

**CONTENTS**

Baldev Singh v. State of Punjab	.....	49
Band Box Private Limited (M/s) v. Estate Officer, Punjab & Sind Bank and Anr.	.....	42
Bhule Ram v. Union of India & Anr.	.....	247
Chetram v. State of Uttarakhand	.....	70
Daljit Singh Gujral & Ors. v. Jagjit Singh Arora & Ors.	.....	59
Haryana State Agricultural Marketing Board v. Bishamber Dayal Goyal and Ors.	.....	141
In Re: Gang Rape on Orders of Community Panchayat	.....	264
Jacinta De Silva v. Rosarinho Costa & Ors.	.....	105
Jhaptu Ram v. State of Himachal Pradesh	.....	55
Justice Sunanda Bhandare Foundation v. U.O.I. & Anr.	.....	113
Madan Lal v. High Court of Jammu & Kashmir & Ors.	.....	226
Mishra (P.C.) v. State (C.B.I.) & Anr.	.....	183

Occupational Health and Safety Association v. Union of India and others	.....	10
Pawan Kumar & Anr. Etc. v. M/s Harkishan Dass Mohan Lal & Ors.	.....	1
Phool Chandra & Anr. v. State of U.P.	.....	97
Raja Ram & Ors. v. Union of India & Anr.	.....	262
Registrar General, High Court of Madras v. R. Gandhi & Ors..	.....	77
Safai Karamchari Andolan & Ors. v. Union of India & Ors.	.....	197
Sanghian Pandian Rajkumar v. Central Bureau of Investigation & Anr.	.....	234
Sudhir Vasudeva, Chairman & MD. ONGC & Ors. v. M. George Ravishekar & Ors.	.....	27
Union of India and Ors. v. Robert Zomawia Street	.....	156
Vijay Dhanuka Etc. v. Najima Mamtaj Etc.	.....	171
Western Electricity Supply Co. of Orissa Ltd. & Ors. v. M/s. Baba Baijanath Roller and Flour Mill P. Ltd.	.....	121

**SUBJECT-INDEX****ADMINISTRATION OF JUSTICE:**

(See under: Constitution of India, 1950) ..... 97

**BAIL:**

Factors to be considered for granting bail.  
(See under: Code of Criminal Procedure,  
1973) ..... 234

**CANTONMENTS:**

Old grant - Suit land comprising bungalow situated in cantonment area - Plaintiff in possession of suit property through a Will - General Land Register(GLR) entries showing suit land being managed as Class B-3 land - Held: Entries made in GLR are conclusive evidence of title - Entries made in GLR show that suit land is an old grant and is managed by plaintiff as B3 land - Class B3 is such land which is held by any private person subject to the conditions that Central Government has proprietary rights over it - Plaintiff has not been able to establish his title over suit land - He held the land, but being an old grant, Central Government has the right of its resumption and, therefore, it cannot be said that plaintiff possesses the land as owner - Trial court rightly dismissed plaintiff's suit - Military Land Manual - Chapter II-r.3 - Maxim 'nemo dat quid non habet'.

*Union of India and Ors. v. Robert Zomawia Street* ..... 156

(iii)

**CODE OF CIVIL PROCEDURE, 1908:**

Suit for eviction filed before the Mamlatdar on the ground that defendant no.2 was in illegal occupation of the house owned by plaintiffs-respondent no.1 and 2 - Suit dismissed for default - Fresh suit filed for declaration that they are owners of the house, decreed - Execution proceedings - Heirs of judgment debtor objected to the execution proceedings - Executing court rejected execution application holding that trial court had no jurisdiction to try the suit - High Court set aside the said order and also rejected the argument that the suit was barred by res judicata as the case filed before the Mamlatdar by respondent no.1 and 2 was dismissed - Held: High Court correctly held that the trial court had jurisdiction to entertain the suit - There was no question of application of the principle of res judicata in the given facts - Trial court passed the said decree rightly and it cannot be said to be lacking inherent jurisdiction to do so - Res judicata.

*Jacinta De Silva v. Rosarinho Costa & Ors.* ..... 105

**CODE OF CRIMINAL PROCEDURE, 1898:**

s. 337.

(See under: Code of Criminal Procedure,  
1973) ..... 183

**CODE OF CRIMINAL PROCEDURE, 1973:**

(1) s.154.

(See under: Penal Code, 1860) ..... 264

(2) s.161 - Statement under.

(See under: Penal Code, 1860) ..... 70

(v)

(3) s.202 r/w.s.2(g) and s. 200 - "Inquiry" in a case where accused is residing outside territorial jurisdiction of Judicial Magistrate - Nature and purpose of - Held: In such a case, before issuing summons to accused, inquiry u/s 202 is mandatory - Magistrate examined complainant on solemn affirmation and two witnesses and only thereafter directed issuance of process -This exercise by Magistrate for purpose of deciding whether or not there is sufficient ground for proceeding against accused is an inquiry u/s 202 - There is no error in order of High Court rejecting the petitions of accused challenging the order of Judicial Magistrate directing issuance of process.

