

(ii)

(i)

(iii)

(iv)

(v)

(vi)

(vii)

(viii)

CONTENTS

Alaknanda Cooperative Group Housing Society Limited and Others; Virender Jain v.	1058
Amalendu Kumar Bera & Ors. v. The State of West Bengal	484
Anil Kumar Sarkar; Union of India & Ors. v.	396
Anjum Jehan & Ors.; Kesari (S.) Hanuman Goud v.	750
Annapurna v. State of U.P.	870
Aresh @ Ashok J. Mehta (D) by Prop. Lrs. v. Spl. Tahsildar, Balgaum Karnataka & Anr.	280
Arunachal Pradesh Public Service Commission & Anr. v. Tage Habung & Ors.	1134
Ashok Kumar Jain v. Sumati Jain	841
Asstt. General Manager, Karnataka State Financial Corporation v. General Secretary, Mysore Division Industrial Workers General Union and Ors.	744
Babita Raghuvanshi & Anr.; Jitendra Raghuvanshi & Ors. v.	921
Babu and Anr. v. State rep. by Inspector of Police, Chennai	438
Bagai Construction (M/s) Thr. Its Proprietor Mr. Lalit Bagai v. M/s Gupta Building Material Store	116

Bharat Petroleum Corporation Ltd. v. M/s Jagannath & Co. & Ors.	828
Budh Singh v. State of Haryana and Anr.	272
Central Bureau of Narcotics; Thana Singh v.	899
Ch. Gandhi; Government of Andhra Pradesh and Others v.	20
Chinnam Kameswara Rao and Ors. v. State of A.P. Rep. by Home Secretary	631
Debabrata Dash and Anr. v. Jatindra Prasad Das & Ors.	331
Deep Trading Company (M/s.) v. M/s. Indian Oil Corporation and Ors.	470
Deepa (D.A.); Srinivas (K.) Rao v.	126
Dilip v. State of Madhya Pradesh	957
Escorts Ltd. v. Universal Tractor Holding LLC	389
Executive Engineer, Nandur, Madhameshwar Canal v. Vilas Eknath Jadhav and Others	493
General Secretary, Mysore Division Industrial Workers General Union and Ors.; Asstt. General Manager, Karnataka State Financial Corporation v.	744
Government of Andhra Pradesh and Others v. Ch. Gandhi	20
Guiram Mondal v. State of West Bengal	1107

(xv)			(xvi)		
Gupta Building Material Store (M/s); Bagai Construction (M/s) Thr. Its Proprietor Mr. Lalit Bagai v.	....	116	Lakhwinder Kumar & Ors.; State of J & K v.	....	1070
Hari Ram; State of U.P. v.	....	301	Laxman Lal (Dead) Through LRs. and Anr. v. State of Rajasthan and Ors.	....	218
Harkesh Chand and Others; Haryana Power Generation Corporation Limited and Others v.	....	593	Lillu @ Rajesh & Anr. v. State of Haryana	....	774
Haryana Power Generation Corporation Limited and Others v. Harkesh Chand and Others	....	593	Litta Singh & Anr. v. State of Rajasthan Madan Mohan and Anr.; Reshma Kumari and Ors. v.	....	1118
Indian Oil Corporation (M/s.) and Ors.; Deep Trading Company (M/s.) v.	....	470	Mahadeo (D) through LRs & Ors. v. State of U.P. & Ors.	....	706
Indrajit Sureshprasad Bind & Ors. v. State of Gujarat	....	931	Manager, National Insurance Co. Ltd. v. Saju Paul and Another	....	539
Jagannath (M/s.) & Co. & Ors.; Bharat Petroleum Corporation Ltd. v.	....	828	Manohar Lal Sharma v. Union of India and Another	....	1
Jatindra Prasad Das & Ors.; Debabrata Dash and Anr. v.	....	331	Manoj Kumar Chak; Sarva U.P. Gramin Bank & Ors. v.	....	1161
Jatya Pal Singh & Ors. v. Union of India & Ors.	....	970	Mashyak Grihnirman Sahakari Sanstha Maryadit v. Usman Habib Dhuka & Ors.	....	562
Jitendra Raghuvanshi & Ors. v. Babita Raghuvanshi & Anr.	....	921	Mesco Steels Ltd. (M/s) & Anr.; State of Orissa & Ors. v.	....	873
Joseph John Peter Sandy v. Veronica Thomas Rajkumar & Anr.	....	368	Modinsab Kasimsab Kanchagar v. State of Karnataka & Anr.	....	245
K.S. Forge Metal Private Limited; Sachin Gupta and Another v.	....	215	Mohinder v. State of Haryana Mookkiah v. State, rep. by the Inspector of Police, Tamil Nadu	....	357
Kesari (S.) Hanuman Goud v. Anjum Jehan & Ors.	....	750	Municipal Corporation of Delhi v. Yashwant Singh Negi	....	555
				....	881
				....	550

(xvii)			(xviii)		
Nagendrappa Natikar v. Neelamma Nanak Builders & Investors P.Ltd. & Ors.;	....	426	Saju P. Paul and Another; Manager, National Insurance Co. Ltd. v.	....	1
Thomson Press (India) Ltd. v.	....	74	Sandur Manganese & Iron Ores Ltd. and Ors.;	....	1045
National Fertilizers Ltd. v. Tuncay Alankus & Anr.	....	496	Union of India v.	....	1045
Neelamma; Nagendrappa Natikar v.	....	426	Sarva U.P. Gramin Bank & Ors. v. Manoj Kumar Chak	....	562
Pournima Suryakant Pawar v. State of Maharashtra and Others	....	262	Sat Pal; State of J & K and Ors. v.	....	648
Prakash v. State of Rajasthan	....	458	Satya Prakash; Rajasthan State Road Transport Corporation and Another v.	....	939
Prem Kaur v. State of Punjab and Ors.	....	1095	Satyabhamabai Bhimaji Dawkher and Others;	....	664
Rajasthan State Road Transport Corporation and Another v. Satya Prakash	....	939	Shrirampur Municipal Council, Shrirampur v.	....	664
Rajendra Singh v. State of Uttaranchal	....	783	Shantilal Gulabchand Mutha v. Tata Engineering & Locomotive Co. Ltd. & Anr.	....	432
Rajesh Patel v. State of Jharkhand	....	411	Shrirampur Municipal Council, Shrirampur v.	....	664
Ram Pal @ Bunda v. State of Haryana	....	797	Satyabhamabai Bhimaji Dawkher and Others	....	664
Rattiram & Ors. Etc. v. State of M.P. Through Inspector of Police etc.	....	1003	Sooguru Subrahmanyam v. State of A.P.	....	514
Reshma Kumari and Ors. v. Madan Mohan and Anr.	....	706	Spl. Tahsildar, Balgaum Karnataka & Anr.;	....	280
Sachin Gupta and Another v. K.S. Forge Metal Private Limited	....	215	Aresh @ Ashok J. Mehta (D) by Prop. Lrs. v.	....	280
Sahib Hussain @ Sahib Jan v. State of Rajasthan	....	1019	Srinivas (K.) Rao v. D.A. Deepa	....	126
			State of A.P. Rep. by Home Secretary;	....	631
			Chinnam Kameswara Rao and Ors. v.	....	631
			State of A.P.; Sooguru Subrahmanyam v.	....	514
			State of Andhra Pradesh v. State of Maharashtra & Ors.	....	153

(xix)

State of Andhra Pradesh; Syed Yousuf Hussain v.	....	528
State of Gujarat & Anr.; Sunil Mehta & Anr. v.	....	56
State of Gujarat; Indrajit Sureshprasad Bind & Ors. v.	....	931
State of Haryana and Anr.; Budh Singh v.	....	272
State of Haryana; Lillu @ Rajesh & Anr. v.	....	774
State of Haryana; Mohinder v.	....	555
State of Haryana; Ram Pal @ Bunda v.	....	797
State of J & K and Ors. v. Sat Pal	....	648
State of J & K v. Lakhwinder Kumar & Ors.	....	1070
State of Jharkhand; Rajesh Patel v.	....	411
State of Karnataka & Anr.; Modinsab Kasimsab Kanchagar v.	....	357
State of Karnataka & Anr.; Sundramma (J.) v.	....	453
State of Karnataka; Venkatesha v.	....	613
State of M. P. and Ors.; Tata Sky Ltd. (M/s) v.	....	849
State of M. P. Through Inspector of Police etc.; Rattiram & Ors. Etc. v.	....	1003
State of M. P.; Swaroop Singh v.	....	765
State of Madhya Pradesh; Dilip v.	....	957

(xx)

State of Maharashtra & Ors.; State of Andhra Pradesh v.	....	153
State of Maharashtra and Others; Pournima Suryakant Pawar v.	....	262
State of Orissa & Ors. v. M/s Mesco Steels Ltd. & Anr.	....	245
State of Punjab and Ors.; Prem Kaur v.	....	1095
State of Punjab; Tejinder Singh @ Kaka v.	....	802
State of Rajasthan and Ors.; Laxman Lal (Dead) Through LRs. and Anr. v.	....	218
State of Rajasthan; Litta Singh & Anr. v.	....	1118
State of Rajasthan; Prakash v.	....	458
State of Rajasthan; Sahib Hussain @ Sahib Jan v.	....	1019
State of U. P. & Ors.; Mahadeo (D) through LRs & Ors. v.	....	539
State of U.P. v. Hari Ram	....	301
State of U.P.; Annapurna v.	....	870
State of Uttaranchal; Rajendra Singh v.	....	783
State of West Bengal (The); Amalendu Kumar Bera & Ors. v.	....	484
State of West Bengal; Guiram Mondal v.	....	1107
State rep. by Inspector of Police, Chennai; Babu and Anr. v.	....	438

(xxi)			(xxii)		
State, rep. by the Inspector of Police, Tamil Nadu; Mookkiah v.	....	881	Union of India v. Sandur Manganese & Iron Ores Ltd. and Ors.	....	1045
Sumati Jain; Ashok Kumar Jain v.	....	841	Universal Tractor Holding LLC; Escorts Ltd. v.	....	389
Sundramma (J.) v. State of Karnataka & Anr.	....	453	Usman Habib Dhuka & Ors.; Mashyak Grihnirman Sahakari Sanstha Maryadit v.	....	873
Sunil Mehta & Anr. v. State of Gujarat & Anr.	....	56	Venkatesha v. State of Karnataka	....	613
Swaroop Singh v. State of M.P.	....	765	Veronica Thomas Rajkumar & Anr.; Joseph John Peter Sandy v.	....	368
Syed Yousuf Hussain v. State of Andhra Pradesh	....	528	Vilas Eknath Jadhav and Others; Executive Engineer, Nandur, Madhameshwar Canal v.	....	493
Tage Habung & Ors.; Arunachal Pradesh Public Service Commission & Anr. v.	....	1134	Virender Jain v. Alaknanda Cooperative Group Housing Society Limited and Others	....	1058
Tata Engineering & Locomotive Co. Ltd. & Anr.; Shantilal Gulabchand Mutha v.	....	432	Yashwant Singh Negi; Municipal Corporation of Delhi v.	....	550
Tata Sky Ltd. (M/s) v. State of M.P. and Ors.	....	849			
Tejinder Singh @ Kaka v. State of Punjab	....	802			
Thana Singh v. Central Bureau of Narcotics	....	899			
Thomson Press (India) Ltd. v. Nanak Builders & Investors P.Ltd. & Ors.	....	74			
Tuncay Alankus & Anr.; National Fertilizers Ltd. v.	....	496			
Union of India & Ors. v. Anil Kumar Sarkar	....	396			
Union of India & Ors.; Jatya Pal Singh & Ors. v.	....	970			
Union of India and Another; Manohar Lal Sharma v.	....	1161			

CASES CITED

Abati Bezbaruah v. Dy. Director General, Geological Survey of India & Anr. 2003 (1) SCR 1229	....	713
– cited	....	713
Achint Navinbhai Patel v. State of Gujarat and Anr. 2002 (10) SCC 529	....	900
– relied on	....	900
Afsar Shaikh & Anr v. Soleman Bibi & Ors. 1976 (2) SCR 327	....	371
– relied on	....	371
Afzal Ullah v. State of Uttar Pradesh 1964 SCR 991	....	1074
– relied on	....	1074
Agricultural Produce Market Committee v. Ashok Harikunj & Anr. 2000(3) Suppl. SCR 379	....	975
– cited	....	975
Air India Statutory Corporation v. United Labour Union & Ors. 1996 (9) Suppl. SCR 579	....	973
– stood overruled	....	973
Ajoy Kumar Ghose v. State of Jharkhand and Anr. 2009 (4) SCR 515	....	59
– relied on	....	59
Akbar Sheikh v. State of W. B. 2009 (7) SCR 518	....	1005
Alamgir v. State (NCT, Delhi) 2002 (4) Suppl. SCR 88	....	1109

All India ITDC Workers Union & Ors. v. ITDC & Anr. 2006 (8) Suppl. SCR 127	....	975
– cited	....	975
Amar Singh v. Balwinder Singh and Others 2003 (1) SCR 754	....	1108
Amit Kumar Shaw v. Farida Khatoon 2005 (3) SCR 509	....	80
– relied on	....	80
Anand Singh and Another v. State of Uttar Pradesh and Others 2010 (9) SCR 133	....	220
– relied on	....	220
Andi Mukta Sadguru Shree Muktaji Vandas Swami Suverna Jayanti Mahotsav Smarak Trust & Ors. v. V.R.Rudani & Ors. 1989 (2) SCR 697	....	974
– held inapplicable	....	974
Anil Kumar Singh v. Shivnath Mishra alias Gadasa Guru 1994 (5) Suppl. SCR 135	....	77
Appasaheb and Another v. State of Maharashtra 2007 (1) SCR 164	....	358
– relied on	....	358
Arora (K.C.) (Ex-Capt.) and Another v. State of Haryana and Others 1984 (3) SCR 623	....	24
Babu Ram & Anr. v. State of Haryana & Anr. 2009 (14) SCR 1111	....	221
Bachan Singh v. State of Punjab (1980) 2 SCC 684	....	1023
– relied on	....	1023

Baladin and Others v. State of Uttar Pradesh AIR 1956 SC 181	....	1005
Balco Employees Union v. Union of India & Ors. 2001 (5) Suppl. SCR 511		
– cited	....	975
Baleshwar Dass v. State of U.P. 1981 (1) SCR 449	....	333
Balraj Taneja & Anr. v. Sunil Madan & Anr. 1999 (2) Suppl. SCR 258		
– relied on	....	432
Balwinder Singh v. State of Punjab 1995 (5) Suppl. SCR 10		
– relied on	....	516
Barendra Kumar Ghosh v. King Emperor AIR 1925 PC 1	....	530
Bassi (G.) Reddy v. International Corps Research Institute 2003 (1) SCR 1174		
– cited	....	975
Bhagat (V.) v. D. Bhagat 1993 (3) Suppl. SCR 796	....	128
Bhagat Ram Sharma v. Union of India and Others 1988 SCR 1034	....	23
Bhargavan and Others v. State of Kerala 2003 (5) Suppl. SCR 535	....	1005
Bhavnagar Municipality v. Alibhai Karimbhai 1977(2) SCR 932	....	941
Binny Ltd. v. Sadasivan 2005 (2) Suppl. SCR 421	....	974
Bishnudayal v. State of Bihar AIR 1981 SC 39	....	957

Bishundeo Narain & Anr. v. Seogeni Rai & Jagernath 1951 SCR 548		
– relied on	....	371
Bogidhola Tea & Trading Co. Ltd. & Anr. v. Hira Lal Somani, 2007 (12) SCR 1153		
– relied on	....	432
Brij Mohan Lal v. Union of India and Others 2002 (3) SCR 810	....	333
Brij Mohan Lal v. Union of India and Others 2012 (5) SCR 305	....	333
Calton (A.A.) v. The Director of Education & Anr. 1983 (2) SCR 598	....	1136
Central Bank of India v. Sriguppa Sugars & Chemicals Ltd. and Ors. 2007(8) SCR 898		
– distinguished	....	744
Chain Singh and etc., v. State of Rajasthan and Others AIR 1991 Rajasthan 17		
– distinguished	....	222
Chairman-cum-Managing Director, Coal India Limited and Others v. Ananta Saha and Others 2011 (5) SCR 44	....	398
Chameli Singh & Ors. v. State of U.P. & Anr. 1995 (6) Suppl. SCR 827	....	220
Chandigarh Housing Board v. Avtar Singh 2010 (12) SCR 96		
– relied on	....	1059
Chandrappa and Ors. v. State of Karnataka 2007 (2) SCR 630		
– relied on	....	634 and 884

(xxvii)

Chhajju Ram v. Neki, AIR 1922 PC 112	....	1047
Chhotu Ram v. Urvashi Gulati and Another 2001 (7) SCC 530	....	498
Coal India Limited & Ors. v. Saroj Kumar Mishra 2007 (5) SCR 233	....	21 and 398
Collector of Thanjavur Distt. & Ors. v. S. Rajagopalan & Ors. (2000) 9 SCC 145 – cited	....	567
Commissioner of Income Tax v. B.C. Srinivasa Setty 1981 (2) SCR 938 – relied on	....	852
Commissioner of Income-Tax Ernakulam, Kerala v. Official Liquidator, Palai Central Bank Ltd. 1985 (1) SCR 971 – relied on	....	852
Dadu alias Tulsidas v. State of Maharashtra (2000) 8 SCC 437 – relied on	....	273
Dalbir Kaur and Others v. State of Punjab 1977 (1) SCR 280	....	1109
Darbara Singh v. State of Punjab 2012 (8) SCALE 649 – relied on	....	634
Datar Switchgears Ltd. v. Tata Finance Ltd. and Another (2000) 8 SCC 151 – relied on	....	471
Debashis Daw and Others v. State of West Bengal 2010 (9) SCR 654	....	1005

