Section 276C Income Tax Act

Income Tax Act, 1961 - Section 276C - Section 276C(1) is primarily intended to deter and penalize wilful and deliberate attempts by an assessee for evasion of taxes, penalties and interest prior to their imposition or charging. The provision applies where there is a conscious and intentional effort to evade tax liability, distinguishing such conduct from bona-fide errors or differences in interpretation. The gist of the offence under sub-section (1) of Section 276C lies in the wilful attempt to evade the very imposition of liability, and what is made punishable under this sub-section is not the 'actual evasion' but the 'wilful attempt' to evade as described in the proviso to Section 276C.- For an offence under Section 276C(1), for which a prosecution was lodged, wilful attempt to evade tax or penalty, which may be imposable or chargeable, mens rea of the assessee is required to be proved. In absence, lodging such prosecution would result into futility. (Para 18)

Income Tax Act, 1961 - Circulars issued by the Revenue are binding on the authorities, and can tone down the rigour of the statutory provision. (Para 31)

In Re: Mepung Tadar Bage, Member, Arunachal Pradesh Public Service Commission 2025 INSC 1047 - Art. 317 Constitution

Constitution of India - Article 317 - For proving 'misbehaviour' under Article 317 of the Constitution of India, in order to remove a Chairman or Member of a Public Service Commission upon reference being made by the Hon'ble President of India, it is generally necessary to demonstrate with

cogent material as per the procedure laid down that the conduct complained of and charges formulated are attributable to the individual in question - The term 'misbehaviour' must be given a wider import; it cannot be narrowly construed and is required to be understood in the context of the alleged misbehaviour complained of, the office in question and the standards required to be maintained by a person as a necessary corollary of holding such office. It is different from the term 'proved misbehaviour' under Article 124(4) of the Constitution of India. The scheme of Article 317 of the Constitution of India is such that misbehaviour by a member of Public Service Commission has to be established in an inquiry conducted by the Supreme Court upon reference by the Hon'ble President of India, and only then the Chairman or Members may be removed from the office, whereas under clause 4 of Article 124 of the Constitution of India, 'proved misbehaviour' is a condition precedent for the Parliament to move an address before the Hon'ble President of India for removal of a Judge of the Supreme Court from the office, which has to be proved before a separate Committee constituted under the appropriate legislation - Instances of physical violence between the members, non-declaration of relatives participating in a recruitment process conducted by the Commission and attempting to influence the Commission to favour a particular candidate have all been considered as instances of 'misbehaviour' by this Court. (Para 37-42)

Constitution of India - Article 317 - Removal on the ground of misbehaviour is individual and not collective in nature- Article 317 of the Constitution of India does not envisage the principle of Collective Responsibility, unlike some other provisions of the Constitution of India. (Para 63-64)

Constitution of India - Articles 315 to 320 - Complete code on Public Service Commissions, providing them independence for fair discharge of their functions, as well as ensuring their security and protection from any external interference- The Chairperson and Members of a Public Service Commission must conform to a standard of conduct that is unimpeachable in the eyes of law. Their actions, decisions, and even omissions must reflect the fairness, and highest degree of integrity inherent in these constitutional

offices. The standard of behaviour expected of them is thus neither ordinary nor comparable to that of other public servants; it is elevated by the very nature of the institution they represent. The removal of any such officeholder on the ground of misbehaviour, therefore, must be assessed on these anvils. In a democratic polity that is constantly being shaped by ethos of transformative constitutionalism, the moral compass of those entrusted with such public responsibilities must remain unblemished. (Para 46)

Civil Servants - Civil Servants are indispensable to the governance of the country. The responsibility of efficiently and diligently implementing the laws has been bestowed upon them. Well thought of and planned policies can crumble, like a sandcastle, at the first hit of waves, if there isn't a strong administration in place to implement them. In a lot of ways, the Civil Servants are the ambassadors of democracy; the first point of contact between the citizenry and the government. It is through them that the government is able to successfully implement the countless welfare schemes for the larger good of the public. (Para 1)

Interpretation of Statutes - Constituent Assembly Debates is one such external aid available to the Court to understand the rationale behind a particular provision and interpreting that provision in the light of the intention of the framers of the Constitution. (Para 20)

Dogiparthi Venkata Satish & Anr. vs. Pilla Durga Prasad 2025 INSC 1046 - Order XXX Rule 10 CPC - Proprietorship

Code of Civil Procedure, 1908 - Order XXX Rule 10 - Proprietorship concern cannot sue but it can be sued. Whether proprietorship concern is sued in its name or through its proprietor representing the concerned is one of the same thing - Order XXX Rule 10 CPC only indicates that proprietorship concern may be made a party. However, it does not necessarily mean that the proprietor itself if made a party would not be enough, inasmuch as, the proprietorship is to be defended by the proprietor only and not by anybody else. Once the proprietor has been impleaded as a party representing the proprietorship, no prejudice is caused to rather its

interest is well protected and taken care of by the only and only person, who owns the proprietorship. Order XXX Rule 10 CPC does not in any manner debar a suit being filed against the proprietor. (Para 4)

Proprietorship -A proprietorship concern is nothing, but a trade name given by an individual for carrying on his business. A proprietorship concern is not a juristic person. (Para 4.1)

Edelweiss Asset Reconstruction Limited vs. Regional PF Commissioner II & Recovery Officer, Bengaluru 2025 INSC 1045 - SARFAESI - PF Act

Note: No legal aspects discussed in this judgment - Supreme Court set aside the Karnataka High Court's order and remanded the case for fresh consideration after impleading Axis Bank - The dispute concerns priority of claims over auctioned properties between EPFO and secured creditors like Axis Bank under the PF Act and SARFAESI Act.

Tahir V. Isani vs. Madan Waman Chodankar 2025 INSC 1044 - Order XXI Rule 102 CPC

Code of Civil Procedure 1908 - Order XXI Rule 102 - Rule 102 applies only to a person to whom the judgment-debtor has transferred the immovable property which was subject matter of that suit pendente lite- If the person who is resisting or obstructing the decree for possession has received the property from person other than the judgment-debtor, such person is competent to gain the benefit of Rules 97 to 101 of Order XXI. In fact, he is entitled to such benefit even if he had been transferred the immovable property pendente lite, i.e. during the pendency of the suit, in which the decree was passed. (Para 12-13)

Code of Civil Procedure 1908 - Order XXI Rule 102 - In a suit pending between a plaintiff and a defendant as to the right to a particular estate, the decision of the court in that case shall be binding not only on the

litigating parties, but also on those who derive title under them by alienations (transfer) made while the suit was pending, whether such alienees, i.e. transferees, had or had not notice of the pending proceedings - Rule 102 of Order XXI intends to protect the interests of the decree-holder against the attempts of unscrupulous judgment-debtors and their subsequent transferees who indulge in activities and leave no stone unturned to deprive the decree-holders from reaping the benefits of the decree granted in their favour. The Rule being equitable in nature, therefore, estops further creation of rights as it explicitly states that nothing in Rules 98 and 100 shall apply to the resistance or obstruction being made by the transferee pendente lite of judgment-debtor -Ingredients : For a case to fall under Rule 102, it is condition precedent that there exists a decree for the possession of immovable property. Secondly, there must be a resistance or an obstruction in the execution of the said decree. Thirdly, such obstruction or resistance must be made by a person to whom he judgment-debtor has transferred the property. Fourthly, such transfer must have occurred after the institution of the original suit, i.e. the one in which the decree was passed. If the aforesaid ingredients are made out, Rule 102 prohibits the protection of Rules 98 and 101 to such errant transferee of judgment-debtor. (Para 9- 11)

Legal Maxim -Interest reipublicae ut sit finis litium - It is in the interest of the State that there should be an end to litigation. (Para 9)

Vasanta Sampat Dupare vs Union of India 2025 INSC 1043 - Art.32 Constitution -Reopening Death Sentence Cases

Constitution of India - Article 32 -Death-sentence cases stand apart because the punishment extinguishes the right to life in an irreversible way, and that singular feature obliges this Court to keep the door of constitutional review open even after the ordinary appellate and review avenues have closed. Article 32 of the Constitution of India, therefore, remains available whenever a supervening fact, such as inordinate delay, emergent mental illness, or a parity-based anomaly, or a subsequently

recognised procedural guarantee throws the legitimacy of a capital sentence into doubt. (Para 17)- Article 32 empowers Supreme Court in cases related to capital punishment to reopen the sentencing stage where the accused has been condemned to death penalty without ensuring that the guidelines mandated in Manoj [time-bound guidelines obliging Trial Courts and the State to place extensive mitigation circumstances on record including psychiatric, psychological, social-history and jail- conduct reports] were followed -Reopening will be reserved only for those cases where there is a clear, specific breach of the new procedural safeguards as these breaches are so serious that, if left uncorrected, they would undermine the accused person's basic rights to life, dignity and fair process. (Para 31-32)

Constitution of India - Article 32 - Article 32 of the Constitution of India is not restricted to reviewing decisions of subordinate courts or executive authorities. In exceptional situations it empowers this Court to revisit even its own final orders where doing so is necessary to prevent a continuing breach of fundamental rights. The controlling test is whether such intervention is required to avert manifest injustice under Articles 14 and 21 of the Constitution of India, and technical rules of procedure cannot be permitted to thwart that constitutional mission. (Para 25) Article 32 has pride of place - a Jewel on the Crown of the Justice Delivery System - in the Indian Constitutional scheme. (Para 58)

Constitution of India - Article 14,21 -The right to be sentenced in a principled and individualized manner flows directly from Articles 14 and 21. (Para 21) The machinery which feeds the death-penalty system is itself fragile. Investigations often rely on confessions extracted in opacity, recoveries whose provenance is contested and forensic material of doubtful rigour. When such evidence is filtered through an overburdened trial process, the possibility of wrongful conviction can never be dismissed as a remote abstraction. An irreversible penalty grafted onto a fallible process endangers the very core of Article 21 of the Constitution of India. (Para 28) Until safeguards laid down in Manoj Case are fully applied, carrying out a death sentence would sit contrary to Articles 14 and 21 of the Constitution of India as they promise equality and fair procedure to every person in our

society. The process leading to a death sentence must itself be beyond reproach as it must also be open, thorough and fair. (Para 29)

Sentencing -Every person, even one who has done great wrong, still carries a basic human dignity. This belief does not excuse crime but it simply means the State should keep open, wherever possible, the chance for an offender to change. It is our belief that moving from pure retribution to genuine reform is not an act of undue leniency but it is a statement of faith in the human capacity for improvement. (Para 28)

Quotes : The majesty of our Constitution lies not in the might of the State but in its restraint. (Para 1)

Precedents - when a previous decision is overruled, it means the earlier rule was never truly the law, and all actions taken based on that supposed rule are subject to the new, correct legal determination, except in cases that are already finally decided (res judicata) or where accounts have already been settled. Thus, overruling a decision has a retrospective effect, clarifying what the law always was, with limited exceptions. (Para 46)

Interpretation of Statutes - Reference to Constitutional Assembly debates can be made in the interpretation of a constitutional provision. (Para 56)

Putai vs State of Uttar Pradesh 2025 INSC 1042 -S.293 CrPC - DNA Report- Death Sentence Acquittal

Code of Criminal Procedure 1973 - Section 293 : BNSS, 2023
-Section 329 - Only evidence of formal nature can be given on affidavits- DNA Reports - DNA report is substantive piece of evidence and hence, the same could not have been tendered in evidence through an affidavit and that too of an officer who was not connected with the procedure in any manner. (Para 75) When no document pertaining to collection of the blood samples from the accused was produced and exhibited in evidence, SC said it renders the DNA reports to be a piece of trash paper. (Para 75) [Context:

Supreme Court acquitted accused who was sentenced to death sentence for rape and murder and observed: prosecution has fallen woefully short of proving the guilt of the accused by clinching evidence which can be termed as proving the case beyond all manner of doubt]

Santosh Sahadev Khajnekar vs State of Goa 2025 INSC 1041 - S. 8 Goa Children's Act - Child Abuse

Goa Children's Act, 2003 - Section 8- The offence of "child abuse" as provided under section 8 cannot be attracted to every trivial or isolated incident involving a child, but must necessarily co-relate with acts involving cruelty, exploitation, deliberate ill-treatment, or conduct intended to cause harm - The offence of child abuse necessarily presupposes an intention to cause harm, cruelty, exploitation, or ill-treatment directed towards a child in a manner that exceeds a mere incidental or momentary act during a quarrel. [Context: While acquitting an accused for offence under, SC observed: A simple blow with a school bag, without any evidence of deliberate or sustained maltreatment, does not satisfy the essential ingredients of child abuse.]

R Raghu vs G M Krishna 2025 INSC 1040 - Auction Sale

Note: No legal aspects discussed in this judgment [Supreme Court upheld an auction sale of disputed land, requiring additional payment and a fresh survey]

Ravindra Pratap Shahi v. State of U.P. 2025 INSC 1039 - Delay In Judgment Pronouncement

Practice and Procedure - Practice of pronouncing the final order without reasoned judgment, which is not delivered for substantial length of time depriving the aggrieved party of the opportunity to seek further judicial redressal - Proceedings are kept pending in the High Court for

more than three months, in some cases for more than six months or years wherein judgments are not delivered after hearing the matter- Directions issued in Anil Rai vs. State of Bihar reiterated - Registrar General of each High Court directed to furnish to the Chief Justice of the High Court a list of cases where the judgment reserved is not pronounced within the remaining period of that month and keep on repeating the same for three months. If the judgment is not delivered within three months, the Registrar General shall place the matters before the Chief Justice for orders and the Chief Justice shall bring it to the notice of the concerned Bench for pronouncing the order within two weeks thereafter, failing which the matter be assigned to another Bench. [Context: In this case, judgment was not delivered by High Court for almost a year from the date when the appeal was heard]

Chowdamma (D) Vs Venkatappa (D) 2025 INSC 1038 - Ss.50,114 Evidence Act - Presumption In Favour Of A Marriage

Indian Evidence Act 1872 - Section 50 - Opinion on relationship, when relevant- Quoted from Dolgobinda Paricha v. Charan - The essential requirements of the section are – (1) there must be a case where the court has to form an opinion as to the relationship of one person to another; (2) in such a case, the opinion expressed by conduct as to the existence of such relationship is a relevant fact; (3) but the person whose opinion expressed by conduct is relevant must be a person who as a member of the family or otherwise has special means of knowledge on the particular subject of relationship; in other words, the person must fulfil the condition laid down in the latter part of the section. If the person fulfils that condition, then what is relevant is his opinion expressed by conduct. Opinion means something more than mere retailing of gossip or of hearsay; it means judgment or belief, that is, a belief or a conviction resulting from what one thinks on a particular question. Now, the “belief” or conviction may manifest itself in conduct or behaviour which indicates the existence of the belief or opinion. (Para 22)

Indian Evidence Act 1872 -Section 114(g) -Where a party to the suit does not appear in the witness box and states his own case on oath and does not offer himself to be cross-examined by the other side, a presumption would arise that the case set up by him is not correct - In civil proceedings, particularly where the facts lie exclusively within the personal knowledge of the party, the refusal to enter the witness box carries grave evidentiary consequences -The failure of the defendants to substantiate their claims through documentary evidence is eclipsed by a more consequential omission. In a case where the principal controversy turns on matters lying within her exclusive personal knowledge, the silence of defendant, her absence from the witness box, is not a procedural lapse but a calculated withdrawal from scrutiny. (Para 50) In a dispute where the foundational facts lie squarely within her exclusive knowledge, such omission assumes critical significance (Para 58)- A Court of law cannot offer refuge to studied silence where a duty to disclose exists. (Para 59)

Law of Evidence - A presumption in favour of a marriage where a man and woman have engaged in prolonged and continuous cohabitation. Such a presumption, though rebuttable in nature, can only be displaced by unimpeachable evidence. Any circumstance that weakens this presumption ought not to be ignored by the Court. The burden lies heavily on the party seeking to question the cohabitation and to deprive the relationship of legal sanctity. (Para 38) The burden of proof lies upon the party who asserts a fact. (Para 41)

Revenue Records - Revenue records only hold presumptive value and don't confer title. (Para 49)

Nilima Das Gupta (D) v. On the Death of Abdur Rouf His Legal Heirs 2025 INSC 1037 - Ss. 118,120 Evidence Act

Indian Evidence Act 1872 - Section 118,120 - All persons are competent to testify, unless the court considers that by reason of tender years, extreme old age, disease, or infirmity, they are incapable of understanding the questions put to them and of giving rational answers.

Competency of a person to testify as a witness is a condition precedent to the admissibility and credibility of his evidence. - Competency is the rule and incompetency the exception. (Para 18-21) [Context:- In this case, HC held that son could not have entered the witness box and deposed on behalf of his mother - While disagreeing with this view, SC observed - by virtue of Section 120 alone, the son cannot be termed as an incompetent witness. The line of reasoning assigned by the High Court gives us an impression that since son and mother do not figure in Section 120 of the Indian Evidence Act and only husband and wife figures, the son cannot depose on behalf of his mother. That understanding is not correct. (Para 26)

Glencore International AG vs Shree Ganesh Metals 2025 INSC 1036 - Ss.44,45 Arbitration Act - Unsigned Arbitration Agreement

Arbitration and Conciliation Act 1996- Section 44,45 - An arbitration agreement needs to be in writing though it need not be signed- This legal principle would hold good equally for an arbitration agreement covered by Sections 44 and 45. (Para 28) A commercial document having an arbitration clause has to be interpreted in such a manner as to give effect to the agreement rather than invalidate it. (Para 27)

C.L. Gupta Export Ltd. vs Adil Ansari 2025 INSC 1035 - NGT Act - PMLA

National Green Tribunal Act 2019 - Section 15 - On NGT's direction to invoke the provisions of the PMLA - The NGT should act within the contours of the powers conferred on it which is Section 15 - Though such power would be available to a Court constituted under the PMLA or to constitutional courts, it would not be available for exercise by the NGT, constituted to ensure effective and expeditious consideration of cases relating to environmental protection and conservation of forests and other

natural resources including enforcement of any legal right and giving relief and compensation for damages to persons and properties. (Para 12)

Quotes - The rule of law does not permit State or its agencies to extract a ‘pound of flesh’, even in environmental matters. (Para 11)

Practice and Procedure - Application of mind is not proportionate to the number of pages- Judicious consideration is the sum and substance of adjudication and the Courts/Tribunals should restrain themselves from engaging in mere rhetoric by stating the law in general without particular reference to the facts. (Para 13)

Chamundeshwari Electricity Supply Company Ltd. (CESC) v. Saisudhir Energy (Chitradurga) Pvt. Ltd. 2025 INSC 1034 - Electricity Act - Regulatory Fora - Contractual Framework

Electricity Act, 2003- Regulatory or adjudicatory fora cannot, under the guise of equity or fairness, rewrite the contractual framework or superimpose obligations alien to the agreement - The jurisdiction of the regulatory bodies is to ensure compliance with law and to adjudicate disputes within the four corners of the contract. It does not extend to recasting the contractual framework by directing restitution of amount lawfully realised under the PPA, or by mandating alterations to tariff and timelines in a manner inconsistent with the agreement. (Para 42-43)

Contract - The omission to pursue contractual relief under the correct clause is fatal; it cannot be remedied by recourse to a provision inapplicable on its terms- the explicit terms of a contract are always the final word with regard to the intention of the parties. (Para 40-42)

Mukund K. Pai vs Punjab National Bank 2025 INSC 1033 - Service Law - Re-Fixation Of Pay

Service Law - Observance of the principles of natural justice in cases of re-fixation of pay leading to financial loss is sine qua non. (Para 24)

Service Law - Three essentials for refixation of the pay of an ex-serviceman on re-employment in the public sector bank; (i) They would be entitled to protection of pay plus DA drawn by them at the time of release from Armed Forces; and would further be entitled for entire pension and benefit of MSP, if any, in their pension from the Government on reemployment; (ii) During fixation of pay in re-employment, the pay would mean Basic Pay plus Special Allowance/Special Pay, as the case may be, to the re-employed post; (iii) While fixing the pay of ex-servicemen, the pay protected plus pension would not exceed the minimum of the scale of pay of the General Manager in the Bank in terms of the guidelines issued by the Ministry of Finance. (Para 19)

Shah Nanji Nagsi Exports Pvt. Ltd vs Union of India 2025 INSC 1032 - Foreign Trade Policy

Foreign Trade Policy (FTP) 2015–20 - The scheme under Chapter 3 of the FTP is a beneficial one, intended to reward exporters. Once exports are genuine and fall within the notified category, inadvertent mistakes of procedure cannot be treated as fatal, especially where they are corrected under statutory authority -Administrative technology must aid, not obstruct, the implementation of the law. (Para 14) Union of India, acting through the Directorate General of Foreign Trade and the Central Board of Indirect Taxes and Customs, must take appropriate measures, whether by issuing comprehensive instructions or by suitable technological adjustments, to ensure that genuine exporters are not driven to needless

litigation on account of inadvertent procedural lapses which have been rectified in accordance with law. (Para 16)

Reetesh Kumar Singh vs State of Uttar Pradesh 2025 INSC 1031

Note: The Supreme Court disposed some Miscellaneous applications in the matter of the Uttar Pradesh Revenue Lekhpal exam re-evaluation

Syed Basheer Ahmed vs Tinni Laboratories Private Limited 2025 INSC 1030 - S.73 Evidence Act - Material Alteration

Indian Evidence Act 1872- Section 73 - In finding material alteration the courts are not obliged to always refer it to an expert; especially when it is clearly discernible on a mere perusal of the document, that too written in a different ink. (Para 9)

Code of Civil Procedure 1908- The plaintiff should establish his case before the defendant is called upon to offer his defense by disproving the case of the plaintiff and rebutting any presumption that could have been drawn from the circumstances. (Para 6)

Transmission Corporation of Telangana State Limited vs Chukkala Kranthi Kiran 2025 INSC 1029 - Andhra Pradesh Reorganisation Act

Andhra Pradesh Reorganisation Act, 2014 - Section 79- A selected candidate does not have a vested right to appointment and Section 79 cannot be read as an enabling provision vesting such a right and encroaching on the appellant's right to take an independent decision in light of the altered circumstances to continue with the earlier selection process or to initiate a fresh selection process. [Context: Supreme Court

upheld TS-Transco's decision to cancel the old selection process and proceed with new recruitment for Sub-Engineers in Telangana.]

Kavin v. P. Sreemani Devi 2025 INSC 1028 - Motor Accident Compensation -Permanent Disability

Motor Accident Compensation - The grant of compensation for loss of future income is a distinct head from the one under which compensation is granted for permanent disability [Context: In this case, SC observed that as claimant suffered 100% permanent disability and was living in a vegetative state, the High Court was not justified in setting aside the grant of compensation under this permanent disability head.]

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

Code of Civil Procedure 1908 - Order XLI Rule 27(1) - Before undertaking the exercise of considering whether a party is entitled to lead additional evidence under Order XLI Rule 27(1), it would be first necessary to examine the pleadings of such party to gather if the case sought to be set up is pleaded so as to support the additional evidence that is proposed to be brought on record. In absence of necessary pleadings in that regard, permitting a party to lead additional evidence would result in an unnecessary exercise and such evidence, if led, would be of no consequence as it may not be permissible to take such evidence into consideration. Besides the requirements prescribed by Order XLI Rule 27(1) of the Code being fulfilled, it would also be necessary for the Appellate Court to consider the pleadings of the party seeking to lead such additional evidence. It is only thereafter on being satisfied that a case as contemplated by the provisions of Order XLI Rule 27(1) of the Code has been made out that such permission can be granted. (Para 8)

Shah Samir Bharatbhai vs State of Gujarat 2025 INSC 1026 - Teachers

Teachers - We have a serious concern about the way we treat our teachers. They educate our future generations, enable them to acquire the necessary qualifications and expertise - Academicians, lecturers and professors are the intellectual backbone of any nation, as they dedicate their lives to shaping the minds and character of future generations. Their work goes far beyond delivering lessons—it involves mentoring, guiding research, nurturing critical thinking, and instilling values that contribute to the progress of society. However, in many contexts, the compensation and recognition extended to them do not truly reflect the significance of their contribution. When educators are not treated with dignity or offered respectable emoluments, it diminishes the value a country places on knowledge and undermines the motivation of those entrusted with building its intellectual capital. By ensuring fair remuneration and dignified treatment, we affirm the importance of their role and reinforce the nation's commitment to quality education, innovation, and a brighter future for its youth - It is just not enough to keep reciting *gurubramha gururvishnu gurdevo maheshwarah* at public functions. If we believe in this declaration, it must be reflected in the way the nation treats its teachers. [Context: Supreme Court disposed group of appeals concerning the pay parity of Assistant Professors in Gujarat's government engineering and polytechnic colleges - The Court applied the principle of "equal pay for equal work," dismissing the State's appeals and allowing those of the contractually appointed Assistant Professors.]

Union Territory of J & K vs Raja Muzaffar Bhat 2025 INSC 1025 Environment - DSR - Replenishment Study

Environment Law - Sustainable Sand Mining Management Guidelines, 2016 - Enforcement and Monitoring Guidelines for Sand Mining, 2020 A valid and subsisting District Survey Report is mandatory for grant of environmental clearance for sand mining- DSR is valid and tenable only

when a proper replenishment study is conducted. (Para 1-3) The absence of a replenishment study renders a DSR fundamentally defective. Without a proper study of the existing position of the riverbed and its sustainability for further sand mining, grant of environmental clearances would be detrimental for the ecology. (Para 29-33)

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

Code of Criminal Procedure 1973 - Section 372 Proviso - The expression ‘right to prefer an appeal’ in the proviso to Section 372 CrPC cannot be limited to mean ‘only the filing of an appeal’ - The expression ‘the right to prefer an appeal’ to also include the ‘right to prosecute an appeal’ - If during the pendency of an appeal, the original appellant dies, can it be said that his legal heir cannot be substituted so as to prosecute the appeal further? Any curtailing of the legal right to prosecute an appeal on the death of an original appellant by his legal heir would make the proviso to Section 372 CrPC wholly redundant and in fact may result in a situation which is contrary to the entire object with which the Parliament had inserted the proviso to Section 372 CrPC. (Para 9.3) The victim of an offence has the right to prefer an appeal under the proviso to Section 372 CrPC, irrespective of whether he is a complainant or not. Even if the victim of an offence is a complainant, he can still proceed under the proviso to Section 372 CrPC and need not advert to sub-section (4) of Section 378 CrPC. (Para 9.1)

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

Code of Criminal Procedure 1973 - Section 394- Although Section 394 (2) states that “every other appeal under this Chapter shall finally abate on the death of the appellant”, it cannot be related to an appeal filed by a victim or on the death of the victim/appellant. This is because Sections 377 and 378 CrPC respectively deal with an appeal filed by the State Government against sentence and an appeal in case of acquittal. Such appeals are filed against the accused and therefore, when the accused dies, such appeals would abate. The expression “every other appeal” must therefore, relate to an appeal which is not filed under Section 377 or Section 378 CrPC- Such an appeal is an appeal against a conviction such as under Section 374 CrPC and on the death of the appellant who is the accused, such appeal would abate. (Para 11.1)

Code of Criminal Procedure 1973 - Section 374 - While hearing the appeals under Section 374(2) of the CrPC, the High Court is exercising its appellate jurisdiction. There shall be independent application of mind in deciding the criminal appeal against conviction. It is the duty of an appellate court to independently evaluate the evidence presented and determine whether such evidence is credible. Even if the evidence is deemed reliable, the High Court must further assess whether the prosecution has established its case beyond reasonable doubt. The High Court though being an appellate Court is akin to a Trial Court, must be convinced beyond all reasonable doubt that the prosecution's case is substantially true and that the guilt of the accused has been conclusively proven while considering an appeal against a conviction. (Para 6) As the first appellate court, the High Court is expected to evaluate the evidence including the medical evidence, statement of the victim, statements of the witnesses and the defence version with due care.. While the judgment need not be excessively lengthy, it must reflect a proper application of mind to crucial evidence. Albeit the High Court does not have the advantage to examine the witnesses directly, the High Court should, as an appellate Court, re-assess the facts, evidence on record and findings to arrive at a just conclusion in deciding whether the Trial Court was justified in convicting the accused or not. (Para 7)

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

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

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

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

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

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

Saraswatabai Motiram Tayade vs Vidarbha Irrigation Development Corporation 2025 INSC 1022 - Land Acquisition - Multipliers

Land Acquisition - If there exist special circumstances, application of a higher or a lower multiplier could be justified. (Para 6) In the matter of grant of compensation, landowners who are similarly situated should not face any kind of discrimination. (Para 11)

Geojit Financial Services Ltd. v. Sandeep Gurav 2025 INSC 1021 - Ss. 33 & 34 Arbitration Act - Limitation

Arbitration and Conciliation Act - Section 33 and 34 - Where an application under Section 33 for correction and interpretation of award is filed, irrespective of whether the arbitral tribunal upon considering such application, either makes or does not make any correction or modification or choose to render or to not render an additional award in terms of Section 33, the starting point for the period of limitation for challenging the same under Section 34 (3) would be the date of disposal of such application under Section 33 by the arbitral tribunal, as long as the application under Section 33 had been filed within the prescribed period of limitation under sub-section (1) thereto AND with notice to the other party- Neither the date

of passing of the original award or date of receipt of the same by the party nor the date of receipt of the corrected award or date of receipt of the decision of the arbitrator disposing the application under Section 33 is of any significance. What is of significance, under Section 34 (3) is the date on which the application or request under Section 33 came to be disposed by the arbitral tribunal - Where a request is made under Section 33, it is immaterial for the purpose of computation of limitation under Section 34 (3) whether such request fell within the purview of the said provision or not. What is material is only that such request was made in the manner delineated under Section 33 i.e., it fulfilled the twin conditions of being made; (I) "within thirty days from the receipt of the arbitral award" and (II) "with notice to the other party" stipulated therein. (Para 35)

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

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

Code of Criminal Procedure 1973 - Section 362 : Bhartiya Nagrik Suraksha Sanhita, 2023 - Section 403- The criminal courts, as envisaged under the CrPC, are barred from altering or review their own judgments except for the exceptions which are explicitly provided by the statute, namely, correction of a clerical or an arithmetical error that might have been committed or the said power is provided under any other law for the time being in force. As the courts become functus officio the very moment a judgment or an order is signed, the bar of Section 362 CrPC becomes applicable, this, despite the powers provided under Section 482 CrPC which, this veil cannot allow the courts to step beyond or circumvent

an explicit bar- It is only in situations wherein an application for recall of an order or judgment seeking a “procedural review” that the bar would not apply and not a substantive review” where the bar as contained in Section “362 CrPC is attracted. Numerous decisions of this Court have also elaborated that the bar under said provision is to be applied stricto sensu - The following exceptional circumstances may be identified, wherein a criminal court is empowered to alter or review its own judgment or a final order under Section 362 CrPC: a. Such power is expressly conferred upon court by CrPC or any other law for the time being in force or; b. The court passing such a judgement or order lacked inherent jurisdiction to do so or; c. A fraud or collusion is being played on court to obtain such judgment or order or; d. A mistake on the part of court caused prejudice to a party or; e. Fact relating to non-serving of necessary party or death leading to estate being non-represented, not brought to notice of court while passing such judgment or order- All these exceptions are only exercisable for seeking a recall or review of an order or judgment, if a ground that is raised was not available or existent at the time of original proceedings before the Court. Mere fact that the said ground, although available, was not raised or pressed during the concerned proceedings, does not provide for an exemption to the parties to assert it as a ground. Moreover, the said power cannot be invoked as a means to circumvent the finality of the judicial process or mistakes and/or errors in the decision which are attributable to a conscious omission by the parties (Para 34-34A)

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

P. Maruthi Prasada Rao v. State of Andhra Pradesh 2025 INSC 1019 - Service - Indian Forest Service (Recruitment) Rules

Indian Forest Service (Recruitment) Rules, 1966 - Members of Class A of the Andhra Pradesh Forest Service, including those in categories 2 and 3, are members of the State Forest Service if they have been substantively appointed -They are eligible for promotion to the IFoS in accordance with the Recruitment Rules. (Para 13)

Constitution of India - Article 226- Service - Promotion - Quoted from P.S. Sadasivaswamy v. State of T.N : A person aggrieved by an order of promoting a junior over his head should approach the Court at least within six months or at the most a year of such promotion. It is not that there is any period of limitation for the Courts to exercise their powers under Article 226 nor is it that there can never be a case where the Courts cannot interfere in a matter after the passage of a certain length of time. But it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extraordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle settled matters. (Para 19)

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

Stray Dogs Matter - Earlier Directions in “City Hounded By Strays, Kids Pay Price” Modified: a. Municipal authorities shall continue to comply with the directions contained in paras 12(i) and 12(ii) of the subject order. b. The directions contained in paras 12(iii) and 12(iv), to the extent that they prohibit the release of the picked up strays, shall be kept in abeyance for the time being. The dogs that are picked up shall be sterilised, dewormed, vaccinated, and released back to the same area from which they were picked up. It is, however, clarified that this relocation shall not apply to the dogs infected with rabies or suspected to be infected with rabies, and those that display aggressive behaviour. Such dogs shall be sterilised and immunised, but under no circumstances should they be

released back onto the streets. Furthermore, as far as possible, such stray dogs shall be kept in a separate pound/shelter after sterilisation and immunisation. c. The directions contained in para 12(v) shall remain subject to the directions given by us in paras (a) and (b). d. Municipal authorities shall forthwith commence an exercise for creating dedicated feeding spaces for the stray dogs in each municipal ward. The feeding areas shall be created/identified keeping in view the population and concentration of stray dogs in the particular municipal ward. Gantry/notice boards shall be placed near such designated feeding areas, mentioning that stray dogs shall only be fed in such areas. Under no condition shall the feeding of stray dogs on the streets be permitted. The persons found feeding the dogs on the streets in contravention of the above directions shall be liable to be proceeded against under the relevant legal framework. The aforesaid directions are being issued in view of the reports regarding untoward incidents caused by unregulated feeding of stray dogs and to ensure that the practice of feeding dogs on roads and in public places is eliminated, as the said practice creates great difficulties for the common man walking on the streets. e. Each municipal authority shall create a dedicated helpline number for reporting incidents of violation of the above directions. On such a report being received, appropriate measures shall be taken against the individuals/NGOs concerned. f. The direction given in para 13 of the order dated 11th August 2025, is reiterated with a slight modification that no individual or organisation shall cause any hindrance or obstruction in the effective implementation of the directions given above. In case any public servant acting in compliance with the aforesaid directions is obstructed, then the violator/s shall be liable to face prosecution for obstructing the public servant acting in discharge of official duty. g. Each individual dog lover and each NGO that has approached this Court shall deposit a sum of Rs.25,000/- and Rs.2,00,000/-, respectively, with the Registry of this Court within a period of 7 days, failing which they shall not be allowed to appear in the matter any further. The amounts so deposited shall be utilised in the creation of the infrastructure and facilities for the stray dogs under the aegis of the respective municipal bodies. h. The desirous animal lover/s shall be free to move the application to the concerned municipal body for adoption of the street dogs, upon which the

identified/selected street dog/s shall be tagged and given in adoption to the applicant. It shall be the responsibility of the applicant(s) to ensure that the adopted stray dogs do not return to the streets. i. The municipal authorities shall file an affidavit of compliance with complete statistics of resources, viz., dog pounds, veterinarians, dog catching personnel, specially modified vehicles/cages available as on date for the purpose of compliance of the ABC Rules.

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

Representation of the People Act, 1951 - Section 83 - In cases of total and complete non-compliance with Section 83, the pleading could not be regarded as an Election Petition and was liable to be rejected at the outset - Although a defective affidavit may not, by itself, render an Election Petition non-maintainable, the High Court must ensure that the defect was cured prior to the commencement of trial so as to enable the returned candidate to effectively meet the allegations and not be taken by surprise at that stage- Filing an affidavit under the proviso to Section 83(1)(c) of the RP Act is not of a mandatory character, and that 'substantial compliance' therewith would suffice. Indeed, where an affidavit is already on record, albeit not in the prescribed Form 25, the proper course would be to afford the Election Petitioner an opportunity to file a corrected affidavit in conformity with the prescribed form - Rules to Regulate Proceedings under Section 80-A of the Representation of the People Act, 1951 -At the stage of presenting an Election Petition, it must be examined by the prescribed officer of the High Court, alongwith its accompanying documents, so as to ensure that the same conforms with the requirements of law and the applicable rules. During this process, if it is found that the Election Petition or its accompanying documents suffer from any defects or omissions, the same shall be placed before the learned Judge-cum Election Tribunal. The judicial proceedings thereafter shall be conducted in accordance with the rules and procedures described in Rule 21 above. Such procedure also

contemplates compliance with the contents and format of an affidavit elaborately described in Chapter VI of the High Court Rules. (Para 17- 20)

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

Saldanha Real Estate Private Limited vs Bishop John Rodrigues 2025 INSC 1016 -Maharashtra Slum Areas Act

Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act - The holistic interpretation of the Slums Act made by this Court in *Tarabai* case is also squarely applicable on post-2018 Amendment actions/events, barring the now legislatively stipulated timeline within which a redevelopment scheme has to be submitted by an interested landowner. (Para 25)

Constitution of India - Article 226 - High Court, in exercise of its plenary jurisdiction under Article 226 of the Constitution, can prevent or annul any executive overreach, arbitrary decision-making process, action tainted with mala fides, or colourable exercise of power. (Para 18)

Tarabai Nagar Co-Op. Hog. Society (Proposed) vs State of Maharashtra 2025 INSC 1015 - Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act

Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 - (i) the private owner of a Slum Rehabilitation Area has a preferential right to develop it; (ii) as part of this right, the owner must be notified and invited to undertake such redevelopment; and (iii) without such notice being issued and such right

being extinguished, it would be untenable for the State or the SRA to acquire the land under Section 14. (Para 88)

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

Criminal Trial - Sentencing - In determining the final sentence and the nature thereof, variety of factors that would operate would include the intervening time between the commission of offence and the actual award of the sentence, age of the accused, the stress which he or she might have suffered because of passage of time during each case has remained pending and undecided, the family circumstance and such other factors, without becoming exhaustive. The process of sentencing by the courts is guided by theories such as punitive, deterrent or reformatory. Each school of thought has its own object and purpose to explain awarding of sentence and its utility. Amongst these theories, reformatory approach has become increasingly acceptable to the modern jurisprudence. Reformation is something always considered progressive. When there are mitigating circumstances, the court would lean towards reducing of the sentence. The focus would be on the crime, and not on the criminal. The society and system would nurture the guilt with positivity, while selecting the sentence. (Para 6-7) The prolongation of a criminal case for an unreasonable period is in itself a kind of suffering. It amounts to mental incarceration for the person facing such proceedings. For a person who is convicted and who has appealed against his or her conviction and sentence and who everyday awaits the fate of litigation, spends time in distress. In the present-day system of administration of justice, in which proceedings have often go on protracted unreasonably and therefore unbearably, the passage of long time itself makes the person suffer a mental agony. (Para 9)

Neelam Kumari vs. State of Himachal Pradesh 2025 INSC 1013 - Evidence - Extra Judicial Confession - Forensic Report -Motive - Circumstantial Evidence

Evidence - Extra-judicial confessions are generally considered weak evidence and should be corroborated by other, independent evidence (Para 11)

Evidence - While the prosecution is not required to examine every possible witness, it must ensure that those witnesses essential to substantiate the truth are produced before the Court- non-examination of a relevant witness at the trial persuades the Court to draw an adverse inference against the prosecution. (Para 13)

Evidence - Forensic Examination - Common items of clothing may contain various biological materials from everyday use, and without specific identification, such evidence remains ambiguous at best. (Para 19)

Evidence - Motive - The strength of the motive plays a crucial role in establishing the credibility of the prosecution's case. While a weak or absent motive alone may not be sufficient to acquit an accused if other circumstances form a complete chain pointing unerringly to guilt, it significantly weighs in favour of the accused and creates a reasonable doubt. (Para 21)

Evidence - Circumstantial Evidence - 'Golden principles' for evaluating circumstantial evidence from Sharad Birdhi Chand Sarda vs. State of Maharashtra-(a) The circumstances from which the conclusion of guilt is to be drawn should be fully established. The circumstances concerned "must or should" and not "may be" established; (b) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty; (c) The circumstances should be of a conclusive nature and tendency; (d) They should exclude every possible hypothesis except the one to be proved; and (e) There must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show

that in all human probability the act must have been done by the accused.
(Para 14)

Irfan vs State of Uttar Pradesh 2025 INSC 1012 - Bail

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

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

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

State Bank of India vs Ramadhar Sao 2025 INSC 1010 - Disciplinary Proceedings - Reasoning

Disciplinary Proceedings - Disciplinary authority is not required to record reason in detail if report of inquiry officer, is accepted. (Para 13.1)

Constitution of India - Article 32,226 -Disciplinary Proceedings - The power of judicial review in the matters of disciplinary inquiries, exercised by the departmental/appellate authorities discharged by constitutional courts under Article 226 or Article 32 or Article 136 of the Constitution of India is circumscribed by limits of correcting errors of law or procedural errors leading to manifest injustice or violation of principles of natural justice. (Para 13)

Devendra Kumar v. State (NCT of Delhi) 2025 INSC 1009 - S.186 IPC - S.195 CrPC

Code of Criminal Procedure 1973 - Section 195 - If in truth and substance, an offence falls in the category of Section 195(1)(a)(i), it is not open to the court to undertake the exercise of splitting them up and proceeding further against the accused for the other distinct offences disclosed in the same set of facts. However, it also cannot be laid down as a straitjacket formula that the Court, under all circumstances, cannot undertake the exercise of splitting up. It would depend upon the facts of each case, the nature of allegations and the materials on record. -Severance of distinct offences is not permissible when it would effectively circumvent the protection afforded by Section 195(1)(a)(i) of the Cr.P.C., which requires a complaint by a public servant for certain offences against public justice.

This means that if the core of the offence falls under the purview of Section 195(1)(a)(i), it cannot be prosecuted by simply filing a general complaint for a different, but related, offence. The focus should be on whether the facts, in substance, constitute an offence requiring a public servant's complaint - **Twin tests:** First, the courts must ascertain having regard to the nature of the allegations made in the complaint/FIR and other materials on record whether the other distinct offences not covered by Section 195(1)(a)(i) have been invoked only with a view to evade the mandatory bar of Section 195 of the I.P.C. and secondly, whether the facts primarily and essentially disclose an offence for which a complaint of the court or a public servant is required- Where an accused is alleged to have committed some offences which are separate and distinct from those contained in Section 195, Section 195 will affect only the offences mentioned therein. However, the courts should ascertain whether such offences form an integral part and are so intrinsically connected so as to amount to offences committed as a part of the same transaction, in which case the other offences also would fall within the ambit of Section 195 of the Cr.P.C. This would all depend on the facts of each case. (Para 52)There must be a complaint by the public servant who was voluntarily obstructed in the discharge of his public functions. The complaint must be in writing. The provisions of Section 195 Cr.P.C. are mandatory. Non-compliance of it would vitiate the prosecution and all other consequential orders. The Court cannot assume the cognizance of the case without such complaint. In the absence of such a complaint, the trial and conviction will be void ab initio being without jurisdiction. (Para 48)

Code of Criminal Procedure 1973 - Section 195,340- Sections 195(1)(b)(i)(ii) & (iii) and 340 of the Cr.P.C. respectively do not control or circumscribe the power of the police to investigate, under the Criminal Procedure Code. Once investigation is completed then the embargo in Section 195 would come into play and the Court would not be competent to take cognizance. However, that Court could then file a complaint for the offence on the basis of the FIR and the material collected during investigation, provided the procedure laid down in Section 340 of the Cr.P.C. is followed. (Para 52) The bar created by the provisions is against taking of cognizance by the Court. There is no bar against the registration of

a criminal case or investigation by the police agency or submission of a report by the police on completion of the investigation, as contemplated by Section 173 of the Cr.P.C (Para 51)

Indian Penal Code 1860 - Section 186 - The expression ‘obstruction’ used in Section 186 of the I.P.C. is not confined to physical obstruction. It need not necessarily be an act of use of criminal force. The act need not be a violent one. It is enough if the act complained of results in preventing a public servant in discharge of his lawful duties. Any act of causing impediment by unlawfully preventing public servant in discharge of his functions would be enough to attract Section 186 of the I.P.C. (Para 29)

Union of India vs Saleem Khan 2025 INSC 1008 - UAPA Bail

Unlawful Activities (Prevention) Act, 1967 - While upholding bail granted to one accused, SC observed: HC noticed that allegations found in the charge-sheet related to his connections with an organisation by the name of ALHind, which admittedly is not a banned organisation under the schedule to UAPA. Therefore, to say that he was attending meetings of the said organisation, AL-Hind and others would not amount to any *prima facie* offence. (Para 9)

Edcons (MKS) Castings Pvt. Ltd. v. West Bengal State Electricity Board 2025 INSC 1006

Note: No legal aspects discussed in this judgment.

Mahesh Chand (D) v. Brijesh Kumar 2025 INSC 1005 - UPZALR Act

Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 - Section 145 does not cast any duty on the land owner to get it registered. As per Section 145 of the UPZALR Act, it is the duty of the Assistant Collector-in-charge of the Sub-Division to forward a copy of the declaration made under Section 143 of the UPZALR Act to the Sub Registrar to do the needful. Such registration is to be made free of cost notwithstanding anything contained in the Indian Registration Act, 1908- No fee has to be paid as the relevant registration was free of cost. Merely on account of deficiency by the officers, the land owner cannot be deprived of the benefits of the declaration so made. (Para 17)

Practice and Procedure - Appeal is continuance of proceedings and any developments which may take place during pendency of the appeal or suit, going to the root of the case, can always be taken notice of to avoid multiplicity of litigation. (Para 15)

Kalpataru Power Transmission Ltd. v. Vinod 2025 INSC 1004 - Telegraph Act - Remedy Of Appeal

Indian Telegraph Act, 1885 - Law Commission of India and the Ministry of Law and Justice, Government of India, so as to determine whether a statutory remedy of appeal should be provided against judgments/orders passed under Sections 16(3) and 16(4) of the 1885 Act, the Petroleum Act or any other similar statute - There is need to bring uniformity in the nomenclature to be assigned to these kinds of proceedings, which may come to the court under the 1885 Act and also the proceedings under the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962. (Para 33-36)

Indian Telegraph Act, 1885 - There cannot be any hard and fast rule to determine compensation in cases of telegraph lines and electrical lines, certain factors should be looked into - Land pertaining to different villages falling in different districts, which may be the subject matter of

consideration for assessment of compensation, would have been assessed differently by the Collector based on their respective locations and characteristics. (Para 17-20)

A.K. Jayaprakash (D) v. S.S. Mallikarjuna Rao 2025 INSC 1003 - Contempt Of Court

Contempt of Court - Contempt jurisdiction is intended to uphold the majesty of law and not to settle personal grievances - While such circumstances cannot justify laxity in complying with orders of this Court, the element of mens rea, essential for sustaining a charge of civil contempt, cannot be inferred merely from the factum of delay- Contempt jurisdiction is not a forum for asserting new claims or seeking substantive reliefs which were neither raised nor granted earlier- contempt proceedings cannot be used to circumvent proper adjudication mechanisms. (Para 17-19)

Nabha Power Limited v. Punjab State Power Corporation Limited 2025 INSC 1002 - Foreign Trade Policy - Deemed Export Benefits

Foreign Trade Policy 2009-2014 - Five essential prerequisites that ought to be satisfied in order to be eligible for the deemed export benefit(s): (i) The claim for Deemed Export Benefits relates exclusively to “goods” and is inapplicable to any other thing which is not “goods”. Such goods, though supplied, do not physically exit the territorial boundaries of the country. (ii) The goods to be supplied must be “manufactured in India”. (iii) There must be an act constituting “supply of goods” to the power projects for the project to claim Deemed Export Benefits. (iv) The act of “supply of goods” is either by the main contractor and/or the sub-contractor to the concerned power

project. (v) The supply is undertaken strictly in accordance with the procedural framework prescribed under ICB. (Para 57)

Sunil Sharma v. Hero Fincorp Limited 2025 INSC 1001 - S.405 IPC - Loan Transactions

Indian Penal Code 1860 - Section 405 - The section would not normally cover the case of a loan where the lender advances money to the borrower who intends to use or utilise the money, for the time being, till he is in possession of it, although he may have to return an equivalent amount later on to the lender with or without interest or compensation for the use thereof. The position could be otherwise if a different intention appears in the relevant loan agreement. (Para 10) When a loan is advanced, a relationship of creditor and debtor is created and the money lent is generally to be utilised by the borrower for the purpose it is handed over. If, however, a breach of the direction as to how the money is to be utilised appearing from the relevant loan agreement occasions not because the borrower dishonestly misappropriates the same or converts it for his own use with the intention of causing wrongful gain to himself or wrongful loss to the lender, but because the borrower is forced by circumstances beyond his control to act in violation of the stipulations therein and, violates the same, no offence is committed punishable under Section 406, IPC. (Para 12)

Indian Penal Code 1860 - Section 405 - The term “entrusted” in Section 405, IPC is crucial and governs both “with property” immediately following it as well as “with any dominion over property” occurring thereafter. Since the word “entrusted” is used, the same implies that there is a trust involving an obligation tied to ownership of the property. This means, a confidence is placed in and accepted by the owner - or declared and accepted by him – for the benefit of another person, or for both that person and the owner. Creation of the trust means the person to whom the property is handed over does not become its beneficial owner even when he is not using it according to the given directions at the time of entrustment

of the property- The property, which is entrusted, or in respect of which dominion is passed over, to another person does not even become such person's property, even temporarily, for him to use as he wishes. (Para 10-11)

Code of Criminal Procedure 1973 - Section 154, 156(3) -
Commercial offences' is one such case where preliminary inquiry being permissible. (Para 17)

Pawan Kumar Tiwary & Ors. v. Jharkhand State Electricity Board 2025 INSC 1000 - Service - Multiple Appointment Challenge - Doctrine Of Severability

Service Law - Where multiple appointments are challenged on general grounds, authorities and courts must undertake a detailed fact-specific analysis before concluding that all such appointments are void. The doctrine of severability must guide real administrative action and judicial reasoning in service matters (Para 49) When appointments of large numbers of persons are questioned, courts and authorities must: (i) Separate the legally sustainable from the unsustainable (ii) Apply the test of eligibility and sanctioned strength (iii) Assess whether there was fraud or misrepresentation (iv) Provide an opportunity of hearing before cancellation (Para 32)- The validity of an individual appointment must be assessed on the basis of the appointee's own merit, eligibility, and conformity to the applicable rules. Courts must resist the tendency to issue blanket invalidations of entire batches of appointments merely on the basis of procedural infirmities that affect only a portion of the appointments. The principles of fairness, proportionality, and individual justice are foundational to administrative law and demand that a case-by-case analysis be undertaken before issuing sweeping orders of cancellation- when appointments are found to be irregular, the inquiry must focus on whether such irregularity amounts to illegality, and whether the appointee had any role or knowledge of the deviation. If not, and the appointee was otherwise eligible, qualified, and appointed against a sanctioned vacancy, there is no

justification for nullifying such appointment. (Para 24-25) An irregular appointment is one where procedure is not strictly followed but the appointee is otherwise qualified and the post is sanctioned. An illegal appointment, on the other hand, is void ab initio, such as where the appointee is ineligible or the post does not exist. When appointments are questioned on grounds of irregularity, the inquiry must not end with detecting the infirmity but must proceed further to distinguish those whose appointments are unimpeachable. Justice demands separation, not erasure. (Para 31) Referred to State of West Bengal v. Baishakhi Bhattacharyya (Chatterjee): The Baishakhi principle rightly recognizes that where the recruitment process is irredeemably marred by pervasive fraud or institutional malaise, the Court may be compelled albeit reluctantly to nullify the entire selection process in the larger interest of constitutional integrity. In such cases, exception to the principle of natural justice would not lead to potential injustice to untainted candidates and the necessity of maintaining public confidence in institutional processes ought to take precedence. (Para 40-41)

Doctrine of severability - The rule is grounded in equity and legal logic: where bad can be separated from good, the good must not perish with the bad– The doctrine is not merely a tool of constitutional adjudication but a principle of fairness. In service law, it protects deserving employees from the fallout of administrative missteps not attributable to them. (Para 26,27)

Constitution of India - Article 14,16 - The right to employment, though not a fundamental right, is nevertheless protected under Article 14 and 16 of the Constitution insofar as it requires fair, just, and non-arbitrary treatment of similarly situated individuals. (Para 30)

Service Law - Seniority and other service benefits can be protected through notional fixation, even if back wages are not granted- The doctrine of "no work, no pay" does not preclude the grant of notional service benefits, particularly where the fault lies not with the employee but with the administration. (Para 46)

SD. Shabuddin v. State of Telangana 2025 INSC 999 - S.411 IPC - Dishonestly Receiving Stolen Property

Indian Penal Code 1860 - Section 411 - Dishonestly receiving stolen property- To base a conviction under Section 411 IPC solely on the ground that both the accused were unable to account for being in possession of huge amount of cash is both incorrect and untenable - To establish culpability under Section 411 IPC, it must be proved that the accused had dishonestly received or retained the stolen property and in doing so, he either had knowledge or reason to believe that the same is a stolen property- In order to uphold conviction under Section 411 IPC, it is sine qua non that the property in the possession of accused is a stolen property. If the property is not a stolen property, the charge under Section 411 IPC cannot be sustained. (Para 14-15)

Indian Evidence Act 1872 - Section 114 - Illustration (a) - This illustration would only apply where the prosecution establishes the foundational fact of the theft of goods and the possession thereof by the accused soon after the incident. (Para 14)

Dharam Singh vs State of U.P. 2025 INSC 998 - Uma Devi Judgment - Ad-Hocism

Service Law - Regularization - Umadevi Judgment [Secretary, State of Karnatak v. Umadevi] cannot be deployed as a shield to justify exploitation through long-term “ad hocism”, the use of outsourcing as a proxy, or the denial of basic parity where identical duties are exacted over extended periods - outsourcing cannot become a convenient shield to perpetuate precariousness and to sidestep fair engagement practices where the work is inherently perennial. (Para 11- 13)

**K. Prabhakar Hegde vs Bank of Baroda 2025 INSC 997 -
Disciplinary Proceedings - Preliminary Inquiry**

Disciplinary Proceedings - Natural Justice - Violation of a mandatory provision of law relating to fair hearing is in itself prejudice to the person proceeded against and no need to demonstrate prejudice would arise- "It ill comes from a person who has denied justice that the person who has been denied justice is not prejudiced."- It is indeed paradoxical for someone who has denied justice to a person to claim that that person, who was denied justice, is not prejudiced. (Para 44)

Disciplinary Proceedings - Preliminary Inquiry - i. A preliminary inquiry is conducted for the purposes of determining whether regular disciplinary proceedings are called for or not; ii. A preliminary inquiry report is an internal document; iii. A preliminary inquiry report or the findings therein cannot be used to come to conclusions recorded in the report of inquiry if such preliminary inquiry report/findings are based on oral and/or documentary evidence which are obtained behind the back of the charged employee and such oral/documentary evidence are not presented in the inquiry in the presence of such employee; iv. If a preliminary inquiry report or the findings therein are sought to be relied on, the witnesses whose evidence was relied on in preparing the same ought to be brought before the inquiry officer and the charged officer afforded an opportunity to cross-examine them; v. If a preliminary inquiry report is sought to be relied upon in the inquiry report, then such preliminary inquiry report must be provided to the delinquent employee; vi. Once a chargesheet is drawn up and has been provided to the charged officer detailing the charges, the preliminary inquiry report is of no consequence and need not be provided to him. (Para 25) [Context: In this case, the appellant contended that non- furnishing of the preliminary inquiry report has caused prejudice to the appellant because such non-furnishing of the report disabled him to effectively cross-examine the witness- SC Held: since the appellant was duly provided with the deposition of the witness as per the rules, was allowed to cross-examine the witness on the basis of the statements made by him and the inquiry officer placed no reliance upon the

preliminary inquiry report, but only upon the statements of such witness recorded during chief examination and cross-examination.]

Interpretation of Statutes - The use of ‘may’ and ‘shall’ in the same provision - Use of the word ‘shall’, in our opinion, is deliberate to denote that it is not interchangeable with ‘may’; if it were so, the framers would have straightforwardly used ‘may’ instead of ‘shall’ having known that ‘may’ has been used in the first part. Couching of the provision in such language with ‘may’ and ‘shall’ having distinct connotations and consequences and bringing about different outcomes in the course of one and the same. (Para 54)

Vijaya Bank Officer Employees’ (Discipline and Appeal) Regulations, 1981 - Regulation 6(17) - While the first part of Regulation 6(17) is directory, the second part thereof is mandatory - Inquiry Officer by not generally questioning the appellant on the circumstances available in the evidence, which were unfavourable or adverse to such officer, failed to perform a mandatory duty. Any such circumstance, which was unfavourable or adverse to the appellant, should have been excluded from the Inquiry Officer’s consideration. (Para 54-55)

Indian Evidence Act 1872 - Section 123 - The overriding interest must be of a public nature and only in such cases can the claim of privilege be sustained. The claim of privilege cannot be invoked as a matter of reflexive recourse but must be limited to instances wherein an actual concern to public interest is envisaged. Each instance must be evaluated on a case-by-case basis and the State must be wholly convinced that the disclosure of the documents would cause grave harm and injury to public interest. (Para 66)

**In Re: T.N. Godavarman Thirumulpad v. Union of India 2025
INSC 996 - Hand Pulled Carts Rickshaws**

Constitution of India - Article 23 - The practice of permitting hand pulled carts/rickshaws needs to be stopped forthwith. Permitting such an inhuman practice, which hits the concept of human dignity in a country like India, which is marching towards becoming a developed country from a developing country, belittles the constitutional promise of social and economic justice. [Directions issued] - Article 23 intended to abolish every form of forced labour - Even if remuneration is paid, labour supplied by a person would be hit by Article 23, if it is a forced labour i.e., labour supplied not willingly but as a result of force or compulsion.

Note: SC accepted the recommendation of the IIT, Bombay and NEERI that the laying of clay paver blocks is a best solution for arresting the soil erosion. (Para 30)

**Shailiyamanyu Singh vs State of Maharashtra 2025 INSC 995 -
Drugs & Cosmetics Act - Director's Liability**

Drugs & Cosmetics Act, 1940- Section 34 - Every person who is in-charge of the day-to-day affairs of the company would be liable to face prosecution under the Act. The Director or Directors, other than the one who is in-charge of the day-to-day affairs of the company can also be prosecuted 'where it is proved' that the offence has been committed with the consent, connivance or is attributable to any neglect on the part of such Director -At the stage of taking cognizance, the standard of proof required would be much lower than that required at the stage of final decision of a criminal case. Nevertheless, there definitely has to exist a *prima facie* allegation in the complaint which can satisfy the Court regarding the consent, connivance or attributable neglect on the part of the Director who is sought to be prosecuted by taking recourse to the concept of vicarious liability as provided under Section 34(2) of the D&C Act -the primary responsibility is upon the complainant to make specific averments in the complaint so as to make the accused vicariously liable for the offence

committed by the company. While fastening the criminal liability, there is no presumption that every Director knows about the transactions of the company. Criminal liability can be fastened only upon those directors or persons, who, at the time of the commission of the offence, were in-charge of and were responsible for the day-to-day business of the company. To establish this, something more than a bald assertion would be necessary because Section 34(2) (Para 21-24)

M.V. Leelavathi vs Dr. C. R. Swamy 2025 INSC 994 - Permanent Alimony

Permanent Alimony - While enhancing the permanent alimony to Rs.50,00,000/- as a one-time settlement, SC observed: Determination of alimony requires consideration of multiple factors. It is evident from the material on record that the respondent has the capacity to pay a higher amount than that awarded by the Family Court. At the same time, although the appellant claims to be unemployed, she is highly qualified and has the ability to earn and sustain herself. She is not in a state of acute economic deprivation. A balanced approach, weighing the respondent's capacity and the appellant's needs, must therefore be adopted. (Para 9)

Nadeem Ahamed vs State of West Bengal 2025 INSC 993 - S.52A NDPS Act

NDPS Act - Section 52A - The procedure under Section 52A of the NDPS Act has not been considered to be mandatory by this Court, but the facts taken cumulatively, i.e., the non-drawing of the samples in light of the Standing Order no. 1 of 1989, and the complete non-compliance of Section 52A of the NDPS Act, makes the entire procedure of seizure and sampling a total farce, and thereby, unworthy of credence. (Para 30)

Ajmera Shyam vs Kova Laxmi 2025 INSC 992 - RP Act - Election - Non-Disclosure Of Assets

Representation of People Act -Section 100- Merely because a returned candidate has not disclosed certain information related to the assets, courts should not rush to invalidate the election by adopting a highly pedantic and fastidious approach, unless it is shown that such concealment or non-disclosure was of such magnitude and substantial nature that it could have influenced the election result- The true test, in our opinion, would be whether the non-disclosure of information about assets in any case is of consequential or inconsequential import, finding of which will be the basis for declaring the election valid or void as the case may be. (Para 10.34-10.35) [Context: In this case, the SC held that the non-disclosure of income in the income tax return for four financial years by Respondent No.1, is not a defect of substantial character. Therefore, the nomination could not have been rejected] While disclosure of criminal antecedents in the electoral process was the most critical element to maintain the purity of the electoral process which has to be scrupulously adhered to, disclosure of assets and educational qualifications were considered as attending supplementary requirements to strengthen the electoral process, of which there will be certain scope for consideration as to whether it is of substantial or inconsequential nature. (Para 11.1)

Constitution of India - Article 19 - The right to know full particulars of the candidates as a vital part of Article 19(1)(a) of the Constitution of India. (Para 8.21) participation by voters who are well-informed not only of the affairs of the state but also with knowledge of the candidates' backgrounds invigorates the electoral process, reaffirming that election is one of the fundamental features of democracy. Voters obtain essential information about the candidates through the exercise of the fundamental right to know about them, derived from Article 19(1)(a) of the Constitution. This right to know the backgrounds of candidates, which corresponds to their obligation to disclose such information, must, however, be balanced with the people's mandate expressed through ballot boxes, which is central to democracy. (Para 9.10.5)

Legal Maxim - *Vox Populi, Vox Dei*- The voice of the people and collective wisdom should be respected which can even be placed on the highest pedestal of divine authority. (Para 9.10.4)

Income Tax Return - Filing of an Income Tax Return is intrinsically related to and based on a person's assets and sources of income. An Income Tax Return cannot be considered in isolation or independently of the person's assets. It merely provides a reference framework for the assets and sources of income from the perspective of Income Tax authorities for the purpose of levying income tax. The Income Tax Return in essence reflects a person's financial position, viz-a- viz the assets and sources of income. An income tax statement is a declaration in fiscal terms for assessment by the income tax authority, intended for taxation on the assets and income received by a person. It is not to be considered as a statement of fact of the existence of assets or source of income. (Para 10.23)

Madduri Gangaraju @ Babu Rao v. Madduri Sunanda 2025 INSC 991 - Matrimonial - Criminal Prosecutions - Settlement

Constitution of India - Article 142 - Where the matrimonial relationship has come to an end by way of divorce, and the parties have since settled into their respective lives, criminal prosecution emanating from that past relationship ought not to be permitted to linger as a means of harassment. (Para 13) The power under Article 142 must be invoked to advance the cause of complete justice in matters of this nature. Once the parties have genuinely settled all their differences amicably, the continuation of criminal proceedings between the parties serves no legitimate purpose. It only prolongs bitterness and burdens the criminal justice system with disputes that are no longer alive. The law must be applied in a manner that balances the need to address genuine grievances with the equally important duty to prevent its misuse. In appropriate cases, the power to quash such proceedings is essential to uphold fairness and bring quietus to personal disputes that have run their course. (Para 17)

Abhinav Mohan Delkar vs State of Maharashtra 2025 INSC 990 - S.306 IPC - Abetment Of Suicide - Mens Rea

Indian Penal Code 1860 - Section 107,306 - Even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of Section 306 read with Section 107, still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life - **Mens Rea** - What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.- The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end.The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under Section 306- True, a person unable to bear the pressure or withstand a humiliation or unable to oppose, may succumb to the extreme act of ending his own life, in desperation; but that would not necessarily mean that the alleged perpetrator had an intention to lead the victim to

eventual death by his own or her own hands- Even a rebuke to “go, kill yourself”; often a rustic expression against distasteful conduct, cannot by itself be found to have the ingredients to charge an offence of abetment to suicide. (Para 22,23,40)

In Re: N. Peddi Raju 2025 INSC 989 - S. 406 CrPC - Judiciary - Advocates - Contempt

Code of Criminal Procedure 1973 - Section 406 - Merely on the basis that a petition involves a political figure in a State cannot constitute a ground to transfer the proceedings from the High Court of that State to the High Court of another State. (Para 14) - Trend amongst lawyers to criticize the Judges of the High Court or the Trial Court for no reason - It has also become a recurring trend that whenever the matter involves a political figure in a particular State, to allege that in that State a litigant may not get justice and therefore, transfer of the proceedings from that State to any other State is sought. Such practices cannot be countenanced. (Para 11)

Contempt of Court - To imply that because a political figure is involved in a case, and therefore, a holder of such a high constitutional office would not act independently, in our view, scandalizes the very institution of administration of justice. (Para 13)

Advocates - When a lawyer is faced with a conflict between his duty towards the Court and duty towards the client, he has to give preference to duty to the Court rather than duty to the client. (Para 10)

Judiciary - The Judges of the High Court are in no way inferior to the Judges of the Supreme Court. Though, as an appellate Court to the High Court, this Court can affirm, reverse, modify or set aside the judgment of the High Court, it has no administrative control, either over the administration of the High Court or the Judges of the High Court. The Judges of the High Court are also Constitutional functionaries, and they

enjoy the same immunity as is enjoyed by a Judge of the Supreme Court. (Para 12)

Sanjit Singh Salwan vs Sardar Inderjit Singh Salwan 2025 INSC 988 - Estoppel In Law - Conduct Of Parties

Estoppel In Law - Whether a plea of estoppel in law can be permitted to be raised by a party ignoring its conduct that resulted in the other party altering its position to its detriment in view of such conduct? In this case, the respondents initially filed a suit to restrain the appellants from interfering in the Trust's school. The trial court dismissed the suit, but during appeal, both parties agreed to resolve their dispute through arbitration. The arbitrator's award was accepted by both sides, and the appeal was disposed of as a consent decree based on this award-Later, the respondents challenged the validity of the arbitration award, arguing that such disputes were not arbitrable under Section 92 of the Code of Civil Procedure - Allowing appeal, SC observed: On the doctrine of estoppel by conduct and election the respondents cannot be permitted to now raise a plea that the compromise deed based on the award dated 30.12.2022 was a nullity in view of the provisions of Section 92 of the Code - The issue of invalidity of the award, as a question of law, cannot be considered de hors the conduct of parties. (Para 18-19)

Shanti Devi vs State of Haryana 2025 INSC 987 - Benefit Of Acquittal To Non-Appealing Accused

Code of Criminal Procedure 1973 - When the entire case of the prosecution is being discarded, the benefit of this acquittal judgment deserves to be extended to the non-appealing accused. (Para 38)

Indian Evidence Act 1872 - Section 25-27 - Confessional statement of an accused recorded in presence of a police officer cannot be admitted in evidence, except to the extent as provided under Section 27 of the Evidence

Act and that too, when such disclosure leads to the discovery of incriminating fact/s. (Para 21) **Extrajudicial confession** has very weak evidentiary value and should be accepted with great care and caution. (Para 29) In cases based purely on **circumstantial evidence**, the onus lies upon the prosecution to prove the chain of incriminating circumstances beyond all manner of doubt- Referred to five golden principle Sharad Birdhichand Sarda v. State of Maharashtra. (Para 11)

Sethia Infrastructure Pvt. Ltd. v. Mafatlal Mangilal Kothari 2025 INSC 985 - Restoration Application

Restoration Application - When a Court is dealing with an application for restoration of any matter which is dismissed for nonprosecution and the application for restoration is filed after huge delay, the Court must be cognizant of the fact that time does not stand still. Whenever delay of a long period of time is sought to be condoned, the Court should not rule out involvement of third parties in the litigation. In fact, the Court must presume that third party rights may have been created and/or additional parties may have developed rights and interest in the litigation. (Para 12)

Seventh Day Adventist Senior Secondary School vs Ismat Ahmed 2025 INSC 984 - West Bengal Premises Tenancy Act - Limitation Act

Limitation Act 1961 - West Bengal Premises Tenancy Act, 1997 - In general, the applicability of the Limitation Act is permissible subject to limitation prescribed under the provisions of the WBPT Act- If a lesser time period or limitation has been specified for proceedings under the WBPT Act, then extension of time applying the provisions of the Limitation Act cannot be allowed. (Para 21)

West Bengal Premises Tenancy Act, 1997 -Section 7- The compliance as required to be done by the tenant in Section 7(1)(a)(b)(c) and first part of Section 7(2) regarding deposit of rent and filing an application within the same time is mandatory. In default, they cannot avail the benefit of the proviso of sub-section (2) which only relates to the payment of determined amount of rent and whereby the Civil Judge may exercise the discretion to grant extension of time- When neither the rent as specified under Sections 7(1) and 7(2) has been paid or deposited by the tenant, nor the application for determination of rent has been filed within the period of thirty days as prescribed, tenant cannot avail the benefit of protection against eviction as envisaged under Section 7 of WBPT Act. (Para 21)

Interpretation of Statutes - The use of word ‘shall’ with respect to one matter and use of word ‘may’ with respect to another matter in the same section of statute shall normally lead to the conclusion that the word ‘shall’ imposes an obligation, whereas the word ‘may’ confers a discretionary power. (Para 26)

Kesari Nandan Mobile vs Enforcement Division 2025 INSC 983 - S.83 CGST Act - Second Provisional Attachment Orders

Central Goods and Services Tax Act - Section 83 - CGST Act or any other law in force does not permit issuance of a second provisional attachment order under sub-section (1) of Section 83 of the CGST Act after the initial provisional attachment order issued thereunder ceases, by reason of efflux of a year from the date of its issuance, in terms of sub-section (2) thereof (Para 14,41) Repeated or continuous issuance of a provisional attachment order under the garb of ‘renewal’ could lead to a serious anomaly (Para 31) Provisional attachment is a pre-emptive measure to protect the interests of government revenue. It cannot function as a recovery measure; for that, the statue has other provisions. Certainly, a period of one year, as ordained by the legislature, is enough for the revenue authorities to conclude its investigation; if not, the legislature could have provided for a renewal or an extended period as in the Excise Act and the

Customs Act. Sub-section (2) of Section 83 does not provide for any exception to the rule. (Para 32)

Legal maxim - Ut res magis valeat quam pereat- A legal text, specially a statute, should be interpreted in a way that gives the document force rather than makes it fail. (Para 30)

Legislation - Executive Powers - The inherent executive power cannot be exercised, in respect of any matter covered by statutory law/rules, in a manner inconsistent therewith- The inherent executive power could be exercised to supplement the statutory law, but not supplant it. (Para 26) For an authority to exercise a power, it must either be empowered by the statute or authorized by executive instructions; if the power is not conferred by statute, executive instructions or any other instrument which is law within the meaning of Article 13, it cannot be justified by arguing that the exercised power is neither prohibited by the statute nor by executive instructions (Para 28)- When the statue does provide for an extension, the authority thereunder is free to do so, subject to such restrictions as may be imposed. Conversely, when a statute does not provide for an extension, renewal, re-issuance, revival — whatever be the nomenclature — the executive cannot overreach the statute to do so.(Para 39)

Central Goods and Services Tax Act - Section 83 (1) - Quoted from Radha Krishan Industries v. State of Himachal Pradesh: The power to levy a provisional attachment is draconian in nature. By the exercise of the power, a property belonging to the taxable person may be attached, including a bank account. The attachment is provisional and the statute has contemplated an attachment during the pendency of the proceedings under the stipulated statutory provisions noticed earlier. An attachment which is contemplated in Section 83 is, in other words, at a stage which is anterior to the finalisation of an assessment or the raising of a demand. Conscious as the legislature was of the draconian nature of the power and the serious consequences which emanate from the attachment of any property including a bank account of the taxable person, it conditioned the exercise of the power by employing specific statutory language which conditions the exercise of the power. (Para 17-18)

Armour Security (India) Ltd. vs Commissioner, CGST, Delhi East Commissionerate 2025 INSC 982 - S. 6(2)(b) CGST Act

Central Goods and Services Tax Act, 2017 - Section 6(2)(b) - i. Clause (b) of sub-section (2) of Section 6 of the CGST Act and the equivalent State enactments bars the “initiation of any proceedings” on the “same subject matter”. ii. Any action arising from the audit of accounts or detailed scrutiny of returns must be initiated by the tax administration to which the taxpayer is assigned. iii. Intelligence based enforcement action can be initiated by any one of the Central or the State tax administrations despite the taxpayer having been assigned to the other administration. iv. Parallel proceedings should not be initiated by other tax administration when one of the tax administrations has already initiated intelligence-based enforcement action. v. All actions that are initiated as a measure for probing an inquiry or gathering of evidence or information do not constitute “proceedings” within the meaning of Section 6(2)(b) of the CGST Act. vi. The expression “initiation of any proceedings” occurring in Section 6(2)(b) refers to the formal commencement of adjudicatory proceedings by way of issuance of a show cause notice, and does not encompass the issuance of summons, or the conduct of any search, or seizure etc. vii. The expression “subject matter” refers to any tax liability, deficiency, or obligation arising from any particular contravention which the Department seeks to assess or recover. viii. Where any two proceedings initiated by the Department seek to assess or recover an identical or a partial overlap in the tax liability, deficiency or obligation arising from any particular contravention, the bar of Section 6(2)(b) would be immediately attracted. ix. Where the proceedings concern distinct infractions, the same would not constitute a “same subject matter” even if the tax liability, deficiency, or obligation is same or similar, and the bar under Section 6(2)(b) would not be attracted. x. The twofold test for determining whether a subject matter is “same” entails, first, determining if an authority has already proceeded on

an identical liability of tax or alleged offence by the assessee on the same facts, and secondly, if the demand or relief sought is identical. (Para 96)

Guidelines to be followed in cases where, after the commencement of an inquiry or investigation by one authority, another inquiry or investigation on the same subject matter is initiated by a different authority: a. Where a summons or a show cause notice is issued by either the Central or the State tax authority to an assessee, the assessee is, in the first instance, obliged to comply by appearing and furnishing the requisite response, as the case may be. We say, so because, mere issuance of a summons does not enable either the issuing authority or the recipient to ascertain that proceedings have been initiated. b. Where an assessee becomes aware that the matter being inquired into or investigated is already the subject of an inquiry or investigation by another authority, the assessee shall forthwith inform, in writing, the authority that has initiated the subsequent inquiry or investigation. c. Upon receipt of such intimation from the assessee, the respective tax authorities shall communicate with each other to verify the veracity of the assessee's claim. We say, so as this course of action would obviate needless duplication of proceedings and ensure optimal utilization of the Department's time, effort, and resources, bearing in mind that action initiated by one authority enures to benefit of all. d. If the claim of the taxable person regarding the overlap of inquiries is found untenable, and the investigations of the two authorities pertain to different "subject matters", an intimation to this effect, along with the reasons and a specification of the distinct subject matters, shall be immediately conveyed in writing to the taxable person. e. The taxing authorities are well within their rights to conduct an inquiry or investigation until it is ascertained that both authorities are examining the identical liability to be discharged, the same contravention alleged, or the issuance of a show cause notice. Any show cause notice issued in respect of a liability already covered by an existing show cause notice shall be quashed. f. However, if the Central or the State tax authority, as the case may be finds that the matter being inquired into or investigated by it is already the subject of inquiry or investigation by another authority, both authorities shall decide inter-se

which of them shall continue with the inquiry or investigation. In such a scenario the other authority shall duly forward all material and information relating to its inquiry or investigation into the matter to the authority designated to carry the inquiry or investigation to its logical conclusion. We say, so because, the taxable person except for being afforded the statutory protection from duplication of proceedings, otherwise has no locus to claim which authority should proceed with the inquiry or investigation in a particular matter. g. However, where the authorities are unable to reach a decision as to which of them shall continue with the inquiry or investigation, then in such circumstances, the authority that first initiated the inquiry or investigation shall be empowered to carry it to its logical conclusion, and the courts in such a case would be competent to pass an order for transferring the inquiry or investigation to that authority. h. If it is found that the authorities are not complying with these aforementioned guidelines, it shall be open to the taxable person to file a writ petition before the concerned High Court under Article 226 of the Constitution of India. i. At the same time, taxable persons shall ensure complete cooperation with the authorities. It is incumbent upon them to appear in response to a summons and/or reply to a notice. (Para 97)

Pernod Ricard India Private Limited vs Karanveer Singh Chhabra 2025 INSC 981 - Trade Marks Act - Interim Injunction - Passing Off

Trade Marks Act, 1999 - Interim Injunction - The grant of an interim injunction in trademark matters requires the court to consider multiple interrelated factors: *prima facie* case, likelihood of confusion, relative merits of the parties' claims, balance of convenience, risk of irreparable harm, and the public interest. These considerations operate cumulatively, and the absence of any one of these may be sufficient to decline interim relief. (Para 36.4) The grant of injunction – whether for infringement or passing off – is ultimately governed by equitable principles and is subject to the general framework applicable to proprietary rights. Where actual

infringement is established, that alone may justify injunctive relief; a plaintiff is not expected to wait for further acts of defiance. (Para 36.2)

Trade Marks Act, 1999 - Deceptive similarity does not necessitate exact imitation. What is material is the likelihood of confusion or association in the minds of consumers arising from an overall resemblance between the competing marks. The applicable standard is that of an average consumer with imperfect recollection - While comparing rival marks, Courts must assess the marks in their entirety, rather than dissecting composite trademarks into isolated components. The dominant feature of a mark may assist in crossing the preliminary threshold of analysis, but the ultimate inquiry must focus on the overall impression created by the mark – especially in the context of the relevant goods, trade channels, and target consumers. The proper test is not to place the two marks side by side to identify dissimilarities, but to determine whether the impugned mark, when viewed independently, is likely to create an impression of association or common origin in the mind of the average consumer. Even if a particular component of a mark lacks inherent distinctiveness, its imitation may still amount to infringement if it constitutes an essential and distinctive feature of the composite mark as a whole. (Para 41-42) - Generic, descriptive, or laudatory terms – particularly those commonly used in a given trade – cannot be monopolized by any one proprietor. Even where such terms form part of a registered trademark, protection does not extend to those elements per se unless it is affirmatively shown that they have acquired secondary meaning – i.e., that the term has come to be exclusively and distinctively associated with the plaintiff's goods in the perception of the consuming public- The mere presence of a shared generic or descriptive element is insufficient, by itself, to support a claim of deceptive similarity. (Para 34-34.3) Mere duration of use, turnover, or marketing expenditure is insufficient to displace the term's inherent descriptive or laudatory character. As judicial precedent makes clear, even extensive use of a descriptive term does not justify exclusivity unless such use has displaced the word's primary meaning, so that it now serves as a source identifier in the minds of the consuming public. (Para 34.5)

Trademark Infringement and Passing Off - A passing off action applies to both registered and unregistered marks, and is rooted in the principle that one trader should not unfairly benefit from the reputation built by another. In contrast, an action for trademark infringement is a statutory remedy under the Trade Marks Act, 1999 available only in relation to registered trademarks. It is intended to safeguard the exclusive proprietary rights that registration confers- **Requirements of proof** : In an infringement action, the plaintiff is not required to establish the distinctiveness or goodwill of the mark – registration, by itself, affords the right to seek protection. If the impugned mark is shown to be identical or deceptively similar to the registered mark, no further evidence of confusion or deception is necessary. However, in a passing off action, the plaintiff must prove: (i) the existence of goodwill or reputation in the mark, (ii)a misrepresentation made by the defendant, and (iii)a likelihood of damage to the plaintiff's goodwill- While an intent to deceive is not a necessary element in either action, passing off requires proof of a likelihood of confusion or deception- in a passing off action, the defendant's goods need not be identical to those of the plaintiff – they may be allied or even unrelated, provided the misrepresentation is such that it affects or is likely to affect the plaintiff's business reputation. In contrast, infringement requires that the unauthorised use relate to the same or similar goods or services for which the trademark is registered- Additionally, in an infringement suit, it is not necessary for the plaintiff to establish use of the mark; even a registered proprietor who has not commenced use can sue for infringement. However, in a passing off action, the plaintiff must demonstrate prior and continuous use, and that the mark has acquired distinctiveness in the minds of the public- while both actions seek to prevent unfair competition and protect against consumer confusion, an action for infringement offers broader statutory protection based solely on registration and ownership. In contrast, passing off is grounded in equitable principles and imposes a higher evidentiary burden to safeguard commercial goodwill under common law. (Para 29-29.5)

Mini v. CBI/SPE Cochin 2025 INSC 980 - Prevention Of Corruption Act - S. 313 CrPC

Prevention Of Corruption Act - Demand can be proved by circumstances even if the original complainant does not in so many words supports the prosecution case during trial. (Para 10) To make out an offence there had to be cogent proof of demand. (Para 12)

Code of Criminal Procedure 1973 - Section 313 - Statement of the accused explaining the incriminating circumstances is to be considered before recording conviction and where the explanation is plausible and appropriately explains the incriminating circumstances, it may be accepted. (Para 12)

State of Karnataka vs Sri Darshan 2025 INSC 979 - CrPC - Written Grounds Of Arrest - Bail

Constitution of India - Article 22 (1) - Code of Criminal Procedure 1973- Section 50 Cr.P.C ; Bharatiya Nagarik Suraksha Sanhita 47 - The constitutional and statutory framework thus mandates that the arrested person must be informed of the grounds of arrest – but neither provision prescribes a specific form or insists upon written communication in every case- Written, individualised grounds are not an inflexible requirement in all circumstances- The mere absence of written grounds does not ipso facto render the arrest illegal, unless it results in demonstrable prejudice or denial of a fair opportunity to defend. (Para 20.1)

Bail - Delay in furnishing the grounds of arrest cannot, by itself, constitute a valid ground for grant of bail. (Para 20.1) - Courts are not expected to render findings on the merits of the case at the bail stage. (Para 20.2) - Appreciation of evidence at the bail stage is impermissible (Para 20.3) Mere filing of a charge-sheet does not confer an indefeasible right to bail. Likewise, the mere prospect of a prolonged trial cannot, by itself, outweigh the gravity of the offence, the incriminating material gathered during

investigation, or the likelihood of tampering with witnesses (Para 20.4) . Post-bail good conduct of the accused, while relevant to the question of continuation of bail, cannot retrospectively validate an otherwise unsustainable order. (Para 20.5) A celebrity status does not elevate an accused above the law, nor entitle him to preferential treatment in matters like grant of bail Popularity cannot be a shield for impunity.-No individual – however wealthy, influential, or famous – can claim exemption from the rigours of law- Influence, resources and social status cannot form a basis for granting bail where there is a genuine risk of prejudice to the investigation or trial. (Para 23) Cancellation and Annulment - While cancellation of bail is a serious matter involving deprivation of personal liberty, the law does permit annulment of a bail order that is unjustified, legally untenable, or passed without due regard to material considerations. (Para 18.15)

Constitution of India - Article 14 - The Constitution of India enshrines equality before law under Article 14, and mandates that no individual – however wealthy, influential, or famous – can claim exemption from the rigours of law - In a democracy governed by the rule of law, no individual is exempt from legal accountability by virtue of status or social capital. Article 14 of the Constitution guarantees equality before the law and prohibits arbitrariness. It mandates that all persons – regardless of their popularity, power, or privilege – are equally subject to the law. (Para 23-25)

A. Ranjithkumar v. E. Kavitha 2025 INSC 978 - Irretrievable Broken Down Of Marriage

Constitution of India - Supreme Court allows application moved by a husband seeking dissolution of marriage- The marriage has irretrievably broken down- Directed the husband to pay a sum of ₹1,25,00,000/- as permanent alimony to wife.

