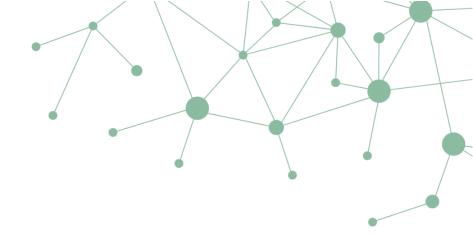




SUPREME COURT

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SUKHDEV SINGH VS SUKHBIR KAUR [C.A. NO.-002536-002536 - 2019]

Judges: Justice Abhay S. Oka, Justice Ahsanuddin Amanullah, Justice Augustine George Masih

A spouse in a marriage declared void under Section 11 of the Hindu Marriage Act, 1955 can seek permanent alimony or maintenance from the other spouse under Section 25. Such relief is discretionary and dependent on the facts and conduct of the parties. Additionally, maintenance pendente lite may be granted under Section 24 if the relevant conditions are met, also based on the parties' conduct. This decision clarifies previous conflicting interpretations related to Sections 24 and 25 of the Act.

VIHAAN KUMAR VS THE STATE OF HARYANA [CRL.A. NO.-000621-000621 - 2025]

Judges: Justice Abhay S. Oka, Justice Nongmeikapam Kotiswar Singh

The appellant's discharge from charges under Sections 420 and 120B IPC was valid, as there was no evidence of conspiracy or deliberate withholding of information. The AICTE granted approval for the 'Business School of Delhi' despite knowledge of the bank loan and land mortgage, with no AICTE officials implicated in wrongdoing. A petition under Section 482 Cr.P.C was maintainable but not appropriate given the availability of a statutory remedy under Section 397 Cr.P.C. The requirement of informing an arrested person of the grounds for arrest as per Article 22(1) of the Constitution is mandatory, and non-compliance invalidates the arrest and subsequent remand orders. The investigating agency bears the burden of proving this compliance. Additionally, the appellant's right to dignity under Article 21 was violated due to being handcuffed and chained to a hospital bed. Guidelines were to be issued to prevent such actions by police. The appeal led to the appellant's arrest being declared vitiated, resulting in immediate release upon bond, while allowing continued investigation and trial despite acknowledging the violation of constitutional safeguards during arrest.

GOPAL SINGH VS STATE OF UTTARAKHAND [CRL.A. NO.-001408-001408 - 2014] ☑

Judges: Justice Abhay S. Oka, Justice Ujjal Bhuyan

The prosecution did not establish the identity of the appellants, Gopal Singh and Avtar Singh, as the accused. Eyewitnesses PW-1 and PW-3 failed to identify the appellants during court examination, and other witnesses provided hearsay evidence that was insufficient for identification. Consequently, the convictions were quashed, leading to the acquittal of the appellants.

VINOD KUMAR VS STATE (GOVT. OF NCT OF DELHI) [CRL.A. NO.-002482-002482 - 2014]

Judges: Justice Abhay S. Oka, Justice Ujjal Bhuyan

The conviction of the appellant for murder under Section 302 IPC was set aside due to significant inconsistencies, omissions, and contradictions in key prosecution witness testimonies. Key circumstances relied upon, including the "last seen together" theory and the accused's evasive replies, were not proven beyond reasonable doubt. It was emphasized that in cases based on circumstantial evidence, each circumstance must be fully established. Additionally, procedural issues regarding the reproduction of prior statements without proper proof were noted. As a result, the appellant was acquitted.

SAHAKARMAHARSHI BHAUSAHEB THORAT SAHAKARI SAKHAR KARKHANA LTD. VS THYSSEN KRUPP INDUSTRIES INDIA P.LTD. [C.A. NO.-003194-003194 - 2014] ☑

Judges: Justice Abhay S. Oka, Justice Ujjal Bhuyan

The High Court's rejection of the appellant's claim for Rs.68.15 lakhs due to non-performing machinery and equipment was upheld. The claim was not based on warranty provisions but rather sought a refund for expenses related to the plant. Under the agreement's liquidated damages provisions, the appellant's claim was limited to specified amounts. Additionally, the appellant did not choose to replace the defective machinery at the respondent's expense as allowed by the agreement. The appeal was dismissed with no errors identified in the High Court's judgment.



UDHAW SINGH VS ENFORCEMENT DIRECTORATE [CRL.A. NO.-000799-000799 - 2025] ☑

Judges: Justice Abhay S. Oka, Justice Ujjal Bhuyan

The appellant, arrested under the Prevention of Money Laundering Act, 2002, is eligible for bail pending trial due to prolonged incarceration exceeding 1 year and 2 months, coupled with a trial expected to last several years, as only 1 out of 225 witnesses has been examined. This situation is distinguished from another case where the accused had been in custody for less than 7 months and the trial was anticipated to conclude more quickly.

IN RE POLICY STRATEGY FOR GRANT OF BAIL VS [SMW(CRL) NO.-000004 - 2021]

Judges: Justice Abhay S. Oka, Justice Ujjal Bhuyan

The appropriate government has the authority to remit a convict's sentence under Sections 432 of the Code of Criminal Procedure and 473 of the Bharatiya Nagarik Suraksha Sanhita. When a policy for premature release or remission exists, the government must consider all eligible convicts, even without an application from them. Guidelines for imposing conditions on remission and procedures for cancellation in case of breach were established. All states and Union Territories lacking a remission policy must formulate one within two months, and decisions on remission must include brief reasons.

SUDERSHAN SINGH WAZIR VS STATE (NCT OF DELHI) [CRL.A. NO.-000536-000537 - 2025] Judges: Justice Abhay S. Oka, Justice Ujjal Bhuyan

The High Court's stay of the discharge order for the appellant was deemed inappropriate, as a discharge places the accused in a more favorable position than an acquittal. A stay on discharge is permissible only in rare circumstances where the order is evidently flawed and the accused is given a chance to be heard. If a revision application against the discharge order is admitted, the accused can be required to appear before the Trial Court and may be released on bail instead of being imprisoned. The High Court's orders to stay the discharge and to arrest the appellant were quashed, and the appellant was instructed to furnish bail before the Sessions Court. The High Court can proceed with the revision application without consideration of this judgment's remarks.

JAY KISHAN VS THE STATE OF UTTAR PRADESH [CRL.A. NO.-000727-000727 - 2025]

Judges: Justice Sudhanshu Dhulia, Justice Ahsanuddin Amanullah

The FIR against the appellants under the Uttar Pradesh Gangsters & Anti-Social Activities (Prevention) Act, 1986 is unsustainable as the underlying offences relate to civil property disputes rather than serious anti-social activities. The invocation of certain IPC sections does not suffice to meet the Act's requirements, necessitating a higher threshold of criminality beyond mere allegations. The FIR has been quashed, with a clarification that the observations do not affect ongoing criminal or civil proceedings.

RUPA AND CO. LIMITED VS FIRHAD HAKIM [C.A. NO.-002376-002378 - 2025]

Judges: Justice B.R. Gavai, Justice Augustine George Masih

The High Court mistakenly referred the matter for mediation despite the appellants' opposition, disregarding its own earlier writ order directing the state government to convey the disputed land to the appellants on a freehold basis. The state government's attempt to charge the appellants the current market rate instead of the agreed price was considered aggravated contempt, undermining the authority of the High Court. The High Court's order was quashed, and the Chief Secretary of the state was directed to comply with the initial order, facing potential contempt proceedings for non-compliance.

DHARAMVIR SINGH VS SHRI RAJIV MEHRISHI [C.A. NO.-002375-002375 - 2025]

Judges: Justice B.R. Gavai, Justice Augustine George Masih

The appellant is entitled to a revised pay scale from 1987, as per the respondent's policy, rather than 1997, due to a typographical error in the initial order. The pay scale must be adjusted from 1987, with arrears paid with 6% interest within 3 months.



<u>D.M. JAGADISH VS BANGALORE DEVELOPMENT AUTHORITY [C.A. NO.-001455-001455 - 2025]</u> ✓ Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

The appeal was allowed, and the previous judgment was quashed due to reliance on an affidavit from the respondent authority without allowing the appellant to respond, violating natural justice principles. The matter was remitted for fresh consideration, ensuring the appellant has an opportunity to be heard. The parties were directed to maintain the status quo as of the date of the learned Single Judge's order until the writ appeal is decided on remand.