(xxviii)

Deepak Pahwa & Ors. v. Lt. Governor of Delhi & Ors. 1985 (1) SCR 588	....	220
Deepal Girishbhai Soni and Others v. United India Insurance Co. Ltd., Baroda (2004) 5 SCC 385	....	709
Delhi Cloth and General Mills Co. Ltd. v. Rameshwar Dayal 1961 SCR 590 - – relied on	....	941
Delhi Cloth and General Mills Company Limited v. State of Rajasthan (1996) 2 SCC 449	....	302
Delhi Development Authority v. H.C. Khurana 1993 (2) SCR 1033	....	21
Delhi Domestic Working Women's Forum v. Union of India & Ors. 1994 (4) Suppl. SCR 528	....	958
Delhi Science Forum v. Union of India 1996 (2) SCR 767 – cited	....	975
Dhampur Sugar Mills Ltd. v. Bholu Singh 2005 (1) SCR 1123 – relied on	....	595
Dhanna etc. v. State of M.P. 1996 (4) Suppl. SCR 28 – relied on	....	439
Dhanna etc. v. State of Madhya Pradesh 1996 (4) Suppl. SCR 28 – relied on	....	634

(xxix)

Direct Recruit Class II Engineering Officers' Association v. State of Maharashtra and Others 1990 (2) SCR 900		
– relied on	....	333
Directorate of Enforcement v. Deepak Mahajan 1994 (1) SCR 445	....	303
DSR Steel (Private) Limited v. State of Rajasthan and Others 2012 (5) SCR 583		
– relied on	....	551
Durga Prasad and Another v. Deep Chand and Others 1954 SCR 360	....	77
Durga Prasanna Tripathy v. Arundhati Tripathy 2005 (2) Suppl. SCR 833		
– cited	....	131
Dwarka Prasad Singh and Others v. Harikant Prasad Singh and Others 1973 AIR 655	....	77
Dwarkadas Gehanmal v. State of Gujarat 1999 (1) SCC 57		
– relied on	....	805
Dwarkanath v. Income-tax Officer, Special Circle, D-ward, Kanpur & Anr. 1965 (3) SCR 536	....	974
Eastern Coalfields Limited v. Dugal Kumar 2008 (11) SCR 369		
– held inapplicable	....	551
Emperor v. Sibnath Banerji AIR 1945 PC 156	....	1074
Fair Air Engineers (P) Ltd. v. N.K. Modi, 1996 (4) Suppl. SCR 820		
– relied on	....	1060

(xxx)

Fakeerappa and Anr. v. Karnataka Cement Pipe Factory and Others 2004 (2) SCR 369	....	713
Federal Bank Ltd. v. Sagar Thomas and Ors. 2003 (4) Suppl. SCR 121	....	974
Felix Ambrose D'Souza v. State of Karnataka (2009) 16 SCC 361		
– cited	....	441
Gandhi (H.B.) & Ors. v. Gopi Nath & Sons, 1992 Suppl. (2) SCC 312	....	1096
Gangula Ashok and Another v. State of Andhra Pradesh 2000 (1) SCR 468	....	1006
Gaya Din & Ors. v. Hanuman Prasad & Ors. AIR 2001 SC 386	....	1096
General Manager, Kerala State Road Transport Corporation, Trivandrum v. Susamma Thomas (Mrs.) and Ors. 1994 (2) SCC 176	....	708
Ghasitey Lal Sahu and Another v. Competent Authority, Under the Urban (Ceiling and Regulation Act, 1976), U.P. and Another (2004) 13 SCC 452	....	305
Gian Singh v. State of Punjab & Anr. 2012 (10) SCC 303	....	131
Girnar Traders v. State of Maharashtra (Girnar Traders II) 2007 (9) SCR 383		
– relied on	....	666
Girnar Traders v. State of Maharashtra (Girnar Traders III) 2011 (3) SCR 1		
– relied on	....	666

(xxxi)	
Godavarman (T.N.)Thirumulkpad v. Union of India & Ors. 1996 (9) Suppl. SCR 982	
– cited	.... 248
Gopal (S.) Reddy v. State of U.P. 1996 (3) Suppl. SCR 439	.... 303
Gouri Dutt Maharaj v. Sukur Mohammed & Ors. AIR (35) 1948	.... 77
Government of India and Others v. Indian Tobacco Association 2005 (2) Suppl. SCR 859	
– relied on	.... 23
Govt. of A.P. and Anr. v. V. Syed Akbar 2004 (6) Suppl. SCR 208	
– relied on	.... 540
Gujarat State Road Transport Corporation, Ahmedabad v. Ramanbhai Prabhatbhai and Another 1987(3) SCR 404	.... 708
Gurdip Singh & Anr. v. State of Punjab, (1987) 2 SCC 14	
– relied on	.... 1119
Gurpreet Singh v. State of Punjab 2005 (5) Suppl. SCR 90	
– relied on	.... 634
Gurvail Singh @ Gala and Anr. v. State of Punjab 2013 (1) SCR 783	
– relied on	.... 1023
Harendra H. Mehta and Ors. v. Mukesh H. Mehta and Ors. (1995) 5 SCC 108	.... 390
Hari Singh v. Kanhaiya Lal 1999 Suppl. (2) SCR 216	.... 372

(xxxii)	
Harinarayan G. Bajaj v. State of Maharashtra & Ors. 2010 (1) SCR 171	.... 59
Harischandra Ladaku Thange v. State of Maharashtra 2007 (9) SCR 562	
– relied on	.... 516
Haru Ghosh v. State of West Bengal 2009 (13) SCR 847	
– relied on	.... 1023
Haryana State Warehousing Corporation & Ors. v. Jagat Ram & Anr. 2011 (2) SCR 1151	
– cited	.... 567
Hemani Malhotra Etc. v. High Court of Delhi, 2008 (5) SCR 1066	.... 1136
Hindustan Petroleum Corporation Ltd. & Ors. v. M/s Super Highway Services & Anr. 2010 (2) SCR 1053	
– relied on	.... 830
Hindustan Petroleum Corporation Ltd. v. Darius Shapur Chenai & Ors. 2005 (3) Suppl. SCR 388	
– relied on	.... 220
Hitendra Vishnu Thakur v. State of Maharashtra and Others 1994 (1) Suppl. SCR 360	.... 22
Hussainara Khaton and Ors. v. Home Secretary, State of Bihar 1979 (3) SCR 169	
– relied on	.... 900
Inder Parkash Gupta v. State of J&K & Others 2004 (1) Suppl. SCR 453	.... 1137

(xxxiii)

Indrapuri Grah Nirman Sahakari Samiti Ltd. v. State of Rajasthan and Others 2002 (3) WLN 122		
– held inapplicable	....	222
Ishwar Singh v. State of U.P. (1976) 4 SCC 355		
– cited	....	1120
Jagmohan Singh v. State of U.P. (1973) 1 SCC 20		
– relied on	....	1023
Jagroop Singh v. State of Punjab 2012 SCR 91		
– relied on	....	516
Jain (R.L.) (D) by LRs. v. D.D.A. and Others 2004 (2) SCR 1156		
– relied on	....	493
Jaipur Zila Sah. Bhoomi Vikas Bank Ltd. v. Ram Gopal Sharma & Ors. 2002 (1) SCR 284		
	....	941
Janki Vashdeo Bhojwani v. Indusind Bank Ltd., 2004 (6) Suppl. SCR 681		
– relied on	....	752
Jayaram Mudaliar v. Ayyaswami and Ors. 1973 (1) SCR 139		
	....	78
Joginder Singh v. State of H.P., 1971 (2) SCR 851		
– distinguished	....	1075
Joshi (B.S.) & Ors. v. State of Haryana & Anr. 2003 (2) SCR 1104		
	....	131
Joshi (B.S.) and Others v. State of Haryana and Another 2003 (2) SCR 1104		
– held applicable	....	923

(xxxiv)

Jugal Kishore Saraf v. M/s Raw Cotton Co. Ltd. 1955 SCR 1369	....	303
Jyoti Kaul & Ors. v. State of M.P. & Anr. 2002 (6) SCC 306		
– cited	....	713
Kafiladdin and Others v. Samiraddin and Others AIR 1931 Calcutta 67		
	....	77
Kailash @ Tanti Banjara v. State of M.P. 2013 (6) SCALE 1		
	....	957
Kallu @ Masih and Ors. v. State of Madhya Pradesh 2006 (1) SCR 201		
– relied on	....	634
Kalyani (P.H.) v. M/s. Air France Calcutta AIR 1964 SCR 104		
– relied on	....	941
Kameswara (G.V.N.) Rao v. G. Jabilli 2002 (1) SCR 153		
– cited	....	131
Kasturi v. Iyyamperumal & Ors. 2005 (3) SCR 864		
	....	77
Kaushnuma Begum (Smt.) and Ors. v. New India Assurance Co. Ltd. and Ors. 2001 (1) SCR 8		
	....	708
Kedar Nath Lal & Anr. v. Ganesh Ram & Ors. 1970 (2) SCR 204		
	....	77
Khemchand Shanker Choudhary v. Vishnu Hari Patil 1983 (1) SCR 898		
– relied on	....	80

(xxxv)

Kishore Lal v. ESI Corporation, 2007 (6) SCR 139	
– relied on	.... 1060
Krishna Govind Patil v. State of Maharashtra 1964 SCR 678	
– relied on	.... 634
Krishna Mohan Kul @ Nani Charan Kul & Anr. v. Pratima Maity & Ors. 2003 Suppl. (3) SCR 496	.... 373
Kulchinder Singh v. Hardayal Singh Brar 1976 (3) SCR 680	
– cited	.... 975
Kuldeep Singh v. Commissioner of Police & Ors., 1998 (3) Suppl. SCR 594	.... 1096
Kumari Madhuri Patil and Another v. Addl. Commissioner, Tribal Development and Others 1994 (3) Suppl. SCR 50	
– relied on	.... 262
Labh Singh and Others v. State of Punjab (1976) 1 SCC 181	.... 1109
Ladli Prashad Jaiswal v. The Karnal Distillery Co. Ltd., Karnal & Ors, 1964 SCR 270	
– relied on	.... 371
Lalji v. State of Uttar Pradesh 1989 (1) SCR 130	.... 1005
Lalla Ram v. D.C.M. Chemicals Works Ltd. 1978 (3) SCR 82	
– relied on	.... 941
Lallan Rai and Others v. State of Bihar 2002 (4) Suppl. SCR 188	
– relied on	.... 529

(xxxvi)

Laxmanan (K.) v. Thekkayil Padmini & Ors. 2008 (16) SCR 1117	.... 373
Laxmibai (dead) thr. Lrs. & Anr v. Bhagwantbuva (dead) thr Lrs. & Ors. JT 2013 (2) SC 362	
– relied on	.... 372
Lucknow Development Authority v. M.K. Gupta, 1993 (3) Suppl. SCR 615	
– relied on	.... 1059
Madan Mohan Singh & Ors v. Rajni Kant & Anr. 2010 (10) SCR 30	
– relied on	.... 372
Madhu Limaye v. State of Maharashtra 1978 (1) SCR 749	.... 924
Mahadevappa Lachappa Kinagi & Ors. v. State of Karnataka & Ors. 2008 (12) SCC 418	.... 221
Maharaj Singh v. State of UP and Others 1977 (1) SCR 1072	.... 305
Mahbub Shah v. Emperor AIR 1945 PC 118	.... 530
Man Kaur v. Hartar Singh Sangha 2010 (12) SCR 515	
– relied on	.... 752
Manohar (V.M.) Prasad v. N. Ratnam Raju and Anr. (2004) 13 SCC 610	.... 651
Manohar S/o Shankar Nale and Others v. Jaipalsing S/o Shivilsing Rajput and Others 2007 (12) SCR 364	
– relied on	.... 551
Marripati Nagaraja and Others v. Government of Andhra Pradesh and Others 2007 (11) SCR 506	.... 22

(xxxvii)

Maru Ram v. Union of India and Others (1981) 1 SCC 107		
– relied on	....	274
Masalti v. State of Uttar Pradesh 1964 SCR 133	....	1005
Maya Rani Punj (Smt.) v. Commissioner of Income-tax, Delhi 1985 (3) Suppl. SCR 827	....	24
Meerut Development Authority & Ors. v. Satbir Singh & Ors. 1996 (6) Suppl. SCR 529	....	221
Meharaj Singh (L/Nk.) etc. v. State of U.P. (1994) 5 SCC 188		
– distinguished	....	440
Midnapore Peoples' Coop. Bank Ltd. and Ors. v. Chunilal Nanda and Ors. 2006 (2) Suppl. SCR 986	....	651
Minu B. Mehta and Anr. v. Balkrishna Ramchandra Nayan and Anr. 1977 (2) SCR 886	....	707
Mohan Singh v. State of Punjab 1962 Suppl. SCR 848		
– relied on	....	529
Monnet Ispat and Energy Ltd. v. Union of India & Ors. 2012 (7) SCR 644	....	1048
Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius & Ors. (1955) 1 SCR 520	....	1047
Mrinal Das and Ors. v. State of Tripura 2011 (14) SCR 411		
– relied on	....	884

(xxxviii)

Mukarram Ali Khan v. State of Uttar Pradesh and Others 2007 (8) SCR 340	....	305
Mukesh K. Tripathi v. Senior Divisional Manager, LIC 2004 (4) Suppl. SCR 127		
– relied on	....	595
Mukhtiar Singh & Anr. v. State of Punjab, 1995 (1) SCR 38	....	1096
Mukul Saikia v. State of Assam 2008 (16) SCR 236		
– relied on	....	651
Municipal Corporation of Greater Bombay v. Dr. Hakimwadi Tenants' Association 1988 SCR 21		
– relied on	....	666
Munshi Singh & Ors. v. Union of India 1973 (1) SCR 973		
– relied on	....	220
Murugesan and Ors. v. State 2012 (10) SCALE 378		
– relied on	....	634
Murugesan and Ors. v. State Through Inspector of Police 2012 (10) SCC 383		
– relied on	....	884
Nagubai Ammal & Ors. v. B. Shama Rao & Ors. AIR 1856 SC 593	....	78
Nandeshwar Prasad & Ors. v. U.P. Govt. & Ors. 1964 SCR 425		
– relied on	....	220
Narayan Govind Gavate & Ors. v. State of Maharashtra & Ors. 1977(1) SCR 763	....	220

(xxxix)

Narayanamma (Kum) v. State of Karnataka & Ors., 1994 (2) Suppl. SCR 799	....	775
Narender Kumar v. State (NCT of Delhi), 2012 (6) SCR 148	....	775
Narinder Kumar and Ors. v. The State of Punjab and Ors. 1985 (2) SCR 52		
– relied on	....	595
Nathuni Yadav and Others v. State of Bihar and Another 1996 (10) Suppl. SCR 905	....	516
National Insurance Co. Ltd. v. Baljit Kaur and Ors. 2004 (1) SCR 274		
– relied on	....	3
National Insurance Co. Ltd. v. Challa Bharathamma and Ors. 2004 (4) Suppl. SCR 587		
– relied on	....	3
National Insurance Co. Ltd. v. Cholleti Bharatamma and Ors. 2007 (11) SCR 531		
– relied on	....	2
National Insurance Company Limited v. Kaushalaya Devi and Ors. 2008 (8) SCR 500		
– relied on	....	3
National Seeds Corporation Ltd. v. M. madhusudhan Reddy 2012 (2) SCR 1065		
– relied on	....	1059
Naveen Kohli v. Neelu Kohli 2006 (3) SCR 53	....	128
Nawab John & Ors. v. V.N. Subramanyam 2012 (6) SCR 369	....	78

(xl)

Nazir Khan and Ors. v. State of Delhi 2003 (2) Suppl. SCR 884		
– relied on	....	1023
Neel Kumar @ Anil Kumar v. The State of Haryana 2012 (5) SCR 696		
– relied on	....	1023
New India Assurance Co. Ltd. v. Asha Rani and Ors. 2002 (4) Suppl. SCR 543		
– relied on	....	2
New India Assurance Co. Ltd. v. Shanti Pathak (Smt.) & Ors. 2007 (8) SCR 237		
– cited	....	713
New India Assurance Company Ltd. v. Charlie and Anr. 2005 (2) SCR 1173	....	709
New India Assurance Company v. Satpal Singh and Ors. 1999 (5) Suppl. SCR 149	....	2
Newton Engineering and Chem. Ltd. (M/s.) v. Indian Oil Corporation Ltd. & Ors. 2013 (4) SCC 44		
– held inapplicable	....	472
Nihal Khan v. The State (Govt. of NCT Delhi) 2007 CriLJ 2074	....	900
Northern Railway Administration, Ministry of Railway, New Delhi v. Patel Engineering Company Limited 2008 (12) SCR 216	....	471
Oil and Natural Gas Commission v. Western Company of North America 1987 (1) SCR 1024	....	390
Om Prakash & Anr. v. State of U.P. & Ors. 1998 (3) SCR 643	....	221

(xli)

Organo Chemical Industries v. Union of India 1980 (1) SCR 61	....	302
Orient Papers & Industries Ltd. and Another v. Tahsildar-cum-Irrigation Officer and Others 1998 (1) Suppl. SCR 442	....	159
– held inapplicable	....	159
Oriental Insurance Co. Ltd. v. Devireddy Konda Reddy and Ors. 2003 (1) SCR 537	....	2
– relied on	....	2
Oriental Insurance Company Ltd. v. Jashuben and Ors. 2008 (2) SCR 930	....	709
Padala Veera Reddy v. State of Andhra Pradesh and Ors. AIR 1990 SC 79	....	516
– relied on	....	516
Pancho v. State of Haryana 2011 (12) SCR 1173	....	805
– relied on	....	805
Parsion Devi & Ors. v. Sumitri Devi & Ors. 1997 (4) Suppl. SCR 470	....	1047
– relied on	....	1047
Parveen Mehta v. Inderjit Mehta 2002 (5) SCC 706	....	131
– cited	....	131
Patwardhan (S.B.) v. State of Maharashtra 1977 (3) SCR 775	....	333
Pedda Narayana and Others v. State of Andhra Pradesh 1975 Suppl. SCR 84	....	1108
Pepsi Foods Ltd. & Anr. v. Special Judicial Magistrate & Ors. 1997 (5) Suppl. SCR 12	....	924