**In Re: “City Hounded By Strays, Kids Pay Price” 2025 INSC 977 -
Stray Dogs Menace - Directions Issued**

Stray Dogs Menace - Supreme Court issues various directions to Government of National Capital Territory of Delhi (NCT), the Municipal Corporation of Delhi (MCD) and the New Delhi Municipal Corporation (NDMC) and authorities of NOIDA, Ghaziabad, Gurugram and Faridabad for picking up stray dogs from all localities, more particularly the vulnerable localities of the city as well as areas on the outskirts- Any hindrance or obstruction that may be caused by any individual or organization in the smooth and effective implementation of our aforesaid directions will be viewed as contempt of this Court and we shall proceed to take appropriate action in accordance with law. (Para 11-13)

Quotes - It is often said that “no person is above the law”, however of equal significance is the flip side of that maxim; “no person is below the law” either. The protection, dignity, and security that the law affords are not privileges conferred at the discretion of those in authority; they are rights inherent to every individual, regardless of station, circumstance, or means. Obedience to the law is not solicited as an act of grace, nor extended as a favour, it is commanded and demanded as a matter of right. Reciprocally, the assurance of the law’s protection is owed as a matter of duty. The true test of a legal order lies not in how firmly it restrains those at the top, but in how faithfully it safeguards those at the margins. (Para 7)

Dravida Munnetra Kazhagam v. vs C. Ve. Shanmugam 2025 INSC 976 - Schemes In Name Of Political Leaders

Schemes -The launching of schemes in the name of political leaders is a phenomenon which is followed throughout the Country - SC sets aside Madras HC interim order which held that while launching and operating Government Welfare Schemes through various advertisements, the names of any living personality, photograph of any former Chief Minister/ideological leaders or party insignia/emblem/flag of appellant (Dravida Munnetra Kazhagam) shall not be included.

Court and Politics -The political battles should be fought before the electorate- The Courts should not be used to settle the political scores between the rival political parties.

Kamal Gupta vs L.R. Builders Pvt. Ltd 2025 INSC 975 - Arbitration - Non-Signatory Presence During Arbitration Proceedings

Arbitration and Conciliation Act 1996 - Section 42A - *Whether it is permissible for a non-signatory to an agreement leading to arbitration proceedings to remain present in such arbitration proceedings?* - The parties to the agreement being bound by the terms of the agreement and the sole arbitrator being required to resolve the disputes between parties to the agreement, a non-signatory to the agreement would be a stranger to such arbitration proceedings. Permitting a stranger to remain present in the arbitration proceedings especially when the award to be passed would not be binding on such stranger would be charting a course unknown to law. The remedy, if any, to a party who is not a signatory to the agreement is available under Section 36 of the Act if such award is sought to be enforced against him. The arbitrator, the arbitral institution and the parties to the arbitration agreement have to maintain confidentiality of all arbitral proceedings. The legislative intent behind maintaining confidentiality of information is quite clear. Permitting a stranger to the arbitration proceedings to remain present and observe the said proceedings would result in breach of the provisions of Section 42A of the Act. (Para 13-14) [SC held that, the permission granted to a non-signatory to remain present in all proceedings before the sole arbitrator is without jurisdiction as well as beyond the scope of the Act.]

Arbitration and Conciliation Act 1996 - Section 5, 11(6) - After appointment of an arbitrator under Section 11 (6), the Court becomes functus officio . (Para 23)

Ashok Dhankad vs State of NCT of Delhi 2025 INSC 974 - CrPC -Appeal Against Grant Of Bail

Code of Criminal Procedure 1973 - Section 439 - Appeal Against Grant Of Bail - (i) An appeal against grant of bail cannot be considered to be on the same footing as an application for cancellation of bail; (ii) The Court concerned must not venture into a threadbare analysis of the evidence adduced by prosecution. The merits of such evidence must not be adjudicated at the stage of bail; (iii) An order granting bail must reflect application of mind and assessment of the relevant factors for grant of bail that have been elucidated by this Court. (iv) An appeal against grant of bail may be entertained by a superior Court on grounds such as perversity; illegality; inconsistency with law; relevant factors not been taken into consideration including gravity of the offence and impact of the crime; (v) However, the Court may not take the conduct of an accused subsequent to the grant bail into consideration while considering an appeal against the grant of such bail. Such grounds must be taken in an application for cancellation of bail; and (vi) An appeal against grant of bail must not be allowed to be used as a retaliatory measure. Such an appeal must be confined only to the grounds discussed above.(Para 19)

Code of Criminal Procedure 1973 - Section 439 - Court cannot lose sight of the influence an accused wields in society while considering the grant of bail- While considerations such as the period of custody and testimonies of key prosecution witnesses having been recorded are relevant, the Court errored by inter alia, not considering the grievous nature of the crime, the possibility of influencing the trial by the Accused and the conduct of the accused during investigation. (Para 20-24)

State of Andhra Pradesh vs N. Sanjay 2025 INSC 973 - Anticipatory Bail - Investigation

Code of Criminal Procedure 1973 - Section 438 - Anticipatory Bail - Interference in a matter where a person comes before the Court seeking anticipatory bail does not, and should not, automatically lead to the

presumption that custody would be required and he/she would be arrested. That is the discretion of the Investigating Agency, depending on the circumstances and the conduct of the accused. The Investigating Agency is obliged to take an objective view on the requirement of custody of an accused without any bias, ill-will, or any other extraneous consideration and purely based on material. (Para 22)

Dasari Anil Kumar vs Child Welfare Project Director 2025 INSC 972 - Child Custody - Adoptive Parents

Child Custody - SC directed authorities to handover the custody of the children to the respective “adoptive parents” - Referred to the principle of the best interest of the child; principle of family responsibility; principle of safety, positive measures, principle of Institutionalization as a measure of last resort, principle of repatriation and restoration, which are also enunciated as general principles in Section 3 of the Juvenile Justice (Care and Protection of Children) Act, 2015.

Paradip Port Authority vs Paradeep Phosphates Ltd 2025 INSC 971 - Major Port Authorities Act - TAMP

Major Port Authorities Act 2021 - It would be appropriate if an expert appellate body is constituted to hear appeals against the orders passed by the adjudicatory board/Tariff Authority for Major Ports (TAMP)- Disputes related to such a technical area of importance can be better dealt with by a specialised expert body. Appeals therefrom should also be maintainable before specialised appellate body. (Para 56- 62)

Khaja Mohaideen vs State of Tamil Nadu 2025 INSC 970

Note: No legal aspects discussed in this judgment - Supreme Court acquitted a husband while observing thus: From the dying declaration,

nothing could be inferred to suggest that the deceased raised any accusation against her husband.

Sukhdev Yadav @ Pehalwan vs State (NCT of Delhi) 2025 INSC 969 - Sentencing - Fixed Term Life Imprisonment - Release

Code of Criminal Procedure 1973- Sentencing - Whether, an accused/convict who has completed his “life imprisonment for a fixed term” such as twenty years of actual sentence without remission, is entitled to be released from prison on completion of such a sentence- On completion of the fixed term of sentence, should the accused/convict seek remission of his sentence of “life imprisonment” by making an application to the competent authority for seeking “reduction of his sentence”? - SC held: Soon after the period of twenty years is completed, the convict has to be simply released from jail provided the other sentences run concurrently. The convict is not under an obligation to make an application seeking remission of his sentence on completion of twenty years.

Ajwar vs Waseem 2025 INSC 968 - Bail Orders - Reasoning

Bail - Bail order should be offering cogent and germane reasoning - But should refrain from elaborately discussing/detailing the evidence or the view of the Court thereon while considering grant of bail. (Para 17)

A. Karunanithi vs State 2025 INSC 967 - Prevention of Corruption Act

Prevention of Corruption Act - Section 7 and Sections 13(1)(d)(i) and (ii) - The prosecution has to prove the demand and acceptance of illegal gratification either by direct evidence which can be in the nature of oral evidence or documentary evidence or circumstantial evidence — To convict a person under the aforesaid provision demand and acceptance of

illegal gratification is a sine qua non — in the absence of any allegation or evidence that an accused demanded bribe from the complainant or he was acting in connivance with co-accused, he cannot be prosecuted for the commission of the crime of demanding and receiving illegal gratification. (Para 14-15)

Time City Infrastructure and Housing Limited Lucknow vs State of U.P. 2025 INSC 966 - Order XXXIX Rule 3 CPC - Ex Parte Injunction Order - Non Compliance Of Proviso

Code of Civil Procedure 1908 - Order XXXIX Rule 3 - Ordinarily an order of injunction may not be granted ex parte. The opposite party must be issued a notice and heard before an injunction may be granted. Rule 3 carves out an exception in favour of granting an injunction without notice to the opposite party where it appears that the object of granting injunction would be defeated by the delay. Conferment of this privilege on the party seeking an injunction is accompanied by an obligation cast on the court to record reasons for its opinion and an obligation cast on the applicant to comply with the requirements of Clauses (a) and (b) of the proviso. Both the provisions are mandatory. The applicant gets an injunction without notice but subject to the condition of complying with Clauses (a) and (b) above said- if the court is satisfied of noncompliance by the applicant with the provisions contained in the proviso then on being so satisfied the court which was persuaded to grant an ex parte ad interim injunction confiding in the applicant that having been shown indulgence by the court he would comply with the requirements of the proviso, it would simply vacate the ex parte order of injunction without expressing any opinion of the merits of the case leaving it open to the parties to have a hearing on the grant or otherwise on the order of injunction but bipartite only. The applicant would be told that by his conduct he has deprived the opponent of an opportunity of having an early or urgent hearing on merits and, therefore, the ex parte order of injunction cannot be allowed to operate any more. (Para 5-7)

Rejanish K.V vs. K. Deepa 2025 INSC 965 - Art.233 Constitution - Referred To Constitution Bench

Constitution of India - Article 233(2) - Dheeraj Mor v. Hon'ble High Court of Delhi (2020) 7 SCC 401 - The following two issues are substantial question of law as to the interpretation of Article 233(2) of the Constitution: (i) Whether a judicial officer who has already completed seven years in Bar being recruited for subordinate judicial services would be entitled for appointment as Additional District Judge against the Bar vacancy? (ii) Whether the eligibility for appointment as a District Judge is to be seen only at the time of appointment or at the time of application or both? - Referred to Constitution Bench. (Para 23)

Constitution of India - Article 145(3) - The matters which involve substantial questions of law as to interpretation of constitutional provisions they are required to be heard by a Bench of five Judges (Para 18)

Yogesh Madhav Makalwad vs State of Maharashtra 2025 INSC 964 - Caste Claim - Affinity Test - Pre-Independence Documents

Caste Claim - The affinity test is not a litmus test to decide the caste claim and is not an essential part in the process of determination of correctness of a caste or tribe claim in every case -with the change in times, migration and modernisation, the joining of people from the tribal population in the mainstream of the society, the fact that they are not in a position to recollect the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc., of their tribe cannot be solely a ground ipso facto to deny the said claim- Pre-Independence documents will have a greater probative value- While dealing with documentary evidence, greater reliance may be placed on pre-Independence documents because they furnish a higher degree of

probative value to the declaration of status of a caste, as compared to post Independence documents. (Para 8-15)

**Navneesh Aggarwal vs State of Haryana 2025 INSC 963 - S.482
CrPC - Matrimonial Matters**

Code of Criminal Procedure 1973 -Section 482- While exercising power under Section 482 CrPC to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, it is necessary to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc.

-Matrimonial Cases - Once the marital relationship has ended in divorce and the parties have moved on in their lives individually, the continuation of criminal proceedings against family members, especially in the absence of specific and proximate allegations, serves no legitimate purpose. It only prolongs bitterness and burdens the criminal justice system with disputes that are no longer live. The law must be applied in a manner that balances the need to address genuine grievances with the equally important duty to prevent its misuse. In appropriate cases, the power to quash such proceedings is essential to uphold fairness and bring quietus to personal disputes that have run their course. (Para 18)

**Mange Ram vs State of Madhya Pradesh 2025 INSC 962 - S.482
CrPC - Quashing Power - Matrimonial Cases**

Code of Criminal Procedure 1973 - Section 482- while exercising power under Section 482 CrPC to quash the criminal proceedings in respect of non-compoundable offences, which are private in nature and do not have a serious impact on society, on the ground that there is a settlement/compromise between the victim and the offender, it is necessary to consider the antecedents of the accused; the conduct of the accused,

namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise, etc. (Para 29) Matrimonial Matters - Where the matrimonial relationship has come to an end by way of divorce, and the parties have since settled in their respective lives, criminal prosecution emanating from that past relationship ought not to be permitted to linger as a means of harassment. (Para 26) Once the marital relationship has ended in divorce and the parties have moved on with their lives, the continuation of criminal proceedings against family members, especially in the absence of specific and proximate allegations, serves no legitimate purpose. It only prolongs bitterness and burdens the criminal justice system with disputes that are no longer live. The law must be applied in a manner that balances the need to address genuine grievances with the equally important duty to prevent its misuse. In appropriate cases, the power to quash such proceedings is essential to uphold fairness and bring about a quietus to personal disputes that have run their course. (Para 33)

Vanashakti v. Union of India 2025 INSC 961 - EIA Notification - Sustainable Development

EIA Notification - notification dated 29th January, 2025 bearing number S.O. 523(E) issued by the Ministry of Environment, Forest and Climate Change and the Office Memorandum dated 30th January, 2025 issued by the MoEF&CC upheld- Note 1 to Entry 8(a) of the notification dated 29th January, 2025 is quashed and set aside- The exemption of applicability of 2006 notification, by way of Note 1 in column 5 of Entry 8(a) of the impugned notification, to the projects or activities for industrial shed, school, college and hostel for educational institution does not appear to be in tune with the purpose for which the Environment Protection Act has been enacted

Interpretation of Statutes - While interpreting any legislation including a subordinate legislation, the first principle that has to be adopted is the literal rule of interpretation. (Para 26)

Environmental Law - Sustainable Development - A country cannot progress unless the development takes place - while development is permitted to be undertaken, it is also required that a precaution is needed to be taken so that the least damage is caused to the environment and ecology -Mitigation and compensatory measures so as to compensate the loss which is caused to the environment and ecology on account of the damage that would be caused by the developmental activities. (Para 33-34)

Education - Education is no more exclusively a service oriented activity and that it has in fact become a flourishing and thriving industry. (Para 43)

State of Punjab vs. Gurnam @ Gama 2025 INSC 960 - NDPS Act - Acquittal Relying On Mohan Lal's Case Set Aside

NDPS Act - While allowing appeal against acquittal by High Court in an NDPS case, SC observed: Courts only interprets law and do not enact law. In the case in hand, the judgment of Mohan Lal's case prevailed when the High Court decided the appeals. However, thereafter, the matter is pending in this Court and since appeals are continuation of proceedings, the law as available today is to be applied. The acquittal of the respondents in the present case was merely on technical ground in view of Mohan Lal's case which was diluted in Varinder Kumar's case and then overruled subsequently by the Constitution Bench of this Court in Mukesh Singh's case .

**Ashdan Properties Pvt. Ltd. vs DSK Global Education a 2025
INSC 959 - NCLAT Rules - IBC - Certified Copy Of Impugned
Order**

National Company Law Appellate Tribunal Rules, 2016 - Rule 14,22 - IBC- Even if an appeal is entertained within the initial 30 day-period without a certified copy of the order, by granting exemption under Rule 14, it can only be for a limited period to enable due compliance with the mandate of Rule 22(2) by filing a certified copy at least at a later date and within the time stipulated by the NCLAT. Such exemption cannot be to the extent of completely dispensing with the filing of a certified copy, which would annihilate the clear mandate of Rule 22(2) of the NCLAT Rules which categorically uses the word 'shall' to emphasize that an appeal must be accompanied by a certified copy of the order impugned. (Para 11)

**KrishnaKant Kwivedy vs State of Chhattisgarh 2025 INSC 958 -
S.482 CrPC - Meaning "Manifestly Attended With Mala Fide"**

Code of Criminal Procedure 1973 - Section 482 - The expression "manifestly attended with mala fide" following criminal proceedings, as appearing in clause 7 of paragraph 102 of *Bhajanlal* case- The mala fide must be manifest on the face of the FIR - whether or not there has been misrepresentation is entirely a question of fact which cannot be decided at the stage when the inherent powers of the High Court are invoked for quashing of an FIR/criminal proceedings. Such a question obviously has to be left for a decision at the trial, if at all a defence to that effect is raised, and it would then be for the trial court to consider the same while it returns its findings on the question of guilt or otherwise. (Para 11)

**Gurdeep Singh vs State of Punjab 2025 INSC 957 S.319 CrPC -
S.120B IPC - Hostile Witness - Sole Eyewitness Testimony -
Public Functionaries**

Code of Criminal Procedure 1973 - Section 319- Even a person not named in the FIR or chargesheet can be summoned to face trial if evidence recorded during the course of trial indicates his involvement in the offence- The opinion of the investigating agency is merely tentative and cannot override the Court's independent judicial assessment based on trial evidence- The power under Section 319 Cr.P.C is judicial in nature, independent of the police's conclusions.

Indian Penal Code 1860 - Section 120B- The offence of criminal conspiracy under section 120B IPC, by its very nature, is seldom capable of being proved by direct evidence. Being a clandestine agreement between two or more persons to commit an unlawful act, or a lawful act by unlawful means, conspiracy is typically established through circumstantial evidence, patterns of conduct, and the cumulative interferences drawn from the interactions of the accused persons. (Para 17) The offence of criminal conspiracy need not be proved by direct evidence, nor is it necessary that all conspirators participate in every stage of the commission of the offence. What is material is the existence of a prior agreement – express or implied – to commit an unlawful act, or a lawful act by unlawful means. Once such agreement is established, even by way of inference from circumstantial evidence, the legal consequences under Section 120B IPC follow. (Para 17.3)

Law of Evidence- Hostile Witness - A hostile witness's testimony need not be discarded in its entirety and that the Court must carefully evaluate whether portions of such evidence are credible and corroborated. (Para 18.3) Eye Witness- Conviction can rest on the testimony of a sole eyewitness, provided the Court finds it trustworthy and corroborated by other evidence. (Para 18.7)

Public Functionaries - When public functionaries betray the institutional trust, the consequences are profound and far-reaching. In a constitutional democracy governed by the rule of law, custodial officers

must be held to the highest standards of integrity. Any deviation amounts not only to legal delinquency, but to a grave institutional and moral breach. (Para 20)

Kishundeo Rout vs Govind Rao & 2025 INSC 956 - Adverse Possession Plea At Appellate Stage

Adverse Possession - The foundation for the plea of adverse possession must be laid in the pleadings and then an issue must be framed and tried. (Para 19) The plea of adverse possession is not always a legal plea. Indeed, it is always based on facts which must be asserted and proved. A person who claims adverse possession must show on what date he came into possession, what was the nature of his possession, whether the factum of his possession was known to the legal claimants and how long his possession continued. He must also show whether his possession was open and undisturbed. These are all questions of fact and unless they are asserted and proved, a plea of adverse possession cannot be inferred from them. (Para 20)

Code of Civil Procedure 1908 - Section 96 - Plea of adverse possession - A plea not properly raised in the pleadings or in issues at the stage of trial would not be permitted to be raised for the first time at the stage of First Appeal under Section 96 of the Code of Civil Procedure (CPC). (Para 19) In normal cases an appellate Court will not allow the plea of adverse possession to be raised before it. There is no doubt some cases in which the plea will be allowed because in some form the allegation upon which it can be raised was made at the time and the facts necessary to prove the plea were brought before the court and proved. (Para 20) Unless the plea of adverse possession has been specifically raised in the pleadings, put in issue, and then cogent and convincing evidence led on a multitude of points, and an opportunity to refute the case made out by the plaintiff, availed of by the defendant, the plea of adverse possession cannot be

allowed to be flung as a surprise, on an unsuspecting defendant, for the first time in appeal. (Para 30)

Pleadings - principle of secundum allegata et probata - A party can only succeed according to what he has alleged and proved, otherwise, on the principle of secundum allegata et probata, a party is not allowed to succeed, where he has not set up the case which he wants to substantiate. (Para 24)

Basheera Khanum vs City Municipal Council 2025 INSC 955 - Registered Document

Registration - Generally and subject to exceptions as may be provided by statute, a valid registered document conveying immovable property cannot be annulled by any procedure other than a civil suit. In any event, cancellation of such a valid document of title by simply drawing a resolution in a board meeting is illegal on the face of the record. (Para 28)

Arshnoor Kaur vs Union of India 2025 INSC 954 -S.12 Army Act - Male Reservation

Army Act 1950 - Section 12 - Once the Service Headquarters decides to induct women officers in a particular branch or corp by way of a Notification under Section 12 of the Army Act, 1950, it cannot restrict their numbers and/or make a reservation for male officers by way of a policy or administrative instruction under the guise of 'extent of induction'. (Para 50)

[Context: SC held that the impugned notification to the extent that it provides for only three (03) vacancies for female candidates as against six (06) vacancies for male candidates is against the concept of equality as enshrined in the Constitution as it makes a reservation for male officers under the guise of 'extent of induction' - Union of India to henceforth conduct recruitment in the aforesaid manner as well as publish a common merit list for all JAG candidates (i.e. for all male and female candidates) and make the merit list public as well as the marks obtained by all candidates participating in the selection process]

Constitution of India - Article 33 - Since Article 33 is an exception to Fundamental Rights, this Court is of the view that any Act passed by Parliament under the said power would have to be strictly construed/interpreted. (Para 42)

Constitution of India - Article 32,226 - It is not open to the Union of India to contend that a person is not entitled to enforce his/her Fundamental Rights, in particular his/her Right to Equality, because he/she has waived it. It is always open to an aggrieved person to challenge any policy or notification or statutory provision by filing a writ petition under Article 226 or under Article 32 on the grounds that it violates his/her Fundamental Rights. (Para 69)

Constitution of India - Part III ; Army Act 1950 - Restrictions on the Fundamental Rights must be found in the Army Act, 1950 itself. Consequently, the extent to which restrictions can be imposed on Articles 14, 15 and 16 has to be clearly 'spelt out' in Section 12 of the Army Act and the Union of India is authorised to impose restrictions on these Fundamental Rights only to the extent of Section 12 of the Army Act, 1950 and no more. (Para 42)

Words and Expressions - 'Gender-neutral' in ordinary parlance means that no discrimination shall be made between candidates on the basis of gender or sex of an individual. The expression 'gender-neutral' is normally misunderstood and often thought to be synonymous with the expression 'gender-equality'. 89. A simple analogy to address the difference would be that when an employer hires the same number of men and women, it would be deemed to be following the policy of 'gender-equality'; on the other hand, if the employer hires the best candidate for the job regardless of

gender/sex, it would be deemed to be following the policy of ‘gender-neutrality’- The concept of gender-neutrality does not just prohibit sex based classification but it ensures that the most meritorious candidate is selected for the job. Also, the principle of ‘gender-neutrality’ in service does not preclude or limit deployment in any operational area or role. (Para 88-90)

Quote - This Court agrees with the view held by many that ‘no nation can be secure, when half of its population (i.e. its women force) is held back’. (Para 116)

**Manohar Keshavrao Khandate vs State of Maharashtra 2025
INSC 953 - Murder Conviction - Child Witness Testimony**

Indian Evidence Act 1872 - Section 106 - While upholding conviction of murder accused, SC observed: The child witness had no reason whatsoever to give false evidence implicating her own father for the murder of her mother. The bald plea of denial advanced by the accused-appellant in his statement under Section 313 CrPC, is clearly an after-thought and insufficient to discharge the burden cast upon him by Section 106 of the Evidence Act. (Para 10) In terms of Section 106 of the Evidence Act, the burden rested upon the accused- to offer a credible explanation as to under what circumstances the deceased , sustained the fatal injuries, particularly when the incident took place within the four walls of the house where the accused- resided with the deceased (Para 14)

**State of Madhya Pradesh vs Ramveer Singh 2025 INSC 952 -
CrPC - Appeal Against Acquittal - Scope**

Code of Criminal Procedure 1973 - Section 378,386 - An appeal against acquittal unless the finding of acquittal is perverse on the face of the record and the only possible view based on the evidence is consistent with the guilt of the accused only in such an event, should the 14 appellate Court interfere with a judgment of acquittal. Where two views are possible i.e.,

one consistent with the acquittal and the other holding the accused guilty, the appellate Court should refuse to interfere with the judgment of acquittal. (Para 21)

National Insurance Company Limited vs Sunita Devi 2025 INSC 951 - Motor Accident Compensation - Pay & Recover

Motor Accident Compensation - Even though the cancellation of insurance policy issued in favour of the third party for covering third party risk, because of bouncing of cheque for premium or non-payment of premium, would in law, absolve the insurer from liability to pay the compensation, once the insurer has intimated the cancellation to the parties concerned, in the final directions issued, the Supreme Court thought it fit to direct the insurance company to make payment of compensation to the claimants and thereafter to permit it to recover the same. (Para 5.5)

Kulwinder Kaur vs Parshant Sharma 2025 INSC 950 - Motor Accident Compensation - Future Prospects In Foreign Country

Motor Accident Compensation - Future Prospects - Assessing the 'future prospects' of a person selfemployed in a foreign country like United States, compared to a person in this country, would become difficult for the simple reason that the socio-economic-political conditions in any foreign country would be different. Even as this Court is not oblivious to the said aspect, in order to determine the just compensation to a person who died in an accident occurred in India, the dictum of law in National Insurance

Company v. Pranay Sethi shall have to be followed and applied specially when no material evidence is offered to determine the future prospects in the foreign country. Accordingly, the Court is inclined to extend the benefit of future prospects' component for the compensation payable as per the principles in Pranay Sethi (supra). (Para 5.4)

Thangavel vs Managing Director, Tamil Nadu State Transport Corporation Limited 2025 INSC 949 - Schedule II - MV Act

Motor Vehicles Act, 1988 - Schedule II - Schedule II is applied in cases where the claim is made under Section 163A of the Act, which proceeds on a 'no fault liability'. (Para 5)

Brij Bihari Gupta vs. Manmet 2025 INSC 948 - Motor Accident Compensation -Registered Owner Liability

Motor Accident Compensation - The liability to pay falls squarely on the registered owner, even if there has been successive transfers which has to be indemnified by the insurer. (Para 10)

Motor Vehicles Act - Section 147 - Section 147 enables indemnification by the insurer, any liability with respect to the death or bodily injury to third parties and any person including owner of the goods or his authorized representative carried in the motor vehicle. (Para 8)

Shyam Kali Dubey vs State of Madhya Pradesh 2025 INSC 947 - Related Witnesses

Law of Evidence - Related Witness - While setting aside concurrent conviction, SC observed: The trial court and the High Court had relied upon a number of decisions which declared that merely because the witnesses were related, that would not make them interested witness. We fully agree

with the proposition for general application. However, in the present case, a defence is setup of an enmity between the victim and his family which has been spoken of by the father of the victim. Admittedly, there were unexplained injuries on the parents of the victim which were also caused by a cutting weapon. Coupled with this is the fact that the body of the deceased, was found in the courtyard of his own house; when the scene of occurrence, as per the prosecution, was elsewhere. There is also no clarity as to the time when the death was occasioned, so as to garner support from the medical evidence.

Assistant Commissioner of Income Tax (International Taxation) vs Shelf Drilling Ron Tappmeyer Ltd. 2025 INSC 946, - Ss. 144C, 153(3) Income Tax Act

Income Tax Act 1961 - Section 144C, 153(3) - Maximum permissible time periods prescribed as per the Income Tax Act in terms of proceedings under Section 144C read with Section 153(3) of the Income Tax Act – whether the period of eleven months as envisaged under Section 144C of the Act should be over and above the limitation period prescribed, particularly, under Section 153(1) or Page 3 of 112 (3), as the case may be - Whether the time consumed for concluding the proceeding under Section 144C has to be subsumed within the limitation prescribed under Section 153(1) or (3) or as the case may be? Referred to larger bench in view of divergent opinions - Justice BV Nagarathna opined: The period under Section 144C of the Act is to be subsumed within the time prescribed under Section 153(1) of the Act; Justice Satish Chandra Sharma opined: In addition to the timeframe stipulated under Section 153(3) of the Act, i.e., twelve months for making an assessment order, the timeframe that is taken for completing the proceeding under Section 144C would also have to be excluded from the aforesaid twelve months which would automatically extend the limitation period beyond the twelve months as contemplated under Section 153(3) of the Act - Referred to CJI for constituting an appropriate bench in view of divergent opinions.

Shikhar Chemicals vs State Of Uttar Pradesh 2025 INSC 945 - Directions Against HC Judge Recalled

Judiciary - Chief Justice of a High Court is the master of the roster- When matters raise institutional concerns affecting the rule of law, this Court may be compelled to step in and take corrective steps. (Para 9) The High Courts are not separate islands that can be disassociated from this Institution (Para 5) The endeavour of the High Courts should always be to uphold the rule of law and maintain institutional credibility. If the Rule of Law is not maintained or protected within the court itself, then that would be the end of the entire justice delivery system in the country. (Para 11) [Context: Supreme Court recalls the following directions it had issued in an order viz. (1) The Chief Justice of High Court shall immediately withdraw the present criminal determination from the concerned Judge and (2) The Chief Justice shall make the concerned judge sit in a Division Bench with a seasoned senior judge of the High Court and observed: *Our intention was not to cause embarrassment or cast aspersions on the concerned Judge. We would not even think of doing so. However, when matters cross the threshold and the dignity of the institution is imperiled, it becomes the constitutional responsibility of this Court to intervene, even when acting under its appellate jurisdiction under Article 136 of the Constitution -Since a request has been made in writing by Hon'ble the Chief Justice of India, and in due deference to the same, we hereby delete paras 25 and 26 respectively from our order dated 4th August, 2025. The order be corrected accordingly.*

Aasif @ Pasha vs. State of U.P. 2025 INSC 944 - S.389 CrPC - Suspension Of Sentence

Code of Criminal Procedure 1973 - Section 389 - When a convicted person is sentenced to a fixed period of sentence and when he files an

appeal under any statutory right, suspension of sentence should be considered by the Appellate Court liberally unless there are exceptional circumstances.- Of course, if there is any statutory restriction against suspension of sentence, it is a different matter - Similarly, when the sentence is life imprisonment, the consideration for suspension of sentence could be of a different approach- But if for any reason the sentence of a limited duration cannot be suspended, every endeavour should be made to dispose of the appeal on merits, more so when a motion for expeditious hearing of the appeal is made in such cases - otherwise the very valuable right of the appellant would be an exercise in futility by afflux of time -When the Appellate Court finds that due to practical reasons, such appeals cannot be disposed of expeditiously, the Appellate Court must show special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. At the same time, the appellate courts can impose similar conditions when appeal is granted. (Para 12-18)

Practice and Procedure - It is very important to first look into the subject-matter. Thereafter the court should look into the issue involved. In the last the court should look into the plea of the litigant and then proceed to apply the correct principles of law. (Para 23)

XXX vs Union of India 2025 INSC 943 - CJI - In-house Procedure - Judges (Protection) Act

Constitution of India - Article 124,141: Judges (Protection) Act - Section 3 - In-house Procedure- The PROCEDURE has its roots in the law declared by this Court under Article 141 of the Constitution admits of no doubt. Accordingly, we hold that 'law for the time being in force' in sub-section (2) of Section 3 of the Protection Act would include law laid down by this Court and that the term 'otherwise' read in conjunction with 'such action', appearing in the said sub-section, is wide enough to encompass measures that the PROCEDURE contemplates.(Para 114) the in-house inquiry or its report forming part of the PROCEDURE in itself does not lead to removal of a Judge, unlike the constitutionally ordained procedure. Thus, the in-house inquiry is not a removal mechanism in the

first place, much less an extra-constitutional mechanism. (Para 117) it is fallacious to argue that the PROCEDURE is a parallel and extra-constitutional mechanism for removal of a Judge - Report or no report, recommendation or no recommendation, whatever is the case, the Parliament's power to initiate proceedings for removal of a Judge for alleged misbehaviour or incapacity remains unfettered. (Para 116) We see no reason to hold paragraph 7(ii) of the PROCEDURE as infringing either any provision of the Constitution or the concept of separation of powers. (Para 125)

Constitution of India - Article 124,141, 217,218 ; In-house Procedure-(Para 114) The PROCEDURE acts as a check on Judges' unbridled freedom of action and thereby seeks to prevent outcomes that could be harmful or unjust - not all misbehaviour of Judges necessarily rise to the level of "proved misbehaviour" attracting Articles 217 and 218 read with clauses (4) and (5) of Article 124. The Constitution's silence on cases that do not rise to the level of proven misbehaviour creates a significant structural vulnerability, which has since been addressed by the PROCEDURE (Para 85) CJI is not a mere post office between the COMMITTEE and the President/the Prime Minister that the REPORT is to be forwarded without any remarks/recommendation. The CJI is clearly an important person, if not the most, in the larger scheme of maintaining institutional interest and credibility to ascertain whether a Judge has indulged in misconduct. As per the PROCEDURE, after receiving a complaint against a Judge or a report from the Chief Justice of the High Court of which he is a Judge, the CJI has to apply his mind to the nature of complaint/report together with supporting materials, if any. If the CJI believes that the matter requires a deeper probe, he is required to constitute a Committee for an in-house inquiry. The report of inquiry may, or may not, find the allegations against the Judge to be serious, so as to call for any measure. However, if it does, the CJI is under an obligation to forward the report to the President and the Prime Minister. We see no justification to hold that in so forwarding, the CJI may not give his own views. (Para 64)

Judges (Protection) Act - Section 3 - Inclusion of the Central Government or the State Government or such other authority in

sub-section (2) of Section 3 is for the simple reason that ‘Judge’, as defined in the Protection Act, is not limited to the Judges of the Supreme Court and/or the High Court but also includes judges conducting judicial and quasi-judicial proceedings in the Tribunals and quasi-judicial bodies, thereby ensuring that the protection granted under the Protection Act encompasses all such individuals having authority to exercise judicial power under the law.(Para 81) Section 3(1) is subject to Section 3(2) and does not expressly prohibit a departmental proceeding or otherwise but bars entertainment and continuance of civil or criminal proceedings against a Judge as defined in Section 2 for any act, thing or word committed, done or spoken by him when, or in the course of, acting or purporting to act in the discharge of his official or judicial duty or function- the PROCEDURE contemplating a fact-finding inquiry can and does very well fit in the mould of the word “otherwise” (Para 77). (Para 113) The Protection Act does not offend the constitutional scheme present; and, being in addition to the extant provisions, does not affect the Supreme Court’s authority to take such action, as deemed fit, against a Judge of a High Court who is alleged to have indulged in misconduct in terms of the PROCEDURE. (Para 82)

Chief Justice of India - While the CJI is no doubt primus inter pares – first among equals – and also does not exercise powers of superintendence over the High Courts and the Judges of the High Court, nonetheless, the CJI bears a significant moral responsibility as the foremost judicial officer to ensure that the judiciary of the 30 country functions in a transparent, efficient and constitutionally appropriate manner. (Para 61)

Constitution of India - Article 124 - The law that is referred to in clause (5) of Article 124 is the Inquiry Act. (Para 30)

Judiciary - The judiciary in India is characterised by judicial independence; however, judicial independence signifies flexibility of judicial thought and the freedom to adjudicate without external and internal pressure, and not unfettered liberty to act as one might wish. Just as judicial independence is fundamental, so too is judicial accountability; compromising one compromises the other. (Para 84)

Law of Precedents - Anything and everything said in a decision, while answering the questions which might arise, do not form a precedent- A decision is an authority for what it decides. What is of the essence in a decision is its ratio and not every observation found therein, nor what logically follows from every observation made in the decision. (Para 95)

Constitution of India - Constitution is not a static document. Constitutional Courts are obligated to interpret the Constitution in the light of evolving standards and institutional needs. (Para 95)

State of Bihar Now Jharkhand vs Nilu Ganju 2025 INSC 942- Witnesses' Reaction

Law of Evidence - Witnesses - It can be said that on seeing some gruesome incident the witnesses may react in different ways. Some witnesses may become speechless, some may cry, some may leave the spot immediately due to fear and apprehension. (Para 20) [Context: Supreme Court restored conviction in a murder case while setting aside HC judgment which disbelieved the witnesses]

Mathews J. Nedumpara vs Supreme Court of India 2025 INSC 941 - WP Seeking FIR Dismissed - Burnt Currency Notes

Note: Supreme Court dismissed writ petition seeking registration of a First Information Report and cause an effective and meaningful investigation into the incident of fire and recovery of burnt currency notes from the residence of a Judge of the Delhi High Court.

Ritu Maheshwari vs Ramesh Chandra Nagar 2025 INSC 940 - Contempt Of Court

Contempt of Court - While setting aside the contempt proceedings, SC observed: The directions issued in order had been complied with. If the respondents were aggrieved by the reasoning given by the appellant, then, at the most, it could have given rise to fresh cause of action for challenging the said orders. (Para 30)

Lokesh B vs Suryanarayana Raju Jaggiraju 2025 INSC 939 - Motor Accident Compensation - Self Employed Claimant - Future Prospects

Motor Accident Compensation- Even if claimant is self-employed, he/she is entitled to future prospects. (Para 7)

Kavita Devi vs Sunil Kumar 2025 INSC 938 - Motor Accident Compensation - Allowances

Motor Accident Compensation - In case of the allowances which are included in the component of salary of the deceased, Tribunal has to take into consideration these allowances as they were used for supporting the

family. The claimants have to show that these allowances were regularly received and used for the family's benefit. Further, while determining whether the allowances form a part of the salary or not, the Tribunal by looking into the facts of each case and by considering the extent of dependency of the claimants on the salary of the deceased including the allowances, have to determine whether these allowances should be excluded from determination of the income of the deceased. If the answer of the Tribunal is in affirmative, then the allowances may be excluded for determination of loss of dependency. If the Tribunal answers the above point in negative, then the Tribunal has to include the allowances for computation of income of the deceased, thus determining the loss of dependency. (Para 17)

BSES Rajdhani Power Ltd vs Union of India 2025 INSC 937 -Electricity Act

Electricity Act 2003 - I. Electricity is a public good. Its generation, transmission, and distribution are statutorily regulated to ensure access to supply, on a non-rival and non-exclusive basis. II. Being a material resource within Article 39 of the Constitution of India, Part-IV of the Constitution must inform the generation, transmission, and distribution of electricity. III. The statutory regulators, i.e. the Central and State Regulatory Commissions alongwith Union and State Governments and other stakeholders are equally bound by the mandate under Part-IV of the Constitution for its equitable distribution. This duty is predicated on the independent, efficient, objective functioning of the electricity commissions. They must guard themselves against 'regulatory failure' and in particular 'regulatory capture'. The interpretation of the powers and function of the Regulatory Commissions have to be such that there is no regulatory vacuum, in that there is no unallocated residue of power of regulation. IV. Tariff determination is a regulatory function and it is the exclusive province of the Regulatory Commissions. Tariff determination involves multiple variables requiring the regulators to act with expertise and also with certain amount of flexibility. Creation of regulatory asset is a 'measure' that the

Commission adopts for good governance of tariff. It is also a recognition of revenue recoverable by distribution companies, and as such, it is an enforceable right, though only through tariff determination for later years. This ‘measure’ gives rise to correlative obligations of the Regulatory Commissions to manage it efficiently and allow easy liquidation. V. Disproportionate increase and long pending regulatory asset depict a ‘regulatory failure’. It has serious consequences on all stakeholders and the ultimate burden is only on the consumer. VI. Laws encompassing the creation, continuation, and liquidation of a ‘regulatory asset’ are located in the Act, National Tariff Plan and Policy, Rules, and Regulations made under the Act, as interpreted by the APTEL. The combined effect of this legal regime is the statutory obligation on the regulator(s). VII. Ineffective and inefficient functioning of the Regulatory Commissions, coupled with acting under dictation can lead to regulatory failure. The commissions are accountable for their decisions, and they are subject to judicial review. VIII. Apart from examining the legality and propriety of the orders of the Commissions in appeal, the APTEL has extraordinary powers under Section 121 to issue orders, instructions or directions for effective enforcement of the regulatory regime. This is one of the most important powers allocated to APTEL by the Parliament. IX. We have affirmed the limits of creation, continuation and liquidation of the regulatory asset, recognised the obligations of the Regulatory Commissions, and directed that they will be accountable and subject to such orders, instructions or directions as the APTEL may issue in this regard under Section 121. X. The regulatory regime under the Act is a complete code enunciating rights, prescribing obligations, and laying down the mechanism for course correction. The effectiveness of these laws will be reflected in the will to enforce them.

Directions issued: (i) As a first principle, tariff shall be cost-reflective; (ii) The revenue gap between the approved ARR and the estimated annual revenue from approved tariff may be in exceptional circumstances; (iii) The regulatory asset should not exceed a reasonable percentage, which percentage can be arrived on the basis of Rule 23 of the Electricity Rules that prescribes 3% of the ARR as the guiding principle; (iv) If a regulatory asset is created, it must be liquidated within a period of 3 years, taking Rule 23 as the guiding principle; (v) The existing regulatory asset must be

liquidated in a maximum of 4 years starting from 01.04.2024, taking Rule 23 as the guiding principle; (vi) Regulatory Commissions must provide the trajectory and roadmap for liquidation of the existing regulatory asset, which will include a provision for dealing with carrying costs. Regulatory Commissions must also undertake strict and intensive audit of the circumstances in which the distribution companies have continued without recovery of the regulatory asset; (vii) Regulatory Commissions shall in general follow the principles governing creation, continuation and liquidation of the regulatory asset, as laid down in paragraph 70, and also abide by the directions of the APTEL summarised in paragraph 69.8; (viii) The APTEL shall invoke its powers under Section 121 and issue such orders, instructions or directions as it may deem fit to the Regulatory Commissions for performance of their duties with respect to regulatory asset as enunciated by us in this judgment and as per the orders of the APTEL in O.P. No. 1/2011 dated 11.11.2011 and O.P. Nos. 1 and 2/2012 dated 14.11.2013.

Shail Kumari vs State of Chhattisgarh - 2025 INSC 936 - Witness Testimony - Circumstantial Evidence

Indian Evidence Act 1872 - Witnesses classified into three types: (i) wholly reliable, (ii) wholly unreliable, and (iii) neither wholly reliable nor wholly unreliable. It has been held that in the first category of cases, there is no difficulty inasmuch as if the testimony of such witness is found to be fully reliable, it may convict or may acquit on the basis of his statement. Even in the second category cases, there is no difficulty that if evidence of such a witness is found to be wholly unreliable, the testimony must be discarded. The difficulty arises only in the case of third type of witnesses, where the Court is required to separate the chaff from grain to arrive at a conclusion. (Para 12) **Circumstantial Evidence** -The law on conviction in the case of circumstantial evidence -Referred to Sharad Birdhichand Sarda v. State of Maharashtra. (Para 6)

Jamnalal vs State of Rajasthan -2025 INSC 935 - S.389 CrPC - Suspension Of Sentence

Code of Criminal Procedure 1973 - Section 389 - High Court hearing an application for suspension of sentence has to examine whether prima facie there was anything palpable on the record to indicate if the accused had a fair chance of overturning the conviction. (Para 10)

Code of Criminal Procedure 1973 - Distinction between setting aside of the bail by a higher Court and cancellation of the bail -While cancellation of bail is due to some supervening circumstances like breach of bail condition, setting aside of the bail is concerned not with the breach of condition but with the justifiability and soundness of the order granting bail. (Para 13)

Bhanei Prasad @ Raju vs State of Himachal Pradesh 2025 INSC 934 - POCSO Act - Restitution

Protection of Children from Sexual Offences Act, 2012 - Section 6 -The testimony of a child victim, if found credible and trustworthy, requires no corroboration. (Para 6)

POCSO Act - While upholding conviction of a man accused of sexually assaulting his minor 10 year old daughter, SC observed: Incestuous sexual violence committed by a parent is a distinct category of offence that tears through the foundational fabric of familial trust and must invite the severest condemnation in both language and sentence - When a child is forced to suffer at the hands of her own father, the law must speak in a voice that is resolute and uncompromising. There can be no mitigation in sentencing for crimes that subvert the very notion of family as a space of security. (Para 13) In offences involving sexual abuse, especially against children, the trauma suffered by the victim is lifelong. The scars are not merely physical but psychological, cutting across every fibre of trust, safety, and dignity. When the perpetrator is none other than the father, the natural guardian, the crime assumes a demonic character. (Para 8)

POCSO Act - Justice must not be limited to conviction, it must, where the law so permits, include restitution [Context: SC directed that a sum of Rs.10,50,000 be paid to the victim as compensation as per the Scheme by the State of Himachal Pradesh in the peculiar facts of the case]

Managing Director Bihar State Food and Civil Supply Corporation Limited vs Sanjay Kumar 2025 INSC 933 - S.11 Arbitration Act - Fraud & Arbitrability

Arbitration and Conciliation Act 1996 - Section 8,11 -Courts exercising jurisdictions under Section 11(6) and Section 8 must follow the mandate of sub-section (6A), and their scrutiny must be “confine(d) to the examination of the existence of the arbitration agreement” - When there is an arbitration agreement. The matter must end here. (Para 27)

Arbitration and Conciliation Act - Fraud and Arbitrability - Disputes involving serious fraud may not be submitted to arbitration - “Serious allegations of fraud” is to be understood in the context of facts - The first test is satisfied only when it can be said that the arbitration clause or agreement itself cannot be said to exist in a clear case in which the court finds that the party against whom breach is alleged cannot be said to have entered into the agreement relating to arbitration at all. The second test can be said to have been met in cases in which allegations are made against the State or its instrumentalities of arbitrary, fraudulent, or mala fide conduct, thus necessitating the hearing of the case by a writ court in which questions are raised which are not predominantly questions arising from the contract itself or breach thereof, but questions arising in the public law domain - Disputes involving allegations of serious fraud need more clarity so that there is certainty about the availability of the remedy. At least one instance of serious fraud will be where disputes involving allegations having criminal law implications transcend inter se disputes between the contracting parties and attain public implications, where the ramifications could directly or indirectly affect nonparties and impact, integrity in governance, accountability in public service, distribution of essential commodities,

safety and security of the nation for example Consideration of such disputes have public law implications and shall ‘not be submitted to arbitration’- Arbitral Tribunal will be within its jurisdiction to consider allegations of fraud even with respect to the specific terms or clauses in the contract as an arbitration agreement stands independent of the contract and continue to bind and govern the parties even if the contract is terminated or challenged - There is however an exception: The allegations of fraud with respect to the arbitration agreement itself stand on a different footing- In such cases, the arbitral tribunal will not examine the allegation of fraud but will consider the submission only for the purpose of examining exclusion of jurisdiction. The burden of proof is on the party who raises the plea. (Para 21)

Arbitration and Conciliation Act - Same set of facts may lead to civil and criminal proceedings. A civil dispute could involve questions of coercion (section 15 of Contract Act), undue influence (section 16 of Contract Act), fraud (section 17 of Contract Act), misrepresentation (section 18 of Contract Act) for example, and such disputes can be adjudicated as civil proceedings for determination of civil or contractual liabilities between the parties. The same set of facts could have their co-relatives in criminal law. The mere fact that criminal proceedings can or have been instituted in respect of the same incident(s) would not per se lead to the conclusion that the dispute which is otherwise arbitrable ceases to be so.(Para 21)

Operation ASHA vs Shelly Batra 2025 INSC 932 - S.92 CPC - Societies & Constructive Trusts

Code of Civil Procedure 1908 - Section 92- i. A suit under Section 92 of the CPC is a representative suit of a special nature since the action is instituted on behalf of the public beneficiaries and in public interest. Obtaining a ‘grant of leave’ from the court before the suit can be proceeded with, acts as a procedural and legislative safeguard in order to prevent public trusts from being subjected to undue harassment through frivolous suits being filed against them and also to obviate a situation that would cause a further wastage of resources which can otherwise be put towards

public charitable or religious aims. However, at the stage of grant of leave, the court neither adjudicates upon the merits of the dispute nor confers any substantive rights upon the parties- Conditions or essential pre-requisites that need to be fulfilled for a suit to be maintainable (a) the trust in question must be created for public purposes of a charitable or religious nature; (b) there must exist a breach of trust or a direction of the court must be necessary for the administration of the trust; and (c) the relief claimed must be one or other of the reliefs as enumerated under Section 92(1) of the CPC. In order to successfully establish that a suit is not maintainable under Section 92, it would be sufficient to prove that any one of the conditions enumerated above has not been met, however, in order to assert its maintainability, all the aforesaid conditions need to be satisfied-
iii. A trust can be said to have been created for a ‘public purpose’ when the beneficiaries are the general public who are incapable of exact ascertainment. Even if the beneficiaries are not necessarily the public at large, they must at least be a classified section of it and not a pre-ascertained group of specific individuals. - iv. A crucial condition that needs satisfaction is whether the institution/ organisation in relation to which certain reliefs are sought can in fact be considered to be a ‘trust’ or a ‘constructive trust’. v. When no formal recognition has been given to the institution, the creation of a public trust can be inferred from the relevant circumstances surrounding the coming into existence of and functioning of the institution/entity in question. Although it is not possible to provide an exhaustive list of the same, yet they may include – (a) the method of devolution of the property to the institution or its acquisition and the circumstances along with the intention behind the grant of property i.e. whether it was for the benefit of the organization/public beneficiaries or for the personal benefit of any particular individual/family; (b) whether the grant is accompanied with any fetter/obligation or qualified with a condition, either express or implied, regarding its use by the grantee; (c) whether the ‘dedication’ was complete i.e., whether there was an absolute cessation or complete relinquishment of ownership of the property on the part of the grantor and a subsequent vesting of the property in another individual (trustee) for the said object; (d) whether the public user or an unascertained class of individuals could exercise any ‘right’ over the

organization and its properties; (e) the manner of use of the profits accrued, more particularly, whether it is applied/re-applied towards the benefit of the organization and its objectives, etc. vi. If the aforementioned circumstances exist and the entity has been, much later in time, registered as a society under the Societies Registration Act, 1860, it would still be treated as a ‘public trust’ - The mere factum of registration of a society under the Societies Registration Act, 1860, after it attained the characteristics of a public trust, could not change the character of the properties which had already been constituted as trust properties. vii. However, if the institution has been registered, from its inception, as a society under the Societies Registration Act, 1860, it is true that whenever a society acquires property, it cannot be said that it declares itself a trustee in respect of said property. In other words, the effect of registration under the Societies Registration Act, 1860 would not be to automatically invest the properties of the society with the character of trust property.(Para 137)

Societies Registration Act, 1860 - Section 5- The property belonging to the society can either be vested in ‘trustees’ or in the governing body of the society. This vesting has been envisaged because a society registered under the aforesaid Act is not a juristic person or a body corporate capable of holding property by itself -The phrase, “if not vested in trustees” must be read to mean that a trust can be created, either expressly or impliedly, before or after the registration of a society, for the purpose of holding its properties. A public trust would be created prior to the registration of a society if the broad circumstances enumerated above are met. In such a case, all the properties of the society which had been imbued with the character of ‘trust property’ would be subject to Section 92. However, if it is argued that a trust has instead separately been created for holding the property of the society after its registration as a society, the same must be clearly and sufficiently proven. Here, the separate trust which has been created and the properties which has been vested in said trust would be subject to scrutiny under Section 92. In both these scenarios, an ‘express trust’ would be created and in a suit under Section 92 CPC, the first criteria i.e., the existence of an express or constructive trust, would be met- In the absence of such a separate vesting in trustees as aforesaid, the property

belonging to the society would be automatically vested, through a deeming fiction, in the governing body of the society. Such a governing body is duty bound to ensure that the property is put towards and utilised for the purposes/aims of the society as laid out in its Memorandum of Association or any Rules and Regulations governing the said matter. In the event of the society's dissolution, the members would not derive any right to distribute the assets belonging to the society between themselves. Both during the subsistence and dissolution of the society, the members or the governing body cannot be said to possess any beneficial or individual interest over the property vested in them. They would also safeguard the society's property for the future members of the society or the future governing body such that perpetuity is assigned to both the society and its property, unless expressly dissolved. All these factors evidence that the governing body must also act within the contours of a strict fiduciary relationship. xi. Legislative creativity was employed to ensure that the incapability of the society to hold the property by itself does not have any practical effect on its ability to use and administer those properties while also ensuring that the property of the society may not be squandered or the object and purpose for which the society was formed may not be defeated by persons having control of the properties. Therefore, Section 5 can be seen as providing two options, or mechanisms through which a society can hold the property belonging to itself – One, in trustee(s) or, two, in the governing body of the society. Both these mechanisms/options belong to the same genus (fiduciaries), albeit they don't fall in the same species (the former is a trustee *stricto sensu* and the latter is not). xii. Therefore, while the society cannot be considered as an 'express trust', what must also be noted, at this crucial juncture, is that, for an entity to be brought within the rigours of Section 92, the plaintiff has the option of also contending that a 'constructive trust' exists in the circumstances and a breach of such a constructive trust has occurred or that the directions of the Court are necessary for the administration of such a constructive trust. (Para 137)

Trust - Constructive Trust - A constructive trust, arises by operation of law, without regard to or irrespective of the intention of the parties to create a trust. It is imposed predominantly because the person(s) holding

the title to the property would profit by a wrong or would be unjustly enriched if they were permitted to keep the property. The American and English models of ‘constructive trust’ although similar in nomenclature, bears a doctrinal difference, the former is remedial while the latter is institutional. In other words, in implying the existence of a constructive trust, the English Courts recognise or give legal efficacy to a fiduciary/confidential relationship or ‘institution’ that already exists. It would arise, by operation of law, but when one person is under an existent obligation to hold a certain property for another. This constructive trust would come into existence from the date of the circumstances which give rise to it and the function of the court would only be to declare that such a trust has arisen in the past. xiv. What must, however, be noted is that, for this equitable doctrine to be applied, the fiduciary must receive property or money which he cannot conscientiously retain. It is only thereafter that a constructive trust would be raised in favour of the beneficiaries on whose account the money was originally received. To put it simply, the factum that the fiduciary ‘withheld’ the property from its rightful beneficiaries must be established. That such a fiduciary sought to misapply the property in contravention to the covenants that bound him, or sought to gain an advantage for himself, must be proved for a constructive trust to come into existence by the operation of law. That he further divested the said siphoned property/funds, would have to be proved in order to assert that the ‘constructive trust’ has additionally been breached. Even in the absence of such a further divestment, the directions of the court may still be necessary for the administration of the constructive trust. (Para 137)

Code of Civil Procedure 1908 - Section 92- The phrase “persons having an interest in the trust” must neither be construed too narrowly nor too widely. It must not be narrow for the reason that the word used is “interest” instead of “direct interest”. However, it must also be remembered that while no direct interest is required, the interest must denote a present and substantial interest and not a sentimental, remote, fictitious or purely illusory interest. xvii. While scrutinising whether the plaintiffs are persons interested in the trust and whether they are bringing the suit in a

representative capacity, it is not just their designation or position which must be looked into or given importance to. (Para 137)

Code of Civil Procedure 1908 - Section 92- The reliefs claimed by the plaintiffs, must fall within those reliefs outlined under Section 92(1). As regards the question when a relief can be considered to fall under the residual clause (h) providing for “further or other relief” under Section 92(1), this Court in Charan Singh (*supra*) elaborated that if the relief prayed for is not a “further relief” but an “other relief” which is not in any way consequential to or in addition of the certain other reliefs already mentioned under clauses (a) to (g) and prayed for, then the “other relief” must be akin to or of the same nature as any of the reliefs enumerated under clauses (a) to (g)- xix. Furthermore, the special nature of the suit under Section 92 requires it to be filed fundamentally on behalf of the public for the vindication of public rights. Therefore, courts must go beyond the reliefs and also give due regard to the object and purpose for which the suit is brought. The true nature of the suit must be determined on a comprehensive understanding of the facts of the matter and a hard-and-fast rule cannot be made for the same. The fact that certain private rights are being agitated must not be reason enough to ignore the other allegations made in the suit and dismiss it outrightly, provided the suit is instituted in a representative capacity - The issues involving the day-to-day management of the institution and grievances by members qua other members as regards the election of members or certain board decisions pertaining to the reshuffling of the elected/board members, must not be made in a suit of this nature, especially when such grievances can be redressed through other mechanisms or under a regular suit not falling within Section 92. Such issues must not be deviously magnified or amplified as if there is a breach of trust warranting intervention under this provision. (Para 137)

Societies Registration Act, 1860 - Section 5- A society registered under the aforesaid Act is not a juristic person or a body corporate capable of holding property by itself. (Para 77)

Sincere Securities Private Limited & Ors. v. Chandrakant Khemka 2025 INSC 931 - IBC - CoC - Commercial Wisdom

Insolvency and Bankruptcy Code 2016 - The commercial wisdom of the CoC must be given primacy during the CIRP. (Para 8)

Kallu Nat alias Mayank Kumar Nagar v. State of U.P. 2025 INSC 930 - S. 193 CrPC - Summoning Power Of Sessions Court

Code of Criminal Procedure 1973 - Section 173, 193, 319 - The Court of Session has power under Section 193 CrPC to summon a person as accused to stand trial, even if he has not been charge-sheeted by the police and whose complexity in the crime appears in the evidence available on record (Para)- Both under Sections 209 and 193 respectively of the Code 1973 commitment is of, the “case” and not of the “accused”- Even though the case is committed yet cognizance taken is of the offence and not the offender. Once the case in respect of the offence qua the accused, who are before the Court, is committed and cognizance is taken, the embargo under Section 193 regarding taking cognizance only by committal goes. Summoning additional persons will then be regarded as incidental to the cognizance already taken on committal and as, a part, of, the normal process that follows. A fresh committal of such person is not necessary - Once the Court takes cognizance of the offence (not of the offender), it becomes the Court's duty to find out the real offenders and if it comes to the conclusion that besides the persons put up for trial by the police some others are also involved in the commission of the crime, it is the Court's duty to summon them to stand trial along with those already named, since summoning them would only be part of the process of taking cognizance. (Para 103) What the law under section 193 seeks to visualize and provide for now is that the whole of the incident constituting the offence is to be taken cognizance of by the Court of Session on commitment and not that every individual offender must be so committed or that in case it is not so done then the Court of Session would be powerless to proceed against persons regarding whom it may be fully convinced at the very threshold of

the trial that they are *prima facie* guilty of the crime as well. (Para 82) [SC rejected the contention that the petitioner could have been summoned as an accused by Court of Sessions only during the course of trial under the provisions of Section 319 CrPC]

Code of Criminal Procedure 1973 - Section 190,193 - A Magistrate is empowered to take cognizance of an offence even if the same is triable exclusively by the Court of Session. (Para 56)

Code of Criminal Procedure 1973 - Section 190 - Cognizance is, at its heart, always an act of the court. It entails not merely the receipt of information or the mechanical act of acknowledgement of a particular offence by a judicial authority, but a conscious application of mind by it, to the information disclosed or received, as the case may be, and the subjective element of its satisfaction that i) an offence has indeed occurred and ii) the circumstances necessitate setting into motion criminal proceedings in respect of the said offence, or at the very least take steps for ascertaining if there is any basis for initiating such proceedings. Cognizance is attended by the assumption of jurisdiction for proceeding further. (Para 21) ‘Taking cognizance’ does not involve any formal action of any kind. It occurs as soon as a judicial authority applies its mind to the suspected commission of an offence (Para 23) Where a complaint is received disclosing facts which constitute an offence, cognizance is taken after the Magistrate has applied his mind to the complaint and has proceeded under Section 200 and the subsequent provisions of Chapter XV, whereupon such complaint is neither returned in terms of Section 201 nor dismissed under Section 203, and instead there is issuance of process by the Magistrate in terms of Section 204 and other provisions of Chapter XVI, at which stage it is understood that cognizance of such offence has been taken and proceedings under the Code stand initiated. On the other hand, where a police report is received, proceedings are said to be initiated i.e., cognizance is affirmatively said to be taken after the Magistrate has applied its mind to the contents of the police report, and thereafter he has either issued process to the accused under Section 204 of the Code, on the basis of such report, or where the accused is present before it, either on his own or on being produced by the police, the Magistrate has complied with the requirement

envisaged under Section 207 of the Code- While a Magistrate who proceeds under Chapter XV of the Code, may or not be said to have taken cognizance, however, whenever, a Magistrate has proceeded under the provisions of Chapter XVI which deals with “Commencement of Proceedings”, cognizance of offence, without an iota of doubt is understood to have been taken. (Para 45)

Code of Criminal Procedure 1973 - Section 190,193, 227

-Cognizance is always qua an offence and always correlates to initiation of proceedings, whereas, discharge is only qua an accused and concerned with if there is sufficient ground to proceed against such accused - The power to discharge an accused, is nothing more than a safeguard against any mechanical or capricious framing of charges; a pre-requisite for commencement of trials, and thus, correlates only to trials, and has nothing to do with the act of “taking cognizance” under the Code. (Para 65-66)

Code of Criminal Procedure 1973 - Section 202, 156(3) - The investigation envisaged in Section 202 is different from the investigation contemplated in Section 156(3), as it is only for assisting the Magistrate to decide whether or not there is sufficient ground for him to proceed further. (Para 37) The scope of inquiry under Section 202 is limited to the ascertainment of the truth or falsehood of the allegation made in the complaint – (i) on the materials placed by the complainant before the court; and (ii) for limited purpose of finding out whether a prima facie case for issue of process has been made out. There is no gainsaying that discretion vested in the Magistrate has to be judicially exercised. (Para 41)

Code of Criminal Procedure 1973 - Section 193,226-228- Court of Session to only decide whether on the basis of the material on record and the submissions of the accused and the prosecution, there is enough material to either commence a trial or discharge the accused. The framework of the provisions of Section(s) 226, 227 and 228 of the Code, to our minds, do not appear to envisage any power of the Court of Session, to decide whether cognizance of the offence should be taken or not, or the question whether the Magistrate should have taken cognizance or not. For offences which are exclusively triable by the Court of Session, the role that

the Court of Session is expected to play in terms of Section(s) 226 to 228, after the case has been committed to it, is not only altogether different from the one that a Magistrate is required to play but also one concerned only with the stage “post-cognizance of offence” in respect of the case committed to it. (Para 70)

Code of Criminal Procedure 1973 - Section 202 - It is imperative on the part of the Magistrate to examine the complainant and his witnesses in a complaint case triable exclusively by Court of Sessions. (Para 42)

Code of Criminal Procedure 1973 - Section 319- Section 319(4)(b) enacts a deeming provision in that behalf dispensing with the formal committal order by providing that the person added will be deemed to have been an accused even when cognizance was taken first. Cognizance is of the offence and not the offender and it is the duty of the court to find out who the offenders are. Proceedings could be instituted and cognizance taken also against persons not known at that time. This is clear if the provisions of Section 190 of the Code are read along with the definition of complaint in Section 2(d) which include allegations against unknown person also. Making the unknown persons known is therefore within the powers of the court. When such persons become known by the evidence during inquiry or trial it is not only the right but also the duty of court to bring them on record and proceed against them in an attempt to bring them to justice. There cannot, therefore, be any dispute regarding the powers of court to bring the person under Section 319(1). (Para 103)

Deepak Kumar Sahu vs State of Chhattisgarh 2025 INSC 929 - Rape Case - Sole Testimony Of Victim

Indian Penal Code 1860 - Section 376 - In cases of offences committed under Section 376, IPC, when the story of the victim girl as told in the evidence is found credit-worthy, the apparent insufficiency of medical evidence pitted against acceptable testimony of the victim, the latter would

prevail- The credible and reliable evidence of prosecutrix could not be jettisoned for want of corroboration including the corroboration by medical report or evidence. [Context: While upholding rape conviction, SC observed: Merely because the medical evidence was less corroborative and less supportive or absent in details or indicative of no external injuries. It in no way weakened the prosecution case. Sole testimony of the victim was a strong evidence to rely on along with available attendant evidence]

Odisha State Financial Corporation vs Vigyan Chemical Industries 2025 INSC 928 - Ss.47,80 CPC - Doctrine of Sub Silentio

Code of Civil Procedure 1908 - Section 47 - At the stage of execution proceedings, objections regarding the maintainability of the suit as well as the jurisdiction of the trial Court can be raised for consideration, and the executing court is well within its powers to deal with such objections in accordance with law, if such objections, from the face of the records, do not require adjudication by trial - The executing court can refuse to execute the decree if it is a nullity. In addition to the settled position that a decree obtained by fraud or against the wrong person is a nullity, there are other circumstances which can render a decree to be a nullity. (Para 19) A court executing a decree cannot go behind the decree passed between the parties or their representatives, unless the decree is a nullity. The court must execute the decree according to its tenor, and cannot entertain objections on the ground that the decree is erroneous in law or on facts. Until it is set aside by an appropriate proceeding in appeal or revision, a decree, even if erroneous, remains binding on the parties. A decree may, however, be challenged in execution proceedings, if it is a nullity – for instance, if it is passed without bringing on record the legal representative of a person who

was dead at the time the decree was passed, or where the cause of action was not maintainable, or if it was passed against a ruling prince without a certificate. An objection in that behalf may be raised in the execution proceedings. Similarly, when the decree is made by a court that has no inherent jurisdiction to pass it, an objection as to its validity may be raised in an execution proceeding if the objection appears on the face of the record.