TILKU ALIAS TILAK SINGH VS THE STATE OF UTTARAKHAND [CRL.A. NO.-000183-000183 - 2014] Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

The appellant was acquitted of charges under Sections 363 and 366 of the Indian Penal Code. Evidence indicated that the prosecutrix, aged between 16-18, voluntarily accompanied the appellant, and they subsequently married and lived together. The circumstances did not support the claim that the appellant "took" her from her guardian, as she left willingly. Conflicting medical evidence regarding the prosecutrix's age led to the conclusion that the benefit of doubt favored the appellant.

STATE OF UTTARAKHAND VS DEEPU VERMA @ DEVENDRA LAL [CRL.A. NO.-001700-001700 - 2014] Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

The State's appeal was dismissed, upholding the High Court's decision to grant the accused the benefit of doubt. The High Court set aside the trial court's conviction due to inconsistencies in eyewitness testimonies. With two possible views and a reasonable interpretation by the High Court, the acquittal was maintained. In criminal cases, the benefit of doubt is given to the accused when there are uncertainties in the prosecution's case.

P.M. LOKANATH VS STATE OF KARNATAKA [CRL.A. NO.-002514-002514 - 2014]

Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

The appeal was allowed, and the criminal proceedings against the appellants were quashed due to malicious initiation by the respondent and abuse of legal process. The allegations in the FIR were deemed absurd and improbable, lacking any prima facie evidence of the alleged offenses. Inherent powers were exercised to prevent misuse of the criminal justice system and to secure justice.

MEHATAR VS THE STATE OF MAHARASHTRA [CRL.A. NO.-000127-000127 - 2014]

Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

The convictions of Rajkumar and Mehatar cannot be upheld based solely on the testimony of Sindhubai, the sole eyewitness, as her statements were deemed partly reliable and partly unreliable. The lack of corroboration and the absence of other potential witnesses examined by the prosecution led to the conclusion that the evidence was insufficient, resulting in the quashing of the convictions and the acquittal of the appellants.

GODREJ PROJECTS DEVELOPMENT LIMITED VS ANIL KARLEKAR [C.A. NO.-003334 - 2023] ☑ Judges: Justice B.R. Gavai, Justice S.V.N. Bhatti

The case involves assessing the validity of the developer's forfeiture of 20% of the basic sale price as earnest money. It focuses on the developer's obligations concerning timely completion and possession handover, while also addressing the one-sided and unfair nature of certain contractual terms in the agreement.



<u>UNION OF INDIA VS FUTURE GAMING SOLUTIONS P.LTD. AND ANR.ETC [C.A. NO.-004289-004290 - 2013]</u> Judges: Justice B. V. Nagarathna, Justice Nongmeikapam Kotiswar Singh

The relationship between the respondents-assessees and the Government of Sikkim is characterized as principal-principal, not principal-agent. The lottery tickets sold by the respondents-assessees are classified as actionable claims, not goods, and are therefore not liable for service tax. Conducting lotteries is categorized under "betting and gambling," which is exclusively governed by the State Legislature. Consequently, the Parliament does not have the authority to impose a service tax on this activity. Amendments to the Finance Act, 1994 aimed at imposing service tax have not altered the fundamental nature of the relationship, leading to the dismissal of appeals by the Union of India and the resolution of the appeal by the assessees.

SARITA CHOUDHARY VS HIGH COURT OF MADHYA PRADESH [W.P.(C) NO.-000142 - 2024] Judges: Justice B. V. Nagarathna, Justice Nongmeikapam Kotiswar Singh

The termination of two judicial officers, Ms. Sarita Choudhary and Ms. Aditi Kumar Sharma, was deemed punitive and arbitrary, based on allegations of misconduct and inefficiency that carried a stigma. The High Court violated principles of natural justice by not allowing the officers to defend themselves against adverse remarks in their ACRs prior to termination. The termination orders were set aside, resulting in the reinstatement of the petitioners with continuity in service and notional monetary benefits, subject to certain conditions.

ZON HOTELS PVT. LTD. VS GOA COASTAL ZONE MANAGEMENT AUTHORITY [C.A. NO.-009328 - 2022] Judges: Justice B. V. Nagarathna, Justice Prasanna B. Varale

The Goa Coastal Zone Management Authority (GCZMA) violated natural justice principles by setting environmental compensation for Zon Hotels Pvt. Ltd. without allowing the company a chance to be heard. The National Green Tribunal (NGT) erred by sustaining GCZMA's order, as the appellant was not provided proper opportunity in the original proceedings. The GCZMA's order was treated as a show-cause notice, giving the appellant three weeks to respond, and GCZMA was instructed to re-determine the environmental compensation after hearing the appellant.

C.S. UMESH VS T.V. GANGARAJU [C.A. NO.-002278-002279 - 2025]

Judges: Justice B. V. Nagarathna, Justice Satish Chandra Sharma

The appellant's method of seeking modification of a High Court order through an oral mention was deemed improper and in violation of natural justice principles. The High Court's judgment was set aside, and the writ petition was restored for fresh consideration, with a directive to address it expeditiously and in accordance with the law. The confusion in the case stemmed from the appellant's inappropriate procedure.

HARI NANDAN SINGH VS THE STATE OF JHARKHAND [CRL.A. NO.-000683-000683 - 2025] ☑ Judges: Justice B. V. Nagarathna, Justice Satish Chandra Sharma

Hari Nandan Singh was discharged from charges under Sections 353, 298, and 504 of the Indian Penal Code, as the essential elements of these offenses were not established. There was no evidence of assault or force for Section 353, the appellant's statements did not hurt religious sentiments under Section 298, and no actions were present that could provoke a breach of peace under Section 504.



SUNEETI TOTEJA VS STATE OF U.P. [CRL.A. NO.-000975-000975 - 2025]

Judges: Justice B. V. Nagarathna, Justice Satish Chandra Sharma

Prior sanction for prosecution was required under Section 197 of the Criminal Procedure Code because the appellant acted in her official capacity as the Presiding Officer of the Internal Complaints Committee during the alleged incidents. The arguments of "deemed sanction" were rejected, and the lack of timely sanction from the Bureau of Indian Standards invalidated the initiation of criminal proceedings. Consequently, the chargesheet and any related actions against the appellant were quashed.

THE UNION OF INDIA VS KANHAIYA PRASAD [CRL.A. NO.-000728-000728 - 2025]

Judges: Justice Bela M. Trivedi, Justice Prasanna B. Varale

Bail was granted to Kanhaiya Prasad under the Prevention of Money Laundering Act without adherence to the mandatory requirements of Section 45. The seriousness of money laundering as a crime with transnational implications necessitates strict compliance with these requirements. The prior order was set aside, and the case will be reconsidered by a different bench.

DR. AMARAGOUDA L PATIL VS UNION OF INDIA [C.A. NO.-000301-000303 - 2025]

Judges: Justice Dipankar Datta, Justice Manmohan

Dr. Anil Khurana's appointment as Chairperson of the National Commission for Homeopathy was invalidated due to his lack of the required 10 years of experience as either the "Head of a Department" or "Head of an Organisation," as mandated by the National Commission for Homeopathy Act, 2020. The process used for his appointment lacked procedural fairness and demonstrated "malice in law." His appointment was set aside, and a directive was issued for a new selection process in compliance with the law. The findings reversed a previous decision by a Division Bench that had reinstated his appointment.

OM PRAKASH GUPTA ALIAS LALLOOWA (NOW DECEASED) VS SATISH CHANDRA (NOW DECEASED) [C.A. NO.-013407-013407 - 2024]

Judges: Justice Dipankar Datta, Justice Prashant Kumar Mishra

Applications for substitution filed by the heirs of deceased parties were deemed valid, and the dismissal of the second appeals as abated was incorrect. Abatement in both appeals was set aside, and the substitution of the heirs was ordered. In Civil Appeal No. 13407 of 2024, the application from the heirs of deceased respondent Satish Chandra was accepted. In Civil Appeal No. 13408 of 2024, although the notification of the death of plaintiff Rooprani did not fully comply with Rule 10-A of the CPC, abatement was still set aside in the interest of justice. The High Court was requested to prioritize and resolve both appeals within six months.

CANARA BANK VS AJITHKUMAR G.K. [C.A. NO.-000255-000255 - 2025]

Judges: Justice Dipankar Datta, Justice Prashant Kumar Mishra

The High Court's direction for the appellant bank to appoint the respondent on compassionate grounds was deemed unjustified. The bank's assessment indicated that the respondent's family was not in immediate financial distress. Despite disagreement with previous case reasoning and a referral for further consideration, a lump-sum payment of Rs. 2.5 lakh was granted to the respondent as full and final settlement due to delays and expectations.