(xlii)

Pesara Pushapmala Reddy v. G. Veera Swamy and Others 2011 (3) SCR 496	....	222
– held inapplicable	....	222
PNB Finance Limited v. Commissioner of Income Tax I, New Delhi 2008 (15) SCR 556	....	852
– relied on	....	852
Poosathurai v. Kannappa Chettiar, AIR 1920 PC 65	....	371
Prabha (B.K.) v. Secretary Kendriya Upadyarasanga (2004) 2 CLT 305	....	1059
– overruled	....	1059
Pradeep Biswas v. Indian Inst. of Chemical Biology 2002 (3) SCR 100	....	972
– relied on	....	972
Pradeep Kumar Verma v. State of Bihar & Anr. 2007 (9) SCR 58	....	958
Praga Tools Corp. v. C.A. Imanual & Ors. 1969 (3) SCR 773	....	975
– cited	....	975
Prakash Dhawal Khairnar (Patil) v. State of Maharashtra 2001 (5) Suppl. SCR 612	....	1023
– relied on	....	1023
Prithawi Nath Ram v. State of Jharkhand and Ors. 2004 (3) Suppl. SCR 740	....	651
Pt. Madan Swaroop Shrotiya Public Charitable Trust v. State of U.P. and Others (2000) 6 SCC 325	....	305
Punj Lloyd Ltd. v. Petronet MHB Ltd. (2006) 2 SCC 638	....	471
– relied on	....	471

(xliii)

Punjab Beverages Pvt. Ltd. Chandigarh v. Suresh Chand 1978 (3) SCR 370	....	942
Punjab National Bank Ltd. v. All India Punjab National Bank Employees Federation & Anr. AIR 1960 SC 160		
– relied on	....	941
Pyare Lal Sharma v. Managing Director and Others 1989 (3) SCR 428		
– relied on	....	23
Radha Mohan Singh @ Lal Saheb and Others v. State of U.P. 2006 (1) SCR 519	....	1108
Radhakrishna Agarwal v. State of Bihar 1977 (3) SCR 249		
– cited	....	975
Radhy Shyam (Dead) Through LRs & Ors. v. State of Uttar Pradesh and Others 2011 (8) SCR 359	....	221
Raj Kumar v. Union of India and Others 1975 (3) SCR 963	....	23
Rajaiah (L.) v. Inspector General of Registration & Stamps, Hyderabad & Ors. 1996 (2) SCR 136		
– cited	....	567
Rajender Singh & Ors. v. Santa Singh & Ors. 1974 (1) SCR 381	....	77
Rajendra Kumar Srivastava & Ors. v. Samyut Kshetriya Gramin Bank & Ors. 2009 (15) SCR 936		
– held inapplicable	....	564

(xliv)

Rajendra Kumar v. Kalyan (dead) by Lrs. 2000 (2) Suppl. SCR 114	....	305
Rajendra Sail v. M.P. High Court Bar Association and Others 2005 (3) SCR 816		
– held inapplicable	....	498
Rajinder Kumar Kindra v. Delhi Administration 1985 (1) SCR 866	....	1096
Raju v. State of Madhya Pradesh (2008) 5 SCC 133	....	414
Ram Anup Singh and Ors. v. State of Bihar (2002) 6 SCC 686		
– relied on	....	1023
Ram Ashish Dixit v. Chairman, Purvanchal Gramin Bank & Ors. 2013(6) SCALE 345		
– held inapplicable	....	565
Ram Kumar v. State of Haryana (2006) 9 SCC 589		
– cited	....	414
Ramachandran and Others v. State of Kerala 2011 (13) SCR 923	....	1005
Ramana Dayaram Shetty v. International Airport Authority of India 1979 (3) SCR 1014		
– relied on	....	972
Ramesh Ahluwalia v. State of Punjab & Ors. 2012 (12) SCC 331		
– cited	....	975
Ramesh Chand Ardawatlya v. Anil Panjwani 2003 (3) SCR 1149		
– relied on	....	432

(xlv)

Ramesh Chandra v. Chunil Lal 1971 (2) SCR 573	....	77
Ramesh Hirachand Kundanmal v. Municipal Corporation of Greater Bombay & Ors. 1992 (2) SCR 1	....	75
Ramgopal & Anr. v. State of Madhya Pradesh & Anr. 2010 (9) SCR 354	....	131
Ramraj @ Nanhoo @ Bihnu v. State of Chhattisgarh 2009 (16) SCR 367		
– relied on	....	1023
Rao (G.V.) v. L.H.V. Prasad & Ors. 2000 (2) SCR 123	....	131
Rikhu Dev, Chela Bawa Harjug Dass v. Som Dass (deceased) through his Chela Shiama Dass, 1976 (1) SCR 487		
– relied on	....	80
Ritesh Agarwal and Another v. Securities and Exchange Board of India and Others 2008 (8) SCR 553	....	23
Rohtak & Hissar Districts Electric Supply Co. Ltd. v. State of U.P. 1966 SCR 863		
– relied on	....	1074
Rohtash v. State of Haryana 2012 (6) SCR 62		
– relied on	....	884
Roshan Lal Tandon v. Union of India and Another 1968 SCR 185	....	23
Rotash v. State of Rajasthan 2006 (10) Suppl. SCR 264		
– relied on	....	529

(xlvi)

Rudra Kumar Sain and Others v. Union of India and Others 2000 (2) Suppl. SCR 573	....	333
Sahadevan & Anr. v. State of Tamil Nadu 2012 (4) SCR 366		
– relied on	....	805
Sahdeo alias Sahdeo Singh v. State of Uttar Pradesh and Others 2010 (2) SCR 1086	....	498
Samar Ghosh v. Jaya Ghosh 2007 (4) SCR 428		
– relied on	....	129
Sambhaji Nagu Koli v. State of Maharashtra 1979 Cri LJ 390 (Bom)	....	59
Sandeep v. State of UP 2012 (5) SCR 952		
– relied on	....	1023
Sandur Manganese and Iron Ores Ltd. v. State of Karnataka and Ors. 2010 (11) SCR 240	....	1047
Sangeet and Anr. v. State of Haryana (2013) 2 SCC 452		
– held inapplicable	....	1023
Sant Ram Sharma v. State of Rajasthan & Ors. (1968) 1 SCR 111		
– relied on	....	564 and 566
Sarat Chandra Rabha and Others v. Khagendranath Nath and Others 1961 SCR 133		
– relied on	....	273
Sarla Verma (Smt.) and Ors. v. Delhi Transport Corporation and Anr. 2009 (5) SCR 1098	....	713
– affirmed	....	709

(xlvii)

Satendra Prasad Jain & Ors. v. State of U.P. and Ors., 1993 (2) Suppl. SCR 336		
– relied on	....	540
Satinder Singh v. Umrao Singh 1961 SCR 676		
– relied on	....	282
Satwant (K.) Singh v. The State of Punjab 1960 SCR 89	....	24
Satyavir Singh v. State of Uttar Pradesh 2010 (2) SCR 729	....	1096
Savitri Devi v. District Judge, Gorakhpur and Others 1999 (1) SCR 725	....	77
Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal (1995) 2 SCC 122		
– cited	....	975
Secretary, Thirumurugan Co-operative Agricultural Credit Society v. M. Lalitha 2003 (6) Suppl. SCR 659		
– relied on	....	1060
Seeman @ Veeranam v. State by Inspector of Police (2005) 11 SCC 142	....	1109
Senior Superintendent, R.M.S. Cochin and Another v. K.V. Gopinath, Sorter 1972 (3) SCR 530		
– stands overruled	....	23
Shankar Finance and Investment (M/s.) v. State of A.P & Ors. 2008 (10) SCR 905		
– relied on	....	752

(xlviii)

Sharad Birdhichand Sarda v. State of Maharashtra 1985 (1) SCR 88		
– relied on	....	459 and 516
Sheo Swarup v. King Emperor AIR 1934 PC 227 (2)		
– relied on	....	884
Shri Bhagwan v. State of Rajasthan 2001 (3) SCR 656		
– relied on	....	1023
Siddiqui (H.) (dead) by Lrs. v. A. Ramalingam 2011 (5) SCR 587		
– relied on	....	372
Singla (O.P) and Another v. Union of India and Others 1985 (1) SCR 351	....	333
Siraj (K.H.) v. High Court of Kerala & Ors., 2006 (2) Suppl. SCR 790	....	1136
Sivaiah (B.V.) & Ors. v. K. Addanki Babu & Ors. 1998 (3) SCR 782	....	564
Skypak Couriers Ltd. v. Tata Chemicals Ltd., 2000 (1) Suppl. SCR 324		
– relied on	....	1060
State of Andhra Pradesh v. Thummala Anjaneyulu 2010 (14) SCR 925		
– cited	....	441
State of Bihar & Ors. v. Radha Krishna Singh & Ors., AIR 1983 SC 684		
– relied on	....	372
State of Gujarat v. Raman Lal Keshav Lal Soni 1983 (2) SCR 598	....	24

(xlix)		(l)
State of H.P. v. Mange Ram, 2000 (2) Suppl. SCR 626	.... 958	State of T.N. v. Thiru K.S. Murugesan & Ors. 1995 (2) SCR 386
State of Haryana v. Bhajan Lal 1990 (3) Suppl. SCR 259	.... 923	– cited 567
State of Jammu and Kashmir v. S. Mohan Singh and Another (2006) 9 SCC 272	.... 1109	State of U.P. & Anr. v. Keshav Prasad Singh 1995 (2) Suppl. SCR 329
State of Karnataka & Anr. v. K. K. Mohandas & etc, 2007 (8) SCR 697		.... 220
– relied on	.... 370	State of U.P. v. Jodha Singh and Others (1989) 3 SCC 465
State of Kerala v. Deepak. P. Shah 2001 CriLJ 2690	.... 900	.... 1109
State of Madhya Pradesh v. Ramesh and Anr. 2011 (5) SCR 1		State of U.P. v. Madan Mohan & Ors., AIR 1989 SC 1519
– relied on	.... 884	– cited 1120
State of Mysore & Anr. v. Syed Mahmood & Ors. 1968 SCR 363		State of U.P. v. Pappu @ Yunus & Anr., 2004 (6) Suppl. SCR 585
– cited	.... 567	.... 775
State of Punjab v. Gurmit Singh 1996 (1) SCR 532		State of U.P. v. Smt. Pista Dev & Ors. 1986 (3) SCR 743
– relied on	.... 765	.... 220
State of Punjab v. Jagir Singh Baljit Singh & Karam Singh, 1974 (1) SCR 328	.... 1096	State of Uttar Pradesh v. Munshi, 2008 (12) SCR 897
State of Punjab v. Ramdev Singh, 2003 (6) Suppl. SCR 995	.... 775	.... 775
State of Rajasthan v. Smt. Kalki and Another 1981 (3) SCR 504		Steel Authority of India Ltd. & Ors. v. National Union Waterfront Workers & Ors. 2001 (2) Suppl. SCR 343
– relied on	.... 439	.... 973
State of Rajasthan v. Sohan Lal and Ors. 2004 (1) Suppl. SCR 480		Straw Board Mfgc Co. Ltd. Saharanpur v. Govind 1962 (3) Suppl. SCR 618
– relied on	.... 884	.... 941
		Subhadra & Ors. v. Thankam, 2010 (8) SCR 299
		– relied on 370
		Subhash Chandra Das Mushib v. Ganga Prasad Das Mushib & Ors. 1967 SCR 331
		– relied on 371
		Subramania (C.K.) Iyer and Ors. v. T.Kunhikuttan Nair and Ors. 1970 (2) SCR 688
		.... 710

(li)	(lii)
Subramaniam (T.) v. State of Tamil Nadu 2006 (1) SCR 180 – cited 807	Tata Iron & Steel Co. Ltd. Tisco v. S.N. Modak 1965 (3) SCR 411 941
Sukhram v. State of Maharashtra 2007 (9) SCR 44 – relied on 804	Tejshree Ghag and Others v. Prakash Parashuram Patil and Others 2007 (7) SCR 214 22
Supe Dei (Smt) and Others v. National Insurance Company Limited and Another 2009 (4) SCC 513 709	Thiruvengada Pillai v. Navaneethammal & Anr., 2008 (3) SCR 23 373
Supreme Court Legal Aid Committee Representing Undertrial Prisoners v. Union of India and Ors. 1994 (4) Suppl. SCR 386 – relied on 900	Tika Ram & Ors. v. State of U.P. 2009 (14) SCR 905 221
Surendra Nath Mohanty & Anr. v. State of Orissa 1999 (2) SCR 1005 924	Tiwari Kanhaiyalal etc. v. The Commissioner of Income-tax, Delhi 1975 (3) SCR 927 24
Suresh and Another v. State of U.P. 2001 (2) SCR 263 – relied on 529	Trans Mediterranean Airways v. Universal Exports (2011) 10 SCC 316 – relied on 1060
Surjit Singh and Others v. Harbans Singh and Others 1995 (3) Suppl. SCR 354 77	Triveni Rubber & Plastics v. Collector of Central Excise, Cochin AIR 1994 SC 1341 1096
Sushil Kumar Ghosh v. State of Assam & Others 1993 (1) GLR 315 – held inapplicable 1136	U.P. State Electricity Board v. Shiv Mohan Singh and Anr. 2004 (4) Suppl. SCR 953 – relied on 595
Swamy Shraddananda (2) @ Murali Manohar Mishra v. State of Karnataka, 2008 (11) SCR 93 – relied on 1023	U.P. State Road Transport Corporation and Ors. v. Trilok Chandra and Ors. 1996 (2) Suppl. SCR 443 708
T.N. State Road Transport Corporation v. S. Rajapriya and Ors. 2005 (3) SCR 737 709	U.P. State Road Transport Corporation v. Krishna Bala and Ors. 2006 (3) Suppl. SCR 506 709
	Uday v. State of Karnataka, 2003 (2) SCR 231 958
	Union of India & Ors. v. Krishan Lal Arneja & Ors. 2004 (1) Suppl. SCR 801 221
	Union of India & Ors. v. Mukesh Hans 2004 (8) SCC 14 221

(liii)	(liv)
Union of India & Ors. v. S. Vinodh Kumar & Ors., 2007 (10) SCR 41	Veeran and Others v. State of Madhya Pradesh 2011 (5) SCR 300
.... 1136	.... 441
Union of India and Another v. R.S. Sharma 2000 (3) SCR 151	– cited
.... 398	.... 118
– held inapplicable	Velusamy (K.K.) v. N. Palanisamy 2011 (4) SCR 31
Union of India and Ors. v. Sicom Limited and Another, 2008 (17)SCR 120	Vidhur Impex and Traders Pvt. Ltd. v. Tosh Apartments Pvt. Ltd. & Ors. 2012 (8) SCC 384
.... 744	.... 77
– distinguished	Vidhyadhar v. Manikrao & Anr., 1999 (1) SCR 1168
Union of India and Others v. K.V. Jankiraman and Others 1991 (3) SCR 790	– relied on
.... 21	.... 752
– relied on	Vijay Pratap and Others v. Sambhu Saran Sinha and Others 1996 (4) Suppl. SCR 173
.... 398	.... 77
– held inapplicable	Vijayakumar R. Bhate v. Neela Vijayakumar Bhate 2003 (3) SCR 607
.... 564	.... 128
Union of India and Others v. Sangram Keshari Nayak 2007 (9) SCR 177	Vinayak Kashinath Shilkar v. Deputy Collector and Competent Authority and Others 2012 (2) SCR 219
.... 21	.... 305
Union of India v. Nirpen Sharma AIR 2011 SC 1237	Vinod Seth v. Devinder Bajaj 2010 (7) SCR 424
.... 485	.... 78
United Bank of India v. Sidhartha Chakraborty 2007 (9) SCR 498	Virender S. Hooda v. State of Haryana (1999) 3 SCC 696
.... 941	.... 651
– relied on	– relied on
United India Insurance Co. Ltd. & Ors. v. Patricia Jean Mahajan & Ors. 2002 (3) SCR 1176	Visveswaran v. State represented by SDM 2003 (3) SCR 978
.... 713	.... 1109
– cited	Zee Telefilms Ltd. v. Union of India 2005 (1) SCR 913
Unni Krishnan J.P. & Ors. v. State of Andhra Pradesh & Ors. 1993 (1) SCR 594	– cited
.... 975	.... 975
– cited	
Vadiraj Naggappa Vernekar (dead) through LRs. v. Sharadchandra Prabhakar Gogate 2009 (2) SCR 1071	
.... 117	
– relied on	

(iv)

(vi)

(lxi)

(lxii)

(lxxiii)

(lxxiv)

(lxxvii)

(lxxviii)

(lxxix)

(lxxx)

(lxxxi)

(lxxxii)

(lxxxiii)

(lxxxiv)

(lxxxv)

(lxxxvi)

ADMINISTRATIVE LAW:

(1) Delegated legislation:

(i) (a) r.41 of Border Security Force Rules, 1969 - Held is not in conflict with provisions of s.80 of the Act - Border Security Force Act, 1969 - s.80.

(b) Delegated legislation - Exercise of power - Extent of - Held: When the power is conferred in general and thereafter in respect of enumerated matters, as in the instant case, the particularisation in respect of specified subject is construed as merely illustrative and does not limit the scope of general power.