Code of Civil Procedure 1908 - Section 80- The requirement of notice under Section 80 is mandatory and must be strictly complied with. Failure to do so renders the suit liable to be dismissed at the threshold. The absence of such notice is treated as a formal defect, and the Court is duty bound to reject the plaint under Order VII Rule 11(d) CPC, if it discloses non-compliance with Section 80 CPC. (Para 26) It is a duty of the trial court to deal with that aspect of satisfaction of the notice under Section 80. Such preconditions to be satisfied before initiation of a suit are recognized as mandatory in civil disputes where a statute prescribes the same. (Para 30)

Code of Civil Procedure 1908 - A decree passed without jurisdiction is null and void. A court is said to lack jurisdiction if it has no territorial jurisdiction, or if it has no pecuniary jurisdiction, or if its jurisdiction over the subject matter is circumscribed by any law. Such laws may be either substantive or procedural and may, by express provision or necessary implication, take away the jurisdiction of a court to deal with a matter, leaving no room for any judicial discretion. These provisions may either impose a total bar on the court from dealing with certain subject matters or impose any pre-conditions, non-compliance with which may prevent the court from entertaining the suit, even if it otherwise has jurisdiction over the subject matter. A plea questioning the jurisdiction of the court can be raised at any stage, including before the High Court or this Court, particularly when it involves a pure question of law. (Para 20) Once the issue of maintainability is raised, or if the facts as pleaded by themselves

create a cloud over the jurisdiction of the court or the maintainability of the proceedings, the same will have to be addressed, failing which the judgment will be unsustainable and a nullity. (Para 21)

Doctrine of Sub Silentio- A judgment is an authority only for what it decides. When a judgment fails to address other issues raised, it is said to be ‘sub silentio’, and cannot be held as a binding precedent on those undecided issues - It refers to a situation, where a rule or principle on a particular point of law is applied or passed upon by a court silently, without any consideration of the applicable law or without argument, and the judgment is rendered on another question of law or fact. According to the Black’s Law Dictionary, “the precedents that pass sub silentio are of little or no authority”. Literally, it means ‘in silence’ and is used to refer to something that is not expressly stated. (Para 13)

Precedents - When the judgment of a Court is silent on questions of law either raised earlier but not decided, or raised in the subsequent proceedings, constitutional courts are empowered to decide such questions of law independently and the earlier judgment cannot be cited as a binding precedent or conclusive. (Para 13)

Constitution of India - Article 12 - State Financial Corporation Is a “State” within the meaning of Article 12 of the Constitution - is an instrumentality of the State, created in pursuance of a requirement under the specific enactment of the parliament, State Financial Corporations Act, 1951, requiring every State to facilitate and encourage industrial development by creating institutions to fund the Micro, Small, and Medium Scale Enterprises. (Para 29-30)

Narayan Yadav vs State of Chhattisgarh 2025 INSC 927 - Evidence Act - IPC - Confessional FIR

Indian Evidence Act 1872 - An FIR of a confessional nature made by an accused person is inadmissible in evidence against him, except to the extent that it shows he made a statement soon after the offence, thereby identifying him as the maker of the report, which is admissible as evidence of his conduct under Section 8 of the Act of 1872. Additionally, any information furnished by him that leads to the discovery of a fact is admissible under Section 27 of the Act of 1872. However, a non-confessional FIR is admissible against the accused as an admission under Section 21 of the Act of 1872 and is relevant - A statement contained in the FIR furnished by one of the accused in the case cannot, in any manner, be used against another accused. Even as against the accused who made it, the statement cannot be used if it is inculpatory in nature nor can it be used for the purpose of corroboration or contradiction unless its maker offers himself as a witness in the trial. The very limited use of it is, as an admission under Section 21 of the Act of 1872, against its maker alone, and only if the admission does not amount to a confession. (Para 23-24)

Indian Evidence Act 1872 - An expert witness is examined by the prosecution because of his specialized knowledge on certain subjects, which the judge may not be fully equipped to assess. The evidence of such an expert is of an advisory character. The credibility of the expert witness depends on the reasons provided in support of his conclusions, as well as the data and material forming the basis of those conclusions. An accused cannot be held guilty of the offence of murder solely on the basis of medical evidence on record. (Para 28)

Indian Evidence Act 1872 - Section 27 - The conditions necessary for the applicability of Section 27 are: i. That consequent to the information given by the accused, it led to the discovery of some fact; ii. The fact discovered must be one which was not within the knowledge of the police

and the knowledge of the fact for the first time was derived from the information given by the accused; iii. The discovery of a fact which is the direct outcome of such information; iv. Only such portion of the information as connected with the said discovery is admissible; v. The discovery of the fact must relate to the commission of some offence. (Para 33)

Indian Evidence Act 1872 - Section 8 - While the conduct of an accused may be a relevant fact under Section 8 of the Act of 1872, it cannot, by itself, serve as the sole basis for conviction, especially in a grave charge such as murder. Like any other piece of evidence, the conduct of the accused is merely one of the circumstances the court may consider, in conjunction with other direct or circumstantial evidence on record. (Para 36)

Indian Penal Code 1860 - Section 299-304- whenever a court is confronted with the question whether the offence is “murder” or “culpable homicide not amounting to murder”, it will be convenient to approach the problem in three stages. The question to be considered at the first stage is, whether the accused committed an act which caused the death of another person. Proof of a causal connection between the act of the accused and the resulting death leads to the second stage, for considering whether that act of the accused amounts to “culpable homicide” as defined in Section 299 of the IPC. If the answer to this question is, *prima facie*, found in the affirmative, the next stage involves considering the application of Section 300 of the IPC. At this stage, the court must determine whether the facts proved by the prosecution bring the case within the ambit of any of the four clauses of the definition of “murder” contained in Section 300. If the answer to this is in the negative, the offence would be “culpable homicide not amounting to murder”, punishable under either the first or the second part of Section 304, depending respectively on whether the second or the third clause of Section 299 is applicable. However, if the answer is in the

positive, but the case falls within any of the exceptions enumerated in Section 300, the offence would still be “culpable homicide not amounting to murder”, punishable under the Part I of Section 304 of the IPC. (Para 43)

Indian Penal Code 1860 - Exception 4 to Section 300 - The protection of Exception 4 may be invoked if death is caused: (a) without premeditation; (b) in a sudden fight; (c) without the offender having taken undue advantage or acted in a cruel or unusual manner; and (d) the fight must have been with the deceased - The term “fight” occurring in Exception 4 to Section 300 of the IPC is not defined in the IPC. A fight necessarily involves two parties – it takes two to make a fight. The heat of passion requires that there must be no time for the passions to cool, and in such case, the parties may have worked themselves into a fury due to a prior verbal altercation. A fight is a combat between two and more persons, whether with or without weapons. It is not possible to enunciate any general rule as to what constitutes a “sudden quarrel”. This is a question of fact, and whether a quarrel is sudden or not must necessarily depend upon the proved facts of each case. For the application of Exception 4, it is not enough to show that there was a sudden quarrel and no premeditation. It must also be shown that the offender did not take undue advantage or act in a cruel or unusual manner. The expression “undue advantage” as used in the provision means “unfair advantage”. (Para 41-42) The first part of Exception 4 to Section 300 of the IPC refers to the absence of premeditation in a sudden fight arising from a sudden quarrel in a heat of passion. However, it does not end there. The exception further requires that the offender must not have taken undue advantage or acted in a cruel or unusual manner. (Para 49)

Indian Penal Code 1860 - Exception 1 and 4 to Section 300 - Both involve the absence of premeditation. However, while Exception 1 involves total deprivation of self-control, Exception 4 refers to that heat of passion which clouds a person’s sober reason and urges them to commit acts they would not otherwise commit. There is provocation in Exception 4, as there is in Exception 1, but the injury caused is not the direct consequence of that

provocation. In fact, Exception 4 addresses cases where, notwithstanding that a blow may have been struck or provocation given at the outset of the dispute, regardless of how the quarrel originated, yet the subsequent conduct of both parties' places them on an equal footing with respect to guilt. (Para 40)

Anurag Vijaykumar Goel vs State of Maharashtra 2025 INSC 926 -Permanent Alimony

Indian Penal Code 1860 - Section 498A - SC noted that crime was registered against the appellant inter-alia under Section 498- A are common-place, banal and vague, without any specific instances mentioned and filed one year after the admitted separation of the couple- but for marital squabbles blown out of proportion there is nothing substantial in the complainant leading to the registration of crime under Section 498A. (Para 13-14)

Permanent Alimony - While dissolving marriage, SC observed: The alimony received by the respondent(wife) on the dissolution of her first marriage is not a relevant consideration. But the appellant-husband's responsibility to look after an autistic child and his current financial status are relevant considerations.

Apeejay School vs Dhriti Duggal 2025 INSC 925 - Haryana School Education Act - Civil Court Jurisdiction - Recovery Of Fee

Haryana School Education Act, 1995 - Section 22- Section 22 of the Act also ousts the jurisdiction of the civil courts only in matters where the Government or its officers have been empowered to adjudicate upon. The recovery of fees by an institution from the students or parent, is not a power conferred on the Government or its authorities by the statute or the rules

prescribed -There is no ouster of jurisdiction of civil courts insofar as the recovery of fees, which are found to be reasonable. (Para 12)

Harish Kumar vs Amar Nath 2025 INSC 924 - Specific Performance - Burden & Onus Of Proof

Law of Evidence - Distinction between burden of proof and onus of proof- Onus of proof has greater force when the issue is which party is to begin forwarding evidence in support of a proposition. (Para 13)

Specific Relief Act 1963 - To succeed in a suit for specific performance, the plaintiff has to prove (a) the existence of a valid agreement of sale, (b) that the defendant committed breach of contract; and (c) that the plaintiff was always ready and willing to perform his part of the obligations in terms of the contract. (Para 15)

Delhi Pollution Control Committee vs Lodhi Property Co. Ltd. 2025 INSC 923 - Air Act & Water Act - Power To Impose Restitutionary & Compensatory Damages

Water (Prevention and Control of Pollution) Act, 1974 - Section 33A ; Air (Prevention and Control of Pollution) Act, 1981 - Section 31A - Pollution Control Boards can impose and collect as restitutionary and compensatory damages fixed sums of monies or require furnishing bank guarantees as an ex-ante measure towards potential environmental damage in exercise of powers under Sections 33A and 31A of the Water and Air Acts- The power to impose or collect restitutionary or

compensatory damages or the requirement to furnish bank guarantees as an ex-ante measure under Sections 33A and 31A of the Water and Air Acts shall be enforced only after 37 detailing the principle and procedure incorporating basic principles of natural justice in the subordinate legislation. (Para 39)

Polluter Pays principle - The responsibility for repairing the damage is that of the offending industry - Application of the Polluter Pays principle not only includes payment for restoring the damaged environment, taking remedial action to deal with the damage and compensating for the direct harm caused, but also for avoiding pollution. (Para 20-22) The invocation of this principle is triggered in the situations ; i) when an established threshold or prescribed requirement is exceeded or breached, and it does result in environmental damage, ii) when an established threshold or prescribed requirement is not exceeded or breached, nevertheless the act in question results in environmental damage and also iii) when a potential risk or a likely adverse impact to the environment is anticipated, irrespective of whether or not prescribed thresholds or requirements are exceeded or breached - (Para 27 (III))

Water (Prevention and Control of Pollution) Act, 1974 - Section 33A ; Air (Prevention and Control of Pollution) Act, 1981 - Section 31A - Unlike the Water Act there is no specific Appeal provision against directions issued under Section 31A of the Air Act. This asymmetry must be addressed legislatively. (Para 14) **Water (Prevention and Control of Pollution) Amendment Act, 2024, Jan Vishwas (Amendment of Provisions) Act, 2023** - Even after amendments, there is no conflict between the powers of the State Boards to direct payment of environmental damages under Sections 33A and 31A of the Water and Air Acts and the powers of the Adjudicating Officer to impose penalties under Chapter VII of the Water Act and Chapter VI of the Air Act. The decriminalization of offences under these Chapters has not removed the punitive nature of actions that can be taken under them. There remains a clear distinction between the nature of directions that the State Boards can issue under Sections 33A and 31A of the Water and Air Acts for payment of environmental damage and the determination by Adjudicating

Officers. The former is compensatory in nature and will be resorted to when remedial measures are being undertaken to restore the degraded environment or pollution caused. The latter is a penalty for an offence under the law and is imposed with the objective of punishing the offender. This penalty collected here will not be specifically directed towards the restoration of the degraded environment. (Para 31)

Constitution of India - Article 51A - Of all the duties imposed under Article 51A, the obligation to conserve and protect water and air, is perhaps the most significant, amidst our climate change crisis. (Para 17) Public participation in environmental protection has assumed great importance with climate change threatening to drastically disrupt our way of living. Boards, being the first line of defence against polluting activities, must provide easy accessibility and encourage public participation in their function and decision making. (Para 36)

Gujarat Urja Vikas Nigam Limited vs Green Infra Corporate Wind Private Limited 2025 INSC 922 - Electricity Act

Electricity Act 2003 -The price at which power is to be procured by a distribution licensee from a generating company is not a matter of consensus and private agreement between the parties as it is to be fixed statutorily by the Appropriate Commission. [Context: SC held that GUVNL cannot, therefore, fix its own price or bind a generating company to such price, contrary to the dictum of the GERC.] (Para 21)

GUVNL - While dismissing appeal filed by GUVNL, SC observed: GUVNL cannot be guided only by its own commercial interests, like a private business entity and its conduct, as a State-instrumentality, must be of the standard of a model citizen. However, patently unfair treatment was sought to be meted out by GUVNL to the respondent companies by binding them to a rate that was wholly inapplicable to them. Such conduct, akin to a Shylock, does not reflect positively upon GUVNL.(Para 24)

Tosh Kumar Sharma v. High Court of Judicature at Allahabad
2025 INSC 921 - Uttar Pradesh Higher Judicial Service Rules -
Art. 235 Constitution

Uttar Pradesh Higher Judicial Service Rules, 1975 - Rule 8(2) -
Rule 8(2) of the Rules does not apply to the situation confronting the High Court upon the rejection of one candidature by the Hon'ble Governor/State Government from out of the communicated list- it accounts for a situation wherein, for instance, a Merit List contains eleven candidates, but the recruitment process culminates in recommending ten candidates for notification. If the top ten candidates are approved by the Hon'ble Governor/State Government, the person placed at the eleventh position is out of the game. However, if, for any reason, one or more of the top ten candidates do not get approved for appointment, the eleventh-ranked candidate from the same selection process is entitled to be offered an appointment. This logically flows from reading and construing 'selected direct recruits available for appointment' as a whole. (Para 21)

Constitution of India - Article 235 - Article 235 of the Constitution bestows complete, exclusive and effective control over Judicial Officers, encompassing appointment, removal, reduction of rank, dismissal, transfer, promotion etc. on the concerned High Court- a Committee of Judges can be authorised by the Full Court/Chief Justice or the concerned High Court Rules to decide on matters, and such delegation to the Committee was permissible in law. (Para 15-16)

Service Law - Ordinarily, the number of appointments made cannot exceed the vacancies advertised/notified, as well as the understanding that a selection process may reasonably contemplate both actual and anticipated vacancies, but not future vacancies. (Para 26)

**Joseph vs Telangana State Road Transport Corporation 2025
INSC 920- Service Law - Disability Of Employee**

Rights of Persons with Disabilities Act, 2016- When a disability is acquired in the course of service, the legal framework must respond not with exclusion but with adjustment. The duty of a public employer is not merely to discharge functionaries, but to preserve human potential where it continues to exist. The law does not permit the severance of service by the stroke of a medical certificate without first exhausting the possibility of meaningful redeployment. Such obligation is not rooted in compassion, but in constitutional discipline and statutory expectation -Even in the absence of such contractual rights, employees who acquire disabilities during service must not be abandoned or prematurely retired without being afforded a fair and reasonable opportunity for reassignment. The obligation to reasonably accommodate such employees is not just a matter of administrative grace, but a constitutional and statutory imperative, rooted in the principles of nondiscrimination, dignity, and equal treatment. (Para 35)

Rights of Persons with Disabilities Act, 2016- Even if colour blindness does not fall within the statutory definition of “disability” under Section 2(i) or “persons with disability” under Section 2(t) of the Rights of Persons with Disabilities Act, 2016, the employer is still bound to provide reasonable accommodation and cannot terminate employment without exploring alternate roles - Referred to *Mohamed Ibrahim v. Chairman and Managing Director.* (Para 33)

Constitution of India - Article 14,21 - Service Law - An employee who acquires a disability during service must be protected through reassignment where possible. The duty to reasonably accommodate such employees is now part of our constitutional fabric, rooted in Articles 14 and 21. (Para 41)

Constitution of India - Article 226 -While judicial restraint guards against overreach, it must not become an excuse for disengagement from injustice. When an employee is removed from service for a condition he did

not choose, and where viable alternatives are ignored, the Court is not crossing a line by intervening, it is upholding one drawn by the Constitution itself. (Para 41)

Quotable Quotes - The employer's discretion ends where the employee's dignity begins.(Para 41) Inaction is not neutrality; in such cases, it is a form of institutional exclusion. (Para 26)

Industrial Disputes Act 1947 - Section 12(3) -Memorandum of Settlement is not a mere administrative circular—it is a binding statutory contract forged between labour and management (Para 18). Settlements entered under Section 12(3) are not administrative conveniences. They are quasi-statutory instruments reflecting negotiated justice, and they bind both employer and employee with the force of law. Where such settlements create specific entitlements, courts must give them purposive effect, unless expressly rescinded or demonstrably superseded. Their terms are not to be overridden by internal policy or circulars issued in contravention thereof. (Para 22)

Wakia Afrin (Minor) vs National Insurance Co. Ltd. 2025 INSC 919 - Insurer's Liability U/S.163A MV Act - Referred To Larger Bench

Motor Vehicles Act - Section 163A - Liability of the insurer in a claim under Section 163A qua the owner/insured - Whether a claim under Section 163A is restricted to third party risks? Referred to Larger Bench - Doubting earlier judgments by 2 Judges Benches, SC opined: When there is a valid policy issued in the name of the vehicle involved in the accident, a claim under Section 163A, as per the words employed in the provision, covers every claim and is not restricted to a third party claim; without any requirement of establishing the negligence, if death or permanent disability is caused by reason of the motor accident. This would also take in the liability with respect to the death of an owner or a driver who stepped into the shoes of the owner, if the claim is made under Section 163A dehors the statutory liability under Section 147 or the contractual liability as reduced

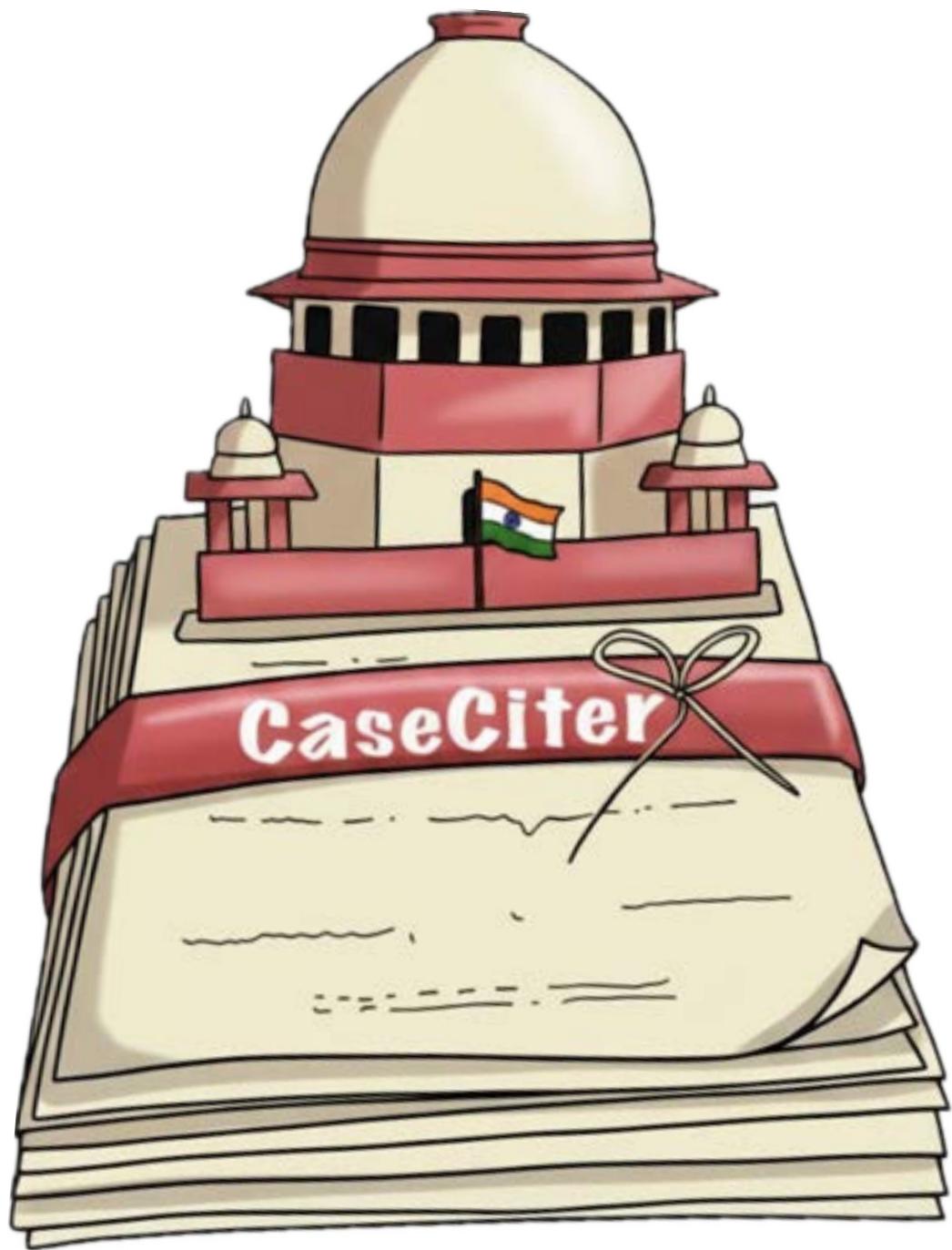
to writing in an insurance policy. It would override the provisions under Sections 147 & 149 along with the other provisions of the M.V. Act and the law regulating insurance as also the terms of the policy confining the claim with respect to an owner-driver to a fixed sum. (Para 16-17)

Motor Vehicles Act - Section 155 - Even if the insured dies after the happening of an event which gave rise to a claim, it shall not be a bar to the survival of any cause of action arising out of the said event, against the insurer. The event which gave rise to the claim is the accident and the death occurred after the event; albeit a direct result of the accident. A third party claim for compensation would definitely survive since, on the death of the insured it would lie against his estate, which the insurer has an obligation to indemnify. The insurer, hence, can defend any claim against the insured, which the insurer has the liability to indemnify in accordance with the policy issued. (Para 2)

Suresh vs State of Uttar Pradesh 2025 INSC 918 - S. 35 Evidence Act - Non Govt. School

Indian Evidence Act 1872 - Section 35 - When the school – is not a Government School and thus, the records maintained by the said School would not be ‘public documents’. Moreover, the Headmaster/Principal of such a School cannot be said to be a ‘public servant’ for the purposes of the Evidence Act. (Para 19)

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Netsity Systems Pvt. Ltd. v. State Govt. of NCT of Delhi 2025

INSC 1181 - CrPC - Bail - Precedent

Code of Criminal Procedure 1973 - Section 437,438 -Bail matters are primarily to be adjudicated on the facts and circumstances, before applying any principle of law - Grant or denial of bail is regulated by the accompanying facts and circumstances. (Para 20) -The observation to the effect that ‘The grounds for considering an anticipatory bail application under Section 438 of CrPC and a bail application under Section 437 of CrPC are different.’ is ex-facie not totally correct- Referred to Satender Kumar Antil v Central Bureau of Investigation, 2023 SCC OnLine SC 452. (Para 25) Once the bail applications were taken up for hearing and the accused had appeared before the Court, they were deemed to be in the custody of the Court concerned, unless a specific order was passed directing their release – either on regular basis or in the interim. (Para 30)

Precedent - No precedent operates in a vacuum and must be co-related to the extant facts. (Para 21)

Practice and Procedure - It is not for any Court, while referring a matter to a co-ordinate Bench, to consider the composition in which that Bench is sitting, at the relevant time. That is the sole prerogative of the learned Chief Justice of the Court concerned, in whom, alone, rests and vests the power of constituting Benches, whether by way of a special order or in regular course. Even otherwise, de hors, whether or not an order of transfer is passed by any Judge other than the concerned Chief Justice, the Registry of that Court shall not give effect to the same, till suitable/appropriate orders are passed by the Chief Justice. As and when any order of transfer is placed

before the learned Chief Justice, it is for him/her to determine the appropriate Bench, either by treating the matter as a special case or by assigning it in accordance with the prevailing roster, or even re-allocating the case to the same Bench which had referred it. (Para 35) The above observations do not take away a learned Judge's power to refer the matter to the earlier Judge, if so warranted – subject to orders of the learned Chief Justice. (Para 36)

Vaddi Ratnam vs State Of Andhra Pradesh 2025 INSC 1180 - Principle Of Parity - NDPS - Acquittal

Narcotic Drugs and Psychotropic Substances Act, 1985 - While allowing appeal against concurrent conviction and ordering acquittal, SC observed: We think it is just and necessary to apply the principle of parity because the complaint as against both the accused is one and same and a joint trial was conducted in respect of both the accused, common evidence was let in and on the basis of appreciation of the said evidence, the High Court has set aside the judgment of conviction and acquitted accused no.1. (Para 9)

Mohammed Masood v. The New India Assurance Co. Ltd. 2025 INSC 1179 - MV Act- Employees Compensation Act

Motor Vehicles Act, 1988 -Employees' Compensation Act, 1923

-Parameters under Workmen's Compensation Act, 1923 regarding fixing of income cannot be applied when the compensation was assessed and fixed by the Tribunal in a claim petition under Section 166 of the M.V. Act by applying principles under the said Act- Once the remedy under the Motor Vehicles Act, 1988 was elected to be pursued by the claimant and the Tribunal adjudicated the compensation by applying the criteria and fixing the income, falling back upon the parameters under the Workmen's Compensation Act, was not permissible. The insurer could not have raised such a defence seeking to apply the provisions of Workmen's Compensation Act. Both the remedies are different. (Para 5-6)

New India Assurance Co. Ltd. vs Narayan Singh 2025 INSC 1178 - Motor Accident Compensation

Motor Accident Compensation - While disposing appeal, SC observed: The main contention of the Insurance Company has been that the insurance policy when verified was for the period of 28.06.2006 to 27.06.2007 and on the date of the accident there was no insurance coverage, and the policy was not in operation. This contention was raised by the Insurance Company only in the review petition. Nothing was produced in the main claim proceedings because of which the Tribunal proceeded on the basis that the insurance policy was valid on the date of the accident. Though the allegation of fraud is levelled but it could not be proved by the insurer- when it was brought on record that upon a verification of the policy, its period did not cover the date when accident occurred, it would subserve the ends of justice if the Insurance Company is

allowed to recover 50% of the compensation from the owner and the driver in accordance with law. (Para 5-6)

Dhannalal Alias Dhanraj (D) . vs Nasir Khan 2025 INSC 1177 - LRs Right To Claim Compensation

Motor Accident Compensation - The right to claim compensation for the injuries caused in a motor vehicle accident survives on the legal representatives of the injured even if the injured dies in the course of the proceedings for reasons not relatable to or having any nexus with the injuries sustained. (Para 7)

Motor Accident Compensation - What is awarded to an injured in a claim petition is just compensation and as held by this Court it cannot lead to a windfall for the injured claimant or his legal heirs - The multiplier is applied on the assessment of the normal life span where an injured or deceased in a motor accident would have worked and earned to support himself and his family. (Para 11)

Rajamma vs Reliance General Insurance Co. Ltd. 2025 INSC 1176 - Motor Accident Compensation - FIR - Proof Of Accident

Motor Accident Compensation -If the FIR is registered on the basis of the accident or on the detection of the abandoned body, then it should have been registered in a Police Station having jurisdiction over either of the two locations. The proof of accident is looked at in a motor accidents claim. An FIR registered as against the driver of the offending vehicle can be relied on

to find the accident having been caused by the driver of the offending vehicle, that too by his rash and negligent driving as reported at the first instance. However, the preponderance of probabilities that arise from such an FIR registered would not have the same probity if there is a valid suspicion raised on the registration of the FIR and the falsity of the claim being clearly discernible from the evidence led itself. (Para 6)

General Manager, U.P. Cooperative Bank Ltd. v. Achchey Lal 2025 INSC 1175 -Industrial Disputes Act-Factories Act

Industrial Disputes Act, 1947 -Factories Act, 1948-To ascertain or rather the relevant factors to be taken into consideration to establish employer/employee relationship would include, inter alia i.e. (a) who appoints the workers; (b) who pays the salaries/remuneration; (3) who has the authority to dismiss; 11 (4) who can take disciplinary action; (5) whether there is continuity of service; and (6) extent of control and supervision i.e. whether there exists complete control and supervision? (Para 37) [Context: In this case, SC held: If there is a mere obligation to provide facilities to run a canteen, the canteen would not form part of the establishment. If the Bank is discharging the same as a mere obligation, it permits to run a canteen and at the same time, it is not having any control or right of supervision over the staff, the canteen will not form part of the establishment. Likewise, the nature and character of management, and the interest shown by the Management in having control and supervision over the running of the canteen also has to be taken into consideration. The material on record would indicate that the Bank had nothing to do with the

working of the canteen. The only contribution made by the Management was to provide infrastructure and subsidy to the Society. If there is total lack of evidence on this point and what the Bank discharged was only an obligation to provide a facility, under no stretch of imagination can it be said that the canteen staff is also part of the establishment, i.e., the Bank.]

Industrial Disputes Act, 1947 ; Factories Act, 1948 -Tests to determine employer employee relationship to be kept in mind while deciding matters arising from legislations like Industrial Disputes Act, 1947, Factories Act, 1948 Etc discussed: **Control Test** (i) The control test postulates that when the hirer has control over the work assigned and the manner in which it is to be done, an employer-employee relationship is established. The control test is derived from common law application in vicarious liability claims - **Organisation test** **The organisation test** looks at the degree of integration in the work committed in the hirer's primary business with the understanding that the higher the level of integration, the more likely the worker is to be an employee. A combination of control and integration tests allows the professional workers to be classified as employees, notwithstanding a lack of control over the manner of work. Furthermore, the existence and potential use of factors beyond the control and integration in future cases was also recognised. This opened the path for the multifactor test- **Multiple Factor test** (i) The multifactor test includes: a) Control b) Ownership of the tools c) Integration/Organisation d) Chance of profit e) Risk of loss f) the master's power of selecting his servant g) the payment of wages or other remuneration h) The master's right to control the method of doing the work, and i) The master's right of suspension or dismissal.

O dela Satyam vs State of Telangana 2025 INSC 1174 - Clubbing Of FIRs

Constitution of India - Article 142- Writ petition seeking clubbing of FIRs filed in various States and also seeks for clubbing of future FIRs to be filed against the firm, its partners and management officials - While disposing petition, SC observed: The prayers made in the Writ Petition for clubbing of FIRs from various States and also regarding the future FIRs are overambitious and outright illegal- The prayer regarding future FIRs is one which cannot be granted by any court of law.

State of Telangana v. Jerusalem Mathai 2025 INSC 1173 - Brevity

Code of Criminal Procedure 1973 - Section 482 - SC upheld HC order quashing criminal proceedings by observing thus: There is nothing to connect A4 to the crime, but for a casual allegation raised on a call having been received by the complainant without any indication even of the time when such call was received.

Practice and Procedure - For reason, only of brevity having not been employed, we cannot set aside an order which though lengthy, has cited justifiable reasons to quash the proceedings. Brevity at times is a virtue but often in legalese it is faulted as levity and in adjudicatory orders, projected as non-application of mind. (Para 4)

Raghav Prashad vs State of U.P 2025 INSC 1172 - Murder Case - Converted To S.304 IPC

Indian Penal Code 1860 - Section 302,304- While partly allowing appeal of accused, SC observed: Though the accused persons could be said to have the knowledge that the injuries would cause death of the deceased, there is no material on record to show that they had the intention to kill them- The conviction under Section 302 IPC would not be tenable and is liable to be converted to one under Section 304 Part I of IPC.

SEPCO Electric Power Construction Corporation v. GMR Kamalanga Energy Ltd. 2025 INSC 1171 - Natural Justice - S.34 Arbitration Act

Arbitration and Conciliation Act 1996- Section 34, 18 - Audi alteram partem as a fundamental juristic principle- When a party is unable to analyse, comment or argue on a contention raised by the other party, it will certainly be deemed as a breach of natural justice and thereby, also a violation of the most fundamental notions of justice - Such arbitral award is required to be set aside by the courts. (Para 105) The principles of natural justice, and the public policy of India are paramount and cannot be ignored or sidelined in an attempt not to frustrate the patent or latent commercial wisdom of the parties to seek an alternative means of dispute resolution. Such issues attack the root of the Indian legal system and the courts cannot be made a mere spectator to such gross violations. (Para 112)

Arbitration and Conciliation Act 1996- Section 34, 37 - a court under Section 37 of the 1996 Act can only determine as to whether the concerned court under Section 34 has not travelled beyond the parameters of the scope therein. No independent evaluation is permitted on the merits of the award- (Para 71) While the initial probe is initiated during a recourse under Section 34 , and if it further affirms the award, a court exercising the mandate of Section 37 ought to employ caution and reluctance to alter with the concurrent findings. (Para 72)

Arbitration and Conciliation Act 1996- Section 20- In the absence of the express or implied choice of law, it is the law that has the closest as well as the most real connection with the arbitration agreement, that is applicable. when a seat of arbitration is India, it would only be the courts of India that would have exclusive jurisdiction to determine any disputes pertaining to the process of arbitration thereof - The parties to a dispute are always at liberty to choose the substantive law, procedural law, and the law of the arbitration agreement so applicable - The principle of party autonomy does not vest absolutely. Although the parties have a great deal of discretion in choosing the governing law, their choices cannot conflict with the mandatory provisions in the jurisdiction of the seat of the concerned arbitration. (Para 76-82)

Arbitration and Conciliation Act 1996- Section 34- It is the interpretation of an arbitral award which determines whether a contract or a specific provision thereof is considered part of the award or not. If a clear reliance is placed by the arbitrator on the contract, a presumption arises in favour of the incorporation, while a vague or general reference opposes such a presumption. (Para 98)

Arbitration and Conciliation Act 1996 - An arbitrator lacks the power to deviate from or to reinterpret the terms of the contract while making an award. The awards must be within the parameters of the agreement entered between the parties. (Para 91)

State of Uttarakhand v. Anil 2025 INSC 1170 - CrPC - Criminal Appeal

Code of Criminal Procedure 1973 -Section 374(2) - As the first appellate court, the High Court is expected to evaluate the evidence including the medical evidence, statement of the victim, statements of the witnesses and the defence version with due care. While the judgment need not be excessively lengthy, it must reflect a proper application of mind to crucial evidence. Albeit the High Court does not have the advantage to examine the witnesses directly, the High Court should, as an appellate Court, re-assess the facts, evidence on record and findings to arrive at a just conclusion in deciding whether the Trial Court was justified in convicting the accused or not -Large pendency of cases cannot come in the way of the Court's solemn duty, particularly, when a person's liberty is at stake. (Para 8-10)

Usha Kiran Kshatri vs State of Telangana 2025 INSC 1169 - Judicial Service

Judicial Service - No legal aspects discussed in this judgment [SC request the High Court to declare the results of the

appellants/petitioners/intervenors and to proceed for verification of their credentials/antecedents. Such of the qualified appellants/petitioners/intervenors who are found suitable may be appointed by offering them letters of appointment, as a special case, as early as possible but not later than two months from date of service of a copy of this order on the High Court- This order is strictly confined to the facts and circumstances of the appeals and petitions before us and may not be treated as a precedent for future cases]

**Sanjay D. Jain vs State of Maharashtra 2025 INSC 1168 - S.498A
IPC - S.482 CrPC - Cruelty**

Indian Penal Code 1860 - Section 498A - The requirement is that there has to be cruelty inflicted against the victim which either drives her to commit suicide or cause grave injury to herself or lead to such conduct that would cause grave injury or danger to life, limb or health. The latter part of the provision refers to harassment with a view to satisfy an unlawful demand for any property or valuable security raised by the husband or his relatives. (Para 9) The cruelty caused by the husband and his family members should be of such nature that it is inflicted with the intention to cause grave injury or drive the victim to commit suicide or inflict grave injury to herself. (Para 10)

Code of Criminal Procedure 1973 - Section 482 - If the allegations made in the FIR or the complaint, even when taken at their face value and accepted in their entirety do not *prima facie* constitute any offence or make

out any case against the accused, quashing of the proceedings would be justified. Vague and general allegations cannot lead to forming of a *prima facie* case. (Para 9)

Competition Commission of India v. Kerala Film Exhibitors Federation 2025 INSC 1167 -Competition Act

Competition Act, 2002 - Section 26- Prior to the amendment of Section 26 in 2023, once the Director General files the report, and the Commission does not feel the need for a further investigation/inquiry, all that is required is to issue a notice to the party by forwarding the report eliciting an answer to the contravention. In case the parties are not able to give a satisfactory answer and violation of the Act is found, penalty may be imposed under Section 48. It may happen that, in the event of the Director General not finding a contravention and the Commission on further investigation or inquiry finding contravention, mere forwarding of the report of the Director General or the supplementary report of DG will be of no avail. In that situation the notice should set out the new findings arrived at which are the aspects where the Commission has differed with the Director General. (Para 35)

Competition Act, 2002 - A behavioural remedy or a structural remedy is principally imposed on the enterprise. When a behavioural remedy impinges on corporate governance, corollary orders to give effect to the behavioural remedy may have to be made on individuals. Stricto sensu the penalty is on the enterprise and the corollary direction is a consequential direction to give effect to the penalty imposed on the enterprise. Without such powers to impose corollary directions, behavioural remedies and structural remedies imposed on enterprises which incidentally impinge on individuals could never be given effect to. (Para 49)

Competition Act, 2002 -Section 27 vests the power in the Commission to pass such orders as deemed necessary to check the malaise. The ecosystem of the Competition Act is sufficient notice to the violator that the regulating body has vast discretion and depending on the factual scenario can fashion an appropriate remedy. The only check is that it should be proportionate and should have nexus with the object sought to be achieved-namely to punish the recalcitrant party and also ensure that the penalty acts as a deterrent. Providing a back and forth between the regulator and the person in breach to arrive at an appropriate penalty can defeat the purpose of the Act and can be a source of great abuse as the time given can be used to even present the Commission with a fait accompli, defeating the object of the Act. That will also result in enormous loss of time when time is of essence under the statute.. (Para 60)

State of Rajasthan v. Bhanwar Singh 2025 INSC 1166 - Murder Case - Acquittal Upheld

Criminal Trial - Mere threat to inflict harm may constitute an incriminating circumstance but in isolation, the said circumstance would fall woefully short of proof of conspiracy to commit murder. (Para 37)

Code of Criminal Procedure 1973 - Section 378 ,386- The scope of interference by an appellate court for reversing the judgment of acquittal recorded by the trial court in favour of the accused has to be exercised within the four corners of the following principles: 1. That the judgment of acquittal suffers from patent perversity; 2. That the same is based on a misreading/omission to consider material evidence on record; and 3. That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record. -The appellate court, in order to interfere with the judgment of acquittal would have to record pertinent findings on the above factors if it is inclined to reverse the judgment of acquittal rendered by the trial court. (Para 39)

Kalyani Transco vs Bhushan Power and Steel Limited 2025 INSC 1165 -S.62 IBC- Resolution Plan

Insolvency and Bankruptcy Code 2016 (IBC) - Section 61 – An appeal against an order approving a Resolution Plan would be available before the NCLAT only when it is found that the approved resolution plan is in contravention of the provisions of any law for the time being in force or there has been any material irregularity in exercise of powers by the resolution professional during the corporate insolvency resolution period or

that the debts owed to OCs of the Corporate Debtor have not been provided for in the resolution plan in the manner specified by the Board or that the insolvency resolution process costs have not been provided for repayment in priority to all other debts or the resolution plan does not comply with any other criteria specified by the Board. (Para 90-91) When a concurrent view has been taken by two adjudicating authorities provided under the special statute, unless it is found that such a view was in ignorance of the mandatory statutory provisions or was based on extraneous consideration or was ex-facie arbitrary or illegal, an interference would not be warranted. (Para 94)

IBC - Section 62 – The locus of the erstwhile promoters of the Corporate Debtor - As the Resolution Plan also affects the rights of the guarantors, SC rejected the contention that appeals at the instance of the erstwhile promoters would not be maintainable. (Para 63)

IBC - Section 31- Once a Resolution Plan is duly approved by the Adjudicating Authority under sub-section (1) of Section 31 of the IBC, the claims as provided in the Resolution Plan shall stand frozen and will be binding on the Corporate Debtor, its employees, members, creditors including the Central Government etc. (Para 167)

IBBI (CIRP) Regulation - Explanation to clause 2 of Regulation 18 - CoC continues to exist till the Resolution Plan is implemented or an order of liquidation is passed under Section 33 of the IBC- The cloud of uncertainty exists till a finality is given by this Court in the proceedings under Section 62 of the IBC. (Para 85)

Convertible Debentures - “Convertible Debentures” stand on a different footing than other types of debentures- Since CCDs do not involve any repayment and have to be mandatorily converted into equity shares at the time of maturity, they must be treated as Equity Instruments. (Para 146) If a CCD is to be compulsorily converted at the time of maturity, without any obligation of repayment of a debt - It must be treated the same as an equity instrument. (Para 148)

Arbitration and Conciliation Act 1996 -Section 49 - A foreign award would not be automatically enforceable in India. For it to be enforceable in India, the court is required to be satisfied that such an award is enforceable under Part-II Chapter-I of the Arbitration Act. (Para 176)

IBC - Payments made to creditors relating to the pre – CIRP dues must be done only in accordance with the Resolution Plan and with the express agreement of the CoC. (Para 184)

Sharad Singh (D) v. H. D. Narang 2025 INSC 1164 - Motor Accident Compensation - Minimum Wages

Motor Accident Compensation - Minimum wages cannot be determined on the basis of the educational qualification alone without reference to the nature of work carried on (Para 5) -While allowing appeal, SC observed: Even if he had not obtained the certificate as a Chartered Accountant, upon graduation, he could have been employed as an Accountant, who would have, on any reasonable estimate, received an amount of Rs.5,000/- as monthly income in the year 2001, if the minimum

wages prescribed for a skilled worker was Rs.3,352/- Adopting Rs.5,000/- as monthly income, we are of the opinion that, as has been held in Pranay Sethi¹, 40% has to be computed as future prospects.

Samyak Jain vs. Kesrilal Mehta 2025 INSC 1163 - Unmarried Daughter - Right To Consortium

Motor Accident Compensation - Unmarried daughter of the deceased at the time of accident is to be treated as dependent on the deceased. Merely because an unmarried daughter was engaged in some kind of job, it would not drive her out of the purview as dependent. The expenses towards education, marriage and other living expenses are expected to be borne by the father. (Para 5.2)

Motor Accident Compensation - Consortium - The consortium is a compendious term which encompasses spousal consortium, parental consortium as well as filial consortium. - The right to consortium would include the company, care, help, comfort, guidance, solace and affection with the deceased which the family would be deprived of forever. (Para 5.3)

Rama Bai vs Amit Minerals 2025 INSC 1162 - Motor Accident Compensation - Pay & Recover

Motor Accident Compensation - High Court enhanced the compensation payable to the claimant and absolved Insurance Company from the liability to pay the amount, fastening the same on driver and the

owner respectively. Allowing appeal, SC held: on the date of accident, the driver had no valid license and the licence was not renewed. The insurance company was entitled to take a valid defence in that regard under Section 149 (2)(a)(ii) as the driver of the offending vehicle was not duly licensed, to avoid its liability to pay the compensation. The conditions in law are satisfied to absolve the insurance company from the payment of compensation. - The insurer directed to satisfy the award, which however can be recovered by the insurer from the insured-owner of the vehicle. (Para 6-7)

Delhi Development Authority vs Corporation Bank 2025 INSC 1161 - Res Judicata In Writ Proceedings- Restitution

Constitution of India - Article 32,226 - Res Judicata -A matter once heard and finally decided between the parties cannot be reopened (Para 29) -Applicability of principle of Res Judicata in writ proceedings -**Quoted from**Gulabchand Chhotalal Parikh v. State of Gujarat: If a petition under Article 226 is considered on the merits as a contested matter and is dismissed, the decision would continue to bind the parties unless it is otherwise modified or reversed by appeal or other appropriate proceedings permissible under the Constitution-It would not be open to a party to ignore the said judgment and move this Court under Article 32 by an original petition made on the same facts and for obtaining the same or similar orders or writs- If the petition under Article 226 in a High Court is dismissed not on the merits but because of the laches of the party applying for the writ or because it is held that the party had an alternative remedy available to it, the dismissal of the writ petition would not constitute a bar to a subsequent petition under Article 32. - Such a dismissal may however

constitute a bar to a subsequent application under Article 32 where and if the facts thus found by the High Court be themselves relevant even under Article 32. (Para 28)

Restitution - The principle of restitution flows from the very heart of justice that no one shall unjustly enrich himself at the instance of another and that those who suffered without fault should, so far as money can achieve, be restored to the position they once occupied. The jurisdiction to make restitution is inherent in every court and will be exercised wherever the justice of the case demands. (Para 30)

Gujarat Urja Vikas Nigam Ltd vs Essar Power Limited 2025 INSC 1160 -Electricity Act- Pleadings

Pleadings - Parties would be bound by their pleadings and the case put forth by them on the strength thereof and it is not for the Court to substitute its own notion of what that case should be. (Para 36)

Quote - This Court cannot be a mute spectator when its judgments and findings are misconstrued or misunderstood by the parties and are projected erroneously in a subsequent round of litigation. (Para 36)

Singamasetty Bhagavath Guptha v. Allam Karibasappa (D) 2025 INSC 1159 - CPC - First Appeal - Provincial Insolvency Act

Code of Civil Procedure 1908 - Section 96 - Important duty that an appellate court exercises, particularly when it seeks to reverse the judgment of the Trial Court -Quoted from *Santosh Hazari v. Purushottam Tiwari*:

Firstly, the findings of fact based on conflicting evidence arrived at by the trial court must weigh with the appellate court, more so when the findings are based on oral evidence recorded by the same Presiding Judge who authors the judgment. This certainly does not mean that when an appeal lies on facts, the appellate court is not competent to reverse a finding of fact arrived at by the trial Judge. As a matter of law if the appraisal of the evidence by the trial Court suffers from a material irregularity or is based on inadmissible evidence or on conjectures and surmises, the appellate court is entitled to interfere with the finding of fact. The rule is — and it is nothing more than a rule of practice — that when there is conflict of oral evidence of the parties on any matter in issue and the decision hinges upon the credibility of witnesses, then unless there is some special feature about the evidence of a particular witness which has escaped the trial Judge's notice or there is a sufficient balance of improbability to displace his opinion as to where the credibility lie, the appellate court should not interfere with the finding of the trial Judge on a question of fact. Secondly, while reversing a finding of fact the appellate court must come into close quarters with the reasoning assigned by the trial court and then assign its own reasons for arriving at a different finding.

Provincial Insolvency Act, 1920 - Section 37 - It is only upon a conclusion that the transactions and orders of the court and the receiver are valid and attained finality that the property shall not revert to the debtor upon annulment of adjudication under Section 37 of the Act - For operation of Section 37, it is fundamental that there must in fact be a finality of transactions. In other words, there must be conclusion of sales, dispositions of property and/or the payments made in that regard. Section 37

proceedings cannot partake the character of a civil court deciding a suit for specific performance of an agreement. (Para 17,18, 22)

Sanjabij Tari v. Kishore S. Borcar 2025 INSC 1158 - Income Tax Act - S.138 NI Act

Income Tax Act- Section 269SS ; Negotiable Instruments Act - Section 138,139 - Any breach of Section 269SS of the IT Act, 1961 is subject to a penalty only under Section 271D of the IT Act, 1961. Further neither Section 269SS nor 271D of the IT Act, 1961 state that any transaction in breach thereof will be illegal, invalid or statutorily void. Therefore, any violation of Section 269SS would not render the transaction unenforceable under Section 138 of the NI Act or rebut the presumptions under Sections 118 and 139 of the NI Act because such a person, assuming him/her to be the payee/holder in due course, is liable to be visited by a penalty only as prescribed. Consequently, the view that any transaction above Rs.20,000/- (Rupees Twenty Thousand) is illegal and void and therefore does not fall within the definition of 'legally enforceable debt' cannot be countenanced. (Para 20)

Negotiable Instruments Act 1881 - Section 138 - A. In all cases filed under Section 138 of the NI Act, service of summons shall not be confined through prescribed usual modes but shall also be issued dasti i.e. summons shall be served upon the accused by the complainant in addition. This direction is necessary as a large number of Section 138 cases under the NI Act are filed in the metropolitan cities by financial institutions, by virtue of Section 142(2) of the NI Act, against accused who may not be necessarily residing within the territorial jurisdiction of the Court where the complaint

has been filed. The Trial Courts shall further resort to service of summons by electronic means in terms of the applicable Notifications/Rules, if any, framed under subSections 1 and 2 of Section 64 and under Clause (i) of Section 530 and other provisions of the Bhartiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS, 2023’) like Delhi BNSS (Service of Summons and Warrants) Rules, 2025. For this purpose, the complainant shall, at the time of filing the complaint, provide the requisite particulars including e-mail address, mobile number and/or WhatsApp number/messaging application details of the accused, duly supported by an affidavit verifying that the said particulars pertain to the accused/respondent. B. The complainant shall file an affidavit of service before the Court. In the event such affidavit is found to be false, the Court shall be at liberty to take appropriate action against the complainant in accordance with law. C. In order to facilitate expeditious settlement of cases under Section 138 of the NI Act, the Principal District and Sessions Judge of each District Court shall create and operationalise dedicated online payment facilities through secure QR codes or UPI links. The summons shall expressly mention that the Respondent/Accused has the option to make payment of the cheque amount at the initial stage itself, directly through the said online link. The complainant shall also be informed of such payment and upon confirmation of receipt, appropriate orders regarding release of such money and compounding/closure of proceedings under Section 147 of the NI Act and/or Section 255 of Cr.P.C./278 BNSS, 2023 may be passed by the Court in accordance with law. This measure shall promote settlement at the threshold stage and/or ensure speedy disposal of cases. D. Each and every complaint under Section 138 of the NI Act shall contain a synopsis in the following format which

shall be filed immediately after the index (at the top of the file) i.e. prior to the formal complaint: (Para 36)

Negotiable Instruments Act - Section 138,139 - Bharatiya Nagarik Suraksha Sanhita - Section 223 - There shall be no requirement to issue summons to the accused in terms of Section 223 of BNSS i.e., at the pre-cognizance stage. (Para 36(E))

Negotiable Instruments Act - Section 138,139 - Modified Guidelines of compounding :- (a) If the accused pays the cheque amount before recording of his evidence (namely defence evidence), then the Trial Court may allow compounding of the offence without imposing any cost or penalty on the accused. (b) If the accused makes the payment of the cheque amount post the recording of his evidence but prior to the pronouncement of judgment by the Trial Court, the Magistrate may allow compounding of the offence on payment of additional 5% of the cheque amount with the Legal Services Authority or such other Authority as the Court deems fit. (c) Similarly, if the payment of cheque amount is made before the Sessions Court or a High Court in Revision or Appeal, such Court may compound the offence on the condition that the accused pays 7.5% of the cheque amount by way of costs. (d) Finally, if the cheque amount is tendered before this Court, the figure would increase to 10% of the cheque amount. if the Accused is willing to pay in accordance with the aforesaid guidelines, the Court may suggest to the parties to go for compounding. If for any reason, the financial institutions/complainant asks for payment other than the cheque amount or settlement of entire loan or other outstanding dues, then the Magistrate may suggest to the Accused to plead guilty and exercise the power under Section 255(2) and/or 255(3) of the

Cr.P.C. or 278 of the BNSS, 2023 and/or give the benefit under the Probation of Offenders Act, 1958 to the Accused. (Para 38-39)

**Executive Trading Co. Pvt. Ltd. v. Grow Well Mercantile Pvt. Ltd
2025 INSC 1157 - Order XXXVII CPC - Summary Suit - Filing
Reply/Defence Without Even Prayer For Leave**

Code of Civil Procedure 1908 - Order XXXVII - Whether court can permit filing a reply/defence without even praying for leave, setting out the available defence, etc.? If a reply or defence is allowed to come on record in a summary suit without the Leave of the Court then the distinction sought to be maintained between a Suit normally instituted and Summary Suit under Order XXXVII of the CPC stands effaced.

Code of Civil Procedure 1908 - Order XXXVII Rule 3 - (1) On filing the Summary Suit, the plaintiff must serve the defendant with the plaint and annexures, together with the summons. (2) The defendant has ten days to enter an appearance, in person or through a pleader, and provide a service address. On the same day, the defendant must notify the plaintiff or its pleader of its appearance. (3) The plaintiff then serves a summons for judgment on the defendant in the court-prescribed format, supported by an affidavit verifying the cause of action, the amount claimed, and the belief that the defendant has no defence. (4) Thereafter, the defendant has ten days to apply for leave to defend by filing an affidavit disclosing a genuine and substantial defence. The court may grant leave to defend unconditionally or on such terms that may appear to be just. (5) The court shall not refuse leave unless the defence is frivolous or vexatious. Further, if the defendant admits to owing part of the amount, it must deposit that

amount in court to get the leave to defend. (6) If the defendant does not apply for leave or its application seeking leave is refused, the plaintiff is entitled to immediate judgment. If the court grants leave to defend but the defendant fails to comply with any condition or other directions, the plaintiff is also entitled to immediate judgment. (7) The court has the discretion to condone any delay in entering an appearance or applying for leave to defend if the defendant shows sufficient cause. (Para 8)

Jyotsna Devi v. State of Assam 2025 INSC 1156 - Service Law

Service Law - Assam Government Aided Junior College Management Rules, 2001 - Assam Secondary Education (Provincialisation) Service Rules, 2003 -No legal aspects discussed in the judgment - The issue raised was whether the appellant appointment, despite being over the age limit, was governed by the 2001 Rules or the stricter 2003 Rules -SC held: In the absence of the advertisement or the spelling out of applicable Rules, applying Rule 19(iv) of the 2003 Rules, to set aside the approval and appointment of the appellant, in the circumstances of this case, is illegal. (Para 6)

Central Bureau of Investigation v. Mir Usman @ Ara @ Mir Usman Ali 2025 INSC 1155 - S.309 CrPC - Day To Day Trial

Code of Criminal Procedure 1973 - Section 309 [Section 346 BNSS] -Disapproves practice prevailing in the trial courts across the country that the examination-in-chief of a particular witness is recorded in

a particular month and his cross-examination would follow in particular subsequent month - Once the examination of witnesses starts the court concerned must continue the trial from day to day until all the witnesses in attendance have been examined (except those whom the public prosecutor has given up). (Para 21) Courts should revert to practice of conducting trials on a day to day basis -One of the significant factors contributing to delays in the justice system is the discretionary practice of non -continuous criminal trials, where evidence is heard by the court in piecemeal fashion, with cases effectively spread out over the course of many months or even years- Chief Justices of the High Courts may direct their administrative side to issue a circular to the respective district judiciaries in this regard. (Para 35- 37)

Code of Criminal Procedure 1973 - Section 309 [Section 346 BNSS] - Model Circular guidelines -[1] The proceedings in every inquiry or trial shall be held expeditiously. [2] When the stage of examination of witnesses starts such examination shall be continued from day-to-day until all the witnesses in the attendance have been examined except for special reasons to be recorded in writing. [3] When the witnesses are in attendance before the Court no adjournment or postponement shall be granted without examining them, except for special reasons to be recorded in writing. [4] The Court should not grant the adjournment to suit the convenience of the advocate concerned except on very exceptional grounds like bereavement in the family and similar exceptional reasons duly supported by memo. Be it noted that the said inconvenience of an advocate is not a “Special Reason” for the purpose of bypassing the immunity of Section 309 of the Cr.P.C. [5] In case of non-cooperation of accused or his counsel, the following shall be kept in mind: a. In case of non-cooperation of the counsel, the Court shall satisfy itself whether the noncooperation is in active collusion with the

accused to delay the trial. If it is so satisfied for reasons to be recorded in writing, it may, if the accused is on bail, put the accused on notice to show cause why the bail cannot be cancelled. b. In cases where the accused is not in collusion with lawyer and it is the lawyer who is not cooperating with the trial, the Court may for reason to be recorded, appoint an amicus curiae for the accused and fix a date for proceeding with cross-examination/trial. c. The Court may also in appropriate cases impose cost on the accused commensurate with the loss suffered by the witness including the expenses to attend the court. d. In case when the accused is absent and the witness is present for examination, in that case the Court can cancel the bail of accused if he is on bail. (Unless an application is made on his behalf seeking permission for his counsel to proceed to examine the witness present even in his absence, provided the accused gives an undertaking in writing that, he would not dispute, his identity as a particular accused in the case.) (Para 47)

Constitution of India - Article 21 - Right to speedy trial as a part of the right to life under Article 21 of the Constitution. The essence of Article 21 of the Constitution lies not only in ensuring that no citizen is deprived of his life or personal liberty except according to procedure established by law, but also that such procedure ensures both fairness and an expeditious conclusion of the trial. (Para 28)

Criminal Trial- If the Court finds that unnecessary examination of the witnesses is protracting the trial, then definitely it is a matter of concern. This aspect should be looked into by the Trial Judge himself. The Trial Judge should ask the Public Prosecutor why he wants to examine a particular witness. (Para 8) It is the quality of the evidence that is

important and not the quantity. If examination of unnecessary witnesses is delaying the trial, it would serve no good purpose.(Para 10)

U.P. Asbestos Limited vs State of Rajasthan 2025 INSC 1154 - Art. 304 Constitution

Constitution of India- Article 304 - (i) Clauses (a) and (b) of Article 304 are to be read disjunctively, and hence, a tax cannot be said to merely differentiate only if the procedure under Article 304(b) is satisfied, but not Article 304(a) of the Constitution; (ii) A tax imposed on goods imported from another state would not be discriminatory if no similar goods are produced within that State; (iii) States are at liberty to design their fiscal legislations in such a manner to ensure that the tax burden on goods imported from other States is equal to the tax burden on those goods produced within the State. Therefore, a tax designed to impose equal burdens cannot be said to be discriminatory. However, whether the tax burden falls equally is a question of fact to be determined in each case when the question arises; (iv) Further, a tax rebate or other relief in the form of incentives or set-off which is: • granted to a specified class of dealers; • for a limited period of time; • in a non-hostile fashion; 89 • with a view to developing economically backward areas; would not be held to be discriminatory. v) However, the question whether a tax fulfils the above criteria is a question of fact to be determined depending upon the facts of each case. (Para 12.1)

Constitution of India - Article 226,32 -Administrative Law - Any order passed by any public authority exercising administrative/executive or statutory powers must be judged by the reasons so mentioned in that order

and cannot be supplemented by fresh reasons in the shape of an affidavit or otherwise. (Para 12.13)

**Anukul Singh v. State of Uttar Pradesh 2025 INSC 1153 - S.482
CrPC - Civil Nature**

**Code of Criminal Procedure 1973 - Section 482 : Bharatiya
Nagarik Suraksha Sanhita 2023 - Section 528** - While the jurisdiction under Section 482 Cr.P.C is extraordinary and must be exercised sparingly, it is the duty of the High Court to intervene where continuation of criminal proceedings would amount to an abuse of process of law, or where the dispute is purely of a civil nature and criminal colour has been artificially given to it. Conversely, where disputed questions of fact arise requiring adjudication, the matter must ordinarily proceed to trial. (Para 11.5) Criminal law cannot be used as a tool to settle scores in commercial or contractual matters, and that such misuse amounts to abuse of process. (Para 17) criminal complaints in respect of property disputes of civil nature, filed solely to harass the accused or to exert pressure in civil litigation, constitute an abuse of process. (Para 18) The dispute – concerning repayment of loan money and the alleged coercion in execution of documents – is purely civil in character. The institution of multiple FIRs in quick succession, particularly after the accused had already initiated lawful proceedings, reinforces the inference of mala fides. (Para 20)

Shobhit Kumar Mittal v. State of Uttar Pradesh 2025 INSC 1152- S.498A
IPC - Cruelty - General Allegations Of Harassment

Indian Penal Code 1860 - Section 498A - The term “cruelty” cannot be established without specific instances. The tendency of invoking the aforesaid provisions, without mentioning any specific detail, weakens the case of the prosecution and casts serious aspersions on the probability of the version of the complainant. Therefore, this Court cannot ignore the missing specifics in the FIR which is the basic premise for invoking the criminal machinery of the State. 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 initiate criminal proceedings against them. Therefore, mere general allegations of harassment without pointing out the specific details would not be sufficient to continue criminal proceedings against any person. (Para 18)

Arshad Neyaz Khan v. State of Jharkhand 2025 INSC 1151 - IPC - Cheating - Criminal Breach Of Trust

Indian Penal Code 1860 - Section 420 - For establishing the offence of cheating, the complainant is required to show that the accused had a fraudulent or dishonest intention at the time of making a promise or representation of not fulfilling the agreement for sale of the said property. Such a culpable intention right at the beginning when the promise was

made cannot be presumed but has to be made out with cogent facts. (Para 19)

Indian Penal Code 1860 - Section 406 -Every act of breach of trust may not result in a penal offence unless there is evidence of a manipulating act of fraudulent misappropriation of property entrusted to him. In the case of criminal breach of trust, if a person comes into possession of the property and receives it legally, but illegally retains it or converts it to its own use against the terms of contract, then the question whether such retention is with dishonest intention or not and whether such retention involves criminal breach of trust or only a civil liability would depend upon the facts and circumstances of the case. (Para 20)

Indian Penal Code 1860 - Section 406 and 420 - Distinction between criminal breach of trust and cheating- For cheating, criminal intention is necessary at the time of making false or misleading representation i.e. since inception. In criminal breach of trust, mere proof of entrustment is sufficient. Thus, in case of criminal breach of trust, the offender is lawfully entrusted with the property, and he dishonestly misappropriates the same. Whereas, in case of cheating, the offender fraudulently or dishonestly induces a person by deceiving him to deliver a property. In such a situation, both offences cannot co-exist simultaneously. Consequently, the complaint cannot contain both the offences that are independent and distinct. The said offences cannot co-exist simultaneously in the same set of facts as they are antithetical to each other. (Para 21)

Code of Criminal Procedure 1973 - Section 482- Machinery of criminal justice is being misused by certain persons for their vested interests and for achieving their oblique motives and agenda. Courts have therefore to be vigilant against such tendencies and ensure that acts of

omission and commission having an adverse impact on the fabric of our society must be nipped in the bud. (Para 26)

Sangeetha Yanamandra vs Shanta Sriram Constructions Pvt. Ltd. 2025 INSC 1150

Note: No legal aspects discussed in the judgment - Appeal against NCDRC judgment disposed in terms of settlement arrived at between parties.

Rajnesh Sharma v. Business Park Town Planners Ltd 2025 INSC 1149- Consumer Protection Act - Builder - Buyer Disputes

Consumer Protection Act - Builder - Buyer Disputes - There is no principle of law that interest in default charged by the builder can never be granted to the buyer - the amount of interest should be reasonable. What is reasonable varies from case to case. The same is to be granted considering the facts and circumstances of each case- The objective of granting compensation cannot be altered such that it amounts to a windfall gain to the other party. Proof of actual loss would require evidence to be tendered, for, it is a guiding lamp for grant of compensation [In this case, SC held: Although, the rate of interest charged by the builder cannot be granted to the buyer as a rule of thumb, however, in the present case, equity and fairness demands that the respondent be put to the same rigours for charging 18% interest and face consequences similar to those imposed on the appellant for default committed by him] (Para 11-20)

HLV Limited vs PBSAMP Projects Pvt. Ltd 2025 INSC 1148 - S.31(7) Arbitration Act - Award Of Interest

Arbitration and Conciliation Act, 1996 - Section 31(7) - Once parties agree on the interest regime, the arbitrator's role is confined to enforcing it and the courts would not rewrite or enlarge the award by introducing further interest at the execution stage (Para 30)- The discretion to grant interest would be available to the arbitral tribunal under Section 31(7)(a) only when there is no agreement to the contrary between the parties. When the parties agree with regard to any of the aspects covered under the said clause , the arbitral tribunal would cease to have any discretion with regard to the aspects mentioned in the said provision. Only in the absence of such an agreement, the arbitral tribunal would have the discretion to exercise its powers under the said clause. (Para 25.3)

Bar Council Of Maharashtra And Goa vs Rajiv Nareshchandra Narula 2025 INSC 1147 - Advocates Act - Disciplinary Committee

Advocates Act 1961 - Ordinarily, the existence of a jural relationship between the complainant and the advocate concerned is a precondition for the invocation of disciplinary jurisdiction on the ground of "professional misconduct" (Para 33) - Recording of reasons to believe that the advocate has committed misconduct is a sine qua non before the complaint can be referred to the disciplinary committee (DC) for inquiry- Reference of a complaint of the DC would have serious consequences on the professional career of the lawyer and could tarnish his image and standing in the profession. Hence a cryptic order referring the complaint to the DC without

a bare minimum discussion of the allegations contained in the complaint would not satisfy the requirements of a valid reference order (Para 38) The mere act of identifying the deponent in an affidavit filed with the chamber summons would not make the advocate responsible for the contents of the affidavit. (Para 52)

Rajesh Kumar v. State of Jharkhand 2025 INSC 1146 - Service Law

Service Law - No legal aspects discussed in this judgment- Supreme Court quashes cancellation of appointment of the appellant and directs to reinstate him in the Government School forthwith.

Divyagnakumari Harisinh Parmar vs Union of India 2025 INSC 1145 - CPC -Pleadings - Second Appeal - Doctrine Of Waiver - Repeal - Special Law vs General Law

Pleadings - No relief can be granted on a case not founded in the pleadings. Court cannot entertain an entirely new case at the appellate stage at the behest of either party and is strictly confined to adjudicate the issues arising from the suit as framed by the pleadings of the parties. - Pleadings, together with the issues framed thereon, serve to crystallise the points of conflict, ensure that each side is apprised of the case it has to meet, and afford both parties a fair opportunity to lead evidence and advance submissions. To allow a party to depart from this framework at a belated stage would not only prejudice the opposite side but also

undermine the principles of predictability and consistency that the adjudicatory process seeks to avow. (Para 18-19)

Legal Maxim - Lex specialis derogat legi generali - A specific law overrides a general law- Where a special enactment has been framed to deal with a defined subject matter, its provisions must prevail over those of the general law to the extent of any overlap. (Para 31)

Code of Civil Procedure 1908 - Section 100 - Second Appeal - High Court, while exercising its jurisdiction under Section 100 CPC, would not be justified in interfering with the concurrent findings of fact recorded by the courts below in a civil suit. Such interference is permissible, however, in the exceptional circumstances carved out in *Hero Vinoth vs Seshammal* case, including where the findings on material aspects suffer from perversity, are founded on no evidence, or are vitiated by reliance on considerations wholly irrelevant to the matter in issue. (Para 43)

Doctrine of Waiver - The doctrine of waiver, firmly rooted in the principles of contract law, operates to enable parties to a transaction to abandon rights that inhere in them. However, this doctrine is not without bounds -Waiver cannot be invoked so as to efface statutory obligations or to defeat matters grounded in public policy- If any element of public interest is involved, a waiver by one of the parties to an agreement cannot be given effect to where it militates against such public interest -The doctrine of waiver finds no application in matters concerning public interest or public policy - There can be no estoppel against the Government in the exercise of its Legislative, Sovereign, or Executive functions. When pressed against the Government, the plea of waiver faces an especially high threshold and

rarely succeeds -When pressed against the Government, the plea of waiver faces an especially high threshold and rarely succeeds. (Para 52-58)

General Clauses Act, 1897 - Section 6 - The effect of repeal is to efface the repealed law altogether, as if it had never existed, save for the limited purpose of preserving actions that were initiated, prosecuted, and concluded while the law was in force. At the same time, repeal does not imply that the deleted provisions never existed to begin with, so as to preclude the continuance of proceedings that had already been instituted under the repealed statute. (Para 83)

**M. Rajendran vs KPK Oils and Proteins India Pvt. Ltd. 2025
INSC 1144 - SARFAESI Act - Security Interest (Enforcement)
Rules - Interpretation of Statutes**

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 - Security Interest (Enforcement) Rules, 2002- Whether Rule 8(6) read with Rule 9(1) of the SARFAESI Rules contemplate issuance of two distinct and separate notices of sale ?- Whether there is a requirement to maintain a gap of thirty-days each, between the service of notice or notice(s) of sale to the borrower, and the publication of such notice or notice(s) in the newspaper in terms of Rule(s) 8(6) and 9(1), respectively ? - SC held: The Scheme under the SARFAESI Rules envisages one single composite Notice of Sale of Immovable Secured Asset- (i) Rule(s) 8(6), the Proviso thereto, Rule 8(7) and Rule 9(1) of the SARFAESI Rules do not speak of any separate or distinct notice of sale that is required to be issued by the secured creditor

for the transfer of the secured asset by way of lease, assignment or sale in accordance with any of the methods enumerated in Rule 8(5). (ii) The different manner in which the notice of sale has to be served, caused, published, affixed, uploaded as stipulated in Rule(s) 8(6) and 8(7) of the SARFAESI Rules, do not constitute separate notices of sale by themselves, they are part and parcel of one single composite intended “notice of sale” of the secured asset by the secured creditor, by any of the mode of sale listed in Rule 8(5). All of the aforesaid rules are concerned with a single composite “notice of sale”, and the only distinction between the said rules, is the manner in which the said “notice of sale” has to be given, on the basis of which relevant rule or rules are applicable, as the case may be. (iii) Similarly, the stipulation under Rule 9(1) of a thirty-days gap between the date of publication of notice of sale and the date of actual sale does not impute a distinct characteristic to the public notice in the newspaper in contrast to the notice of sale that is served to the borrower. As is evident from Appendix IV-A to the SARFAESI Rules, the public notice of sale in newspaper as-well the notice of sale served to the borrower are one and the same, for the purpose of Rule 9(1). (iv) The embargo enshrined under Rule 9(1), that no sale, in the first instance shall take place before the expiry of thirty-days, would be reckoned from the date of issuance of the “notice of sale”, which would include both the public notice of sale in the newspaper and the service thereof to the borrower, whichever is later. (v) Under Rule 8(6) read with Rule 9(1) both the notice of sale can be served as-well as published in the newspaper, simultaneously on the same date. All that is required under Rule 9(1) is that thirty-day gap is maintained between when the notice of sale is served, affixed and published, whichever is later, as the case may be, till the date of actual sale. (Para 169)

SARFAESI Act - Section 13(8) -Whether, the Amended Section 13(8) of the SARFAESI Act is retrospective in nature? SC held: If the claim is alive on 01.09.16 when the Section 13(8) is amended and the notice for auction is issued after 01.09.16, then the amended section should apply. (Para 185)

SARFAESI Act - Section 13(8) - The expression “before the date of publication” used therein, has to be construed to refer and mean the publication of a valid “notice of sale” for the secured asset, although such publication may vary depending upon the mode of sale chosen by the secured creditor. The word “publication” used in Section 13(8) of the SARFAESI Act, has to be understood to mean and include the service, publication in newspaper, and the affixation and uploading of the “notice of sale”, as may be required under the SARFAESI Rules. Wherever, the chosen mode of sale requires the secured creditor to effectuate the “notice of sale” in any or all of the aforesaid manner, as the case may be, the expiry of thirty-days as required under Rule 9(1) from the day when the secured creditor complies with the requirement of giving the notice of sale, as per the applicable rules, would be the date on which the secured creditor is said to have validly published the “notice of sale” and it would be this date on which the right of redemption of the borrower would stand extinguished. (Para 177-178)

Interpretation of Statutes - Principles on retrospective application of legislations - (i) Presumption against retrospectivity is not applicable to enactments which merely affect procedure or change forum or are declaratory; (ii) Retroactive/retrospective operation can be implicit in a provision construed in the context where it occurs ; (iii) Given the context, a provision can be held to apply to cause of action after such

provision comes into force, even though the claim on which the action may be based may be of an anterior date ; and (iv) A remedial statute applies to pending proceedings and such application may not be taken to be retrospective if application is to be in future with reference to a pending cause of action. (Para 188)

SARFAESI Act - Section 13(8) - SARFAESI Rules - Ill-wording of Section 13(8) of the SARFAESI Act has resulted in a glaring inconsistency between the aforesaid provision and the SARFAESI Rules framed in lieu thereof - Ministry of Finance urged "to take a serious look at these provisions and bring about necessary changes, before it is too late in the day." (Para 201)

SARFAESI Act - Transfer of Property Act - Right of redemption is not a contractual right, and rather a statutory right. Such right of redemption is generally governed by the TP Act, and subject to material modification or alteration by any overriding special law in this regard. Even under the SARFAESI Act, the right of redemption has been statutorily recognized and given effect to in Section 13(8) of the SARFAESI Act, albeit subject to conditions stipulated thereunder insofar as its exercise is concerned. (Para 191)

Surendra Khawse v. State of Madhya Pradesh 2025 INSC 1143 - S.482 CrPC - Ulterior Motives

Bharatiya Nagarik Suraksha Sanhita 2023 - Section 528 : Code of Criminal Procedure 1973 - Section 482 - Quashing of criminal

proceedings is when the same is initiated in pursuance of ulterior motives.

[Context: The appellant was accused of rape by a colleague after their friendship and physical relationship soured. The complainant filed an FIR months after the alleged incident, and only after facing disciplinary action at work following complaints by the appellant- SC held: The fact that the subject FIR was only lodged after the issuance of show-cause notice, which obviously has large real-world implications insofar as the complainant is concerned, leaves open a gaping possibility that the same was lodged as an afterthought and was a vehicle for vengeance for the impending consequences]

Panchayat & Rural Development Department v. Santosh Kumar Shrivastava 2025 INSC 1142 - Pension - Govt. Accommodation

Service Law - The payment of retiral dues/gratuity/pension is not a matter of bounty but in fact a matter of right of every employee, should there be some rule or statute from where the right may originate. (Para 8) Pension and other retiral dues are benefits that have been earned by an employee due to the service rendered to the institution paying the pension/other retirement benefits. The grant of a residence corresponds to the position held at the time by such employee. The width of these two aspects is separate and distinct. Pension and retirement benefits accrue from a much wider base as the culmination of all efforts, across employment whereas the latter is only for a limited time, till such a person is holding that position. The latter cannot obstruct or defeat the former.

[Context: In this case, the issue was whether on account of failure to

vacate government residence upon superannuation is a valid justification for withholding the payment of retiral dues/pension: - SC held: no reasonable explanation acceptable to law is forthcoming except for the attempt to hold back pensionary benefits as a sword on the Respondent's head for not having vacated his government allotted accommodation]

**Airports Authority of India vs Commissioner of Service Tax 2025
INSC 1141 - Finance Act 1994**

Finance Act, 1994- Section 65,66- The definition of the taxable service is very wide and takes into its fold any kind of service that may be provided to any person by the Airports Authority in any airport - all kinds of services rendered by the Airports Authority in any airport are taxable services and are chargeable to service tax under Section 66 of the Act - any kind of services whether in respect of export cargo provided by the Airports Authority to any person after inclusion of subclause (zzm) would be taxable service - The services rendered by the Airports Authority to any person in any airport are in the nature of taxable service and the exclusion of "export cargo" from the definition of "cargo handling service" makes no difference as to the chargeability of service tax on the services so rendered falls under the taxable service. (Para 18-21)

Satheesh V.K. v. The Federal Bank Ltd. 2025 INSC 1140- Second SLP After Withdrawal Of First

Constitution of India - Article 136 -The principle flowing from Order XXIII Rule 1 of the CPC is also applicable to special leave petitions - A second special leave petition would not be maintainable at the instance of a party, who elects not to proceed with the challenge laid by him in an earlier special leave petition and withdraws such petition without obtaining leave to file a fresh special leave petition; if such party applies for a review before the court from whose order the special leave petition was initially carried and the review fails, then he can neither challenge the order rejecting the review nor the order of which review was sought. (Para 23)

Code of Civil Procedure 1908 - Order XLVII Rule 7(1)- Whenever a party aggrieved by a decree or order seeks a review thereof based on parameters indicated in Section 114 read with Order XLVII, CPC and the application ultimately fails, the decree or order under review does not suffer any change. It remains intact. In such an eventuality, there is no merger of the decree or order under review in the order of rejection of the review because such rejection does not bring about any alteration or modification of the decree or order; rather, it results in an affirmation of the decree or order. Since there is no question of any merger, the party aggrieved by the rejection of the review petition has to challenge the decree or order, as the case may be, and not the order of rejection of the review petition. On the contrary, if the petition for review is allowed and the suit or proceedings is placed for rehearing, Rule 7(1) permits the party aggrieved to immediately object to the order allowing the review or in an appeal from the decree or order finally passed or made in the suit, i.e., after rehearing of the matter in dispute. (Para 24)

Legal Maxim - Interest reipublicae ut sit finis litium - it is for the public good that there be an end to litigation - This would apply in all fours when it is found that proceedings challenging an order were not carried forward by withdrawing the special leave petition and the litigant has returned to the same court after some time mounting a challenge to the self-same order which was earlier under challenge and such challenge had not been pursued. This is a course of action which cannot be justified either in principle or precept. (Para 35)

Tarun Sharma vs State of Haryana 2025 INSC 1139 - Evidence - Dying Declaration - Hostile Witness - Amicus Curiae Appointment

Indian Evidence Act 1872- Section 32 - Recording of time in a dying declaration is essential so as to correlate the statement with the medical condition of the injured at that point.- This omission is a serious lapse- Without it, the Court cannot fairly assess whether the injured was in a fit state of mind or whether the statement was recorded contemporaneously or after undue delay. The absence of this foundational detail, therefore, casts a grave doubt on the authenticity of the dying declaration and seriously erodes its evidentiary worth. (Para 59) the satisfaction of the person recording the dying declaration is indispensable. (Para 56)

Criminal Trial - Appointment of Amicus Curiae- In criminal trials and appeals, especially those involving punishment of life imprisonment or capital sentence, the concerned Courts must not treat the appointment of an amicus curiae as an empty formality. Such counsel must be afforded

sufficient time to peruse the record, meet the accused, and prepare the defence effectively. The principles of fair trial and effective representation are not procedural gimmicks but foundational guarantees of our criminal justice system, which cannot be compromised or breached - The hearing in a criminal trial or appeal must be an effective hearing. This necessarily presupposes not only the presence of counsel but also the grant of adequate time and opportunity for such counsel, whether engaged by the accused or appointed as an amicus curiae, to properly prepare and present the case. To appoint an amicus and proceed to hear the matter on the very same day, without affording sufficient time for preparation or consultation, renders the safeguard of effective legal representation to an empty formality and undermines the very essence of the right to fair trial enshrined under Article 21 of Constitution of India. (Para 38-39)

Indian Evidence Act, 1872 - Section 165 : Bharatiya Sakshya Adhiniyam, 2023 -Section 168 - Court has duty to remain cognizant and not to act as a mute spectator in the course of trial. (Para 51)

Indian Evidence Act, 1872 - Evidentiary value of a hostile witness - Though declared hostile, evidence of such witnesses cannot be discarded altogether. His deposition must be assessed with care to ascertain which portions, if any, can be separated and relied upon. (Para 47)

Jyotshna Singh v. State of Jharkhand 2025 INSC 1138

Note: No legal aspects discussed in this judgment - Supreme Court ordered retrospective promotion and full benefits for employee.