PUJA FERRO ALLOYS P.LTD. VS STATE OF GOA AND ORS. [C.A. NO.-002027-002028 - 2012] Judges: Justice Dipankar Datta, Justice Sandeep Mehta

Appellant-companies are not entitled to a 25% rebate on electricity tariff due to power supply occurring after the 30.09.1991 notification was rescinded on 31.03.1995. Reliance on subsequent notifications from 15.05.1996 and 01.08.1996 is ineffective, as they were declared void. Demand notices under the 2002 Act for recovering rebate benefits are valid and legal.



Judges: Justice Dipankar Datta, Justice Sandeep Mehta

The Maharashtra State Road Transport Corporation engaged in false representation and suppression of truth by failing to disclose its position regarding the negligence of driver Mahadeo before the Motor Accidents Claims Tribunal. This conduct was deemed unfair and constituted fraud. As a result, Mahadeo was awarded 75% of back wages from the date of his termination until his superannuation, in addition to full terminal benefits.

THE STATE OF MADHYA PRADESH VS BALVEER SINGH [CRL.A. NO.-001669-001669 - 2012] Judges: Justice J.B. Pardiwala, Justice Manoj Misra

The appeal by the State of Madhya Pradesh was allowed, setting aside the acquittal of Balveer Singh. The testimony of child witness Rani was deemed reliable despite the delay in recording her statement. Evidence indicated the accused's suspicious behavior regarding the death of his wife, including failing to explain her death, clandestine cremation, and a troubled relationship with the deceased. This established a prima facie case, shifting the burden to the accused to explain the circumstances, which he did not do. The conviction under Sections 302 and 201 read with Section 34 of the Indian Penal Code was restored.

M/S A.P. ELECTRICAL EQUIPMENT CORPORATION VS THE TAHSILDAR [C.A. NO.-004526-004527 - 2024] Judges: Justice J.B. Pardiwala, Justice R. Mahadevan

The vesting of land under Section 10(3) of the Urban Land (Ceiling and Regulation) Act, 1976 does not grant de facto possession to the State. The State must demonstrate either voluntary surrender by the landholder under Section 10(5) or forcible dispossession under Section 10(6). Without compliance with the mandatory notice procedures in these sections, the landholder remains in possession, and the acquisition proceedings are invalidated upon repeal of the Act.

M.S. ANANTHAMURTHY VS J. MANJULA ETC.ETC. [C.A. NO.-003266-003267 - 2025] Judges: Justice J.B. Pardiwala, Justice R. Mahadevan

The general power of attorney (GPA) executed in favor of A. Saraswathi was determined not to be coupled with any interest and thus was not an irrevocable agency under Section 202 of the Indian Contract Act. The GPA was general and did not secure any interest for A. Saraswathi. An unregistered agreement to sell accompanying the GPA could not transfer ownership rights. Both documents required registration under the Registration Act, which was not completed. An unregistered GPA or agreement to sell cannot transfer title in immovable property. The suit for injunction by the answering respondent was maintainable as it directly addressed the issue of title. The appeals were dismissed, upholding the judgments of the High Court and trial court in favor of the answering respondent.

THE COSMOS CO OPERATIVE BANK LTD. VS CENTRAL BANK OF INDIA [C.A. NO.-001565-001565 - 2025] Judges: Justice J.B. Pardiwala, Justice R. Mahadevan

The appeal was allowed, resulting in the High Court's order being set aside. The mortgage in favor of Cosmos Co-Operative Bank, established through the deposit of a share certificate, was recognized as a legal mortgage with priority over the earlier equitable mortgage of the Central Bank of India. The distinction between legal and equitable mortgages under the Transfer of Property Act, 1882 was clarified, indicating that the equitable mortgage could not be enforced against the subsequent legal mortgage. The recovery officer was directed to disburse Rs. 51 lakhs from the escrow account to Cosmos Co-Operative Bank.



NIRMITI DEVELOPERS THROUGH ITS PARTNERS VS THE STATE OF MAHARASHTRA [C.A. NO.-003238-003239 - 2025] ☑

Judges: Justice J.B. Pardiwala, Justice R. Mahadevan

The reservation on the property lapsed under Sections 49 and 127 of the Maharashtra Regional and Town Planning Act, 1966, due to the authorities' failure to acquire the land within the designated timelines. The interpretation of these provisions indicated that no action was taken to acquire the land despite notices from the owners and an extended period since the development plan's publication. Consequently, the reservation on the property lapsed, making the land available for development according to the relevant town planning scheme.

VINUBHAI MOHANLAL DOBARIA VS CHIEF COMMISSIONER OF INCOME TAX [C.A. NO.-001977-001977 - 2025] ☑ 2025

Judges: Justice J.B. Pardiwala, Justice Sanjay Karol

The offence under Section 276CC of the Income Tax Act is committed the day after the due date for filing the return of income, regardless of when the return is actually filed. The definition of "first offence" in the 2014 compounding guidelines refers to an offence committed before the issuance of any show cause notice for prosecution or any communication of prosecution intent. The filing of a belated return does not qualify as "voluntary disclosure" of the offence; true voluntary disclosure requires proactive reporting of the offence before detection. Eligibility conditions in the compounding guidelines are mandatory, but the final decision on compounding remains at the discretion of the competent authority, considering the assessee's conduct and the specifics of the case. Orders rejecting the appellant's compounding application were set aside, directing a fresh reconsideration of the application.

ANMOL VS UNION OF INDIA [C.A. NO.-014333-014333 - 2024]

Judges: Justice B.R. Gavai, Justice K.V. Viswanathan

Existing NMC guidelines disqualifying medical aspirants based solely on the quantification of disability, without proper functional assessment, contradict the Rights of Persons with Disabilities Act and constitutional principles. A report from a five-member medical board deeming an appellant ineligible for the MBBS course was rejected. A detailed assessment indicated the appellant could succeed in the program with reasonable accommodations and assistive technologies. The NMC is required to revise its guidelines to ensure a flexible, case-by-case approach and reasonable accommodations for persons with disabilities. Revised guidelines should be formulated after consulting experts on disability rights.

NAUSHEY ALI VS STATE OF U.P. [CRL.A. NO.-000660-000660 - 2025]

Judges: Justice K.V. Viswanathan, Justice S.V.N. Bhatti

Compounding and quashing of criminal proceedings are distinct, but the circumstances warranted quashing the proceedings despite an included offence under Section 307 IPC. The nature of the injuries and weapon used indicated that the act did not demonstrate mental depravity or a serious societal impact. A settlement between the parties and significant delays in proceedings suggested that continuing the trial would be futile, leading to the decision to quash the criminal proceedings.

AYYUB VS STATE OF UTTAR PRADESH [CRL.A. NO.-000461-000461 - 2025]

Judges: Justice Sanjiv Khanna, Justice Sanjay Kumar, Justice K.V. Viswanathan

Criminal proceedings against the appellants under Section 306 IPC were quashed due to the absence of necessary ingredients for the offence. Disturbing features in the investigation indicated bias, prompting the order for a reinvestigation by a Special Investigation Team into the deceased's unnatural death. The judgment was unanimous with no separate opinions noted.



GUDIVADA SESHAGIRI RAO VS GUDIAVADA ASHALATHA [CRL.A. NO.-000709-000710 - 2025] Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

A divorce was granted between an estranged couple due to the irretrievable breakdown of their marriage, with no possibility of reconciliation. The husband was ordered to pay Rs. 25 lakhs to the wife within 6 months, in addition to Rs. 2 lakhs already deposited, to ensure her financial security. The decision considered the long-standing acrimony, the absence of children, and the wife's limited employability prospects stemming from their prolonged separation.

VIVEK KUMAR CHATURVEDI VS STATE OF U.P. [CRL.A. NO.-000623-000623 - 2025]

Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

The father, as the natural guardian, has a prima facie right to custody of the minor child, which can be overridden only if the child's welfare is better served with the grandparents. The father's ability to provide for the child and absence of misconduct allegations against him outweighed the grandparents' claims, despite the child's existing relationship with them. The child will remain in the grandparents' custody until the end of the academic year, during which the father will have visitation rights. After custody transfer to the father, the grandparents will retain visitation rights.