(Also see under: Border Security Force Rules, 1968)

State of J & K v. Lakhwinder Kumar & Ors. 1070

(ii) Delegated legislation - Notification - Held: Notification issued in exercise of powers under the Act cannot amend the Act - In the context of instant case, since no duty could be levied on DTH operation under 1936 Act prior to issuance of notification dated 5-5-2008, duty can not be levied under the said Act after issuance of notification - Madhya Pradesh Entertainment Duty and Advertisements Tax Act, 1936.

(Also see under: Madhya Pradesh Entertainment Duty and Advertisements Tax Act, 1936)

M/s Tata Sky Ltd. v. State of M.P. and Ors. 849

(2) (i) Policy of Foreign Direct Investment in Multi-Brand Retail Trading - Held: Under Constitution of India, executive has been accorded primary responsibility for formulation of governmental policy - Executive function comprises both

determination of policy as well as carrying it into execution - If Government after due reflection, consideration and deliberation feels that by allowing FDI up to 51% in Multi-Brand Retail Trading, country's economy will grow and it will facilitate better access to market for producer of goods and will enhance employment potential, then, it is not open for Court to go into merits and demerits of such policy - On matters of policy, Court does not interfere unless the policy is unconstitutional or contrary to statutory provisions or arbitrary or irrational or in abuse of power - Impugned policy that allows FDI up to 51% in Multi-Brand Retail Trading does not appear to suffer from any of these vices.

(ii) Policy of FDI - Competence of Central Government - Held: Department of Industrial Policy and Promotion is empowered to make policy pronouncements on FDI - Competence of Central Government to formulate a policy relating to investment by a non-resident entity/person resident outside India, in the capital of an Indian company is beyond doubt - Reserve Bank of India is empowered to prohibit, restrict or regulate various types of foreign exchange transactions, including FDI, in India by means of necessary regulations - RBI Regulates foreign investment in India in accordance with Government of India's policy - Allocation of Business Rules, 1961 - Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2000 - Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) (Third Amendment) Regulations, 2012 - Foreign Exchange Management Act, 1999 - ss. 6(3) and 47.

(iii) Policy of FDI in Multi-Brand Retail Trading - Held: Impugned policy is only an enabling policy and State Governments/Union Territories are free to take their own decisions in regard to implementation of policy in keeping with local conditions - It is, thus, left to choice of State Governments/Union Territories whether or not to implement the policy to allow FDI up to 51% in Multi-Brand Retail Trading.

(iv) Policy of FDI in Multi-Brand Retail Trading - Objectives of - Discussed.

Manohar Lal Sharma v. Union of India and Another 1161

AFFIDAVIT:

(See under: Rajasthan Land Acquisition Act, 1953) 218

ALLOCATION OF BUSINESS RULES, 1961:

(See under: Administrative Law) 1161

ALTERNATIVE DISPUTES RESOLUTION:

Mediation - Held: Mediation as a method of alternative dispute resolution has got legal recognition - Therefore, at the earliest stage i.e. when dispute is taken up by Family Court or by court of first instance for hearing, it must be referred to mediation centres - Matrimonial disputes particularly those relating to custody of child, maintenance, etc. are pre-eminently fit for mediation - s.9 of Family Courts Act enjoins upon Family Court to make efforts to settle matrimonial disputes - Family Courts shall make all efforts to settle matrimonial disputes through mediation - In appropriate cases, criminal courts should also direct parties to explore possibility of settlement through mediation - In suitable cases of non-

compoundable offences u/s. 498-A, IPC, parties can approach High Court and get the complaint quashed - Mediation Centers shall also set up pre-litigation desks / clinics - Family Courts Act, 1984 - s.9.

K. Srinivas Rao v. D.A. Deepa 126

ANDHRA PRADESH CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL)

RULES, 1991:

r.9(vii)(b).

(See under: Service Law) 20

APPEAL:

(1) Appeal against acquittal.

(See under: Code of Criminal Procedure, 1973) 881

(2) Benefit of acquittal to non-appellant accused.

(See under: Constitution of India, 1950; and Penal Code, 1860) 802

APPRENTICES ACT, 1961:

ss. 2(aa), 2(aaa) and 18.

(See under: Service Law) 593

ARBITRATION AND CONCILIATION ACT, 1996:

(1) ss. 11(6) and 11(8) - Appointment of arbitrator - Forfeiture of right of Corporation to appoint arbitrator as provided in arbitration clause of agreement - Held: Corporation has forfeited its right to appoint arbitrator - Matter referred to Chief Justice of High Court for consideration of application of appellant-dealer u/ss 11(6) afresh.

M/s. Deep Trading Company v. M/s. Indian Oil Corporation and Ors. 470

(2) s.34(2)(a)(iii) - Held: High Court could have set aside the award u/s 34(2)(a)(iii) only on the ground that award has been rendered against respondent without issuance of any notice and without hearing it - It was not necessary to examine the dispute between parties minutely or to make strong remarks against any of them - Judges at all levels are required to be restrained and circumspect in use of language, even when criticizing conduct of a party - Having set aside the award, instead of leaving parties to seek their remedy in accordance with law, matter ought to have been referred to a specific arbitrator - Accordingly, arbitrator appointed - Judicial restraint.

Sachin Gupta and Another v. K.S. Forge Metal Private Limited 215

(3) ss.48(1)(e) and 202 - Suit filed by respondent against Escorts AMI in a North Carolina Court in United States - Consent order passed to refer the matter to arbitration - Arbitration followed by award in favour of respondent - Respondent sought execution of that award by filing execution petition in India - Held: Even as per requirement of US Law, a notice of three months is required to be given in case a party does not want award to be enforced - In the instant case, consent order clearly recorded that award given by arbitrator shall be final and binding on parties - If petitioner wanted to dispute it, it was required of them to have issued necessary notice which it had not done - Submission that respondent ought to proceed for confirmation of award under US Law and then come to India for execution is not tenable in view of changed law and doing away of rule of double

excequatur - Federal Arbitration Act of U.S. - s.9 - New York Convention.

Escorts Ltd. v. Universal Tractor Holding LLC 389

ARUNACHAL PRADESH PUBLIC SERVICE
COMBINED COMPETITIVE EXAMINATION
RULES, 2001:
(See under: Service Law) 1134

BORDER SECURITY FORCE ACT, 1968:
ss.47, 80 and 141.
(See under: Border Security Force Rules,
1969) 1070

BORDER SECURITY FORCE RULES, 1969:
r.41(1) (i) and (ii) read with ss. 47 and 80 of
Border Security Force Act - Death of a boy by
gunfire caused by BSF Constable in Srinagar -
Application filed by Dy. Inspector General praying
for trial of accused in Security Force Court allowed
by CJM - Held: In view of Notification, accused
were on active duty at the time of commission of
offence - Therefore, bar under s.47 of the Act shall
not stand in their way for trial by a Security Force
Court - However, in the instant case, criminal court
and Security Force Court each will have jurisdiction
for trial of offence - Allegations in the case do not
indicate that the accused committed the offence
in course of performance of their duty in any of
the situations enumerated in r. 41(1)(i) -
Commanding Officer has exercised his power
ignorant of restriction placed on him under Rules
- His decision is, therefore, illegal - Order of CJM
as affirmed by High Court set aside - However,
liberty given to Director General to make an
appropriate application before CJM - Border

Security Force Act, 1968 - ss.47, 80 and 141.

State of J & K v. Lakhwinder Kumar & Ors. 1070

CIRCULARS/GOVERNMENT ORDERS/

NOTIFICATIONS:

(1) Circular No. 17 of 2009 dated 30.11.2009 -
Circular dated 12.7.2010.

(See under: Regional Rural Banks
(Appointment and Promotion of Officers
and Other Employees) Rules, 1998) 562

(2) Government of India, Ministry of Personnel,
Public Grievances and Pensions, Department of
Personnel and Training O.M. No. 22011/4/91/
Estt.(A) dated 24.9.1992.
(See under: Service Law) 396

(3) Government of Karnataka Rev. Dep. (Land
Reforms) Circular No. ND 171 LWM 86 dated
24.11.1986.
(See under: Karnataka Land Reforms Act,
1961) 280

(4) Notification dated 5-5-2008 issued by State
Government of Madhya Pradesh fixing 20%
entertainment duty.
(See under: Administrative Law) 849

CODE OF CIVIL PROCEDURE, 1908:

(1) s.47.
(See under: Delay / Laches) 484

(2) (i) s.96 r/w O. 41, r.31 - First appeal before
High Court challenging judgment and decree
passed in a suit for specific performance of
agreement to sell - High Court holding that plaintiff
was not ready and willing to perform his part of
contract - Held: Finding recorded by High Court

on the issue is perverse being contrary to
evidence on record - Further, High Court while
deciding appeal u/s 96, did not consider all the
issues as is required under O. 41, r.31 - Judgment
and decree passed by High Court set aside and
that passed by trial court restored - Appellant
directed to refund the amount of compensation to
first respondent along with 9% interest.

(ii) O. 3, rr. 1 and 2 - Recognized agent - Power
of attorney holder - Held: It is a settled legal
proposition that power of attorney holder cannot
depose in place of principal - Nor can he depose
for principal in respect of a matter, as regards
which, only principal can have personal knowledge
and in respect of which, principal is entitled to be
cross-examined.

*S. Kesari Hanuman Goud v. Anjum Jehan
& Ors.* 750

(3) O. 1, r.10, O.22, r.10 - Suit for specific
performance of contract - During pendency of suit
defendant transferring the property - Application
by appellant-transferee for impleadment as
defendant - Held: Appellant entered into a
clandestine transaction with defendants and got
property transferred in its favour - Therefore,
appellant cannot be held to be a bonafide
purchaser, without notice - It is true that application
which the appellant made was only under O. 1 r.10
but the enabling provision of O.22, r. 10 could
always be invoked if the fact situation so
demanded - In the facts and circumstances of the
case and also for ends of justice, appellant is to
be added as party-defendant in suit - Specific
Relief Act, 1963 - s. 19 - Transfer of Property Act,

1882 - s.52 - Doctrine of lis pendens.

Thomson Press (India) Ltd. v. Nanak Builders & Investors P. Ltd. & Ors. 74

(4) O.6, r.17 r/w O.2, r.2 - Amendment of plaint - Declined by City Civil Court, but permitted by High Court - Held: The statement that plaintiffs were not aware of conveyance dead, *prima facie*, is not correct - Plaintiffs had come to know of conveyance dead much before filing of suit, but relief was not sought for in plaint - There is no ground for allowing amendment sought for by plaintiffs which was not only a belated one but was clearly an after-thought for obvious purpose to avert inevitable consequence - Order of High Court set aside and that of City Civil Court restored.

Mashyak Grihnirman Sahakari Sanstha Maryadit v. Usman Habib Dhuka & Ors. 873

(5) O. 7 r. 14 r/w s. 151 and Or. 18 r. 17 r/w s. 151 - Applications under - By plaintiff - To place documents on record and to recall witness to prove those documents - Filed after arguments were over and case was adjourned for judgment - Held: Power under O. 18 r. 17 has to be sparingly exercised and not as a general rule to overcome lacunae in plaint, pleadings and evidence - Therefore, applications cannot be allowed even by exercise of jurisdiction u/s. 151.

M/s Bagai Construction Thr. Its Proprietor Mr. Lalit Bagai v. M/s Gupta Building Material Store 116

(6) O. 8, r.10 - Judgment on failure of defendant to file written statement - Held: Relief under O. 8,

r. 10 is discretionary, and court has to be more cautious while exercising such power where defendant fails to file written statement - Court must be satisfied that there is no fact which need to be proved in spite of deemed admission by defendant, and court must give reasons for passing such judgment - In the instant case, trial court has not examined as to whether suit was filed within limitation and whether on the basis of pleadings, relief granted by it could have been granted - As trial court failed to meet the parameters laid down by Supreme Court to proceed under O. 8 r. 10, judgment and decree passed by it set aside and case remanded to it for decision afresh - Appellant is at liberty to file written statement within the period provided.

Shantilal Gulabchand Mutha v. Tata Engineering & Locomotive Co. Ltd. & Anr. 432

(7) O. 23, r.23.

(See under: Hindu Adoptions and Maintenance Act, 1956) 426

(8) O.47, r.1.

(See under: Constitution of India, 1950) 1045

CODE OF CRIMINAL PROCEDURE, 1973:

(1) s.125.

(See under: Hindu Adoptions and Maintenance Act, 1956) 426

(2) s.157 - Sending of special report to Magistrate - Held: When there is delayed dispatch of FIR, it is necessary on the part of prosecution to give an explanation for delay - However, if court is convinced as to truthfulness of prosecution version and trustworthiness of its witnesses, delay in

dispatch of FIR may not be regarded as detrimental to prosecution case - In the case at hand, evidence cannot be thrown overboard as version of witnesses deserves credence.

Rattiram & Ors. Etc. v. State of M.P. Through Inspector of Police etc. 1003

(3) ss. 244 and 246 - Evidence for purposes of framing of charge in a complaint case - Plea of complainant that evidence adduced under Chapter XV be treated as evidence for purposes of framing of charge - Held: Is untenable - Process under Chapter XV is conducted in absence of accused, whereas evidence within the meaning of Evidence Act and s.244, Cr.P.C. is what is recorded in the manner stipulated u/s 138 of Evidence Act - The object underlying recording of evidence u/s 244 after accused has appeared, is to ensure that not only does the accused have opportunity to hear evidence adduced against him, but also to defend himself by cross-examining the witnesses - Evidence Act, 1872 - ss. 3 and 138.

Sunil Mehta & Anr. v. State of Gujarat & Anr. 56

(4) s.309(2), proviso 4 (as inserted by s. 21(b) of Act 5 of 2009); ss. 293, 207 and 24.

(See under: Constitution of India, 1950) 899

(5) s. 354.

(See under: Penal Code, 1860) 1095

(6) s. 378 - Appeal against acquittal - Interference with - Power of High Court - Scope of - Held: High Court, as an appellate court, even while dealing with an appeal against acquittal, entitled to re-appreciate entire evidence - Appeal.

(Also see under: Penal Code, 1860)

Mookkiah v. State, rep. by the Inspector of Police, Tamil Nadu 881

(7) s. 386 - Power of appellate court in an appeal against acquittal - Held: Is not circumscribed by any limitation - It has power to review entire evidence - Appellate court can reverse acquittal order, if, on appraisal of evidence, it finds that the view taken by court, while acquitting the accused was not a possible view.

(Also see under: Penal Code, 1860)

Chinnam Kameswara Rao and Ors. v. State of A.P. Rep. by Home Secretary 631

(8) s.432.

(See under: Penal Code, 1860) 870

(9) ss.482 and 320 - Quashing of criminal proceedings in non-compoundable offences relating to matrimonial disputes - Ambit and scope of inherent powers of High Courts u/s.482 - Duty of courts to encourage genuine settlements of matrimonial disputes - Held: High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint in appropriate cases in order to meet the ends of justice - s.320 does not limit or affect powers of High Court u/s.482.

Jitendra Raghuvanshi & Ors. v. Babita Raghuvanshi & Anr. 921

COMPENSATION:

(See under: Motor Vehicles Act, 1988) 706

CONFESSION:

Extra-judicial confession - Held: Is a weak form of evidence and based on such evidence no

conviction and sentence can be imposed upon appellants and other accused.

(Also see under: Penal Code, 1860)

Tejinder Singh @ Kaka v. State of Punjab 802

CONSTITUTION OF INDIA, 1950:

(1) Arts.12 and 226 - Writ petitions before High Court by employees of VSNL (renamed TCL) challenging termination of their services - Held: Are not maintainable - Government of India holding only 26.12% shares of TCL, would not be in control of affairs of TCL - TCL cannot be said to be 'other authority' within Art.12 - Merely because TCL is performing the functions which were initially performed by OCS would not be sufficient to hold that it is performing a public function - Therefore, High Court of Delhi and High Court of Bombay were fully justified in rejecting claim of appellants that TCL would be amenable to writ jurisdiction of High Court by virtue of 'other authority' within the purview of Art. 12 - Human Rights Act, 1998 - s.6(3)(b).

Jatya Pal Singh & Ors. v. Union of India & Ors. 970

(2) Arts. 32, 21 and 141 - Prosecution of accused for an offence under NDPS Act - Bail denied - Accused languishing in jail for 12 years awaiting commencement of trial - Supreme Court granting bail - Directions and guidelines issued as regards trial of NDPS Act cases to curb adjournments, for setting up of Special Courts for NDPS cases, to open more CFSs, to appoint Nodal Officers and Pairvi Officers, Special Public Prosecutors; to simplify the procedure of filing charge-sheet and supply of documents in electronic form; and

suggestion made to bring a provision analogous to s.22 (c) of Prevention of Corruption Act, in NDPS Act also and to bring notification as mentioned in fourth proviso to s.309(2) CrPC - Narcotic Drugs and Psychotropic Substances Act, 1985 - Code of Criminal Procedure, 1973 - s. 309(2) proviso 4 (as inserted by s. 21(b) of Act 5 of 2009); ss. 293, 207 and 24 - Prevention of Corruption Act, 1988 - s. 22(c) - Legislation.

Thana Singh v. Central Bureau of Narcotics 899

(3) Art. 129 - Contempt petition filed for violation of order of Supreme Court - Held: Respondent cannot be held guilty of contempt of court on definite charge that he withdrew a very large amount from his account in violation of orders of Supreme Court - Amount had been withdrawn prior to said order - Further, amount had been withdrawn during the period when there was no attachment order in respect of the account - Thus, there could be no question of committing any violation of Court's order by respondent - Order holding him guilty of contempt is based on an erroneous premise, and is, therefore, recalled - Supreme Court Rules, 1966 - O. 47 - Rules to Regulate Proceedings for Contempt of Supreme Court, 1975 - r. 3(c).