High Court of Madhya Pradesh vs Jyotsna Dohalia 2025 INSC 1137 - Judicial Service Exams

Note: No legal aspects discussed in this judgment - The High Court of Madhya Pradesh had, in review jurisdiction, ordered a recalculation of cut-off marks and a fresh main examination for certain candidates who had not met the original cut-off - Allowing appeal, SC set aside this order.

Abhimanue vs State of Kerala 2025 INSC 1136 - CrPC -Cancellation/Revocation Of Bail

Code of Criminal Procedure - Bail - Criminal antecedents by themselves cannot constitute a ground for denial of bail. (Para 23) - **Cancellation & Revocation (setting aside)**- Bail may be cancelled when the accused violates any of the conditions imposed. On the other hand, an order granting bail can be revoked if such an order is found to be perverse or illegal. (Para 17) Cancellation/revocation of bail seeks to uphold trial integrity. The dominant purpose thereof is to ensure a fair trial and protect societal interests by preventing persons accused of a heinous or grave crime and having tendencies to influence or intimidate witnesses or to tamper evidence from being released. Indeed, if such accused are likely to interfere with witness testimony, the courts could be justified in ordering the accused to be taken back into custody. However, at the same time, the

golden rule of bail jurisprudence of 'bail being the rule and jail an exception' cannot be ignored. (Para 24)

Nagamma @ Nagarathna v. State of Karnataka 2025 INSC 1135 - Ss.25-27 Evidence Act - Motive

Indian Evidence Act 1872 - Section 27- A joint or simultaneous disclosure would per se be not inadmissible under Section 27 -But it is very difficult to place reliance on such an utterance in chorus; There would be practical difficulty in placing reliance on such evidence, It is for the Courts to decide, on a proper evaluation of evidence, whether and to what extent such a simultaneous disclosure. (Para 27)

Indian Evidence Act 1872 - Section 25,26 - The confession made to the SHO, overheard by the Sentry of the police station, has to be completely eschewed under Section 25. The confession made to the wife of the deceased and police constable; who arrived at the police station in the status of the neighbour of the deceased, also has to be eschewed under Section 26. (Para 25)

Circumstantial Evidence - Motive - Absence of motive is not an imperative circumstance to arrive at a conviction, in a case where there is ocular evidence. The role of motive is not very significant even when circumstances otherwise form an unbreakable chain. Motive only provides another link, and the absence of motive is a factor that weighs in favour of the accused. (Para 14)

Govindappa Gounder @ Govindasamy (D) v. K. Vijayakumar
2025 INSC 1134 - Beneficent Construction Of Statutes - TN
Cultivating Tenants Protection Act

Tamil Nadu Cultivating Tenants Protection Act, 1955 - The Act 1955 was enacted solely to protect the interest of the cultivating tenants. In other words, the object in enacting the said Act was to protect the cultivating tenants from forcible dispossession by the landlords. In such circumstances, the provisions of the Act should also be interpreted accordingly. In other words, the provisions should be interpreted in such a manner that the tenants are ultimately protected and are not thrown out at the instance of the landlords who are always interested to see that the tenants leave. It is only when there is cogent, credible and reliable evidence on record of gross violation of the provisions of Section 3(2)(b) of the Act 1955 that the Revenue Court may be justified in ordering eviction of the tenant under the Act 1955. (Para 22)

Interpretation of Statutes - Beneficent construction involves giving the widest meaning possible to the statutes. When there are two or more possible ways of interpreting a section or a word, the meaning which gives relief and protects the benefits which are purported to be given by the legislation, should be chosen. A beneficial statute has to be construed in its correct perspective so as to fructify the legislative intent. (Para 24) Courts should not allow themselves to become tools for defeating clearly expressed statutory intentions. (Para 23)

Kaveri Plastics v. Mahdoom Bawa Bahrudeen Noorul 2025 INSC 1133- S.138 NI Act - Demand Notice - Cheque Amount

Negotiable Instruments Act 1881- Section 138- It is mandatory that the demand in the statutory notice has to be the very amount of the cheque. After mentioning the exact cheque amount, the sender of the service may claim in the notice amounts such as legal charges, notice charges, interest and such other additional amounts, provided the cheque amount is specified to be demanded for payment.- When the cheque amount is not mentioned in the notice or the amount different than the actual cheque amount is mentioned, in the notice, such notice would stand invalid in eye of law- Even typographical error can be no defence. The error, even if typographical, would be fatal to the legality of notice, given the need for strict mandatory compliance. (Para 8-9)

Tricolor Hotels Limited v. Dinesh Jain 2025 INSC 1132 - S.15(2) Arbitration Act - Delay Condonation

Arbitration and Conciliation Act, 1996 - Section 15(2) - High Court refused to condone the delay in filing proceedings under Section 15(2) - Dismissing SLP, SC observed: High Court has considered the entire matter and was thereafter satisfied that the petitioner had failed to make out any sufficient cause for condoning the delay in filing the petition under Section 15(2) of the Act of 1996. The view as taken cannot be said to be perverse or resulting in manifest injustice for this Court to intervene in exercise of jurisdiction under Article 136 of the Constitution of India. No special circumstances are shown to exist nor do the proceedings raise any issue of

sufficient gravity for this Court to undertake a review of the decision appealed against. (Para 6)

All India Football Federation v. Rahul Mehra 2025 INSC 1131 - All India Football Federation (AIFF) Constitution

Note: Supreme Court judgment on approval and finalization of the All India Football Federation (AIFF) Constitution, with scrutiny of objections/suggestions from stakeholders and alignment with the National Sports Code 2011 and FIFA/AFC statutes.

Fraternity and Sports - Unlike rights that can be enforced through law, fraternity is not amenable to judicial command; it must be nurtured through lived experiences of unity, trust, and shared endeavour. National, international, regional or even mohalla sports in India serve as the Karmabhumi where cohesion and collective purpose take tangible form. They bring together individuals from diverse social, linguistic, and cultural backgrounds under a common pursuit, embodying the Constitutional value of fraternity. Here, individual and collective aspirations find a way to coalesce. (Para 1) It is also necessary to ensure that sporting facilities and opportunities are not concentrated in the hands of the urban economic elite and that the revenues from sporting events, intellectual property and media rights are so distributed to subserve and encourage accessible and affordable sport in our country. (Para 3.3) It is high time we recognize that sporting “facilities and opportunities” are “material resources of the community”, and their organizers are “the institutions of the national life”. As “places of public resort” sporting institutions and bodies must remain

accessible, not just for pursuing sport, but also for its administration. (Para 3.2)

Sports - Our country is brimming with promising sporting talent which seeks suitable avenues and organisational support. We need to channelise this talent efficiently – from village fields to international platforms. We believe that the Constitution of AIFF is an important structural foundation in this regard and the stakeholders of Indian sports will have an important role in ensuring that Indian football remains thrilling, competitive and value oriented and continue to make its mark in the national and international landscape. (Para 124)

Quippo Energy Ltd. v. Commissioner of Central Excise Ahmedabad-II, 2025 INSC 1130- Central Excise Act - Manufacture

Central Excise Act, 1944 -Section 2(f) - A two pronged test for the purpose of determining whether an activity amounts to “manufacture”. (i) Transformation test (Whether a distinct product with a new name, identity, character, or use emerges?); and (ii) Marketability test (Whether the transformed product is marketable as such?). (Para 33)

Words and Phrases - Terms ‘part’ and ‘accessory’ respectively is as presented below: a. A part is an integral/ constituent component which renders the article complete and functional i.e., the article would not be able to fulfill its primary function without this component- An accessory on the other hand is a component which while not being essential to the

primary functioning of the article, is used in conjunction with the article and adds supplemental/secondary value by providing for additional beauty, elegance, comfort or convenience of use in relation to that article. Illustration: An air conditioner installed in a car would not be considered a ‘part’ of that car. This is because the car can effectively perform its primary function of transportation even without an air conditioner. Conversely, the air conditioner would be classified as an ‘accessory’ because it enhances comfort and convenience when utilised with the car. It provides supplemental/secondary value by enabling the ability to control the temperature within the car. On the other hand, a steering wheel would be considered as a ‘part’ of the car because without a steering wheel the car would not be able to perform its primary function, i.e., transportation. (Para 45)

Rajput Vijaysinh Natwarsinh v. State of Gujarat 2025 INSC 1129 - S.451 CrPC

Code of Criminal Procedure, 1973 - Section 451 - High Court allowed the release of the seized cash - Allowing appeal, SC observed: However, it is entirely possible that the said sum of money was part of some other transaction. Simply because the amount owed to him matches the amount recovered does not establish that he is the only claimant to the said amount - The appropriate ownership of the sum of money can only be determined after consideration of all evidence and having taken into account the claims and views of all the other persons that the appellant-accused has allegedly played foul with, in business. The evidence presented by respondent no. 2 to establish his claim over the said amount

will have to be considered by the Court seized of trial in the matter, and then only can a proper decision be arrived at. At this stage, therefore, releasing the muddamal would be unjustified and premature. (Para 10-11)

Nitin Ahluwalia vs State of Punjab 2025 INSC 1128 - S.482 CrPC - Background Of FIR Filing

Code of Criminal Procedure 1973 - Section 482 - On "allegations have been made, and so they have to be investigated" approach: In certain cases, though, it is not as straightcut as that. While it is true that elaborate defences and evidence brought on record is not to be considered at this stage, it is equally true that a mechanical approach cannot be countenanced. What renders a judicial mind distinct is its application to the given facts in accordance with law. Therefore, the Court ought to have appreciated, at least to some extent, the background in which the informant filed the subject FIR. (Para 7-8)

Family Law - International Law.- Divorce Decree By Foreign Court - While it may be true that India is not a signatory to the Hague Convention, 1980 and that the criterion may allegedly differ, it does not give us reason to interfere with orders passed by Courts of competent jurisdiction in other countries. (Para 11)

Amanjot Singh Chadha v. Union of India 2025 INSC 1127 - Anand Marriage Act - Registration

Anand Marriage Act, 1909 - Section 6 - Section 6(3) of the Act preserves the validity of an Anand Karaj marriage even if it is not registered, which protects the sacrament but does not dilute the obligation to frame rules (Para 8)- Imposes a positive duty on every State Government to create a workable registration machinery for Anand Karaj marriages. That duty is not contingent on the size of the beneficiary group in any jurisdiction, nor can it be deferred on the footing that other marriage laws exist in parallel (Para 7)- Issued directions to the respective States and Union Territories that secure time-bound performance of the rule-making obligation under Section 6 of the Act and require interim facilitation under existing registration mechanisms so that the statutory promise of the provision is made effective - States and UTs that has not yet notified rules under Section 6 of the Act shall do so within four months from today. (Para 12)

Constitution - The fidelity of a constitutional promise is measured not only by the rights it proclaims, but by the institutions that make those rights usable. In a secular republic, the State must not turn a citizen's faith into either a privilege or a handicap. (Para 1)

Marriage Registration - The availability of registration bears directly on equal treatment and on orderly civil administration. A marriage certificate enables proof of status for residence, maintenance, inheritance, insurance, succession and the enforcement of monogamy, and it particularly safeguards the interests of women and children who depend on

documentary proof to claim legal protections. Uneven access to a statutory facility across States and Union Territories produces unequal outcomes for similarly situated citizens. In a secular framework that respects religious identity while ensuring civic equality, the law must provide a neutral and workable route by which marriages solemnised by Anand Karaj are recorded and certified on the same footing as other marriages. (Para 9)

Shiv Steels v. State of Assam 2025 INSC 1126- Taxation- Assam General Sales Tax Act

Interpretation of Statutes - Taxation- In construing fiscal statutes and in determining the liability of a subject to tax one must have regard to the strict letter of law. If the revenue satisfies the court that the case falls strictly within the provisions of the law, the subject can be taxed. If, on the other hand, the case is not covered within the four corners of the provisions of the taxing statute, no tax can be imposed by inference or by analogy or by trying to probe into the intentions of the legislature and by considering what was the substance of the matter. (Para 14)

Assam General Sales Tax Act, 1993 - Section 19,21- In cases where no assessment has been made under any of the provisions within the time limits specified in Section 19, then, notwithstanding anything contained in that Section the assessment would be permissible within four years from the date of expiry of the limitation period with prior sanction from the Commissioner-Section 21 would apply only in cases where no assessment

has been made under any of the provisions of the Act within the time limits specified in Section 19. The interpretation of the two provisions of the Act at the end of the High Court is completely incorrect. (Para 12-13)

Meena Jain vs United India Insurance Co. Ltd 2025 INSC 1125 - Motor Accident Compensation

Motor Vehicles Act, 1988 - Section 166 - While upholding dismissal of Motor Accident Compensation claim, SC observed: A claim for compensation for death or injury can be pursued only if there is established negligence on the part of the driver of the offending vehicle. Obviously, even if the driver of the subject vehicle is found to be negligent, there can be no compensation for his death, since he is the tort-feasor. The compensation with respect to the child could have been considered which also fails due to absence of any pleading of negligence. (Para 4) The unfortunate accident occurred on 05.09.1993 and on that date Section 163A of the MV Act was not available in the statute, disentitling even the no fault liability claim under the MV Act. The provision under Section 163A was brought into the MV Act only with effect from 19.11.1994. (Para %)

Thammineni Bhaskar v. State of Andhra Pradesh 2025 INSC 1124 - Concurrent Murder Conviction Set Aside

Indian Penal Code 1860 - Section 302 - Concurrent conviction of murder accused set aside- No legal aspects discussed in the judgment.

Komal Krishan Arora vs Sandeep Kumar 2025 INSC 1123 - Child Custody

Child Custody - No legal aspects discussed in the judgment - Disposing appeal, **SC held:** High Court was justified in granting interim custody to the father, and its findings did not warrant any interference.

State of Haryana vs Jai Singh 2025 INSC 1122 -Punjab Village Common Lands (Regulation) Act - Stare Decisis

Legal Maxims & Doctrines - Doctrine of stare decisis - Stability and predictability in the legal system - A view consistently upheld by courts over a long period must be followed, unless it is manifestly erroneous, unjust or mischievous. (Para 100)

Punjab Village Common Lands (Regulation) Act, 1961 - High Court partly allowed the writ petition preferred by the proprietors/landowners, challenging the amendments carried out in the Punjab Village Common Lands (Regulation) Act, 1961, as inserted by the Haryana Act No. 9 of 1992 the lands which have not been earmarked for any specific purpose do not vest in the Gram Panchayat or the State- Dismissing appeals filed by State, SC observed: The land which remains unutilized after utilizing the land for the common purposes so provided under the consolidation scheme vests with the proprietors and not with the Gram Panchayat. It was further held that the unutilized land i.e., the bachat land, left after utilizing the land earmarked for the common purposes, has to be redistributed amongst the

proprietors according to the share in which they had contributed the land belonging to them for common purposes-the lands which have not been earmarked for any specific purpose do not vest in the Gram Panchayat or the State.(Para 53,56)

Jameela vs State of Madhya Pradesh 2025 INSC 1121 - Art.20 Constitution - S.195A IPC

Constitution of India - Article 20(1) - In this case, Section 195-A IPC was inserted by Act No.2 of 2006 with effect from 16th April, 2006. As on date of the offence, section 195-A IPC was not on the statute book - SC held: The High Court, therefore, fell in error in not noticing the date of offence and the date of insertion of section 195-A in the IPC and proceeded to hold Akhtar guilty under that section in clear breach of clause (1) of Article 20 of the Constitution of India.

Dastagirsab vs. Sharanappa @ Shivasharanappa Police Patil (D) 2025 INSC 1120 - Hindu Law - Karta - HUF

Hindu Law - Right of a Karta to sell joint family property - Karta enjoys wide discretion with regard to existence of legal necessity and in what way such necessity can be fulfilled - Whether legal necessity existed justifying the sale would depend on facts of each case- Onus to prove that a sale made by the Karta on behalf of other coparceners of HUF for legal necessity lies on the alienee/ purchaser- Onus of proof on the stranger-purchaser cannot run counter to the principle of reverse burden enshrined in Section 106 of

the Evidence Act and saddle him with the liability to prove facts which are within the special knowledge of the coparceners of the HUF. (Para 11,16)

Assistant General Manager, State Bank of India vs. Tanya Energy Enterprises 2025 INSC 1119 - Judicial Review - Administrative Orders

Constitution of India - Article 226 - Judicial Review of Administrative Orders - While the courts, in course of reviewing administrative orders, may not permit additional grounds not found within the four corners of the said order to be raised in an affidavit or in oral arguments, the factual narrative in such order and the documents referred to therein can certainly be considered together with the case set up in the writ petition, but in appropriate cases- Such cases could include a case where the mentioned grounds are found to be untenable and, thus, unsustainable, but an alternative ground (appearing from the factual narrative in the order itself and/or from the records relevant thereto) is traceable which could have validly been mentioned as a ground to support the impugned rejection had there been a proper application of mind by the administrative authority. In all such cases, it would be open to the court to uphold it on such alternative ground subject, of course, to the affected party being put on notice and an opportunity to respond. (Para 38)

Constitution of India - Article 226 - No court can, by issuing a writ of mandamus, direct a secured creditor to positively grant benefit of OTS to a defaulting borrower; such grant is always subject to the eligibility criteria being satisfied. - But this principle of law, as aforesaid, may not have any

direct application when it is merely a re-consideration that the High Court has directed and there is no positive direction for granting an OTS. (Para 20-21)

Constitution of India - Article 136 - Even if limited notice was issued on a special leave petition, Supreme Court can expand the scope of the lis. (Para 22)

OTS 2020 Scheme (SBI)- Crossing the hurdle of eligibility per se would not entitle a defaulting borrower to claim consideration of his/its application unless the application itself satisfies the other stipulated conditions. (Para 4)

Paramjeet Singh vs State of Himachal Pradesh 2025 INSC 1118 - S.420 IPC - Cheating

Indian Penal Code 1860 - Section 415 ,420 - For establishing the offence of cheating, the complainant is required to show that the accused had a fraudulent or dishonest intention at the time of making a promise or representation - Such a culpable intention when the promise was made cannot be presumed but has to be supported with cogent facts -Mere vague allegations by the complainant that the accused failed to provide a product of a particular specification and failed to replace the faulty machines do not satisfy the test of dishonest inducement to deliver a property or part with a valuable security as enshrined under Section 420 IPC - Criminal law ought not become a platform for initiation of vindictive proceedings to settle personal scores and vendettas.

Kailas Bajirao Pawar v. State of Maharashtra 2025 INSC 1117 - S. 65B Evidence Act - S.52A NDPS Act - S.293 CrPC

Indian Evidence Act 1872 - Section 65B - Once the requirement of Section 65B is fulfilled it becomes an admissible piece of evidence, like a document, and the video recorded therein is akin to contents of a document which can be seen and heard to enable the Court to draw appropriate inference(s)- There may be an occasion where to appreciate contents of a video an explanatory statement may be needed, but that would depend on the facts of a case. However, it is not the requirement of law that the contents of the video would become admissible only if it is reduced to a transcript in the words of a witness who created the video or is noticed in the video. (Para 19)

Code of Criminal Procedure 1973 - Section 293 - NDPS Act - Report of a Chemical Examiner is admissible even if he is not produced as a witness though, the Court may summon and examine him as to the subject matter of the report -There is no such requirement of law that Chemical Examiner would have to be called in each NDPS case to prove the report when it is otherwise admissible under Section 293(1) CrPC. (Para 21)

Narcotic Drugs and Psychotropic Substances Act, 1985 [NDPS Act] - Section 52A - Mere non-production of the seized contraband during trial may not be fatal if there is reliable evidence in respect of its seizure, drawing of samples therefrom, and FSL report relating to the sample drawn from the seized material. However, to ensure that no adverse inference is drawn against the prosecution for non-production of the seized

contraband, documents prepared in terms of the provisions of Section 52-A, inter alia, evidencing preparation of inventory of seized contraband and drawing of samples therefrom, would have to be brought on record. Likewise, evidence should be there that the sample drawn from the inventory was sent to FSL in a sealed container/ envelop, as per guidelines, and that the seal was found intact at the end of FSL. This is to obviate any doubt regarding sample being tampered in transit. Similarly, FSL's report along with the sample tested by it is to be placed on record so that there remains no doubt regarding the sample tested. (Para 3)

In Re: The Waqf Amendment Act, 2025 2025 INSC 1116- Interim Relief

Waqf (Amendment) Act, 2025 - The prayer for stay of the impugned Act rejected -Directions: (i) The following part of clause (r) of Section 3 of the Amended Waqf Act “any person showing or demonstrating that he is professing Islam for at least five years” shall stand stayed until the rules are framed by the State Government for providing a mechanism for determining the question as to whether a person has been practicing Islam for at least five years or not; (ii) The proviso to sub-section (2) of Section 3C of the Amended Waqf Act, which reads thus: “Provided that such property shall not be treated as waqf property till the designated officer submits his report.” and the provisions of sub-sections (3) and (4) of Section 3C of the Amended Waqf Act, which read thus: “(3) In case the designated officer determines the property to be a Government property, he shall make necessary corrections in revenue records and submit a report in this regard

to the State Government. (4) The State Government shall, on receipt of the report of the designated officer, direct the Board to make appropriate correction in the records.” shall stand stayed; (iii) It is directed that unless the issue with regard to title of the waqf property in terms of Section 3C of the Amended Waqf Act is not finally decided in the proceedings initiated under Section 83 of the Amended Waqf Act by the Tribunal and subject to further orders by the High Court, neither the waqfs will be dispossessed of the property nor the entry in the revenue record and the records of the Board shall be affected. However, upon commencement of an inquiry under Section 3C of the Amended Waqf Act till the final determination by the Tribunal under Section 83 of the Amended Waqf Act, subject to further orders of the High Court in an appeal, no third-party rights would be created in respect of such properties; (iv) It is directed that insofar as Central Waqf Council constituted under Section 9 of the Amended Waqf Act is concerned, it shall not consist of more than 4 non-Muslim members out of 22. Equally, insofar as the Board constituted under Section 14 of the Amended Waqf Act is concerned, it is directed that it shall not consist of more than 3 non-Muslim members out of 11; (v) Though, we are not inclined to stay the provision of Section 23 of the Amended Waqf Act, we direct that as far as possible, an effort should be made to appoint the Chief Executive Officer of the Board who is the exofficio Secretary from amongst the Muslim community; and (vi) What has been observed hereinabove is upon our *prima facie* consideration for the purpose of examining as to whether an interim stay should be granted or not to the impugned Act or the provision(s) contained therein. The observations made hereinabove will not prevent the parties from making submissions with regard to the validity

of the provisions contained in the Amended Waqf Act or any of the provision(s) therein. (Para 209)

Constitution of India - Article 32 - Interim Relief - The courts should be very slow in granting interim relief by way of staying the provisions of an enactment. Interim relief of such a nature can be granted in rare and exceptional cases; where parties are in a position to point out that either the legislature which enacted the law lacks legislative competence or the provisions are ex-facie in violation of any of the provisions in Part III of the Constitution or constitutional principles or is manifestly arbitrary. (Para 73) There is always a presumption in favour of the constitutionality of an enactment and the burden is upon him who attacks it to show that there has been a clear transgression of the constitutional principles- The legislature understands and correctly appreciates the need of its own people, that its laws are directed to problems made manifest by experience and that its discrimination is based on adequate grounds - Legislature is free to recognize degrees of harm and may confine its restrictions to those cases where the need is deemed to be the clearest- In order to sustain the presumption of constitutionality the court may take into consideration matters of common knowledge, matters of common report, the history of the times and may assume every state of facts which can be conceived existing at the time of legislation. (Para 117-119)

Waqf (Amendment) Act, 2025 - If the legislature finds that the concept of “Waqf by User” has to be abolished and that too prospectively, the same

cannot prima facie be said to be arbitrary- The deletion of clause (i) of Section 3(r) of the Original Waqf Act would come into effect from the date on which the impugned Act has come into effect. The said provision would, therefore, not apply retrospectively. (Para 152)

Public Property - The property of the Government is a property of the public i.e., the citizens of India. The Government holds the property in trust for its citizens. Any person who has wrongful possession of such property cannot be permitted to claim the same as his own property. (Para 155)

Waqf (Amendment) Act, 2025 - Section 3C(1) and 3C(2) of the Amended Waqf Act- The question with regard to determination of title of a property being entrusted to a revenue officer would not be in tune with the principle of separation of powers enshrined in our Constitution. The question of determination of the title of a property will have to be resolved by a judicial or quasi-judicial authority. (Para 161)

M.S. Patter v. State of NCT of Delhi 2025 INSC 1115 - Beggars' Homes

Constitution of India - Article 21 - Beggars' Home - State's responsibility towards indigent persons is affirmative and non-derogable. A beggars' home, maintained by the State, is thus a constitutional trust, not a discretionary charity.- The failure to ensure humane conditions in such

homes does not merely amount to maladministration; it represents a constitutional breach of the fundamental right to life with dignity, thereby inviting judicial intervention - Directions issued in respect of all Beggars' Homes across the country. (Para 16-23)

Constitution of India - Article 21 - Article 21 of the Constitution of India, which guarantees the right to life and personal liberty, has been interpreted by this Court in an expansive and purposive manner. It is no longer confined to mere animal existence; it embraces within its fold the rights to dignity, health, shelter, privacy, and humane treatment, with heightened protection for the most vulnerable groups- State's responsibility towards indigent persons is affirmative and non-derogable. (Para 16)

Anna Waman Bhalerao v. State of Maharashtra 2025 INSC 1114 - CrPC - Expeditious Disposal -Bail Applications

Code of Criminal Procedure 1973- Section 437-439 ; Bharatiya Nagarik Suraksha Sanhita 2023 - Section 481-483 - Bail and anticipatory applications must be decided expeditiously on their own merits, without relegating the parties to a state of indefinite pendency. Prolonged delay in disposal not only frustrates the object of Code of Criminal Procedure, but also amounts to a denial of justice, contrary to the constitutional ethos reflected in Articles 14 and 21- Directions issued: a) High Courts shall ensure that applications for bail and anticipatory bail pending before them or before the subordinate courts under their

jurisdiction are disposed of expeditiously, preferably within a period of two months from the date of filing, except in cases where delay is attributable to the parties themselves. b) High Courts shall issue necessary administrative directions to subordinate courts to prioritise matters involving personal liberty and to avoid indefinite adjournments. c) Investigating agencies are expected to conclude investigations in longpending cases with promptitude so that neither the complainant nor the accused suffers prejudice on account of undue delay. d) Being the highest constitutional fora in the States, High Courts must devise suitable mechanisms and procedures to avoid accumulation of pending bail / anticipatory bail applications and ensure that the liberty of citizens is not left in abeyance. In particular, bail and anticipatory bail applications shall not be kept pending for long durations without passing orders either way, as such pendency directly impinges upon the fundamental right to liberty. (Para 17-8)

Mamman Khan v. State of Haryana 2025 INSC 1113 - Ss.218-223
CrPC - Joint Trial

Code of Criminal Procedure 1973 - Section 218-223- (i) Separate trial is the rule under Section 218 Cr.P.C; a joint trial may be permissible where the offences form part of the same transaction or the conditions in Sections 219 – 223 Cr.P.C. are satisfied, but even then it is a matter of judicial discretion; (ii) The decision to hold a joint or separate trial must ordinarily be taken at the outset of the proceedings and for cogent reasons; (iii) The two paramount considerations in such decision making are whether a joint trial would cause prejudice to the accused, and whether it

would occasion delay or wastage of judicial time; (iv) Evidence recorded in one trial cannot be imported into another, which may give rise to serious procedural complications if the trial is bifurcated; and (v) An order of conviction or acquittal cannot be set aside merely because a joint or separate trial was possible; interference is justified only where prejudice or miscarriage of justice is shown. (Para 16) A unilateral order for a separate charge sheet and segregated trial, passed without notice or application, violates the basic principles of procedural fairness inherent in Article 21. – Mere physical presence of counsel cannot be equated with a meaningful opportunity of hearing. Natural justice requires that the party likely to be affected by an order must have prior notice and a fair opportunity to present objections. In the absence of any indication that segregation was under consideration, the requirement of a fair hearing was not satisfied. (Para 17-18)

Constitution of India - Article 14- All persons are equal before the law and entitled to equal protection of the laws. This principle extends beyond mere formal equality and requires that legal procedures be applied fairly and uniformly, irrespective of an individual's public position or status. The right to equal access to justice is an essential facet of the rule of law, and no person – whether a sitting MLA or an ordinary citizen – can be subjected to procedural disadvantage or preferential treatment without express legal justification. (Para 23)

Confederation of Real Estate Developers Association of India (CREDAI) vs Union of India 2025 INSC 1112 -EIA Notification

EIA notification - The constitutional validity of Notification S.O. 523(E) dated 29 January 2025 - Referred to *Vanashakti v.Union of India* - while upholding the 2025 Notification, this Court set aside Note 1 in Column 5 of Item 8(a), holding that the exclusion of projects such as industrial sheds, schools, colleges, and hostels for educational institutions was inconsistent with the object and scheme of the Environment Protection Act, 1986. With respect to the OM dated 30.01.2025, it was further held that the 2025 Notification would apply to the State of Kerala as well- The 2025 Notification, excluding Note 1 to Entry 8(a), presently holds the field. (Para 23-25)

ITC Limited v. State of Karnataka 2025 INSC 1111 - CrPC - Legal metrology Act

Legal metrology Act, 2009 - Section 15 - There must be reasons to believe both for conducting a search or inspection of premises and for seizure of materials therefrom. In addition, to satisfy the requirements of Section 15, the officials must also comply with the provisions of the Code of Criminal Procedure relating to search and seizure - The procedure prescribed under the Cr.P.C. must be followed even with respect to goods stored in warehouses or godowns, irrespective of whether open or closed.- Merely because a place is open at the time of visit does not mean that the requirements under Section 15 or the Cr.P.C. can be bypassed. Any officer intending to conduct a search or inspection and effect a seizure must

necessarily follow the prescribed procedure and cannot forcibly enter premises without warrant or reasons duly recorded (Para 11–) The reference in Section 15(4) to the provisions of the Cr.P.C. cannot be read to mean that Section 165 Cr.P.C can be invoked only if an offence has already been registered. (Para 18) Compliance with statutory procedures, including recording “reasons to believe” before initiating search or seizure, is incumbent upon officials; non-compliance renders the action futile and results in arbitrary exercise of authority. (Para 23)

Code of Criminal Procedure 1973- Section 100, 165 - Circumstances and pre-requisites for searches without warrant: As a general rule, every search must be preceded by a warrant and reasons to believe must be recorded. Section 165 applies where, due to exigent circumstances, it is not possible to obtain a search warrant. In such cases, the officer may, after recording his reasons in writing and specifying, as far as possible, the thing for which the search is to be made, conduct or cause a search of the place. Section 165(4) provides that the general provisions relating to searches contained in Section 100 also apply to searches under Section 165- Even under Section 165, the existence of reasons to believe that an imminent search is necessary, must be recorded, with as much detail as possible. The mandate of Section 100(4) must also be satisfied even in searches under Section 165. (Para 17)

Code of Criminal Procedure 1973- Unless the provisions of the Cr.P.C. are explicitly excluded, the same shall apply to special enactments as well. (Para 19.5)

Natural Justice and Due Process Of Law -Observance of due process of law and the principles of natural justice being intertwined, is a legal necessity to ensure that the action of the authorities does not result in manifest arbitrariness or abuse and misuse of power by those empowered to conduct inspection, search, and/or seizure. When the law prescribes a particular procedure to be followed while taking action, the same must be strictly adhered to. (Para 20.1)

Code of Criminal Procedure 1973- Section 100 - The presence of two respectable independent witnesses from the locality mandatory. It is significant to note that such witnesses may also be drawn from a different locality, provided they meet the requirements of independence and respectability. (Para 21)

Prejudice - Where the initial proceedings are vitiated, all subsequent proceedings are unsustainable. Any act in violation of law cannot be brushed aside on the ground that no prejudice was caused; every violation of law is deemed to cause some prejudice. (Para 21)

Mansi Brar Fernandes v. Shubha Sharma 2025 INSC 1110 - IBC - RERA - Fundamental Right to Shelter

Constitution of India - Article 21 - Housing is neither a luxury nor a commodity for speculation – it is a fundamental human need. The right to secure, peaceful, and timely possession of one's home is therefore a facet of the fundamental right to shelter enshrined under Article 21- Right to Shelter is an integral part of the right to life under Article 21 of the

Constitution - The life savings of a common person culminate in timely possession of their promised home. (Para 20-21)

Insolvency and Bankruptcy Code 2016 - Section 7 - At the admission stage of Section 7 petitions filed by allottees, NCLTs must record a *prima facie* finding on whether the applicant is a genuine homebuyer or speculative investor. This would prevent unnecessary admissions and reduce docket burden. (Para 21) The determination of whether an allottee is a speculative investor depends on the facts of each case. The inquiry must be contextual and guided by the intent of the parties. Indicative factors include: (i) the nature and terms of the contract; (ii) the number of units purchased; (iii) presence of assured returns or buyback clauses; (iv) the stage of completion of the project at the time of investment; and (v) existence of alternative arrangements in lieu of possession. Possession of a dwelling unit remains the *sine qua non* of a genuine homebuyer's intent -The determination of whether an allottee is a speculative investor, must be holistic, having regard to the terms of the agreement, the allotment letter, the payment terms, and the overall conduct of the allottee. Non-exhaustive indicators include: (1) If the agreement substitutes possession with a buyback or refund option, or any other special arrangement, the allottee is likely a speculative investor. (2) Insistence on refund with high interest, coupled with refusal to accept possession would indicate speculation. (3) Purchase of multiple units, especially in double digits, shall invite greater scrutiny, though it is not conclusive. If the terms of the agreement provide for possession or refund in the event of failure to give possession alone, this factor may not be held against the allottee. (4) Special rights, preferential treatment, or unusual privileges to the allottee would signal investment

intent. (5) Deviation from the RERA Model Agreement shall be a crucial indicator as to the nature of the transaction – the greater the departure, the greater the likelihood of speculation. (6) Unrealistic interest rates and promises of 20 – 25% returns over a short duration are indicative of speculation. (Para 18)

Rajul Manoj Shah alias Rajeshwari Rasiklal Sheth v. Kiranbhai Shakrabhai Patel 2025 INSC 1109 - Order VIII Rule 6A CPC - Counter Claim

Code of Civil Procedure 1908 - Order VIII Rule 6A- A counterclaim directed solely against the co-defendants cannot be maintained- a counterclaim has necessarily to be directed against the plaintiff in the suit, though incidentally or along with it, it may also claim relief against the codefendants in the suit. [**Context:** In this case, SC held that relief of specific performance as sought to be raised by defendant no. 2 cannot be set up by way of a counter-claim since the same is not directed against the appellant/plaintiff, but is instead directed solely against the co-defendant.] (Para 20-23)

Code of Civil Procedure 1908 - Order VIII Rule 6A - A defendant may assert any right or claim against the plaintiff before the filing of the written statement, even if such cause of action is unrelated to the plaintiff's suit. The only limitation is that the counter-claim must lie within the pecuniary jurisdiction of the court. Such a counter-claim is treated as a cross-suit and is governed by the rules applicable to plaints, including the obligation to disclose the cause of action and pay requisite court fees. The

legislative intent is to avoid multiplicity of proceedings by allowing both the original suit and the counterclaim to be tried and disposed of in a single trial, thereby avoiding prolonged and protracted litigation. (Para 19)

Code of Civil Procedure 1908 - Order VIII Rule 6A - Quoted from *Ashok Kumar Kalra v. Wing CDR. Surendra Agnihotri*: Order 8 Rule 6-A CPC does not put an embargo on filing the counterclaim after filing the written statement, rather the restriction is only with respect to the accrual of the cause of action. Having said so, this does not give absolute right to the defendant to file the counterclaim with substantive delay, even if the limitation period prescribed has not elapsed. The court has to take into consideration the outer limit for filing the counterclaim, which is pegged till the issues are framed. The court in such cases have the discretion to entertain filing of the counterclaim, after taking into consideration and evaluating inclusive factors provided below which are only illustrative, though not exhaustive: (i) Period of delay. (ii) Prescribed limitation period for the cause of action pleaded. (iii) Reason for the delay. (iv) Defendant's assertion of his right. (v) Similarity of cause of action between the main suit and the counterclaim. (vi) Cost of fresh litigation. (vii) Injustice and abuse of process. (viii) Prejudice to the opposite party. (ix) And facts and circumstances of each case. (x) In any case, not after framing of the issues. (Para 24)

Civil suit - Enquiry and trial arising out of a claim to enforce an agreement to sell is qualitatively different from the claim of a plaintiff seeking a declaratory decree against a defendant. (Para 26)

Prakash Asphaltings and Toll Highways (India) Limited v. Mandeepa Enterprises 2025 INSC 1108 - Judicial Review - Tender

Constitution of India - Article 226 - Tender - While judicial review is not excluded to assail administrative decisions even in matters of tenders and contract, the constitutional courts should exercise utmost restraint in interfering with a tender process unless the threshold of judicial review is met. (Para 42) Public interest- The expression 'public interest' in the arena of commercial transactions cannot and should not be confined to any straight jacket definition. While benefit or accrual of more revenue to the public exchequer is certainly an important aspect, equally important, if not more, is adherence to the rules and conditions of tender; sanctity of the tender process being paramount and should be maintained at all cost. (Para 44)

Maniklal Sahu v. State of Chhattisgarh 2025 INSC 1107 - S.307 IPC - Attempt To Murder

Indian Penal Code 1860 - Section 300, 302,307 - Broad principles
- a. If it is proved that the injury was fatal and the intention was to cause death, though the death occurred after several days of septicaemia or other complications having supervened, yet it is undoubtedly a murder as it falls within the first limb of Section 300 of the IPC. b. If it is proved that the injuries by themselves were sufficient to cause death in the ordinary course of nature, and if it is established that those injuries were the intended injuries, though the death might have occurred after septicaemia or other

complications had supervened, yet the act of the accused would squarely fall under the third limb of Section 300 of the IPC and the accused is therefore liable to be punished under Section 302 of the IPC. c. If it is proved that the injuries were imminently dangerous to life, though the death had occurred after septicaemia or other complications had supervened, yet the act of the accused would squarely fall under the fourth limb of Section 300 of the IPC, provided, the other requirements like knowledge on the part of the accused, etc. are satisfied and so the accused would be liable to be punished under Section 302 of the IPC. Here also, the primary cause of the death is the injuries and septicaemia. d. In judging whether the injuries inflicted were sufficient in the ordinary course of nature to cause death, the possibility that skilful and efficient medical treatment might prevent the fatal result is wholly irrelevant. e. If the supervening causes are attributable to the injuries caused, then the person inflicting the injuries is liable for causing death, even if death was not the direct result of the injuries. f. Broadly speaking, the courts would have to undertake the exercise to distinguish between two types of cases; first, where the intervening cause of death, like peritonitis, is only a remote and a rather improbable consequence of the injury; then it can be said that the injury is one which may, in particular circumstances, result in death, but which may not in ordinary course of nature be likely to lead to it. Secondly, where the complication which is the intervening cause of death is itself a practically inevitable sequence to the injury. In that event, the probability is very high indeed, amounting to practical certainty i.e., death is a result in due course of natural events. A deep abdominal thrust with a knife followed by injury to the internal organs is practically certain to result in acute peritonitis causing death. It is clearly a case of murder under Section 302

and not merely of culpable homicide. g. Even when the medical evidence does not say that any one of the injuries on the body of the deceased was sufficient to cause death in the ordinary course of nature, yet it is open to the Court to look into the nature of the injuries found on the body of the deceased and infer from them that the assailants intended to cause death of the deceased. If none of the injuries alone were sufficient in the ordinary course of nature to cause the death of the deceased, cumulatively, they may be sufficient in the ordinary course of nature to cause his death. h. What the courts must see is whether the injuries were sufficient in the ordinary course of nature to cause death, or to cause such bodily injuries as the accused knew to be likely to cause death although death was ultimately due to supervention of some other cause. An intervening cause or complication is by itself not of such significance. What is significant is whether death was only a remote possibility, or is one which would have occurred in due course. i. To sum it up, where death is delayed due to later complications or developments, the courts should consider the nature of the injury, complications or the attending circumstances. If the complications or developments are the natural, or probable, or necessary consequence of the injury, and if it is reasonably contemplated as its result, the injury could be said to have caused death. If on the other hand, the chain of consequences is broken, or if there is unexpected complication causing new mischief, the relation of cause and effect is not established, or the causal connection is too remote then the injury cannot be said to have caused death. If the original injury itself is of a fatal nature, it makes no difference that death is actually caused by a complication naturally flowing from the injury and not the injury itself, since causal connection is proximate.

Indian Penal Code 1860 - Section 307 - A person commits an offence under Section 307 of the IPC when he has the intention to commit murder and in pursuance of that intention, does an act towards its commission irrespective of the fact whether that act is the penultimate act or not. The provision requires that the act must be done with such intention, or knowledge, or in such circumstances that if death be caused by that act, the offence of murder will emerge- Causing an injury that would endanger life is not an essential condition for the applicability of Section 307 of the IPC. Even if the injuries inflicted are simple in nature, that by itself cannot be a ground for acquittal, if the offence otherwise falls under Section 307 IPC. (Para 31) The relevant circumstances from which the intention can be gathered - A suggestive, and not exhaustive list:- 1. the nature of the weapon used; 2. the manner in which the weapon was used; 3. the part of the body where the injuries were inflicted; 4. the nature of the injuries caused; 5. the opportunity available which the accused gets. (Par 32)

Vaneeta Patnaik v. Nirmal Kanti Chakrabarti 2025 INSC 1106 - POSH Act - Limitation

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 - Section 9- A complaint of sexual harassment is mandatorily required to be filed within a period of three months from the date of the last incident of such harassment or within a further extended period of three months, i.e., within a maximum period of six months from the date of the last incident of sexual

harassment- The issue of limitation is ordinarily a mixed question of fact and law and it may not be possible to throw out a complaint at the threshold without collecting material on the factual aspects relating to the limitation- Where a complaint on the simple reading of the averments made therein appears to be patently barred by limitation, it can be rejected at the very first instance on the analogy of Order VII Rule 11 CPC, without even calling the other side to participate in the proceedings. (Para 15)

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 - Section 2(n), 3 - Not only the unwelcome act or behaviour in the form of physical contact or advances, a demand or request for sexual favours, making sexually coloured remarks, showing pornography or any unwelcome physical, verbal or non-verbal conduct of sexual nature but also any other circumstances connected with the act or behaviour of sexual harassment, like implied or explicit promise of preferential treatment in employment, threat about the present and future employment status, interference with work or creating an intimidating, offensive or hostile work environment or subjecting to humiliating treatment which may likely affect her health or safety, would also amount to acts or behaviour of sexual harassment - The expressions “in relation to” or “connected with” used in Section 3(2) : The use of the above expression clearly demonstrates that there has to be a direct link between the action complained of and an overt act of sexual harassment

Limitation - Distinction between a “continuing wrong” and a “recurring wrong”- a “continuing wrong” is when the injury itself persists, whereas a “recurring wrong” is when a fresh cause of action arises each time. (Para 28)

Quotes - It is advisable to forgive the wrongdoer, but not to forget the wrongdoing. (Para 33)

Shanti Devi (D) v. Jagan Devi 2025 INSC 1105 - Limitation Act

Limitation Act 1963 - Article 59,65 - In this case, the First Appellate Court applied Article 65 stating that the 12-year period for possession based on title applied, and the suit was filed within that period. The High Court affirmed the First Appellate Court's decision to decree the suit but disagreed on the applicable limitation article, stating that Article 59, which allows for a three-year period from the date of knowledge, should apply - In appeal, SC observed: The First Appellate Court had rightly observed that the plaintiff had claimed the relief of joint possession. It had also arrived at the finding that the transaction in question was void. To put it simply, in the eyes of the law, the plaintiff could not be said to have executed the sale deed. Therefore, the plaintiff could indeed have maintained an action to obtain possession of the property on the basis of her title and filed the same within the period of 12 years from the date of knowledge that the possession of the defendant was adverse to that of the plaintiff. Even if the date of execution of the sale deed, i.e., 14.06.1973 is considered, the suit having been filed on 28.02.1984, i.e., almost 11 years later, could be said to be well within limitation as stipulated under Article 65. (Para 39)

Transfer of Property Act, 1882 - Section 54 - The sale of an immovable property would have to be for a price and such a payment of

price is essential, even if it is payable in the future. If a sale deed is executed without the payment of price, it is not a sale at all in the eyes of law, specifically under Section 54 - Such a sale without consideration would be void and would not affect the transfer of the immovable property. (Para 34)

Specific Relief Act 1963 - Section 31,34 - Void Documents - A document that is void need not be challenged by seeking a declaration as the said pleas can be set up and proved even in collateral proceedings. (Para 34) In the absence of the sale consideration being tendered, the sale deed would be void and the plaintiff would not be required to seek its cancellation (Para 38) - A person who is not a party to an instrument would not be obliged in law to seek its cancellation. (Para 30)

Shivamma (D) vs Karnataka Housing Board 2025 INSC 1104 - S.5 Limitation Act

Limitation Act 1963 - Section 5 - For the purpose of condonation of delay in terms of Section 5 of the Limitation Act, the delay has to be explained by establishing the existence of “sufficient cause” for the entirety of the period from when the limitation began till the actual date of filing- If the period of limitation is 90-days, and the appeal is filed belatedly on the 100th day, then explanation has to be given for the entire 100-days. (Para 115) For the purpose of seeking condonation of delay in filing of an appeal or application, as the case may be, beyond the stipulated period of limitation, the delay in the filing has to be explained by demonstrating the existence of a “sufficient cause” that resulted in such delay for both the prescribed period of limitation as-well as the period after the expiry of

limitation, up to actual date of filing of such appeal or application, as the case may be- Explanation has to be given for the entire duration from the date when the clock of limitation began to tick, up until the date of actual filing, for seeking condonation of delay. (Para 40)

Limitation Act 1963 - Section 5 - Length of the delay may be instructive but not determinative -When it comes to condonation of delay, the length of delay is immaterial, and what matters is the acceptability of the explanation. A short delay may still warrant dismissal if unsupported by sufficient cause, whereas even a long delay may be condoned if justified by circumstances demonstrating bona fides- The length of the delay functions as a contextual indicator but not a determinative factor -Section 5 of the Limitation Act does not say that such discretion can be exercised only if the delay is within a certain limit. Length of delay is no matter, acceptability of the explanation is the criterion. The criterion for condoning the delay is sufficiency of reason and not the length of the delay. A long delay naturally casts a heavier burden on the applicant to furnish cogent, credible, and convincing explanations. The proof required becomes stricter in proportion to the delay. The longer the time elapsed, the stronger the justification that must be put forth - in exercising discretion under Section 5 of the Limitation Act the courts should adopt a pragmatic approach. Whereas in the former case the consideration of prejudice to the other side will be a relevant factor so the case calls for a more cautious approach but in the latter case, no such consideration may arise and such a case deserves a liberal approach. No hard-and-fast rule can be laid down in this regard. The court has to exercise the discretion on the facts of each case keeping in

mind that in construing the expression “sufficient cause”, the principle of advancing substantial justice is of prime importance. (Para 128-134)

Limitation Act 1963 - Section 5 - Strong case on merits is no ground for condonation of delay. When an application for condonation of delay is placed before the court, the inquiry is confined to whether “sufficient cause” has been demonstrated for not filing the appeal or proceeding within the prescribed period of limitation- The purpose of Section 5 of the Limitation Act is not to determine whether the claim is legally or factually strong, but only whether the applicant had a reasonable justification for the delay. (Para 140-143)

Limitation Act 1963- Section 5 - The appellate court cannot embark upon an inquiry to enter a finding based on its likes or dislikes. The true test is to see, if it had been up to the appellate court, could the delay have been plausibly condoned for the same reason that was assigned by the court below, by looking into the material on record to see if the ingredients of Section 5 of the Limitation Act were fulfilled or not. If the ingredients of the provision is found to not have been fulfilled, the appellate court can and ought to interfere with the order of the court below. However, if the aforesaid is answered in an affirmative, all that remains to be seen is that the discretion that was exercised in condoning the delay was not done mechanically, arbitrarily or capriciously, and was exercised for the purpose of advancing the cause of justice. Only where the exercise of discretion was clearly wrong, would the court sitting in appeal, interfere with the same. (Para 169-170)

Limitation Act 1963 - Section 5- Condonation of delay is to remain an exception, not the rule. Governmental litigants, no less than private parties, must demonstrate bona fide, sufficient, and cogent cause for delay. Absent such justification, delay cannot be condoned merely on the ground of the identity of the applicant - Twofold test: First, that State or any of its instrumentalities cannot be accorded preferential treatment in matters concerning condonation of delay under Section 5 of the Limitation Act. The State must be judged by the same standards as any private litigant. To do otherwise would not only compromise the sanctity of limitation. The earlier view, insofar as it favoured a liberal approach towards the State or any of its instrumentality is no more the correct position of law. Secondly, that the habitual reliance of Government departments on bureaucratic red tape, procedural bottlenecks, or administrative inefficiencies as grounds for seeking condonation of delay cannot always, invariably accepted as a "sufficient cause" for the purpose of Section 5 of the Limitation Act. If such reasons were to be accepted as a matter of course, the very discipline sought to be introduced by the law of limitation would be diluted, resulting in endless uncertainty in litigation. (Para 213)

Precedent - Where, however, the law, during the pendency of the appeal, has undergone a shift, there the court sitting in appeal, would not only be bound by the change in position of law, but would be well empowered to interfere with the lower courts decision, on that ground alone, notwithstanding the fact, that when the original decision was rendered, that was not the position of law- A decision of the court which either overrules or results in a change in position of law, generally operates retrospectively (Para 225)

Interpretation of Statutes - While construing a provision, a meaningful effect should be given to each and every word used by the legislature within the text of the provision. In interpreting a provision, a coherent meaning has to be culled out from the entire scheme of the Act and the provisions contained therein. The entire text of the provision must be read holistically with the entire Act, in toto, and harmoniously integrated with the other provisions to preserve internal consistency. Stray lines or words of a provision cannot be isolated or construed in fragments, detached from the remaining words and expressions of the provision as-well as the other provisions within the statute. (Para 38) The legislature always speaks through the statute it enacts, and its intention behind any provision or provisions thereof, is to be gathered from the language used in the provision along with the avowed objects with which the same came to be enacted. In construing or interpreting a provision, any deviation from the legislative intent that backs the particular statute containing the said provision cannot be done casually. Mere omission of few stray words, does not detract or take away the lofty intent behind enacting the statute and cannot always be interpreted to impute a contrary intent unless the same is apparent and supported by some other salutary object with which such omission may have been made. (Para 74)

Coal India Ltd. vs Rahul Industries 2025 INSC 1103. Interim Coal Policy

Interim Coal Policy - Interim Coal Policy made a reasonable classification between the linked industries of the core and non-core sectors

and was introduced with the legitimate aim of ensuring an adequate supply of coal in the market by reinforcing the financial capabilities of the appellant company to sustainably operate and invest in the production of coal - Interim Coal Policy fulfilled the test of reasonable classification and hence, was not contrary to Article 14 to this extent. (Para 107)

Constitution of India - Article 226 - The courts must exercise judicial restraint and only consider the legality of the decision-making process in terms of the provisions of the Constitution and relevant statutes. In respect of price fixation of a natural resource like coal, the courts must confine themselves to the question whether the basis adopted for reaching a particular price is reasonable or not. (Para 86)

Constitution of India - Article 136 - Even in a matter wherein notice was issued on a limited question, Supreme Court is not denuded of the jurisdiction to decide the whole conspectus of legal and valid points. (Para 87)

Constitution of India - Article 14,39(b) - a policy decision or price fixation exercise must have an underlying objective that subserves the common good as per Articles 14 and 39(b) respectively - Only the executive actions that are actuated solely by profit motive at the cost of the public, fall foul of the constitutional and statutory principles enshrined in Articles 14 and 39(b)-Reasonable profits when necessary to subserve the ‘common good’ including maintenance of or increase in supply of an essential commodity, do not infringe on the rights of the citizens. (Para 88-92)

Constitution of India - Part III- In situations where a legislative or executive action has prescribed a restriction on fundamental rights, the

courts are required to bear in mind the following observations: a) First, the instances of both classificatory and non-classificatory arbitrariness infringe on the equality mandate of the Constitution enshrined in Article 14 though the tests to determine the same may be different. However, non-classificatory arbitrariness is tested on a stricter anvil of legitimacy as it has the potential to disrupt the rights of a larger section of the population.

b) Secondly, when the restriction is placed on the public at large without establishing the intelligible differentia between sections of the society on whom such restriction may be applicable, it would be a nonclassificatory limitation. Where a challenge is posed to such kinds of restrictions on fundamental rights of the people, the courts are required to employ the proportionality test and ensure that the measures adopted to implement such restrictions are not disproportionate or excessive in achieving the objective or aim identified.

c) Thirdly, in a case where the legislative or executive restricts the fundamental rights of a specific class of persons, it would be an instance of classificatory limitation. To examine whether such restriction is in contravention of the constitutional mandate of equality, the courts are required to ensure that the classification is made on reasonable grounds and use the rational nexus test in order to determine whether the said restriction is an appropriate measure to achieve the objective identified.

d) Fourthly, it was recognised by this Court that the twin test or the rational nexus test may suffer from the problem of elevating form over substance if it concerns itself only with the aspect of ‘rational nexus’ between the classification and the avowed objective. It was held that the rational nexus test must take into account the legitimacy of the objective sought to be achieved and determine if the same affects the classes of persons whose rights would be impeded in a manner that may fall foul of

the reasonableness requirement of Article 14. What has been conveyed by this Court in so many words is that the objective identified by the legislature or executive cannot be taken at face value without any examination of the effects of the same, similar to the requirement of the first sub-component of the proportionality test. e) Lastly, the degree of scrutiny into the legitimacy of the objectives sought to be achieved by a restrictive measure would differ on the basis of the nature of the restriction and the test being used to examine the issue of arbitrariness. This Court, speaking through D.Y Chandrachud, J., described the tests of ‘proportionality’ and ‘rational nexus’ as those that determine the relationship between the measure being implemented and the objective sought to be achieved. When utilising the proportionality test, the degree of scrutiny of the perceived effects of the identified objective would be greater than the probing required when the rational nexus test is employed. This is because the courts show a greater degree of deference to classification. This is because the legislature or executive can classify based on the degrees of harm to further the principle of substantive equality, and such classification does not require mathematical precision. (Para 98)

Geeta @ Reeta Mishra Vs. Ajay Kumar Mishra 2025 INSC 1102 - Father's Duty - Daughter's Marriage Expenses

Matrimonial Cases- It is a father's duty to provide for his children, and meeting the marriage expenses of his daughter is a modest obligation- Meeting the reasonable expenses of his daughter's marriage is a natural extension of his duty as a parent, irrespective of differences with the spouse

(Para 9) [Context: SC affirmed the decree of divorce granted by the Family Court and upheld by the Delhi High Court -It directed the husband to pay ₹10,00,000 to the appellant-wife towards their daughter's marriage expenses- The judgment references the parties' long separation, failed mediation, and the father's duty to provide for his children.]

Reena Banerjee vs Government of NCT of Delhi 2025 INSC 1101 - Rights of Persons with Disabilities Act - Reservation - Project Ability Empowerment

Rights of Persons with Disabilities Act, 2016 - Section 34- Reservation - The principle of upward movement, whereby a meritorious reserved category candidate securing marks above the general cut-off is migrated to the unreserved list, ensures both fairness and the effective utilisation of reservations. Unfortunately, persons with disabilities are presently not given the benefit of upward movement -Union of India to explain whether appropriate measures have been taken to provide the upward movement of meritorious candidates applying against the post/s reserved for persons with disabilities, in case such candidate secures more than the cut-off for the unreserved category. The same principle must also be applied to promotions. Such consideration must be guided by the overarching aim that the true and substantive benefit of reservations reaches those most in need, ensuring that no person with disability is ignored from his rightful claim to the post, merely due to the compounded barriers of poverty, stigma, and lack of access. (Para 48-53)

Constitution of India - Article 14,19,21 - Disabled Persons - Article 14 has been expanded to include substantive equality, requiring not only equal treatment but also reasonable accommodation and removal of systemic barriers. Article 19, particularly the right to freedom of expression and movement, has been interpreted to mandate accessible formats, transport, and communication. Article 21 anchors the right to life with dignity, recognising that dignity is not a privilege but an entitlement, especially for those who are institutionally marginalised - Several Directions issued on implementation of ‘Project Ability Empowerment’ .
(Para 47)

**Mohammad Afzal Mohammad Sharif v. State of Maharashtra
2025 INSC 1100 - CrPC - FIR Registration - Police Force**

Code of Criminal Procedure 1973 - Section 154 - Once information relating to commission of a cognizable offence is given to the officer-in-charge of a police station, the investigative machinery is required to be set in motion. [Context: In this case, SC observed: Neither the Police Inspector nor the High Court are correct in their assumption and understanding that it was for the appellant or his relatives to pursue the police to take necessary steps in that regard and that the police were not required to take any steps, despite their knowledge of the commission of a cognizable offence]

Police Force - When members of the police force don their uniforms, they are required to shed their personal predilections and biases, be they religious, racial, casteist or otherwise. They must be true to the call of duty attached to their office and their uniform with absolute and total integrity. (Para 23) Law requires, nay, ordains that its sentinels be vigilant, prompt and objective in enforcing and securing its mandate. (Para 1)

Jyoti Sharma v. Vishnu Goyal 2025 INSC 1099 - Eviction Suit - Will

Tenancy Law - In a suit for eviction, the proof of ownership of the tenanted premises is not to be strictly looked at as in a suit for declaration of title- The tenant having come into possession of the tenanted premises by a rent deed executed by the earlier landlord, cannot turn around and challenge his ownership. (Para 9,10)

Will - In this case, trial court suspected the Will on the ground that nothing was kept aside for the wife. The finding of the trial court that it is not natural that a person would not keep in mind the interest of his own wife, is not a valid ground to suspect the intentions of the testator or the probity of the bequest made. (Para 9)

Vandana v. State of Maharashtra 2025 INSC 1098 - IPC - Forgery - S.313 CrPC

Indian Penal Code 1860 - Section 468,471 - To attract offence of Section 468 IPC, the prosecution must establish that the accused made a false document within the meaning of Section 464 IPC -Section 471 IPC requires proof that the accused used a forged document as genuine, knowing or having reason to believe it to be forged at the time of its use-The passing of the alleged document through the hands of several person before it was detected as forged renders unsafe to arrive at a conclusion that accused had authored the tampering or possessed the contemporaneous knowledge of such tampering. (Para 7-8) The exclusive control of the alleged forged document must be proved when there is lack of direct evidence to connect the alleged forgery to the accused especially in a case where the alleged document has passed through the hands of several persons before forgery is detected. If the same is not proved, at best, the evidence on record may arouse suspicion but they do not establish beyond reasonable doubt that the accused had forged, or knowingly used, or attempted to cheat by use of such forged documents. (Para 14)

Indian Evidence Act 1872- Sections 45, 47 and 73 - Evidence on authorship of alleged tampering -While expert opinion is not mandatory, nevertheless when authorship is central to establish the guilt of the accused and by direct evidence it is not demonstrated to show that the alleged writing has been made in the presence of a witness, non-examination of an expert or any other cogent proof of authorship to corroborate the alleged forgery beyond reasonable doubt weighs heavily against the prosecution. (Para 9)

Code of Criminal Procedure 1973 - Section 313- Section 313 is not an empty formality. Where there is failure to put material circumstances fairly

and distinctly, it causes prejudice and vitiates reliance placed on such circumstances. The said defect strikes at a valuable statutory right of defence of the accused. (Para 12)

Criminal Trial - The benefit of doubt follows when two views are reasonably possible - The Suspicion however grave cannot substitute standard of legal proof. (Para 14)

Akhtar Ali @ Ali Akhtar @ Shamim @ Raja Ustad V. State Of Uttarakhand 2025 INSC 1097 - Even Slightest Doubt Or Infirmitiy In Prosecution Case Must Weigh Against Imposition Of Death Sentence

Death Sentence - Trial Courts, as well as High Courts, are required to exercise the highest degree of circumspection before awarding the death penalty. The irreversible nature of capital punishment demands that it be imposed only in the “rarest of rare” cases and only when the prosecution has led unimpeachable, cogent, and convincing evidence that excludes every hypothesis of innocence Even the slightest doubt or infirmity in the prosecution’s case must weigh against the imposition of such a sentence. Any hasty or mechanical application of the death penalty, without ensuring the highest standards of proof and procedural fairness, not only undermines the rule of law but risks the gravest miscarriage of justice by extinguishing a human life irretrievably- Courts have to consider mitigating circumstances and conduct a detailed sentence hearing before awarding the death penalty. Therefore, unless the prosecution’s evidence forms an unbroken and reliable chain of circumstances pointing only to the guilt of

the accused, the extreme penalty cannot be justified. [Context: SC acquitted accused who were sentenced to death]

DNA Evidence - When the entire process of collection and examination of samples and the consequent matching of the DNA becomes suspicious and wholly unreliable, the DNA report cannot be treated as a reliable piece of evidence. (Para 48)

Circumstantial Evidence - A conviction may be based purely on circumstantial evidence, provided that such evidence is deemed credible and trustworthy. In cases based purely on circumstantial evidence, it is imperative to ensure that the facts leading to the conclusion of guilt are fully established and that all the established facts point irrefutably to the accused person's guilt. The chain of incriminating circumstances must be conclusive and should exclude any hypothesis other than the guilt of the accused. In other words, from the chain of incriminating circumstances, no reasonable doubt can be entertained about the accused person's innocence, demonstrating that it was the accused and none other who committed the offence. (Para 10)

**Jupally Lakshmikantha Reddy v. State of Andhra Pradesh 2025
INSC 1096 - IPC - Cheating - Forgery**

Indian Penal Code 1860 - Section 415,420 - The ingredients of the offence of cheating are as follows: 1) Deception of a person by making false representation which the maker knows or has reason to believe is false and thereby 2) (a) Fraudulently or dishonestly inducing such person: (i) to

deliver any property to any person, or (ii) to consent that any person shall retain any property, or (b) Intentionally induces that person to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property- In order to attract the offence of cheating, a person must knowingly make a false statement which would induce another to part with property or to do or omit to do a thing which the latter would not do or omit unless deceived and thereby is likely to suffer damage/harm in body, mind, reputation or property - To attract penal consequences, it must be shown that the false representation was of a material fact which had induced the victim to either part with property or act in a manner which they would not otherwise do but for such false representation. (Para 13-16)

Indian Penal Code 1860 - Section 464 - To attract Section 464 IPC, the prosecution must establish that the accused had made the fake document. (Para 19)

Vinod Kumar Pandey vs Seesh Ram Saini 2025 INSC 1095 - CrPC - FIR - S.482 CrPC - Alternative Remedy

Code of Criminal Procedure 1973 - Section 154- It is the duty of the police to register an FIR if a prima facie cognizable offence is made out, the police is not required to go into the genuineness and credibility of the said information- The genuineness or credibility of the information is not the condition precedent for registration of an FIR. (Para 32)

Code of Criminal Procedure 1973 - Section 482 - High Court(s) should discourage writ petitions or petitions under Section 482 Cr.P.C. where alternative remedies are available- But alternative remedy is not an absolute bar for invoking the extraordinary jurisdiction or the inherent jurisdiction of the High Court under Article 226 of the Constitution or Section 482 Cr.P.C. (Para 29) [Context: While upholding HC judgment, SC observed: If the Constitutional Court has exercised its discretion in entertaining the petitions and directing for the registration of the FIR against the two officers, on being satisfied that the commission of a cognizable offence is *prima facie* made out against them, we see no good reason to interfere with such discretion. (Para 34)]

Investigation - Justice must not only be done, but must also be seen to be done. It is high time that sometimes those who investigate must also be investigated to keep alive the faith of the public at large in the system.

Deep Nursing Home vs Manmeet Singh Mattewal 2025 INSC 1094 - Medical Negligence- Pleadings

Medical Negligence - Simply because a patient did not favourably respond to the treatment given by a physician or if a surgery failed, the doctor cannot be held liable *per se* by applying the doctrine of *res ipsa loquitur* - no sensible professional would intentionally commit an act or omission which would result in harm or injury to a patient as the reputation of that professional would be at stake and a single failure may cost him or her dear in that lapse- Sometimes, despite best efforts, the treatment by a doctor may fail but that does not mean that the doctor or surgeon must be held guilty of medical negligence, unless there is some strong evidence to

suggest that he or she is. It was also pointed out that Courts and Consumer Fora are not experts in medical science and must not substitute their own views over that of specialists. (Para 23)

Pleadings - The decision of a case cannot be based on grounds outside the pleadings of the parties and it is the case pleaded that has to be found - No party should be permitted to travel beyond its pleadings and that all necessary and material facts should be pleaded by a party in support of the case set up by it -The object and purpose of pleadings is to enable the adversary party to know the case it has to meet as, in order to have a fair trial, it is imperative that a party should settle the essential material facts so that the other party may not be taken by surprise. (Para 29) [Context: SC observed that NCDRC could not travel beyond the pleadings in the complaint case and build up a new case on its own]

Constitution of India - Article 136 - A special leave petition under Article 136 of the Constitution is not the proper remedy against an appellate order passed by the NCDRC. (Para 4)

Manjula vs Branch Manager, Oriental Insurance Company Ltd. 2025 INSC 1093 - Motor Accident Compensation

Motor Accident Compensation - Loss of consortium - Not only the wife, the children and the parents also are entitled. (Para 6) It can be safely assumed that a Coolie in the year 2010, when the subject accident occurred, would have obtained an income of Rs.7,500/- . (Para 5)

**Kisan Vithoba Aakhade (D) vs. Suresh Tukaram Nerkar 2025
INSC 1092 -Civil Suit- Possession**

Civil Suit - Possession - mere reason of the manure and waste having been found in the property, cannot lead to a finding of possession. (Para 10)

Union of India & Ors. v. Alok Kumar 2025 INSC 1091 - Recruitment - Appointment

Service Law - Recruitment and Appointment - Quoted from Prafulla Kumar Swain v. Prakash Chandra Misra :The term “recruitment” connotes and clearly signifies enlistment, acceptance, selection or approval for appointment. Certainly, this is not actual appointment or posting in service. In contradistinction the word “appointment” means an actual act of posting a person to a particular office - Recruitment is just an initial process. That may lead to eventual appointment in the service. But, that cannot tantamount to an appointment. (Para 21)

Manoj Tejraj Jain v. State of Gujarat 2025 INSC 1090 - S.35 NDPS Act - Principle of Foundational Facts

NDPS Act - Section 35 - Unless the prosecution is able to prove foundational facts in the context of the allegations made against the accused under any specific provision of the NDPS Act as the case may be, the statutory presumption of culpable mental state under Section 35 of the NDPS Act will not come into play- if the prosecution establishes such

foundational facts and the presumption is raised against the accused, he can rebut the same either by discrediting prosecution's case as improbable or absurd or the accused could lead evidence to prove his defence, in order to rebut the presumption, however the said presumption under Section 35 of the NDPS Act will be said to have been rebutted only where the accused by way of his defence establishes a fact contrary to the presumption and proves the same beyond a reasonable doubt.(Para 59-60) Rule or Principle of Foundational Facts - Before the statutory presumption of culpable mental state could be validly invoked, the prosecution must first establish certain foundational facts. These foundational facts typically involve or correspond to proving those facts or elements that cogently establish the actus reus required for the offence alleged by the prosecution. It is only after such foundational facts have been proved beyond a reasonable doubt that the prosecution may take recourse of the statutory presumption provided by the legislature. (Par 57)

NDPS Act - Section 9A -The essential requisite for the constitution of offence under Section 9A is the use of any controlled substance in the production or manufacture of any narcotic drug or psychotropic substance. (Para 37)

NDPS Act - Section 29 - the prosecution must prove that (i) there was abetment, (ii) there was conspiracy denoting that there was meeting of mind; between the owner and the other accused and common object and in pursuance of that common object an agreement took place to commit an offence (iii) some overt act was done in furtherance of such agreement. When the above elements are present in the form of evidence, the liability under Section 25A and/or Section 29 of the NDPS Act can be fastened on

any person. The evidence means, the evidence in shape of police papers, as well as evidence recorded by the court during trial. (Para 40-41)

Geeta vs State of Karnataka 2025 INSC 1089 - S.306 IPC - Abetment Of Suicide

Indian Penal Code 1860 - Section 306 - While allowing appeal filed by accused, SC observed: when the appellant's family and the victim's family had heated exchanges, there was any intention to abet or to cause any member of either family to take their own life. These quarrels occur in everyday life, and on facts we are not able to conclude that there was an instigation on the part of the appellant to such an extent that the victim was left with no other option but to commit suicide. (Para 23) - Referred to Mahendra Awase Vs. State of Madhya Pradesh et al

General Manager (P) Canara Bank v. Ganganarasimhaiah, 2025 INSC 1088 - Disciplinary Proceedings - Compulsory Retirement

Disciplinary Proceedings - When a Disciplinary Enquiry against a delinquent for alleged misconduct is initiated and in the said Disciplinary Enquiry, he/she is found guilty and subsequently punished, the court before which a challenge is made by the delinquent, is required to examine and determine the following aspects: - (i) Whether the enquiry was held by the competent authority? (ii) Rule of natural justice has been complied with

or not; (iii) The conclusions arrived by the Disciplinary Authority are based on no evidence or the findings are perverse. — Strict rules of evidence are not applicable in the departmental proceedings and the charge against the delinquent can be proved on preponderance of probabilities.

Compulsory retirement - Compulsory retirement of an employee from the services does not mean that the employee is not entitled to retirement benefits, which can only be denied in a case of dismissal from service. (Para 40)

H.S. Puttashankara vs Yashodamma 2025 INSC 1087 - Karnataka Rent Act - Existence Of Landlord-Tenant Relationship

Karnataka Rent Act, 1999 - Section 43- Whenever there is a dispute with respect to existence of landlord-tenant relationship, it shall be lawful for the Court to accept the document of the lease and in absence thereof, a receipt of acknowledgment of payment of rent purported to be signed by the landlord as prima-facie evidence of relationship and proceed to hear the case- Whenever a dispute arises as to the jural relationship between the parties, the Court has to examine lease agreement or in its absence, receipts acknowledging payment of rent signed by the landlord as prima-facie proof of such relationship and proceed with the hearing of the case. In case the existence or genuineness of these documents are put to question, or where the lease is oral and the parties deny the relationship, or there are reasons for Court to suspect the genuineness of the documents of either lease or

receipt or acknowledgment of payment of rent, the proceedings shall to be halted and the parties be referred to a competent civil Court- Only in case where the lease is oral in nature and party denies the jural relationship and no receipt or acknowledgement of payment of rent is produced, or the Court suspects the genuineness of the documents, the Court is bound to stop further proceedings and refer the parties before the competent Court for adjudication of their title, which implies that Rent Controller was not empowered to adjudicate the dispute related to title between the parties. (Para 6-10)

Amit Nehra vs Pawan Kumar Garg 2025 INSC 1086 - IBC - Home Buyers - Financial Creditors

Insolvency and Bankruptcy Code, 2016 - The publication of the list of financial creditors is an act in discharge of a statutory duty by the Resolution Professional. It cannot be reduced to a meaningless formality. (Para 33) Relegating bona fide allottees, who have paid substantial consideration years in advance, to the status of mere refund claimants runs contrary to the very object of the legislative framework- The plight of individual homebuyers, who invest their life savings in the hope of securing a roof over their heads - To deny them possession today, despite their claim having been duly verified and admitted, would inflict unfair and unwarranted prejudice (Para 37)

Maha Mineral Mining & Beneficiation Pvt. Ltd. vs Madhya Pradesh Power Generating Co. Ltd. 2025 INSC 1085 - Tender - NIT Clauses

Tender - Notice Inviting Tender - Conditions in a NIT must be clear and unambiguous. In the event the tendering authority insisted on furnishing of the JV agreement alone and no other document as proof of the proportionate share of the bidder to avail previous JV experience as prior qualification, it should have been spelt out clearly in the NIT- when the clause does not require submission of JV agreement itself to establish proportionate share in the JV whose past-experience the bidder is seeking to use, nonsubmission of such JV cannot be a ground to disqualify the bidder for submission of incomplete documents in terms of Clause. (Para 19)

Union of India vs Sajib Roy 2025 INSC 1084 - Reserved Candidate - Open Competition With General Candidate

Public Employment - Reservation - Whether a reserved candidate who has availed relaxation in fees/upper age limit to participate in open competition with general candidates may be recruited against unreserved seats would depend on the facts of each case. That is to say, in the event there is no embargo in the recruitment rules/employment notification, such reserved candidates who have scored higher than the last selected unreserved candidate shall be entitled to migrate and be recruited against unreserved seats. However, if an embargo is imposed under relevant

recruitment rules, such reserved candidates shall not be permitted to migrate to general category seats. (Para 32) [Distinguished *Jitendra Kumar Singh vs State of UP (2010) 3 SCC 119*]

Railway Protection Force vs Prem Chand Kumar 2025 INSC 1083 - Public Employment - Reservation

Public Employment - Reservation - Quoted from Union of India & Ors. vs. Sajib Roy : Whether a reserved candidate who has availed relaxation in fees/upper age limit to participate in open competition with general candidates may be recruited against unreserved seats would depend on the facts of each case. That is to say, in the event there is no embargo in the recruitment rules/employment notification, such reserved candidates who have scored higher than the last selected unreserved candidate shall be entitled to migrate and be recruited against unreserved seats. However, if an embargo is imposed under relevant recruitment rules, such reserved candidates shall not be permitted to migrate to general category seats. (Para 32) [Distinguished *Jitendra Kumar Singh vs State of UP (2010) 3 SCC 119*]

Siddharth vs State of Madhya Pradesh 2025 INSC 1082 - Adverse Remarks Against Advocate Quashed

Note: Adverse remarks recorded in High Court order in respect of the conduct of an Advocate quashed.