AKULA RAGHURAM VS THE STATE OF ANDHRA PRADESH [CRL.A. NO.-000294-000294 - 2015] Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

The appellant was acquitted of charges under Section 366-A of the Indian Penal Code due to insufficient evidence proving the victim's minor status at the time of the alleged abduction. Medical evidence regarding the victim's age was inconclusive, and the victim's testimony contained inconsistencies. There was no evidence of sexual advances or intent to engage the victim in illicit intercourse, and the relationship between the families was friendly before the incident. The conviction and sentence were deemed unsustainable, leading to the appeal's acceptance.

THE STATE OF UTTARAKHAND LAW AND JUSTICE VS SANJAY RAM TAMTA @ SANJU@PREM PRAKASH [CRL.A. NO.-000112-000112 - 2014]☑

Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

The death of the young bride was determined to be suicidal, and the prosecution did not prove the demand for dowry as required under Section 304B of the Indian Penal Code. Contradictions and omissions in witness statements undermined the prosecution's case, leading to the rejection of the appeal and affirmation of the High Court's acquittal order for different reasons.

GANESAN VS THE STATE OF TAMILNADU REP. BY INSPECTOR OF POLICE [CRL.A. NO.-000860-000860 - 2023] ☑

Judges: Justice B.R. Gavai, Justice K. Vinod Chandran

The High Court's sentence of 12 years rigorous imprisonment under Section 307 IPC for attempt to murder was found invalid, as the maximum sentence, excluding life imprisonment, is 10 years. The sentence was modified to 7 years rigorous imprisonment. Convictions and sentences under other IPC provisions were affirmed and directed to run concurrently.



JAGDISH CHAND MEMORIAL TRUST VS THE STATE OF HIMACHAL PRADESH [C.A. NO.-002585-002585 - 2025]☑

Judges: Justice Sudhanshu Dhulia, Justice K. Vinod Chandran

The withdrawal of the No Objection Certificate (NOC) for the appellant trust to establish an Ayurvedic Medical College and Hospital was valid due to improper issuance without following the necessary procedural guidelines, which required a Council of Ministers' decision. Claims of an indefeasible right and promissory estoppel were rejected as the NOC had been illegally granted. Additionally, the claim of natural justice violation was dismissed since the Department could not act contrary to the Council's decision, even if a hearing had been provided to the appellant trust.

Forfeiture of gratuity under Section 4(6)(b)(ii) of the Payment of Gratuity Act, 1972 does not require a criminal conviction for moral turpitude. The disciplinary authority only needs to determine whether the misconduct qualifies as such an offence. Full forfeiture of gratuity was upheld for a PSU employee who submitted a fraudulent date of birth certificate, rendering the appointment illegal. For MSRTC employees guilty of fare misappropriation, forfeiture was limited to 25% of the gratuity, reflecting the misconduct's gravity.

SHANTI VS NATIONAL INSURANCE COMPANY [C.A. NO.-002586-002586 - 2025]

Judges: Justice Sudhanshu Dhulia, Justice K. Vinod Chandran

A statutory mandate requires the award of 12% per annum simple interest if an employer defaults on provisional payment under the Employee's Compensation Act, 1923. The discretion regarding interest lies only in awarding a higher rate, not exceeding the maximum lending rate set for scheduled banks. The award was modified to reflect the 12% interest rate from the date of the accident as mandated by the law. Two judges issued separate judgments without indicating any disagreement.

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION VS SUBHASH S/O LAXMANRAO BRAMHE [C.A. NO.-003278-003278 - 2025] ☑

Judges: Justice Sudhanshu Dhulia, Justice K. Vinod Chandran

The 2015 salary revision by the Maharashtra State Road Transport Corporation (MSRTC) was invalid as it contradicted earlier orders granting time scale of pay to daily wage workers. The 2010 pay fixation complied with the Industrial Court's order and prior legal principles. The 2015 revision did not reference necessary prior judgments or orders and was therefore dismissed, upholding the Industrial Court's decision to set aside the salary revision.

DILEEPBHAI NANUBHAI SANGHANI VS STATE OF GUJARAT [CRL.A. NO.-000972-000972 - 2025] Judges: Justice Sudhanshu Dhulia, Justice K. Vinod Chandran

There is no evidence of demand or acceptance of illegal gratification by the appellant, the Minister of Fisheries in Gujarat. The investigation report and recorded statements do not allege bribe-related actions against the appellant; the only claim involves misuse of authority in granting fishing rights without following the tender process. This conduct does not constitute an offense under the Prevention of Corruption Act. The presumption under Section 20 of the Act cannot apply without proof of demand and acceptance of illegal gratification. The proceedings against the appellant are to be dropped.



K. KRISHNAMURTHY VS THE DEPUTY COMMISSIONER OF INCOME TAX [C.A. NO.-002411-002411 - 2025] Judges: Justice J.B. Pardiwala, Justice Manmohan

Penalty under Section 271AAA of the Income Tax Act, 1961 is not automatically leviable; conditions must be satisfied before imposition. The appellant admitted an income of Rs. 2,27,65,580 during search proceedings and paid the relevant tax and interest, meeting the conditions under Section 271AAA(2), thus no penalty applies to this amount. However, the appellant did not offer an additional income of Rs. 2,49,90,000 found during the search, resulting in a penalty of 10% on this specific amount, rather than on the total returned income of Rs. 4,78,02,616.

RAJA KHAN VS STATE OF CHHATTISGARH [CRL.A. NO.-000070-000070 - 2025]

Judges: Justice Sanjay Karol, Justice Manmohan

The conviction of the appellant-accused under Sections 302 and 201 of the Indian Penal Code was set aside due to the prosecution's failure to prove the guilt beyond reasonable doubt. There were significant inconsistencies in the recovery of the weapon and stolen items, and questions arose regarding the reliability of the "last seen" circumstance. As a result, the appellant-accused was given the benefit of the doubt and ordered to be released.

WAHID VS STATE GOVT. OF NCT OF DELHI [CRL.A. NO.-000201-000201 - 2020]☑

Judges: Justice Pamidighantam Sri Narasimha, Justice Manoj Misra

The appeals of the accused, Wahid and Anshu, were allowed due to serious doubts about their arrest and the recovery of evidence, which seemed improbable. The identification of the accused by eyewitnesses was deemed unreliable, as some witnesses denied their involvement, and others' delayed dock identifications lacked credibility. In the absence of corroborative evidence, such as the recovery of looted items, the benefit of doubt was granted to the appellants.

VINOD @ NASMULLA VS THE STATE OF CHHATTISGARH [CRL.A. NO.-001931-001931 - 2019]

Judges: Justice Pamidighantam Sri Narasimha, Justice Manoj Misra

The prosecution did not prove the appellant's guilt beyond reasonable doubt in a dacoity case. Key evidence, including testimonies from the bus driver, conductor, and cleaner involved in the identification parade, was withheld, weakening the reliability of identification evidence. The police officer's dock identification was deemed unreliable due to prior knowledge of the accused and exclusion from the identification parade. Doubts regarding the appellant's arrest and the recovery of the firearm arose from inconsistencies and lack of corroborative evidence. The appellant was acquitted, with prior judgments set aside.

GEDDAM JHANSI VS THE STATE OF TELANGANA [CRL.A. NO.-000609-000609 - 2025] ☑

Judges: Justice B. V. Nagarathna, Justice Nongmeikapam Kotiswar Singh

The discharge of Geddam Jhansi and Geddam Sathyakama Jabali from criminal charges under Sections 498A, 406, 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act was valid. The allegations against them were general in nature, lacking specific overt acts. Evidence, including statements from the complainant, her parents, and panchayat witnesses, did not establish a prima facie case. In domestic violence and matrimonial disputes, each accusation must be specific and supported by evidence. The appellants did not live with the principal accused, leading to the quashing of the criminal proceedings against them, while proceedings against other accused remain unaffected.



RACING PROMOTION PRIVATE LIMITED VS DR. HARISH [C.A. NO.-002755-002758 - 2025]

Judges: Justice Pamidighantam Sri Narasimha, Justice Manoj Misra

The High Court erred in issuing certain directions regarding the Formula 4 racing event in Chennai. The contractual terms between the Sports Development Authority of Tamil Nadu (SDAT) and Racing Promotions Private Limited were established after proper deliberation, and there was no misuse of public funds by SDAT. Interference with the Memorandum of Understanding's terms was deemed inappropriate, as mutual obligations and expenditure matters fall outside the judicial review scope in public interest litigation. Additionally, the direction for the state to assume full responsibility for future events contradicted the principle of public-private partnership intended to enhance public service delivery.

