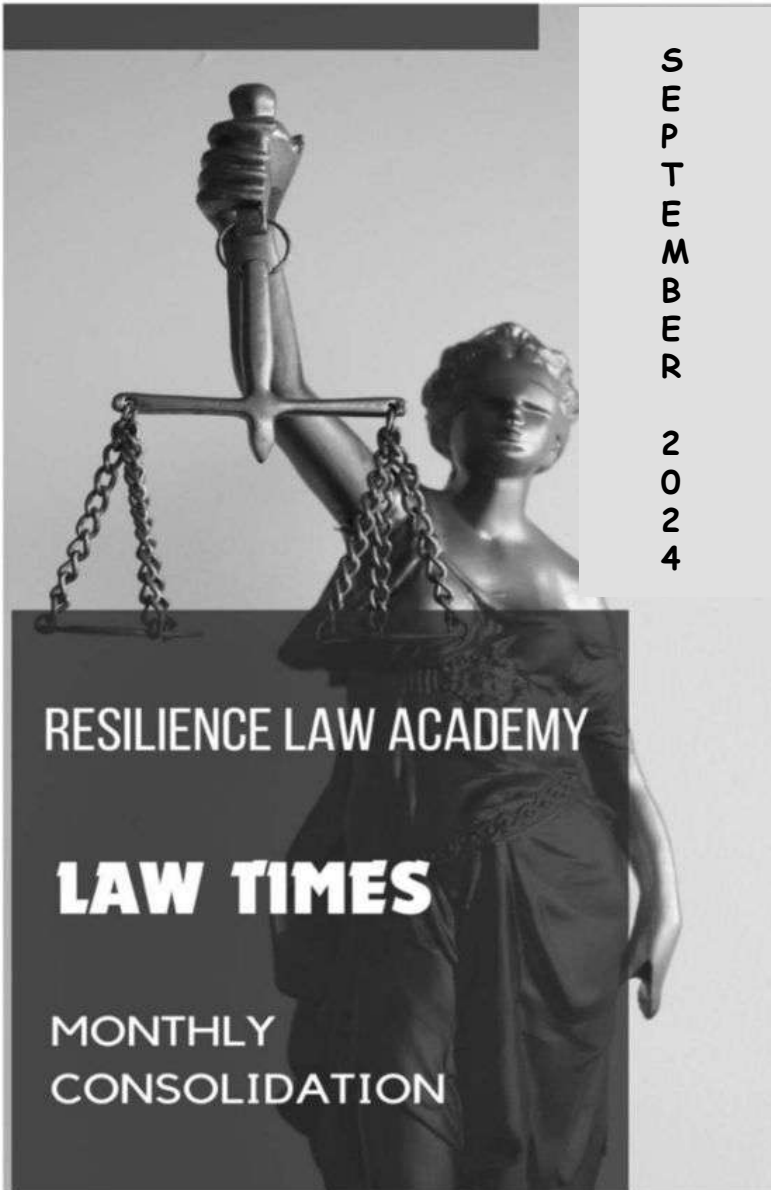


RESILIENCE LAW ACADEMY

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RESILIENCE LAW ACADEMY

LAW TIMES

MONTHLY
CONSOLIDATION

LATEST JUDGEMENTS OF SEPTEMBER 2024

- Recently, the **Supreme Court** in the matter of **Baljinder Singh @ Ladoo and others v. State of Punjab** has held that for conversion of charges to be a ground for appeal there must be failure of justice.
- Recently, the **Supreme Court** in the matter of **S Vijikumari v. Mowneshwarachari C** has held that the order for modification/ alteration / or setting aside can only be passed when there is change in the circumstances subsequent to the order passed under **Section 12 of the Protection of Women from Domestic Violence Act, 2005 (DV)** and not otherwise.
- In the case of **Dr. Rajesh Singh and Another v. State of U.P. and Another**, The **Allahabad High Court** quashed criminal proceedings against a couple. Accused had removed the deceased individual, who accompanied his mother to the hospital, and later died in a road accident.
- The court noted that a special investigation team had ruled out culpable homicide, and the couple's appeals against the magisterial and sessions court decisions were upheld. **Justices Saurabh Shyam Shamsbery** in the matter of **Dr. Rajesh Singh And Another v. State of U.P. and Another**.
- The **Supreme Court** of India has recommended that the Parliament should amend the Protection of Children from Sexual Offences Act, 2012 (POCSO) to replace the term "**child pornography**" with "**child sexual exploitative and abuse material**" (**CSEAM**).

The Court stated that the term "child pornography" trivializes the gravity of the crime, as it suggests consent and voluntary acts, whereas CSEAM accurately reflects the exploitation and abuse of children. The Court directed all judicial bodies to use CSEAM in their rulings to highlight the seriousness of these offenses. **Chief Justice of India DY Chandrachud and Justice JB Pardiwala** held in the matter of **Just Rights for Children Alliance v. S. Harish**
- Recently, the **Bombay High Court** in the matter of **Kunal Kamra v. Union of India** has held that the citizens only have the "**right to free speech and expression**" and not the "right to know truth" and therefore the State cannot claim that only true information is to be disseminated amongst the citizens.
- Recently the **Supreme Court** observed in the case of **Ramesh and another v. State of Karnataka** that Appellate Courts must provide strong reasons when reversing a trial court's acquittal, as established in the **Rajendra Prasad v. State of Bihar (1977)** case. Higher Court criticized the High Court's hasty approach that overturned a well-reasoned acquittal without substantial grounds, and the importance of thorough evaluation in criminal justice.