Rajan vs State of Haryana 2025 INSC 1081 - Evidence - Ocular Evidence - Reasoned Judgment

Evidence - Principles for appreciation of ocular evidence in a criminal case: “I. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinize the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. II. If the Court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details. III. When eye-witness is examined at length it is quite possible for him to make some discrepancies. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the court is justified in jettisoning his evidence. IV. Minor discrepancies on trivial matters not touching the core of the case, hyper technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the

root of the matter would not ordinarily permit rejection of the evidence as a whole. V. Too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny. VI. By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen. VII. Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details. 10 VIII. The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind whereas it might go unnoticed on the part of another. IX. By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a witness to be a human tape recorder. X. In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guess work on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person. XI. Ordinarily a witness cannot be expected to recall accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on. XII. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross examination by counsel and out of nervousness mix up facts,

get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The sub-conscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him. XIII. A former statement though seemingly inconsistent with the evidence need not necessarily be sufficient to amount to contradiction. Unless the former statement has the potency to discredit the later statement, even if the later statement is at variance with the former to some extent it would not be helpful to contradict that witness.” [See *Bharwada Bhoginbhai Hirjibhai v. State of Gujarat* 1983 Cri LJ 1096 : (AIR 1983 SC 753) *Leela Ram v. State of Haryana* (AIR 1995 SC 3717) and *Tahsildar Singh v. State of UP* (AIR 1959 SC 1012). (Para 32)

Evidence - When the evidence of an injured eye-witness is to be appreciated, the undernoted legal principles enunciated by the Courts are required to be kept in mind: “(a) The presence of an injured eye-witness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition. (b) Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused. (c) The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly. (d) The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions. (e) If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration or embellishment should be discarded from the evidence of injured, but not

the whole evidence. (f) The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded. (Para 33)

Evidence - In assessing the value of the evidence of the eyewitnesses, two principal considerations are whether, in the circumstances of the case, it is possible to believe their presence at the scene of occurrence or in such situations as would make it possible for them to witness the facts deposed to by them and secondly, whether there is anything inherently improbable or unreliable in their evidence. In respect of both these considerations, circumstances either elicited from those witnesses themselves or established by other evidence tending to improbabilise their presence or to discredit the veracity of their statements, will have a bearing upon the value which a Court would attach to their evidence. Although in cases where the plea of the accused is a mere denial yet the evidence of the prosecution witnesses has to be examined on its own merits, where the accused raise a definite plea or put forward a positive case which is inconsistent with that of the prosecution, the nature of such plea or case and the probabilities in respect of it will also have to be taken into account while assessing the value of the prosecution evidence. (Para 34)

Evidence - Just because the firearm alleged to have been used and fired by the appellant—herein was not recovered or discovered under Section 27 of the Indian Evidence Act at any point of time during the course of the investigation would not render the ocular version of the two eyewitnesses doubtful. Discovery or recovery of the weapon as the case may be, if any,

could be brought in aid of the other evidence which the prosecution has led at the time of trial. (Para 35-36)

Practice and Procedure - SC deprecated practice of few High Courts to pronounce the operative part of the order without the reasoned judgment and then uploading reasoned judgment after a substantial length of time: This practice of the High Courts deprives the aggrieved party of the opportunity to seek further judicial redressal more particularly in criminal matters wherein the appeal is dismissed affirming the judgment and order of conviction passed by the trial court - Reiterated guidelines issued in *Anil Rai v. State of Bihar (2001) 7 SCC 318* - a party to litigation could not be expected to wait indefinitely for the availability of reasons of the Order of the Court. (Para 43- 47)

Malleeswari v. K. Suguna 2025 INSC 1080 - CPC - Review Jurisdiction

Code of Civil Procedure 1908 - Section 114 and Order XLVII - Through a review application, an apparent error of fact or law is intimated to the court, but no extra reasoning is undertaken to explain the said error. The intimation of error at the first blush enables the court to correct apparent errors instead of the higher court correcting such errors. At both the above stages, detailed reasoning is not warranted.- The ground of discovery of new and important matter or evidence is a ground available if it is demonstrated that, despite the exercise of due diligence, this evidence was not within their knowledge or could not be produced by the party at the time, the original decree or order was passed-Mistake or error apparent on

the face of the record may be invoked if there is something more than a mere error, and it must be the one which is manifest on the face of the record. Such an error is a patent error and not a mere wrong decision. An error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record.- Lastly, the phrase ‘for any other sufficient reason’ means a reason that is sufficient on grounds at least analogous to those specified in the other two categories - The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC.**2 Distinction between the power of review and appellate power** - Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court. In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise. The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power. The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors. (Para 15-18)

Haryana Power Purchase Centre (HPPC) vs GMR Kamalanga Energy Ltd. 2025 INSC 1079 - Electricity Act

Electricity Act 2003 - Section 125 - The appeal under Section 125 of the 2003 Act is only permissible on any of the grounds as specified in Section 100 of the CPC - As such, it is permissible only on substantial questions of law- When there are concurrent finding of facts, Supreme Court will have to be very slow in interfering with the said findings of fact. Unless it is found that the findings are perverse, arbitrary or in violation of the statutory provisions, it will not be permissible to interfere with the same. (Para 23-24)

Electricity Act 2003 - Section 62,63 - Section 63 provides for the determination of tariff by bidding process whereas under Section 62, the tariff is determined on Cost Plus basis. It can thus be seen that proceedings under Sections 62 and 63 are entirely different. (Para 42)

Shyam Lal v. Shriram General Insurance Co. Ltd. 2025 INSC 1078- Motor Accident Compensation - Limitation As To Use

Motor Accident Compensation - While allowing appeal, SC observed: There can be no restriction insofar as the 'limitation as to use' as found in the policy which applies only to goods vehicles while the present vehicle as per the certificate of registration is a utility vehicle and the permit issued is of a contract carriage. The package policy was issued by the Insurance Company after looking at the certificate of registration and the permit issued and it has been clearly specified that the vehicle is entitled to carry 4+1 passengers in addition to the goods. The Insurance Company in the

above circumstance, cannot wriggle out of its liability to indemnify the owner.

Vanita vs Shriram Insurance Co. Ltd 2025 INSC 1077 - Motor Accident Compensation

Motor Accident Compensation - In a motor- accident claim petition, the initial burden to prove the factum of accident and involvement of offending vehicle lie on the claimants. It is the claimants who have to discharge this primary burden by establishing the occurrence of the accident and the involvement as well as identity of the vehicle at least on *prima facie* basis. Only then the onus to disprove shifts to the other side. [SC held that mere mentioning of Tata Magic by name in the inquest Panchnama or in the FIR would not be sufficient to hold that it was the same Tata Magic belonging to respondent and insured with respondent No.2 in absence of its clear identification] (Para 5-6)

Anoop Maheshwari vs Oriental Insurance Company Ltd. 2025 INSC 1076 - Motor Accident Compensation - Income Tax Returns

Motor Accident Compensation - The disability to be assessed for the purpose of awarding compensation arising from a motor accident is the functional disability which reduces the earning capacity of the claimant and not strictly the medical disability. (Para 7)

Motor Accident Compensation - While disposing an appeal against an HC order, SC observed: Tribunal entered into mere surmises and conjectures to decline adoption of the income as per the income tax returns

- It cannot be said that the claimant apprehended an accident and got registration of a firm and filed his income tax returns two years prior to the accident- The finding of the Tribunal also is that in the first year, there was no tax payable and hence there was no profits or income. The exemption from tax is only because the purchase and sales did not exceed the taxable value. The sale proceeds being not within the taxable limit is not an indication of the profit accrued, or the income received from the business which is reflected in the income tax returns. (Para 8)

Haseena vs United India Insurance Co. Ltd. 2025 INSC 1075- Motor Accident Compensation

Motor Accident Compensation - In this case, High Court rejected the claim for compensation for death, but considered the claim for injuries sustained- Upholding HC judgment, SC observed: Merely by reason of the proximity of the accident and the death or the possibility of acute myocardial infarction occurring for reason of a long bed rest, it cannot be assumed, without clear evidence to substantiate the death having been caused as a result of the injuries sustained in the accident that the death occurred by reason of the accident

Phireram vs State of Uttar Pradesh 2025 INSC 1074 - Cancellation Of Bail - Witness Protection Scheme

Code of Criminal Procedure 1973 - Section 437,439 ; Witness Protection Scheme - The existence of a Witness Protection Scheme

cannot be a consideration to decline to cancel the bail, even when there is *prima facie* material indicating that the accused administered threats or caused intimidation to the witnesses (Para 39)-the considerations for when the recourse to the Scheme may be taken by any witness is not contingent upon violation of a condition imposed on an accused during grant of bail or even during its pendency. (Para 47) -When it is an outright case of breach of the conditions of the bail order and when the original first informant is able to *prima facie* demonstrate in what manner the accused person is abusing the liberty granted to him, then, in such circumstances, the provisions of the Witness Protection Scheme, 2018 have hardly any role to play. This Scheme has nothing to do as such when the complainant seeks cancellation of bail on the ground of threats being administered to the witnesses. (Para 18)- The courts cannot abdicate its role on the pretext that since the State has a scheme for protecting witnesses, we shall not exercise our jurisdiction to cancel bail even though conditions have been violated.(Para 44) Deprecates Practice in Allahabad HC which treats witness protection scheme as substitute to cancellation of bail (Para 60-61)- Distinction between the grant of bail and its cancellation on the ground of violation of the conditions of bail order and the affording of protection to a witness under the Scheme - the purpose of the Scheme is to ensure that witnesses, who are the eyes and ears of justice, are not reduced to silence or falsehood by threats that invade their psyche. It does not displace or dilute the established jurisprudence of bail; rather, it works alongside it, providing a protective canopy so that the existing provisions can operate in an environment where witnesses are free to testify. This duality is essential, as the law on bail restrains the accused through conditions, and prevents any further infractions of intimidation by cancellation of bail while the

Witness Protection Scheme eradicate the invisible yet potent influence of fear, intimidation or threat, that are the consequences of the threats made by the accused persons to maintain the sanctity of trial. (Para 52)

Bail - Bail is not to be understood merely as a mechanical order releasing a person from custody; it is, in substance, a judicial recognition that liberty is the norm and detention an exception, subject however to the overriding imperative that liberty should not be abused to thwart the course of justice. (Para 40) **Cancellation of Bail** - If the accused tampers with evidence, threatens witnesses, or attempts to subvert the trial, the indulgence of bail is to be withdrawn. It is a recognition that liberty is conditional, not absolute, and subject always to the larger interest of ensuring a fair trial. The considerations that must weigh with the court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that might have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner etc. (Para 57-59)

Bhayana Builders Pvt. Ltd. v. Oriental Structural Engineers Pvt. Ltd 2025 INSC 1073- S.12(5) Arbitration Act

Arbitration and Conciliation Act 1996 - Section 12(5) ; Fifth Schedule - If a person cannot be appointed an arbitrator being ineligible by operation of law, he cannot nominate another as a sole arbitrator.

[Context: In this case, SC held that since managing director of a company would be ineligible for being appointed as an arbitrator in view of Section 12 (5) read with paragraph 5 in the Fifth Schedule to the 1996 Act, he would be ineligible to nominate a sole arbitrator]

Urmila Chand v. Sonu Chand 2025 INSC 1072

Note: No legal aspects discussed in this judgment.

C.P. Francis v. C.P. Joseph 2025 INSC 1071 - CPC - Second Appeal - Evidence - Admission- Suggestion In Oral Evidence - Will

Code of Civil Procedure 1908 - Section 100 - Second Appeal - High Court is competent and endowed with discretionary jurisdiction to formulate a substantial question of law not stated when the second appeal was admitted. The High Court is entitled to formulate an additional substantial question of law for reasons to be recorded if the High Court is of the view that the case involves such a question of law. The proviso to sub-section 5 of Section 100 of the CPC comes into operation in exceptional cases, albeit for strong and convincing reasons to be specifically recorded by the High Court. (Para 19) A substantial question of law must be grounded in the parties' pleadings and the findings of lower courts. Thus, it must be exercised if it is so fundamental that it goes to the very root of the matter -The jurisdiction to frame a new question of law is exceptional and should not be exercised routinely unless there is a strong and convincing reason to do so.- The proviso allows the court to hear an appeal on "any

other substantial question of law,” which implies that at least one substantial question of law must have been formulated at the admission stage. The power to reformulate or add a question arises only if a substantial question of law has already been framed.- The High Court must be “satisfied” that the new question is a substantial question of law and not a mere legal plea- The court is mandatorily required to record its reasons for framing an additional substantial question of law- The opposite party (the respondent) must be given a fair and proper opportunity to contest the new question. Parties must be put on notice and be allowed to present their arguments on the newly framed question. Framing a question while dictating the judgment without hearing the parties would be improper. (Para 18) The Court has power and jurisdiction to suit or non-suit a party on the adduced pleadings, issues and evidence, but not on a totally new and unexpected case, more particularly at the stage of Section 100. (Para 22)

Law of Evidence - Admission - The admission of a party must be in the manner known to law. An admission in pleading and evidence is certainly an admission. By appreciating an admission, the Court is entitled to apply the consequence of law. (Para 23)

Law of Evidence - Importance of a suggestion in oral evidence of a party - If a cross-examiner intends to later adduce evidence or make submissions that contradict the testimony of a witness, they must first put the substance of the contradiction to the witness during cross-examination. The purpose is to afford the witness a fair opportunity and is rooted in the principle of Audi Alteram Partem- failing to suggest contrary points during cross-examination can weaken a party’s position and can be interpreted as an implicit acceptance of the witness’s testimony- Absence of a suggestion

to a witness may not be the deciding factor in determining the outcome of a plea. However, in the wheel of consideration of all facts in issue and their legal implication, the absence of suggestion constitutes an important cog in the wheel of consideration -The timing, absence of suggestion, relevance and its impact are left to the experience, wisdom and discretion of the Judge appreciating a case. (Para 21)

Constitution of India - Article 136 - It does not confer a right of appeal, but it vests with this Court a vast discretion, which is only to be exercised by considerations of justice, call of duty and the eradication of injustice. This overriding power is exercised only in exceptional cases where special circumstances exist. (Para 26)

Will - The wish of a testator as expressed through a duly proved will is upheld by the Court, but not open up succession contrary to the arrangement made by the testator. (Para 23)

Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari 2025 INSC 1070 - Motor Accident Compensation - Minimum Wages Metric - Child Cases

Motor Accident Compensation - When a Tribunal or the High Court in appeal, is concerned with the case involving a child having suffered injury or having passed away, the calculation of loss of income necessarily has to be made on the metric of minimum wages payable to a skilled worker in the respective State at the relevant point of time- In cases where the claimant has failed to furnish appropriate details of income or adequate proof

thereof, it shall be the responsibility and obligation of the contesting party, more particularly the insurance company to furnish before the Tribunal the applicable minimum wage as duly issued by the concerned government. (Para 15-16)

Anil Khandelwal vs Phoenix India 2025 INSC 1069 - IPC - Company - Vicarious Liability

Indian Penal Code 1860 - There is no concept of vicarious liability of the officers or directors for the offences under the IPC - before any officer of a Bank or a body corporate can be prosecuted for an offence under the IPC on the allegation of having acted on behalf of the institution, it is incumbent upon the complainant to produce unimpeachable material indicating the precise role of the officer in the commission of the alleged offence. Mere bald assertions of vicarious liability, without foundational facts to show active participation, authorization, or deliberate omission on the part of the officer, are insufficient to justify issuance of process in such a situation. The law does not permit automatic prosecution of directors or officers merely because of their designation or official status. (Para 20-22)

Code of Criminal Procedure 1973 - Prosecution of the directors or officers of a company can be maintained only when the company itself is arraigned as an accused and additionally, the directors or officers must have acted in a manner that directly connects his/her conduct to the company's liability. In the absence of the company being impleaded as an

accused, its directors or officers cannot be fastened with vicarious liability for offences attributable to the company. (Para 16-17)

Manoj Dhankar v. Neeharika 2025 INSC 1068 - Child Custody

Child Custody - The central question is not who is right or wrong as between the parents, but what arrangement will best serve the child. The emotional, mental, and physical well-being of the child must always come first - Every child has a right to the affection of both parents. Even if parents live apart or in different countries, it is important for the child to maintain a relationship with both of them. [Context: While allowing a father's request for video interaction, SC observed: It balances the reality of the child's present living situation with the need to ensure that the father remains a part of the child's life- Denying such contact would deprive the child of the love, guidance, and emotional support of the father]

Kiran v. Rajkumar Jivraj Jain 2025 INSC 1067 - CrPC - Anticipatory Bail - SC-ST Act

Code of Criminal Procedure, 1973 - Section 438 ; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3,18,18A - Bar against grant of anticipatory bail in absolute terms in relations to the arrest of a person who faces specific accusations of having committed the offence under the SC-ST Act- The benefit of anticipatory bail for such an accused is taken off - In a given case where on the face of it the offence under Section 3 of the Act is found to have not

been made out and that the accusations relating to the commission of such offence are devoid of prima facie merits, the Court has a room to exercise the discretion to grant anticipatory bail to the accused under Section 438 of the Code.- Non-making of prima facie case about the commission of offence is perceived to be such a situation where the Court can arrive at such a conclusion in the first blush itself or by way of the first impression upon very reading of the averments in the FIR. The contents and the allegations in the FIR would be decisive in this regard. Furthermore, in reaching a conclusion as to whether a prima facie offence is made out or not, it would not be permissible for the Court to travel into the evidentiary realm or to consider other materials, nor the Court could advert to conduct a mini trial. (Para 6.1-2)

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3 - If the offence is committed outside the building, for example in the lawn outside the house, and the lawn can be seen by someone from the road or lawn outside the boundary wall, then the lawn would certainly be a place within the public view -[Context: In this case, the incident took place outside the house of the complainant which could be viewed by anybody, SC held that it is was a place within public view.]

Oil and Natural Gas Corporation Ltd. v. G & T Beckfield Drilling Services Pvt. Ltd 2025 INSC 1066 - S.31 Arbitration Act - Power To Award Pendente Lite Interest

Arbitration and Conciliation Act, 1996 - Section 31- Arbitral tribunal can be denuded of its power to award pendente lite interest only if the agreement/ contract between the parties is so worded that the award of pendente lite interest is either explicitly or by necessary implication - A clause merely barring award of interest on delayed payment by itself will not be readily inferred as a bar to award pendente-lite interest by the arbitral tribunal. (Para 25) The arbitral tribunal has jurisdiction to award interest for three distinct periods, namely, pre-reference, pendente lite, and future i.e., post-award. Award of pre-reference and pendente-lite interest is subject to the agreement between the parties whereas post award interest is statutorily governed and is not subject to the agreement between the parties.- Clause (b) does not give the parties the right to 'contract out' interest for the post award period. (Para 12)

**Shailja Krishna vs. Satori Global Limited 2025 INSC 1065 -
Ss.397,398 - NCLT/CLB - Gift Deed Validity**

Companies Act 1956 - Section 397,398- NCLT/CLB possess a wide jurisdiction to decide all such matters that are incidental and/or integral to the complaint alleging oppression and mismanagement. Such power is, however, subject to any other legislative enactment specifically debarring the NCLT/CLB from exercising its powers in this respect - When the determination of whether the gift deed is valid or not is central to the decision, the NCLT have full jurisdiction to decide whether the gift deed is valid or not, or whether it is against the provisions of the 1956 Act and/or

internal regulations of the COMPANY, including but not limited to the AoA and the Memorandum of Association. (Para 30-31)

**Shree Nagani Silk Mills Pvt. Ltd. v. L.D. Industries Ltd. 2025
INSC 1064 - S.138 NI Act - SICA - CrPC**

Negotiable Instruments Act 1881 - Section 138 : Sick Industrial Companies (Special Provisions) Act, 1985 (SICA) - There is no embargo on filing a complaint under Section 138 of N.I. Act against a 'SICK' company; Even if there is a restraint order under Section 22A of SICA, the nature of the restraint order and the facts of that case would have to be considered before taking a decision whether the proceeding under Section 138 could continue or not; The appropriate stage for taking such a decision would, ordinarily, be after parties have led their evidence. (Para 22)

Code of Criminal Procedure - There is no inherent power of Trial Courts to review or recall the issue of summons. This does not affect the power of the Trial Court under Section 322 of the Code to revisit the order of issue of process in case it is brought to the court's notice that it lacks jurisdiction to try the complaint. (Para 24)

Negotiable Instruments Act 1881 - Section 118 - The law raises a presumption that every negotiable instrument bearing a date was made or drawn on such date. In such circumstances, to rebut the said presumption, evidence would have to be led. (Para 14)

Ishaat-E-Taleem Trust vs State of Maharashtra 2025 INSC 1063
-Art.21,30 Constitution- RTE Act - Minority Educational Institutions - Referred To Larger Bench

Right of Children to Free and Compulsory Education Act, 2009-
Section 23 - Teacher Eligibility Test- Obtaining the TET qualification under the RTE Act is mandatory – In-service teachers (irrespective of the length of their service) would also be required to qualify the TET to continue in service - The provisions of the RTE Act have to be complied with by all schools as defined in Section 2(n) of the RTE Act except the schools established and administered by the minority – whether religious or linguistic – till such time the reference is decided- **Directions issued:** Those teachers who have less than five years' service left, as on date, may continue in service till they attain the age of superannuation without qualifying the TET. However, if any such teacher (having less than five years' service left) aspires for promotion, he will not be considered eligible without he/she having qualified the TET- Insofar as in-service teachers recruited prior to enactment of the RTE Act and having more than 5 years to retire on superannuation are concerned, they shall be under an obligation to qualify the TET within 2 years from date in order to continue in service. If any of such teachers fail to qualify the TET within the time that we have allowed, they shall have to quit service. They may be compulsorily retired; and paid whatever terminal benefits they are entitled to- To qualify for the terminal benefits, such teachers must have put in the qualifying period of service, in accordance with the rules. If any teacher has not put in the qualifying service and there is some deficiency, his/her case may be

considered by the appropriate department in the Government upon a representation being made by him/her - Those aspiring for appointment and those in-service teachers aspiring for appointment by promotion must, however, qualify the TET; or else, they would have no right of consideration of their candidature. (Para 214)

Constitution of India - Article 30 - Right of Children to Free and Compulsory Education Act, 2009 -Section 12(1)(c) - Supreme Court doubts correctness of the Constitution Bench judgment in Pramati Educational and Cultural Trust exempting minority educational institutions, whether aided or unaided, falling under clause (1) of Article 30 of the Constitution, from the purview of the entirety of the RTE Act - Questions referred: Whether the RTE Act infringes the rights of minorities, religious or linguistic, guaranteed under Article 30(1) of the Constitution? And, assuming that Section 12(1)(c) of the RTE Act suffers from the vice of encroaching upon minority rights protected by Article 30 of the Constitution, whether Section 12(1)(c) should have been read down to include children of the particular minority community who also belong to weaker section and disadvantaged group in the neighbourhood, to save it from being declared ultra vires such minority rights?-What is the effect of non-consideration of Article 29(2) of the Constitution in the context of the declaration made in Pramati Educational and Cultural Trust (supra) that the RTE Act would not be applicable to aided minority educational institutions? - Whether, in the absence of any discussion in Pramati Educational and Cultural Trust (supra) regarding unconstitutionality of the other provisions of the RTE Act, except Section 12(1)(c), the entirety of the

enactment should have been declared ultra vires minority rights protected by Article 30 of the Constitution? (Para 210)

Constitution of India - Article 30, 21A- Both Article 21A and Article 30(1) occupy high constitutional position and must be interpreted harmoniously by complementing each other. In our opinion, there is no inherent conflict between Article 21A and Article 30(1). O

Constitution of India - Article 21A- Article 21A, which guarantees the right to free and compulsory education for all children aged 6 to 14, inherently includes the right to universal elementary education—education that reaches every child, regardless of background. It also embraces the idea of a common schooling system, where children from diverse socio-economic and cultural groups learn together in shared spaces. (Para 99) Quality of teachers and teaching standards are integral to the fundamental right to education. (Para 156)

Constitution of India - Article 29, 30- Article 30(1) has never been construed as conferring blanket immunity on minority institutions from all forms of regulation - With respect to unaided minority institutions, the interpretation of Article 30 must be guided by its underlying purpose of preserving the cultural, linguistic, and educational identity of minority communities and promoting their welfare- The mere admission of a “sprinkling of outsiders” neither defeats the purpose of Article 30 nor does it dilute or alter the minority character of such institutions. (Para 143) Article 30(1), in the context of aided minority institutions, is subject to the mandate of Article 29(2), which expressly prohibits denial of admission to any citizen in institutions maintained by the State or receiving State aid, on

grounds of religion, race, caste, language, or any of them - An educational institution maintained by the State or receiving aid out of State funds cannot deny admission on, inter alia, grounds of religion. (Para 141) The minority status of an institution must be grounded in a genuine commitment to serve its community, and not merely operate as a vehicle for evading constitutional duties. (Para 185)

Service Law - The term 'appointment' means not only initial appointment but also covers appointment by 'promotion', among others. (Para 194) Appointment and recruitment are two distinct but not unrelated concepts. Recruitment is the broader process of which selection is a part that culminates in an appointment. Recruitment can be carried out from various sources, which are broadly classified into internal and external sources. Internal sources would comprise individuals who are already employed within the organization. This would include an appointment by promotion or transfer. External sources, on the other hand, consist of individuals who are not currently in the service of the recruiting organization. Direct recruitment is an appointment from external sources or from open market, so to say. (Para 196)

Precedents- Constitution of India - Article 141 - The law declared by the Supreme Court binds all courts which would include itself too- But SC possess a unique authority, unlike the high courts and the subordinate courts, to re-examine legal principles laid down by previous Benches. Such re-examination, however, cannot obviously be resorted to except for compelling reasons. (Para 121) Two judges SC Bench can merely doubt the view expressed by a larger Bench; not differ and depart from such view of a larger Bench- IT cannot render findings different to what has been

expressed therein and direct them to be treated as final. This would only create chaos by making the same binding on all in terms of Article 141 of the Constitution. (Para 207) The true impact and legacy of a judicial pronouncement lies not merely in the precision of its reasoning, but by whether it stands the test of time; whether, years after its pronouncement, it continues to respond meaningfully to the problem it set out to address and serve the ends of justice or has failed to do so. The test of such a decision is whether it has alleviated or aggravated the practical challenges it sought to remedy and lived realities it endeavoured to shape.(Para 132)

Motilal Agarwala vs State of West Bengal 2025 INSC 1062 - S.31 Arbitration Act - Delivery Of Award

Arbitration and Conciliation Act 1996 - Section 31 - The delivery of an arbitral award under Section 31(5) is not a matter of mere formality. It is a matter of substance -The expression “party”, as defined in Section 2(1)(h) would be a person who is a “party” to an arbitration agreement- In order to constitute an effective service, a copy of an award, where such party is the Ministry of a particular Department, is to be delivered to a person who has the knowledge and is the best person to understand and appreciate an award and more particularly, to take decision for its challenge - The authorised representative of the State could not have taken the final decision to challenge the award. It is only the Secretary of the concerned Department or the Executive Engineer, who could be said to be the competent authority to take a decision as to whether the award could be challenged or not. (Para 21-25)

Sushil Kumar Tiwari vs Hare Ram Sah 2025 INSC 1061 - POCSO - Ss. 223,464 CrPC -Principle Of Beyond Reasonable Doubt

POCSO Act - Juvenile Justice (Care & Protection) Act, 2015 - The determination of minority is essential to extend the protection of these legislations, however, as long as the age conclusively appears to be under 18 years, the special protections carved out in favour of children cannot be diluted by insisting upon a rigid determination of the age, that too when it was not even questioned at the right time. (Para 17) once the minority of the victim was beyond doubt, the special protection of POCSO Act ought not to have been diluted by raising a fictitious doubt regarding the precise age of the victim. (Para 18)

Evidence - Natural variations, errors and inconsistencies are not to be elevated to the standard of a reasonable doubt or to hold that the prosecution has failed. There is nothing like perfect evidence in a Court and in fact, perfection is often suggestive of tutoring and manufacturing of evidence. The availability of evidence as well as the quality of evidence are not open to judgment on any pre-determined parameters. For, these aspects not only depend upon the quality of investigation but also upon the societal circumstances prevalent in the area of crime. They also depend upon the level of awareness, not only of the persons involved in the case but also of the members of the locality who often appear as witnesses. Therefore, the Courts must be alive to the state of affairs on the ground and in that backdrop, it must examine whether the inconsistencies and gaps have been properly explained or not. If so, such inconsistencies and gaps

may not affect the case of the prosecution. However, if the prosecution fails to explain the inconsistencies in its case, an adverse inference may be drawn against it. (Para 22)

POCSO Act - Merely on account of non-availability of DNA analysis, the case of the prosecution cannot be discarded, especially because the purpose of identification has been fulfilled on the strength of other credible evidence. (Para 24)

Code of Criminal Procedure 1973 - Section 464 - Mere discovery of an error, irregularity or omission in the framing of charge does not ipso facto render the decision of the Court as invalid. In fact, even a case of non-framing of charge is not liable to be discarded on that ground alone. In order to vitiate the decision, what is necessary is the failure of justice as a result of such error or omission or irregularity. (Para 26)

Code of Criminal Procedure 1973 - Section 223- Mere irregular conduct of a joint or separate trial does not vitiate the trial as a whole and the proof of failure of justice is sine qua non for holding the trial as invalid- When a ground of nonjoinder or misjoinder of charges/trial is taken before an Appellate Court, the test to be applied is whether such non-joinder or misjoinder has resulted into a failure or miscarriage of justice and has prejudiced the accused. It is not enough for the Appellate Court to merely hold that the Trial Court ought to have tried certain persons jointly or separately in the facts and circumstances of the case. (Para 31-32) Mere noncompliance of the procedure contemplated under Section 223 does not ipso facto render the trial as invalid, and the same cannot form the basis of returning a finding of prejudice and failure of justice. (Para 35)

Criminal Trial - Principle Of Beyond Reasonable Doubt - A reasonable doubt is one that renders the version of the prosecution as improbable, and leads the Court to believe in the existence and probability of an alternate version of the facts. It is a serious doubt which must be backed by reason. The underlying foundation of the principle of beyond reasonable doubt is that no innocent should face punishment for a crime that he has not done. But a flipside of the same, of which we are conscious, is that at times, owing to a mis-application of this principle, actual culprits manage to find their way out of the clutches of law. Such misapplication of this principle, resulting into culprits walking free by taking benefit of doubt, is equally dangerous for the society. Every instance of acquittal of an actual culprit revolt against the sense of security of the society and acts as a blot on the criminal justice system. Therefore, not only should no innocent face punishment for something that he has not done, but equally, no culprit should manage an acquittal on the basis of unreasonable doubts and misapplication of procedure. (Para 36)

**Triveni Engineering and Industries Ltd. vs State of Uttar Pradesh
2025 INSC 1060 -S.19 NGT Act - Ss.21,22 Water Act**

National Green Tribunal Act, 2010 - Section 19(1)- NGT exercises judicial functions. Therefore, it is all the more necessary for the NGT to adhere to a fair procedure which is statutorily laid down of which principles of natural justice are an inalienable part. Rigor of Section 19(1) is qua the procedure to be adopted by the NGT in conducting its proceedings. It cannot be stretched to abandon the statutory procedure laid down under

Sections 21 and 22 of the Water Act and by outsourcing investigation to administrative committees by overlooking the statutory provisions and basing its decisions on the recommendation of such administrative committee. This is not within the remit of NGT. (Para 31)

**Ramesh Chand (D) vs Suresh Chand 2025 INSC 1059 - Ss. 53A, 54
TP Act - Will - Power Of Attorney - Agreement To Sell**

Transfer of Property Act, 1882 - Section 54 - Agreement To Sell does not confer a valid title on the plaintiff as it is not a deed of conveyance as per Section 54 of the TP Act. At best, it only enables the plaintiff to seek for specific performance for the execution of a sale deed and does not create an interest or charge on the suit property (Para 17) - Difference between a sale deed and an agreement for sale, or a contract for sale - A contract for sale of immovable property is a contract that a sale of such property shall take place on terms settled between the parties. While a sale is a transfer of ownership; a contract for sale is merely a document creating a right to obtain another document, namely a registered sale deed to complete the transaction of sale of an immovable property. Section 54 in its definition of sale does not include an agreement of sale and neither confers any proprietary rights in favour of the transferee nor by itself creates any interest or charge in the property. If after entering into a contract for sale of property, the seller without any reasonable excuse avoids executing a sale deed, the buyer can proceed to file a suit for specific performance of the contract. (Para 15)

Will - Mere fact that the Will was registered will not grant validity to the document- In order to rely upon a Will, the same has to be proved in accordance with law. A Will has to be attested by two witnesses, and either of the two attesting witnesses have to be examined by the propounder of the will - Section 68 of the Evidence Act makes it mandatory to examine at least one of the attesting witnesses of the Will - SC also held that the High Court finding that the requirement of examining the attesting witnesses springs into action only in cases of disputes between legal heirs is erroneous. (Para 27)

Will - When there is not even a whisper of reasoning in the Will as to why the propounder choose to exclude other three children from the bequest, and whether any other properties or assets were given to them, SC observed: It is highly unlikely that a father would grant his entire property to one of his children, at the cost of three others, without there being any evidence of estrangement between the father and the children. (Para 27)

Transfer of Property Act, 1882 - Section 53A - The essential conditions for invoking the doctrine of part-performance as envisaged u/s 53A of TP Act discussed- One of the main ingredients for taking shelter under Section 53A is the factum of possession. Unless the transferee in the instrument of agreement to sale is able to prove that he has been in possession of the suit property, no benefit u/s 53A will be given. (Para 30-31)

Power of Attorney - A power of attorney is a creation of an agency whereby the grantor authorizes the grantee to do the acts specified therein, on behalf of grantor, which when executed will be binding on the grantor as

if done by him. It is revocable or terminable at any time unless it is made irrevocable in a manner known to law. A General Power of Attorney does not ipso facto constitute an instrument of transfer of an immovable property even where some clauses are introduced in it, holding it to be irrevocable or authorizing the attorney holder to effect sale of the immovable property on behalf of the grantor. It would not ipso facto change the character of the document transforming it into a conveyance deed - A power of attorney is not a sale. A sale involves transfer of all the rights in the property in favour of the transferee but a power of attorney simply authorises the grantee to do certain acts with respect to the property including if the grantor permits to do certain acts with respect to the property including an authority to sell the property. (Para 18-19)

**State of Telangana vs Kalluri Naga Narasimha Abhiram 2025
INSC 1058 - Art.245 Constitution - Medical College Admission -
Local Candidate**

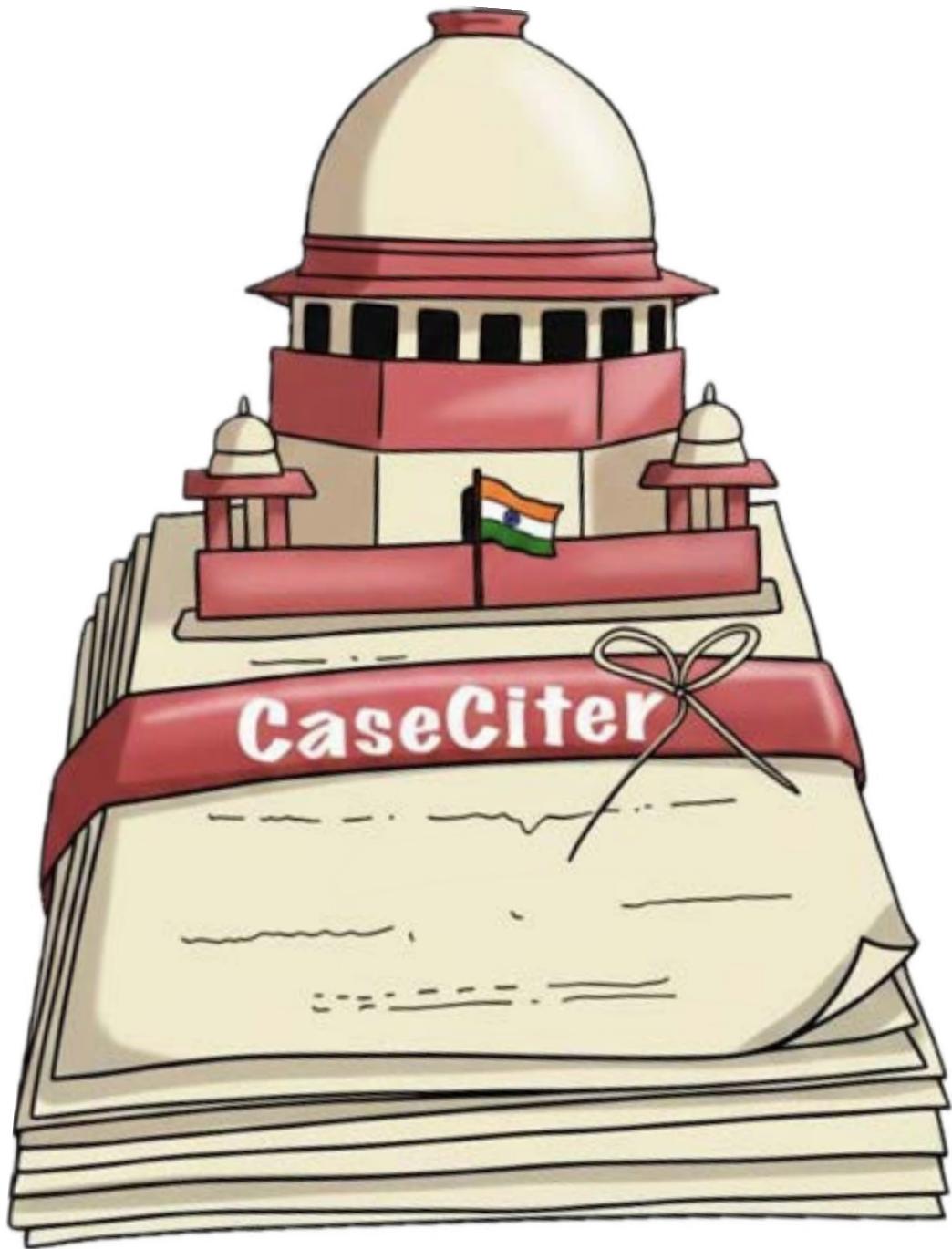
Telangana Medical & Dental Colleges Admission (Admission into MBBS & BDS Courses) Rules, 2017 - Local Candidate - Telangana HC expanded the definition of 'local candidate' to include any student who produced his residence certificate issued by a competent authority of the Government of Telangana - Allowing appeal, SC observed: Without a definition of what constitutes residence or at least without reference to a statute or rule prescribing the issuance of a residence certificate, the directions issued by the High Court would only result in an anomalous situation, making the reservation unworkable and open to a series of

litigation. (Para 23) - Rule defining a local candidate perfectly in order - There was no warrant for a reading down when the definition is clear. (Para 33)

Constitution of India - Article 245,246 - The source of power to legislate has to be traced to Article 245 read with 246, while the entries in the three lists under the Seventh Schedule of the Constitution are fields of legislation, demarcated as exclusively available to the Union, the State and concurrently; with the Parliament having overriding powers in matters enumerated as concurrent. When enacting a legislation, it is also permissible that the Parliament or the State Legislature may choose to occupy the various fields under the three lists but restricting to such demarcation of powers delineated under Article 246. (Para 18)

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Supreme Court Monthly Digest
October 2025

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Canara Bank vs. K.L. Rajgarhia (D) 2025 INSC 1278 - Specific Performance Suits - Doctrine Of Severability Applicability

Specific Relief Act 1963 - While adjudicating suits, or when examining the validity of agreements or contracts, the Courts generally have the power to sever the invalid portion of an agreement from its valid portion and give effect to the latter. There is no bar on the application of the doctrine of severability in suits for specific performance. However, this power must be exercised with great caution and only in exceptional cases. (Para 20) The Court cannot remove the essential part of an agreement or the very object for which it was executed. We further caution that, while exercising such power, the Courts must refrain from re-writing or re-constructing the agreement between the parties to make it work. (Para 21) The power of the Court to sever the invalid portion of an agreement from its valid portion must be exercised sparingly and only in exceptional circumstances. While doing so, the Court cannot, under the guise of severance, redraft or reconstitute the fine tunes of the contract by removing its essential terms or altering its fundamental object which the parties had arrived at by way of their consensus ad idem, as such the exercise would amount to creating a new agreement between the parties, which is impermissible in law. (Para 22)

Public sector bank- It is not expected from the State or its instrumentalities to enter into camouflage agreements and especially where the object of the agreement would result in law being violated.(Para 27)

Specific Relief Act 1963 ; Indian Contract Act 1872 - Section 23
-Agreements contravening law cannot be enforced, as enforcing them

would be in conflict with public interest -The doctrine of illegality and the principles ex turpi causa non oritur actio and ex dolo malo non oritur actio: The courts will not assist in enforcing illegal agreements even if both parties are ad idem on illegality- Adherence to statutory provisions and public interest being paramount in suits for specific performance. (Para 15-16)

Lancor Holdings Limited vs Prem Kumar Menon 2025 INSC 1277 - S.34 Arbitration Act - Effect Of Delay In Award Pronouncement

Arbitration and Conciliation Act 1996 - Section 34 - (Prior to insertion of Section 29A) - Delay in the delivery of an arbitral award, by itself, is not sufficient to set aside that award. However, each such case would have to be examined on its own individual facts to ascertain whether that delay had an adverse impact on the final decision of the arbitral tribunal, whereby that award would stand vitiated due to the lapses committed by the arbitral tribunal owing to such delay. It is only when the effect of the undue delay in the delivery of an arbitral award is explicit and adversely reflects on the findings therein, such delay and, more so, if it remains unexplained, can be construed to result in the award being in conflict with the public policy of India, thereby attracting Section 34(2)(b)(ii) of the Act of 1996 or Section 34(2A) thereof, as it may also be vitiated by patent illegality. Further, it would not be necessary for an aggrieved party to invoke the remedy under Section 14(2) of the Act of 1996 as a condition precedent to lay a challenge to that delayed and tainted award under Section 34 thereof. (Para 63)

Arbitration and Conciliation Act 1996 - Section 34 - The very basis and public policy underlying the process of arbitration is that it is less time-consuming and results in speedier resolution of disputes between the parties. If that premise is not fulfilled by an unworkable arbitral award that does not resolve the disputes between the parties, on one hand, leaving them with no choice but to initiate a fresh round of arbitration/litigation but the arbitrator, in the meanwhile, also changed their positions, irrevocably altering the pre-existing balance between the parties prior to the arbitration, then such an arbitral award would not only be in conflict with the public policy of India but would also be patently illegal on the face of it. It would therefore be liable to be set aside under Section 34(2)(b)(ii) and/or Section 34(2A) of the Arbitration and Conciliation Act, 1996. Further, if the necessary conditions for exercise of power by this Court under Article 142 of the Constitution of India are made out, in terms of the Constitution Bench decision in *Gayatri Balasamy vs. ISG Novasoft Technologies Limited* (supra), this Court would be justified in exercising such jurisdiction. (Para 63)

**Kimberley Club Pvt. Ltd. v. Krishi Utpadan Mandi Parishad
2025 INSC 1276 - Judicial Review- Tender**

Constitution of India - Article 226- Tender -In tender matters, the court exercising judicial review does not sit in appeal over the decision of a tendering authority regarding disqualification of bid. Only in cases where such decision is dehors the terms of the NIT or is patently arbitrary would the Court exercise powers of judicial review and set aside such a decision- Terms of an NIT must be clear and unambiguous - In order of rejection must be sustained on grounds stated therein and additional grounds cannot be subsequently pressed into service to justify such rejection. (Para 11-17)

In Re: Summoning Advocates Who Give Legal Opinion Or Represent Parties During Investigation Of Cases And Related Issues 2025 INSC 1275

Bharatiya Sakshya Adhiniyam - Section 132-134 ; Bharatiya Nagarik Suraksha Sanhita 2023 - Section 528- The investigating agency/prosecuting agency/the police cannot directly summon a lawyer appearing in a case to elicit the details of the case, unless there is something, the I.O has knowledge of, which falls under the exceptions, in which case it has to be specifically mentioned in the summons, which the lawyer summoned can challenge under Section 528 of the BNSS. (Para 49) **Directions issued:** The Investigating Officers in a criminal case or a Station House Officer conducting a preliminary inquiry in a cognizable offence shall not issue a summons to an Advocate who represents the accused to know the details of the case, unless it is covered under any of the exceptions under Section 132 - When a summons is so issued to an Advocate, under any of the exceptions, it shall explicitly specify the facts on which the exception is sought to be relied upon, which shall also be with the consent of the superior Officer not below the rank of a Superintendent of Police who shall record his satisfaction as to the exception in writing, before the summons is issued- A summons so issued shall be subject to judicial review at the instance of the Advocate or the client under Section 528 of the BNSS. (Para 43)

Bharatiya Nagarik Suraksha Sanhita 2023 - Section 175,179 ; Bharatiya Sakshya Adhiniyam - Section 132- The power to summon under Section 175 & 179 is not the power to interfere with the privileged communications between a lawyer and client- The power to

summon, conferred on an Investigating Officer under Section 179 read with Section 175 of the BNSS; when such summons is directed against an Advocate in a case where he is appearing for a party, is not an absolute or a blanket power to be exercised, without looking at the provisions of Section 132 of the BSA- But cannot deny the power altogether or place fetters on it by framing guidelines, especially when there are limits and exceptions to the privilege conferred on confidential professional communications between a Client and an Advocate. If there is an overreach, the Constitutional Courts could always be approached. (Para 52)

Bharatiya Sakshya Adhiniyam - Section 132- The Advocate on whom there is an obligation of non-disclosure as per Section 132 of the BSA shall be one who is engaged in a litigation or in a non-litigious or a pre-litigation matter (para 43) - Confidentiality of the professional communications is not confined to transactions with an Advocate engaged in a case but also extends to legal advice taken, at a solitary instance, sporadically, on a periodic basis or even under a regular retainership. (Para 53)

Bharatiya Sakshya Adhiniyam - Section 132- Production of documents in the possession of the Advocate or the client will not be covered under the privilege conferred by Section 132, either in a civil case or a criminal case- In a criminal case, the production of a document directed by a Court or an Officer shall be complied with by production before the Court under Section 94 of the BNSS; being regulated also by Section 165 of the BSA- In a civil case, the production of a document shall be regulated by Section 165 of BSA and Order XVI Rule 7 of the Civil Procedure Code -On production of such document, it shall be upon the Court to decide on any objection filed with respect to the order to

produce, and the admissibility of the document, after hearing the Advocate and the party whom the Advocate represents- The production of a digital device under Section 94 of the BNSS if directed by an Investigating Officer, the direction shall only be to produce it before the Jurisdictional Court - On production of the digital device by the Advocate before the Court; the Court shall issue notice to the party with respect to whom the details are sought to be discovered from the digital device and hear the party and the Advocate on any objection regarding the production of the digital device, discovery from it and the admissibility of that discovered- If the objections are overruled by the Court, then the digital device shall be opened only in the presence of the party and the Advocate, who will be enabled due assistance of a person with expertise in digital technology, of their choice- While examining the digital device, care shall be taken by the Court not to impair the confidentiality with respect to the other clients of the Advocate and the discovery shall be confined to that sought by the Investigating Officer, if it is found to be permissible and admissible.

Bharatiya Sakshya Adhiniyam - Section 132-134 ; Advocates Act 1961- Section 2(a) - In-house counsel will not be entitled to the privilege under Section 132 since they are not Advocates practicing in Courts as spoken of in the BSA- The fact of their regular employment with full salaries takes them away from the definition of an Advocate as defined under the Advocates Act 1961, which has been incorporated in Section 132 of the BSA - Whether, in his employment, an In-house Counsel advises his employer on legal affairs would not bring an In-house counsel, a fully salaried employee, within the definition of an Advocate which would also not enable him to claim the privilege with respect to communications with his employer as available under Section 126, but could definitely take up other pleas - The In-house counsel,

however, would be entitled to the protection under Section 134 insofar as any communication made to the legal advisor of his employer, which however, cannot be claimed for the communications between the employer and the In-house counsel - In-house counsel though is engaged in the job of advising his employer on questions of law would even then be influenced by the commercial and business strategies pursued by his employer and would always be beholden to his employer and obliged to protect their interest. (Para 59-62 ,67)

Bharatiya Sakshya Adhiniyam - Section 132-The complicity to the crime even if admitted by the accused to his lawyer, it does not fall within the genre of an 'extra-judicial confession'.(Para 33)

Constitution of India - Article 14,21,22,39A - Article 14 and 21 encompasses within it the right to a legal practitioner. In addition, Article 22(1) makes mandatory the provision of the right to consult and to be defended by the legal practitioner of a man's choice when he is arrested. Article 39-A of the Directive Principles puts obligations on the State to secure justice and equal opportunity by providing free legal aid especially in the case of citizens denied such representation by reason of economic or other disabilities-The said right has been stated to be one which enables provision of effective and adequate legal representation, which would be jeopardized while summoning a lawyer to be witness in a case. (Para 43)

M.C. Mehta v. Union of India 2025 INSC 1274

Note: No legal aspects discussed in the judgment

Uma Kant vs State of U.P. 2025 INSC 1273 - Service Law

Service Law - The services of the appellants were terminated by the BSA on the ground that they did not have TET qualification at the time of their appointment - Writ petition challenging this dismissed - Allowing appeal, SC observed: the appellants had acquired the minimum qualifications, including TET, by 24th March 2014, while the second proviso to sub-section (2) of Section 23 of the RTE Act provides that the unqualified teachers appointed/inposition as on 31st March 2015 shall acquire minimum qualifications before 31st March 2019. We, therefore, fail to see as to how the appellants can be said to be unqualified on the date of their termination i.e., 12th July 2018, when undisputedly they had already qualified the TET by 24th March 2014. (Para 10)

K. Kirubakaran vs State of Tamil Nadu 2025 INSC 1272 - POCSO Case Quashed - Accused & Victim Married

Constitution of India - Article 142 - While quashing criminal proceedings against POCSO Accused, SC observed: The appellant and the victim are not only legally married, they are also in their family way. While considering the offence committed by the appellant punishable under the POCSO Act, we have discerned that the crime was not the result of lust but love. The victim of crime herself has expressed her desire to live a peaceful and stable family life with the appellant, upon whom she is dependent, without the appellant carrying the indelible mark on his forehead of being an offender. Continuation of the criminal proceedings and the appellant's incarceration would only disrupt this familial unit and cause irreparable harm to the victim, the infant child,

and the fabric of society itself - this is a case where the law must yield to the cause of justice. (Para 9-10)

Criminal Law - A crime is not merely a wrong against an individual but against society as a whole. When an offence is committed, it wounds the collective conscience of the society and therefore the society, acting through its elected lawmakers, determines what would be the punishment for such an offence and how an offender should be dealt with, to deter its recurrence. The criminal law is, thus, a manifestation of the sovereign will of the society. However, the administration of such law is not divorced from the practical realities. Rendering justice demands a nuanced approach. This Court tailors its decisions to the specifics of each case: with firmness and severity wherever necessary and it is merciful when warranted. It is also in the best interest of society to bring a dispute to an end, wherever possible- The law aims to ensure not just punishment of the guilty, but also harmony and restoration of the social order. (Para 6)

Constitution of India - Article 142- The founding fathers of the Constitution conferred this Court with the extraordinary power to do “complete justice” in proper cases. This constitutional power stands apart from all other powers and is intended to avoid situations of injustice being caused by the rigid application of law. (Para 8)

Orion Conmerx Pvt. Ltd. v. National Insurance Co. Ltd. 2025 INSC 1271 - Fire Insurance

Fire Insurance - Once it is established that the loss is due to fire and there is no allegation/finding of fraud or that the Insured is the instigator of the fire, the cause of fire is immaterial and it will have to be assumed and presumed that the fire is accidental and falls within the

ambit and scope of fire policy. (Para 37) the cause of fire becomes material in cases where the fire is occasioned not by negligence but by the wilful act of Insured himself or of someone acting with his privity or consent. In such a case, his conduct, coupled with the making of a claim, is a fraud upon the insurers and he cannot enforce his claim against them. (Para 35) [Context: In this case, the final Surveyor's report only found that electric short circuit is not the sole source and that there were three independent sources/seats/pools of fire- SC held that the said finding cannot lead to the conclusion that the fire in question is not accidental.(Para 41)]

Fire Insurance - The contract of fire insurance is a contract to indemnify the Insured against loss by fire. The expression 'fire' signifies the cause of the loss and in order to determine whether in a particular case the loss is caused by fire, the following rules generally apply:- a) There must be an actual fire; hence mere heating or fermentation will not be sufficient to render the insurers liable for loss occasioned thereby. b) There must be something on fire which ought not to have been on fire. c) There must be something in the nature of an accident, but a fire occasioned by the wilful act of a third person without the consent of the Insured, is to be regarded as accidental for the purpose of this rule. If these requisites are satisfied, any loss attributable to the fire, whether by actual burning or otherwise, is within the contract. (Para 33)

Insurance - Coverage provisions should be interpreted broadly and in case of ambiguity, it is to be resolved in favour of the Insured. (Para 47) The policies provide for coverage of 'FFF' which can only mean furniture, fixtures and fittings and the Insured is entitled to the amounts claimed under the heads of Building, Plant and Machinery, Showroom, Electric fittings, furniture and fixtures. (Para 48)

Depreciation- The sine qua non for calculation of depreciation is the age of machinery and the accepted rate of depreciation for the products. (Para 61)

K. Nagendra vs New India Insurance Co. Ltd 2025 INSC 1270 - Motor Accident -Pay & Recovery- Deviation From Prescribed Route

Motor Accident Compensation - Pay and Recover principle - The purpose of an insurance policy is to shield the owner/operator from direct liability when such an unforeseen/unfortunate incident takes place. To deny the victim/dependents of the victim compensation simply because the accident took place outside the bounds of the permit and, is outside the purview of the insurance policy, would be offensive to the sense of justice, for the accident itself is for no fault of his. Then, the Insurance Company most certainly ought to pay. (Para 9) When an Insurance Company takes on a policy and accepts payments of premium in pursuance thereto, it agrees to do so within certain bounds. The contract lays down the four corners within which such an insurance policy would operate. If that is the case, to expect the insurer to pay compensation to a third party, which is clearly outside the bounds of the said agreement would be unfair. (Para 10)

Mohamed Sameer Khan v. State 2025 INSC 1269 - Murder Accused Acquitted - Circumstantial Evidence

Circumstantial Evidence - Principles laid down in Karakkattu Muhammed Basheer v. State of Kerala quoted and applied (Para 17)-

[Context: While allowing an appeal against conviction in murder case, SC observed: Merely because the medical evidence proves the unfortunate loss of life would not be enough to convict a person since he happened to be in the vicinity. In the absence of any forensic evidence when there is no eyewitness and the case is of circumstantial evidence, benefit would go to the accused -In cases wherein the guilt of the accused is sought to be established by circumstantial evidence, if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted- the prosecution has failed to connect the Appellant to the offence through medical or forensic evidence as no blood, hair or skin sample, or fingerprint belonging to him has been found on the body of the deceased, the recovered articles, or at the place of occurrence.]

Jemaben v. State of Gujarat 2025 INSC 1268 - Dying Declaration Before Doctor

Indian Evidence Act 1872- Section 32 - While dismissing criminal appeal, SC observed: The dying declaration given by the deceased before the Doctor is supported by other evidence led by the prosecution - merely because there are minor discrepancies in the version given by the prosecution witness with regard to the dying declaration and with regard to the manner of occurrence of the incident, the first dying declaration given by the deceased before the independent witness, i.e PW-3, cannot be ignored. The first dying declaration is supported by the independent documentary evidence. (Para 13)

Annamalai vs Vasanthi, 2025 INSC 1267 - Specific Relief Act - Breach Of Contract - Declaratory Relief

Specific Relief Act 1963 - Section 34 ; Indian Contract Act, 1872

- Ordinarily, for a breach of contract, a party aggrieved by the breach i.e., failure on the part of the other party to perform its part under the contract can claim compensation or damages by accepting the breach as a termination of the contract, or/ and, in certain cases, obtain specific performance by not recognizing the breach as termination of the contract . In a case where the contract between the parties confers a right on a party to the contract to unilaterally terminate the contract in certain circumstances, and the contract is terminated exercising that right, a mere suit for specific performance without seeking a declaration that such termination is invalid may not be maintainable. This is so, because a doubt /cloud on subsistence of the contract is created which needs to be cleared before grant of a decree enforcing contractual obligations of the parties to the contract - a declaratory relief would be required where a doubt or a cloud is there on the right of the plaintiff and grant of relief to the plaintiff is dependent on removal of that doubt or cloud. However, whether there is a doubt or cloud on the right of the plaintiff to seek consequential relief, the same is to be determined on the facts of each case. For example, a contract may give right to the parties, or any one of the parties, to terminate the contract on existence of certain conditions. In terms thereof, the contract is terminated, a doubt over subsistence of the contract is created and, therefore, without seeking a declaration that termination is bad in law, a decree for specific performance may not be available. However, where there is no such right conferred on any party to terminate the contract, or the right so conferred is waived, yet the contract is terminated unilaterally, such termination may be taken as a breach of contract by repudiation and the party aggrieved may, by

treating the contract as subsisting, sue for specific performance without seeking a declaratory relief qua validity of such termination. (Para 27-33)

Specific Relief Act 1963 - An opinion regarding plaintiff's readiness and willingness to perform its part under the contract is to be formed on the entirety of proven facts and circumstances of a case including conduct of the parties. The test is that the person claiming performance must satisfy conscience of the court that he has treated the contract subsisting with preparedness to fulfil his obligation and accept performance when the time for performance arrives - Generally, time is presumed not to be the essence of the contract relating to immovable property. Therefore, onus to plead and prove that time was the essence of the contract is on the person alleging it. In cases where notice is given treating time as the essence of the contract, it is duty of the court to examine the real intention of the party giving such notice by looking at the facts and circumstances of each case. (Para 18-20)

Specific Relief Act 1963 - 2018 amendment -In Katta Sujatha Reddy v. Siddamsetty Infra Projects (P) Ltd.¹⁴, it was held that 2018 Amendment to the 1963 Act is prospective and cannot apply to those transactions that took place prior to its coming into force- This decision was reviewed and recalled in Siddamsetty Infra Projects (P) Ltd. v. Katta Sujatha Reddy but in the review order/ judgment this Court did not specifically hold that the amended provisions would govern suits instituted prior to the 2018 Amendment Rather, in review, this Court proceeded to decide the matter by assuming that the grant of specific performance continued to be discretionary to a suit instituted before the date of the amendment. (Para 34)

Specific Relief Act 1963 - Section 31,34 - A declaratory relief seeks to clear what is doubtful, and which is necessary to make it clear. If there is a doubt on the right of a plaintiff, and without the doubt being cleared no further relief can be granted, a declaratory relief becomes essential because without such a declaration the consequential relief may not be available to the plaintiff. For example, a doubt as to plaintiff's title to a property may arise because of existence of an instrument relating to that property. If plaintiff is privy to that instrument, Section 31 of Specific Relief Act, 1963 enables him to institute a suit for cancellation of the instrument which may be void or voidable qua him. If plaintiff is not privy to the instrument, he may seek a declaration that the same is void or does not affect his rights. When a document is void ab initio, a decree for setting aside the same is not necessary as the same is non est in the eye of law, being a nullity. Therefore, in such a case, if plaintiff is in possession of the property which is subject matter of such a void instrument, he may seek a declaration that the instrument is not binding on him. However, if he is not in possession, he may sue for possession and the limitation period applicable would be that as applicable under Article 65 of the Limitation Act, 1963 on a suit for possession. Rationale of the aforesaid principle is that a void instrument /transaction can be ignored by a court while granting the main relief based on a subsisting right. But, where the plaintiff's right falls under a cloud, then a declaration affirming the right of the plaintiff may be necessary for grant of a consequential relief. However, whether such a declaration is required for the consequential relief sought is to be assessed on a case-to-case basis, dependent on its facts. (Para 25)

Maintainability - Though a plea regarding maintainability of the suit, even if not raised in written statement, may be raised in appeal,

particularly when no new facts or evidence is required to address the same.

Haribhau @ Bhausaheb Dinkar Kharuse vs State of Maharashtra 2025 INSC 1266 - S.149 IPC- Unlawful Assembly - Specific Overt Act

Indian Penal Code 1860 - Section 149 - It is not necessary for each member of the unlawful assembly to have committed a specific overt act. Once participation and sharing of the common object are proved, every member becomes vicariously liable for offences committed in prosecution of that object. [Context: SC while dismissing appeal, observed: appellants were not passive spectators but active participants and facilitators in a deliberate and planned assault. Their conduct and presence at the scene, in concert with the armed co-accused persons, establish their common intention and vicarious liability under Sections 302 and 307 read with Section 149 of the IPC] (Para 42-44)

Code of Criminal Procedure 1973 - Section 378, 386- Interference with an order of acquittal must be exercised with great caution. However, such interference is justified where the findings of the Trial Court are manifestly perverse, unreasonable or contrary to the evidence on record -An appellate court possesses full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded and to reach its own conclusions if the view taken by the trial court is not reasonably sustainable. (Para 29)

Rekha Minocha v. Amit Shah Minocha 2025 INSC 1265 - Irretrievable Breakdown Of Marriage

Constitution of India - Article 142 - While dissolving a marriage, SC observed: The relationship between the parties has irretrievably broken down. Years of acrimony and bitterness have defined their relationship, and despite the appellant-wife contesting the grant of divorce, we find that no marital bond survives between them- there is no purpose in perpetuating a legal relationship that has ceased to have any meaning. (Para 8)

Assam Financial Corporation Ltd. v. Bhabendra Nath Sarma 2025 INSC 1264 - Gratuity

Payment of Gratuity Act, 1972 - Assam Financial Corporation (Payment of Gratuity to Employees) Regulation, 1964 - Regulation 107 - When the regulations themselves (particularly Regulation 107) import the higher ceiling for payment of gratuity as accepted by the State Government under the Payment of Gratuity Act, the right of the employees flows from the said regulation - Question as to whether the Payment of Gratuity Act itself applies to the AFC or not may be considered in an appropriate case. (Para 20)

P. Somaraju vs State of Andhra Pradesh 2025 INSC 1263 - S.20 Prevent Of Corruption Act

Prevention of Corruption Act, 1988 - Section 7,20 - The statutory presumption under Section 20 of the PC Act is not automatic and arises only once the foundational facts of demand and acceptance are proved- For an offence under Section 7 of PC Act, the demand of illegal gratification is a sine qua non to prove the guilt. Mere recovery of currency notes cannot constitute an offence under Section 7 of PC Act, unless it is proved beyond reasonable doubt that accused voluntarily accepted the money, knowing it to be a bribe. The proof of acceptance of illegal gratification can follow only if there is proof of demand. (Para 18)

Code of Criminal Procedure 1973 - Section 378,386 [Section 419,426 BNSS] - An Appellate Court undoubtedly has full power to review and reappreciate evidence in an appeal against acquittal under Sections 378 and 386 CrPC. However, due to the reinforced or ‘double’ presumption of innocence after acquittal, interference must be limited. If two reasonable views are possible on the basis of the record, the acquittal should not be disturbed. Judicial intervention is only warranted where the Trial Court’s view is perverse, based on misreading or ignoring material evidence, or results in manifest miscarriage of justice. Moreover, the Appellate Court must address the reasons given by the Trial Court for acquittal before reversing it and assigning its own. (Para 12)

Om Pal vs State of U.P. (now Uttarakhand) 2025 INSC 1262 - Injured Eyewitness Testimony - FIR Delay - Non-Recovery Of Weapons

Evidence -Ocular evidence is the best evidence unless there are reasons to doubt it (Para 33)- An injured eyewitness enjoys a presumption of

truth - The testimony of an injured eyewitness is accorded a special status in law. As being a stamped witness, his presence cannot be doubted. The testimony of an injured eyewitness has its own relevancy as he has sustained injuries at the time and place of occurrence and this lends support to his testimony that he was present during the occurrence. Thus, the testimony of the injured eyewitness should be generally given due importance unless there are glaring contradictions. deposition by the injured eyewitness should be relied upon unless there are strong grounds for rejection of his evidence on the basis of major contradictions and discrepancies therein. (Para 35-39)

Criminal Trial - Delay in filing of the FIR cannot be considered to be fatal to the case of the prosecution when there is direct evidence and when the delay in filing the FIR is well explained. (Para 46) non-recovery of the weapons cannot be considered fatal to the case of the prosecution if there is consistent medical and ocular evidence. (Para 49) Motive although is a relevant factor in all criminal cases, it, however, is not a sine qua non for establishing the guilt of the accused persons. Motive even in a case which rests on an eyewitness account, lends strength to the prosecution's case and fortify the Court in its ultimate conclusion. Thus, the fact of motive has to be seen in the light of the other cogent evidence available. (Para 42)

Indian Penal Code 1860 - Section 300 - The use of the sharp edges of spades, phawadas to deliver fatal blows on the heads of the deceased demonstrates that the assailants acted with a clear motive and object of permanently eliminating them, thereby committing their murder.(Para 45)

State Election Commission v. Shakti Singh Barthwal 2025 INSC 1261 - Practice - Court Decorum

Practice and Procedure - Once the Court has indicated its mind and requested the counsel to refrain from further submissions, the same is expected to be respected. Orders are passed by the Court only after due consideration. The Court is always mindful of the submissions advanced and does not dismiss the matters without careful examination. Continued insistence thereafter, especially after the Court expressed its inclination, serves no purpose and affects the decorum of proceedings. There needs to be a balance in the duty that advocate has towards his/her client and the Court. The orderly and dignified functioning of the Court is best ensured when the Bench and the Bar move in symphony with each other. (Para 6)

State of Kerala v. Suni @ Sunil 2025 INSC 1260 - S.195A IPC - FIR - Witness Threatening

Indian Penal Code 1860 - Section 195A ; Code of Criminal Procedure, 1973 - Section 195,195A [Section 232 BNS ; Section 215, 216 BNSS]- The offence under Section 195A IPC is a cognizable offence the process of criminal law can as well be set in motion by giving information of the commission of such offence to the concerned police officer under Section 154 CrPC. It is only by way of an additional remedy that Section 195A CrPC permits the threatened witness or any other person acting on his behalf to file a complaint before the jurisdictional Magistrate to set the process of criminal law in motion - It is not compulsory for a threatened witness or other person to only approach

the Magistrate concerned to complain of the offence under Section 195A IPC (Para 29)

Interpretation of Statutes - The shortfalls and lack of lucidity in the statute do not constitute casus omissus, i.e., ‘a case of omission- It is not permissible for the Court to apply the doctrine of casus omissus where the language of a statute is clear and unambiguous as the words used by the statute speak for themselves and it is not the function of the Court to add words or expressions merely to suit what the Court thinks is the intent of the legislature. While interpreting a statute, effort should be made to give effect to each and every word used by the legislature and a construction which attributes redundancy to the legislature should not be accepted except for compelling reasons, such as obvious drafting errors. However, in a situation where it is not an instance of casus omissus by the draftsman of the legislation and there are ample means to gather the clear intention of the lawmakers, the statutory provisions which are seemingly lacking in clarity, but are actually not so, can be synchronized so as to give effect to the legislation as intended, without the Court venturing into the realm of legislative drafting. Such an exercise would only require harmonious construction of the provisions so as to give full effect to the legislation. (Para 27)

EPC Constructions India Ltd v. Matix Fertilizers and Chemicals Ltd 2025 INSC 1259 - IBC - Preferential Shareholders - Creditors

Insolvency and Bankruptcy Code, 2016 - Section 7 - Preference shareholders do not enjoy the status of the creditors of the company and do not fulfil the definition of a financial creditor for the purpose of

Section 7 of the IBC. (Para 36) Preference shares are part of the company's share capital and the amounts paid up on them are not loans. (Para 20)

Insolvency and Bankruptcy Code, 2016 - Section 7- to maintain a proceeding under Section 7, an application has to be filed by a financial creditor and the application has to be filed when a default has occurred- For a default "to kick in" there should be non-payment of debt, when whole or any part of the debt has become due and payable and is not paid. (Para 34)

Denash v. State of Tamil Nadu 2025 INSC 1258 - S.6o NDPS Act- Interim Custody Of Seized Conveyance

Narcotic Drugs and Psychotropic Substances (Seizure, Storage, Sampling and Disposal) Rules, 2022 - Rules of 2022 cannot be interpreted as divesting the Special Courts of their jurisdiction to entertain an application for interim custody or release of a seized conveyance under Sections 451 and 457 of CrPC [Sections 497 and 503 of BNSS]. The authority of the Special Court to pass appropriate orders for interim custody during the pendency of the trial, as well as to make final determination upon its conclusion, continues to operate independently of the disposal mechanism envisaged under the said Rules. (Para 29)

[Context: SC set aside HC judgment that held that High Court, pursuant to the promulgation of the Rules of 2022, all other forums, including the Special Court, are divested of the jurisdiction to decide the

fate of a seized conveyance under the NDPS Act and that the aggrieved person must necessarily approach the Drug Disposal Committee

NDPS Act - Interim Release Of Seized Vehicle - In this case, contraband was recovered from the possession of the agent of the owner- But Supreme Court granted interim custody of the vehicle as it noted that the overall circumstances clearly indicate his bonafides and absence of any involvement in the drugs being carried in the vehicle. [Distinguished Bishwajit Dey v. State of Assam] (Para 35)

Narcotic Drugs and Psychotropic Substances Act, 1985: Sections 60,63 - The power to determine whether or not a seized conveyance is liable to confiscation vests in the Special Court constituted under the NDPS Act and not in any administrative or executive authority such as the Drug Disposal Committee. The statute stipulates that where an owner proves absence of knowledge or connivance, the Special Court is dutybound to hear such claim before deciding the fate of the seized vehicle including confiscation - The confiscation or otherwise of a conveyance is to be determined finally, only upon conclusion of the trial, and until such adjudication, the ownership rights of the owner, who *prima facie* establishes that he is unconnected with the seized contraband, from claiming the seized vehicle cannot be extinguished. The power of confiscation is coupled with a duty to observe procedural fairness and to ensure that no prejudice is caused to an innocent owner who had neither knowledge nor willfully participated or connived to commit the offence under the NDPS Act. (Para 21- 26)

Subordinate Legislation - Rules framed under a statute are intended to carry out the purposes of the Act and cannot travel beyond or be inconsistent with the parent legislation. (Para 13)

V.M. Saudagar (D) vs Divisional Commercial Manager, Central Railway 2025 INSC 1257 - Disciplinary Proceedings

Disciplinary Proceedings - Bombay High Court had reversed the CAT judgment that had set aside the dismissal order of a TTE - Allowing appeal, SC observed: All the charges have not been found to be proved conclusively against the appellant and CAT, on the basis of the material on record, had rightly interfered with the penalty of dismissal from service against the appellant -when the findings of the Enquiry Officer were perverse basing on completely misleading of the materials produced before the Enquiry Officer, CAT was fully justified in setting aside the order of penalty.

Novenco Building and Industry A/S v. Xero Energy Engineering Solutions Pvt. Ltd 2025 INSC 1256 - Section 12A Commercial Courts Act - IPR Cases

Commercial Courts Act, 2015 - Section 12A - IPR Cases - Mere delay in bringing an action does not legalise an infringement and the same cannot defeat the right of the proprietor to seek injunctive relief against the dishonest user - intellectual property disputes are not confined to the private realm- The public interest element, need to prevent confusion in the market and to protect consumers from deception further imparts a colour of immediacy to the reliefs sought - The insistence of pre-institution mediation in a situation of ongoing infringement, in effect, would render the plaintiff remediless allowing the infringer to continue to profit under the protection of procedural

formality. Section 12A of the Act was not intended to achieve such kind of anomalous result. (Para 22-24) Held: (i) In actions alleging continuing infringement of intellectual property rights, urgency must be assessed in the context of the ongoing injury and the public interest in preventing deception, (ii) Mere delay in institution of a suit by itself, does not negate urgency when the infringement is continuing (Para 26)

Commercial Courts Act, 2015 - Section 12A - The legal test distilled from the aforesaid decisions for the purposes of rejection of the plaint and for adjudication of interim relief can be culled out as follows:

(i) Section 12A mandatorily requires pre-institution mediation for commercial suits, non-compliance of which would ordinarily render the plaint institutionally defective. (ii) A plaintiff can be exempted from the requirement of Section 12A only when the plaint and the documents attached with it clearly show a real need for urgent interim intervention. A wholesome reading of the plaint and the material annexed to the plaint ought to disclose the need for urgent relief. (iii) The court must look at the plaint, pleadings and supporting documents to decide whether urgent interim relief is genuinely contemplated. The court may also look for immediacy of the peril, irreparable harm, risk of losing rights/assets, statutory timelines, perishable subject-matter, or where delay would render eventual relief ineffective. (iv) A proforma or anticipatory prayer for urgent relief used as a device to skip mediation will be ignored and the court can require the parties to comply with Section 12A of the Act. (v) The court is not concerned with the merits of the urgent relief, but if the relief sought seems to be plausibly urgent from the standpoint of the plaintiff the court can dispense with the requirement under Section 12A of the Act. (Para 20)

Urban Infrastructure Real Estate Fund vs Neelkanth Realty Private Limited 2025 INSC 1255 - Arbitration - Plea Of Demurrer - Limitation

Plea of demurrer -The plea of demurrer is an act of objecting or taking exception or a protest. It is a pleading made by one party which “assumes” the truth of the matter as alleged by the opposite party, but sets up that it is insufficient in law to sustain the claim, or that there is some other defect in the pleadings which constitutes a legal reason as to why the suit must not be allowed to proceed further- Even assuming those facts as pleaded are true, the court does not have jurisdiction as a matter of law. The party raising the plea challenges legal sufficiency of a complaint/plaint/action rather than its factual accuracy - A decision on demurrer has to be determined ex-facie the plaint -At the stage of demurrer, it is only the statement of claim which is to be looked into to decide whether the matter must be thrown out at the threshold or not - Only certain objections are capable of being decided by way of demurrer. Only those objections which do not involve questions of facts nor the adducing of any further evidence, could be decided by way of demurrer- The rule that when a mixed question of law and fact is decided on the basis of a demurrer, the issue would not be permanently foreclosed - Since a plea of demurrer is akin to an application made under Order VII Rule 11(d), the same principles must apply. (Para 94,134)

Arbitration and Conciliation Act 1996- Section 19 ; Limitation

Act 1963 - Section 3-The elasticity of the doctrine of party autonomy cannot be tested and pushed to the extent that it has the consequence of being at loggerheads with the duty of the Arbitral Tribunal which is manifest in Section 3 of the Act, 1963. (Para 116)

Arbitration and Conciliation Act 1996- Section 19,43- The doctrine of party autonomy is not limitless - When the exercise of party autonomy is in teeth with any mandatory provision of the Act, 1996, the same could not be said to be proper. (Para 108) - When parties wish to adopt procedures which strike at the root of very adjudication of the dispute and have the potential to upend any established principle of fairness which our legal system has created and nurtured over the years, one has to see whether such an exercise of party autonomy is within the confines of the Act, 1996 and within the confines of the doctrine of party autonomy envisaged by the Act, 1996- (Para 112) Any procedure agreed upon by parties cannot and must not have the consequence of the matter being decided in ignorance of settled principles of law, which includes the principles of limitation, or have the effect of the matter being decided in an unfair and lopsided manner. One must be able to distinguish between instances when party autonomy is used to dispense with mere technicalities in the pursuit of a fair and speedy resolution of the dispute, and instances when the doctrine is being disguised to shorthand fairness and justice itself. (Para 114) There are certain non-derogable provisions within the scheme of the Act, 1996 itself, which the parties cannot ignore or attempt to bypass, even by agreement. Parties have the autonomy to decide their own procedure including the modalities of the arbitration but within the confines of the provisions of Part I of the Arbitration Act, 1996. This, by extension, would also mean that the chosen procedure must align with the underlying principles of limitation law owing to the mandate reflected in Section 43 of the Act, 1996. (Para 119)

Arbitration and Conciliation Act 1996- Section 34- The phrase “public policy of India” must be construed narrowly and an undue expansion of the grounds of “fundamental policy of Indian law” and “most basic notions of justice or morality” respectively, cannot be

countenanced. (Para 124) The nonadoption of a “judicial approach” cannot form a valid ground for the purpose of justifying an interference to the present interim award under Section 34 of the Act, 1996. (Para 126) “most basic notions of justice” is, substantively and procedurally, some fundamental principle of justice which has been breached, and which shocks the conscience of the Court.” - This ground can only be attracted under very exceptional circumstances where the conscience of the court is shocked by the infraction of the most fundamental notions or principles of justice. (Para 127)

Arbitration and Conciliation Act 1996- Section 34 - When undertaking the exercise of severing an award, it must be ascertained whether the illegality is such that it affects the award as a whole. If not, then that portion of the award which does not suffer from any infirmity could be upheld. While severing, the courts must be vigilant to ensure that the good or viable part(s) of the award is not rendered vulnerable or unsustainable as a direct consequence of the severing. Therefore, while employing the doctrine of severance, one must walk the tight rope of not dislodging the good part of the award. (Para 131)

Code of Civil Procedure 1908 -Order VII Rule 11(d) - Disputed questions cannot, as a matter of rule, be decided while considering an application filed under Order VII Rule 11(d). What has to be decided is whether on the face of it, the averments made in the plaint, without any doubt or dispute, show that the suit is or is not barred by limitation or any other law in force. (Para 119 -vi)

Limitation Act 1963 - Section 3- The issue of limitation is a mixed question of law and fact, and goes to the root of any claim that a party may put forward. It is incumbent upon any Court or Tribunal having jurisdiction over any dispute to, first, adjudicate the question of

limitation and dismiss the claim if found to be barred by limitation, even if limitation is not set up as a defence-There exists a positive duty upon any forum adjudicating any dispute to ensure that the claim is within limitation. This duty must be reasonably and properly discharged in a manner which is tailored to the facts and circumstances of each case- If the peculiar facts of the matter are such that, the issue of limitation cannot be decided sans further evidence, then the mandate of Section 3 of the Act, 1963, must be understood to also empower the court or tribunal to require further evidence in order to adjudicate the issue. (Para 100-101)

Arbitration and Conciliation Act 1996 - Section 43 ; Limitation Act 1963 - Section 3- Arbitral Tribunal would also be bound by the statutory mandate underlying Section 3 of the Act, 1963 which requires the arbitrator to decide the issue of limitation in a proper and reasonable manner. (Para 102)

Arbitration and Conciliation Act 1996 - Arbitral Tribunal is neither required to conduct arbitration proceedings strictly like a civil court nor that the provisions of the CPC and Evidence Act respectively do not apply stricto sensu to arbitral proceedings. However, it cannot be denied that any procedure adopted in the arbitral proceedings must subscribe to and not be at variance with the underlying principles of justice. (Para 135)

M. Jameela v. State of Kerala 2025 INSC 1254 - Kerala Private Forests (Vesting and Assignment) Act

Kerala Private Forests (Vesting and Assignment) Act, 1971 - Section 3 - The applicant before the Forest Tribunal must establish that the land does not fall within the definition of private forest under the Act

i.e., in other words, either that it was not a forest at all, or that it was exempt by virtue of Sections 3(2) and 3(3). The rationale is that vesting is the norm and exemption is the exception; hence the claimant must prove the applicability of the exception - standard of proof is preponderance of probabilities, not proof beyond reasonable doubt. The claimant is not required to demonstrate their case with absolute certainty or direct evidence of every historical fact which in many cases from 1971 would be impossible but must lead such evidence that a reasonable fact-finder can conclude that it is more likely than not that the ingredients of the exemption are satisfied. (Para 33) [Context: SC declared that the appellants are the lawful owners in possession of the aforesaid lands, and that those lands did not vest in the Government on 10.05.1971. The appellants' title and possessory rights over the property shall stand confirmed.]