BANK OF BARODA VS FAROOQ ALI KHAN [C.A. NO.-002759-002759 - 2025]

Judges: Justice Pamidighantam Sri Narasimha, Justice Manoj Misra

The High Court incorrectly exercised its writ jurisdiction under Article 226 by intervening in personal insolvency proceedings initiated by the Bank of Baroda under the Insolvency and Bankruptcy Code (IBC). It bypassed the statutory mechanism of the IBC and made a determination on the existence of debt, a matter that should be resolved by the Adjudicating Authority. The proceedings have been restored to the Adjudicating Authority, which is instructed to decide the matter expeditiously.

SAJID KHAN VS L RAHMATULLAH . [C.A. NO.-017308-017308 - 2017]

Judges: Justice Pamidighantam Sri Narasimha, Justice Manoj Misra

The recruiting authority's decision to classify the appellants' Diploma in Electrical and Electronics Engineering as equivalent to the required Diploma in Electrical Engineering was justified. The authority assessed the similarities between the qualifications, including obtaining clarification from the Directorate of Technical Education, Kerala, revealing no significant differences. The principle that employers are best suited to judge necessary qualifications was emphasized, with interference by courts advised only in cases of clear illegality or arbitrariness. The High Court's prior decision that upheld the termination of the appellants' appointments was set aside.

AC CHOKSHI SHARE BROKER PRIVATE LIMITED VS JATIN PRATAP DESAI [C.A. NO.-002227-002227 - 2025] Judges: Justice Pamidighantam Sri Narasimha, Justice Sandeep Mehta

The arbitral tribunal had jurisdiction to include the husband in the arbitration proceedings with the wife due to an oral contract establishing joint and several liability. The findings on joint and several liability were supported by evidence and were neither perverse nor patently illegal. The High Court's order setting aside the arbitral award against the husband was reversed, upholding the arbitral award in full and holding both respondents jointly and severally liable to pay the awarded amount to the appellant.

LIFECARE INNOVATIONS PVT. LTD. VS UNION OF INDIA [W.P.(C) NO.-001301 - 2021] ☑

Judges: Justice Pamidighantam Sri Narasimha, Justice Sandeep Mehta

The Public Procurement Policy for Micro and Small Enterprises (MSEs) Order 2012, under the Micro, Small and Medium Enterprises Development Act, 2006, is enforceable. Individual MSEs do not have a right to a minimum 25% procurement of goods and services from the government; however, statutory authorities have enforceable duties that are subject to judicial review. An examination of the mandatory 25% procurement from MSEs and the minimum turnover clauses in tenders is to be conducted, with appropriate policy guidelines issued for effective implementation. The focus of judicial review will be on the proper functioning of the relevant statutory and administrative bodies.



THE STATE OF MAHARASHTRA VS PRISM CEMENT LIMITED [C.A. NO.-013928-013928 - 2015]

Judges: Justice Pamidighantam Sri Narasimha, Justice Pankaj Mithal

Tax exemption benefits granted to Prism Cement Limited under the Package Scheme of Incentives in 1993 cannot be withdrawn based on the 2002 amendment to Section 8(5) of the Central Sales Tax Act. The company accrued a substantive right to the exemption under the Eligibility and Entitlement certificates issued in 1998, before the amendment. The amended Section 8(5), mandating conditions such as the submission of Forms 'C' and 'D', applies prospectively and does not affect rights already accrued. Unilateral withdrawal of accrued rights and benefits is not permissible without notice or hearing unless expressly allowed by statute. The appeal by the State of Maharashtra was dismissed, and the decision of the High Court was upheld.

RAVI VS THE STATE OF PUNJAB [CRL.A. NO.-000633-000633 - 2025]

Judges: Justice Pankaj Mithal, Justice Ahsanuddin Amanullah

Ravi's conviction for the murder of his first wife Jamni was set aside due to insufficient proof of guilt beyond reasonable doubt. The prosecution's circumstantial evidence, including witness testimonies that turned hostile, the post-mortem report, and police investigation, did not conclusively establish his guilt. The principles regarding circumstantial evidence and applicability of Section 106 of the Evidence Act were noted.

HANSRAJ VS THE STATE OF CHHATTISGARH [CRL.A. NO.-001387-001387 - 2012]

Judges: Justice Pankaj Mithal, Justice Ahsanuddin Amanullah

The case against Hansraj was not proven beyond reasonable doubt due to issues with the prosecution's evidence, including a lack of strong motive, doubts about the last-seen theory, and the inability to conclusively identify a fleeing individual. The evaluation of circumstantial evidence indicated that the evidence did not exclude the possibility of Hansraj's innocence. Consequently, convictions by the lower courts were set aside, leading to his acquittal after serving over 10 years in prison.

KANAHAIYA LAL ARYA VS MD. EHSHAN [C.A. NO.-003222-003222 - 2025]

Judges: Justice Pankaj Mithal, Justice Nongmeikapam Kotiswar Singh

The landlord's appeal was successful, as he demonstrated a bona fide need to evict the tenant to install an ultrasound machine for his two unemployed sons. Arguments from the tenant regarding the sons' lack of expertise and the landlord's other properties were rejected. The previous partial eviction decree did not prevent the current eviction proceedings. The landlord's eviction suit was granted.

JAYA BHATTACHARYA VS THE STATE OF WEST BENGAL [C.A. NO.-003254-003256 - 2025]

Judges: Justice B.R. Gavai, Justice Prashant Kumar Mishra

Jaya Bhattacharya is entitled to pension and retiral benefits due to the failure to conduct a departmental inquiry regarding her inability to perform duties and salary non-payment. Her absence was regularized as extraordinary leave, preventing it from being classified as unauthorized leave to deny pension benefits. Authorities are directed to finalize her pension within three months, without entitlement to arrears.

HIRALAL BABULAL SONI VS THE STATE OF MAHARASHTRA [CRL.A. NO.-000579-000580 - 2012] ☑

Judges: Justice B.R. Gavai, Justice Prashant Kumar Mishra, Justice K.V. Viswanathan

The appeals of Nandkumar Babulal Soni were allowed, and his conviction under Sections 120B and 411 of the Indian Penal Code was set aside. The prosecution did not establish the identity of the seized gold bars as stolen property beyond reasonable doubt and failed to prove Soni's knowledge that the bars were stolen. The seized gold bars are to be returned to Soni, while the appeals of Vijaya Bank and Hiralal Babulal Soni for the return of the gold bars were dismissed.



SURINDER DOGRA VS STATE THROUGH DIRECTOR CBI [CRL.A. NO.-001020-001020 - 2022] Z Judges: Justice Sudhanshu Dhulia, Justice Prashant Kumar Mishra

The appellant was found guilty of offenses under Sections 420, 468, and 471 of the Ranbir Penal Code, and Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1988. Evidence included a handwriting expert's report and testimony from a station manager, establishing that the appellant, as a Traffic Superintendent at Indian Airlines in Jammu, forged an infant ticket to create an adult ticket for a higher fare, allowing a passenger to travel on it. No illegality or irregularity was identified in the findings of guilt by the lower courts.

GULSHAN KUMAR VS INSTITUTE OF BANKING PERSONNEL SELECTION [W.P.(C) NO.-001018 - 2022] Judges: Justice J.B. Pardiwala, Justice R. Mahadevan

The principle of reasonable accommodation under the Rights of Persons with Disabilities Act, 2016 mandates the provision of scribes and compensatory time for all persons with disabilities (PwDs), extending beyond those with benchmark disabilities (40% or more). The Ministry of Social Justice and Empowerment is tasked with revisiting existing guidelines to ensure consistent compliance among examination bodies and to address challenges faced by PwD candidates. There is an emphasis on sensitizing officials, establishing grievance redressal mechanisms, and enforcing penalties against authorities that disregard these guidelines and exclude PwDs.

RAMESH MISHRIMAL JAIN VS AVINASH VISHWANATH PATNE [C.A. NO.-002549-002549 - 2025] Z Judges: Justice J.B. Pardiwala, Justice R. Mahadevan

The agreement to sell dated 03.09.2003 between the appellant and the mother of Respondent No.1 is considered a 'conveyance' under the Bombay Stamp Act, 1958, as possession of the property was handed over to the appellant prior to the agreement's execution. Previous decisions established that stamp duty applies to the instrument itself rather than the transaction, and an agreement to sell qualifies as a conveyance if possession is transferred or agreed to be transferred at or before execution. The argument that possession was on a rental basis did not affect this outcome, as the actual or agreed transfer of possession is the key factor. The appeal was dismissed, upholding the orders for impounding the agreement and recovering stamp duty and penalties. Any stamp duty already paid will be adjusted against the total duty payable on the final sale deed.