National Fertilizers Ltd. v. Tuncay Alankus & Anr. 496

(4) (i) Art. 131 r/w O. 23, rr. 1, 2 and 3 of Supreme Court Rules - Suit by State of Andhra Pradesh seeking to restrain defendant-State of Maharashtra from constructing Babhali barrage on river Godavari within water spread area of Pochampad

dam and utilizing water through proposed barrage - Held: Maharashtra can utilize waters not exceeding 60 TMC for new projects, including any additional use over and above sanctioned or cleared utilization - State of Andhra Pradesh is not entitled to reliefs prayed for in suit - However, a three member supervisory committee as detailed in the judgment is constituted - The committee shall supervise operation of Babhali barrage and Balegaon barrage in terms of judgment - Supreme Court Rules, 1966 - O. 23, rr.1, 2 and 3.

(ii) Art. 131 - Suit for injunction filed by one State against other State - Guiding factors to grant injunction - Explained - Evidence - Burden of proof.

State of Andhra Pradesh v. State of Maharashtra & Ors. 153

(5) Art.136.
(See under: Penal Code, 1860) 411

(6) Art. 136 - SLP challenging order passed by High Court in review petition and not main judgment - Held: Not maintainable - Once High Court has refused to entertain review petition and same was dismissed confirming main order, there is no question of any merger and aggrieved person has to challenge main order and not the order dismissing the review petition because on dismissal of review petition principle of merger does not apply - Principle of merger.

Municipal Corporation of Delhi v. Yashwant Singh Negi 550

(7) Art. 137 - Review Petition - Held: Review proceedings are not by way of an appeal - They

have to be strictly confined to scope and ambit of O.47, r.1 CPC - In the instant case, error contemplated in impugned judgment is not one which is apparent on the face of record, rather dispute is wholly founded on interpretation and applicability of ss. 11(2) and 11(4) of MMDR Act - In review jurisdiction, mere disagreement with the view of the judgment cannot be the ground for invoking the same - However, misquoted portion of Report, owing to clerical mistakes, deleted from the judgment - Code of Civil Procedure, 1908 - O.47, r.1 - Supreme Court Rules. 1966 - O.40 - Mines and Minerals (Development and Regulation) Act, 1957 - ss. 11(2) and 11(4) - Delay/Laches.

Union of India v. Sandur Manganese & Iron Ores Ltd. and Ors. 1045

(8) Art.142 - Allotment of plot cancelled for deficiency in payment - Held: It may be that Development Authority did not have any discretion either to extend time for payment or to regularize the allotment which had been initially made in favour of husband of appellant - However, it also cannot be ignored that appellant is an illiterate widow and has two minor children - This apart, the site which was allotted to her is still available and can be given to her - In view of peculiar facts and circumstances of the case, and, purely in the interest of justice on humanitarian grounds, in exercise of jurisdiction under Art. 142, it is directed that the site which was originally allotted to appellant's husband and subsequently allotted to her, be regularized and registered in her name.

J. Sundramma v. State of Karnataka & Anr. 453

(9) Art. 142 - Benefit of acquittal extended to non-appellant-accused also - Penal Code, 1860 - ss. 302, 376 (2) (g), 201, 404 and 506 IPC.

(Also see under: Penal Code, 1860)

Tejinder Singh @ Kaka v. State of Punjab 802

(10) (i) Art. 226 - Writ petition - Challenging intra-departmental communication proposing to consider re-allocation of lease area for mining iron ore - Held: High Court was in error in proceeding on an assumption that a final decision had been taken, and in quashing what was no more than an inter-departmental communication constituting at best a step in the process of taking a final decision by Government - Writ petition in that view was pre-mature and ought to have been disposed of as such - Mines and minerals - Iron ore.

(ii) Art. 226 - Writ petition - Order by High Court to maintain status quo - Issuance of show cause notice by government - Held: Issue of show cause notice did not interfere with status quo - Once show cause notice was issued, High Court could have directed respondent-company to respond to the same and disposed of writ petition reserving liberty to it to take recourse to appropriate remedy - Since show cause notice is not without jurisdiction, Government to consider the reply that may be submitted by respondent and pass a reasoned order.

State of Orissa & Ors. v. M/s Mesco Steels Ltd. & Anr. 245

(11) Art. 300-A.

(See under: Rajasthan Land Acquisition Act, 1953) 218

CONSUMER PROTECTION ACT, 1986:

s.2 (1) (d) - 'Consumer' - Members of Co-operative Group Housing Society - Challenging action of Society terminating their membership by refunding their money - Held: Members of Society are 'consumer' within the meaning of s.2 (1) (d) - Further, action of Society even if approved by authorities under Co-operative Societies Act, cannot deprive members of their legitimate right to seek remedy under Consumer Protection Act which is in addition to other remedies available to them under Cooperative Societies Act - State Commission directed to decide appeals filed by complainants on merits - Haryana Co-operative Societies Act, 1984.

Virender Jain v. Alaknanda Cooperative Group Housing Society Limited and Others.... 1058

CONTRACT ACT, 1872:

(1) s.16 - Contract induced by undue influence - Held: High Court has come to conclusion that it was a case of undue influence, as on the date of executing alleged document, i.e. Memorandum of agreement, respondent was unmarried and was dependent on her father and brother for settling her marriage and for sustenance - She having contended that plaintiff was in a position to dominate her will, alleged document was termed as an unconscionable - Said document was clouded with suspicious and unexplained circumstances.

(Also see under: Specific Relief Act, 1963)

Joseph John Peter Sandy v. Veronica Thomas Rajkumar & Anr. 368

(2) s.25.

(See under: Hindu Adoptions and Maintenance Act, 1956) 426

CRIMES AGAINST WOMEN:

(1) Rape victim - Entitlement to legal recourse - Held: In view of International Covenant on Economic, Social, and Cultural Rights 1966; United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985, rape survivors are entitled to legal recourse that does not retraumatize them or violate their physical or mental integrity and dignity - Medical procedures should not be carried out in a manner that constitutes cruel, inhuman, or degrading treatment and health should be of paramount consideration while dealing with gender-based violence - There is a demand of sound standard of conducting and interpreting forensic examination of rape survivors - International Covenant on Economic, Social, and Cultural Rights 1966; United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power 1985.

(Also see under: Penal Code, 1860)

Lillu @ Rajesh & Anr. v. State of Haryana 774

(2) (See under: Penal Code, 1860) 357,
411, 514, 765,
797, 802, 870
and 931

(3) (i) Sexual assault cases - Sensitivity to be shown by prosecution and trial court - Directions given by Supreme Court in *Delhi Domestic Working Women's Forum's* case, reiterated - Further directions given - Director General of Police and Home Ministry of the State to issue

proper guidelines and instructions to authorities as to how to deal with such cases and the kind of treatment to be given to prosecutrix.

(ii) Sexual assault - Age of prosecutrix - Relevancy of number of teeth.

(Also see under: Penal Code, 1860)

Dilip v. State of Madhya Pradesh 957

(4) Sexual assault - Sensitiveness to be shown by courts while dealing with the case - Penal Code, 1860.

(Also see under: Penal Code, 1860)

Prem Kaur v. State of Punjab and Ors. 1095

CRIMINAL LAW:

Motive.

(See under: Penal Code, 1860) 458,
514 and 797

CRIMINAL TRIAL:

Conviction on the basis of s. 34 IPC for which accused was not charged - Held: Mere omission of s. 34 in charge-sheet does not ipso facto or ipso jure lead to any inference or presumption of prejudice caused to accused - Prejudice from such omission needs to be satisfactorily demonstrated - In the instant case, no prejudice shown to have been caused - Penal Code, 1860 - s. 34.

(Also see under: Penal Code, 1860)

Chinnam Kameswara Rao and Ors. v. State of A.P. Rep. by Home Secretary 631

DELAY/LACHES:

(1) (i) Decree against State Government - Execution of - Objection u/s 47 - Rejected - Delay in filing revision - Held: In the application for

condonation of delay, no sufficient cause has been shown which may entitle respondent to get a favourable order for condonation of delay - Merely because respondent is State, delay in filing appeal or revision cannot and shall not be mechanically considered; and in absence of 'sufficient cause' delay shall not be condoned - Code of Civil Procedure, 1908 - s.47 - Limitation Act, 1963 - s.5.

(ii) Delay - 'Sufficient cause' - Consideration of.

Amalendu Kumar Bera & Ors. v. The State of West Bengal 484

(2) Delay in sending special report to Magistrate.

(i) (See under: Penal Code, 1860) 1107

(ii) (See under: Code of Criminal Procedure, 1973) 1003

(3) (See under: Constitution of India, 1950) 1045

DOCTRINES/PRINCIPLES:

(1) Doctrine of *lis pendens*.

(See under: Code of Civil Procedure, 1908) 74

(2) Principle of merger.

(See under: Constitution of India, 1950) 550

(3) Rule of double *excequatur*.

(See under: Arbitration and Conciliation Act, 1996) 389

DOWRY PROHIBITION ACT, 1961:

ss. 3, 4 and 6 r/w s.5 (1), proviso - Accused-husband found guilty of demanding and receiving cash and gold - Conviction and six months sentence under each of three counts awarded by

High Court, upheld.

(Also see under: Penal Code, 1860)

Modinsab Kasimsab Kanchagar v. State of Karnataka & Anr. 357

EMINENT DOMAIN:

(See under: Rajasthan Land Acquisition Act, 1953) 218

EVIDENCE:

(1) Burden of proof.

(See under: Suit) 153

(2) Circumstantial evidence.

(See under: Penal Code, 1860) 458
and 514

(3) Circumstantial evidence.

(See under: Penal Code, 1860) 797
and 802

(4) (i) Circumstantial evidence.

(ii) Extra-judicial confession.

(See under: Penal Code, 1860) 1019

(5) Contradictory statements of witnesses.

(See under: Penal Code, 1860) 1003

(6) Evidence as regards age.

(See under: Penal Code, 1860) 957

(7) Evidence of related witnesses.

(See under: Penal Code, 1860) 1107

(8) Onus of proof.

(See under: Specific Relief Act, 1963) 368

(9) (See under: Penal Code, 1860) 783

EVIDENCE ACT, 1872:

(1) ss. 3 and 138.

(See under: Code of Criminal Procedure, 1973)	....	56
(2) s.113-B.		
(See under: Penal Code, 1860)	....	870
(3) s. 133 - Evidence of accomplice - Evidentiary value - A conviction cannot be held illegal merely because it proceeds upon uncorroborated testimony of an accomplice - But it is established rule of practice that it is unsafe to record a conviction on testimony of an approver unless the same is corroborated in material particulars by some untainted and credible evidence - In the instant case, evidence of approver was duly corroborated in the form of oral depositions as also forensic evidence.		
(Also see under: Penal Code, 1860)		
<i>Venkatesha v. State of Karnataka</i>	....	613
FAMILY COURTS ACT, 1984:		
s. 9.		
(See under: Alternative Dispute Resolution)	....	126
FOREIGN ENACTMENTS:		
Federal Arbitration Act of U.S. - s.9.		
(See under: Arbitration and Conciliation Act, 1996)	....	389
FOREIGN EXCHANGE MANAGEMENT ACT, 1999:		
ss. 6(3) and 47.		
(See under: Administrative Law)	....	1161
FOREIGN EXCHANGE MANAGEMENT (TRANSFER OR ISSUE OF SECURITY BY A PERSON RESIDENT OUTSIDE INDIA) REGULATIONS, 2000:		
(See under: Administrative Law)	....	1161

FOREIGN EXCHANGE MANAGEMENT (TRANSFER OR ISSUE OF SECURITY BY A PERSON RESIDENT OUTSIDE INDIA) (THIRD AMENDMENT) REGULATIONS, 2012:		
(See under: Administrative Law)	....	1161
HARYANA CO-OPERATIVE SOCIETIES ACT, 1984:		
(See under: Consumer Protection Act, 1986)	....	1058
HINDU ADOPTIONS AND MAINTENANCE ACT, 1956:		
s.18 - Suit claiming maintenance by wife - Held: Is maintainable in spite compromise reached between parties, under O. 23, r. 3 CPC and an order u/s 125 CrPC based thereon granting permanent alimony - Code of Criminal Procedure, 1973 - s.125 - Code of Civil Procedure, 1908 - O. 23, r.23 - Contract Act, 1872 - s.25.		
<i>Nagendrappa Natikar v. Neelamma</i>	....	426
HINDU MARRIAGE ACT, 1955:		
(1) ss.13(1)(i-a) and (b) - Petition for dissolution of marriage on grounds of cruelty and desertion - 'Cruelty' - Explained - Held: In the instant case, conduct of respondent-wife in filing a complaint making unfounded, indecent and defamatory allegation against her mother-in-law, in filing revision seeking enhancement of sentence awarded to appellant-husband, and filing and pursuing litigations against him and his parents indicates that she made all attempts to ensure that he and his parents are put in jail and he is removed from his job - There is no manner of doubt that this conduct has caused mental cruelty to appellant - Parties are living separately for more than ten years - This separation has created an unbridgeable distance between the two - Marriage		

has irretrievably broken down - Therefore, marriage between parties dissolved by a decree of divorce - Keeping in view the circumstances of both, appellant directed to pay to respondent-wife permanent alimony.

K. Srinivas Rao v. D.A. Deepa 126

(2) ss.13 and 23 - Petition for divorce by husband on grounds of cruelty and desertion - Dismissed by courts below - Held: Both the courts noticed relevant facts and came to a definite conclusion that appellant has not only been cruel to respondent, but has also brought the situation to the point where respondent had no option but to leave matrimonial home - In this situation, as appellant was trying to take advantage of his own wrong, courts below rightly disallowed the relief sought for - Order of High Court does not suffer from any infirmity, illegality or perversity - No interference called for.

Ashok Kumar Jain v. Sumati Jain 841

HUMAN RIGHTS ACT, 1998:
s.6(3)(b).

(See under: Constitution of India, 1950) 970

INDUSTRIAL DISPUTES ACT, 1947:

(1) (i) s.33-A read with s.33 - Complaint by a daily wager-bus conductor who had been dismissed from service after an inquiry - Industrial Tribunal holding the charge proved, but directing reinstatement of workman without back wages - Held: When respondent had indulged into a misconduct within a very short span of service which had been duly proved, there was no occasion to pass the award of reinstatement with continuity in service - Complaint shall stand

dismissed.

(ii) ss.33 and 33-A - Nature and scope of - Explained - Held: Once complaint u/s 33A is decided, there is no question of granting any liberty to apply u/s 33.

Rajasthan State Road Transport Corporation and Another v. Satya Prakash 939

(2) s. 33-C.

(See under: State Financial Corporations Act, 1951) 744

INTERNATIONAL CONVENTIONS / TREATIES:

(1) (i) International Covenant on Economic, Social, and Cultural Rights 1966.

(ii) United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985.

(See under: Crimes Against Women) 774

(2) New York Convention, 1958.

(See under: Arbitration and Conciliation Act, 1996) 389

INVESTIGATION:

Inquest - Purpose of - Explained.

(Also see under: Penal Code, 1860)

Guiram Mondal v. State of West Bengal 1107

JUDICIAL RESTRAINT:

(See under: Arbitration and Conciliation Act, 1996) 215

JUDICIARY:

Ad-hoc promotion - Seniority.

(See under: Orissa Judicial (Special Schemes) Rules, 2001) 331

JUDGMENTS:

(See under: Penal Code, 1860) 1095

KARNATAKA LAND REFORMS ACT, 1961:

ss. 44 and 51 - Vesting of land in State Government - Interest on the amount payable - Held: In view of the specific clarification made by Circular dated 24.11.1986 and decision of the Court, appellant is entitled to interest w.e.f. 1.3.1974 @ 5 ½% till the total amount was paid to him - Substantive provision of 'mode of calculation' as prescribed u/s 51 has been clarified by Circular dated 24.11.1986 - The example cited in the circular is merely an illustration - If the illustration is in conflict with the clarification of the substantive law/provision or if the illustration is vague, the clarification will prevail over the illustration - Government of Karnataka Rev. Dep. (Land Reforms) Circular No. ND 171 LWM 86 dated 24.11.1986.

Aresh @ Ashok J. Mehta (D) by Prop. Lrs. v. Spl. Tahsildar, Balgaum Karnataka & Anr. 280

LAND ACQUISITION:

Reservation deemed to have lapsed.
(See under: Maharashtra Regional and Town Planning Act, 1966) 664

LAND ACQUISITION ACT, 1894:

(1) s.6.
(See under: Maharashtra Regional and Town Planning Act, 1966) 664

(2) ss.17(1), 17(4) and s.5-A.
(See under: Rajasthan Land Acquisition Act, 1953) 218

(3) s.48 - Resolution by Development Authority to withdraw acquisition in respect of a part of land acquired - Held: Once land is acquired and mandatory requirements are complied with including possession having been taken, land vests in State Government free from all encumbrances - Merely because some land was left at relevant time, that does not give any right to the Authority to send proposal to Government for release of land in favour of land owners.

Mahadeo (D) through LRs & Ors. v. State of U.P. & Ors. 539

(4) Dispossession of land owner prior to notification u/s 4(1) - Damages - Held: It will be open to such land owner to recover possession of his land by taking appropriate legal proceeding - In case possession is not recovered, he would be entitled to rent or damages for use and occupation for the period Government retained possession of property.

Executive Engineer, Nandur, Madhameshwar Canal v. Vilas Eknath Jadhav and Others 493

LEGISLATION:

(See under: Code of Criminal Procedure, 1973) 899

LIMITATION ACT, 1963:

s.5.
(See under: Delay / Laches) 484

MADHYA PRADESH ENTERTAINMENT DUTY AND ADVERTISEMENTS TAX ACT, 1936:

ss.2(a),2(b),2(d)(iv), 3 and 4 - Levy of entertainment duty on Direct to Home (DTH) entertainment service for the period 5-5-2008 to

1-4-2011 - Held: DTH is not covered by provisions of s.3 r/w ss.2(a), 2(b) and 2(d) - Further, neither provision of s.4(1) nor any of modes provided u/s.4(2) can be made applicable for collection of duty on DTH - Therefore, 1936 Act cannot be extended to cover DTH operations being carried out by appellants - Indian Telegraph Act, 1885 - s. 4 - Indian Telegraphy Act, 1933 - Madhya Pradesh Entertainment Duty and Advertisements Tax Rules 1942 - Administrative Law.