Atomberg Technologies Pvt. Ltd. vs. Eureka Forbes Ltd. 2025 INSC 1253 - Patents Act - Suit For Groundless Threat Of Infringement - Suit For Infringement

Patents Act, 1970 - Section 104, 106, 108 -suit for Groundless Threat of Infringement governed by Section 106 of the Patents Act, 1970, has an independent cause of action from that of a suit for infringement. (Para 9)

Sanjay Kumar Mishra & Ors. v. District Judge, Ambedkar Nagar 2025 INSC 1252 - Public Appointments

Public Appointments -Supreme Court set aside the 2008 termination of four Class IV employees, ordering limited relief and observed: recital in the advertisement would clearly indicate that the Appointing Authority intended that a wait list be maintained so as to fill up the vacancies arising in excess of those notified, which was permissible as per the rules. As has been pointed out from the counter affidavit after the advertisement of 2000, the next advertisement was only in 2008 and then in 2015. Definitely vacancies arose within the said period, and this is the reason why the appellants were appointed on various dates subsequent to the appointment to the twelve vacancies advertised.(Para 10)

State of Rajasthan vs Anisur Rahman 2025 INSC 1251 - Service Law - Parity - MBBS Doctors & Indigenous Systems Of Medicine

Service Law - Whether the MBBS doctors and doctors practicing indigenous systems of medicine can be treated equally, for the purpose of service conditions- Referred to Larger Bench. (Para 9) [SC Bench observed that it is the MBBS doctors, the allopathy practitioners, who are dealing with critical care, immediate life saving measures, invasive procedures including surgeries and even postmortem; none of which can be carried out by any of the practitioners of indigenous systems of

medicine. Also noted that, the dearth of medical practitioners as occurring in allopathy does not exist in the indigenous systems of medicine especially when critical life-saving therapeutic, interventional and surgical care is not carried out by the practitioners of indigenous systems of medicine.]

Service Law - Parity - The claim for parity will have to be decided finally looking at the qualification acquired, the treatment practices, the functions, work and duties and so on. (Para 8)

Kotresh @ Kotrappa v. State of Karnataka 2025 INSC 1250 - Sentencing

Criminal Trial - Sentencing - The courts are obligated to adopt a balanced and principled approach in matters of sentencing. Undue leniency can cause public confidence in the justice system to plummet, while excessive severity may lead to injustice. (Para 27)

Rajendra Bihari Lal v. State of Uttar Pradesh 2025 INSC 1249 - UP Conversion Act - Locus Standi Of Complainant

Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 - Sections 3, 4 (Prior to 2024 amendment) - The words employed by the legislature in the unamended Section 4 of the U.P. Conversion Act are abundantly indicative of the intent of the legislature to only allow a certain specified category of persons to make a complaint for the violation of Section 3 of the said Act. (Para 116) Only the person whose faith is directly in question, or those standing in proximate familial relation, are in a position to determine whether the act of conversion is the result of free volition or whether it bears the taint of coercion, fraud, or allurement. An unrelated third party, having no direct nexus with the individual concerned, is neither competent nor legitimately placed to assess the voluntariness of such a decision (Para 118). To permit the initiation of criminal proceedings at the instance of strangers or unrelated third parties would amount to an impermissible intrusion into this protected sphere of individual freedom and would open the door to frivolous or motivated litigations, thereby diluting the constitutional guarantees of personal liberty and freedom of religion. (Para 117)

Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 - Receiving foreign aid and carrying out charitable work, even in the name of religion, ipso facto is not a punishable offence under any of the legislations. (Para 133)

Constitution of India - Article 21,25 - The right to choose a faith or partner is intrinsic to the dignity and autonomy of the individual. The freedom to profess, practice, or propagate religion, and concomitantly the liberty to renounce or embrace a faith of one's choice, is a facet of the fundamental rights guaranteed under Articles 21 and 25 of the Constitution respectively. (Para 117)

Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 - The provisions of the said Act pertaining to the pre and post-conversion declaration seem to introduce a very onerous procedure to be followed by an individual seeking to adopt a faith other than the one he professes. The involvement and interference of the State authorities in the conversion procedure is also conspicuous, with the District Magistrate having been legally obliged to direct a police enquiry in each case of intended religious conversion. Further, the statutory requirement of making public the personal details of each person who has converted to a different religion may require a deeper examination to ascertain if such a requirement fits well with the privacy regime pervading the constitution. (Para 55)

Constitution of India - Article 226; Code of Criminal Procedure 1973 - Section 482 [Section 528 BNSS]- An accused person may approach the High Court for quashing of the FIR and chargesheet under Article 226 of the Constitution till the time cognizance on the chargesheet has not been taken by the jurisdictional Trial Court. Once cognizance is taken, thereafter the accused person may approach the High Court under Section 528 of the B.N.S.S. (earlier Section 482 of the Cr.P.C.) at any stage of the proceedings for quashing of the FIR and the consequential proceedings on the ground of abuse of the process of law. (Para 88)

Code of Criminal Procedure 1973 - Section 154- The permissibility of the registration of a second FIR:When the second FIR is counter-complaint or presents a rival version of a set of facts, in reference to which an earlier FIR already stands registered-When the ambit of the two FIRs is different even though they may arise from the same set of circumstances. -When investigation and/or other avenues

reveal the earlier FIR or set of facts to be part of a larger conspiracy.-When investigation and/or persons related to the incident bring to the light hitherto unknown facts or circumstances. - Where the incident is separate; offences are similar or different. (Para 102)

Code of Criminal Procedure 1973 - Section 161- The scheme provided under the Cr.P.C. does not require the making of Section 161 statements on oath. As far as statements under Section 164 are concerned, they are to be made before a judicial officer. (Para 122)

Aadhaar Act, 2016- Mere recovery of Aadhar cards and card printing machine, does not indicate towards the commission of an offence on its own in the absence of explicit proof that the setup was being utilized to print forged Aadhar cards and not the updated ones as per the prescribed procedure, or for printing identity cards of the students and staff at the institution from where the machine was recovered. (Para 131)

Jane Kaushik vs Union of India; 2025 INSC 1248 - Transgender Persons (Protection of Rights) Act - Right To Participation In Public Life

Transgender Persons (Protection of Rights) Act 2019- Transgender persons also have a right to be reasonably accommodated - the appropriate Government and the “establishments”, have a positive obligation to ensure that there is no discrimination against transgender persons, through affirmative action- The principle of reasonable accommodation is implied in the 2019 Act. (Para 54, 55)

Transgender Persons (Protection of Rights) Act 2019- No transgender or gender diverse person is bound to take permission from their employer to undergo surgical intervention, unless the nature of

their work is such that it is based on one's gender identity. Of course, the employers must be given a reasonable notice, but that should purely be to make the requisite changes and modifications in documents, etc. (Para 192)

Transgender Persons (Protection of Rights) Act 2019- Section 9 -Section 9 prohibits discrimination even in respect of recruitment of a transgender person. (Para 161)

Constitution of India - Article 14 - A promise of equal protection of law would also ensure the promise of reasonable accommodation. It is the responsibility of the State to not deny the equal protection of law. It bears some reiteration that the expression "equality before law" in Article 14 promises formalistic sense of equality, whereas the expression "equal protection of law" guarantees substantive equality. In other words, the promise of Article 14 not only ensures equal treatment of everyone in the eyes of law, but also recognizes that those who are placed unequally would require positive measures to achieve equal protection of laws. (Para 45)

Constitution of India - Article 14,19,21- Participation in public life is an important facet of the right to equality as well. The Constitution considers all the people to be equal citizens. The ability and choice to participate in public and social life without any fear of discrimination and ridicule, is a reflection of the same. (Para 105) right to participation is an embodiment of the constitutional vision of equal opportunity and dignity for all. The said right finds its roots in the right to freedom of expression and is shaped by the constitutional mandate of substantive equality with the end goal of affording the marginalized sections of the society a meaningful life in terms of Article 21 of the Constitution. (Para 109)

Constitution of India - Part III- When fundamental rights are said to have a vertical effect, they apply only between the individual and the State, thereby, limiting how the State may act towards its citizens. In contradistinction, when rights are understood to have a horizontal effect, they extend to relationships between private individuals or entities, ensuring that constitutional values such as equality, dignity, and non-discrimination are also respected in private interactions, be it in employment, housing, education, or access to public spaces. (Para 131)

Constitution of India - Article 32- a. Article 32 has a very wide ambit, and its power is not merely injunctive, i.e., to prevent violations, but is also remedial, i.e., to address infringements that have already occurred. This is critical because if the Court's power were limited to preventing violations, it would be powerless once a fundamental right has already been breached. In such situations, to avoid rendering fundamental rights enforcement a "mere lip-service", the Court has a constitutional obligation to forge new tools and fashion remedies appropriate to the facts of each case. b. One of the key remedies the Court can provide is monetary compensation. It is crucial to note that compensation awarded under Article 32 is a public law remedy and is fundamentally different from a claim for damages in private law. These remedies operate in different legal realms, and the grant of such remedies is also based on different considerations. c. The Court does not grant compensation in every case involving the violation of a fundamental right. It is to be granted in 'appropriate cases', especially where the following conditions are fulfilled: (1) there is a breach of fundamental rights, and (2) no alternate remedy is available. [See United Air Travel Services v. Union of India, reported in (2018) 8 SCC 141] Compensation is a powerful tool in such cases, as it ensures that the petitioners' rights are enforced in a tangible manner. However, if the

Court is not convinced of the factum of discrimination itself, then no question of providing compensation will arise. [See S.P.S. Rathore v. State of Haryana & Ors, reported in (2005) 10 SCC 1] d. The grant of compensation is especially important when the petitioners are from disadvantaged sections of society, the “havenots”. e. Courts should exercise their power to grant compensation in petitions under Article 32 with caution, taking into account the specific facts and circumstances of each case. Courts must specifically remain vigilant against attempts to couch what are essentially private law claims in the language of fundamental rights, ensuring that the exceptional compensatory power under Article 32 is not misused as a disguised substitute for ordinary civil remedies. (Para 172)

**Pride Foramer S.A. vs Commissioner of Income Tax, 2025
INSC 1247 - Non -Resident Person - Permanent Establishment**

Income Tax Act 1961 - Section 4 and Section 5(2) of the Act read with Section 9(1)(i) - A non-resident person shall be liable to pay tax on income which is deemed to accrue or arise in India- None of these provisions make it mandatory for a non-resident assessee to have a permanent establishment in India to carry on business or have any business connection in India. The issue of ‘permanent establishment’ may be relevant for the purposes of availing the beneficial provisions of the Double Tax Avoidance Agreement (DTAA) between India and France which is not a relevant consideration for the purposes of this case. **[Context:** SC held that High Court’s restrictive interpretation that a non-resident company making business communications with an Indian entity from its foreign office cannot be construed to be carrying on

business in India is wholly anachronistic with India's commitment to Sustainable Development Goal relating to 'ease of doing business' across national borders] (Para 19-20)

Income Tax Act 1961- Section 37(1), 71- A business going through a lean period of transition which could be revived if proper circumstances arose, must be termed as lull in business and not a complete cessation of the business. (Para 14)

Kannaiya vs State of Madhya Pradesh 2025 INSC 1246 - Partially Reliable Witness

Criminal Trial - When a witness falls within the category of a "partially reliable witness", to act upon his testimony, the prosecution would be required to provide independent and credible corroborative evidence. (Para 55) [Context: SC sets aside concurrent conviction in murder case and observed: When the genesis and manner of the incident itself are doubtful, conviction cannot be sustained - The suppression of the genesis of occurrence and the shifting of the place of incident demolish the very substratum of the prosecution case. (Para 58-63)]

Zoharbee vs Imam Khan (D) 2025 INSC 1245 - Muslim Law - Matruka Property

Muslim Law- Matruka Property - The property, both movable as well as immovable left by a deceased muslim is called Matruka- matruka property simply refers to property left behind by deceased person and

nothing more. Regarding the devolution of matruka property, Will is the first document that is to be satisfied subject to the limits imposed by Muslim Law, namely, that it cannot exceed one-third of the estate and cannot ordinarily be made in favour of an heir without the consent of the other heirs, and then whatever remains hereafter, is to be distributed strictly as per the rules of intestate succession prescribed in Muslim Law. (Para 8-9)

Muslim Law- Sunni Law -The first and foremost thing to be accomplished with the estate of a deceased person is the payment for expenses, debts and legacies. Thereafter, comes allotment of shares to such relations who are entitled to a prescribed share. What follows is that if any part of the estate remains, the same is divided among the residuaries. Should there be a situation where there are no sharers, the residuaries will come into the entirety of the inheritance. It is further provided that if there are neither sharers nor residuaries, 'distant kindred' shall be entitled to the same. A perusal of the above extracted principles of Muslim Law of inheritance depicts that the sharers are entitled to a prescribed share of the inheritance and wife being a sharer is entitled to 1/8th the share but where there is no child or child of a son how low so ever, the share to which the wife is entitled is 1/4. (Para 12-14)

Practice and Procedure- In matters of law, words are of indispensable importance. Each word, every comma has an impact on the overall understanding of the matter. Due care has to be taken to ensure that the true meaning and spirit of the words in the original language are translated into English for the Courts in appeal to comprehend what had transpired below. (Para 17)

Transfer of Property Act - Section 54 - An agreement to sell does not confer any rights nor does it vest any interest into the party that agrees thereby to buy a particular property. (Para 8)

Karuna Parmar v. Prakash Sinha 2025 INSC 1244 - Motor Accident Compensation Medical Expenses

Motor Accident Compensation - Limiting the amount payable for medical expenses to the bills presented would be unreasonable to the aggrieved party. [Context: SC disagreed with MACT reasoning that that the amount payable for medical expenses should be restricted to the bills produced by the claimant]

X vs State of Kerala 2025 INSC 1243

Note: No legal aspects discussed in the judgment.

Leelavathi N. vs State Of Karnataka 2025 INSC 1242 -Writ Petition - Alternative Remedy - Tribunals

Constitution of India - Article 226- Where an efficacious alternative remedy is available, the High Court should not entertain a writ petition under Article 226 of the Constitution of India in matters falling squarely within the domain of the Tribunals- a writ petition under Article 226

may still be maintainable notwithstanding the existence of such an alternative remedy in exceptional circumstances, including the enforcement of fundamental rights guaranteed under Part III of the Constitution; instances of ultra vires or illegal exercise of power by a statutory authority; violation of the principles of natural justice; or where the vires of the parent legislation itself is under challenge. (Para 36-37)

Legislative Council U.P. Lucknow vs Sushil Kumar 2025 INSC 1241 - CBI Investigation

Constitution of India - Article 32,226- CBI Investigation - CBI investigation should not be directed as a matter of routine or merely because a party casts certain aspersions or harbors a subjective lack of confidence in the State police. For invoking this power, the concerned Court must be satisfied that the material placed prima facie discloses commission of offences and necessitates a CBI investigation to ensure the fundamental right to a fair and impartial investigation, or where the complexity, scale, or national ramification of such allegations demands expertise of central agency. (Para 21) An order directing an investigation to be carried out by CBI should be treated as a measure of last resort, justified only when the Constitutional Court is convinced that the integrity of the process has been compromised or has reasons to believe that it may get compromised to a degree that shakes the conscience of Courts or public faith in the justice delivery system. Such compelling circumstances may typically arise when the materials brought in notice of the court prima facie point towards systemic failure, the involvement of high-ranking State officials or politically influential persons, or when

the local police's conduct itself creates a reasonable doubt in the minds of the citizenry regarding their ability to conduct a neutral probe. In absence of such compelling factors the principle of judicial restraint demands that the Court must refrain from interfering. In other words, Constitutional Courts must exercise some degree of judicial restraint in unnecessarily burdening a specialized central agency with matters that do not satisfy the threshold of an exceptional case. (Para 22)

Khurana Brothers vs Anand Bardhan Principal Secretary 2025 INSC 1240-Doctrine of Merger



Doctrine of merger- The doctrine of merger is not a doctrine of rigid and universal application and it cannot be said that wherever there are two orders, one by inferior court or tribunal and the other by superior court or tribunal, passed in an appeal or revision, there is fusion or merger of two orders irrespective of the subject matter of the appellate or revisional order and the scope of appeal or revision contemplated by the particular statute- application of the doctrine of merger depends on the nature of the appellate or revisional order in each case and the scope of the statutory provisions conferring the appellate or revisional jurisdiction. (Para 7)

Alok Kumar Ghosh vs New India Assurance Company Ltd; 2025 INSC 1239 - Employee's Compensation Act - Insurer As Party Respondent

Employee's Compensation Act, 1923 - Section 19 - By virtue of power to determine liability under Section 19, the Commissioner would have power to make the insurer jointly and severally liable with the employer to pay compensation if the same falls within the scope of the contract of insurance. (Para 13)

Practice and Procedure - SC deprecates Practice of Insurance Companies unnecessarily filing appeals by raising technical pleas more so when they do not deny their ultimate liability under the contract of insurance. (Para 19)

Karam Singh v. Amarjit Singh 2025 INSC 1238 - CPC - Rejection Of Plaintiff - Adverse Possession - Revenue Records

Code of Civil Procedure 1908 - Order VII Rule 11 - Whether the defendants perfected their title by adverse possession would be a mixed question of law and fact and can appropriately be addressed only after evidence is led. The same cannot be made basis to reject the plaint at the threshold. (Para 23) While considering rejection of the plaint thereunder only the averments made in the plaint and nothing else is to be considered to find out whether the suit is barred by law. At this stage, the defense is not to be considered. Thus, whether the suit is barred by any law or not is to be determined on the basis of averments made in the plaint. (Para 15) Order VII Rule 11(d) - Where several reliefs are sought

in suit, if any one of the reliefs is within the period of limitation, the plaint cannot be rejected as barred by law by taking recourse to Order 7 Rule 11 (d) (Para 19)

Code of Civil Procedure 1908 - Order II Rule 2 - When the plaint of earlier suit was rejected under Order 7 Rule 11 of CPC as not being properly framed, a fresh suit with appropriate relief cannot be, *prima facie*, barred by Rule 2 of Order 2. (Para 22)

Revenue Records - Mutation entries do not confer title. They serve a fiscal purpose, that is, to realize tax from the person whose name is recorded in the revenue records. (Para 16)

Limitation Act - Article 65 - Where a suit is for possession of immovable property or any interest therein, based on title, the limitation period is 12 years when the possession of the defendants becomes adverse to the plaintiff. (Para 17)

Manorma Sinha vs Oriental Insurance Co. Ltd. 2025 INSC 1237 - Motor Accident Compensation

Motor Accident Compensation - The emoluments and the benefits accruing to the deceased under various heads for the purposes of computation of loss of income, ought to be included irrespective of whether they are taxable or not. [Context: SC held that High Court erred in excluding the allowances from the computation to arrive at the multiplicand.] (Para 12) Deduction towards income tax should be at such rate which the annual income may be subjected to in the relevant year. (Para 13)

Pradyumna Mukund Kokil vs Nashik Municipal Corporation 2025 INSC 1236 - Land Acquisition

Land acquisition - Rental or damages for use shall be awarded only where possession is unlawfully detained by the acquiring authority prior to notification or acquisition. (Para 33)

Union of India vs Subit Kumar Das 2025 INSC 1235 - Wait List - Concession Made By Counsel On Question Of Law

Public Appointment - Recruitment - Mere placement in the wait list does not create any vested right for being so appointed. The right to be considered for appointment would spring only in the contingency of a selected candidate not joining on his post. The wait list operates for a limited period. It cannot extend for an indefinite period and in any event after a fresh process of recruitment has commenced. (Para 12)

Service Law - Effect of a concession made by counsel on a question of law - A statement made before the Court has its solemnity and the party making such statement is bound to comply with the same. At the same time, it has to be seen as to whether such statement in the form of a concession, if given effect to, would result in violation of any statutory rules or regulations. If such consequence is likely to flow, it would be open for the affected party on whose behalf such concession in law was made to place before the Court the correct position of law and urge that it may not be compelled to give effect to an erroneous concession made on law. (Para 15-17)

Skyline Construction v. Authority for Clarification & Advance Rulings 2025 INSC 1234 - Article 366(29A) Constitution - Works Contact

Constitution of India - Article 366(29A)(b) - Works Contract -The transfer of property in goods involved in the course of execution of a works contract deemed to be a sales of goods - While the State legislatures have the competence to impose sales tax on the works contracts after the 46th Constitutional Amendment, the principle that property in goods passes on the basis of principle of accretion in a works contract remains unchanged. In fact, the passing of property through accretion is a fundamental feature of a works contract. (Para 29)

M.C. Mehta v. Union of India; 2025 INSC 1233 - Diwali -Green Crackers

Diwali - Green crackers have substantially reduced the emission - Directions issued regarding sale of green crackers. (Para 24)

Environment - Firecrackers- Bursting firecrackers is an expression of the festive spirit and it enhances the mood in religious and other auspicious ceremonies, embedded in the cultural milieu of India. However that cannot lead to a situation of causing long term or even short term damage to health by an uncontrolled use, based only on traditions and cultural or religious norms. We cannot but reiterate, as this Court held oftener than ever, that the commercial considerations and the festive spirit should take a back seat when it concerns the environment and health. (Para 1)

Varun Kumar Alias Sonu v. State of Himachal Pradesh 2025
INSC 1232 - Rape - Minor's Consent Immaterial

Indian Penal Code 1860 - Section 376 - SC upholds a rape conviction and observed: Medical evidence does not rule out the possibility of rape upon the victim. Even assuming that the victim had wilfully volunteered to sexual intercourse, this aspect becomes immaterial, as the victim was a minor on the date of the incident in question. (Para 15)

Shivkumar @ Baleshwar Yadav v. State of Chhattisgarh 2025
INSC 1231- Evidence - Hostile Witness Declaration - SC-ST Act

Indian Evidence Act, 1872 - Section 154: Bharatiya Sakshya Adhiniyam (BSA), 2023 - Section 157 - Before a witness can be declared hostile and the party examining the witnesses is allowed to cross-examine, there must be some material to show that the witnesses are not speaking the truth or has exhibited an element of hostility to the party for whom he is deposing - The circumstances under which the Court will exercise the discretion under Section 154 and permit the party calling the witness to put any question which might be put in cross-examination by the adverse party will depend on the facts and circumstances of each case - Contingency of crossexamining the witness by the party calling, is an extraordinary phenomenon and permission

should be given only in special cases. Small or insignificant omissions cannot be the basis for treating the witnesses hostile and the Court before exercising its discretion must scan and weigh the circumstances properly and ought not to exercise its discretion in a casual or routine manner. (Para 9) Merely because a witness is declared hostile does not make him unreliable. (Para 12) [Context: SC notes that, in many cases, prosecutor, for no ostensible reason, wants to treat the witnesses hostile and the Court indiscriminately grants permission]

Indian Evidence Act, 1872 - Section 35- A register maintained in a school is admissible in evidence to prove date of birth of the person concerned in terms of Section 35 of the Evidence Act. Such dates of births are recorded in the school register by the authorities in discharge of their public duty. (Para 19)

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 -Section 3(2)(v) - Mere knowledge of the caste of the victim was sufficient to sustain the conviction. (Para 22

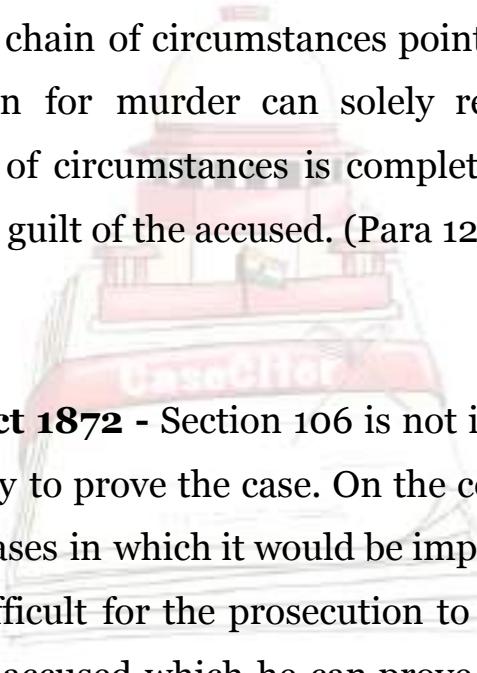
Komal Prasad Shakya v. Rajendra Singh 2025 INSC 1230-S.482 CrPC

Code of Criminal Procedure 1973 - Section 482 - SC restored criminal proceedings that were quashed by HC and observed: As to whether the offences will be made out at the trial will depend on the

evidence adduced. At this stage, it cannot be said that there is a case for nipping the prosecution for these accused at the bud. (Para 26)

State of Madhya Pradesh v. Janved Singh 2025 INSC 1229 - False Explanation By Accused - Murder

Criminal Trial - Murder Case - Circumstantial Evidence - When an accused offers a false explanation regarding the cause of death which takes place within the confines of his house, such falsity becomes an additional link in the chain of circumstances pointing to the guilt of the accused- A conviction for murder can solely rest on circumstantial evidence if the chain of circumstances is complete and consistent only with hypothesis of the guilt of the accused. (Para 12- 14)



Indian Evidence Act 1872 - Section 106 is not intended to relieve the prosecution of its duty to prove the case. On the contrary, it is designed to meet exceptional cases in which it would be impossible, or at any rate, disproportionately difficult for the prosecution to establish facts within the knowledge of the accused which he can prove without any difficulty or inconvenience. The word “especially” used in Section 106 of the Evidence Act means the facts which are pre-eminently or exceptionally within the knowledge of the accused . The traditional rule relating to burden of proof of the prosecution cannot be allowed to be wrapped in a pedantic coverage, the offenders in serious offences would be the major beneficiaries and the society would be the casualty. (Para 13)

Code of Criminal Procedure 1973 - Section 372- Criminal Appeal - while dealing with an appeal against the acquittal the reasons which weighed with the Trial Court must be dealt with. The normal presumption of innocence gets reinforced with an order of acquittal. If two views are possible from the evidence on record, the appellate court must be extremely slow in interfering with an appeal against an order of acquittal. (Para 15)

Alan Mervyn Arthur Stephenson v. J. Xavier Jayarajan 2025 INSC 1228 - Arbitration Appointment - Barred By Limitation

Arbitration and Conciliation Act 1996 - Section 11(5) - SC dismissed petition seeking appointment of arbitrator on the ground that the notice of arbitration was delayed and barred by limitation and the arbitration request itself was made two years after the initial notice.

Kachara Vahatuk Sharamik Sangh vs Ajoy Mehta 2025 INSC 1227 - Contempt

Note: No legal aspects discussed in this judgment - SC closed contempt petition against the BMC while issuing final directions to ensure full compliance with its 07.04.2017 judgment on regularizing sanitation workers.

Prakash Namdeorao Dhage V/S Ganpati Yadavrao Kumbhare Southern + Nagpur Co-operative Society Ltd. v. Ganpati Yadavrao Kumbhare 2025 INSC 1225/1226

Note: No legal aspects discussed in this judgment

Tamilaga Vettri Kazhagam v. P.H. Dinesh 2025 INSC 1224 - Karur Stampede - CBI Investigation

Constitution of India - Article 32,226 - CBI Investigation - Fair investigation is the right of a citizen- There are no inflexible guidelines to decide whether or not such power should be exercised. The CBI investigation ought not to be directed in a routine manner or where a party has levelled some allegations against local police. Such powers can be exercised cautiously in exceptional situations where it becomes necessary to provide credibility and instill confidence in investigation or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. (Para 31-32) [Context: SC ordered CBI investigation in Karur Stampede and observed thus: looking to the political undertone of the case and the fact that without having regard to the gravity of the incident, the comments which have been made before the media by the top officers of the Police Department, may create doubt in the minds of the citizenry on impartiality and fair investigation. The faith and trust of the general public on the process of investigation must be restored in the criminal justice system, and one way to instill such trust is by ensuring that the investigation in the present case is completely impartial, independent and unbiased.]

Constitution of India - Article 226 - It is required to be explained by the High Court that a writ petition praying for formation of SOP /

Guidelines for the rallies of political parties and roadshows, how far it would fall within the jurisdiction of Writ Petition (Criminal). (Para 24)

Rahul Agarwal vs State of West Bengal 2025 INSC 1223 - Voice Sample Of Witness

Constitution of India - Article 20(3) ; Bharatiya Nagarik Suraksha Sanhita 2023- Section 349 - Whether the direction in Ritesh Sinha enabling the Magistrate to pass an order directing the accused to provide a voice sample would apply in the case of a witness ? SC held: Despite absence of explicit provisions in Cr.P.C., a Judicial Magistrate must be conceded the power to order a person, to give a sample of his voice for the purpose of investigation for a crime- This Court had not spoken only of the accused and specifically employed the words ‘a person’ - Rule against self-incrimination applies equally to any person whether he be an accused or a witness. (Para 8)

State of West Bengal vs Santi Ceramics Pvt. Limited 2025 INSC 1222 - Land Acquisition Act

Land Acquisition Act 1894 - Orders quashing acquisition proceedings may operate either in personam or in rem. Where the Court quashes acquisition on grounds personal to individual objectors—such as vitiated consideration of their specific objections under Section 5-A—the relief operates in personam and benefits only those parties who contested the matter before judicial forums. On the other hand, where the Court declares the entire process void ab initio on grounds going to the root of acquisition—the relief operates in rem. It is thus clear that the benefits of quashing do not accrue to persons who were not parties

unless the Court has struck down the entire acquisition on fundamental grounds applicable to all- the objections under Section 5-A raise issues personal to each landowner. Upon rejection of such objections, the aggrieved party must approach judicial forums to challenge the same and mere filing of objections does not exhaust remedies available in law. To further simplify, claimants who do not file objections or pursue judicial challenge cannot contend that Section 5-A inquiry is vitiated, nor can they seek quashing of Section 6 declaration on that ground - In the event objections are not pursued through litigation, the notification becomes conclusive proof of waiver. (Para 19-20)

Practice and Procedure - Extraordinary judicial intervention is warranted when systemic barriers prevent certain classes from accessing ordinary remedies, not when parties possess adequate means to vindicate their rights. Relief conceived to prevent impoverishment among the disadvantaged cannot extend to commercial enterprises with financial capacity and institutional sophistication (Para 15)- Permitting industrial entities to claim restoration benefits from litigation they chose not to pursue would establish an undesirable precedent. Such an approach would incentivize strategic inaction, encouraging parties to remain dormant during protracted litigation only to emerge as claimants after favourable outcomes are secured by others. This would undermine both the targeted nature of remedial relief and the fundamental principle that legal benefits flow from active pursuit of remedies, not passive opportunism. (Para 26)

**G. Prasad Raghavan v. Union Territory of Puducherry 2025
INSC 1221 - S.406,420 IPC Acquittal**

Indian Penal Code 1860 - Section 406,420- While acquitting the appellant, SC observed: When the transaction took place between the informant and original accused no. 1 in the year 2015-2016, the appellant was minor, hence ingredients of offences punishable under Section 406 and 420 of the IPC read with Section 34 of the IPC are not made out qua appellant. Further, it is not the case of the informant that the appellant herein has given any threat nor any criminal intimidation was made by the appellant. (Para 9)

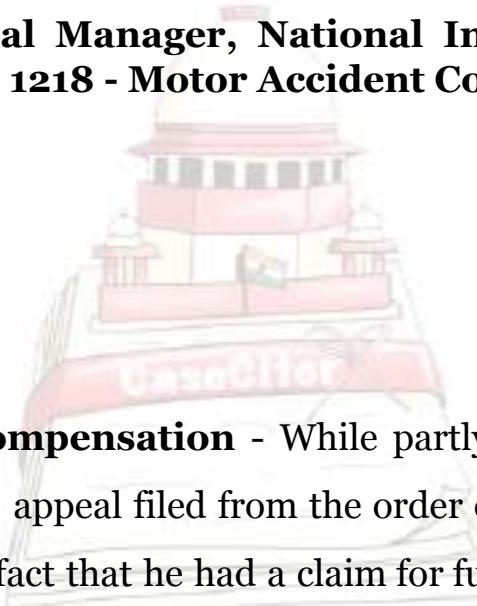
Chandra Kala vs ICICI Lombard Motor Insurance Company Limited 2025 INSC 1220 - Motor Accident Compensation - Mason

Motor Accident Compensation - While allowing appeal, SC observed: Considering an incremental increase of Rs.500/- for every year, in 2014, when the accident in the present case occurred even a Coolie would have been entitled to Rs. 9,500/- per month. There can be no documentary proof offered for the income of a Mason, who is also a skilled worker. In any event, it would be safe to adopt a monthly income of Rs. 9,500/-. (Para 4)

Amudhavalli vs HDFC Ergo General Insurance Co. Ltd. 2025 INSC 1219 -Motor Accident Compensation - Pay and Recover - Fundamental Breach

Motor Accident Compensation - The goods vehicle is not allowed to carry passengers, unless he is the owner of the goods carried therein or his authorised representative. (Para 5) [Context: In this case, the pay and recovery directed by the Tribunal was set aside by High Court - Dismissing appeal, SC observed: This is a case in which there was a fundamental breach noticed and the deceased claimant, being a person who travelled in the goods carriage after paying fare, the damages for his death was not entitled to be indemnified by the insurer.]

Ramar v. Divisional Manager, National Insurance Company Limited 2025 INSC 1218 - Motor Accident Compensation



Motor Accident Compensation - While partly allowing appeal, SC observed: There is no appeal filed from the order of the Tribunal by the claimant, despite the fact that he had a claim for future prospects, which stood declined by the Tribunal. The High Court had while reducing the income considerably awarded future prospects at the rate of 25%. The further appeal now filed by the claimant is against the order of the High Court in the appeal by the Insurance Company. The appellant hence cannot claim any further enhancement than that granted by the Tribunal, nor seek for addition of future prospects. (Para 6)

Bhawna Jain v. State of Uttar Pradesh 2025 INSC 1217 - Cheating Case Quashed

Code of Criminal Procedure 1973 – Section 482 [Section 528 BNSS]

- While allowing appeal and quashing criminal proceedings, SC observed: The second complaint was filed without disclosing the factum of the filing and withdrawal of the first complaint concerning the same dispute Even in the chargesheet filed in pursuance of the FIR in question, there is no mention of the filing and withdrawal of the first complaint for the same dispute. The chargesheet did not elucidate as to how the case was made out against the appellant -Even in the cognizance and summoning order passed by the Court below, no reasons have been assigned as to how a case is made out against the appellant, who was merely a guarantor to the loan, which, after the death of the husband of the appellant, stands settled. From the facts as notices above no case for summoning the appellant in the complaint was made out- the present appeal deserves to be allowed as continuation of the proceedings against the appellant, in pursuance of the FIR in question will amount to abuse of process of law. (Para 9-10)

Raksha Devi v. Parkash Chand 2025 INSC 1216 - Mediation - Lawyers As Mediators

Mediation - The essence of dispute resolution lies in selfless endeavour which is at the core of harmonious living- If lawyers are to double-up and evolve as mediators, a development which we consider is inevitable, they must cultivate a distinct set of skills and adopt a new attitude towards dispute resolution, one that diverges from adversarial litigation. The acquisition of these skills and mind set begins with revisiting certain

traditional techniques and practices developed for argumentation. Here, the fundamental principle is to listen, rather than speak. Mediators speak by listening. The model of mediation that we envision for our country, which may be termed swadeshi mediation, involves transcending the binary often embedded in western approaches, where professionalism is separated from individual character. Goodness is an essential value, it is neither divorced from professionalism nor unattainable through power of the will. (Para 7)

S.K. Jain vs Union of India 2025 INSC 1215 - AFT - Army Act - Court Martial

Armed Forces Tribunal Act, 2007 - Section 15(6) -Tribunal is empowered to substitute the finding of Court Martial which includes the disciplinary proceedings under the Act and also to interfere with the sentence if the same is found to be excessive, illegal or unjust and to mitigate the punishment awarded -Where the evidence sustains a different, though related offence, the appellate forum is not denuded of power to render a lawful finding merely because the chargesheet mentions another provision. (Para 21- 22)

Armed Forces Tribunal Act, 2007 - Section 30 - Supreme Court in appellate jurisdiction under Section 30 would be slow in interfering with the substituted punishment, unless the order passed by the Tribunal is found to be arbitrary, unreasonable or capricious. (Para 23)

Army Act, 1950 - Section 63,69- Section 63 applies to an act or omission which is not specified in the 1950 Act- Section 69 creates a legal fiction in so far as it pertains to commission of any civil offence by a person subject to provisions of the Act and provides that he shall be deemed to be guilty of an offence under the Act. (Para 18-19)

Prem Aggarwal v. Mohan Singh 2025 INSC 1214 - Actus Curiae Neminem Gravabit

Legal Maxim - Actus curiae neminem gravabit- The act of the Court shall prejudice no one- It is founded on the equitable notion that no party should suffer owing to an error, delay, or inadvertence attributable to the Court itself. The Court, acting as in appendage of justice, cannot permit its own procedure or inadvertent lapse to occasion injustice. Accordingly, where a party has been disadvantaged by reason of an act of the Court, it is incumbent upon the Court to undo such prejudice and restore the party to the position he would have occupied but for such act- The Court's authority must be exercised not to the disadvantage of litigants, but in furtherance of justice. After all, to err is human, and when an inadvertent omission is brought to the Court's attention, it becomes the Court's solemn duty to ensure that no party suffers on account of such mistake. In such circumstances, the Court is obliged to restore the party to the very position he would have occupied had the error not occurred. (Para 15)

Chikkegowda vs State of Karnataka 2025 INSC 1213 - Ocular vs Medical Evidence

Criminal Trial - If there is a conflict in the ocular testimony and the medical testimony/evidence, it is the ocular evidence which will prevail unless found to be totally unreliable. (Para 23)

Ravi Oraon vs State of Jharkhand 2025 INSC 1212 - Jharkhand Primary School Teacher Appointment Rules- Natural Justice

Jharkhand Primary School Teacher Appointment Rules, 2012 - Rule 4,21- The procedure that Rule 21 enshrined is only to be used for the purpose of preparation of merit list and Rule 4 does not provide for exclusion of marks secured in the vocational subject (Para 36) - Marks secured in the vocational subject is a way for a candidate to improve his/her overall percentage of marks -A vocational subject, though optional, would place an additional burden on an examinee which he/she shoulders in the fervent hope of improving his/her overall percentage. (Para 23)

Natural Justice - where the noticee successfully defends the charge against him but is made to suffer civil consequences because the notifier finds the noticee guilty of a different charge in respect whereof he is not put to notice. In such a case, the finding of guilt which is at variance with the original charge without proper opportunity to respond offends due process and renders any order or action unsustainable. (Para 33)

Hansraj v. State of U.P 2025 INSC 1211 - Juvenile Justice

Juvenile Justice (Care and Protection of Children) Act, 2000-

JJ Act, 2000 would be applicable to any proceeding which is pending before any Court/Authority initiated under the 1986 Act and pending when the JJ Act, 2000 came into force. [Context: In this case, SC held: Since there is no quarrel with the fact that the petitioner was a child at the time of commission of the offence and the petitioner having been behind bars for more than 3 years, his liberty has been curtailed not in accordance with procedure established by law. Breach of the right guaranteed by Article 21 is writ large and, hence, the benefit of release from detention ought to be extended to the petitioner.

Sankar Padam Thapa v. Vijaykumar Dineshchandra Agarwal 2025 INSC 1210 - S.138 NI Act - Trustees

Negotiable Instruments Act 1881 - Section 138 - When a cause of action arises due to an alleged dishonour of cheque and a complaint is initiated under the NI Act, the same is maintainable against the Trustee who has signed the cheque, without the requirement to array the Trust also as an accused. (Para 29)

Trust -A Trust is not a 'legal entity' or 'juristic person'. A Trust is also not like a corporation which has a legal existence of its own and therefore can appoint an agent. A Trust operates through its Trustees, who are legal entities. (Para 25) Though a Trust may act or even be treated as an entity for certain legal purposes and not all legal purposes, a Trust is an

obligation imposed on the ostensible owner of the property to use the same for a particular object - for the benefit of a named beneficiary or charity, and it is the Trustee(s) who are bound to maintain and defend all suits and to take such other steps with regard to the nature, land or the value of the Trust property, that may be reasonably required for the preservation of the Trust property, and the assertion of protection of title thereto, subject to the provisions of the instructions of Trust to take such other steps. (Para 26)

Precedents - For questions of law, in the case of a conflict between equal Bench-strength judgments, the earlier view alone should be followed. (Para 44)

Arun Muthuvel ,Vijaya Kumari S vs Union of India 2025 INSC 1209 - Surrogacy (Regulation) Act

Surrogacy (Regulation) Act, 2021- Section 4(iii)(c)(I) -For intending couples who undertook surrogacy procedures prior to the Act, age-related considerations were entirely their prerogative and as explained earlier, an exercise of their rights under Article 21 of the Constitution (Para 13.9)- If an intending couple had - (i) commenced the surrogacy procedure prior to the commencement of the Act i.e., 25.01.2022; and (ii) were at the stage of creation of embryos and freezing after extraction of gametes (Stage A of the diagram); and (iii) on the threshold of transfer of embryos to the uterus of the surrogate mother (Stage B of the diagram) The age restriction under Section 4(iii)(c)(I) of the Act would not apply. The competent authority, on being satisfied about the aforesaid conditions (i), (ii) and (iii) above shall issue the

certification provided Rule 14 of the Rules are satisfied by the intending couples. (Para 16) ‘commencement’ of the surrogacy process for the limited purpose of determining when the age-limits under the Act must be applied prospectively and not retrospectively takes place after the intending couple has completed the extraction and fertilisation of gametes and has frozen the embryo with an intention to and for the purposes of, transfer to the womb of the surrogate mother. (Para 14.3)

Legislation -A piece of Central Legislation comes into operation on the day it receives Presidential assent and is generally construed as coming into operation immediately on the expiration of the day preceding its commencement. (Para 15.1)

Interpretation of Statutes - Retrospective and Prospective nature- Every statute is generally prospective unless it is made retrospective either expressly or by necessary implication - any statute which takes away or impairs vested rights acquired under existing laws or, *inter alia*, attaches a new disability in respect of transaction already passed, must be presumed to be intended not to have a retrospective effect. Therefore, a statute cannot be construed to have a retrospective operation than what the language desires it to be necessary. Further, a statute need not have an express provision to make it retrospective as by necessary implication a statute can have a retrospective operation depending on the use of legal fiction or by necessary implication. (Para 15.2) The classification of a statute as either substantive or procedural does not necessarily determine whether it may have a retrospective operation. (Para 15.5)

Rejanish KV vs K Deepa 2025 INSC 1208 - Art. 233
Constitution - District Judge Recruitment - Judicial Officers

Constitution of India - Article 233- Judicial Officers who have already completed seven years in Bar before they were recruited in the subordinate judicial service would be entitled for being appointed as a District Judge/Additional District Judge in the selection process for the post of District Judges in the direct recruitment process; A candidate applying as an in-service candidate should have seven years' combined experience as a Judicial Officer and an advocate; A person who has been or who is in judicial service and has a combined experience of seven years or more as an advocate or a Judicial Officer would be eligible for being considered and appointed as a District Judge/Additional District Judge under Article 233 of the Constitution- The minimum age for being considered and appointed as a District Judge/Additional District Judge for both advocates and Judicial Officers would be 35 years of age as on the date of application. (Para 172) - SC overruled its earlier judgments that had held that filling the post of district judge by direct recruitment could be filled in only by advocates/pleaders - This judgment will be applicable only from the date of this judgment and in no case, any selection process completed, or any appointment made prior to this judgment would be affected, except in cases wherein any interim order(s) were passed by the High Courts or Supreme Court. (Para 169-170)

Constitution of India - Article 233 - SC rejected the contention that 25% quota of direct recruitment is reserved only for practising advocates. (Para 164)

Constitution of India - Article 233 - Only such persons working either as an advocate/pleader including Government Pleaders and Public Prosecutors or as a judicial officer who, on the date of application, have a continuous experience of either an advocate/pleader or a judicial officer or a combination thereof shall only be eligible to be considered for appointment as district judges through the stream of direct recruitment - If a person has practised for five years and thereafter, he takes a break of ten years and thereafter practises for two years, there will be a disconnect with the legal profession. (Para 163)

Constitution of India - Article 233 -All matters pertaining to appointment of a person to the post of a district judge, his posting and promotion are covered under clause (1) of Article 233 of the Constitution. Even the appointment as a district judge by promotion is covered by Article 233(1) of the Constitution. (Para 156)

Interpretation of Statutes - Interpretation of the constitutional provisions cannot be pedantic. It has to be organic. A purposeful interpretation has to be adopted. (Para 153) The interpretation which makes the textual interpretation match the contextual one has to be preferred. A statute is best interpreted when the reason and purpose for its enactment is ascertained. The statute must be read first as a whole, and then section by section, clause by clause, phrase by phrase and word by word. It has been held that if the statute is looked at in the context of its enactment with the glasses of the statute-maker, provided by such context, its scheme, the sections, clauses, phrases and words may take

colour and appear different than when the statute is looked at without the glasses provided by the context. With these “glasses” we must look at the Act as a whole and discover what each section, each clause, each phrase and each word means and what it is designed to say as to fit into the scheme of the entire Act. No part of a statute and no word of a statute can be construed in isolation. (Para 115)

Public Employment - The object of any process of selection for entry into a public service should be to secure the best and the most suitable person for the job. (Para 150)

Bar Council of India Rules- An advocate who joins the judicial service only suspends his right to practice and continues to be on the roll of the State Bar Council. (Para 143-145)

Advocates Act, 1961 - Sections 29, 30 and 33 ; Bar Council of India Rules- Rule 49- An employee cannot get enrolled in the rolls of the State Bar Council without giving up his employment. A law graduate who is enrolled as an Advocate on taking up regular employment as full time salaried employee is obliged to intimate the fact to the Bar Council in which he is enrolled and would then seize to practice as an Advocate so long as he continues such employment. Failure to make such intimation can result in his name being struck off from the Rolls. Reading Sections 29, 30 and 33 of the Advocates Act, 1961 together with Rule 49 of the Bar Council of India Rules, an employee, even if he is in the Rolls of the State Bar Council, as long as he remains a fully salaried

employee, on intimation of the regular employment would be prohibited from carrying on practice of law as an Advocate. (Para 141)

**Godwin Construction Pvt. Ltd. vs Commissioner, Meerut
Division 2025 INSC 1207 - Stamp Act - Contract Act -
Guarantee**

Indian Stamp Act, 1899 - Article 57 of Schedule 1-B ; Indian Contract Act, 1872 -Section 126 - The first limb covers security bond or mortgage deed executed by way of security for the due execution of office, or to account for money or other properties received by virtue thereof. The second limb of Article 57 of Schedule 1-B of the Indian Stamp Act, 1899, is confined to instruments executed by a surety to secure the obligations of another- a contract of guarantee is inherently tripartite, consisting of the surety, principal debtor, and a creditor. Consequently, the essential requirement for invoking Article 57 is the presence of a surety distinct from the principal debtor. Where the principal debtor itself executes a deed mortgaging its own property, Article 57 is inapplicable. (Para 20-23)

Company - A company, though a juristic person, is not a sentient being, consequently, it must act through its directors (Para 25)

Mahaveer v. State of Maharashtra 2025 INSC 1206 -Electricity Act -Theft Of Electricity

Indian Electricity Act, 1910 - Section 39 - For the presumption against the consumer to take effect, it must be proved that an artificial

means or a means not authorised by the licensee had been used in committing the theft. In other words, the presumption is not of automatic application, and instead, something is required to be established for it to apply. (Para 13)

Constitution of India - Article 136 - Reversal of acquittal by the High Court in exercise of its appellate jurisdiction in and of itself does not call upon this Court to reappreciate the entire evidence when an appeal is preferred by special leave under Article 136 of the Constitution of India. (Para 11)

State Of Rajasthan vs Parmeshwar Ramlal Joshi 2025 INSC 1205 - Criminal Court - Review Jurisdiction

Code of Criminal Procedure 1973 - Section 362,482 - [Section 403,528 BNSS] - A criminal Court has no power to recall or review its own judgment. The only permissible action is to correct or rectify clerical errors by virtue of Section 403 BNSS [Section 362 CrPC] The court is not empowered to review its own decision under the purported exercise of inherent power.

Hind Samachar Ltd. vs National Insurance Company Ltd. 2025 INSC 1204 - Motor Accident Compensation- Driving Licence Verification

Motor Accident Compensation - High Court issued “pay and recover” directions in favour of the insurer and against the insured owner of the truck- Allowing appeal by owner, SC held: The owner of a vehicle employing a driver can only look at the licence produced by the person seeking employment and is not expected to verify from the licence issuing authority whether the licence is fake or not - The insurance company has to bring out the absence of due diligence in the employment of the driver or the entrustment of the vehicle, to prove breach by the insured.

Dashwanth vs The State Of Tamil Nadu 2025 INSC 1203 - Death Sentence Acquittal - Constitutional Rights Of Accused To Defend Himself

Criminal Trial - The constitutional right afforded to an accused charged with an offence to defend himself is not illusory or imaginary. For the trial to be fair and reasonable, an effective opportunity to defend must be provided to the accused and representation by a counsel of choice is an important component of this guarantee. In a case where accused is facing charges for offences which carry capital punishment, this constitutional mandate becomes even more sacrosanct, and it is the duty of the Court as well as the State to ensure that the accused is not prejudiced or deprived of a fair opportunity of defending himself in a case where he may be awarded death penalty.- Such opportunity would unquestionably require: - (a) Providing copies of all relied upon documents to the accused immediately on submission of report under

Section 173(2) CrPC (Section 193 BNSS)/committal of case under Section 209 CrPC (Section 232 BNSS). (b) Ensuring that the accused is represented by a lawyer of his own choice and in case, he/she is not in a position to engage a private counsel then, a legal aid defence counsel having requisite experience must be appointed to represent him at the trial - in capital punishment offences, legal aid defense counsel so appointed should preferably have an experience of 10 years at the bar. (c) The legal aid counsel so appointed should be given sufficient opportunity to go through the record and prepare the matter for carrying out effective cross-examination from the witnesses. (d) The Court should not act as a mute spectator during recording of evidence, as provided under Section 165 of the Indian Evidence Act, 1872 (Section 168 of the Bhartiya Sakshya Adhiniyam, 2023). The Court must remain vigilant, and in case any important question necessary to arrive at a just decision of the case is omitted to be put to the witnesses either by the defence counsel or the public prosecutor, the Court must not let such lacuna creep into the proceedings, and it must be ensured that Court put questions to the witnesses for ensuring fairness in the proceedings. (Para 36-37)

Circumstantial Evidence - In a case based purely on circumstantial evidence, the onus is upon the prosecution to prove the chain of unbroken circumstances beyond all manner of doubt. The chain of incriminating circumstances must be complete, conclusive and should exclude every hypothesis other than the guilt of the accused. In other words, it must be proved from the chain of incriminating circumstances that no reasonable doubt can be entertained about the accused person's innocence, demonstrating that it was the accused and none other who committed the offence. (Para 42)

Summary - SC allowed appeal filed by accused who was sentenced to death for rape and murder of seven year old girl and observed: While it is acknowledged that the acquittal of an individual involved in a heinous crime can lead to societal distress and cause grave anguish to the victim's family, the legal framework does not permit the Courts to punish an accused person based merely on moral convictions or conjectures. Each case must be adjudicated by the Courts rigorously on its individual merits and in strict conformity with the law, without yielding to public sentiment and external pressures. (Para 80)

**Anvita Auto Tech Works Pvt. Ltd. vs. Aroush Motors 2025
INSC 1202 -CPC - Non-Filing Written statement - Right To
Cross Examine**

Code of Civil Procedure, 1908 (CPC) - Order VIII - Even when the defendant has not filed the Written statement, his right to cross-examine the plaintiff witnesses is not foreclosed - The purpose of cross-examination is to elicit the truth from the witness and impeach its credibility. When the WS was not allowed to be taken on record, the denial of the right to cross examine cannot be taken away by leaving the defendant in lurch and this has acted as final nail in the coffin to defendant's right of defence. (Para 31)

CPC- Order VIII - Timeline of 120 days' is mandatory- Commercial courts cannot condone the delay beyond 120 days in filing the Written Statement. (Para 26-27)

Procedural Law - The object of the procedural rules is to advance the cause of justice and not to thwart it and when the rigid adherence to technicalities of procedure causes injustice, courts have to come to the rescue by adopting a liberal approach. The courts cannot countenance a situation where substantial justice is sacrificed at the altar of procedural rigidity. Where substantial justice is at stake, technicalities must give way to ensure that the litigant is afforded sufficient opportunity to defend. (Para 2-3)

Rajni vs Union of India and Another 2025 INSC 1201- S.124A Railways Act - Bona Fide Travel

Railways Act, 1989:- Section 124A - Where an official railway inquiry or evidentiary record verifies the issuance of a ticket corresponding to the date and route of an untoward incident, such verification shall constitute *prima facie* proof of bona fide travel, shifting the evidentiary burden on the Railway Administration. The absence of a seizure memo, or the inability of the police to preserve physical evidence, cannot by itself defeat a legitimate claim when the totality of circumstances supports the claimant's version- Section 124-A Proceedings are not criminal trials demanding proof beyond reasonable doubt, but welfare statutes are governed by the principles of preponderance and probabilities. Once the foundational facts of (i) possession or issuance of a valid ticket, and (ii) occurrence of an accidental fall from a train, are established through credible material, the statutory presumption of bona fide travel must operate in favour of the claimant. The Railways, as an instrumentality of the State, cannot defeat

such claims by pointing to procedural imperfections in investigation or non-examination of formal witnesses. (Para 14-15)

Chennai Metropolitan Development Authority v. Dr. Kamala Selvaraj 2025 INSC 1200 - Art. 136 Constitution

Constitution of India - Article 136 - In the exercise of jurisdiction under Article 136, interference is warranted only where manifest illegality, perversity, or grave miscarriage of justice is demonstrated. (Para 20)

Swacch Association, Nagpur v. State of Maharashtra 2025 INSC 1199 - Public Trust Doctrine - Man Made Objects

Environmental Law - Public Trust Doctrine - The public trust doctrine would extend in respect of even man-made or artificially created natural objects, waterbodies, lakes, wetlands, etc. which are drawn and created from the nature or natural resources.- The public trust doctrine need not be limited to the natural bodies such as waterbodies, wetlands, lakes, rivers which are nature's gifts, but holds true also with respect to the man-made or artificially created waterbodies as well as the things and the objects from nature in order to promote ecology and environment. All those man-made or artificial bodies created from natural resources which contribute to the environment and are eco-friendly in their existence, have to be subject to the doctrine of public trust. (Para 7-9)

Anilkumar @ Lapetu Ramshakal Sharma v. State of Maharashtra 2025 INSC 1198 - Premature Release

Pre Mature Release - Allowing appeal filed by a convict, SC observed: The attack was a premeditated one, on the motive as projected by the prosecution, that the deceased was in love with the appellant's sister, whose life is being spoiled by the love affair- Obviously the crime is one to uphold the family prestige, which in the given circumstances could mean the perceived tarnishing of the family's name, though not condonable, the appellant has a valid case for remission after almost 22 years of incarceration. The appellant has now been in custody for almost 22 years; short of three months. - Three months more in jail would make no difference; neither added solace to the family of the victim nor extra remorse to the accused, and we hence direct the release of the appellant forthwith, especially noticing the fact that the appellant was just past 18 years on the date of the crime. (Para 5)

S. Santhana Lakshmi v. D. Rajammal 2025 INSC 1197

Civil Suit - While disposing appeal, SC observed: While asserting a Will and title on its strength, there should have been a declaration of title sought, especially when the contention of the defendant was that he came into the property as a co-owner and then occupies it with absolute rights, making valuable improvements. (Para 10) 'Will' is proved but the

right of the testator to bequeath the property is still under a cloud. Even if the title is established, there should have been a recovery of possession sought by the plaintiff. The ill-drafted plaint and the clear admissions made in the witness box ought to have restricted the trial court and the High Court from granting an injunction against the interference of peaceful enjoyment of the property, especially when the possession was admitted to be with the defendant, in the pleadings as also the oral evidence. (Para 11)

Offshore Infrastructures Ltd v. Bharat Petroleum Corp Ltd; 2025 INSC 1196 - Arbitration - Appointment of Arbitrator

Arbitration and Conciliation Act 1996 - Section 11(6), 12(5)-
Merely because the procedure to appoint an arbitrator provided in the clause has become inoperative due to subsequent changes in statutory provisions, would not mean that the core of the contract referring the dispute for adjudication to arbitrator would be rendered nugatory. The amendment in the statute has been enacted with the legislative intent to enforce neutrality of the arbitrator and bring impartiality in arbitration proceedings by virtue of Section 12(5) of the 1996 Act. It cannot be justified to literally interpret the clause in the contract in a manner or at the cost of the entire arbitration mechanism itself being abandoned. The arbitration agreement must be interpreted in a purposive manner, but not literally so as to enable the parties to pursue the intended dispute redressal mechanism of contract. (Para 20)

Arbitration and Conciliation Act 1996 - In Re: Cognizance for Extension of Limitation - The benefit of the period from 15.03.2020 to 28.02.2022 must be given to the Appellant and this period need to be

excluded while counting the period of limitation for filing application for appointment of arbitrator. (Para 24)

K. S. Shivappa v. K. Neelamma 2025 INSC 1195 - S.8 Hindu Minority and Guardianship Act

Hindu Minority and Guardianship Act, 1956 - Section 8 - A transaction in relation to the property of a minor executed in contravention of the express provisions of Section 8 of the Act is voidable at the option of the minor or any person claiming under him and such an option to avoid a transaction of the above nature can be by initiating a law suit or may be by conduct. (Para 22) a voidable transaction executed by the guardian of the minor can be repudiated and ignored by the minor within time on attaining majority either by instituting a suit for setting aside the voidable transaction or by repudiating the same by his unequivocal conduct. It is not always necessary for a minor to institute a suit for cancellation of a voidable sale transaction executed by his guardian on attaining majority within the limitation provided and that such a transaction can be avoided or repudiated by his conduct.(Para 32-34) Such a transaction can be avoided or repudiated by the minor expressly by filing a suit for the cancellation of such a transaction or impliedly by his conduct namely by transferring the property himself on attaining the majority within the time prescribed. (Para 14)

Hindu Minority and Guardianship Act, 1956 - Section 8 -prior permission of the court is a sine qua non for a guardian of a minor to transfer the property of the minor in any of the manners provided under sub-Section (2) of Section 8 of the Act. (Para 12)

Evidence - Evidence either ocular or documentary cannot travel beyond the pleadings. (Para 38)

Evidence -Where the plaintiff refuses to testify, the proxies cannot substitute his personal testimony on key issues within the personal knowledge of the plaintiff. A Power-of-Attorney holder is not entitled to depose in place of the principal. (Para 39)

**JSW Steel Limited vs Deputy Director, Directorate of Enforcement
2025 INSC 1194 - PMLA - Writ Jurisdiction - Alternative Remedy**

Constitution of India - Article 226,136 -Dismissing appeal against HC order dismissing writ petition, SC observed: The Appellants have already invoked their statutory remedy before the Appellate Tribunal under Section 26 of the PMLA, which remains pending- PMLA provides a comprehensive and self-contained adjudicatory mechanism -Constitutional or appellate jurisdiction should ordinarily not be exercised where an efficacious alternate remedy is available and is actively being pursued- Interference at this stage would prejudge issues that are squarely within the domain of the Appellate Tribunal, including whether the attached property represents “proceeds of crime” within the meaning of Section 2(1)(u) PMLA and whether the withdrawals were in violation of law. (Para 33-38)

**Rajendra Singh vs State of Uttarakhand 2025 INSC 1193 - S.25-27
Evidence Act - Recovery of Weapon**

Indian Evidence Act 1872- Section 25-27 - The statement of the accused that the weapons recovered were the weapons of crime cannot

be read against them- Only that part of the statement which leads the police to the recovery of the weapons is admissible, and not the part which alleges that the weapons recovered were actually the weapons of crime. (Para 29) the information leading to the recovery of the weapons of crime is admissible, but not the information that the crime was actually committed by the said weapons. (Para 33)

Evidence - Evidentiary value of a chance witness- Deposition of a chance witness whose presence at the place of incident is doubtful should be discarded, or at least be treated with great caution and close scrutiny. Such a chance witness must adequately explain his presence at the place of incident. (Para 26)

Zainul vs State of Bihar 2025 INSC 1192 - S. 149 IPC - Unlawful Assembly - FIR

Indian Penal Code 1860 (IPC) - Section 149 - Where there are general allegations against a large number of persons, the court must remain very careful before convicting all of them on vague or general evidence. Therefore, the courts ought to look for some cogent and credible material that lends assurance. It is safe to convict only those whose presence is not only consistently established from the stage of FIR, but also to whom overt acts are attributed which are in furtherance of the common object of the unlawful assembly, (Para 61)

IPC - Section 149- i. There must be an assembly of five or more persons; ii. An offence must be committed by any member of that

unlawful assembly; iii. The offence committed must be in order to attain the common object of that assembly, or iv. The members of the assembly must have the knowledge that the particular offence is likely to be committed in order to attain the common object. (Para 45) -Mere presence at the scene does not ipso facto render a person a member of the unlawful assembly, unless it is established that such an accused also shared its common object. A mere bystander, to whom no specific role is attributed, would not fall within the ambit of Section 149 of the IPC. The prosecution has to establish, through reasonably direct or indirect circumstances, that the accused persons shared a common object of the unlawful assembly. The test to determine whether a person is a passive onlooker or an innocent bystander is the same as that applied to ascertain the existence of a common object. The existence of a common object is to be inferred from the circumstances of each case, such as: a. the time and place at which the assembly was formed; b. the conduct and behaviour of its members at or near the scene of the offence; c. the collective conduct of the assembly, as distinct from that of individual members; d. the motive underlying the crime; e. the manner in which the occurrence unfolded; f. the nature of the weapons carried and used; g. the nature, extent, and number of the injuries inflicted, and other relevant considerations. (Para 54)

Code of Criminal Procedure 1973 - Section 154 - FIR - An FIR must faithfully reflect the information furnished by the informant at the very time it is presented. The true test for an information to qualify as an FIR lies in whether it is capable of supplying grounds for the police officer to suspect the commission of a cognizable offence. Once this

requirement is met, the officer is bound to reduce it into writing. (Para 89)

Nilesh Baburao Gitte v. State of Maharashtra 2025 INSC 1191 - Criminal Trial - S.106 Evidence Act

Criminal Trial - A document produced by the prosecution as part of the chargesheet pursuant to the investigation though not exhibited can be relied upon by the defence. (Para 35)

Circumstantial Evidence - Five golden principles to be kept in mind while appreciating a case based on circumstantial evidence- Referred to Sharad Birdhichand Sarda vs. State of Maharashtra, (1984) 4 SCC 116. (Para 25)

Indian Evidence Act 1872 - Section 106 - Quoted from Shambu Nath Mehra v. The State of Ajmer: In a criminal case the burden of proof is on the prosecution and section 106 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional cases in which it would be impossible, or at any rate disproportionately difficult, for the prosecution to establish facts which are “especially” within the knowledge of the accused and which he could prove without

difficulty or inconvenience. The word “especially” stresses that. It means facts that are pre-eminently or exceptionally within his knowledge. If the section were to be interpreted otherwise, it would lead to the very startling conclusion that in a murder case the burden lies on the accused to prove that he did not commit the murder because who could know better than he whether he did or did not. (Para 43)

Lifestyle Equities C.V. vs Amazon Technologies Inc 2025 INSC 1190. - Order XLI Rule 5 CPC - Money Decree- Grant Of Stay

Code of Civil Procedure, 1908 (CPC) - Order XLI Rule 5 - The benefit of stay of execution of a money decree may be granted by the Appellate Court unconditionally, if it: i. is egregiously perverse; ii. is riddled with patent illegalities; iii. is facially untenable; and/or iv. such other exceptional causes similar in nature. The aforesaid factors would bring the case within the purview of “exceptional case” for the purpose of granting benefit of unconditional stay of the execution of money decree- The provision under Order XLI Rule 5(3) of the CPC provides for satisfaction regarding sufficient cause as a pre-condition for granting benefit of stay of execution of decree. It casts an obligation upon the court to record its satisfaction for stay of execution such decree. Therefore, security can be in the shape of property, bond, or by undertaking from the appellant to abide by the decree, seeking stay of execution. (Para 82-87) Yet as a rule of prudence and established practice evolved over a period of time, no stay of execution of a money decree should be granted, except on the condition that the decretal amount be deposited in the court. However, such condition for deposit cannot be said to be mandatory and nonprescription thereof does not operate as a bar to staying the execution of a money decree - There is no

provision under Order XLI Rule 5 of the CPC imposing a mandate to deposit cash security as the only mode of security for execution of the decree. Security, for the purpose of the said provision, can be in the shape of property, bond and or in the form of an appropriate undertaking from the appellant to abide by the decree, seeking stay of execution. (Para 134)

CPC - Order XLI - (I) Order XLI Rule 5 contains the provision for the grant or refusal of stay of execution of the decree by the appellate court under the CPC. It categorically stipulates that mere filing of an appeal against an order of execution, shall not ipso facto operate as stay of proceedings. Any execution proceeding or an order therein, shall be stayed only if a specific, reasoned order granting such stay is passed by the appellate court, after proper application of mind. (II) For the grant of stay of execution of a decree in terms of Order XLI, a prayer to such effect has to be specifically made to the appellate court and the appellate court has the discretion to grant an order of stay or to refuse the same. (III) Order XLI Rule 5(3) of the CPC provides for satisfaction regarding sufficient cause as a pre-condition for granting benefit of stay of execution of decree, and it casts an obligation upon the appellate court to record its satisfaction for stay of execution such decree. (IV) The power of the Appellate Court to order stay of execution of the decree is circumscribed and made subject to the existence of a “sufficient cause” in favour of the appellant being shown. In order to ascertain whether a “sufficient cause” exists for the grant of stay of execution of a decree under Order XLI of the CPC, the appellate court as per sub-rule (3) of Rule 5 is required to examine:- (i) Whether there will be substantial loss to the party applying for stay; (ii) Whether the application has been made without unreasonable delay; and (iii) Whether security has been given by the applicant for due performance of the decree. (V) For the

grant of stay of execution of the decree, the appellate court is required, after perusing the materials on record, to assign reasons for its satisfaction regarding the existence of a “sufficient cause”. Such reasons should be cogent and adequate. The reasons assigned must indicate the necessity for the status quo prevailing on the date of the decree and/or the date of making of the application for stay, to continue by granting stay, and not merely the reasons why stay should be granted. VI) Although, Order XLI Rule 5 of the CPC, uses the word “shall”, yet a combined reading of the sum and substance of Rule(s) 1(3) and 5(5) would reveal, that for the grant of stay of execution, it is not mandatory for the appellate court to impose Page 71 of 73 a condition for deposit of the amount in dispute. The aforesaid provisions make it abundantly clear that the appellate court, for the grant of stay of execution, has a discretion to impose a condition of deposit of the amount depending on the facts and circumstances of each case. (VII) A deposit is not a condition precedent for an order of stay of execution of the decree by the appellate court. The only guiding factor and statutory mandate, for the grant of such stay of execution as indicated in Rule 5, is the existence of “sufficient cause” in favour of the appellant, on the availability of which the appellate court would be inclined to pass an order of stay (VIII) For the grant of benefit of an unconditional stay of execution of a decree, an exceptional case has to be made out before the appellate court. This discretion of the appellate court to grant an unconditional stay of execution of decree must not be exercised arbitrarily. It must be exercised sparingly and only if an exceptional case is made out for such stay in view of the peculiar facts and attending circumstances of the case before it. (IX) A lodestar for bringing a case within the purview of “exceptional case” for the purpose of granting benefit of unconditional stay of the execution of money decree by the appellate court would be, if

the money decree in question: - (i) is egregiously perverse; (ii) is riddled with patent illegalities; (iii) is facially untenable; and/or (iv) such other exceptional causes similar in nature. (X) For the purpose of the grant or refusal of stay of execution of the decree under Rule 5 of Order XLI, it is immaterial whether the decree is a money decree or any other decree. The language couched in the said provision is very clear. Order XLI, Rule 5 of the makes no distinction between a money decree and other decrees, and the said provision applies with full rigour in both instances. (Para 134)

CPC - Order IX Rule 13 - the second Proviso to Order IX Rule 13 of the CPC would come into play only when there is "irregularity" in the service of summons (for instance, the publication in wrong newspaper, no acknowledgment on duplicate summons being received etc). (Para 89)

CPC -Service of Summons - In an action strictly in personam, personal service on the defendant is the preferred mode of service, i.e., by handing a copy of the summons to the defendant in person. If defendant, for excusable reasons, cannot be served with the summons within a reasonable period, then substituted service can be resorted to. While substituted service of summons is permitted, "it is extraordinary in character and in derogation of the usual method of service." (Para 132)

Interpretation of Statutes - The intention of the legislature is primarily to be gathered from the language used, and consequently, a construction which results in rejection of words as meaningless, has to be avoided. It is not a sound principle of construction to brush aside

words or phrase in a statute as being inapposite surplusage if they can have appropriate application in circumstances conceivably within the contemplation of the statute. In interpretation of statutes, the courts always presume that the legislature inserted every part thereof for a purpose and the legislative intention is that every part of the statute should have effect. The legislature is deemed not to waste its words, or to say anything in vain- Under the first principle, the rule of **casus omissus** cannot be supplied by the court except in the case of clear necessity. **The rule of casus omissus** should not be readily inferred and for that purpose, all the parts of a statute or section must be construed together and every clause of a section should be construed with reference to the context of the statute and other clauses thereof, so that the construction to be put on a particular provision makes a consistent enactment of the whole statute. This would be more so, if literal construction of a particular clause leads to manifestly absurd or anomalous results, which could not have been intended by the legislature. Therefore, if the language is plain, there is no necessity of taking aid of external aid for gathering the real intention of the legislature. (Para 56-57)

S. Rajaseekaran v. Union of India, 2025 INSC 1189 - Road Safety- Helmet Rule

Road Safety - Safe and encroachment free footpaths are very vital for movement of pedestrians. Therefore, NHAI, State Governments and Municipal authorities have a duty to ensure that footpaths are built in a proper manner and pedestrians are provided safe opportunities to cross the streets. Directions issued - State Governments, UTs and the NHAI to

strictly implement the provisions of law relating to wearing helmets by two-wheeler drivers and passengers using two wheelers. Strict enforcement of these rules should be ensured inter alia through e-enforcement mechanism i.e. cameras installed at various places. - State transport departments, traffic police authorities, and urban local bodies shall take measures to enforce lane discipline by addressing unlawful or wrong-lane driving, including the use of automated cameras, graduated fines, coloured and textured lane markings (e.g., for bus and cycle lanes), dynamic lighting, rumble strips, and tyre killers at critical conflict points- A complete ban on unauthorized red-blue strobe flashing lights and illegal hooters shall be enforced through seizure, market crackdowns, and penalties. Simultaneously, nationwide public awareness campaigns by MoRTH, state transport departments, and traffic police shall be conducted to sensitize drivers and pedestrians about the hazards posed by dazzling headlights, unauthorized strobe lights, and illegal hooters, thereby enhancing overall road safety- We direct all the States and UTs to formulate and notify Rules under Section 138(1A) of the MV Act within a period of six months, if not already framed, for the purposes of regulating the activities and access of non-mechanically propelled vehicles and pedestrians to public places and national highways -We direct all the States and UTs to formulate and notify Rules under Section 210-D of the MV Act within a period of six months, if not already framed, for design, construction and maintenance of standards for roads other than national highways.