M/S B N PADMANABHAIAH AND SONS VS R N NADIGAR [C.A. NO.-002550-002550 - 2025] Judges: Justice J.B. Pardiwala, Justice R. Mahadevan

The suit filed by the respondents in a representative capacity is not maintainable. A previous suit resulted in a permanent injunction in favor of the appellant, which is final and conclusive. The respondents, not being parties to that suit and having knowledge of it, did not seek to join the litigation. Thus, they lack standing to pursue the current suit, which seeks relief for the State that is already prohibited from encroaching on the property. The judgments and decrees of the lower courts are dismissed, with no opinion expressed on the title of the property.



JAIDEEP BOSE VS M/S BID AND HAMMER AUCTIONEERS PRIVATE LIMITED [CRL.A. NO.-000814-000814 - 2025]☑

Judges: Justice J.B. Pardiwala, Justice R. Mahadevan

The complaint of criminal defamation against the appellants was deemed not maintainable. Although the editorial director of the company was presumed responsible for newspaper publications, the complaint lacked specific allegations demonstrating his direct involvement in content control. For the other appellants, who were the authors of the alleged defamatory articles, the Magistrate did not conduct the necessary inquiry under Section 202 CrPC before issuing summons, particularly as the accused lived outside the court's jurisdiction. The importance of responsible media reporting was highlighted while protecting the right to freedom of speech, resulting in the quashing of the criminal proceedings against all appellants.

MAYA SINGH VS THE ORIENTAL INSURANCE CO. LTD. [C.A. NO.-002203-002203 - 2025]

Judges: Justice J.K. Maheshwari, Justice Rajesh Bindal

The High Court erred in using the "split multiplier" method for calculating loss of dependency, lacking the required special reasons. The Tribunal's single multiplier of 9 was restored, with a 15% increase in compensation for future prospects. The total compensation awarded to the family of the deceased is â,'33,03,300/-, plus interest at the same rate as determined by the Tribunal.

THE STATE OF KARNATAKA VS T.N. SUDHAKAR REDDY [CRL.A. NO.-005001-005001 - 2024] Judges: Justice Dipankar Datta, Justice Sandeep Mehta

The discharge of the appellant from charges under Sections 420 and 120B IPC was valid due to a lack of evidence for deliberate withholding of information or conspiracy to deceive. The AICTE approved the 'Business School of Delhi' despite awareness of the bank loan and mortgage on the land, with no officials implicated in wrongdoing. The petition under Section 482 Cr.P.C. was maintainable but not appropriate when a statutory remedy under Section 397 Cr.P.C. was available.

AIRPORTS AUTHORITY OF INDIA VS PRADIP KUMAR BANERJEE [C.A. NO.-008414-008414 - 2017] Judges: Justice J.K. Maheshwari, Justice Sandeep Mehta

The Division Bench of the High Court improperly interfered with the findings of the disciplinary authority, appellate authority, and a single judge by re-evaluating evidence in an intra-court writ appeal. The standard of proof in a departmental inquiry is preponderance of probabilities, differing from the "beyond reasonable doubt" standard in criminal trials. Findings from criminal courts do not bind departmental authorities. The Division Bench overturned a well-reasoned judgment without demonstrating any perversity or legal error, which is not allowed in such appeals. Consequently, the judgment of the Division Bench was set aside, and the dismissal of the respondent-employee by the departmental authorities was restored.

P. RAMMOHAN RAO VS K. SRINIVAS [C.A. NO.-002717-002719 - 2025] ☑

Judges: Justice Pamidighantam Sri Narasimha, Justice Sandeep Mehta

The period of officiating service from 1990 to 2005 for the appellants and other Assistant Executive Engineers (AEEs) appointed between 1990-1992 should be considered when determining their seniority over the regularly appointed AEEs in 1997. The initial appointments were not ad-hoc, and the appellants served uninterrupted until their regularization in 2005. The state government was justified in issuing a revised order in 2006 to grant seniority to the 1990-1992 batch without prior hearing for the affected private respondents.



CMJ FOUNDATION VS THE STATE OF MEGHALAYA [C.A. NO.-009694-009694 - 2024]

Judges: Justice Pamidighantam Sri Narasimha, Justice Sandeep Mehta

The dissolution of CMJ University by the State Government was upheld due to the invalid appointment of the Chancellor, which lacked the necessary approval from the Governor. The dissolution order was compliant with the procedure outlined in Section 48 of the Act and previous directives. The decision to remand the matter to a Single Judge was set aside as the merits had already been adequately considered.

AMRIT YADAV VS THE STATE OF JHARKHAND [C.A. NO.-013950-013951 - 2024]

Judges: Justice Pankaj Mithal, Justice Sandeep Mehta

The advertisement dated 29th July, 2010 and the associated recruitment process violated Articles 14 and 16 of the Constitution due to the lack of specification on the number of posts, the ratio of reserved and unreserved seats, and the selection procedure. The earlier appointments were deemed nullities in law, necessitating the preparation of a new panel without considering those candidates. Consequently, the advertisement and all related appointments were quashed, and a new advertisement compliant with constitutional principles was required.

VISHAL SHAH VS MONALISHA GUPTA [CRL.A. NO.-000870-000870 - 2025]

Judges: Justice Pankaj Mithal, Justice Sandeep Mehta

The order for extradition proceedings against the appellant was deemed unjustified due to the impoundment of his passport, which was beyond his control. The marriage between the appellant and respondent was considered irretrievably broken down, with no chance of reconciliation, leading to a directive for the appellant to pay Rs. 25 lakhs as permanent alimony. The impoundment of the passport was ruled illegal, and the authorities were instructed to release it within one week.

B.V. RAM KUMAR VS STATE OF TELANGANA [CRL.A. NO.-000654-000654 - 2025]

Judges: Justice Sanjay Karol, Justice Sandeep Mehta

The allegations in the FIR and chargesheet against B.V. Ram Kumar do not establish a prima facie case for offenses under Sections 269, 270, and 504 of the Indian Penal Code. The reprimand given to Mary Anurupa by Ram Kumar, as Director of the Institute, was aimed at maintaining workplace discipline and did not constitute an "intentional insult" under Section 504 IPC, as there was no intent to provoke a breach of peace. Criminal proceedings against him were quashed.

DEEPAK SINGH ALIAS DEEPAK CHAUHAN VS MUKESH KUMAR [C.A. NO.-002255-002255 - 2025]

Judges: Justice Sanjay Karol, Justice Manmohan

Deepak Singh's appeal resulted in an increase in compensation from the High Court. The High Court incorrectly used minimum wages to calculate his notional income as a student. The notional income was recalculated to Rs. 10,000 per month, leading to a total compensation of Rs. 34,56,110, plus interest at 7.5% per annum from the claim petition filing date, excluding any delay in the appeal.

PRAKASH CHAND SHARMA VS RAMBABU SAINI [C.A. NO.-002254-002254 - 2025]

Judges: Justice Sanjay Karol, Justice Manmohan

The Medical Board assessed the claimant-appellant's permanent disability at 100%, which should be accepted unless there are valid reasons to question its competence. The appropriate compensation includes amounts for loss of future income, attendant charges, medical expenses, and pain and suffering. The compensation was enhanced due to the claimant's complete dependence on others for daily activities.



THE STATE OF KERALA VS MOUSHMI ANN JACOB [C.A. NO.-003178-003179 - 2025]

Judges: Justice Sanjay Karol, Justice Manmohan

The exemption from the conversion fee applies only to lands up to 25 cents, not to the entire land if it exceeds that limit. Lands exceeding 25 cents are subject to a 10% fee on the fair value. The interpretation stating that the fee is payable only on the portion exceeding 25 cents is incorrect. The respondent must pay the conversion fee based on the total extent of land owned.

<u>UNION OF INDIA VS MAN SINGH VERMA [CRL.A. NO.-000077-000077 - 2025]</u> ✓

Judges: Justice Sanjay Karol, Justice Manmohan

The High Court exceeded its jurisdiction by awarding compensation for alleged wrongful detention since the bail application was no longer relevant. Re-testing of samples by the NCB was found impermissible under the NDPS Act and existing guidelines. The applicability of Section 69 NDPS Act protections for authorities was not addressed. The appeal was allowed partially, and the compensation order was set aside.