(Also see under: Administrative Law)

M/s Tata Sky Ltd. v. State of M.P. and Ors. 849

MADHYA PRADESH ENTERTAINMENT DUTY AND ADVERTISEMENTS TAX RULES 1942:
(See under: Madhya Pradesh Entertainment Duty and Advertisements Tax Act, 1936) 849

MAHARASHTRA REGIONAL AND TOWN PLANNING ACT, 1966:

s.127 - Land reserved not acquired/no steps commenced towards acquisition within six months of service of notice u/s 127 - Held: Reservation shall be deemed to have lapsed and land shall be deemed to have been released from such reservation so as to enable the owner to develop the same - Steps towards acquisition would really commence when State Government takes active steps for acquisition of particular piece of land which leads to publication of declaration u/s 6 of 1894 Act - Expression "no steps as aforesaid" used in s. 127 of 1966 Act has to be read in the context of provisions of 1894 Act and mere passing of a resolution by Planning Authority or sending of a letter to Collector or even to State Government cannot be treated as commencement

of proceedings for acquisition of land under 1966 Act or 1894 Act - Land Acquisition Act, 1894 - s.6.

Shrirampur Municipal Council, Shrirampur v. Satyabhamabai Bhimaji Dawkher and Others 664

MARKETING DISCIPLINE GUIDELINES, 2005:
Para 2.4.5.
(See under: Petroleum Act, 1934) 828

MAXIMS:
'Falsus in uno, falsus in omnibus'.
(See under: Penal Code, 1860) 783

MINES AND MINERALS:
Iron ore.
(See under: Constitution of India, 1950) 245

MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957:
ss. 11(2) and 11(4).
(See under: Constitution of India, 1950) 1045

MOTOR VEHICLES ACT, 1988:
(1) s. 147 - Accident of goods vehicle - Injury to person claiming to be a spare driver - Liability of insurance company - Held: Insurance company not liable to pay compensation - Spare driver was not covered under policy - He was admittedly not driving the vehicle nor was he engaged for driving said vehicle - Thus, he was a gratuitous passenger - However, Insurance Company directed to pay compensation and to recover the same from owner-insured.

Manager, National Insurance Co. Ltd. v. Saju P. Paul and Another 1

(2) (i) s. 166 - Motor accident - Compensation - Computation of - Multiplier - Additional income for future prospects - Deduction towards income tax as also personal expenses - Guidelines, laid down.

(ii) s.168 - 'Just compensation' - Held: The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards.

Reshma Kumari and Ors. v. Madan Mohan and Anr. 706

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985:

(1) ss. 18 and 54 - Accused carrying a tin containing 3½ kg. opium - Conviction and sentence of 10 years RI with a fine of Rs. 1 lakh awarded by trial court affirmed by High Court - Held: In the light of oral and documentary evidence and in view of s. 54 and in absence of any evidence from accused discharging the presumption as to possession of contraband, conviction and sentence, upheld.

Mohinder v. State of Haryana 555

(2) s. 32-A (as introduced w.e.f. 29.5.1989) - Sentences awarded under the Act not to be suspended, remitted or commuted - Effect of - Accused convicted u/s 15 on 27.7.1990 for offence committed on 13.12.1988 - Held: There is no vice of unconstitutionality in the section insofar as it takes away powers of executive conferred upon it u/ss 432 and 433 CrPC to suspend, remit or commute sentence of a convict under the Act - Exclusion of benefit of remission cannot be understood to have the effect of enlarging the

period of incarceration of an accused convicted under the Act - Nor can s. 32-A have the effect of making a convict undergo a longer period of sentence than what the Act had contemplated at the time of commission of offence.

Budh Singh v. State of Haryana and Anr. 272

(3) (See under: Constitution of India, 1950) 899

ORISSA JUDICIAL SERVICE (SPECIAL SCHEMES) RULES 2001:

rr. 3, 4, 5 and 7 - Member of Orissa Superior Judicial Service (Junior Branch) - Ad hoc promotion as Additional District Judge in Fast Track Court created in terms of 11th Finance Commission recommendations - Claim that such ad hoc service be treated for purpose of seniority in Orissa Superior Judicial Service (Sr. Branch) - Held: Not tenable - In absence of any vacancy in Senior Branch cadre of Superior Judicial Service to be filled up by promotion, no appointment to Senior Branch of service by way of promotion can be made - On the date of appointment of officer to ad hoc post of Addl. District Judge in Fast Track Court or on the date he joined said post, there was no cadre post available - Orissa Superior Judicial Service Rules 1963.

Debabrata Dash and Anr. v. Jatindra Prasad Das & Ors. 331

ORISSA SUPERIOR JUDICIAL SERVICE RULES 1963:

(See under: Orissa Judicial (Special Schemes) Rules, 2001) 331

PAYMENT OF GRATUITY ACT, 1972:

(See under: State Financial Corporations Act, 1951) 744

PENAL CODE, 1860:

(1) s. 34.

(i) (See under: Criminal Trial) 631

(ii) (See under: Prevention of Corruption Act, 1988) 528

(2) ss.148 and 302/149- Double murder - Conviction of one accused only by trial court for causing death of one of deceased - High Court convicting appellant and four others - Held: High Court has correctly appreciated the evidence rendered by witnesses and has rightly held appellant guilty u/s 302 r/w s.148 and awarded him sentence of life imprisonment - Evidence - Evidence of related witnesses - Investigation - Delay in dispatch of special report to Magistrate.

Guiram Mondal v. State of West Bengal 1107

(3) s.302 - Accused committing 5 murders including of three children - Circumstantial evidence - Held: Deaths established as homicidal in nature, evidence of witnesses, extra-judicial confession, absconding of accused, his conduct at the time of his arrest, recoveries of incriminating articles made pursuant to disclosure statement, motive, and statement of accused u/s 313 CrPC, all connect him to crime and establish his guilt - Judgment of High Court affirming the conviction and commuting death sentence to imprisonment for 20 years with a further direction that accused be not granted any remission meanwhile, upheld - Sentence/Sentencing - Evidence - Circumstantial evidence - Extra-judicial confession.

(Also see under: Sentence/Sentencing)

Sahib Hussain @ Sahib Jan v. State of Rajasthan 1019

(4) s.302 - Death of 22 year old married woman within 2 months of marriage due to burn injuries - Dying declaration given by victim - Conviction of mother-in-law (appellant) u/s.302 alongwith life imprisonment - Held: Victim got injured in her in-laws house while appellant was present - Veracity of her dying declaration cannot be doubted and there is no cogent reason to interfere with conviction of appellant - However, appellant has already served 14 years and 6 months of imprisonment in jail and her case has not been considered by State for premature release u/s.432 CrPC - Authorities concerned to consider case of appellant for premature release strictly in accordance with law - Evidence Act, 1872 - s.113B - Code of Criminal Procedure, 1973 - s.432.

Annapurna v. State of U.P. 870

(5) s. 302 - Murder - Acquittal by trial court - Conviction by High Court - Held: Medical evidence is quite consistent with prosecution case that deceased was killed by inflicting injuries by a pair of scissors - Both eye-witnesses fully supported prosecution case in regard to assault by appellant on deceased with a pair of scissors - Discrepancies between statements of two eye-witnesses highlighted by trial court cannot be a ground for rejecting their deposition entirely - High Court has rightly rejected the view taken by trial court as wholly untenable and has rightly accepted the evidence of prosecution witnesses in order to bring home guilt of appellant - Maxim, falsus in uno, falsus in omnibus - Evidence.

Rajendra Singh v. State of Uttaranchal 783

(6) s.302 - Murder - Circumstantial evidence - Husband suspecting fidelity of wife - Dead body of wife found in premises in exclusive possession of couple - Death caused by smothering - Husband absconded after incident - Held: All links in the chain of evidence are established beyond reasonable doubt and the established circumstances are consistent with singular hypothesis that accused is guilty of crime and it is totally inconsistent with his innocence - Conviction and sentence as awarded by trial court and affirmed by High Court, upheld - Evidence - Circumstantial evidence - Criminal law - Motive.

Sooguru Subrahmanyam v. State of A.P. 514

(7) s. 302/34 - Acquittal by trial court - Conviction by High Court - Held: Evidence of eye-witnesses and medical evidence support the prosecution case - There was no delay in lodging FIR or dispatching the report to Magistrate - FSL report not doubtful - High Court rightly reversed order of acquittal and convicted accused.

Mookkiah v. State, rep. by the Inspector of Police, Tamil Nadu 881

(8) s.302/34 and s.300, Exception 4 - Conviction by trial court of 5 accused u/s 302/149 IPC - Acquittal of one accused by High Court - Held: Evidence of eye-witness makes it clear that deceased was attacked by four appellants in furtherance of their common intention and, as such, they all were liable u/s 302/34 for causing his death - Further, deceased was unarmed and accused-appellants were armed with knives and attacked him even after he fell down - They took undue advantage and acted in cruel and unusual

manner towards deceased - Besides, keeping in view the injuries on deceased, Exception 4 to s.300 is not attracted - Conviction and sentence of appellants u/s 302 upheld.

Babu and Anr. v. State rep. by Inspector of Police, Chennai 438

(9) s.302/149 - Victim stated to have been assaulted by a number of accused resulting in his death - Conviction - Held: Evidence establishes that five of the accused assaulted deceased - One of them died before filing of appeals - Conviction and sentence of life imprisonment of remaining four upheld - As far other accused persons are concerned, there are contradictory statements leading to a reasonable doubt with regard to their presence at place of occurrence and assaulting the deceased - They are, accordingly, acquitted - Evidence - Contradictory statements of witnesses.

Rattiram & Ors. Etc. v. State of M. P. Through Inspector of Police etc. 1003

(10) ss. 302, 307, 427 r/w s. 34 and s.3 of Explosive Substances Act r/w s. 34 IPC - Bomb planted at the instruction of accused - Resulted in death of one and injuries to others - Conviction by courts below - Held: Prosecution case is supported by eye-witnesses, injured witnesses and approver - Motive established - Conviction justified.

Venkatesha v. State of Karnataka 613

(11) ss. 302 and 324 r/w s. 34 - Acquittal by trial court - Conviction by High Court - Held: Conviction was justified in view of depositions of injured witness and other eye-witnesses - Incident was

premeditated - Absence of charge u/s. 34 would not affect legality of conviction, as such omission caused no prejudice to accused.

(Also see under: Code of Criminal Procedure, 1973; and Criminal Trial)

Chinnam Kameswara Rao and Ors. v. State of A.P. Rep. by Home Secretary 631

(12) ss. 302, 364 and 120-B - Minor boy kidnapped and murdered by three accused - Circumstantial evidence - Conviction and sentence of life imprisonment - Affirmed by High Court - Held: Cogent and acceptable evidence adduced by prosecution has established the deceased last seen with accused, recovery of incriminating articles pursuant to disclosure statements of accused, motive for crime and threat given by accused to finish the family of complainant - It leads to conclusion that appellants/accused kidnapped and murdered the deceased - Conviction and sentence, upheld - Evidence - Circumstantial evidence - Motive.

Prakash v. State of Rajasthan 458

(13) ss.302 and 376 - Rape and murder - Case based on circumstantial evidence - Conviction of accused-appellant with 10 years RI - Held: Justified - Medical evidence revealed that victim was subjected to sexual intercourse before her death - Mother of victim found accused present at scene of crime immediately after occurrence - Accused remained absconding for two days - All circumstances supported prosecution version - No missing link in any of circumstances found proved - Further, accused had inimical relationship with family of victim and thus, motive aspect

demonstrated was also acceptable - Moreover, accused-appellant did not let in any evidence for his defence - Circumstantial evidence - Motive.

Ram Pal @ Bunda v. State of Haryana 797

(14) ss. 302, 376(2)(g), 201 and 506 - Gang rape and murder - Conviction by trial court - Affirmed by High Court - Held: There is major discrepancy in testimony of witnesses and also registration of FIR on the basis of information furnished by informant - Further, Sarpanch to whom accused were stated to have made confessional statement, reported the matter to police after 16 days - His evidence is not believable - Narration of alleged offences against appellants and other accused by prosecution witnesses is most unnatural and unbelievable to convict and sentence them - Their conviction and sentences set aside - Circumstantial evidence.

(Also see under: Constitution of India, 1950)

Tejinder Singh @ Kaka v. State of Punjab 802

(15) s.304 (part-II)/34 - Accused causing injuries to victim - Death of victim on the following day - Conviction u/s 302/34 and sentence of life imprisonment, affirmed by High Court - Held: The instant case falls u/s 304(part-II) - Although appellants had no intention to cause death but it can safely be inferred that they knew that such bodily injury was likely to cause death - Therefore, appellants are guilty of culpable homicide not amounting to murder - Accordingly, judgments of courts below are modified and conviction u/s 302 is converted to 304(part-II) - Appellants sentenced to ten years' imprisonment.

Litta Singh & Anr. v. State of Rajasthan 1118

(16) ss. 304-B and 498-A - Demand from husband through wife (deceased) for repayment of society loan - Held: Demand was not in connection with dowry, therefore, provisions of s.304-B were not attracted and appellant-husband acquitted of charge - But, there is clear evidence establishing that deceased was subjected to harassment by her husband on account of her failure to meet said unlawful demand - Therefore, conviction u/s 498-A maintained - Appellant sentenced to period already undergone - Dowry Prohibition Act, 1961 - ss. 3, 4 and 6.

(Also see under: Dowry Prohibition Act, 1961)

Modinsab Kasimsab Kanchagar v. State of Karnataka & Anr. 357

(17) ss.304-B, 498A and 306 - Suicide by married woman - Conviction of appellants (husband and in-laws) - Held: Not justified - Letter allegedly written by victim to her brother was the only evidence produced by the prosecution to prove that appellants had subjected her to harassment and cruelty in connection with demand for dowry - But since there were grave doubts as to whether the said letter was actually written by the victim or not, conviction of appellants only on the basis of said letter would be unsafe - Prosecution unable to prove beyond reasonable doubt that appellants subjected the victim to cruelty or harassment - It cannot be held that appellants had in any way abetted the suicide by the victim - Conviction set aside.

Indrajit Sureshprasad Bind & Ors. v. State of Gujarat 931

(18) s.376 - Conviction by courts below - Held: In the instant case, prosecution version as narrated by prosecutrix, is most improbable and unnatural - The witness who is stated to have rescued prosecutrix from place of occurrence and employer of prosecutrix did not support prosecution case - Doctor who medically examined prosecutrix and IO were not examined - Courts below erred in holding that their non-examination did not prejudice the defence - Further, inordinate delay of 11 days is fatal to prosecution case, which has created reasonable doubt - Therefore, benefit of doubt must enure to appellant - Impugned judgment set aside - Constitution of India, 1950 - Art.136.

Rajesh Patel v. State of Jharkhand 411

(19) s. 376(1) - Rape - Statement of prosecutrix that accused committed forcible sexual intercourse against her wish at knife point - Held: Except simply denying the offence alleged in statement u/s 313 Cr.P.C., accused did not let in any evidence to contradict the version of prosecutrix - Trial court on a detailed consideration of evidence concluded that case of prosecutrix was cogent and convincing and was also supported by evidence of other witnesses and recoveries made from place of occurrence - Judgments of courts below call for no interference.

Swaroop Singh v. State of M. P. 765

(20) ss. 376, 363, 148, 323, 149, 342 and 506 - Accused persons including father and son stated to have beaten, raped and tortured a labourer - Acquittal by trial court, affirmed by High Court - Held: A judgment must show proper application of mind by Presiding Officer of court, and that

conclusion is based on appreciation/ evaluation of evidence - Every court is duty bound to state reasons for its conclusions - In the instant case, trial court did not decide the case giving adherence to provisions of s. 354 CrPC - It did not record any sound reasoning for acquittal, though it had been the case of prosecutrix that she remained hospitalized - Courts below have dealt with the matter in a very summary fashion - The view taken by courts below is manifestly unreasonable and has resulted in miscarriage of justice - The Court is not in a position to judge the correctness, legality and propriety of findings recorded by courts below - Judgments of courts below are set aside and the case is remanded to trial court to decide it afresh on the basis of evidence on record - Code of Criminal Procedure, 1973 - s/354 - Judgments.

Prem Kaur v. State of Punjab and Ors. 1095

(21) ss. 376 and 450 - Rape of a minor girl - Acquittal by trial court holding that prosecutrix was not below 16 years of age and it was a case of consent - Conviction by High Court with 7 years RI - Held: Evidence of father of prosecutrix, doctor who medically examined and teacher of night school, and school register clearly establish the age of prosecutrix to be 14 years at the time of occurrence - Besides, doctor found that prosecutrix had only 28 teeth, 14 in each jaw, which further indicates that she was 14 years of age - Therefore, question of consent becomes totally irrelevant - There is no reason to interfere with judgment of High Court - Sexual assault - Age of prosecutrix - Relevancy of number of teeth.

Dilip v. State of Madhya Pradesh 957

(22) ss. 376, 506, 366 and 363 - Kidnapping and rape of a girl of 13 years - Conviction of accused by courts below - Held: On date of incident, victim was of 13 years and 9 months and was a student of 6th standard - To refute the same, no evidence has been led by accused-appellant - Said finding stood affirmed by High Court and in view thereof, it remains totally immaterial whether prosecutrix was a consenting party or not - Case does not present special features warranting any interference.