Aristo Printers Pvt. Ltd. v. Commissioner of Trade Tax 2025
INSC 1188 - Art. 366 Constitution - Works Contract Taxation

Constitution of India - Article 366- Taxation of goods transferred under works contracts - Position of law after the enactment of the Forty-sixth Amendment of Constitution: a. Vide Article 366(29-A)(b), the States can only tax the transfer of property in goods (whether as goods or in some other form) involved in the execution of a works contract and not the works contract itself; b. States cannot exercise the power conferred upon them under Article 366(29-A)(b) dehors the restrictions imposed under Article 286 of the Constitution and the Act, 1956 (specifically Sections 3, 4, 5, 14 and 15 respectively); c. Indivisible works contracts are now, by virtue of the legal fiction created under Article 366(29-A)(b), divided into two parts, one for the sale of goods and the other for the supply of labour and services; d. A transfer of property in goods under Article 366(29-A)(b) is deemed to be a sale of the goods. Article 366(29-A)(b) serves to bring transactions where essential ingredients of “sale” defined in the Act, 1930 are absent within the ambit of sale or purchase for the purposes of levy of sales tax. In other words, the transfer of movable property in a works contract is deemed to be a sale even though it may not be considered as “sale” within the meaning of the Act, 1930; e. The term “works contract” in Article 366(29-A)(b) takes within its fold all genres of works contracts and is not restricted to one particular specie of contract to provide for labour and services alone; and f. The dominant nature test is no longer applicable and has lost its significance where transactions are of the nature contemplated in Article 366(29-A). (Para 33)

U.P. Trade Tax Act, 1948 - Section 3F(1)(b) - Whether the ink, chemical and other processing materials are liable to the levy of tax ? In order to sustain a levy of tax under Section 3F(1)(b) of the Act, 1948, three conditions must be fulfilled: (i) there must be a works contract; (ii) the goods should have been involved in the execution of the works contract; and (iii) the property in those goods must be transferred to a third party either as goods or in some other form-SC held: in the facts of the present case all three conditions required to sustain a levy of tax under Section 3F(1)(b) of the Act, 1948, are fulfilled : (i) a works contract exists for printing of lottery tickets; (ii) ink and chemicals have been involved in the execution of the works contract; and (iii) the property in the ink and chemicals has been transferred in execution of the works contract. Consequently, the appellant is liable to pay tax under Section 3F(1)(b) of the Act, 1948 on the ink and processing material. (Para 73)

Dharmrao Sharanappa Shabadi vs Syeda Arifa Parveen - 2025
INSC 1187 Muslim Law- Oral Gift -Ss. 50,60, 73 Evidence Act

Muslim Law -Oral Gift - Hiba- To constitute a valid conveyance through an oral gift, the three contemporaneous conditions of declaration by donor, acceptance by donee, possession by donee and to continue to establish possession through contemporaneous evidence to show that Hiba is acted upon. The Hiba is not used as a surprise instrument and cannot sprout into a transfer of property as per the convenience of a party. Moreover, to keep in line with the sanctity of Hiba, it is in the interest of the donor, donee and a third person interested in the subject matter that Hiba is acted upon by completing all three essential requirements in public knowledge rather than in secrecy. The Courts appreciate fulfilment of contemporaneous requirements and

possession through evidence while recognising conveyance through an oral gift. Possession is one of the important conditions to constitute a valid oral gift. The courts presume possession of a party from the circumstances pleaded and proved. (Para 39)

Muslim Law - The oral gift and the effect of a valid oral gift -

There are three essential conditions for an oral gift under Mohammedan Law. First, a clear manifestation of the wish to give on the part of the donor. Second, an acceptance of the gift by the donee, which can be either implied or explicit. Third, taking of possession of the subject-matter of the gift by the donee, either actually or constructively - A gift under Mohammedan Law does not require a written document to be valid. An oral gift that fulfils the three essential requisites is complete and irrevocable. The mere fact that a gift is reduced to writing does not change its nature or character. A written document recording the gift does not become a formal instrument of gift- The distinction that a written deed of gift is not required to be registered if it "recites the factum of a prior gift" but must be registered if the "writing is contemporaneous with the making of the gift" is considered "inappropriate and is not in conformity with the rule of gifts in Mohammedan Law"- Section 129 of the Transfer of Property Act,- excludes the rule of Mohammedan Law from the purview of Section 123, which requires registration for the gift of immovable property- Delivery of possession is a critical and necessary element for a valid gift. It can be actual or constructive. Constructive possession can be demonstrated by overt acts by the donor that show a clear intention to transfer control. For example, the donor applies for the mutation of the donee's name in the revenue records -Continuous evidence of acting under the oral gift is

crucial to prove the delivery of possession. The donee must be able to demonstrate “exclusive control” over the property to derive benefit under it, such as by collecting rent, or by the donor performing acts like mutation on behalf of the donee. Conversely, the donor’s continued collection of rent and the donee’s lack of control over title documents or mutation records can be evidence that possession was not transferred. (Para 36)

Indian Evidence Act 1872 - Section 50 -The opinion expressed by the conduct of a person with special knowledge relevant- For the applicability of the section, there are three essentials. i. Firstly, the court has to form an opinion as to the relationship of one person to another. ii. Secondly, the opinion on this relationship must be expressed through conduct. iii. Thirdly, the person whose conduct expresses the opinion must have special means of knowledge on the subject, such as being a member of the family or otherwise - The term “opinion” is defined not as a casual statement or gossip but as a “judgment or belief” or a “conviction.” This belief is demonstrated and proved through the person’s conduct or behavior. The conduct must be of a tenor that can only be explained by the existence of that inner belief about the relationship- The conduct is not the ultimate proof of relationship but an intermediate step. It allows the court to infer the “opinion” of the person whose conduct is in evidence. The court then weighs this opinion to arrive at its own conclusion regarding the relationship in issue. Hence, Section 50 does not make evidence of mere general reputation (without accompanying conduct) admissible as proof of a relationship. Further, if the conduct is of such a tenor, the Court only gets to a relevant piece of evidence, namely, the opinion of a person. It still remains for the Court to weigh such evidence and come to its own opinion as to the factum probandum, as to the relationship in question. In conforming to the

above, the conduct, being a perceptible external fact, must be proved by “direct evidence” as defined in Section 60 of the Evidence Act. (Para 26) The proof of status or relationship need not always necessarily be through documentary evidence, but, when oral evidence is the basis on which the opinion is required to be formed by a Court, the Courts are allowed to treat an opinion on conduct about a relationship as only a relevant fact. This should not be confused with ‘as factum probandum’. (Para 33)

Indian Evidence Act 1872 - Section 73 - Comparison with Admitted or Proven Documents - The primary function of Section 73 is to allow the court to compare a disputed signature or handwriting with a standard document that is either admitted by the parties or has been proven to the satisfaction of the court to be genuine- A court should not assume the role of a handwriting expert- While the court can compare a disputed signature with an admitted one under Section 73, it would be hazardous to rely solely on this comparison without the assistance of an expert- The court's own comparison can be used as corroborative evidence to support the testimony of an expert witness, or vice versa- **Comparison by the Court in a Prudent Measure:** The power to compare documents, and the available power, should be exercised as a measure of last resort, and the court's conclusion should not be the sole basis for a decision in serious matters (Para 30)

Transfer of Property Act - Section 3- Constructive notice - Depending on the facts and circumstances of each case, if the inquiry that a reasonable person would conduct in the specific circumstances is

not made, then Courts, through constructive notice, may impute knowledge on such persons. Thus, constructive notice in equity treats a man who ought to have known a fact as if he actually knows it. (Para 45)

Registration Act - There is a presumption that a registered document is validly executed. A registered document, therefore, *prima facie* would be valid in law. The onus of proof, thus, would be on a person who leads evidence to rebut the presumption. (Para 47)

Constitution of India - Article 136 - In a given case, the reappreciation of evidence is not barred under Article 136 of the Constitution of India. (Para 14)

State of Arunachal Pradesh v. Mihin Laling 2025 INSC 1186 - Right To Property - Jhum Land Regulation

Constitution of India - Article 14 and Article 300A - The right to property, though no longer fundamental, is nonetheless a constitutional right which cannot be divested save by authority of law, and such deprivation must meet tests of fairness and nonarbitrariness. (Para 19)

Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation, 1947 - Section 10 - “reasonable compensation” in Section 10 must be harmonised with the prevailing legislative standards of the time, and that solatium and interest are not alien imports but integral components of fairness. This interpretive technique properly reflects the principle

that subordinate or special legislation must be read in the light of constitutional values and later general enactments, particularly where the language is sufficiently elastic. (Para 22)

Central Bureau of Investigation v. Rajendra Sadashiv Nikalje alias Chhota Rajan @ Nana Sheth @ Sir; 2025 INSC 1185 - S.389 CrPC

Code of Criminal Procedure 1973 - Section 389 -The initial presumption of innocence available to an accused ceases to exist, once the Trial Court upon conclusion of trial returns a finding of guilt qua that accused. This is because the accusations levelled by the prosecution against the accused stand affirmed by the judicial body. Hence, the Courts in appeal must not accord their unfounded sympathies to the accused in complete ignorance of the law- In considering prayer for suspension of sentence, the Court should consider all the relevant factors like the nature of accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, and the desirability of releasing the accused on bail. The ambit of power under Section 389 CrPC is to protect rights of convicted-accused in those cases where the likelihood of success of his appeal against conviction is very high or in case, where a fixed term of imprisonment is ordered, the appeal is unlikely to be heard in the near future (Para 6-9)

Nazim vs State of Uttarakhand 2025 INSC 1184 - Criminal Trial - FIR - Failure To Name Accused In FIR

Indian Evidence Act 1872 - Section 11 - When important facts are omitted in the FIR, such omissions are relevant under Section 11 of the

Indian Evidence Act , in judging the veracity of the prosecution case. (Para 29) [Context: In this case, SC held that the failure to name two of the three accused in the FIR, despite the complainant's familiarity with them, casts a serious shadow on the subsequent attempt to implicate them]

Criminal Trial - Circumstantial Evidence- Before a conviction can be sustained on circumstantial evidence, five conditions must be fulfilled: (i) the circumstances from which the conclusion of guilt is drawn should be fully established; (ii) the facts so established should be consistent only with the hypothesis of guilt; (iii) they should be of a conclusive nature; (iv) they should exclude every possible hypothesis except that of guilt; and (v) there must be a chain of evidence so complete that it leaves no reasonable ground for a conclusion consistent with innocence. These “five golden principles” constitute the panchsheel of circumstantial evidence- If the circumstances proved are consistent either with innocence or guilt, the accused is entitled to the benefit of doubt, and that where two views are possible, the one favourable to the accused must be adopted. (Para 28) **Motive** - Absence of motive in a circumstantial case assumes significance and tilts the balance in favour of the accused.(Para 54) **Criminal Trial** - Dock identification without a prior TIP has little evidentiary value where the witness had no prior familiarity with the accused. (Para 41) TIP is only part of the investigative process and that the substantive evidence is dock identification; however, where the accused is a stranger to the witness and no TIP is held, courts must exercise extreme caution in accepting such identification. (Para 42) - **Last Seen Theory** - The ‘last-seen’ theory is itself a weak link unless the prosecution establishes a narrow time gap between when the accused and the deceased were seen together

and the recovery of the body, such that the possibility of intervention by a third person is excluded. (Para 44) -**Scientific Evidence** - Where scientific evidence is neutral or exculpatory, courts must give it due weight. To convict on doubtful testimony while ignoring scientific tests is to substitute suspicion for proof. (Para 51)

Juvenile Justice (Care and Protection of Children) Rules, 2007

- Rule 12 gives primacy to matriculation or equivalent school certificate, or in its absence a birth certificate or medical opinion. (Para 55)

P. Radhakrishnan vs Cochin Devaswom Board 2025 INSC 1183

- Writ Jurisdiction - Travelling Beyond Scope

Constitution of India - Article 226 - If in an exceptional case the Court feels the need to travel beyond the scope of the writ petition and make observations, the least a party is entitled to, is an opportunity to explain and defend themselves (Para 22) - Litigants go to court for vindicating their rights when they perceive that there is an infringement. The court may, after hearing both parties, grant or deny them relief depending on the facts and circumstances of the case- If without putting parties on notice (even in the rare and exceptional case where facts warrant) the court travels beyond the scope of the petition, takes parties by surprise and makes any strong observations and directions, it will create a chilling effect on other prospective litigants too. They will be left to wonder whether by going to court in matters where they perceive injustice has resulted, they will be rendered worse off than what they were, before initiating the proceedings. This could seriously impact access to justice and consequently the very rule of law. Hence, in such

matters, courts must exercise great caution and circumspection. (Para 28) [Context: SC held that the writ petitioners could not have been rendered worse off in their own writ petition.]

Vinishma Technologies Pvt. Ltd. v. State of Chhattisgarh 2025
INSC 1182 - Art 14,19,21 Constitution - Doctrine of Level Playing Field - Tender

Constitution of India - Article 19(1)(g) -The doctrine of level playing field requires that all equally placed competitors must be given an equal opportunity to participate in trade and commerce. It is designed to prevent the State from skewing the market in favour of few by erecting artificial barriers. (Para 18)

Constitution of India - Article 21,14 - Right to Life includes 'opportunity' as well. The principle of non-discrimination is embodied in Article 14 of the Constitution of India. Article 14 has to be read in conjunction with Rights conferred by other Articles like Article 21 (Para 16)

Constitution of India - Article 14,19 - Tender Condition clause stated that Bidders must have supplied sports goods worth at least Rs.6.00 crores (cumulative) to State Government agencies of Chhattisgarh in the last three financial years - **SC held:** To confine the eligibility to participate in the tender, within one State is 13 not only irrational but is also disproportionate to the goal of ensuring effective delivery of Sports Kits. (Para 19) Such a restriction, therefore, cannot be justified as reasonable within the meaning of 19(6) of the Constitution of India. The State while it enjoys the freedom to prescribe the conditions

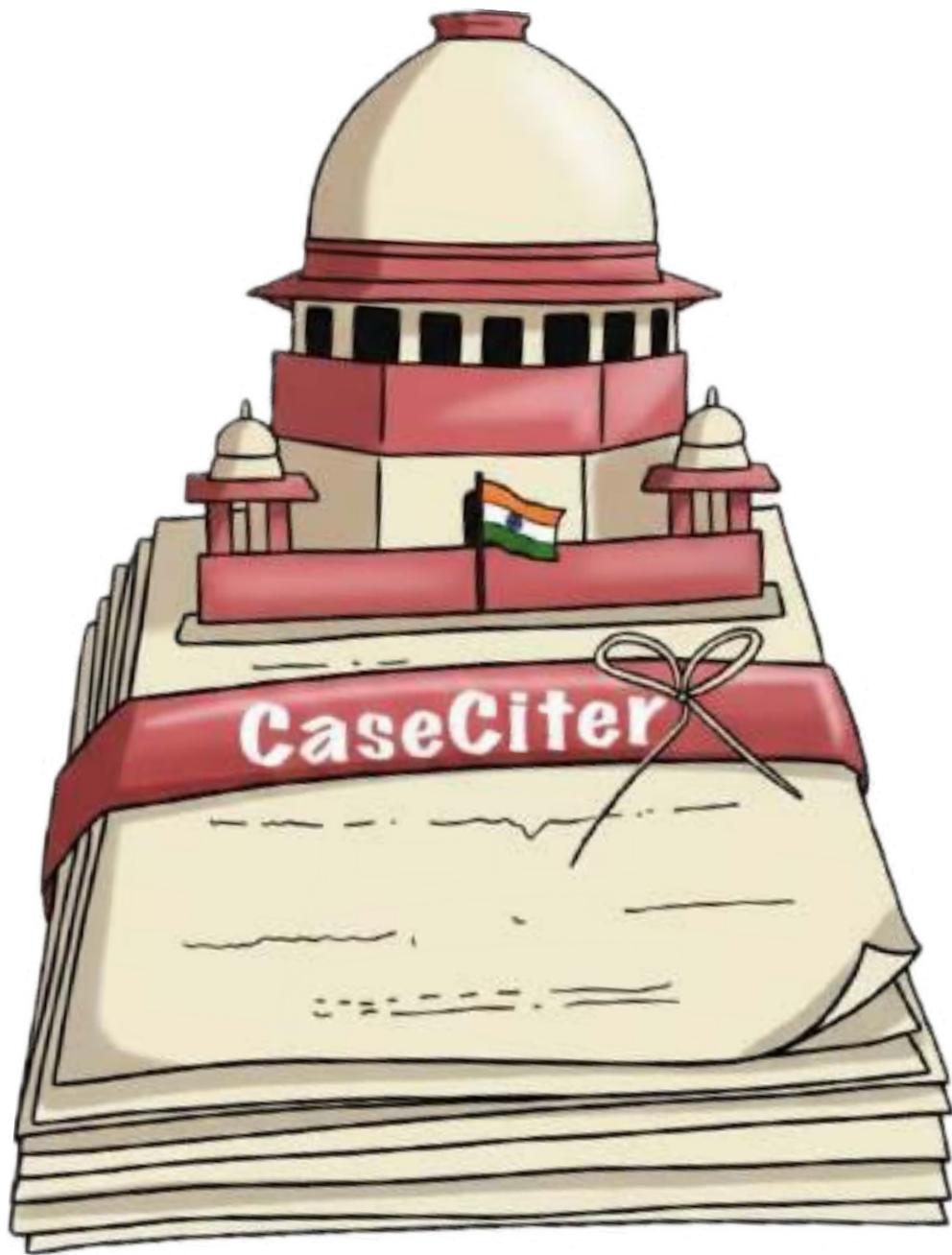
in the tender, cannot exercise that power in a manner that infringes upon constitutional guarantees, by closing the market to outsiders without just cause. The doctrine of level playing field requires that gates of competition be opened to all who are equally placed. The impugned tender condition excludes the competent and experienced suppliers, who may have executed contracts of far greater magnitude in other States or for the Central Government departments, from participating in the tender and has the impact of promoting cartelisation. The impugned condition operates as a closed door to outsiders and restricts the wider participation of bidders and restricts competition. The impugned tender condition, therefore, is violative of Article 14 and also offends Article 19(1)(g) of the Constitution of India. (Para 20)

Constitution of India - Article 226 -Tender - The discretion of the Government in granting the largesse, is not unlimited and the Government cannot give or withhold largesse in its arbitrary discretion or at its sweet will -Government cannot without adequate reason exclude any person from dealing with it or take away largesse arbitrarily- Activities of the Government have a public element and therefore there should be fairness and equality - Government must have free hand in setting the terms of the tender and the Court cannot strike down the terms of the tender prescribed by the Authority merely because it feels some other terms in the tender would have been fairer, wiser or more logical - In the matter of formulating conditions of tender document unless the action of tendering authority is found to be arbitrary and malicious the Court would not interfere- Court cannot sit over judgment on what should be the eligibility criteria in the tender notice unless the same is arbitrary, discriminatory or actuated by mala fides. (Para 15)

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91. [Commissioner, Nagpur Municipal Corporation vs Lalita](#) 2025 INSC 1280 - S.108 Evidence Act - Civil Death
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Sagar v. State of UP & Anr.; 2025 INSC 1370 - CrPC/BNSS -Bail - Parity Ground

Code of Criminal Procedure 1973 - Section 439 : Bharatiya Nagarik Suraksha Sanhita 2023 -Section 483- Bail -Parity is focused on the role played by the accused and not the thread of the same offence being the only common factor between the accused persons (Para 12) - Parity is not the sole ground on which bail can be granted. The word ‘parity’ is defined by the Cambridge Dictionary as “equality, especially of pay or position.” When weighing an application on parity, it is ‘position’ that is the clincher. The requirement of ‘position’ is not met only by involvement in the same offence. Position means what the person whose application is being weighed, his position in crime, i.e., his role etc. There can be different roles played - someone part of a large group, intending to intimidate; an instigator of violence; someone who throws hands at the other side, instigated by such words spoken by another, someone who fired a weapon or swung a machete - parity of these people will be with those who have performed similar acts, and not with someone who was part of the group to intimidate the other by the sheer size of the gathering, with another who attempted to hack away at the opposer’s limbs with a weapon. (Para 14)

Sarvesh Kumar Sharma v. Smt. Sarvesh Kumari Sharma 2025 INSC 1369 - Irretrievable Breakdown Of Marriage - Non-Contest By Wife

Constitution of India - Article 142 - Supreme Court granted decree of divorce on the ground of irretrievable breakdown of marriage to husband and noted: when the wife after having resisted the challenge before the Trial Court, has thereafter, not chosen to contest is a sufficient proof that she is not interested in pursuing the issue of divorce which leads to the next presumption that she is no more interested for restoration of relationship also. (Para 8)

Konkan Railway Corporation Ltd. vs S.D. Manohara; 2025 INSC 1368 - Service Law - Resignation Withdrawal

Service Law - Supreme Court dismissed review petition filed by Konkani Railway Corporation and observed: The employee withdrew his resignation much before when he was relieved, as is evidenced by letters and office orders -it will be unjust to interpret few letters exchanged between the parties to hold that the employee has deliberately and consciously resigned, particularly when he has been contesting the case for more than a decade. (Para 4-5)

**Yogendra Pal Singh v. Raghvendra Singh Alias Prince 2025
INSC 1367 - Dowry Death - Bail**

Indian Penal Code 1860 - Section 304B - Dowry death - Dowry death is not merely an offence against an individual but a crime against society at large- The evil of dowry, though often sought to be camouflaged as gifts or voluntary offerings, has in reality become a means to display social status and to satiate material greed. The phenomenon of dowry deaths represents one of the most abhorrent manifestations of this social malaise, where the life of a young woman is extinguished within her matrimonial home – not for any fault of her own, but solely to satisfy the insatiable greed of others. Such heinous offences strike at the very root of human dignity and violate the constitutional guarantees of equality and life with dignity under Articles 14 and 21 of the Constitution of India. They corrode the moral fibre of the community, normalize violence against women, and erode the foundations of a civilized society- judicial passivity or misplaced leniency in the face of such atrocities would only embolden perpetrators and undermine public confidence in the administration of justice. A firm and deterrent judicial response is, therefore, imperative – not only to uphold the majesty of law and do justice in the present case, but also to send an unequivocal message that neither law nor society will countenance barbarities born out of the evil of dowry (Para 23-25) [Context: Supreme Court set aside bail granted to accused in dowry death case]

Code of Criminal Procedure 1973 - Section 439- The power under Section 439(2) Cr.P.C. to cancel bail may be invoked not only at the instance of the State but also by any aggrieved party. [Context: Supreme Court held that father of the deceased possesses the requisite locus

standi to maintain the appeal seeking cancellation of the bail granted to accused] (Para 10-11)

A A Estates Pvt. Ltd. v. Kher Nagar Sukhsadan Co-operative Housing Society Ltd., 2025 INSC 1366 - S.14 IBC - Moratorium

Insolvency and Bankruptcy Code 2016 - Section 14 - The object of Section 14 is to maintain the corporate debtor's estate as a going concern and to preserve its assets so as to facilitate resolution. The term "property" under Section 3(27) of the IBC is defined in the widest terms to include money, goods, actionable claims, land and every description of movable or immovable, tangible or intangible property, and extends to deeds and instruments evidencing title or interest therein. However, for the purposes of Section 14, only such property or assets which form part of the corporate debtor's estate as on the insolvency commencement date are protected. Mere expectant, contingent or uncrystallized contractual rights do not constitute "assets" within the meaning of the Code - the moratorium under Section 14 does not revive terminated contracts or protect rights that have ceased to exist prior to insolvency. The protection is intended to preserve the existing value of the corporate debtor's estate, not to resurrect lapsed or extinguished interests. Extending moratorium to such non-existent rights would defeat commercial certainty and the sanctity of lawful termination under general law. [Context: Supreme Court held that the Development Agreement and the Supplementary Agreements in this case do not constitute "assets" or "property" of the corporate debtor within the meaning of Section 14 of the IBC, as the same stood terminated prior to initiation of the second CIRP.] (Para 16)

Constitution of India ; IBC - Section 14 - IBC does not oust the constitutional jurisdiction of the High Courts, particularly where intervention is sought against administrative or statutory inaction in the public law domain, provided such intervention does not obstruct or undermine the insolvency process - while Section 14 of the IBC bars the institution or continuation of suits and proceedings during the moratorium, the constitutional jurisdiction of this Court and the High

Courts under Articles 32 and 226 cannot be curtailed by statute. (Para 17)

BC - Section 14 - A defaulting developer cannot invoke the moratorium under Section 14 of the IBC to perpetuate inaction or defeat the legitimate rights of residents. The rights of a developer are purely contingent upon due performance, and no subsisting “asset” or “proprietary right” survives once termination has lawfully occurred. (Para 18.8) A clear distinction must, therefore, be maintained between corporate debtors who have acted bona fide and those who have merely secured development rights in form but never acted in substance. Development rights of a defaulting developer who neither secured possession nor undertook any redevelopment activity cannot be elevated to the status of an “asset” or “property” within the meaning of Section 3(27) of the IBC. (Para 19-20)

Natural Justice - The principles of natural justice act as fundamental safeguards ensuring fairness, equity, and reasonableness in decision making. The twin pillars – nemo judex in causa sua (no one shall be a Judge in their own cause) and audi alteram partem (the right to be heard) – are essential components of the rule of law. However, their application depends upon the context and nature of the proceedings -The principles of natural justice are not rigid rules of universal application; they are flexible, contextual, and aimed at preventing real, not theoretical, injustice. The touchstone is not whether every procedural formality was observed, but whether the party complaining has suffered actual prejudice or denial of a fair opportunity-The principles of natural justice are intended to ensure fairness, not to operate as technical obstacles. They cannot be invoked as empty ritual where no real injustice has occurred. (Para 18.2-6)

Slum redevelopment - Slum redevelopment projects are not mere commercial ventures but social welfare initiatives aimed at transforming unsafe tenements into dignified homes. The role of a developer in such projects carries a public character; it entails a responsibility to fulfil the collective aspirations of hundreds of families awaiting rehabilitation and cannot be viewed solely through a profit-driven lens - Courts, while dealing with disputes arising from slum redevelopment, must therefore adopt a purposive and welfare-oriented approach, ensuring that the

statutory objective of insolvency resolution does not defeat the social purpose of urban renewal. The balance of equities must tilt in favour of the residents who have waited for years for a roof over their heads. The law cannot countenance a situation where insolvency protection becomes an instrument to perpetuate displacement or to defer the promise of dignified housing guaranteed under Articles 19(1)(e) and 21 of the Constitution. (Para 23)

[Hindustan Construction Company Ltd. v. Bihar Rajya Pul Nirman Nigam Ltd., 2025 INSC 1365 - Arbitration Act - Waiver Regime - Review Powers](#)

Arbitration and Conciliation Act, 1996 -Section 4, 12(5), 29A - Only Seventh Schedule disqualifications attract the stringent waiver regime of Section 12(5). In all other cases viz., procedural lapses, delays, or non-jurisdictional irregularities, Section 4 applies. Accordingly, a joint application under Section 29A amounts to a valid waiver under Section 4, save in cases of statutory ineligibility under Section 12(5) - Where the disqualification under Section 12(5) is attracted, the language being plain and mandatory, a joint application merely seeking extension, without an informed written waiver, cannot cure ineligibility. Conversely, where no such disqualification exists, the conduct of the parties, especially in jointly invoking Section 29A, constitutes waiver under Section 4. (Para 13.11-12)

Arbitration and Conciliation Act, 1996 -Section 4, 12(5), 29A - When both parties jointly seek an extension, they signify continued consent and confidence in the tribunal. Under Section 29A(5), even a single party may apply; the other is free to oppose. The Court may, in its discretion, extend the mandate with or without substituting the arbitrator- When a party joins in seeking extension under Section 29A despite having the opportunity to object or seek termination, it signifies a higher degree of consent. However, such consent cannot be equated with an express written waiver under Section 12(5). The statutory

language is categorical: only an express written post-dispute waiver can cure Seventh Schedule ineligibility. (Para 13.10)

Arbitration and Conciliation Act, 1996 -Section 11 -There is no statutory provision for review or appeal from an order under Section 11, which reflects a conscious legislative choice- While High Courts, as courts of record, do possess a limited power of review, such power is extremely circumscribed in matters governed by the Arbitration Act. It may be exercised only to correct an error apparent on the face of the record or to address a material fact that was overlooked. It cannot be used to revisit findings of law or reappreciate issues already decided. [Context: In this case, SC held : High Court did not have the jurisdiction to reopen or review its earlier order passed under Section 11(6) of the A&C Act. Once the appointment was made, the court became functus officio and could not sit in judgment over the very issue it had already settled. The review order cuts against the grain of the Act, undermines the principle of minimal judicial interference, and effectively converts the review into an appeal in disguise. Such an exercise cannot stand](Para 11)

Arbitration and Conciliation Act, 1996 -Section 7 - The true test lies not in technical formality, but in intention. Where parties have acted on a shared understanding to arbitrate, they are estopped from subsequently denying the existence of such an agreement. (Para 12.5)

Constitution of India - Article 141 -A non-speaking dismissal of an SLP signifies only that this Court, in its discretion under Article 136, has declined to interfere. It does not amount to approval of the reasoning of the subordinate forum. The doctrine of merger does not apply to such dismissals. Dismissal of an SLP at the threshold without reasons does not elevate the underlying judgment to binding precedent unless accompanied by an express declaration of law under Article 141 - A non-speaking dismissal of an SLP neither endorses the reasoning of the judgment challenged nor transforms it into binding precedent. At best, such a decision has persuasive value; its only legal effect is to bring finality to the dispute between the parties in that particular case.(Para 14.1-3)

Arbitration and Conciliation Act, 1996 -Section 15 - An arbitrator's mandate terminates upon withdrawal or by agreement of the parties, and that a substitute arbitrator must be appointed following the same procedure as the original appointment- Substitution preserves continuity, and prior proceedings remain valid unless either party objects. (Para 17)

Arbitration and Conciliation Act, 1996 -Section 18 - The sub-clause provides that "if for any reason the matter shall not be referred to arbitration" is vague, uncertain, and arbitrary - Held: The expression "for any reason" confers an unguided and absolute veto, particularly objectionable in a public contract. Such a clause fails the test of manifest arbitrariness and violates Section 18 of the Act, which mandates equal treatment of parties. (Para 12.15)

Arbitration - Waiver, acquiescence, and estoppel - Though waiver, acquiescence, and estoppel are often discussed together in arbitral jurisprudence, they occupy distinct conceptual spaces. Waiver is the intentional relinquishment of a known right; acquiescence arises from passive acceptance or delay; and estoppel precludes a party from resiling from a representation on which the other has relied. The Act, however, incorporates only the doctrine of waiver – presuming parties to be conscious of their conduct and its consequences. The Act elevates silence to waiver by importing an element of intent, thereby preventing parties from approbating and reprobating. A party who has actively participated or consented to continuation of the proceedings cannot later challenge the same process merely because the result is adverse. The legislative design thus discourages tactical objections and multiplicity of proceedings. (Para 13.2)

Arbitration - Arbitration is often a friend in conferences but a foe in practice... In practice, Arbitration has at times become more cumbersome than civil litigation.(Para 3)

Arbitration - Public -private contract- Public -private contract, must withstand not only conventional contractual scrutiny but also constitutional scrutiny- Arbitral appointments in public contracts must satisfy the requirements of fairness, equality, and non-arbitrariness under Article 14. (Para 12.14) unilateral appointment clauses in

public-private contracts violate Article 14 and offend the principle of nemo judex in causa sua. (Para 12.11)

Arbitration and Conciliation Act, 1996 -Section 8,11,16- Section 11 is confined to a prima facie examination of the existence of an arbitration agreement. All other questions including validity, enforceability, and jurisdiction are matters for the arbitral tribunal under Section 16 - Referral courts must avoid undertaking detailed fact-finding or adjudication at the Section 8 or Section 11 stage. (Para 11.5)

L.K. Prabhu v. K.T. Mathew; 2025 INSC 1364- Order XXXVIII Rule 5 CPC - Attachment Before Judgment - Already Transferred Property

Code of Civil Procedure 1908- Order XXXVIII Rules 5,8 & Order XXI Rule 58 ; Transfer of Property Act - Section 53- Attachment before judgment under Order XXXVIII Rule 5 CPC could not be extended to the property already transferred. (Para 20)

Code of Civil Procedure 1908- Order XXXVIII Rule 8 & Order XXI Rule 58 - Any claim under Order XXXVIII Rule 8 read with Order XXI Rule 58 CPC must be adjudicated recognizing the protective and procedural nature of attachment before judgment, without prejudicing the pre-existing rights of bona fide third parties. (Para 20)

Transfer of Property Act - Section 53 ; Code of Civil Procedure 1908- Order XXXVIII Rule 8 - Under Section 53(1) of the T.P. Act, the transaction would be voidable only if it is proved to have been made with an intent to defeat or delay creditors -Determination of whether the sale deed is fraudulent is exclusively governed by Section 53 of the T.P. Act and the claim petition procedure under Rule 8 cannot substitute or override the statutory safeguards and requirements of such substantive proceedings. (Para 20)

C.M. Meenakshi v. Archbishop of Bangalore & Others; 2025 INSC 1363 - CPC - Rejection Of Plaintiff

Code of Civil Procedure 1908 - Order VII Rule 11 - Trial Court allowed petition for rejection of plaint - In appeal, High Court set aside this order and dismissed the petition -Dismissing appeal, SC observed: All that the High Court meant was that the suit is restored on the file of the Trial Court and that it has to be decided in accordance with law, which would include all the issues (concerning limitation, res judicata and those arising under Order II Rule 2 of the CPC) apart from the issues on the merits of the case. (Para 12-13)

Jai Balaji Industries Ltd. v. M/s HEG Ltd.; 2025 INSC 1362 - Cheque Bounce Case - Jurisdiction Of Courts

Negotiable Instruments Act 1881 - Section 138,142(2)(a) -The jurisdiction to try a complaint filed under Section 138 in respect of a cheque delivered for collection through an account, i.e., an account payee cheque, is vested in the court within whose local jurisdiction the branch of the bank in which the payee maintains the account, i.e., the payee's home branch, is situated. (Para 76) Even if the cheque is delivered to a branch other than the home branch for commercial convenience, it shall be considered to have been delivered to the home branch for the legal purpose of determining jurisdiction. (Para 72) If the jurisdiction is to be decided on the basis of the place where the cheque was delivered to the bank of the payee, the same would lead to conferring unbridled power to the payee in deciding jurisdiction which may be misused for the purposes of forum shopping. (Para 57) [Held that *Yogesh Upadhyay v. Atlanta Ltd.*, (2023) 19 SCC 404 is per incuriam] **[Context:** In this case, cheque was drawn by the accused on the State Bank of Bikaner and Jaipur, Kolkata and the same was deposited by the complainant in its account maintained with the State Bank of India, Bhopal branch - The complaint was filed in the court of the Metropolitan Magistrate, Kolkata - SC held that the MM, Kolkata does not have jurisdiction to try the case.]

Negotiable Instruments Act 1881 - Section 142(2)(b)- Even if a cheque is dishonoured elsewhere, the jurisdiction for trial of the complaint under Section 138 would lie with the court within whose local

jurisdiction the branch of the drawee bank in which the drawer maintains the account, is situated. (Para 55)

Interpretation of Statutes - No value can be attached to the language adopted in the Statement of Objects and Reasons for the purpose of discerning the true meaning and effect of a substantive provision occurring in the statute book. (Para 66)

Indian Society of Organ Transplantation v. Union of India 2025 INSC 1361 -Transplantation of Human Organs Act

Transplantation of Human Organs Act, 1994 - SC requested all the States/Union Territories, who have not yet adopted the 2011 amendment and/or the 2014 Rules to take into consideration the importance of the issue and adopt the same- Though the life of a recipient is required to be taken care of, equally the life of a live donor who parts with a valuable part of his body should not be neglected and should be adequately taken care of after the operation is carried out- NOTTO must come forward with a national policy which also addresses concerns with regard to the maintenance of the health of a live donor after the operation is carried out - Several Directions issued.

Sk Md Anisur Rahaman vs The State Of West Bengal 2025 INSC 1360 - Art.141 Constitution - Precedent

Constitution of India - Article 141- The object of Article 141 of the Constitution seems to be this: the pronouncement of a verdict by a bench on a particular issue of law (arising out of the facts involved) should settle the controversy, being final, and has to be followed by all courts as law declared by the Supreme Court. However, if a verdict is allowed to be reopened because a later different view appears to be better, the very purpose of enacting Article 141 would stand defeated. The prospect of opening up a further round of challenge before a succeeding bench, hoping that a change in composition will yield a different outcome, would undermine this Court's authority and the value of its pronouncements. A matter that is res integra may not be reopened or

revisited or else consistency in legal interpretation could be compromised and the special authority that is invested in decisions of this Court, under Article 141, lost. The weight and influence of that special authority depend on the credibility we, the Judges, give to it. As Judges of this Court, we are alive to the position that overturning a prior verdict by a later verdict does not necessarily mean that justice is better served. (Para 48) Judicial discipline, propriety and comity, which are also inseparable parts of a just and proper decision-making process, demand that a subsequent bench of different combination defers to the view expressed by the earlier bench, unless there is something so grossly erroneous on the face of the record or palpably wrong that it necessitates a re-look in exercise of inherent jurisdiction either by a review petition or through a curative petition. (Para 49) [Context: Supreme Court expressed concern about growing trend in Supreme Court of verdicts pronounced by Judges, whether still in office or not and irrespective of the time lapse since pronounced, being overturned by succeeding benches or specially constituted benches at the behest of some party aggrieved by the verdicts prior in point of time.]

Central Bureau of Investigation vs Sarvodaya Highways Ltd. 2025 INSC 1359 - S.482 CrPC - Economic Offences -OTS With Banks

Code of Criminal Procedure 1973 - Section 482 - Economic Offences -One-time settlement - Quashing of proceedings of a criminal case on strength of a compromise prohibited in cases where loss to public exchequer is evident and the offences under the PC Act, 1988 are applied (Para 30) -In cases involving economic offences, it is not merely the Bank that stands defrauded, but the society at large is also impacted - one-time settlement would not fetch the entire amount to which the Bank was otherwise entitled, had the cash credit account been maintained regularly - One-time settlements are, as a rule, effected under circumstances where the Bank under duress is compelled to accept lesser amount in order to secure the maximum possible recovery against the defaulting account. (Para 25-26)

New Delhi Nature Society vs Director Horticulture, DDA 2025 INSC 1358 - Wild life - Deer Population

Wild Life Conservation - The deer population at the Deer Park is a reminder that conservation is not merely the relocation of animals but an exercise in stewardship: preserving species, habitats, and the environmental ethos enshrined in our constitutional framework - Supreme Court issued directions to ensure that the welfare of the deer population is secured in accordance with the statutory framework prevailing in India and internationally accepted conservation guidelines/norms. (Para 22-24)

Constitution of India - Articles 21, 48A and 51A(g) - Articles 48A and 51A(g) embody a collective commitment to safeguard forests and wildlife and to act with compassion for all living beings, while Article 21 has been judicially recognized as encompassing the right to a clean and ecologically balanced environment. (Para 23)

In Re: “City Hounded By Strays, Kids Pay Price” 2025 INSC 1357 - Stray Dog Menace

Stray Dogs Menace -The menace of dog bites, particularly in public and private institutions that serve as spaces of learning, healing and recreation, thus constitutes not merely a public-health challenge but a matter of human safety concern. The State and its instrumentalities bear an affirmative obligation to ensure that no citizen, least of all children, elderly people and patients, are exposed to preventable injury or disease within public premises. (Para 24) Directions issued: It shall be the responsibility of the jurisdictional municipal body/authority to forthwith remove every stray dog found within the premises of an educational institution, hospital (public or private), sports complex, bus stand/depot (including Inter-State Bus Terminal) or railway station and to shift such animal/s to a designated shelter, after due sterilisation and vaccination, in accordance with the Animal Birth Control Rules, 2023. The stray dogs so picked up shall not be released back to the same location from which they were picked up. We have consciously directed the non-release of such stray dogs to the same location from which they were picked up, as

permitting the same would frustrate the very effect of the directions issued to liberate such institutional areas from the presence of stray dogs.

National Highways - Stray Animals -It is a matter of grave and continuing public concern that accidents caused by cattle and other stray animals on public roads and highways have become alarmingly frequent across the country. Such incidents, often resulting in loss of human life, grievous injuries, and damage to property, are not isolated events but symptomatic of a larger failure on the part of the administrative authorities entrusted with public safety. The uncontrolled presence of cattle and stray animals on National Highways, National Expressways, and State Highways, constitutes a serious and avoidable threat, particularly during night-time or in high-speed zones. Municipal authorities, road and transport department/Public Works Department of all the States and Union Territories and the National Highways Authority of India (NHAI) shall ensure the removal of all cattle and other stray animals from the State Highways, National Highways, and National Expressways falling within their respective jurisdictions. (Para 10)

**T. Manjunath vs The State of Karnataka; 2025 INSC 1356
-Prevention of Corruption Act - Sanction**

Prevention of Corruption Act 1988 - Section 19- The Explanation to Section 19(4) would become relevant and come into play only when the question of validity or otherwise of the sanction is under scrutiny before the appellate or the revisional forum as provided in sub-Section (3) of Section 19. (Para 38)

Criminal Trial - Prevention of Corruption Act - Exoneration in the departmental proceedings does not, ipso facto, furnish a ground for dropping the criminal charges more particularly in Trap Cases.(Para 33) The mere fact that a decoy/complainant in a trap case turns hostile would not adversely affect the case of prosecution and that conviction can be based even on the evidence of the trap laying officer, if found reliable and trustworthy. (Para 30) When a witness deposing on oath in a criminal trial resiles from the original version and does not support the

prosecution case, he would be liable to face prosecution for perjury. Under this pressure, the witness may choose to speak the truth. Thus, the mere fact that some of the witnesses did not support the department's case in the disciplinary proceedings would, by itself, not give any assurance that they would behave in the same manner at the criminal trial. (Para 31)

State of Himachal Pradesh v. M/s OASYS Cybernatics Pvt. Ltd.; 2025 INSC 1355 - Administrative orders - LoI - Tender

Administrative orders - Administrative orders must be read in light of the concomitant record, and that reasons need not be stated in haec verba in the communication, so long as they can be discerned from the file and are not post-hoc justifications. (Para 27) Cautioned against the practice of postfacto rationalisation, whereby authorities attempt to supplement or fabricate reasons after the decision has already been taken : Such afterthoughts cannot cure an inherently arbitrary action. The legitimacy of administrative reasoning must be tested with reference to the material that existed at the time the decision was made, not by subsequent embellishment- What is permissible is elucidation of contemporaneous reasoning already traceable on record; what is impermissible is the invention of fresh grounds to retrospectively justify an otherwise unreasoned order. (Para 28)

Letter of Intent (LOI) - LoI is, in the ordinary course, a precursor to a contract and not the contract itself- An LoI creates no vested right until it passes the threshold of final and unconditional acceptance. It is but a "promise in embryo," capable of maturing into a contract only upon the satisfaction of stipulated preconditions or upon the issue of an LoA. A bidder's expectation that such a contract will follow may be commercially genuine, but it is not a juridical entitlement. (Para 13-15)

Contract Law- The law of contract distinguishes between a promise to make a promise and a promise performed. The former is not legally binding until its contingencies are fulfilled. (Para 14)

Constitution of India - Article 226 - Tender Matters- Even when contractual rights are absent, the State's administrative discretion in

rescinding or cancelling an LoI is not unfettered. It remains subject to constitutional discipline, particularly the requirement that State action must not be arbitrary, unreasonable, or actuated by mala fides. (Para 20) The exercise of judicial power over administrative action in tenders is directed not at correcting the decision, but the decision-making process—the scope of review is confined to testing administrative action against the touchstones of illegality, irrationality, mala fides, and procedural impropriety—Judicial review in contract matters operates only where the action is “palpably unreasonable or absolutely irrational and bereft of any principle.” (Para 21-26)

State - The State, as a continuing juristic entity, is bound by its own representations in prior proceedings; its legal stance cannot oscillate with changes in political leadership. (Para 38)

Tender - State’s decision to cancel a tender or restart the process is itself an aspect of public interest. (Para 54)

Doctrine of legitimate expectation - This doctrine presupposes a clear and unambiguous representation by the State, followed by reliance and detriment. To invoke legitimate expectation against an explicit disclaimer would be to transform the doctrine from a shield against arbitrariness into a sword against caution — a proposition no Court can endorse. (Para 55)

Public Distribution System - Public Distribution System remains, for millions, the thin line between sustenance and deprivation. When projects of such public importance are delayed or derailed by procedural lapses, the ultimate cost is borne not by the contracting parties but by those at the last mile of governance.— It is therefore incumbent upon every stakeholder—the Government, its technical partners, and private participants—to treat such undertakings with the seriousness their human impact demands. Administrative caution and technological innovation must work hand in hand to ensure that reform does not lose sight of its moral anchor: service to the poorest. Future exercises in public procurement, particularly those that underpin welfare delivery, must thus be executed with greater institutional coherence, foresight, and accountability—so that legality, efficiency, and compassion operate

in concert, and the constitutional promise of equitable distribution finds tangible expression. (Para 57-58)

Popular Caterers v. Ameet Mehta 2025 INSC 1354 - Arbitration - CPC - Order XLI Rule 5

Code of Civil Procedure 1908 - Order XLI Rule 3,5 -For the purpose of granting of benefit of unconditional stay of the execution of money-decree, it has to be established more than *prima facie* that: (i) The decree is egregiously perverse, (ii) is riddled with patent illegalities, (iii) is facially untenable; and/or (iv) such other exceptional causes similar in nature. (Para 26) [Context: Supreme Court held that the case in hand does not fall in any of the aforesaid categories so as to seek the benefit of unconditional stay of the arbitral award which is in the form of a money-decree]

G.R. Selvaraj (D) v. K.J. Prakash Kumar 2025 INSC 1353 - Order XXI Rule 90(3) CPC

Code of Civil Procedure 1908 - Order XXI Rule 90(3) - Order XXI Rule 66(2)(a) - It would be incumbent upon a judgment debtor or any other interested person who applies for setting aside an execution sale, held thereafter, to satisfy the executing Court that the ground upon which the application was made could not have been taken on or before the date on which the proclamation of sale was drawn up. In effect, if such a ground could have been taken by that applicant who seeks setting aside of the sale but he failed to do so at the appropriate stage, he would stand barred, by Order XXI Rule 90(3) CPC, from doing so at a subsequent stage - In a given case, where a judgment debtor is not given notice prior to the sale, Order XXI Rule 90(3) CPC obviously cannot posit a bar to his raising a ground thereafter. (Para 17)

Shri Digant vs M/S. P.D.T. Trading Co. 2025 INSC 1352 - Art.226.227 Constitution - Judicial Order Of Civil Courts

Constitution of India - Article 226,227 - Judicial orders of civil courts are not amenable to a writ of certiorari under Article 226, though they may be questioned in the supervisory jurisdiction of the High Court under Article 227 of the Constitution. The power under Article 227 is intended to be used sparingly and only in appropriate cases for the purpose of keeping the subordinate courts and tribunals within the bounds of their authority and not for correcting mere errors. The power may be exercised in cases occasioning grave injustice or failure of justice such as when (i) the court or tribunal has assumed a jurisdiction which it does not have, (ii) has failed to exercise a jurisdiction which it does have, such failure occasioning a failure of justice, and (iii) the jurisdiction though available is being exercised in a manner which tantamounts to overstepping the limits of jurisdiction.

Samadhan Sitaram Manmothe v. State of Maharashtra 2025 INSC 1351 - Rape Cases -Promise Of Marriage

Indian Penal Code 1860 - Section 376 -Physical intimacy that occurred during the course of a functioning relationship cannot be retrospectively branded as instances of offence of rape merely because the relationship failed to culminate in marriage - Failed or broken relationships are given the colour of criminality. The offence of rape, being of the gravest kind, must be invoked only in cases where there exists genuine sexual violence, coercion, or absence of free consent. To convert every sour relationship into an offence of rape not only trivialises the seriousness of the offence but also inflicts upon the accused indelible stigma and grave injustice. Such instances transcend the realm of mere personal discord. The misuse of the criminal justice machinery in this regard is a matter of profound concern and calls for condemnation. (Para 28-29) The law must remain sensitive to such genuine cases where trust has been breached and dignity violated, lest the protective scope of Section 376 of the IPC be reduced to a mere formality for those truly aggrieved. At the same time, the invocation of this principle must rest upon credible evidence and concrete facts, and not on unsubstantiated allegations or moral conjecture. (Para 31) A woman who willingly

engages in a long-term sexual relationship with a man, fully aware of its nature and without any cogent evidence to show that such relationship was induced by misconception of fact or false promise of marriage made in bad faith from the inception, the man cannot be held guilty of rape under Section 376 of the IPC. (Para 35)

Indian Penal Code 1860 - Section 376(2)(n) - The expression “repeatedly” employed in the provision is of significance. It contemplates more than one act of sexual assault, committed at different points in time on the same victim. Courts have consistently interpreted this phrase to mean a series of acts that are separate in nature and not a continuation of a single transaction- In genuine cases under Section 376(2)(n) of the IPC, the pattern is usually unmistakable; it is an initial act of sexual assault, followed by multiple acts under fear, pressure, captivity, or continued deceit, often when the woman is rendered vulnerable and unable to escape the situation. (Para 21-22)

Inder Chand Bagri v. Jagadish Prasad Bagri 2025 INSC 1350 - IPC - Cheating - Breach Of Trust

Indian Penal Code 1860 - Section 415,420 - For establishing the offence of cheating, the complainant is required to show that the appellant-accused had a fraudulent or dishonest intention at the time of making a promise or representation of not fulfilling the partnership agreement. Such a culpable intention right at the beginning cannot be presumed but has to be made out with cogent facts.(Para 20)

Indian Penal Code 1860 - Section 405,406 - Every act of breach of trust may not result in a penal offence unless there is evidence of a manipulating act of fraudulent misappropriation of a property entrusted to him. In the case of criminal breach of trust, if a person comes into possession of the property and receives it legally, but illegally retains it or converts it to its own use against the terms of contract, then the question whether such retention is with dishonest intention or not and whether such retention involves criminal breach of trust or only civil liability would depend upon the facts and circumstances of the case. (Para 21)

Indian Penal Code 1860 - Section 405, 406, 415, 420 - For cheating, criminal intention is necessary at the time of making false or misleading representation i.e. since inception. In criminal breach of trust, mere proof of entrustment is sufficient. Thus, in case of criminal breach of trust, the offender is lawfully entrusted with the property, and he dishonestly misappropriated the same. Whereas, in case of cheating, the offender fraudulently or dishonestly induces a person by deceiving him to deliver a property. In such a situation, both offences cannot co-exist simultaneously. Consequently, the complaint cannot contain both the offences that are independent and distinct. The said offences cannot coexist simultaneously in the same set of facts as they are antithetical to each other. (Para 23)

Code of Criminal Procedure 1973 - Section 482 - Criminal law ought not to become a platform for initiation of vindictive proceedings to settle personal scores and vendettas- Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurise the accused. (Para 24-25)

Livein Aqua Solutions Pvt. Ltd. v. HDFC Bank Ltd., 2025 INSC 1349 - IBC - Defective Affidavit

Insolvency and Bankruptcy Code 2016 - Section 7 - Mere filing of a 'defective' affidavit in support of an application would not render the very application non est and liable to be rejected on that ground as it is neither an incurable nor a fundamental defect. (Para 17)

Practice and Procedure - Non-compliance with any procedural requirement relating to an application for relief should not entail automatic dismissal or rejection, unless the relevant statute or rule so mandates, and procedural defects and irregularities which are curable should not be allowed to defeat substantive rights or to cause injustice -Procedure, a handmaiden to justice, should never be made a tool to deny justice or perpetuate injustice, by any oppressive or punitive use. (Para 18)

Ashok Vitthalrao Jagtap v. State of Maharashtra 2025 INSC 1348 - Land Acquisition

Land Acquisition - No legal aspects discussed in the judgment - Supreme Court enhanced compensation.

Mohammadhanif Mohammadibrahim Patel v. Pallaviben Rajendra Kumar Patel 2025 INSC 1347 - CPC - Interim Relief - Appeal Against Dismissal Of Suit

Code of Civil Procedure 1908 - Section 96 - Order XLI - Just because the original suit came to be dismissed, that does not mean that in the pending appeal, the appellate court cannot grant appropriate relief as prayed for - he grant of appropriate relief is a discretionary power of the appellate court, and the same must be exercised judicially based on the well-settled principles of a *prima facie* case, irreparable injury, and balance of convenience- An appeal is considered a continuation of the original suit, and the appellate court has co-extensive power to grant appropriate interim relief to prevent irreparable injury and preserve the status quo pending the final disposal of the appeal. The first appellate court can re-examine both questions of fact and law and may re-appreciate the evidence on record. Its powers are as extensive as the original court's, meaning it can reconsider the need for interim protection- The court must weigh the potential injury to both parties. In a given case, the plaintiff whose suit has been dismissed may be in a position to highlight before the appellate court a palpable or gross error that might have been committed by the trial court and on the basis of which he may be in a position to argue that there are more than fair chances of his appeal being allowed.(Para 14-21)

S.R. Educational and Charitable Trust vs Asset Reconstruction Company (India) Ltd.; 2025 INSC 1346

Note: No legal aspects discussed in this judgment - The Supreme Court set aside DRAT's review order increasing the pre-deposit and restored the original deposit terms.

Atul J Doshi vs Pramukh Properties and Developers Pvt. Ltd.; 2025 INSC 1345 - Order XV-A CPC (Bombay Amendment)

Order XV-A (Bombay Amendment) - In a suit based on lessor-lessee or licensor-licensee relationship for eviction and arrears of rent, the Court, in exercise of its discretion, can direct the lessee or licensee, as the case may be, to pay arrears of regular rent or license fee, as the case may be and further payment of month to month rent or license fee, otherwise, the defense of the licensee can be struck off - **Ingredients:** first, lessor or licensor must file a suit for eviction; second, the said suit consists of a prayer with or without arrears of rent or license fee and future mesne profit; third, in such suit, there must be a direction on account of arrears up to the date of order by the court; fourth, on such direction, the defendant shall deposit such amount as ordered within the time specified and continue to deposit in each succeeding month the rent or license fee, claimed till decision; fifth, in case of any default made by the lessee or licensee, the defense can be struck off following the procedure as prescribed in Rule 2; sixth the amount so deposited shall be paid to the plaintiff. (Para 18-19)

In Re: T. N. Godavarman Thirumulpad vs Union Of India 2025 INSC 1344 - Practice & Procedure - Judiciary

Practice and Procedure - Judiciary - High Courts are not inferior to the Supreme Court. However, as and when, on the judicial side, the Supreme Court is seized of a matter, the High Court is expected to give due respect to the proceedings pending before this Court. (Para 14)

State of Karnataka v. State of Tamil Nadu 2025 INSC 1343 - Water Sharing

Water Sharing - Every State is free to utilise water allotted to its quota in the manner it finds to be in the best interest of the State. No other State has a right to interfere with the decision regarding the

management and use of water allotted to a particular State unless by such act the water allotted to that State is reduced. (Para 29)

Balaji Steel Trade v. Fludor Benin S.A 2025 INSC 1342 - Arbitration Act - Foreign Seated Arbitration

Arbitration and Conciliation Act 1996 -Part I - Indian Courts have no jurisdiction to appoint an arbitrator for a foreign-seated arbitration, irrespective of the nationality or domicile of the parties (Para 30)- Part I of the 1996 Act has no application to arbitrations seated outside India. The seat has a juridical significance in arbitration law: it determines the courts that exercise supervisory jurisdiction over the arbitral proceedings. (Para 24)

Arbitration and Conciliation Act 1996 - Section 8,11(6) -Once there is refusal to refer to arbitration under Section 8 of the Act, 1996, parties thereafter cannot seek reference to arbitration under Section 11(6) as the earlier refusal under Section 8 amounts to issue estoppel. (Para 37)

Group of companies doctrine- The doctrine is not an automatic talisman for impleading every corporate entity of a group into arbitral proceedings- The doctrine is applied sparingly and only where there is compelling evidence of mutual intention of all the parties concerned to bind a non-signatory to an arbitration agreement. Such intention may be inferred from direct participation in negotiation, performance of contract, or from the role played in the overall transaction. However, a mere overlap of shareholding, or the fact that entities belong to the same corporate family, is not by itself sufficient. (Para 40)

Arbitration Clause - Where several contracts coexist, the arbitration clause of the mother agreement governs the dispute unless a later contract unequivocally replaces it. (Para 29)

Indian Contract Act, 1872 - Section 62- The absence of cross-references or language of substitution makes it impossible to infer novation under Section 62. (Para 29)

In Re: 2 Million Lives at Risk, Contamination in Jojari River, Rajasthan 2025 INSC 1341

Environment Law ; Constitution of India- Article 21 - Environmental protection is not a matter of administrative choice but a constitutional imperative- The right to life under Article 21 includes the right to a clean, healthy and ecologically balanced environment - where environmental degradation threatens life, health and ecological balance, the State must act with urgency, competence and foresight, and constitutional courts are duty-bound to intervene when such obligations are not met. (Para 15) [Context: The Supreme Court set up a High-Level Ecosystem Oversight Committee to address severe pollution in Rajasthan's Jojari, Bandi, and Luni rivers]

P.U. Sidhique v. Zakariya 2025 INSC 1340 - Kerala Rent Control Act

Kerala Buildings (Lease and Rent Control) Act, 1965 - Sections 11(2)(b), 12(1), 12(2), 12(3), 18 - The contention that in an Appeal challenging an eviction order under Section 12(3) , a fresh application under Section 12(1) is mandatory, is contrary to the explicit language of Sections 12 and 18 - Sections 12(1) and 12(3) procedure is to be primarily followed by the Rent Controller. It is essentially in cases where supervening events have taken place during the pendency of Appeal, that the parties have the liberty to file an application under Section 12 of the Act, 1965 once again before the Appellate Authority like where rent has been paid till the date of filing of the Appeal, but by the time the Appeal has matured for hearing, further rent has accrued, which has not been paid. In such a case, it would be open to the Appellate Authority to entertain a fresh application under Section 12(1) by the landlord and decide the same in accordance with the procedure stipulated under Section 12 (Para 32)

Interpretation of Statutes - While it is true that it is not for the Courts to reject or refuse to give effect to legislation merely on the grounds that the clear meaning of the legislation appears absurd to the judiciary, when forced to construe a provision, the meaning of which is open to question they will lean against any construction that would produce a result which appears to them to be absurd or unjust. (Para 34) More absurd a suggested conclusion of construction is, the more the Court will lean against that conclusion that is ordinarily so whether one is construing a contract or a statute. (Para 35) Courts must balance textual fidelity with interpretive wisdom, ensuring that laws are not applied mechanically without considering context or equity; but serve as true vehicles for the administration of justice. (Para 36)

Precedents -A judgment is not to be read like an Enactment or Statute. (Para 40)

Robert Lalchungnunga Chongthu v. State of Bihar; 2025 INSC 1339 - S.173(8) CrPC - Supplementary Chargesheet - Delay In Investigation

Constitution of India - Article 21 - Criminal Investigation-Code of Criminal Procedure 1973- Section 173(8),482- Right to speedy trial is an important facet of Article 21- Timely completion of investigation is inherent thereto. (Para 14) - It may be true that no strict timelines are provided in the CrPC, but it is equally so that investigations are to be completed in reasonable time. (Para 17) Article 21 would be impacted would be a situation where no reason justifiable in nature, can be understood from record for the investigation having taken a large amount of time. The accused cannot be made to suffer endlessly with this threat of continuing investigation and eventual trial proceedings bearing over their everyday existence. (Para 19) Directions issued: The 'leave of the court' to file a supplementary chargesheet, is a part of Section 173(8) CrPC- The Court is not rendered functus officio having granted such permission. Since the further investigation is being made with the leave of the Court, judicial stewardship/control thereof, is a function which the court must perform- If the Court finds or the accused alleges (obviously with proof and reason to substantiate the allegation) that there is a large gap between the first information report and the culminating

chargesheet, it is bound to seek an explanation from the investigating agency and satisfy itself to the propriety of the explanation so furnished-If investigation into a particular offence has continued for a period that appears to be unduly long, that too without adequate justification, such as in this case, the accused or the complainant both, shall be at liberty to approach the High Court under Section 528 BNSS/482 CrPC, seeking an update on the investigation or, if the doors of the High Court have been knocked by the accused, quashing. It is clarified that delay in completion of investigation will only function as one of the grounds, and the Court, if in its wisdom, decides to entertain this application, other grounds will also have to be considered. (Para 21)

Code of Criminal Procedure 1973- Section 197- The avowed object of sanctions being granted before cognizance is to ensure that the threat of criminal prosecution does not hang over the heads of the officials in discharge of their public duty. At the same time, it is not intended to protect officers who have transgressed the boundaries of their duty for some act/benefit which otherwise would not be termed acceptable. An aspect connected with this object, is that the authority granting sanction does not do so mechanically. This is a layer of protection envisioned by this Section. In other words, when allegations are made, it is not for the authorities to grant sanction simply on the basis of the allegations but it is also that they should examine the materials placed by the investigating agency and come to a *prima facie* satisfaction thereon, about the officer having some or the other involvement in the alleged offence/crime -The order of granting or refusing sanction must show application of mind If sanction is based on what can at best be described as vague statements such as “on perusal of the documents and evidences mentioned in Case Diary available”, this protection would be obliterated. (Para 12) Application of mind by the authorities granting or denying sanction must be easily visible including consideration of the evidence placed before it in arriving at the conclusion.(Para 21(iv))

Interpretation of Statutes - When a legislation or a rule does not provide for limitation/time limit for a particular aspect, the same is to be governed by the standard of reasonable time. (Para 8)

Arms Act - 2(g),13(2A) - Calling for a police verification report is mandatory and the same is to be sent to the licensing authority within a prescribed time. (Para 7)

In Re : Issue Relating To Definition Of Aravali Hills & Range 2025 INSC 1338

Environmental Law - Aravali Hills and Ranges exhibit ecological fragility, and it is also an area comprising of significant biodiversity. Not only that it acts as a green barrier thereby preventing desertification in the IndoGangetic plains, Haryana and western Uttar Pradesh (Para 35). Supreme Court accepted (1) Recommendations made by the Committee with regard to the definition of Aravali Hills and Ranges given by MoEF&CC (2) the recommendations with regard to the prohibition of mining in core/inviolate areas with exception as carved out in paragraph 7.3.1 of the Committee's Report (3) the recommendations for sustainable mining in Aravali Hills and Ranges and the steps to be taken for preventing illegal mining in Aravali Hills and Ranges; Further Directions issued. (Para 50)

Rikhab Chand Jain v. Union of India 2025 INSC 1337 - Art.226 -Writ Jurisdiction- Alternative Remedy -Limitation

Constitution of India - Article 226 - Exhaustion of a statutory remedy provided by an enactment before invoking the writ jurisdiction of a high court under Article 226 of the Constitution can be traced to one of several self imposed restrictions - Unless any of the exceptions [challenge to an act/order grounded on (i) breach of a Fundamental Right; (ii) violation of natural justice principles; (iii) lack of jurisdiction; and (iv) unconstitutionality of a statute] is satisfied, a writ court may refuse to entertain a writ petition- availability of an alternative statutory remedy does not oust the jurisdiction of a writ court -While deciding whether to entertain a petition under Article 226 bearing in mind the precedents in the field, a writ court ought to additionally notice the

forum designated by the statute for the litigant to approach. This is necessary because the alternative forum that is provided by the statute has to be one which can dispense speedy and efficacious relief- If the statutorily designated alternative forum happens to be the high court itself whose jurisdiction under Article 226 is invoked and not any ordinary statutory functionary/tribunal, refusal to entertain the petition should be the rule and entertaining it an exception- if a remedy is available to a party before the high court in another jurisdiction, the writ jurisdiction should not normally be exercised on a petition under Article 226, for, that would allow the machinery set up by the concerned statute to be bye-passed (Para 7- 10)

Constitution of India - Article 226 - There is no period of limitation for invoking the writ jurisdiction of a High Court under Article 226, all that the courts insist is invocation of its jurisdiction with utmost expedition and, at any rate, within a “reasonable period”. What would constitute “reasonable period” cannot be put in a straight-jacket, and it must invariably depend on the facts and circumstances of each particular case. Nonetheless, the period of limitation prescribed by an enactment for availing the alternative remedy provided thereunder in certain cases does provide indication as to what should be the “reasonable period” within which the writ jurisdiction has to be invoked.

Umesh Yadav vs State of Bihar 2025 INSC 1336 - Juvenile Justice - Ossification test

Juvenile Justice - Ossification test - When school records or reliable certificates are unavailable or suspected to be tampered with, courts may rely on medical determination with a margin of error of 2 years on the lower or higher side applied to it. (Para 5)

Jalgaon District Central Coop. Bank Ltd. v. State of Maharashtra 2025 INSC 1335 - EPF - SARFAESI

Interpretation of Statutes - When there are two enactments conferring priority in satisfaction of a debt coming under the respective

enactments, by virtue of a non-obstante clause overriding the provisions of any law in force at that time, the time in which the statute was enacted or the provision was incorporated, assumes significance and the provision latter in time would prevail. However, if there is a first charge statutorily created, validly, dehors the non obstante clause conferring priority over other debts, the statutory charge would prevail. (Para 25)

Bharat Kantilal Dalal (D) v. Chetan Surendra Dalal 2025 INSC 1334-Order XXI Rule 22 CPC

Code of Civil Procedure 1908- Order XXI Rule 22 - The executing court is under an obligation to issue notice to the person against whom a decree is sought to be executed in the circumstances enumerated therein. The mandate of Order 21 Rule 22 (1) stands on two independent and mutually reinforcing foundations (i) the statutory compulsion-the use of word 'shall' in the provision leaves no discretion to the executing court in the circumstances enumerated therein, (ii) it incorporates the principles of natural justice as the legal representative of the deceased cannot be proceeded unless he is given an opportunity to contest the execution. Thus, the requirement of notice under Order 21 Rule 22 (1) to the persons enumerated therein is not a mere procedural courtesy but is the very foundation of the jurisdiction when the execution is sought against the estate of the deceased judgment debtor. (Para 14-15)

Arbitration and Conciliation Act, 1996 - The Act is a self-contained code and is founded upon principles of party autonomy, expedition and finality. The legislative design of the Act restricts judicial interference. (Para 19)

In Re : Assent, Withholding Or Reservation Of Bills By Governor And President Of India 2025 INSC 1333

Constitution of India - Article 200,201 - In the absence of constitutionally prescribed time limits, and the manner of exercise of power by the Governor, it would not be appropriate for this Court to judicially prescribe timelines for the exercise of powers under Article

200. -For similar reasoning as held with respect to the Governor, the President's assent under Article 201 too, is not justiciable- For the same reasons as indicated in the context of the Governor under Article 200, it is clarified that the President, too, cannot be bound by judicially prescribed timelines in the discharge of functions under Article 201. (Para 165) - On the aspect of timelines, Paragraphs 260-261 of the judgment in [State of Tamil Nadu vs Governor](#), pertaining to the imposition of timelines on the Governor under Article 200 are erroneous - observations applicable to the President under Article 201, or conclusions thereof on this aspect, are merely obiter, and ought to be treated as such. (Para 114)

Constitution of India - Article 200,201,143-- In our constitutional scheme, the President is not required to seek advice of this Court by way of reference under Article 143, every time a Governor reserves a Bill for the President's assent. The subjective satisfaction of the President is sufficient. If there is a lack of clarity, or the President so requires advice of this Court on a Bill, it may be referred under Article 143, as it has been done on numerous previous occasions.

Constitution of India - Article 200, 201, 143 - The decisions of the Governor and President under Articles 200 and 201 respectively, are not justiciable at a stage anterior into the law coming into force. It is impermissible for the Courts to undertake judicial adjudication over the contents of a Bill, in any manner, before it becomes law. Pertinently, discharge of its role under Article 143, does not constitute 'judicial adjudication'. (Para 165)

Constitution of India - Article 200,142- The exercise of constitutional powers and the orders of the President/Governor cannot be substituted in any manner under Article 142, and we hereby clarify that the Constitution, specifically Article 142 even, does not allow for the concept of 'deemed assent' of Bills- The Governor's legislative role under Article 200 cannot be supplanted by another constitutional authority. (Para 165)

Constitution of India - Article 200,201 - The Governor has three constitutional options before him, under Article 200, namely - to assent, reserve the Bill for the consideration of the President, or withhold assent

and return the Bill to the Legislature with comments. The first proviso to Article 200 is bound to the substantive part of the provision, and restricts the existing options, rather than offering a fourth option. Pertinently, the third option – to withhold assent and return with comments – is only available to the Governor when it is not a Money Bill- The Governor enjoys discretion in choosing from these three constitutional options and is not bound by the aid and advice of the Council of Ministers, while exercising his function under Article 200.(Para 165)

Constitution of India - Article 32,226, 200,201 - The discharge of the Governor's function under Article 200, is not justiciable. The Court cannot enter into a merits review of the decision so taken. However, in glaring circumstances of inaction that is prolonged, unexplained, and indefinite – the Court can issue a limited mandamus for the Governor to discharge his function under Article 200 within a reasonable time period, without making any observations on the merits of the exercise of his discretion.(Para 165)

Constitution of India - Article 361,200 - Article 361 of the Constitution is an absolute bar on judicial review in relation to personally subjecting the Governor to judicial proceedings. However, it cannot be relied upon to negate the limited scope of judicial review that this Court is empowered to exercise in situations of prolonged inaction by the Governor under Article 200- While the Governor continues to enjoy personal immunity, the constitutional office of the Governor is subject to the jurisdiction of this court. (Para 165)

Constitution of India - Article 200.201 - When the Bill is returned to the Governor, he is still left with two options – either to grant his assent, or to refer it to the President for his consideration. This power to reserve a Bill for the President's consideration, is irrespective of whether the Bill is returned by the Legislature in its amended or unamended form. (Para 99)

Constitution of India - Article 143- The reasoning of majority in the 7-judge bench decision of In Re: Special Courts Bill is compelling, insofar as it holds that our opinion may even go so far as to “overrule, if necessary”, the view taken earlier by this very Court. Pertinently, the

Court in Natural Resources Allocation, reiterated that this Court has the power to overrule a previous view. (Para 20) “Sitting in appeal” would mean the variation, or vacation of the operative order in a concluded lis - Article 143 cannot be invoked to overturn a concluded adjudication inter-se parties, but this cannot be conflated with the authority of this Court to answer general questions of law referred to it by the Hon’ble President, that hold constitutional importance. (Para 27)

Constitution of India - Article 143- A reference can be found to be maintainable, yet, this Court, upon analysing the issues and after careful consideration, may still conclude that it would be in the larger interest, to decline to answer a question (or questions). The discretion that is exercisable to decline answering a question when it is over broad, superfluous, political, or not serving any constitutional purpose – undoubtedly remains. (Para 29)

Constitution of India - Article 143- There is neither a particular format prescribed, nor a specific pattern while framing a reference. A reference is certainly not to be returned unanswered, on either of these counts, and rather require “appropriate analysis, understanding and appreciation of the content or the issue on which doubt is expressed, keeping in view the concept of constitutional responsibility, juridical propriety and judicial discretion”.