THE STATE OF RAJASTHAN VS SURENDRA SINGH RATHORE [CRL.A. NO.-000847-000847 - 2025] Z Judges: Justice Sanjay Karol, Justice Prashant Kumar Mishra

The registration of a second FIR against the respondent was deemed legally permissible due to the distinct scopes of the two FIRs; the first addressed a specific incident, while the second involved broader issues of corruption in the department. A second FIR can be maintained when it presents a rival version, reveals a larger conspiracy, or uncovers new facts. The previous judgment quashing the second FIR was set aside, reinstating it for investigation by the Anti-Corruption Bureau with a directive for prompt action.

RADHIKA AGARWAL VS UNION OF INDIA [W.P.(CRL.) NO.-000336 - 2018]

Judges: Justice Sanjiv Khanna, Justice M. M. Sundresh, Justice Bela M. Trivedi

The constitutionality of amendments to the Customs Act and GST Acts, which classify certain offences as cognizable and non-bailable, is upheld. Customs and GST officers possess arrest powers, which must be used judiciously and in line with statutory safeguards that include recording reasons to believe, providing grounds for arrest, and maintaining records. The requirement for arrest only after the completion of assessment proceedings is rejected. The legislative authority of Parliament to create criminal provisions for GST violations under Article 246A of the Constitution is affirmed.

M/S ABCI INFRASTRUCTURES PVT LTD. VS UNION OF INDIA [C.A. NO.-002546-002546 - 2025] Judges: Justice Sanjiv Khanna, Justice Sanjay Kumar, Justice K.V. Viswanathan

The appellant's bid of Rs. 1,569 instead of Rs. 1,569 crores was recognized as a clear mistake. Principles of proportionality and equitable relief were applied, leading to a direction for the appellant to pay Rs. 1 crore to the respondent due to the error. The respondent is required to return the appellant's original bank guarantee of Rs. 15.04 crores upon receipt of the payment.

BINOD KUMAR SINGH VS NATIONAL INSURANCE COMPANY LTD. THROUGH MANAGING DIRECTOR [C.A. NO.-002214-002214 - 2025]

Judges: Justice B. V. Nagarathna, Justice Satish Chandra Sharma

The appellant's truck possessed a valid national permit during the fire incident on 08.06.2014, with the permit expiring on 13.10.2017. The authorization fee was applicable only when the truck exited the state of Bihar. The order of the National Consumer Disputes Redressal Commission was set aside, and the respondent National Insurance Company was directed to process the appellant's insurance claim, including a payment of interest at 9% per annum from the date of the original complaint.



SUMAN MISHRA VS THE STATE OF UTTAR PRADESH [CRL.A. NO.-000731-000731 - 2025]

Judges: Justice B. V. Nagarathna, Justice Satish Chandra Sharma

The FIR and chargesheet against the appellants were quashed due to the allegations being deemed vexatious and motivated by the appellant's divorce filing. The key allegation of rape was absent from the chargesheet, and the complainant did not contest this. Witness statements were vague and lacked specifics. The appellant's divorce petition led to an ex parte decree, and the appellant has since remarried. Prior judgments emphasized the need for careful scrutiny in such cases, supporting the quashing of the criminal proceedings.

KAMALKISHOR SHRIGOPAL TAPARIA VS INDIA ENER GEN PRIVATE LIMITED [CRL.A. NO.-000758-000761 - 2025] 2025] 2026 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025 | □ 2025

Judges: Justice B. V. Nagarathna, Justice Satish Chandra Sharma

An independent non-executive director of a company cannot be held vicariously liable for the dishonour of cheques under Section 141 of the Negotiable Instruments Act, 1881. Complaints lacked specific details regarding the director's involvement in the company's financial affairs or responsibility for its operations. Mere designation as a director does not establish liability, and non-executive directors not involved in daily operations cannot be held accountable without clear evidence of active participation. Criminal proceedings against the director were quashed.

MAHAVEER SHARMA VS EXIDE LIFE INSURANCE COMPANY LIMITED [SLP(C) NO.-002136 - 2021] Judges: Justice B. V. Nagarathna, Justice Satish Chandra Sharma

The repudiation of the insurance claim by the respondent company was improper. The insured's failure to disclose some existing life insurance policies was deemed not material enough to impact a prudent insurer's decision. The insured had disclosed one significant policy, and the respondent knew the insured could pay premiums. The death was due to an accident, not an undisclosed medical condition. Benefits under the policy, along with interest, were to be paid.

SACHIN YALLAPPA USULKAR VS VIJAYATA [SLP(C) NO.-001970-001971 - 2023]

Judges: Justice B. V. Nagarathna, Justice Satish Chandra Sharma

The main issue involved determining whether the minor appellant was driving the vehicle during the accident or if it was the father. Evidence included witness testimony and documentary evidence. Lower courts erred in their conclusion regarding the appellant's involvement.

STATE OF ODISHA VS SUDHANSU SEKHAR JENA [C.A. NO.-002803-002803 - 2025]

Judges: Justice Sudhanshu Dhulia, Justice Ahsanuddin Amanullah

The entire period of job contract employment cannot be counted towards pensionary benefits for job contract employees in Odisha, according to the Odisha Pension Rules, 1992. There is a distinction between work-charged and job contract employees, allowing only a portion of the job contract service to contribute to qualifying service for pension. Concerns were raised about the State's delays in handling these cases, and costs were imposed for belated appeals. The State was also given the opportunity to file review petitions for previously dismissed cases based on this judgment.

KANISHK SINHA VS THE STATE OF WEST BENGAL [CRL.A. NO.-000966-000971 - 2025]

Judges: Justice Sudhanshu Dhulia, Justice Ahsanuddin Amanullah

The directions from the Priyanka Srivastava case, requiring complaints under Section 156(3) CrPC to include an affidavit, apply prospectively and not retrospectively. The appeals by Kanishk Sinha and his wife challenging the registration of FIRs for forgery, fraud, and criminal conspiracy were dismissed. Charge sheets have been filed, and if charges have not been framed, the appellants may seek discharge in accordance with the law.



SACHIN JAISWAL VS M/S HOTEL ALKA RAJE [C.A. NO.-003269-003269 - 2025]

Judges: Justice Sudhanshu Dhulia, Justice Ahsanuddin Amanullah

The property, including the land and building of Hotel Alka Raje, became the property of the partnership firm M/s Hotel Alka Raje under Section 14 of the Indian Partnership Act, 1932, due to a contribution by late Bhairo Prasad Jaiswal. The argument that a relinquishment deed could not effectuate the transfer of title was rejected, as the property had already been established as the firm's property under this section.

MANSOOR ALI FARIDA IRSHAD ALI VS THE TAHSILDAR-I, SPECIAL CELL [C.A. NO.-003270-003270 - 2025] Judges: Justice Sudhanshu Dhulia, Justice K. Vinod Chandran

The redevelopment of a "censused slum" area by the Slum Rehabilitation Authority (SRA) was upheld under the Slum Act and Development Control Regulations. The appellants, identified as "transit camp tenants," were deemed ineligible slum dwellers, and their previous challenge to the redevelopment project was dismissed by the Apex Grievance Redressal Committee. The appeals lacked merit.

PAPPAMMAL (DIED) THROUGH LR R. KRSNA MURTII VS JOTHI [C.A. NO.-003395-003395 - 2025] Judges: Justice Sudhanshu Dhulia, Justice Prashant Kumar Mishra

The lower courts' orders allowed the respondent, the daughter of the deceased plaintiff, to be added as a defendant in the civil suit. It was deemed necessary for all relevant parties to be included to ensure a fair decision. The appellant, the son of the deceased plaintiff, incorrectly argued against the inclusion of the respondent. Although the appellant was permitted to substitute as the plaintiff, this did not prevent other legal heirs from asserting their claims. The appellant's appeal was dismissed.

THE CHIEF MANAGER CENTRAL BANK OF INDIA VS M/S AD BUREAU ADVERTISING PVT LTD [C.A. NO.-007438 - 2023]

Judges: Justice Sudhanshu Dhulia, Justice Prashant Kumar Mishra

M/s AD Bureau Advertising Pvt. Ltd. does not qualify as a 'consumer' under the Consumer Protection Act, 1986, as the project loan from the Central Bank of India was obtained for commercial purposes aimed at profit generation rather than self-employment or livelihood. The transaction is classified as a business-to-business arrangement excluded from the Act's definition of 'consumer'. The decision allows for M/s AD Bureau Advertising Pvt. Ltd. to pursue other legal remedies if desired.