This case emphasizes the need for a careful assessment of witness credibility before changing a trial court's decision.

- A bench of **Justice Subodh Abhyankar** issued directions to set up Serious Crimes Investigation Supervising Team to supervise investigation. The Madhya Pradesh High Court held this in the case of **Sunit @ Sumit Singh v. The State of Madhya Pradesh**.
- The **Delhi High Court** recently quashed a Show Cause Notice (SCN) and the subsequent cancellation of a taxpayer's GST registration due to the SCN lacking specific details. The court ruled that the SCN was too vague and did not provide intelligible reasons for the cancellation, thus violating procedural fairness requirements. This decision emphasizes the need for clear and specific reasons in legal notices for GST registration issues.
- A bench of Justice PK Mishra, **Justice BR Gavai** and **Justice KV Viswanathan** held that the right provided to a person under Article 22 (5) of the Constitution is to afford the detenu the earliest opportunity of making the representation against the order of detention. The Supreme Court held this in the case of **Jasleela Shaji v. The Union of India & Ors.**
- The Chhattisgarh High Court upheld murder convictions based heavily on circumstantial evidence tied to an extramarital affair, significance of **Section 27 of the Indian Evidence Act, 1872**. The Court observed that in such cases, the prosecution must prove every link in the chain of circumstances beyond reasonable doubt, leaving no room for innocence. **Justices Ramesh Sinha and Justice Ravindra Kumar Agrawal** held in **Dilip Sariwan v. State of Chhattisgarh**.
- Recently, the **Delhi High Court** in the matter of **X and Ors. v The State and Anr.** has held that maintenance under the **Protection of Women from Domestic Violence Act, 2005 (DV)** is not linked with the ability or inability of the wife to maintain herself unlike **Section 125 of the Code of Criminal Procedure, 1973 (CrPC)**.
- A bench of **Justice JB Pardiwala** and **Justice Sudhanshu Dhulia** held that in the given case it was not proved that the deceased was subjected to cruelty soon before her death in connection with demand for dowry and hence this was not the case of dowry death. The **Supreme Court** held this in the case of **Chabi Karmarkar v. The State of West Bengal**.
- A bench of **Chief Justice of India (CJI) DY Chandrachud, Justice JB Pardiwala** and **Justice Manoj Misra** held that when a person is in custody for one offence nothing in CrPC precludes him from applying for anticipatory bail with respect to any other offence. The **Supreme Court** held this in the case of **Dhanraj Aswani v. Amar S. Mulchandani & Anr.**
- A bench of **Justice Abhay S. Oka** and **Justice Augustine George Masih** held that while deciding the **writ of habeas corpus** in relation to the **custody of the child** the principle of welfare of child should be considered. The Supreme Court held this in the case of **Somprabha Rana v. The State of Madhya Pradesh**.
- The **Supreme Court** ruled that the High Court, while exercising its revision jurisdiction under **Section 401** of the **Code of Criminal Procedure, 1973(CrPC)** (now Section 442

of **Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)**, cannot convert an acquittal into a conviction. Instead, if the High Court finds the acquittal erroneous, it should remand the case to the appellate court for re-appreciation.

This ruling followed a case where the High Court overturned an acquittal in a cheque dishonor matter without remanding it for further review. **Justices Hrishikesh Roy and Justice S.V.N. Bhatti** held in *C.N. Shantha Kumar v. M.S. Srinivas*.

- Recently, the **Madras High Court** in the matter of **ABC v. XYZ** has held that Muslim women have the right to claim **interim maintenance** under **section 151 of Code of Civil procedure, 1908 (CPC)** who has filed for divorce under the **Dissolution of Muslim Marriage Act, 1939 (DMM)**.
- Recently, the **Kerala High Court** in the matter of **Chandra Babu @ Babu v. State of Kerala & Another** has held that: Presumption until proven guilty is not merely a legal right but is a fundamental human right of a person. The Courts must stick to the right of personal liberty and the standards of reasonableness guaranteed under **Article 14 and Article 21 of the Constitution of India (COI)**.
- A bench of **Justice Abhay S. Oka and Justice AG Masih** deleted the bail condition providing that the bail condition shall be executed after six months. The **Supreme Court** held this in the case of **Jitendra Paswan v. The State of Bihar**.
- The bench of **Justice C T Ravikumar and Justice Sanjay Karol** held that “**Section 50 of the NDPS Act is no more res integra** and this Court in unambiguous term held that if the recovery was not from the person and whereas from a bag carried by him, the procedure formalities prescribed under Section 50 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS) was not required to be complied with”. The Supreme Court held this in the case of **State of Kerala v. Prabhu**.