Federalism - Federalism is part of the basic structure or that it is a basic feature of the Constitution of India. (Para 56) Nature of Indian federalism- States are entitled to determine the legislative policy within the legislative spheres constitutionally allotted to them subject to the constitutional provisions and framework. What can be observed is that this Court’s understanding of the nature of Indian federalism is not unidimensional. Rather, the court has consciously adapted its view of the nature of federalism under the Constitution and tailored its judgments to suit the organic needs of the Constitution. It would be an error to conclude that the Court has shifted away from earlier approaches on federalism and adopted new ones. It has only analyzed the varied constitutional questions posed before it from different perspectives and commented on aspects of Indian federalism. No one description - federal, quasi federal, federalism with unitary bias, pragmatic federalism, cooperative federalism or asymmetrical federalism, captures

the nature of Indian federalism in its entirety, but each contributes to a unique perspective of understanding the nature of Indian federalism. (Para 63)

Constitution of India -Article 163, 200- Article 200 of the Constitution confers discretionary powers on the Governor. (Para 73) Governor has no option to withhold a Bill simpliciter. Therefore, it is not that the discretion so conferred, allows a situation wherein the Governor could frustrate a Bill in perpetuity. The three clear options that he has, is to grant assent, withhold assent and return the Bill to the legislature for reconsideration, or reserve the Bill for consideration of the President, and he can exercise his discretion in choosing any of these three options, having given due regard to the aid and advice tendered by the Council of Ministers, and keeping in mind his duty – to protect and defend, the Constitution. (Para 97)

Constitution of India -Article 142- Article 142 cannot be invoked to achieve results that are contrary to the Constitution, or statutory provisions. (Para 120)

**Govt. of Tamil Nadu v. P.R. Jaganathan; 2025 INSC 1332 -
Acquisition - Settlement - Art. 226 Constitution**

Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 - Section 7,12 -Sections 7(2) and 7(4) of the 1997 Act exhibit a laudable objective. They facilitate land owners or interested persons to negotiate and arrive at an agreement on the amount of compensation to be paid. Once such an agreement is arrived at, it becomes a concluded contract under Section 3 of the Indian Contract Act, 1872. The rights and liabilities of the parties would only be governed by the terms of the contract. Hence, a contract voluntarily entered into between the parties, shall not be disturbed by taking recourse to the statutory provisions, which are sought to be excluded by such contract. A party to a contract cannot be permitted to have recourse to two different modes, especially after having accepted the compensation under the contract without any demur or protest. It is not open to either of the parties to resile from the terms of the agreement arrived at. (Para 21)

Settlement -A settlement arrived at under the concerned statute cannot be allowed to be reopened or modified. (Para 24)

Constitution of India - Article 226 -The power under Article 226 of the Constitution of India is both discretionary and extraordinary. Unless circumstances so warrant, there shall not be any interference in a concluded contract. (Para 24)

Talli Gram Panchayat vs Union of India; 2025 INSC 1331 - NGT Act - Limitation

National Green Tribunal Act, 2010 -Section 16(h) - The period of limitation for filing an appeal will commence from the earliest of the date on which the communication is carried out by any of the duty bearers- When obligation to communicate the decision vests in multiple authorities, it is appropriate to infer that the communication is complete when the ‘person aggrieved’ receives information from the earliest of the communication. (Para 10-14)

Environmental Law - Environmental issues are not always adversarial, rather they operate as public law concerns. (Para 6)

Madras Bar Association vs Union of India, 2025 INSC 1330 -Tribunals Reforms Act Unconstitutional

Tribunals Reforms Act, 2021 - They violate the constitutional principles of separation of powers and judicial independence, which are firmly embedded in the text, structure, and spirit of the Constitution. The Impugned Act directly contradicts binding judicial pronouncements that have repeatedly clarified the standards governing the appointment, tenure, and functioning of tribunal members. Instead of curing the defects identified by this Court, the Impugned Act merely reproduces, in slightly altered form, the very provisions earlier struck down. This amounts to a legislative override in the strictest sense: an attempt to nullify binding judicial directions without addressing the underlying constitutional infirmities. Such an approach is impermissible under our

constitutional scheme. Because the Impugned Act fails to remove the defects identified in prior judgments and instead reenacts them under a new label, it falls afoul of the doctrine of constitutional supremacy. Accordingly, the impugned provisions are struck down as unconstitutional. (Para 142)

Directions issued: Unless the constitutional concerns repeatedly highlighted by this Court in the series of tribunal related judgments are fully addressed and cured, and unless Parliament enacts an appropriate legislation that faithfully gives effect to those principles, the principles and directions laid down in MBA (IV) and MBA (V) shall continue to govern all matters relating to the appointment, qualifications, tenure, service conditions, and allied aspects concerning tribunal members and chairpersons- Granted Union of India a period of four months from the date of this judgment to establish a National Tribunals Commission. The commission so constituted must adhere to the principles articulated by this Court, particularly concerning independence from executive control, professional expertise, transparent processes, and oversight mechanisms that reinforce public confidence in the system - The service conditions of all such Members of ITAT who were appointed by orders dated 11th September 2021 and 1st October 2021 shall be governed by the old Act and the old Rules. 155. We also clarify that all appointments of Members and Chairpersons whose selection or recommendation by the Search-cum-Selection Committee was completed before the commencement of the Tribunal Reforms Act, 2021, but whose formal appointment notifications were issued after the Act came into force, shall be protected. Such appointments will continue to be governed by the parent statutes and by the conditions of service as laid down in MBA (IV) and MBA (V), rather than by the truncated tenure and altered service conditions introduced by the Tribunal Reforms Act, 2021. (Para 151-155)

Legislation - Once the Court has struck down a provision or issued binding directions after identifying a constitutional defect, Parliament cannot simply override or contradict that judicial decision by reenacting the very same measure in a different form. What Parliament may legitimately do is to cure the defect identified by the Court, whether by altering the underlying conditions, removing the constitutional infirmity, or restructuring the statutory framework in a manner consistent with the

Court's reasoning. A valid legislative response must therefore engage with and remedy the constitutional violation pointed out by the judiciary. It cannot merely restate or repackage the invalidated provision. (Para 116)

Constitution of India - Article 32 - While the Court cannot require Parliament to enact a law in a particular form, it unquestionably retains the authority, and indeed the constitutional obligation, to examine the validity of any law that Parliament enacts. Judicial review is a basic feature of the Constitution. If a legislative measure infringes fundamental rights, violates structural principles such as separation of powers or judicial independence, exceeds legislative competence, or frustrates binding constitutional directions, the Court may strike it down. The inability to compel Parliament to legislate in a specific manner does not translate into an obligation to blindly accept any law that Parliament enacts. (Para 122)

Constitution of India - Article 32, 136, 141, 226, and 227 - Judicial independence is inseparable from the guarantee of judicial review, and judicial review itself is the mechanism that ensures that all State action (legislative, executive, or judicial) conforms to the Constitution. Similarly, the doctrine of separation of powers is not merely philosophical. It underwrites the very distribution of authority among the three branches of government. It is reflected in Articles 32, 136, 141, 226, and 227 of the Constitution, which vest the judiciary with the power to interpret the law, enforce fundamental rights, and supervise subordinate courts and tribunals. It is also embedded in provisions relating to appointment, tenure, and removal of judges, all of which insulate the courts from executive dominance. (Para 125)

Principle of constitutional supremacy- Indian constitutional framework does not subscribe to parliamentary sovereignty, nor does it vest unqualified supremacy in the judiciary. The architecture of our Constitution is firmly rooted in the principle of constitutional supremacy (Para 110)- Parliament, like every other institution under our constitutional scheme, must operate within the bounds of the Constitution. Its discretion is broad but not absolute. It must respect the principles of separation of powers, the guarantees of fundamental rights, and the structural values (such as judicial independence) that are part of

the basic framework of our constitutional order. (Para 117) Our Constitution mandates the supremacy of the Constitution. The underlying principles embodied in it guide not only the judiciary, but also the legislature and the executive. While the function of the judiciary is to interpret, protect, and expand these foundational principles, the legislature and the executive are entrusted with the duty to give effect to them through law and governance. In their distinct spheres of action, each organ of the State remains bound by a common constitutional obligation: respect for and adherence to the supremacy of the Constitution. It is this shared responsibility that ensures the unity of purpose within the framework of the separation of powers. (Para 2)

Rajeswari v. Shanmugam ; 2025 INSC 1329 - Specific Relief Act - Registration Act

Registration Act, 1908 - Section 17(1)(e) - Specific Relief Act -
The assignment deed assigning the decree of specific performance does not require registration (Para 34) The decree of specific performance does not create or purport to create any right, title or interest in any immovable property- Registration is mandatory only for non-testamentary instruments transferring or assigning any decree or order of a Court or any award when such decree or order or award purports or operates to create, declare, assign, limit or extinguish, whether in present or in future, any right, title or interest, whether vested or contingent, of the value of one hundred rupees and upwards, to or in immovable property. (Para 26)

All India Judges Association vs Union of India - 2025 INSC 1328 - Higher Judicial Service - Determination Of Seniority - 4-Point Roster

Judicial Service - Determination of seniority within the cadre of Higher Judicial Services (HJS) recruited as (i) Regular Promotees (RP); (ii) those promoted through the Limited Departmental Competitive Examinations (LDCE); and (iii) Direct Recruits (DR) - Continuous length of service ought to be the

criterion for determining inter se seniority in the HJS, subject to the further condition that all appointees in a single recruitment year are placed against their respective annual roster points, regardless of the actual date of appointment.(Para 81) - Career progression to the higher echelons of the judiciary is neither a matter of right nor of entitlement.(Para 52) - The seniority of officers within the HJS shall be determined through an annual 4-point roster, filled by all officers appointed in the particular year in the repeating sequence of 2 RPs, 1 LDCE, and 1 DR- Only if the recruitment process is completed within the year after which it was initiated and no other appointments, from any of the three sources, have already taken place in respect of the recruitment initiated for that subsequent year, shall the officers belatedly so appointed be entitled to seniority as per the roster of the year in which recruitment was initiated- If the recruitment process is not initiated for vacancies arising in a given year in the same year, the candidate filling such vacancy, in subsequent recruitment, shall be granted seniority within the annual roster of the year in which the recruitment process is finally concluded and appointment is made - After the recruitment of DRs and LDCEs is complete for a particular year, the positions falling in their quota that remain unfilled due to lack of suitable candidates shall be filled through RPs, subject to such RPs being placed only on subsequent RP positions in the annual roster; and the vacancies in the subsequent year shall be computed so as to apply the proportion of 50:25:25 to the entire cadre- The statutory rules governing the HJS in the respective States, in consultation with the High Courts, shall prescribe the exact modalities of the Annual Roster and how the directions of this judgement shall be implemented. (Para 100)

Sri Lakshmi Hotel Pvt. Limited v. Sriram City Union Finance Ltd. 2025 INSC 1327 - Arbitration Act - Exorbitant Interest - Public Policy

Arbitration and Conciliation Act 1996 - Section 34 - Any difference or controversy as to rate of interest clearly falls outside the

scope of challenge on the ground of conflict with the public policy of India unless it is evident that the rate of interest awarded is so perverse and so unreasonable so as to shock the conscience of the Court sans which no interference is warranted in the award, whereby interest is awarded by the Arbitrator (Para 53)- The question as to whether the charging of a high rate of interest in the case of a purely commercial transaction is morally wrong entails a complex web of issues that would be contingent upon a variety of factors and perspectives - In the commercial world, justifiability or reasonability of high interest rates would depend on the transparency of the terms and conditions of the contract entered into between the lender and the borrower, as well as the informed consent of the borrower. Ultimately, morality is inherently dependent on context, shaped by a complex interplay of cultural norms, as well as individual values. The moral implications of high interest rates are not absolute, rather they must be assessed through a nuanced lens that considers the inter-relationship between economic, social, and regulatory factors. (Para 49) [Context: In this case, SC held that interest at the rate of 24% as provided in the agreements between the parties could not be said to be against public policy and observed: It cannot be said that the imposition of an exorbitant interest in the background of contemporary commercial practices, would be against the fundamental policy of Indian Law, or against the basic notions of morality or justice]

Arbitration and Conciliation Act 1996 - Section 31 -The grant of post-award interest under Section 31(7)(b) is mandatory. The only discretion which the arbitral tribunal has is to decide the rate of interest to be awarded. Where the arbitrator does not fix any rate of interest, then the statutory rate, as provided in Section 31(7)(b), shall apply.- Unless there is an express bar contained in the agreement, the arbitrator possesses the discretion and has jurisdiction to award interest including the post-award interest.

Confederation of Real Estate Developers of India (CREDAI) vs Vanashakti 2025 INSC 1326 - Environment Protection Act - Ex Post Facto EC - Vana Shakthi Judgment Recalled

Environment (Protection) Act -Section 15 - 2017 EIA Notification - Supreme Court recalls its judgment in [Vanashakti v. Union of India](#) - By 2:1 majority, SC held: Demolition of the projects already completed would rather than being in public interest would result in throwing the valuable public resources in dustbin- if the Judgment Under Review (JUR) is permitted to operate rather than protecting the environment, it would result in creating even more pollution- If such large number of buildings/projects which have been completed or are near completion are demolished and they could be reconstructed shortly thereafter after obtaining EC as they were otherwise permissible; it would result in nothing but creating more pollution which could not have been the intention of the JUR-Section 15 deals with the aspect of penalty alone. Neither does it permit nor prohibit the regularization of the underlying project. Thus, the observations in JUR that perusal of the provisions contained in Section 15 of the EP Act, shows that even after the payment of penalty if the project is under construction, the same has to be stopped and demolished, and even if the operation has already commenced, the same has to be stopped and demolished, does not correctly interpret the provisions of Section 15 of the EP Act. (Para 100 of CJI Judgment)

Precedent - A Bench of two-Judges is bound by an earlier view taken by the other two-Judge Benches. If, however, a subsequent Bench of two Judges considers the law laid down earlier by another two-Judges Bench requires reconsideration, the only option available to it is to refer the matter to a larger Bench. A Bench of two-Judges cannot take a view contrary to the view taken by a Bench of co-equal strength- The judgment delivered by a subsequent Bench of two Judges in ignorance of the earlier judgment of a Bench of co-equal strength is per incuriam in law. (Paras 82,83 & 122 of CJI Judgment)

In Re: Corbett 2025 INSC 1325 - Tiger Safari

Environmental Law - It is Court's duty to adopt restorative measures that ensure environmental degradation is firstly mitigated and then reversed and restored to its original form, while also prioritising mitigation of future risk to the environment [Context: Supreme Court

issued various directives regarding Tiger Safaris and Tiger Reserves and also on resorts and eco-tourism.]

South Delhi Municipal Corporation v. Bharat Bhushan Jain; 2025 INSC 1324 - Building Reconstruction

Buildings - Supreme Court allowed purely residential reconstruction, rejected SDMC's push for mandatory ground-floor commercial use, and imposed costs and observed: The argument canvassed on behalf of the appellant (SDMC) defies logic that the respondents may continue to reside in the dilapidated house, but if they want to put up new construction, then it has to be commercial on the ground floor and upper floor as residence. Even the notification, which we have referred to above, does not support the case put forward by the appellant in any manner.

Prashant Prakash Ratnaparki v. State of Maharashtra 2025 INSC 1323 - IPC/BNS - Dacoity

Indian Penal Code 1860 - Section 378, 392,395 [Sections 303, 309,310 BNS] - To sustain a charge of dacoity under Section 310(2) of the BNS [Section 395 of the IPC], the offence of robbery [Section 309 of the BNS/Section 392 of the IPC] must first be established. Robbery, in turn, is an aggravated form of theft or extortion. A foundational element of 'theft' as defined under Section 303 of the BNS [Section 378 of the IPC] is 'dishonest intention', i.e., the intention to cause wrongful gain to one person or wrongful loss to another.

Raj Kumar @ Bheema v. State of NCT of Delhi; 2025 INSC 1322 -Ss. 144,145 Evidence Act

Indian Evidence Act 1872 - Section 144,145 [Section 147,148 BSA] -Wherever questions are required to be put as to the matters in writing/previous statements in writing, the attention of the witness must be drawn to the document/statement itself- None of the parties should

be put to a dis-advantage merely because the witness is not in attendance before the Court, and the document/previous statement in writing with which such witness is sought to be confronted, cannot be shown/put to him -In every case where, it is proposed to record the statement of a witness over video conferencing and any previous written statement of such witness or a matter in writing is available and the party concerned is desirous of confronting the witness with such previous statement/matter in writing, the trial Court shall ensure that a copy of the statement/document is transmitted to the witness through electronic transmission mode and the procedure provided under Section 147 and Section 148 of the Bharatiya Sakshya Adhiniyam (corresponding Section 144 and Section 145 of the Evidence Act) is followed in the letter and spirit, so as to safeguard the fairness and integrity of the trial. (Para 46-48)

Criminal Trial - Test Identification Parade - While the refusal of the accused to participate in the TIP may, *prima facie*, invite an adverse inference, mere such inference cannot support the theory of identification when the very authenticity of the TIP is under a serious cloud of doubt. When it stands established from the record that the TIP attempted by the prosecution was fundamentally flawed, and a doubt is created that the identifying witness herself may not even have been present to participate therein, the very foundation of the identification proceedings falls flat to the ground. (Para 65) Where the witnesses have had an opportunity to see the accused prior to the holding of the TIP, the evidentiary worth of such proceedings stands considerably diminished. It is the duty of the prosecution to establish beyond doubt that right from the time of arrest, the accused was kept baparda to rule out the possibility of his face being seen before the identification proceedings are conducted. If the witnesses have had any opportunity to see the accused before the TIP – whether physically or through photographs – the credibility and sanctity of the identification proceedings would stand seriously compromised. (Para 62)

Criminal Trial - Eye Witness - The evidence of an eye-witness must be of sterling quality and unimpeachable character. It should not only inspire the confidence of the Court but must also be of such a nature that is acceptable at its face value (Para 51)-In assessing the credibility of a

witness, the testimony must inspire confidence in the judicial mind, and omissions, improvements, or contradictions touching the core of the prosecution version inevitably undermine such assurance -Minor discrepancies are not fatal, but material improvements that go to the root of the matter essentially erode the credibility of the witness. (Para 55)

Criminal Trial - The mere availability of human blood on an article is not sufficient unless it is further corroborated by a matching blood group with that of the deceased. (Para 68)

In Re: N. Peddi Raju 2025 INSC 1321 - Contempt of Court - Pleadings - Allegations Against Judges

Contempt of Court - Growing trend of lawyers making scurrilous and scandalous allegations against the Judge(s), in the pleadings, when they do not get favourable orders - Such a practice has to be strongly deprecated -The lawyers before subscribing their autographs to a pleading making scurrilous and scandalous allegations against a Judge ought to think about the serious repercussions of the same- Lawyers who are expected to act as officers of Court, should be careful while subscribing their signatures on the pleadings which are in the nature of making scandalous and scurrilous allegations against the Judges of the Court. (Para 11-17)

Reshma v. Dajiba Krishna Lad ; 2025 INSC 1320 - Motor Accident Compensation

Motor Accident Compensation - The object of just compensation is to restore, as far as possible, the claimant to a position where the accident would not have taken place and they would not be negatively affected in life - No amount of money will bring the claimant-appellant back to the time where she would be able to live a life on her own terms,

being duly entitled to dream of and make efforts for a glorious future. (Para 10)

Kolanjiammal (D) Thr LRs v. Revenue Divisional Officer, Perambalur 2025 INSC 1319 - Revenue Recovery - Auction - Review Powers

Tamil Nadu Revenue Recovery Act, 1864 -Once the arrears were certified as recoverable under the provisions of the Revenue Recovery Act, the authorities were empowered to proceed with recovery through revenue processes. (Para 19)

Review Powers - A review proceeding cannot be treated as an appeal in disguise - a review can be entertained only when there is an error apparent on the face of the record. (Para 23)

Auction - Once a sale is confirmed by the competent authority, rights accrue in favour of the auctionpurchaser which cannot be extinguished except in cases of proven fraud or substantial irregularity. (Para 20)

Govind v. State of Haryana; 2025 INSC 1318 - S.27 Evidence Act

Indian Evidence Act 1872 - Section 27 - Section 27 is an exception to the preceding Sections 25 and 26. The language further indicates that when any fact is deposed to as discovered in consequence of information received from a person who is in custody of the Police in connection of an offence, it must relate distinctly to the fact so discovered. The word “distinctly” indicates directly, indubitably, strictly and unmistakably, apparently, used in Section 27 to limit and define the scope of probable information. Therefore, only that much information as is clearly connected with the fact discovered can be treated as relevant under the phrase ‘facts discovered’. (Para 15)

Criminal Trial - Even if the FSL report indicates that the pistol and cartridges recovered correlate with the bullets found in the body of the deceased, such evidence by itself is not sufficient to establish the

accused's guilt in the absence of any proof that the recovered pistol was indeed used in the commission of the offence. (Para 23)

Dinesh Kumar Jaldhari v. State of Chhattisgarh; 2025 INSC 1317 - POCSO - Ocular Evidence vs Medical Evidence

Criminal Trial - The medical evidence will take a backseat and even if do not corroborate with the ocular evidence, where the ocular evidence is consistent and cogent, the later would be allowed to prevail. (Para 5.2)
[Context: Conviction of POCSO accused upheld - Sentence reduced]

Union of India v. Vigin K. Varghese; 2025 INSC 1316 - S.37 NDPS Act - Bail

Narcotic Drugs and Psychotropic Substances Act, 1985 - Section 37- Allowing an appeal against HC order that granted bail, SC observed: The High Court recorded a finding that there exist reasonable grounds to believe that the applicant is not guilty of the alleged offence, treating prolonged incarceration and likely delay as the justification for bail. Such a finding is not a casual observation. It is the statutory threshold under Section 37(1)(b)(ii) which would disentitle the discretionary relief and grant of bail must necessarily rest on careful appraisal of the material available. A conclusion of this nature, if returned without addressing the prosecution's assertions of operative control and antecedent involvement, risks trenching upon appreciation of evidence which would be in the domain of trial court at first instance- Offences involving commercial quantity of narcotic drugs stand on a distinct statutory footing. Section 37 enacts a specific embargo on the grant of bail and obligates the Court to record satisfaction on the twin requirements noticed above, in addition to the ordinary tests under the Code of Criminal Procedure.(Para 17-18)

Kopargaon Sahakari Sakhar Karkhana Ltd. v. National Insurance Co. Ltd. 2025 INSC 1315 - Insurance - Boilers

Consumer Protection Act 1986 - Insurance Law - Indian Boilers Act 1923 - Once a certificate of registration for use of boiler is issued, during currency of that certificate, the boiler concerned would be considered, *prima facie*, fit for usage. In such circumstances, to substantiate that the insured suppressed information of boiler being unworthy of use, burden would be very heavy on the insurer, particularly, when the accident occurs during currency of its registration - Despite a certificate of registration, an insurer may refuse insurance based on its own inputs about the condition of the boiler. This is because whether an insurer should take the risk or not is best left to its wisdom. However, when an insurer accepts the risk, it can repudiate the claim on limited grounds such as, (a) by pleading and proving that there was a failure on part of the insured in making disclosure of a material fact which renders the contract voidable at the instance of the insurer; and (b) by demonstrating that the terms and conditions of the contract of insurance exclude such claims. (Para 32-33) A subsequent discovery of damage or corrosion cannot be used to repudiate the claim as it would defeat the main purpose of the insurance contract. (Para 39)

Poly Medicure Ltd. v. Brillio Technologies Pvt. Ltd.; 2025 INSC 1314 - Consumer Protection Act - Commercial Purpose

Consumer Protection Act 1986- Section 2- Even an incorporated company could be a consumer within the meaning of Section 2(1)(d) read with Section 2(1)(m) - The identity of the person making the purchase, or the value of the transaction, is not conclusive to determine whether the transaction or activity is for a commercial purpose. What is to be seen is the dominant intention or dominant purpose for the transaction i.e. whether it is to facilitate some kind of profit generation for the purchaser(s) and/or its/ their beneficiary. If it is found that the dominant purpose behind purchasing goods or services is for personal use and consumption of the purchaser, or is otherwise not linked to any commercial activity, the question whether such purchase is for generating a livelihood by means of self-employment need not be looked

into. However, where the transaction is for a commercial purpose then it might have to be considered whether it is for generating livelihood by means of self-employment or not- Ordinarily commercial purpose is understood to include manufacturing/ industrial activity or business to business transaction between commercial entities. There is a difference between a self-employed individual and a corporation. The goods purchased by a self-employed individual for self-use for generating livelihood would fall within the explanation even if activity of that person is to generate profits for the purpose of its livelihood. But where a company purchases a software for automating its processes, the object is to maximise profits and, therefore, it would not fall within the explanation of Section 2(1)(d) of the 1986 Act. (Para 14-18) If a transaction has nexus with generation of profits, it would be for a commercial purpose. However, whether a transaction has nexus with generation of profits or not is to be determined on the facts of each case by taking into consideration, *inter alia*, the nature of the goods purchased or services availed and the purpose for which it is purchased or availed. If upon consideration of all relevant factors the picture that emerges is one which reflects that the object of the purchase of goods/ services is to generate or augment profit, the same would be treated as for a commercial purpose. (Para 25)

[Union of India v. Indraj; 2025 INSC 1313 - Disciplinary Proceedings](#)

Disciplinary Proceedings - The Supreme Court upheld the respondent's removal of Post Office Employee for misappropriating funds, setting aside the High Court's reinstatement - It observed: Relationship of a customer with a banker is of mutual trust. Any account holder will be satisfied once an entry is made in his passbook regarding deposit of any amount by him in the post office where he had maintained the account. An account holder may not be privy to the manner in which the accounts are maintained by the post office and also whether the corresponding entries were made or not in the books of accounts maintained there. The respondent tried to explain the embezzlement by stating that on account of ignorance of the Rules, the passbooks of the account holders were stamped. Such an explanation cannot be accepted

being farfetched. He had been in service for about 12 years. Ignorance of rules of the procedure with so much experience cannot be accepted. There was no defect or error pointed out in the course of inquiry. (Para 11)

Pankaj Shukla v. Deepak Chaturvedi 2025 INSC 1312 - Matrimonial

Constitution of India - Article 142- Matrimonial Matters -It would serve no purpose to perpetuate a legal relationship when the matrimonial ties have long ceased to exist in substance - Divorce Decree upheld.

IN RE: Saranda Wildlife Sanctuary; 2025 INSC 1311 -Wildlife Protection Act

Wildlife (Protection) Act, 1972- Sections 18, 26A-the statute itself makes a distinction between any area other than an area comprised within any reserve forest or the territorial waters and any area within any reserve forest or any part of the territorial waters- [Context: SC directed the State Government to notify the area comprising of 126 compartments as notified in 1968 notification, excluding six compartments i.e., compartment numbers KP-2, KP-10, KP-11, KP-12, KP-13 and KP-14, as a wildlife sanctuary within a period of three months from the date of this judgment.]

Wildlife (Protection) Act, 1972- Section 24(2)(c) -Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 - Section 3,4 - These provisions amply protect the rights of the tribals and forest dwellers even after declaration of the said area as a wildlife sanctuary - The bogey that on declaration of wildlife sanctuary, the habitations and rights of the tribals and traditional forest dwellers will be lost and vital public infrastructures like educational institutions, roads, etc., will have to be demolished is only a figment of imagination of the State. Rather than taking such a stand before this court, we are of the considered view that the State should

have educated the tribals/forest dwellers residing in the said areas about the rights available to them under the FRA as well as the WPA. (Para 93-94) [Context: SC directed State of Jharkhand to give wide publicity to the fact that by this judgment, neither the individual rights nor the community rights of the tribals and the forest dwellers in the said area would be adversely affected.]

Constitution of India - Article 48A, 51A - State is required to recognize and protect areas of ecological significance, and particularly to conserve and protect wildlife and its inhabitants. The State has a positive obligation and a mandate to provide statutory protection to forests and wildlife and declare ecologically significant areas to be statutorily protected. (Para 65-67)

Sanjay Tiwari v. Yugal Kishore Prasad Sao 2025 INSC 1310 - CPC - Counter Claim Against Co-Defendant

Code of Civil Procedure 1908 - Order VIII Rule 6A - High Court affirmed the order of the Trial Court admitting a counter claim by the defendant Nos.2 and 3, who were subsequently impleaded, on their application. The counter claim was against the first defendant; against whom the plaintiff had sought a specific performance of the very same land; subject matter of the suit- Allowing appeal, SC observed: The counter claim against the co-defendant cannot survive and the same has to be rejected. Impleadment of the 2nd and 3rd defendants though voluntarily made by themselves, saves the suit from the defect of non-joinder of necessary parties, on the ground of possession, even if it is so found.

K. Subramaniam (D) vs Krishna Mills Pvt. Ltd. 2025 INSC 1309 -TN Rent Control Act- CPC - Finality Of Judicial Decision

Tamil Nadu Buildings (Lease and Rent Control) Act, 1960- Section 10 - SC Rejected the contention that the absence of a two months' notice under the Explanation to Section 10(2)(i) would ipso

facto disentitle the landlord from maintaining the proceedings for eviction on the ground of wilful default. The statute, when read as a whole, does not render such notice an indispensable condition precedent to the assumption of jurisdiction by the Rent Controller. The Explanation merely provides an additional instance where, upon service of notice and continued nonpayment, the default may be presumed to be wilful; it does not, by necessary implication, obliterate the discretion vested in the Controller under the proviso to determine wilfulness even in the absence of such notice. (Para 27)

Code of Civil Procedure 1908- Order XLI Rule 5 - Mere filing of an appeal does not operate as a stay of the decree/order under appeal. (Para 24)

Principle of finality of a judicial decision- The principle of finality of a judicial decision would have no applicability in a situation where a party, despite owing money (unpaid rent, here) to his adversary in terms of a judicial determination, approaches the superior forum but prefers not to seek a stay of such determination pending the proceedings leaving the other party deprived of the benefits flowing from the said judicial determination. The bogey of judicial finality cannot, thus, be pressed into service to unfairly deny a party the benefits of a judicial decision, operation of which does not suffer from any interdiction by the superior court. (Para 30)

[Surendra Koli v. State of Uttar Pradesh 2025 INSC 1308 - Curative Jurisdiction - S.27 Evidence Act](#)

Indian Evidence Act 1872 - Section 27 - Once the disclosure is not contemporaneously proved, once prior knowledge is established, and once contradictions infect the record, Section 27 of the Evidence Act ceases to operate. When the evidence showed that the police and members of the public already knew that bones and articles lay in the open strip and that excavation had begun before the accused arrived, such features negate the essential element of discovery by the accused and reduce the exercise to a seizure from an already known place. (Para 12)

Curative Jurisdiction -A curative petition is not a second review. Finality remains the rule and intervention is reserved only for very strong reasons that strike at the legitimacy of the adjudicatory process. The court has stated that only certain foundational circumstances demand relief as a matter of justice. One is a violation of natural justice where a person is adversely affected without being heard or without proper notice. Another is a case where a Judge failed to disclose a connection with the subject matter or with a party which gives rise to a reasonable apprehension of bias. The instances are illustrative and not exhaustive. The controlling test is whether the earlier decision produces a result that offends the conscience of this Court because of a fundamental defect in process or because of a grave miscarriage of justice. Such defects may appear where outcomes are irreconcilably inconsistent on the same substratum of facts and evidence or where material circumstances bearing on fairness and reliability were overlooked or where the guarantees of equality and due process under Articles 14 and 21 of the Constitution stand compromised. Even when leave to proceed is granted, the inquiry remains narrow. This Court does not sit in appeal over its own final judgment and does not reappraise evidence as if in a second appeal. The question is whether intervention is necessary to vindicate the rule of law and to restore confidence in the administration of justice. (Para 3-4)

Kapadam Sangalappa v. Kamatam Sangalappa; 2025 INSC 1307 - CPC - Execution - Decree Violation

Code of Civil Procedure 1908 - Order XXI - Execution - In execution petition, the primary onus lies on the decree-holder to show that the judgment debtor has willfully disobeyed the conditions of the decree. (Para 26) - The burden of proving violation of the decree rests squarely on the decree-holders. In the absence of cogent proof of such violation, the execution cannot be sustained. (Para 28) [Context: SC held that Executing Court fell into an error in allowing the execution of the compromise decree on mere presumption without any proof]

Evidence - When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him and no one else. (Para 27)

In Re: Delhi Ridge 2025 INSC 1306

Environment Protection Act - Delhi Ridge conservation -DRMB needs to actively work towards protecting and preserving the Delhi Ridge after its due identification. Supreme Court directed the MoEF&CC to constitute the DRMB by issuing notification under Section 3(3) of the EP Act. (Para 57)

National Green Tribunal Act, 2010: Sections 14, 22- The National Green Tribunal under Section 14 & 22 of the NGT Act does not oust the High Court's jurisdiction under Article 226 & 227 as the same is a part of the basic structure of the Constitution. B. The remedy of direct appeal to the Supreme Court under Section 22 of the NGT Act is intra vires the Constitution of India. [Context: SC observed that if the DRMB is given statutory status, its orders can be judicially scrutinized either by the NGT under Section 14 of the NGT Act and by Supreme Court by way of appeal under Section 22 of the said act or by the High Court under Articles 226 and 227 of the Constitution of India.]

State of Chhattisgarh v. Amit Aishwarya Jogi 2025 INSC 1305 - CBI Investigation - Appeal By State Govt.

Code of Criminal Procedure, 1973- Sections 378 ; Delhi Special Police Establishment Act, 1946 - On correctness of decision in **Lalu Prasad Yadav & Anr. v. State of Bihar** - The question as to whether the State Government can independently file an appeal against acquittal of the accused in a case which was initially registered by the local police and later tried on the chargesheet filed by the CBI, may be examined and deliberated in a suitable case involving the following situations: (a) the complaint was lodged by the State Government or its officers; (b) investigation was partly done by State Police; (c) prosecution was commenced at the instance of the State Government; (d) the State

Government has a stake in the criminal proceedings; and (e) the jurisdiction of the CBI had been invoked at the instance of the State Government. (Para 25)

Code of Criminal Procedure, 1973- Section 372 -The right conferred upon a victim to prefer an appeal against an order of acquittal under the proviso to Section 372 of the CrPC arises only in respect of orders of acquittal passed after 31st December, 2009. (Para 28)

R. Rajendran v. Kamar Nisha 2025 INSC 1304 - S.112 Evidence Act - Presumption - Child Legitimacy

Indian Evidence Act 1872 - Section 112 : Bharatiya Sakshya Adhiniyam -Section 116 - The husband is deemed to be the father of the child born to his wife- This presumption endures unless it is affirmatively established, by strong and unambiguous evidence, that the parties to the marriage had no access to each other at any time when the child could have been begotten, or following the dissolution of the marriage while the mother remains unmarried. Since the law favours legitimacy and frowns upon the illegitimacy, the burden is cast upon the person who asserts “illegitimacy” to displace the presumption -“Access” or “non-access” under Section 112 of the Evidence Act must be understood in a very narrow and specific sense, referring to possibility of sexual relations between the spouses. Non-access denotes the impossibility, not merely the absence or lack of such opportunity. Even where cohabitation exists, non-access may arise due to impotency, serious illness, physical incapacity or absence during the relevant period. Conversely, the lack of cohabitation alone does not establish non-access, nor does the existence of extramarital relations, separate residences, or noncommunication. Allegations of multiple or simultaneous access by third parties do not negate the access between the spouses or establish non-access. Likewise, infidelity on the wife’s part does not, by itself, displace the presumption of legitimacy if the husband had access. The focus remains on the child’s birth, while the time of conception is relevant only to determine whether access between the spouses existed. (Para 23-26) The standard of proof required to displace the presumption under Section 112 of the Evidence Act must be higher than mere

preponderance of probabilities, yet need not reach the exacting criminal standard of proof beyond reasonable doubt. The standard must be sufficiently rigorous to ensure that there existed no possibility of child being conceived through the husband. This intermediate threshold serves the twin objectives of preventing the illegitimization of the child on the strength of mere assertions or tilting of probabilities, while simultaneously guarding against weaponization of the statutory presumption to defeat the legitimate claims. The person seeking to rebut this presumption must, therefore, adduce strong, cogent and unambiguous evidence establishing non-access, failing which, the statutory presumption must prevail. (Para 34) The presumption under Section 112 operates in favour of legitimacy, and proof of non-access at the relevant period is the only mode of rebuttal recognised by law. In absence of specific plea of nonaccess, supported by strong and unambiguous evidence, the foundation for displacing the statutory presumption simply does not exist. (Para 37) Section 112 embodies a legislative policy of profound significance, it stands as a bulwark against the casual illegitimization of children on the strength of unsubstantiated allegations or mere suspicion. The presumption it creates is not a procedural formality to be lightly displaced but a substantive safeguard intended to protect the dignity, social legitimacy, and the legal rights of children born within wedlock. . (Para 58)

Indian Evidence Act 1872 - Section 112 - DNA Testing - Without first displacing the statutory presumption of legitimacy under Section 112 of the Evidence Act by leading positive and cogent evidence of non-access, no occasion arises for directing a DNA test- Where the prerequisites for ordering such a test are not satisfied, the question of drawing any adverse inference from the refusal to undergo it does not arise at all. (Para 50)

Constitution of India - Article 20(3), 21 -DNA Testing - Forcefully subjecting an individual to DNA testing constitutes a grave intrusion upon privacy and personal liberty. Such an encroachment can be justified only if it satisfies the threefold test of legality, legitimate State aim, and proportionality. (Para 46) A direction for DNA testing must have a direct and demonstrable nexus with the offences under investigation. In the absence of such nexus, compelling a person to

undergo DNA profiling, amounts to unwarranted intrusion into bodily autonomy and privacy, contrary to the safeguards implicit in Articles 20(3) and 21 of Constitution of India. (Para 54) The act of extracting and analysing one's genetic material intrudes into the innermost sphere of personal identity, autonomy, and privacy. It can have lasting emotional and social ramifications not only for children but also for adults, as such testing often brings to surface intimate aspects of familial and personal relationships -The autonomy, dignity and emotional wellbeing of the individual, especially of a minor, be safeguarded. A direction for DNA testing without considering the ramifications causes risks inflicting an irreversible psychological and social harm. (Para 51)

Code of Criminal Procedure, 1973 - Section 53,53A- These provisions are intended to be invoked in the cases involving offences where medical examination of the accused, including the collection of blood, semen, hair samples, or nail clippings, may furnish material evidence directly bearing upon the commission of the offence. While these provisions contemplate the use of modern scientific techniques such as DNA profiling, their application is conditioned upon the existence of a clear and proximate nexus between the examination sought and the alleged offence. (Para 55) They contemplate medical examination only where such an examination may directly yield evidence relating to commission of the alleged offence. Absent that nexus, compulsion of a DNA test transforms a lawful investigative power into an intrusive measure devoid of necessity, trenching upon the individual's bodily autonomy, privacy. Scientific procedures, however advanced, cannot be employed as instruments of speculation; they must be anchored in demonstrable relevance to the charge and justified by compelling investigative need. (Para 59)

Riyas v. P. N. Shinosh 2025 INSC 1303 - Motor Accident Compensation

Motor Accident Compensation - Supreme Court allowed appeal and enhanced compensation.

**Nandkumar @ Nandu Manilal Mudaliar v. State of Gujarat
2025 INSC 1302 - Murder - Culpable Homicide**

Indian Penal Code 1860 - Section 299-304 - Allowing appeal against conviction in a murder case, SC observed: Looking to the kind and nature of injuries which is available from the medical evidence, it could not be said that the injuries were not of the nature which were sufficient to cause death in ordinary course. The assailant used knife and inflicted serious injuries on the body of the deceased, including below the belly. Looking to the act on part of the appellant, it has to be concluded that the accused was liable to be attributed with the knowledge that the injuries which he was to inflict by using the weapon in hand, would be sufficient to result into death in ordinary course. (Para 6) Conviction of the appellant deserves to be converted from under Section 302, IPC to under Section 304 Part I, IPC. The act on part of the appellant has to be treated as ‘culpable homicide not amounting to murder’ falling under Section 304 Part I, IPC. (Para 7)

**Akula Narayana v. Oriental Insurance Company Limited 2025
INSC 1301 - Motor Accident Compensation - Pay & Recover**

Motor Accident Compensation - Where the contract of insurance is not disputed, even on breach of insurance conditions, this Court had allowed recovery of compensation from the insurer by giving right to the insurer to recover the same from the vehicle owner⁶. The pay and recover principle has been consistently followed even though it was doubted in a reference which remained unanswered. (Para 12)

**MITC Rolling Mills Pvt. Ltd. v. Renuka Realtors 2025 INSC 1300 -
S.13(1A) Commercial Courts Act - Rejection Of Plaintiff**

Commercial Courts Act 2015 - Section 13(1A) ; Code of Civil Procedure 1908 - Order VII Rule 11 - In this case, Trial Court rejected the plaint on the ground that the plaintiff had not undertaken the mandatory Pre-Institution Mediation and Settlement (PIMS) as contemplated under Section 12A - High Court dismissed appeal filed by the Plaintiff under Section 13(1A) holding that it is not maintainable as an order rejecting the plaint does not fall within the ambit of Order XLIII of CPC - SC held that appeal is maintainable and observed: The plaintiff who is aggrieved of the order rejecting the plaint under Order VII Rule 11 CPC cannot be left remediless or compelled to institute a fresh suit for availing such a challenge. (Para 20-21)

Commercial Courts Act 2015 - Section 13(1A) ; Code of Civil Procedure 1908 - Order VII Rule 11 - Order rejecting application(s) under Order VII Rule 10 and Order VII Rule 11(d) of the CPC, which order(s) are not enumerated under Order XLIII of the CPC - Such an order would not be amenable to an appeal under Section 13(1A) of the CCA, 2015, and rather, can be challenged by filing a revision or a petition/application under Article 227 of the Constitution of India, as the case may be. (Para 19)

Code of Civil Procedure 1908 - Section 2(2), Order VII Rule 11- Order rejecting the plaint under Order VII Rule 11 CPC decides the lis finally and would tantamount to a decree within the meaning of Section 2(2) CPC. (Para 14)

Commercial Courts Act 2015 - Section 13(1A) - The main provision contemplates appeals against 'judgments' and 'orders' of the Commercial Court to the Commercial Appellate Division of the High Court. The proviso merely restricts appeals against interlocutory orders to those specifically enumerated under Order XLIII CPC and Section 37 of the Arbitration and Conciliation Act, 1996. Consequently, only such interlocutory orders as are expressly specified therein would be amenable to an appeal under the proviso; orders not so enumerated would not fall within the restricted fold of the proviso. (Para 17)

Interpretation of Statutes -The proviso, operating as an exception, must be construed harmoniously with the main provision and not in derogation thereof. Where the language of the main provision is plain and unambiguous, the proviso cannot be invoked to curtail or whittle down the scope of the principal enactment, save and except where such exclusion is clearly and expressly contemplated. (Para 17)

Commissioner of Service Tax v. Elegant Developers; 2025 INSC 1299 - Central Excise Act - Real Estate Agent

Central Excise Act 1944- Real Estate Agent- For a person to be covered under the definition of 'Real Estate Agent', there must be attributable to such person, an act of rendering service. The section does not cover a direct transaction of sale and/or purchase inter se between two individuals or entities, as the case may be. Likewise, 'Real Estate Consultant' is a person who renders services in form of advice, consultancy or technical assistance for the purposes as set out in Section 65(89) of the Finance Act, 1994. The common thread passing through both the provisions is that the person concerned must be engaged in rendering of services, advice, consultancy or technical assistance for sale and purchase of land or for development, construction, evaluation, conception, etc. of real estate. (Para 38) It is only the contract of agency inter se between the service provider or the consultant, as covered under Sections 65(88) and 65(89) of the Finance Act, 1994, and the principal engaging such service provider or the consultant, for the purpose specified in these two sections, which establishes the agency relationship. The consideration paid for the services or the consultancy provided under such contract in form of commission or otherwise, would be the taxable event as defined under Section 65(105)(v) of the Finance Act, 1994. (Para 39) [Context: In this case, SC held that that the transactions/activities undertaken by the respondent with SICCL did not bring it within the purview of 'Real Estate Agent' or 'Real Estate Consultant' as defined under Sections 65(88) and 65(89) of the Finance Act, 1994, respectively.]

K.S. Manjunath v. Moorasavirappa 2025 INSC 1298 - Specific Relief Act - Unilateral Termination Sale Agreement

Specific Relief Act 1963 - Section 14,16- (i). Unilateral termination of the agreement to sell by one party is impermissible in law except in cases where the agreement itself is determinable in nature in terms of Section 14 of the Act of 1963; (ii). If such unilateral termination of a non-determinable agreement to sell is permitted as a defence, then virtually every suit for specific performance can be frustrated by the defendant by placing an unfair burden on the plaintiff, who despite performing his part of the obligations and having showcased readiness and willingness, would require to also seek a separate declaration that the termination was bad in law. In such cases, the burden cannot be casted upon the plaintiff to challenge the alleged termination of agreement; (iii). Where a party claims to have valid reasons to terminate or rescind a non-determinable agreement to sell, with a view to err on the side of caution, it should be such terminating party, if at all, who ideally should approach the court and obtain a declaration as to the validity of such termination or rescission, and not the non-terminating party. However, this must not mean that the defendant (the terminating party) in such cases would mandatorily be required to seek a declaration because Sections 27 and 31 of the Act of 1963 respectively, while using the phrase “may sue” merely give an option to any person to have the contract rescinded or adjudged as void or voidable; (iv). Once the alleged termination of a non-determinable agreement in question is found to be not for bona fide reasons and being done in a unilateral manner on part of the defendant, it cannot be said that any declaration challenging the alleged termination was required on part of plaintiff; (v). If a contract itself gives no right to unilaterally terminate the contract, or such right has been waived, and a party still terminates the contract unilaterally then that termination would amount to a breach by repudiation, and the nonterminating party can directly seek specific performance without first seeking a declaration; and (vi). In the event it is found that the termination of agreement to sell by the defendant was not valid, then such an agreement to sell will remain subsisting and executable. (Para 43)

Contract Law - Determinable contracts- determinable contracts derive their existence from the determination clause envisaged in the contract and there are essentially three types of determination clauses, viz. (i) termination for cause that allows a party to terminate the contract if the other party breaches a specific term or if a specified event occurs, (ii) termination for convenience that allows a party to end the contract without having to give a reason and (iii) termination upon expiry of the term of the contract. the question whether a contract is in its nature determinable lies in ascertaining whether the party against whom specific performance is sought has the right to terminate the contract even when the other party is ready and willing to perform. This means if the contract cannot be terminated so long as the other party stands willing to perform, it is not determinable in its nature and would, in equity, be specifically enforceable- a contract terminable for breach cannot merely for that reason be regarded as determinable, otherwise, no contract could ever be specifically enforced.(Para 65) (i) contracts inherently revocable such as licences and partnerships at will, and (ii) contracts terminable unilaterally on a “without-cause” basis, were held to be determinable in nature. The remaining classes, namely, (iii) contracts terminable for cause without provision for cure, (iv) contracts terminable for cause with notice and opportunity to cure, and (v) contracts without a termination clause but terminable only for breach of a condition, were all held not determinable in nature. (Para 64)

Specific Relief Act 1963 - Section 19- To claim protection under Section 19(b) of the Act of 1963, the purchaser must show three things: (a) purchase for value, (b) payment in good faith, and (c) absence of notice of the earlier contract. “Notice” includes not merely actual knowledge but also constructive and imputed knowledge - Bona fide purchase depends inter alia on the purchaser’s knowledge of the prior agreement -Where subsequent purchasers were aware of the existence of a prior agreement, their failure to make inquiries from the prior vendees negated both honesty and good faith. (Para 80) A subsequent purchaser who relies merely on the assertions of the vendor or who chooses to remain content with his own limited knowledge while consciously abstaining from making further inquiry into the subsisting interests in the property cannot escape the consequences of deemed notice. Equity ought not assist a transferee who deliberately avoids the truth that lies

open to discovery. Thus, a purchaser who has before him a document which on its very face shows the termination to be unilateral and rooted in the vendors' inconvenience cannot by shutting his eyes claim the benefit of "good faith".

Specific Relief Act 1963 - Section 16(3) -A party seeking enforcement of a contract must establish that all conditions precedent have been satisfied, and that he has either discharged or stood prepared and willing to discharge his obligations under the contract- "readiness" relates to the plaintiff's capacity to perform the contract, including his financial ability to pay the consideration, whereas "willingness" is demonstrated through the plaintiff's conduct, evidencing his genuine intent to perform the contract. (Para 82) the test of readiness and willingness would depend on the overall conduct of the plaintiff both prior to and subsequent to the filing of the suit for specific performance and such conduct of the plaintiff has to be viewed in light of the conduct of the defendant. (Para 83)

Lipi Boilers Ltd. V. Commissioner Of Central Excise, Aurangabad 2025 INSC 1297 - Central Excise Duty Assessment

Central Excise Act, 1944 -Sections 3, 4 -The correct sequence of central excise duty assessment is as follows: i. First, determining the applicability of the charging provision under Section 3, i.e. whether the process results in the manufacture of excisable goods; and ii. Secondly, (if the first condition is satisfied), computing the quantum of excise duty payable under the valuation provisions, such as Section 4 (or Section 4A) - Only if such product which emerges as a result of the contract qualifies as excisable goods can the next step of evaluation be undertaken, i.e. to see whether or not the contract price can be treated as the 'transaction value' under Section 4, for computing the quantum of payable excise duty. Consequently, if upon such examination it is found that the contract price could validly be taken as the 'transaction value' under Section 4, a show cause notice may be issued seeking why the value of the bought out items should not be added to the value of the boiler. In

other words, if upon examination it is found that the resultant product of the contract is not excisable goods, then the contract price cannot be considered as the ‘transaction value’ for the purpose of determining the payable central excise duty on the boiler, which in turn would also mean that the value of the bought out goods is not liable to be included in the value of the boiler for computing central excise duty (Para 43-44) mere presence of a product in the Tariff Schedule does not determine its excisability. The first and primary enquiry must be whether the item satisfies the conditions of the charging section under Section 3 of the Act, 1944, an essential condition of which is that the subject matter is a movable good.(Para 66) [Context: SC held that the value of the duty paid bought out items which were delivered directly at the buyer’s site is not liable to be included in the value of the boiler cleared by the assessee from its factory in CKD condition, for the purpose of assessment of excise duty.]

Central Excise Act, 1944 -Excise duty is leviable only on ‘goods’ and that the test of movability is the decisive factor in ascertaining whether an article qualifies as “goods” for the purpose of central excise duty - if an item can be dismantled and reassembled at another site, such an item would still be considered as movable ‘goods’ under the Act, 1944. However, the test of dismantling was qualified by a subsequent Circular (no. 58/1/2002-CX) dated 15.01.2002, issued by the Central Board of Excise and Custom (hereinafter, “CBEC”), Department of Revenue, Ministry of Finance, Government of India, in which it was mentioned under Clause (e) that if an item that is assembled or erected at site cannot be dismantled without substantial damage to its components and thus cannot be reassembled, then such items would not be considered as ‘movable’, and will, therefore, not be excisable goods. (Para 45-52)

Central Excise Act, 1944 -Section 11D- The invocation of Section 11D would be justified in a case where an assessee has collected any sum purporting to be the excise duty without the authority of law. (Para 73)

Central Excise Act, 1944 -Section 11A- In the absence of any deliberate act on the part of the assessee with an intention to evade being established by the revenue, the essential precondition of wilful suppression with intent to evade duty is not satisfied. Consequently, the

invocation of the extended period of limitation under the proviso to Section 11A(1) is held to be not tenable in law. (Para 8o)

Rohan Vijay Nahar vs State of Maharashtra 2025 INSC 1296 - Precedent - Precedent - Judicial Discipline - Forest

Constitution of India - Article 141,144 -Articles 141 and 144 of the Constitution make obedience a constitutional duty and not a matter of personal preference(Para 4) -The High Courts in India possess a wide jurisdiction, but the Supreme Court of India remains the final interpreter of law- The law laid down by Supreme Court binds every court in the country- All authorities, civil and judicial, to act in aid of Supreme Court. These are not ceremonial recitals. They are the structural guarantees that convert dispersed adjudication into a single system that speaks with one voice and commands public confidence. (Para 1) **Precedent** - A judgment that attempts to resist binding authority undermines the unity of law, burdens litigants with avoidable expense and delay, and invites the perception that outcomes depend on the identity of the judge. In a constitutional judiciary, it is the law, as declared, that brings the conversation to a close. Courts have duty to apply precedent as it stands and give effect to appellate directions as they are framed. In that discipline lies the confidence of litigants and the credibility of courts. (Para 4) When a judgment minimizes a binding ratio, ignores missing statutory steps, and seeks to distinguish on immaterial facts, it creates an appearance of a reluctance to accept precedent. Such an approach conveys a measure of pettiness that is inconsistent with the detachment that judicial reasoning demands. (Para 14.5)

Maharashtra Private Forests (Acquisition) Act, 1975 - Section 2,3,35 -For vesting to occur under Section 3(1) of the MPFA Act on the footing of Section 2(f)(iii), a notice under Section 35(3) of the IFA must not only be issued but must also be served upon the landholder. The expression “issued” in Section 2(f)(iii) of the MPFA Act comprehends due service on the owner, because service alone triggers the owner’s right

to object, including the jurisdictional plea that the land is not a forest within Section 2(c-i) of the MPFA Act, and obliges the State to consider such objection. We are unable to agree with the High Court that the reproduction of a draft text of Section 35(1) beneath a Section 35(3) show cause in the Gazette amounts to a concluded notification under Section 35(1) of the IFA. A notice that grants time for objections cannot coexist with a final decision under Section 35(1) without rendering the statutory hearing illusory. Mutation entries are ministerial in nature and cannot perfect an acquisition that lacks the statutory predicates. They neither create title in the State nor divest title from the private owner. (Para 13.1)

Interpretation of Statutes - Expropriatory legislation must be construed strictly -When a statute prescribes a manner of doing a thing, it must be done in that manner or not at all. (Para 13.3)

Legal Maxim - “**Stare decisis et non quieta movere**” - To stand by decisions and not to disturb settled matters, is not a slogan but a safeguard of equality before the law. Judges do not sit to settle scores. The gavel is an instrument of reason and not a weapon of reprisal. -“**Interest reipublicae ut sit finis litium**” - It is in the public interest that litigation should come to an end, - The society has an interest in achieving finality, and finality from the apex court is the glue that holds a nationwide system of justice together. (Para 2,3)

Shanti Construction Pvt. Ltd. v. State of Odisha 2025 INSC 1295 - Writ - Tender Matters - Natural Resources

Constitution of India - Article 226 - Tender - When an authority acting under a tender misinterprets the tender condition that diminishes competition and deprives the State of its legitimate revenue, the constitutional duty of the court to interfere is beyond question. (Para 15) The court must intervene in a case of demonstrable misconstruction of a tender condition or irrationality which affects the public interest. When an interpretation of a tender condition narrows competition and excludes the highest bidder on a ground unsupported by law, the decision making process is vitiated. The interpretation of the terms of

tender must, therefore, serve the object and purpose of the tender mainly to maximise the revenue to the State, when it deals with a natural resource. (Para 10)

Tender - A public tender is not a private bargain. It is instrument of governance, a mechanism through which the State discharges its solemn duty as trustee of public wealth. Its purpose is not merely procedural compliance, but maximisation of public value through a process i.e. fair, transparent and competitive. The obligation of the Tendering Authority is therefore twofold, namely, to interpret its own terms with consistency and to ensure that such interpretation advances, not defeats, the object of tender. (Para 10)

Natural Resources - Tenders and public auctions, specially for natural resources, are not mere commercial transactions, but an exercise in public trust. The State as custodian of natural wealth is obligated to secure the best value for public resources consistent with the principles of fairness and transparency. (Para 16) State must act to enhance and not diminish, the public exchequer in case it is dealing with natural resources. (Para 15)

Indian Railways Catering and Tourism Corp. Ltd vs Brandavan Food Products; 2025 INSC 1294 - S.34 Arbitration Act - Rewriting Contract

Arbitration and Conciliation Act 1996 - Section 34 - Rewriting a contract for the parties would be a breach of the fundamental principles of justice, entitling a Court to interfere as it would shock its conscience and would fall within the exceptional category. (Para 65) [Context: SC set aside an award observing that Arbitrator completely overlooked the weightage to be given to the policy decisions embodied in the Railway Board's circulars and compounded the error by contrarily interpreting the contractual terms, which were strictly in consonance therewith]

Preetha Krishnan vs United India Insurance Co. Ltd.; 2025 INSC 1293 - Motor Accident Compensation- Split Multiplier

Motor Accident Compensation - Split multiplier is a concept foreign to the Motor Vehicles Act, 1988 and is not to be used by the Tribunal and/or Courts in calculation of the compensation. [Context: In this case, High Court applied split multiplier on the ground that the deceased would have shortly superannuated from service. Thereafter, there would have been a 50% (approx. reduction) in his monthly take-home pay. -Allowing appeal, SC held: Superannuation from service hardly qualifies as such an exceptional circumstance, which would justify the use of split multiplier. (Para 18)- It is only a natural progression that a person who enters service must also exit at some point in time. The same cannot be taken as a negative circumstance against the deceased person or a person injured severely, leading to incapacitation or permanent disability. (Para 17)]

Motor Accident Compensation - The income as on the date of death is to be taken to calculate the compensation. (Para 19)

Samiullah vs State of Bihar; 2025 INSC 1292- Registration Act - Title

Registration Act - The Registration Act mandates registration of documents, not the title and this distinction is the fundamental character of our country's presumptive titling system through registration. Thus, registration of a document recording purchase of immovable property does not confer guaranteed title of ownership, instead it only serves as a public record of the transaction having presumptive evidentiary value, but it is never a conclusive proof of ownership. The presumption is rebuttable and can always be challenged in a court of law - While Transfer of Property Act provides substantive legal framework for purchase and sale of immovable property and the Stamp Act imposes a fiscal charge on the transferable property as a precondition for registration, the Registration Act institutionalizes the process of registering documents to create a public record of immovable property transactions. (Para 32)

Registration Reforms - Blockchain technology has garnered particular attention for its potential to transform land registration into a

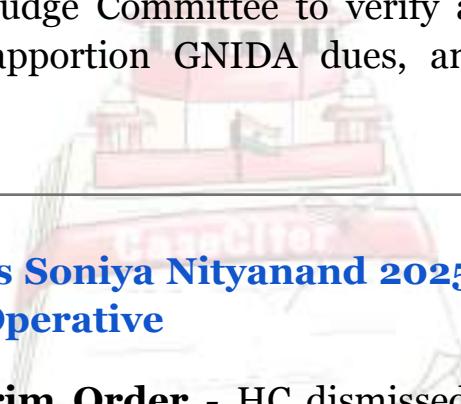
more secure, transparent and tamper-proof system. It is suggested that adoption of Blockchain technology would ensure immutability, transparency and traceability, thereby minimizing fraud and unauthorized alterations. Blockchain technology is said to offer an alternative paradigm by encoding land titles, ownership histories, encumbrances, and by recording transfers on a Distributed Ledger in an immutable and time stamped form. Each entry, once validated into the Distributed Ledger, becomes part of a cryptographically linked chain of information that cannot be retroactively altered without detection. -Registration of deeds being a concurrent list subject, Government of India must take lead in constituting a body, with the participation of the States, to examine this issue in light of the technological advancement for integrating the property registration regime with conclusive titling. The process may involve restructuring and reviewing our existing laws, i.e. the Transfer of Property Act, 1882, Registration Act, 1908, Stamp Act, 1899 Evidence Act, 1872, Information Technology Act, 2000, Data Protection Act, 2023 and may require introduction of new laws for incorporating Blockchain technology with necessary safeguards. This will necessarily require establishing regulatory framework which institutionalizes processes with integrity and efficiency.]

Bihar Registration Rules, 2008 - Prescription of mentioning and production of jamabandi allotment or holding allotment as a pre-condition for registration of a legally presented document under impugned sub-rules 19 (xvii) and (xviii) is arbitrary and illegal. (Para 29) The impugned sub-rules are ultra vires the rule-making power under Section 69 or any other provisions of the Act. (Para 25) The said sub-rules tilt the balance and empower the registering authorities to produce collateral evidence of title to the property as a pre-condition for registration, such a measure, through subordinate legislation, is also against the purpose and object of the Act. Further, the requirement under the impugned sub-rules is arbitrary as the process of mutation and its certification is uncertain and virtually unavailable in near future, as the Bihar Mutation Act, 2011 and the Bihar Special Survey and Settlement Act, 2011 are said to be nowhere near implementation. (Para 2)

Modernization of Registration Offices - It is necessary to fully institutionalize the registration offices by establishing a permanent regulatory body. This will enable real time assessment and development of the establishment through institutional efficiency and expertise. A permanent body will enable institutional memory for upgradation and improvement. It will also enable course correction and modernization. (Para 18)

Ravi Prakash Srivastava v. State of Uttar Pradesh 2025 INSC 1291

Note: No legal aspects discussed in this judgment - Supreme Court on stalled “Shivkala Charms” housing towers after GNIDA cancelled the 2011 lease, leaving genuine allottees unpaid and without possession. It constituted a one-Judge Committee to verify allottees, explore partial lease restoration, apportion GNIDA dues, and devise a time-bound completion plan.



Ashish Wakhlu vs Soniya Nityanand 2025 INSC 1290 - Release - Interim Order Operative

Contempt - Interim Order - HC dismissed contempt application - Allowing appeal and , SC observed: Once an interim order was in operation from 20th December 2018 and was being extended from time to time, the mere release of the matter on 6th February 2019 could not have constituted a valid ground for violating the order dated 20th December 2018. (Para 5)

Alchemist Hospitals Ltd. v. ICT Health Technology Services India Pvt. Ltd.; 2025 INSC 1289 - S.7 Arbitration Act

Arbitration and Conciliation Act 1996 - Section 7 - Mere use of the word “arbitration” in a clause of an agreement is not clinching or decisive. Section 7 presupposes an express intention of the dispute/difference being resolved through arbitration and mere reference to the term is not sufficient to meet this threshold. The A&C Act acknowledges the existence of an arbitration agreement based on its substance rather than its form. Regardless of the formal structure, effect has to be given to an arbitration agreement in essence. Arbitration being the creature of a contract, the ad idem intention of the parties is paramount to determine whether there exists a valid arbitration agreement. That being said, the invocation of the word “arbitration” nonetheless provides, at the very least, a discernible clue to the parties’ underlying intention -when an agreement provides that the decision of the authority will not be final and binding on the parties, or that if either party is not satisfied with the decision of the authority, he may file a civil suit seeking relief, it cannot be termed as an arbitration agreement-an arbitration agreement should have an element of the nature of finality to refer the matters to arbitration. When there has indeed been no arbitration agreement in the first place, therefore, subsequent correspondence between the parties cannot displace the original intention. Such correspondence would have indeed been sufficient to displace the original intention if it was unequivocally clear about referring the disputes to arbitration, i.e., the test mentioned under Section 7 of the A&C Act. (Para 17-31)

Mihir Rajesh Shah vs State of Maharashtra 2025 INSC 1288 - Written Grounds Of Arrest

Constitution of India - Article 22 ; Code of Criminal Procedure, 1973 - Section 50 ; Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 47-(i) The constitutional mandate of informing the arrestee the grounds of arrest is mandatory in all offences under all statutes including offences under IPC 1860 (now BNS 2023); ii) The grounds of arrest must be communicated in writing to the arrestee in the language he/she understands; iii) In case(s) where, the arresting officer/person is unable to communicate the grounds of arrest in writing on or soon after arrest, it be so done orally. The said grounds be communicated in writing within

a reasonable time and in any case at least two hours prior to production of the arrestee for remand proceedings before the magistrate. iv) In case of non-compliance of the above, the arrest and subsequent remand would be rendered illegal and the person will be at liberty to be set free. (Para 57) In cases where the police are already in possession of documentary material furnishing a cogent basis for the arrest, the written grounds of arrest must be furnished to the arrestee on his arrest. However, in exceptional circumstances such as offences against body or property committed in flagrante delicto, where informing the grounds of arrest in writing on arrest is rendered impractical, it shall be sufficient for the police officer or other person making the arrest to orally convey the same to the person at the time of arrest. Later, a written copy of grounds of arrest must be supplied to the arrested person within a reasonable time and in no event later than two hours prior to production of the arrestee before the magistrate for remand proceedings. The remand papers shall contain the grounds of arrest and in case there is delay in supply thereof, a note indicating a cause for it be included for the information of the magistrate. (Para 52)

Muskan v. Ishaan Khan (Sataniya) 2025 INSC 1287 S.482 CrPC - Quashing - Mini Trial

Code of Criminal Procedure 1973 - Section 482- At the stage of quashing, the Court is not required to conduct a mini trial. Thus, the jurisdiction under Section 482 of the Cr.PC with respect to quashing is somewhat limited as the Court has to only consider whether any sufficient material is available to proceed against the accused or not. If sufficient material is available, the power under Section 482 should not be exercised. (Para 22) Normally, for quashing an FIR, it must be shown that there exists no prime facie case against the accused persons. (Para 27) [Context: SC noted that High Court quashed the FIR against the private respondents primarily on the ground that the earlier two complaints that were filed by the appellant did not mention the specific instances that happened on 22.07.2021 and 27.11.2022 and the same were later on mentioned in the FIR only as an afterthought and was a counterblast to the legal notice sent by respondent no.1/husband to the appellant as she was not coming back to her matrimonial home. Held:

This approach adopted by the High Court, in our considered opinion, amounts to conducting a mini trial.]

P. Anjanappa (D) vs A.P. Nanjundappa 2025 INSC 1286 - Hindu Law - Registration - Unregistered Partition Deed

Hindu Law - Under Hindu law, severance of joint status can be brought about by an unequivocal declaration reduced to writing or otherwise, and a writing evidencing such disruption is admissible to prove the fact of disruption, the arrangement, and the character of subsequent possession. (Para 8.4) The reality of disruption is tested by a cumulative assessment of conduct that includes separate possession, separate cultivation, separate residence, independent dealings with the lands allotted, and revenue records that consistently reflect such separation. different villages with distinct survey numbers, an insistence on further partition as a precondition to infer disruption misdirects the inquiry, because the determinative question is whether the joint status stood severed and the subsequent enjoyment was separate. (Para 8.6)

Registration - Family Arrangement -Partition Deed- An unregistered partition deed, including the palupatti in the present case, may be relied upon for the limited collateral purposes of proving severance of the joint family status and title, explaining the nature of possession, recording the arrangement made thereunder, and evidencing the parties' subsequent conduct. (Para 8.2) A family arrangement recorded in writing, when relied upon only to explain how the parties thereafter held and enjoyed the properties, does not require registration for that limited collateral use. (Para 8.5)

Hindu Law - Release Deed - A release by a coparcener for consideration operates immediately to divest his subsisting coparcenary interest; it does not depend for its efficacy on any further act of implementation. Silence in a later, separate memorandum does not undo a concluded, registered relinquishment inter partes, particularly when the deed is produced from proper custody and stands unchallenged in cross-examination. (Para 7.4)

Evidence Law -There is a presumption that a registered document is validly executed. A registered document, therefore, *prima facie* would be valid in law. The onus of proof, thus, would be on a person who leads evidence to rebut the presumption. (Para 7.3)

Ritu Garg & Ors. v. Board of Governors (BoG) 2025 INSC 1285 - Legislation - Removing Basis Of Judgment

Legislation -Though the legislature has no power to sit over the judgment of a Court or usurp judicial power, but, subject to the competence to make law, it has the power to remove the basis which led to the Court's decision (Para 32) - If a judgment of a Court holds a particular action of the executive to be bad and illegal because such action suffers from certain procedural defect(s), the legislature/executive, as the case may be, by an amendment in the law/rules, may cure the defect on which the judicial order was premised and such curing would not amount to overreaching the judgment of the Court. (Para 36)

Service Law - Grant of notional promotion to a post with retrospective effect cannot mean gaining experience from that day, because to gain experience one has to work. Notional promotions are given to take care of some injustice but a person so promoted cannot gain experience from the date of notional promotion; it has to be from the date of actual promotion. (Para 33)

Interpretation of Statutes - Holistic understanding is the first in terms whereof the statute has to be read as a whole instead of focusing on isolated parts. Secondly, the emphasis is on contextual understanding requiring the circumstances and objectives which triggered the statute's enactment to be taken into account- The statute has to be interpreted in a manner that advances its intended purpose and objectives - Statute which is explanatory or clarificatory of the earlier enactment is usually held to be retrospective. (Para 29-31)

Poonam v. Dule Singh 2025 INSC 1284 - Election - Non-Disclosure Of Previous Conviction

Election Law - Once it is found that there has been non-disclosure of a previous conviction by a candidate, it creates an impediment in the free exercise of electoral right by a voter. A voter is thus deprived of making an informed and advised choice. It would be a case of suppression/non-disclosure by such candidate, which renders the election void. (Para 21) The decision in Krishnamoorthy v. Shivakumar cannot be the basis to hold that non-disclosure of conviction in case of a minor offence was always intended to be condoned and not viewed seriously.(Para 20)

MP Nagar Palika Nirvachan Niyam, 1994: Rule 24-A -In absence of any provision in the Rules of 1994 that would enable the Court to condone such non-compliance or exempt its compliance on the ground that the conviction was for a non-serious offence or one not involving moral turpitude, adopting such course as urged would do violence to the Act of 1961 and the Rules of 1994. [Context: The candidate failed to disclose her conviction under Section 138 of the NI Act, SC held: non-furnishing information pertaining to criminal antecedents has the effect of causing undue influence which creates an impediment in the free exercise of electoral right by a voter. When there is such non-disclosure of criminal antecedents, the question whether the election is materially affected or not would not arise in such a case, by failing to disclose her conviction under Section 138 of the Act of 1881, the petitioner suppressed material information and thus failed to comply with the mandatory requirements of Rule 24-A(1) of the Rules of 1994. The acceptance of her nomination form has therefore been rightly held to be improper. She being the returned candidate, her election was rendered void. It is thus obvious that on account of such wrongful acceptance of her nomination form, the election was materially affected. (Para 24)

**Vikram Bhalchandra Ghongade v. State of Maharashtra 2025
INSC 1283 - Decree - Appellants Expired**

Code of Civil Procedure 1908 - Order XXII Rule 6 -Decree - The decree passed by the first appellate Court passed in an appeal, where both the appellants had expired prior to the appeal being heard, its decree in favour of dead persons was a nullity - The proceedings in such appeal are not saved by the provisions of Order XXII Rule 6- If a decree is a nullity, its invalidity can be set up whenever and wherever it is sought to be enforced, even at the stage of execution (Para 14)

Sadiq B. Hanchinmani vs State of Karnataka 2025 INSC 1282 - S.156(3) CrPC - Violation Of Injunction

Code of Criminal Procedure 1973 - Section 156(3) - Quoted from Madhao v State of Maharashtra: When a Magistrate receives a complaint he is not bound to take cognizance if the facts alleged in the complaint disclose the commission of an offence. The Magistrate has discretion in the matter. If on a reading of the complaint, he finds that the allegations therein disclose a cognizable offence and the forwarding of the complaint to the police for investigation under Section 156(3) will be conducive to justice and save the valuable time of the Magistrate from being wasted in enquiring into a matter which was primarily the duty of the police to investigate, he will be justified in adopting that course as an alternative to taking cognizance of the offence itself. (Para 37) [Context: SC noted that in this case, JMFC had referred the matter to police under Section 156(3) CrPC, and the usage of 'further' was not in the context of Section 173(8) CrPC]

Violation of Injunction - Even if an injunction order is subsequently set aside, consequences for breach/violation of the same when it subsisted, could still befall upon the violator - Referred to [Lavanya C v Vittal Gurudas Pai](#) (Para 36)

U.P. State Road Transport Corporation v. Kashmiri Lal Batra 2025 INSC 1281 -S.88 Motor Vehicle Act - IS-RT Agreement -

Motor Vehicle Act 1988 - Chapter V, VI- Statutory ordainment of Chapter VI overriding Chapter V. An IS-RT Agreement can be executed

by two States drawing power from Section 88 of the 1988 MV Act, which is part of Chapter V thereof- An IS-RT Agreement by its very nature is an agreement between two States but not a law under the relevant MV Act. Approved schemes and notified routes, which are envisaged in Chapter VI, would obviously override Section 88, in view of Section 98 of the 1988 MV Act. (Para 45)

Commissioner, Nagpur Municipal Corporation vs Lalita 2025 INSC 1280 - S.108 Evidence Act - Civil Death

Indian Evidence Act 1872 - Section 108 [Section 111 BSA] - In matters of civil death, the question of the date or time of the death must be determined on the basis of direct or circumstantial evidence, and not on mere assumption or presumption. The burden to prove the date or time of the death lies upon the person who makes such an assertion of death- The decree of declaration of civil death only recognizes the fact that the person is presumed to be dead after expiry of seven years of disappearance, without fixing any precise date or time of death. (Para 7-8)

MMTC Limited v. Anglo American Metallurgical Coal Pvt. Limited; 2025 INSC 1279 - S.47 CPC

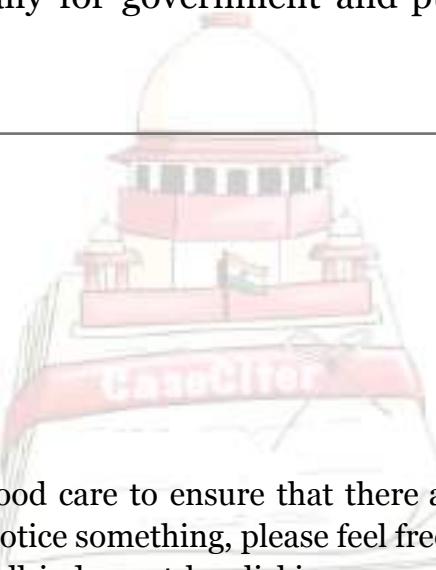
Code of Civil Procedure, 1908 - Section 47- The object of Section 47 is to prevent unwarranted litigation and dispose of all objections as expeditiously as possible- There is a steady rise of proceedings akin to a retrial which causes failure of realization of the fruits of a decree, unless prima facie grounds are made out entertaining objections under Section 47 would be an abuse of process - An objection petition under Section 47 should not invariably be treated as a commencement of a new trial. (Para 97-98)

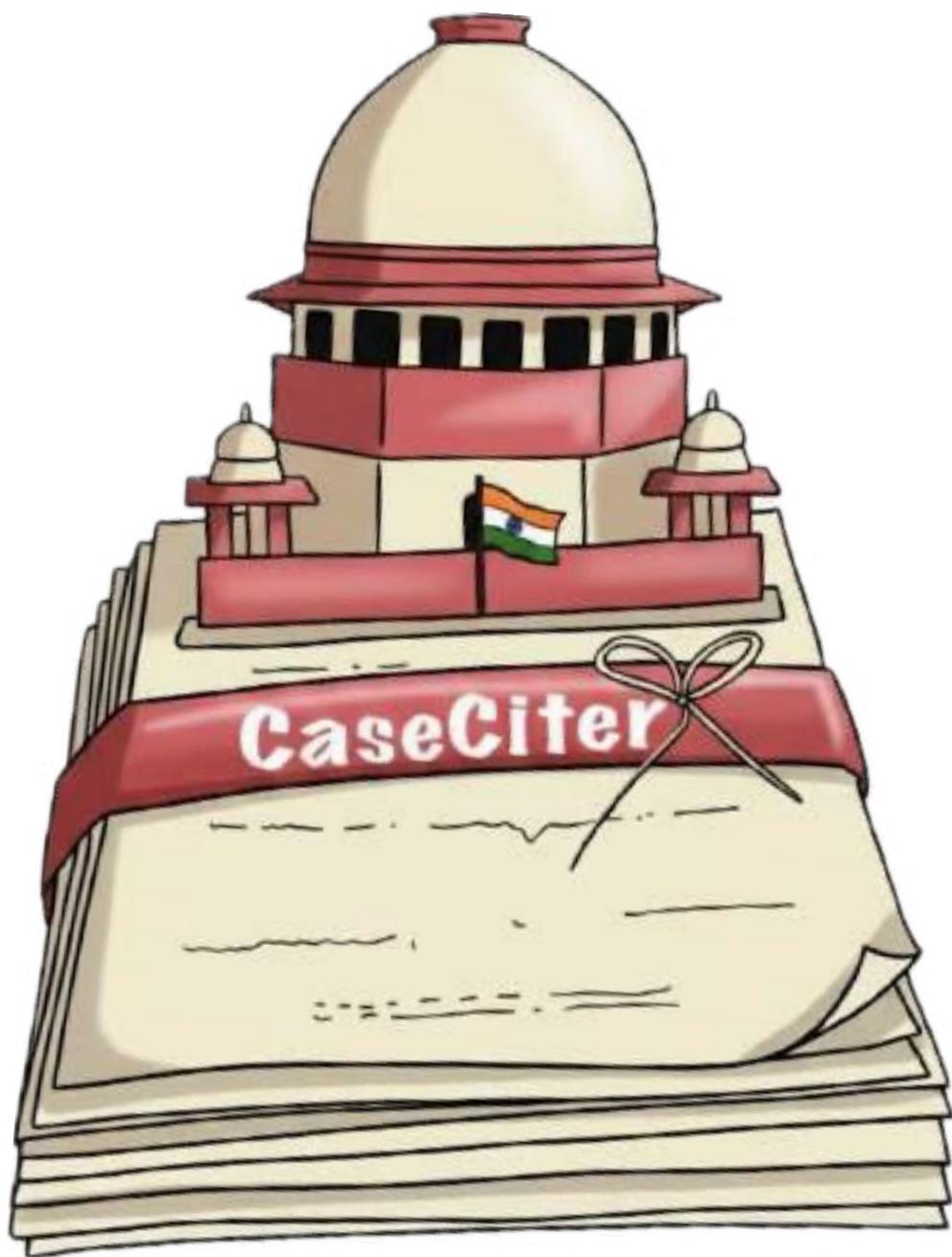
Government, Public Sector Corporations , private sector - Decision Making -Whether in Government, Public Sector Corporations or even in the private sector, the driving force of the entity are the persons who administer them. A certain play in the joints is

inevitable for their day-to-day functioning. If they are shackled with the fear that, their decisions taken for the day-to-day administration, could years later with the benefit of hindsight, be viewed with a jaundiced eye, it will create a chilling effect on them. A tendency to play it safe will set in. Decision making will be avoided. Policy paralysis will descend. All this will in the long run prove detrimental not just to that entity but to the nation itself. We are not to be understood to be condoning decisions taken for improper purposes or extraneous considerations. All that we are at pains to drive home is that great caution and circumspection have to be exercised before such allegations are brought forward and adequate proof must exist to back them. Otherwise for fear that carefully built reputations could be casually tarnished, best of talent will not be forthcoming, especially for government and public sector corporations.

(Para 100)

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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)

RattanIndia Power Ltd v. MSEDCCL; 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 settles 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)

**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)

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)

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.

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)

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)

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.

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)

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.

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.

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)

**Chandrashekhar 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

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)

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.

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)

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)

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)

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)

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 affirmation 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)

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)

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]

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)

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)

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)

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)

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)

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)

**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)

**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]

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)

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)

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)

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)

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)

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 highsounding 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.]

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)

**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)

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)

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.

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)

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, tress in due consultation with the experts.]

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)

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)

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)

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 for 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 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)

**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)

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)

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)

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)

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)

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)

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

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 be 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.

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)

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)

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)

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)

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)

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)

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)

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)

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-trail 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)

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.

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)

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)

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)

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)

**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)

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)

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)

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)

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]

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.

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)

**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"]

**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.]

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.

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)

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]

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)

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)

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 'Pubic 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 apriori 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)

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)

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)

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)

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)

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)

**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)

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)

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.]

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.]

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)

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)

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)

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)

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.

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)

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)

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 Statutes - 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.

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)

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)]

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)

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)

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.]

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.

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)

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)

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]

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.

Adarsh Sahkari Grah 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 he 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)

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.

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)

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 absolvitur* (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.

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)

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)

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.

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 BNS) 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)

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.

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)

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)

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.

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)

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)

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)

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)

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]

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)

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)

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)