SUNIL KUMAR SINGH VS BIHAR LEGISLATIVE COUNCIL [W.P.(C) NO.-000530-000530 - 2024] Judges: Justice Surya Kant, Justice Nongmeikapam Kotiswar Singh

The expulsion of a member of the Bihar Legislative Council was deemed disproportionate to the alleged misconduct. While the conduct was considered unbecoming, the punishment of expulsion was seen as excessive. The period of expulsion was modified to count as a suspension, leading to immediate reinstatement. A caution was issued for the member to maintain the dignity of the House and adhere to disciplinary standards, with a warning that further misconduct would result in appropriate action.

UNION OF INDIA VS TARSEM SINGH [MA-001773 - 2021]

Judges: Justice Surya Kant, Justice Ujjal Bhuyan

The case involves a decision on whether the judgment in the Tarsem Singh matter should be applied prospectively or retrospectively. The Tarsem Singh judgment addressed Section 3J of the National Highways Authority of India (NHAI) Act, which excludes the applicability of the Land Acquisition Act of 1894, resulting in a denial of 'solatium' and 'interest' to landowners.



M/S. TOMMORROWLAND LIMITED VS HOUSING AND URBAN DEVELOPMENT CORPORATION LTD. [C.A. NO.-002531-002531 - 2025]

Judges: Justice Surya Kant, Justice Ujjal Bhuyan

HUDCO breached its contractual obligations under the Allotment Letter by failing to execute necessary documents and the sub-lease agreement, leading to the Appellant being entitled to a refund of Rs. 28,11,31,939 for the forfeited first installment. The Appellant's conduct involved forum shopping and abuse of process, resulting in a denial of any discretionary interest under Section 34 of the Code of Civil Procedure.

RAMU APPA MAHAPATAR VS THE STATE OF MAHARASHTRA [CRL.A. NO.-000608-000608 - 2013] Judges: Justice Abhay S. Oka, Justice Ujjal Bhuyan

The appellant's conviction for murder under Section 302 IPC was deemed unsustainable due to the lack of credibility in the extra-judicial confession, which contained material contradictions. The testimonies of prosecution witnesses were found unreliable, and there was no corroborating evidence to support the conviction. Although suspicion existed against the appellant, suspicion alone cannot substitute for hard evidence. The conviction and sentence were set aside, leading to the appellant's release from custody.

THE STATE OF PUNJAB VS TRISHALA ALLOYS PVT. LTD. [C.A. NO.-002212-002212 - 2024] Judges: Justice Abhay S. Oka, Justice Ujjal Bhuyan

The High Court's allowance of the writ petition was affirmed. On the introduction date of Rule 21(8) of the Punjab VAT Rules, the state lacked authority under the Punjab VAT Act to reduce the input tax credit for goods already part of stock in trade. The amendment to Section 13(1) of the Act, which enabled such reductions, took effect only on 01.04.2014. As a result, Rule 21(8) could not apply to past transactions, as it would infringe on the vested rights of taxable persons without statutory approval.

BANI ALAM MAZID @ DHAN VS THE STATE OF ASSAM [CRL.A. NO.-001649-001649 - 2011] Judges: Justice Abhay S. Oka, Justice Ujjal Bhuyan

The prosecution failed to establish a complete chain of circumstantial evidence to prove the appellant's guilt beyond reasonable doubt. The conviction was based on insufficient circumstances, such as the appellant and the deceased being last seen together, and the recovery of the body linked to the appellant's confessions, which were compromised by the inadmissibility of extra-judicial confessions. The absence of a complete, unbroken chain necessitated giving the benefit of doubt to the accused. Additionally, the lack of motive and the non-examination of key witnesses weakened the case. The appeal was allowed, leading to the acquittal of the appellant.

ABDUL WAHID VS THE STATE OF RAJASTHAN [CRL.A. NO.-000722-000722 - 2012] Judges: Justice Pankaj Mithal, Justice Ujjal Bhuyan

The convictions and sentences of appellants Abdul Wahid, Babu, and Abdul Shakur for the murder of Ahsan Ali have been set aside due to inconsistencies in the prosecution's case, particularly the unreliable testimony of the sole eyewitness, PW-1. Significant flaws in the investigation, including the absence of the deceased's motorcycle, lack of forensic evidence, and questionable recoveries of weapons, further undermined the prosecution. As a result, the appeals were allowed, leading to the discharge of the appellants from their bail bonds.



M/S S.R.S TRAVELS BY ITS PROPRIETOR K.T. RAJASHEKAR PROPRIETOR VS THE KARNATAKA STATE ROAD TRANSPORT CORPORATION WORKERS FEDERATION NO. 6 [C.A. NO.-002181-002182 - 2025]

Judges: Justice Vikram Nath, Justice Prasanna B. Varale

The 2003 repeal of the 1976 Karnataka Contract Carriages (Acquisition) Act is constitutional, affirming the state legislature's authority to repeal its own laws without needing fresh presidential assent. The State Transport Authority (STA) can delegate the power to grant non-stage carriage permits, including contract carriage and temporary permits, to its Secretary under the Motor Vehicles Act and Karnataka Motor Vehicles Rules.

JAI RAM VS SOM PRAKASH [C.A. NO.-001416-001417 - 2025]

Judges: Justice B. V. Nagarathna, Justice Satish Chandra Sharma

The case involves the validity of a revoked will executed by Satwanti Devi in favor of Som Prakash, followed by a new will in favor of Jai Ram. It addresses the granting of Letters of Administration to Som Prakash based on the earlier will and the subsequent revocation of that grant. Additionally, the issue of limitation arises in Jai Ram's application under Section 263 of the Indian Succession Act, 1925, which seeks to revoke the probate granted to Som Prakash.

THE STATE OF JHARKHAND VS SUNNY KUMAR @ SUNNY KUMAR SAO [CRL.A. NO.-000538-000538 - 2025]

Judges: Justice Bela M. Trivedi, Justice Prasanna B. Varale

Bail granted to Sunny Kumar in a Narcotic Drugs and Psychotropic Substances case was set aside due to his subsequent arrest in another NDPS case, suggesting potential misuse of bail. He was directed to be taken into custody, and the trial must be expedited and concluded within four months.

HITESH UMESHBHAI MASHRU VS THE STATE OF GUJARAT [CRL.A. NO.-000812-000812 - 2025] Judges: Justice Bela M. Trivedi, Justice Prasanna B. Varale

Hitesh Umeshbhai Mashru received anticipatory bail related to an FIR under Sections 493 and 376(2)(n) of the Indian Penal Code.

PRADIP N. SHARMA VS THE STATE OF GUJARAT [CRL.A. NO.-001001-001001 - 2025]

Judges: Justice Vikram Nath, Justice Prasanna B. Varale

The appeal against the refusal to quash the FIR was dismissed, as the allegations of misuse of official position and criminal breach of trust indicated cognizable offences necessitating investigation. However, the appeal for anticipatory bail was granted, with the observation that the alleged offences involved administrative discretion rather than direct physical involvement, and custodial interrogation was not essential beyond reviewing official records. Anticipatory bail was granted with conditions for cooperation in the investigation and allowing for potential custodial interrogation if needed.



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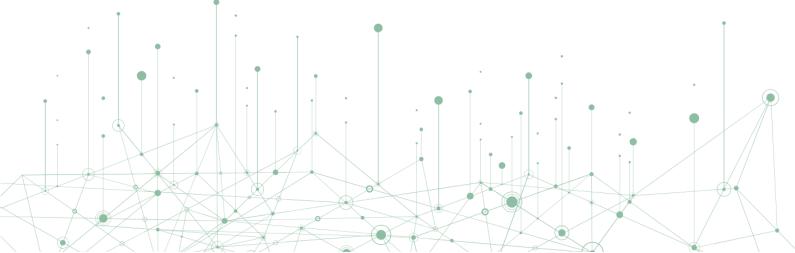
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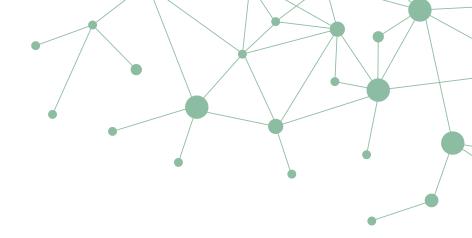
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