Lillu @ Rajesh & Anr. v. State of Haryana 774

PETROLEUM ACT, 1934:

s.20 read with Marketing Discipline Guidelines, 2005 - Dealership licence - Cancellation of - Held: Cancellation of dealership agreement is a serious matter and cannot be taken lightly - In the instant case, Guidelines with regard to taking of samples, numbering them, and sending the same to Laboratory in the manner prescribed have not been followed by Inspecting Officer - Further, provision of s.20 was also not complied with - High Court rightly interfered with order of termination of dealership agreement/licence and quashed it - Appellants are directed to implement the directions given by High Court in its judgment - Marketing Discipline Guidelines, 2005 - Para 2.4.5

Bharat Petroleum Corporation Ltd. v. M/s Jagannath & Co. & Ors. 828

PREVENTION OF CORRUPTION ACT, 1988:

s. 22(c).
(See under: Constitution of India, 1950) 899

POWER OF ATTORNEY:

(See under: Code of Civil Procedure, 1908) 750

PUBLIC DISTRIBUTION:

(See under: Petroleum Act, 1934) 828

PREVENTION OF CORRUPTION ACT, 1988:

(1) ss. 7 and 13(1)(d) r/w s.13(2) of the Act, r/w s. 34 IPC - Demanding and accepting of illegal gratification - Conviction of two accused by courts below - Plea of appellant that he did not demand nor did he receive the amount - Held: It has been established by evidence on record that both the accused were on duty at relevant time and place, vehicle was intercepted, tainted currency notes were recovered from co-accused, documents were returned back to complainant and no case for any traffic violation was registered - Conclusion arrived at by trial court that appellant was involved in commission of crime, as affirmed by High Court cannot be found fault with - Penal Code, 1860 - s.34.

Syed Yousuf Hussain v. State of Andhra Pradesh 528

(2) s. 22(c).
(See under: Constitution of India, 1950) 899

RAJASTHAN LAND ACQUISITION ACT, 1953:

(i) ss. 5-A, 17(1) and 17(4) - Special powers in case of urgency - Acquisition of land for construction of bus stand - After a lapse of 7 years from date of notification u/s 4, Notification u/s 6 issued and powers u/s.17(1) r/w s/17(4) invoked dispensing with provision of s. 5-A - Held: Any construction of building (institutional, industrial,

residential, commercial etc.) takes some time and, therefore, acquisition of land for such purpose can always brook delay of few months - Ordinarily, invocation of power of urgency by State Government for such acquisition may not be legally sustainable - In the instant case, a very valuable right conferred on land owner/person interested u/s 5-A has been taken away without any justification - Exercise of power by State government u/s 17(1) r/w s. 17(4) and dispensation of inquiry u/s 5-A cannot be legally sustained - Land Acquisition Act, 1894 - ss. 17(1), 17(4) and 5-A.

(ii) s. 17(1) r/w s. 17(4) - Exercise of power under - Affidavit with regard to - Held: Counter affidavit filed by Rajasthan State Road Transport Corporation is not relevant as s. 17 confers power of urgency only on State government alone and it is State government that has to justify that urgency was so imminent that dispensation of inquiry u/s 5-A was necessary - Constitution of India, 1950 - Art. 300-A - Eminent domain - Affidavit.

(iii) ss. 4(5) and 6.

Laxman Lal (Dead) Through LRs. and Anr. v. State of Rajasthan and Ors. 218

RAJASTHAN LAND ACQUISITION (AMENDMENT AND VALIDATION) ACT, 1981:

s.5(2) - Validation of certain acquisitions - Notice u/s 4(5) given prior to commencement of Amendment Act - Notification u/s 6 issued after more than 5 years of commencement of Amendment Act - Held: Provision of sub-s. (2) of s.5 of Amendment Act is clear that two years' time prescribed for making declaration u/s 6 in respect

of notice issued u/s 4(5) prior to commencement of 1981 Amendment Act is mandatory and permits no departure - Therefore, preliminary notification, which was followed by notice u/s 4(5) before commencement of 1981 Amendment Act, has lapsed and does not survive since declaration u/s 6 has been made much beyond the time limit prescribed in law - Impugned orders are set aside - It is declared that preliminary notification dated 01.05.1980 has lapsed and declaration made on 19.03.1987 is legally unsustainable - Rajasthan Land Acquisition Act, 1953 - ss. 4(5) and 6.

Laxman Lal (Dead) Through LRs. and Anr. v. State of Rajasthan and Ors. 218

REGIONAL RURAL BANKS (APPOINTMENT AND PROMOTION OF OFFICERS AND OTHER EMPLOYEES) RULES, 1988:
(See under: Regional Rural Banks (Appointment and Promotion of Officers and other Employees) Rules, 1998) 562

REGIONAL RURAL BANKS (APPOINTMENT AND PROMOTION OF OFFICERS AND OTHER EMPLOYEES) RULES, 1998:
rr. 2(d), (e), (f) and (j) - Promotions to be made "on the basis of seniority-cum-merit" - Connotation of - Circulars dated 30.11.2009 and 12.7.2010, enabling the management to eliminate from zone of consideration such employees who have been rated Grade 'D' in performance appraisal or who have suffered punishment - Set aside by High Court - Held: Rules do not provide the criteria introduced by two circulars - The procedure prescribed under said circulars clearly has the effect of supplanting the provision of eligibility, which is not permissible - Determination of bare

minimum criteria is the function of DPC and cannot be taken-over by management - Misconduct committed by employee/officer would be a matter for DPC to take into consideration at the time of performance appraisal - Circulars being contrary to statutory Rules, have rightly been quashed by High Court - Circular No. 17 of 2009 dated 30.11.2009 - Circular dated 12.7.2010 - Service law - Promotion - Regional Rural Banks (Appointment and Promotion of Officers and other Employees) Rules, 1988.

Sarva U.P. Gramin Bank & Ors. v. Manoj Kumar Chak 562

RETROSPECTIVE OPERATION:
(See under: Service Law) 20

RULES TO REGULATE PROCEEDINGS FOR CONTEMPT OF SUPREME COURT, 1975:
r. 3(c).
(See under: Constitution of India, 1950) 496

SENTENCE/SENTENCING:
Sentence for a fixed term with a further embargo on remissions - Death sentence awarded by trial court to accused found guilty of causing death of five persons including of three children - Commuted by High Court to imprisonment for 20 years with a further direction that accused be not granted any remissions - Held: Decision of High Court cannot be faulted with in the light of judgments of Supreme Court - Penal Code, 1860 - s.302.

(Also see under: Penal Code, 1860)

Sahib Hussain @ Sahib Jan v. State of Rajasthan 1019

SERVICE LAW:

(1) Appointment/Recruitment/Selection:

- (i) Candidate in wait-list - Claiming appointment, as candidate above him in merit list did not join - Held: In the facts of case, candidate deserved to be appointed to the post - Offer of appointment would relate back to permissible date contemplated under rules laying down conditions of service - Candidate entitled to seniority immediately below those who were appointed from the same process of selection - He would be entitled to wages from date of order.

State of J & K and Ors. v. Sat Pal 648

- (ii) Fixing of minimum qualifying marks subsequent to advertisement - Held: Rule does not mandate the Commission to fix and to disclose minimum qualifying marks in Preliminary Examination and Main Examination either in advertisement or before conducting the examination - After the two examinations, Commission is empowered to shortlist candidates and to summon them for an interview for personality and other tests - Power exercised by Commission under r.11 fixing qualifying marks in written examination in process of conducting recruitment test cannot be interfered with by court - However, Rule does not empower Commission to fix qualifying marks in viva voce test which has rightly not been done by it - Arunachal Pradesh Public Service Combined Competitive Examination Rules, 2001 - r.11 r/w r. 12.

Arunachal Pradesh Public Service Commission & Anr. v. Tage Habung & Ors. 1134

(2) Assured Career Progression (ACP) Scale -

Entitlement - Period spent in apprenticeship - Held: Cannot be counted for grant of ACP Scale, because apprentices are trainees and not workmen - Apprentices Act, 1961 - ss. 2(aa), 2(aaa) and 18.

Haryana Power Generation Corporation Limited and Others v. Harkesh Chand and Others

593

(3) (i) Disciplinary proceedings - Penalty - Disciplinary proceedings initiated under unamended rule - Penalty imposed in terms of amended rule - Held: Disciplinary proceeding was initiated by serving a charge-sheet for purpose of imposition of a major penalty - Employee had no vested right to be imposed a particular punishment as envisaged under unamended rules - Unamended r.9(vii) was only dealing with reduction or reversion, but stipulation of postponement of future increments has come by way of amendment - The same being a lesser punishment than maximum, is imposable - Disciplinary authority has not committed any error by imposing said punishment, regard being had to nature of charges - It does not violate any Constitutional protection - Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - r. 9(vii)(b).

(ii) Conditions of service - Amendment - Retrospective operation - Held: There is a presumption against retrospective operation of a statute - A substituted provision is resultant factor of amendment in Rules and it shall guide the consequences that follow from amended Rules - In the instant case, amended Rule despite having

been substituted has no retrospective effect.

The Government of Andhra Pradesh and Others v. Ch. Gandhi 20

(4) Promotion:

(i) (a) Sealed cover procedure - Recommendation of DPC for promotion of respondent not given effect to on the ground that subsequently memorandum of charges were issued to him - Held: When respondent's batch mates were promoted, admittedly, on that date he was not under suspension, no charge sheet was served upon him nor was he facing any criminal prosecution - In such circumstances, in terms of paragraph 2 of O.M. dt. 24.09.1992, recommendation of DPC has to be honored and there is no question of applying 'sealed cover process' - Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training O.M. No. 22011/4/91/Estt.(A) dated 24.9.1992.

(b) Disciplinary proceedings - Commencement of - Held: Disciplinary proceedings commence only when a charge sheet is issued.

Union of India & Ors. v. Anil Kumar Sarkar 396

(ii) Promotion.

(See under: Regional Rural Banks (Appointment and Promotion of Officers and Other Employees) Rules, 1998) 562

(5) Seniority on ad-hoc promotion.

(See under: Orissa Judicial (Special Schemes) Rules, 2001) 331

SOCIAL STATUS CERTIFICATE:

Caste scrutiny - Claim of petitioners that they belonged to Scheduled Tribe - Rejected by Scheduled Tribe Certificate Scrutiny Committee - Order upheld by High Court - Held: Documentary evidence showed that family members of petitioners did not belong to 'Thakar Scheduled Tribe' as claimed by them - Caste Scrutiny Committee also noticed that petitioners failed in affinity test as information supplied by them was at variance with information given by them in court - Therefore, conclusions reached by Scrutiny Committee, and affirmed by High Court cannot be said to be either perverse or based on no evidence.

Pournima Suryakant Pawar v. State of Maharashtra and Others 262

SPECIFIC RELIEF ACT, 1963:

(1) s. 19.

(See under: Code of Civil Procedure, 1908) 74

(2) s.26 - Suit for rectification of settlement deeds - Held: Appellant could not have filed suit for rectification of settlement deed, as there was no mistake in its understanding or execution by parties - It was only the father of parties who could have sought rectification of deed, but he was neither impleaded, nor examined before trial court, though he was still alive at the time of institution of suit - As respondent was not a party to the alleged rectification deed, she was not bound by it - Besides, memorandum of agreement relied upon by plaintiff has not been proved - Evidence - Onus of proof.

(Also see under: Contract Act, 1872)

*Joseph John Peter Sandy v. Veronica
Thomas Rajkumar & Anr.* 368

STATE FINANCIAL CORPORATIONS ACT, 1951:

s. 46-B - Industrial concern closed down - Recovery of dues of workmen as also of State Financial Corporation - Held: Merely because appellant Financial Corporation subsequently sold the properties, that by itself cannot destroy rights of workmen as held by competent courts -- Under s.46-B, provisions of 1951 Act shall be applicable in addition to, and not in derogation of any other law applicable to an industrial concern - High Court compared claim of petitioner with claims of workmen where a company goes into liquidation and held that dues of workmen shall have preference - Comparison has to be seen with proper perspective and that has to be seen on the backdrop of s. 46-B - There is no error in the order of High Court - Industrial Disputes Act, 1947 - ss.33-C - Payment of Gratuity Act, 1972.

*Asstt. General Manager, Karnataka State
Financial Corporation v. General Secretary,
Mysore Division Industrial Workers General
Union and Ors.* 744

SUPREME COURT RULES, 1966:

(1) O. 23, rr.1, 2 and 3.
(See under: Constitution of India, 1950) 153

(2) O.40.
(See under: Constitution of India, 1950) 1045

(3) O. 47.
(See under: Constitution of India, 1950) 496

TELEGRAPH ACT, 1885:

s. 4.
(See under: Madhya Pradesh Entertainment
Duty and Advertisements Tax Act, 1936) 849

TELEGRAPHY ACT, 1933:

(See under: Madhya Pradesh Entertainment
Duty and Advertisements Tax Act, 1936) 849

TRANSFER OF PROPERTY ACT, 1882:

s.52.
(See under: Code of Civil Procedure, 1908) 74

URBAN LAND (CEILING AND REGULATION) ACT,
1976:

s. 10(3) - Acquisition of vacant land in excess of ceiling limit - Expressions "deemed to have been acquired" and "deemed to have vested absolutely" - Connotation of - Held: 'Vesting' in sub-s. (3) of s.10 means vesting of title absolutely and not possession - Under s.10(3), what is vested is de jure possession not de facto possession - Mere vesting of land under sub-s. (3) of s.10 would not confer any right on State Government to have de facto possession of vacant land unless there has been a voluntary surrender of vacant land before 18.3.1999 - State has to establish that there has been a voluntary surrender of vacant land or surrender and delivery of peaceful possession under sub-s. (5) of s. 10 or forceful dispossession under sub-s. (6) of s. 10 - On failure to establish any of these situations, land owner or holder can claim benefit of s.3 of Repeal Act - Uttar Pradesh Urban Land Ceiling (Taking of Possession, payment of Amount and Allied Matters) Directions, 1983.

State of U.P. v. Hari Ram 301

URBAN LAND (CEILING AND REGULATION)

REPEAL ACT, 1999:

s. 3 - Saving clause - Held: No documents have been produced to show that respondents had been dispossessed before coming into force of Repeal Act and, therefore, High Court is right in holding that respondent are entitled to get benefit of s. 3 of Repeal Act.

State of U.P. v. Hari Ram 301

UTTAR PRADESH URBAN LAND CEILING (TAKING OF POSSESSION, PAYMENT OF AMOUNT AND ALLIED MATTERS) DIRECTIONS, 1983:

(See under: Urban Land (Ceiling and Regulation) Act, 1976)

.... 301

WITNESSES:

Related witness - Evidentiary value - Held: Merely because a witness is related, his evidence cannot be eschewed - However, it is duty of court to analyze the same cautiously and scrutinize it with other corroborative evidence.

(Also see under: Penal Code, 1860)

Mookkiah v. State, rep. by the Inspector of Police, Tamil Nadu 881

WORDS AND PHRASES:

(1) 'Apprentice' and 'apprenticeship training' - Meaning of, in the context of Apprentices Act, 1961.

Haryana Power Generation Corporation Limited and Others v. Harkesh Chand and Others 593

(2) Expressions, 'dam', 'up to dam site', 'from the waters in the area of Gadavari basin' and 'from the waters of Godavari basin' - Connotation of.

State of Andhra Pradesh v. State of Maharashtra & Ors. 153

(3) Expression, 'maro maro' - Connotation of.

Litta Singh & Anr. v. State of Rajasthan 1118

**REFERENCE MADE BY
ATTORNEY GENERAL FOR INDIA
SHRI GOOLAM E VAHANVATI
IN THE MEMORY OF
LATE SHRI O.P. MALHOTRA
AND
LATE SHRI R.N. TRIVEDI,
SENIOR ADVOCATES
ON 1ST MAY, 2013**

My Lord Justice Kabir, Chief Justice of India, Hon'ble Judges, the Learned Solicitor General, Mr Mohan Parasaran, Mr Krishnamani, the President of the Supreme Court Bar Association, Office Bearers of the Bar Association, other Law Officers, Members of the Bar, Members of the families of O.P. Malhotra and R.N. Trivedi, Ladies and Gentlemen.

We are assembled today in the Supreme Court, in Full Court, to pay homage to two eminent seniors of the Indian Bar who have left us recently.

Shri O.P. Malhotra studied law at the Government Law College, Bangalore and became a first generation lawyer in his mid-thirties. He began his practice as a lawyer in the Bangalore High Court, a junior to Mr. Nittoor Srinivas Rao, the then Advocate General of Mysore. Mr. Malhotra moved to Delhi in 1961 and soon thereafter joined the chambers of Shri Motilal Setalvad, the first Attorney General for India.

Shri O.P. Malhotra was designated Senior by the Supreme Court of India on the 3rd of December 1969 and by the Delhi High Court on the 31st of December 1969. He was the Senior Central Government Counsel during the seventies in the Delhi High Court and appeared on behalf of the Union of India. He had an illustrious career and appeared in several landmark cases in a variety of fields. One case that deserves special mention is his appearance in the Golaknath case alongside Nani Palkhivala. Justice HL Anand, in ***Associated Traders and Engineers... v. Bir Singh*** [ILR 1976 Delhi 688] described Shri

(i)

(ii)

Malhotra as someone with a “colossal background” on the subject of industrial disputes.

Outside the court, Mr. Malhotra's activities were erudite and academic. He brought out the 1st edition of his commentary on the Law of Industrial Relations after a mere 14 years of practice. An excellent teaching and learning tool, the book provides an incisive treatment of every aspect of the law relating to industrial disputes, and was very well received. “O.P. Malhotra's The Law of Industrial Disputes” is in its sixth edition now. When I was practicing in the Bombay High Court, I had come & cross this book of Law of Industrial Disputes and it was the Bible for practitioners in Labour Law at that time. It continues to be so even today. It has been highly commended by the Court of Appeal as well as by the Federal Court of Malaysia.

In his later years, Shri Malhotra showed the same vitality and zest. He published the 1st edition of ‘The Law and Practice of Arbitration and Conciliation - A Commentary on the Arbitration and Conciliation Act, 1996’ in 2002, at the age of 82. Like his earlier work, this too was nationally and internationally acclaimed, and favorably reviewed by several eminent commentators and was gradually recognised as a definitive work in its field. There was no other book that dealt with arbitration so comprehensively in the Indian market. The second edition of the book was published in 2006 and showed that Shri Malhotra was a keen student of the law and a rigorous academic even at the age of 87. This edition, co-authored by his daughter Ms. Indu Malhotra, exhaustively covered UNCITRAL'S Model Law, with a detailed comparison with both the (English) Arbitration Act 1996, as well as the Arbitration and Conciliation Act 1996. Almost 700 pages longer, the second edition contained an in-depth analysis of the most recent cases in this field, both Indian as well as international. It moved systematically through each section of the Indian Law, comparing it with the Model Law, the English Law, and citing case law in detail, throughout. The book remains sound, authoritative and most lucid in its exposition, making it a crucial reference work.

(iii)

On a personal note I wish to mention that on 8.3.2006 Mr. Malhotra, in his bold and wonderful hand, personally inscribed a copy of the book to me with the inscription:

“With warmest and sincerest regards to dear Goolam E. Vahanvati, the Solicitor General of India.”

This book remains one of the most treasured possessions in my library.

Shri O.P. Malhotra is survived by his four children. Three of his children are advocates, including Ms. Indu Malhotra, a Senior Advocate. Mr. Malhotra has left behind many legacies, and one of the most cherished of these legacies is his daughter Indu Malhotra who, apart from having the rare distinction of being designated a Senior by this Court, represents the same levels of integrity and rectitude as her father. Four of his grandchildren are advocates practicing in the Delhi High Court and Supreme Court.

He passed away on the 31st of January 2013 and, on the occasion of this reference, I would like to express my deepest condolences to his family, friends, and colleagues at the Bar. Those who held him dear may seek solace in the fact that Shri O.P. Malhotra’s personal and professional legacy will endure for years to come and his life and career presents a paragon of dignity and purpose. May his soul rest in peace.

.....

I now turn to pay tribute to Shri R.N. Trivedi, another pre-eminent Senior Advocate at the Supreme Court and former Additional Solicitor General of India.

R.N. Trivedi, the son of the Mrs. Leela Trivedi and the late J.N. Trivedi, was born on January 21, 1941 in Varanasi. He was educated at Lucknow University, from where he earned his Bachelors in Science, and also his Bachelors degree in Law. He enrolled as an Advocate in 1963, and was designated as a Senior Advocate in August 1984. The same year, he was appointed the Additional Advocate General of Uttar Pradesh,

(iv)

where he continued till he became Advocate General in 1995. He also served as an Additional Solicitor General of India from 1998 to 2004.

I can truly and honestly say that “RNT”, as most people affectionately called him, was one of my dear friends at the Bar. He was a wonderful person. I met him for the first time in the '80s when we were opposing each other in a heavy arbitration case before Justice Madon, who had just retired as Judge of the Supreme Court. I was a Junior Counsel and was led by Mr. Ashok A Desai who, with his various commitments, left a large part of the case for me to do. Parag Tripathi was also in the case. We all became very close friends.

Mr. Trivedi was known for his involvement with issues related to human rights and the rights of women and children. In 1981, he participated in the International Commission of Jurists’ Conference on ‘Development and Rule of Law’ at the Hague. In 1992, he was appointed as a consultant by the Division of Human Rights, U.N., Geneva to author a paper for the seminar on ‘National Local and Regional Arrangements for the Promotion and Protection of Human Rights in the Asian Region’. In April 2002, he was invited by Harvard Law School to deliver a lecture on ‘Personal Freedom in the Age of Technologically Sophisticated Terrorism’. He has authored several papers and articles on human rights, public interest law, and issues affecting women and children.

Given his vast experience, it is no surprise that he appeared in a variety of landmark cases. In recent memory, what comes to mind are two cases (i) of **Parkash Singh Badal v. State of Punjab, (2007) 1 SCC 1**, which related to the Prevention of Corruption Act, 1988, and the issue involved was the sanction of prosecution in the case of a public servant; and (ii) **P.A. Inamdar v. State of Maharashtra, (2005) 6 SCC 537**, in which the issue was whether the law laid down in the *TMA Pai* judgment was correctly interpreted in **Islamic Academy of Education v. State of Karnataka, (2003) 6 SCC 697** (in which

(v)

Mr. Trivedi had also appeared)

Prior to that, in the case of *Sakshi v. Union of India*, (2004) 5 SCC 518, a case pertaining to the meaning and definition of rape, Mr. Trivedi, appearing for the Union of India, had submitted that in absence of municipal laws, international treaties ratified by India can be taken into account for framing guidelines in respect of enforcement of fundamental rights, and that the State (through its legislative wing) can modify the law to bring it in accord with treaty obligations.

Other important cases included **Mohd. Aslam v. Union of India**, (2003) 4 SCC 1 (*relating to the Acquisition of Certain Area at Ayodhya Act, 1993*) and **P. Ramachandra Rao v. State of Karnataka**, (2002) 4 SCC 578 (*right to speedy trial, and the question of delay to be decided by the Court*)

RNT had a wonderful sense of humour, and he used to spin yarns and crack jokes with a straight face. For many years, he used to tell the story as to how one of his uncles had left him an island in the Bahamas. Every time, he continued the story with a fresh instalment about this great island. Most people who heard about it fell for it and were dying to be invited, and were even willing to go and stay there on their own. RNT would then come out with some excuse or other and say that it was not possible for him to arrange for a trip at that point of time. Sometimes, he would say that his private yacht was not working and sometimes that the butlers had gone on leave, and so on and so forth.

He passed away suddenly on October 3, 2012. When I heard that he had died, I just could not believe it and even now we are in a state of shock. He is survived by his wife, Mrs. Anila Trivedi, and two sons, Gaurav and Neerav. I pray to God to give them all the strength and courage to bear this loss. May his soul rest in peace.

**REFERENCE MADE BY
SHRI M.N. KRISHNAMANI, PRESIDENT
SUPREME COURT BAR ASSOCIATION
IN THE MEMORY OF
LATE SHRI R.N. TRIVEDI,
SENIOR ADVOCATE
ON 1ST MAY, 2013**

Hon'ble Chief Justice of India, Hon'ble Judges of Supreme Court of India, my friend Gulam Learned Attorney General for India, Learned Solicitor General, other Law-officers, and my dear sisters and brothers in the Bar.

The Lord says in Gita:

**Jaatasya hi druvo mrityu
Druvam janma mritasyacha**

(Chapter 2 Sloka 27)

Meaning :

“To the born DEATH is certain
To the dead BIRTH is certain”

Sri R.N. Trivedi was a very close friend of mine. He was a very pleasant personality. He was born on 1941. He did Law from Lucknow University in 1962. He became a lawyer in 1963. He was designated as Senior in 1984. He became Additional Advocate General, then Advocate General of UP and finally Additional Solicitor General in 1998.

When he was hardly 40 years old, R.N. Trivedi participated in World University Service workshop at Harare, Zimbabwe as a Resource Person and submitted an erudite paper on : “Human Rights and Development”.

In 1986, R.N. Trivedi was elected to the Executive

(vi)

(vii)

Committee of Defence of Children International, (Geneva) at Xalapa, Mexico.

In 1997, R.N. Trivedi delivered the Kelkar Memorial lecture in the Law Faculty of Delhi University and the lecture was on : "The Need for International Criminal Court."

In 2002 R.N. Trivedi was invited by Harvard Law School to deliver a Talk on : "Personal Freedom in the Age of Sophisticated Terrorism"

In Sept. 2006, Sri R.N. Trivedi delivered a paper on : "Iraq war and the US Constitution " at Academia, Supreme Court of India.

R.N. Trivedi was a fine human-being. He was known for his humour. He was a great Mimic. He could easily imitate any judge of this Hon'ble Court. On those occasions, Sri Soli Sorabjee would also join R.N. Trivedi and we all used to enjoy their mimicry-particularly the way they both would imitate Mr. Justice Awadbehari Rohatgi, former Judge of Delhi High Court and father of Mukul, my dear friend.

R.N. Trivedi has appeared in innumerable cases in the Apex Court. Amongst them B.R. Enterprises (1999 (9) SCC 700) where conducting of State Lottery was held to be "gambling", Motion Pictures reported in 1999 (6) SCC 150 and Prakash Singh Badal reported in 2007 (1) SCC 1 are significant. He appeared for Sri Atal Behari Vajpayee in his Election matter and successfully defended his election.

He was a Human-Rights activist. He fought for the rights of women and children. He has lavishly donated money for the education of poor girl students. His sympathy for the poor is on account of his hailing from a humble back-ground. His father was working in LIC. However his father-in-law was Justice D.N. Jha who became the Chief Justice of All High Court.

(viii)

R.N. Trivedi was endowed with a smiling face. Like any other Allahabad Lawyer, he was a slave to pain. But his smiles were magnetic. When he saw any of his friends, there would be a spontaneous beaming smile in him. Smiling is a great quality. It is a great God-given gift. Out of 84,00,000 varieties of creatures in this world, Man alone can smile. No other animal or insect can smile. They can express their happiness by jumping or wagging the tail, but they can not smile. Man alone can smile. R.N. Trivedi was always in bliss, which expressed itself as smiles.

With all this, R.N. Trivedi was an agnostic. He did not believe in God. He did not believe in rituals. He never visited any temple. He was however a great believer in the doctrine of Karma. His religion was : Humanity. Personally, he was an excellent human-being.

R.N. Trivedi believed in one thing through out his life. That belief which he practised in his day to day life is adumbrated in the following words by a poet :

"Happiness is the only good
The time to be happy is : Now
The place to be happy is : Here
The way to be happy is to make others so."

R.N. Trivedi has left behind his wife and two sons.

With these words, I express my heart-felt condolences to the bereaved family and I pray to the Almighty for Sri R.N. Trivedi's Soul to rest the eternal peace.

Thanking you.

**REFERENCE MADE BY
SHRI M.N. KRISHNAMANI, PRESIDENT
SUPREME COURT BAR ASSOCIATION
IN THE MEMORY OF
LATE SHRI O.P. MALHOTRA,
SENIOR ADVOCATE
ON 1ST MAY, 2013**

Hon'ble Chief Justice of India, Hon'ble Judges of the Supreme Court of India, my friend Gulam Learned Attorney General for India, Learned Solicitor General, other Law-officers, and my dear sisters and brothers in the Bar.

Though there was a good age-difference between me and him, Sri O.P. Malhotra was a close friend of mine. We used to meet now and then and our topic of discussion very often would be : Spirituality. He had tremendous knowledge of Srimad Bhagwad Gita.

For the 2nd Edition of my book : "Bhajagovindam", a commentary on a set of 31 slokas of Adi Shankara published by : Rashtriya Sanskrit Sansthan, Sri O.P. Malhotra wrote a Preface. His Preface was based on the great concept of "Perishable" and "Imperishable" in Srimad Bhagawad Gita.

Sri O.P. Malhotra was a very close to Sri N.A. Palkhiwala, a Doyen of our Bar since he instructed him in IC Golaknath and other leading cases. OP had taken my book "Bhajagovindam" to Sri Naani Palkhiwala and presented the same to him. After reading the same, Sri Palkhiwala had written a nice letter to me wishing me stamina to write more and more books on spirituality. This letter of Naani I am preserving as on great Treasure since it blesses me and since it was his last letter before his death.

In view of his 4 to 6 years stay in Bangalore, Sri O.P.

Malhotra was proficient in Tamil. Any Bangalorean would know Tamil and Telugu apart from Kannada. O.P. Malhotra could speak Tamil fluently. To me, he would always speak to in Tamil. He was very fond of South Indian food-particularly idly and filtered coffee.

When Sri O.P. Malhotra was working with Thapers in Bangalore, one day his wife persuaded him to do law. When he started doing law, he was a father of two children! When he enrolled as a lawyer, he was a father of four children!

Sri O.P. Malhotra had the rare privilege of being designated as a Senior by the Supreme Court and by the Delhi High Court as well! This is something unique and sui generis. The Apex Court designated him assenior on 3.12.1969 and the Delhi High Court designated him on 31.12.1969. Sri O.P. Malhotra functioned as Senior Central Govt. standing counsel in the Delhi High Court during 1970s.

He was a always No.1 in Persian. He could recite entire Quran with ease. He was fluent in Urdu also.

His magnum opus "Industrial Disputes Act" is famous through out India well – known amongst accedemicians, lawyers, judges and the students. His another great contribution is his work on "Arbitration Act". Look at the man's industry and stamina, both physical and mental! He came out with his first Edition of "Arbitration Act" when he was 82 years old! He came out with the revised Edition of this book making it complete in all respects when he was 87 years old! His books on Industrial Disputes Act and Arbitration Act have immortalised him. Another contribution of his to the Legal Fraternity is Indu Malhotra, the 1st Lady AOR to become Senior Advocate.

Sri O.P. Malhotra's passing away is a personal loss to me. I have lost a very dear friend.

(xi)

Sri. O.P. Malhotra has left behind four children of whom 3 are lawyers including Indu who is a Senior Advocate. Four of his grand children are also lawyers practising in the Supreme Court and the Delhi High Court.

Recently, a few days back, one young lawyer came to instruct me in some heavy matter. I found him to be very brilliant and smart. At the end of the conference, when I told him that on 1st May, we are having Full Court Reference to two Senior Advocates viz. Sri O.P. Malhotra and Sri R.N. Trivedi, and invited that young lawyer to attend the Full Court Reference, he smiled and told me that he was Sri O.P. Malhotra's grand son. The young lawyer is Sri Vikas Mehta

One should not think that since Sri O.P. Malhotra was an author, he was not an active practitioner. He appeared in hundreds of cases and over 25 of them are reported in Law Journals. He worked with Sri M.C. Setalwad and assisted him in innumerable cases. He was associated with Nani Palkhiwala and assisted him in several historical cases as already pointed out. He worked with Niren De, former Attorney General for India.

Former Additional Solicitor General Sri K.N. Bhat, Mr. Justice Arun Saharya and Mr. Justice Satpal Arora were his office-juniors.

He was very active till the end. Only in the last few years he stopped coming to courts for arguing cases because of age-factor. In spite of his old age, once he had come to the court. I went and held his hands and asked him why he had come all the way at his old age. His answer was :

“Today election is on – is it not? I came only to vote for you.”

I was taken aback and was thrilled and my eyes were moist with tears!

He was full of love. I can never forget him in my life.

(xii)

His books have immortalised him as already pointed out. He is ever with us for another reason. There is a great saying:

Na Khalu sa uparatho, yasya vallabho janaah smarati

Meaning :

“Not surely is dead that man, whose great qualities and contributions are remembered and remembered by his people with tears of love”

With these words I express my heart-felt condolences to the bereaved family. I pray to the Almighty for Sri O.P. Malhotra's Soul to rest in eternal peace.

Thank you.

CORRIGENDA
VOLUME INDEX 2 (2013)

<i>Page No.</i>	<i>Line No.</i>	<i>Read for</i>	<i>Read as</i>
366	9 from bottom	<u>a bets</u>	<u>abets</u>
1012	8 from bottom	<u>this facet</u>	<u>these facets</u>

**ERRATA
VOLUME INDEX 2 (2013)**

Page No.	Line No.	Read for	Read as
272	9 from bottom	of 32-A	of <u>s.</u> 32-A
333	3	upgradation for elimination	upgradation grant for elimination
438	14	causing this death	causing his death
498	13	respondent No. 1 , therefore,	respondent No. 1 . He , therefore,
597	4	for th Respondents.	for the Respondents.
830	9	[para 10]	[para 9-10]
1020	11	'MM' also on	'MM' also died on

**MEMORANDA
OF
JUDGES OF THE SUPREME COURT OF INDIA**

Hon'ble Mr. Justice G.S. Singhvi, Judge, Supreme Court of India was on leave for 4 (four) days on 05.02.2013 to 06.02.2013 and 25.02.2013 to 26.02.2013, on full allowances.

JUDGES OF THE SUPREME COURT OF INDIA

1. Hon'ble Shri Altamas Kabir, Chief Justice of India
2. Hon'ble Mr. Justice D.K. Jain (**Retired on 24.01.2013**)
3. Hon'ble Mr. Justice P. Sathasivam
4. Hon'ble Mr. Justice G.S. Singhvi
5. Hon'ble Mr. Justice Aftab Alam
6. Hon'ble Mr. Justice R.M. Lodha
7. Hon'ble Mr. Justice H.L. Dattu
8. Hon'ble Dr. Justice B.S. Chauhan
9. Hon'ble Mr. Justice A.K. Patnaik
10. Hon'ble Mr. Justice T.S. Thakur
11. Hon'ble Mr. Justice K.S. Radhakrishnan
12. Hon'ble Mr. Justice Surinder Singh Nijjar
13. Hon'ble Mr. Justice Chandramauli Kr. Prasad
14. Hon'ble Mr. Justice H.L. Gokhale
15. Hon'ble Mrs. Justice Gyan Sudha Misra
16. Hon'ble Mr. Justice Anil R. Dave
17. Hon'ble Mr. Justice S.J. Mukhopadhaya
18. Hon'ble Mrs. Justice Ranjana Prakash Desai
19. Hon'ble Mr. Justice J.S. Khehar
20. Hon'ble Mr. Justice Dipak Misra
21. Hon'ble Mr. Justice J. Chelameswar
22. Hon'ble Mr. Justice Fakkir Mohamed Ibrahim Kalifulla
23. Hon'ble Mr. Justice Ranjan Gogoi
24. Hon'ble Mr. Justice Madan B. Lokur
25. Hon'ble Mr. Justice M. Yusuf Eqbal
26. Hon'ble Mr. Justice V. Gopala Gowda
27. Hon'ble Mr. Justice Vikramajit Sen