*Vijay Dhanuka Etc. v. Najima Mamtaj Etc.* ..... 171

(4) s. 306 r/w s. 460 (g) - Power of Magistrate to grant pardon to accomplice during investigation before submission of charge-sheet - Held: During investigation, both, Special Judge as well as Magistrate acting u/s 306, have concurrent jurisdiction to entertain application of pardon, which facilitates proper investigation of crime - In a case, where Magistrate has exercised his jurisdiction u/ s 306 even after appointment of a Special Judge under PC Act and has passed an order granting pardon, the same is only a curable irregularity, in terms of s. 460 (g) Cr.P.C., which will not vitiate the proceedings, provided the order is passed in good faith - However, after committal of the case, pardon granted by Magistrate is not a curable irregularity - In the instant case, there is no error in Special Judge directing the Magistrate to pass

(vi)

appropriate orders on the application of CBI in granting pardon to second respondent so as to facilitate the investigation - Code of Criminal Procedure, 1898 - s. 337.

*P.C. Mishra v. State (C.B.I.) & Anr* ..... 183

(5) s.357A - Held: In 2009, a new s.357A was introduced in the Code which casts a responsibility on the State Governments to formulate Schemes for compensation to the victims of crime in coordination with the Central Government whereas, previously, s.357 ruled the field which was not mandatory in nature and only the offender was directed to pay compensation to the victim under that section - Under the new s.357A, the onus is on the District Legal Service Authority or State Legal Service Authority to determine the quantum of compensation in each case - However, no rigid formula can be evolved as to have a uniform amount, it should vary in facts and circumstances of each case.

*In Re: Gang Rape on Orders of Community Panchayat* ..... 264

(6) s. 439 - Bail - Factors to be considered before granting bail - Culled out - Appellants IPS and S.I. of Police in Anti Terrorist Squad stated to have been involved in killing of three persons - Held: In the light of the details stated, the Court satisfied that both the appellants have made out a case for bail - They shall be released on bail on the conditions mentioned in the judgment.

*Sanghian Pandian Rajkumar v. Central Bureau of Investigation & Anr.* ..... 234

(vii)

- (7) s.482.  
(See under: Judgments/Orders) ..... 59

COGNIZANCE:

- Suo motu cognizance.  
(See under: Crime against Women) ..... 264

COMPENSATION:

- (1) Belting method.  
(See under: Land Acquisition Act, 1894) ..... 247
- (2) Composite and contributory negligence - Joint liability of drivers/owners to pay compensation.  
(See under: Motor Vehicles Act, 1988) ..... 1
- (3) (See under: Code of Criminal Procedure, 1973; as also Crime against Women) ..... 264
- (4) (See under: Land Acquisition Act, 1894) ..... 262

CONSTITUTION OF INDIA, 1950:

(1) Arts. 14, 17, 21 and 47 - Non-implementation of Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 - Public Interest Litigation - Grievance of petitioner that manual scavenging continues unabated and dry latrines continue to exist notwithstanding the fact that 1993 Act was in force for nearly two decades - Writ petition seeking for enforcement of fundamental rights; complete eradication of Dry Latrines; and for declaring the practice of manual scavenging and the operation of Dry Latrines violative of the Constitution and the 1993 Act - Held: Due to effective intervention and directions of the Supreme Court, the Government brought

(viii)

2013 Act for abolition of this evil and for welfare of manual scavengers - In view thereof and in the light of various orders passed by Supreme Court from time to time, various directions passed for rehabilitation of the manual scavengers and for welfare of their family and children - Inasmuch as the Act 2013 occupies the entire field, no further monitoring required by the Supreme Court - However, duty cast on all the States and the Union Territories to fully implement and to take action against the violators - Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 - Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 - ss.2(1)(d), (e) and (g).

*Safai Karamchari Andolan & ors. v. Union of India & Ors.* ..... 197

(2) Art. 21.  
(See under: Crime against Women) ..... 264

(3) Art. 21 r/w Arts. 39, 41 and 42 - Right to health - Workers working in Coal Fired Thermal Power Plants(CFTPPs) - Exposed to serious health hazards and occupational health disorders - Held: Art. 21, clauses (e) and (f) of Art. 39, Arts. 41 and 42 include protection of health and strength of workers and just and humane conditions of work - When workers are engaged in such hazardous and risky jobs, then responsibility and duty on State is double-fold - Occupational health and safety issues of CFTPPs are associated with thermal discharge, air and coal emission, fire hazards, explosion

hazards etc. - Necessity for constant supervision and drive to mitigate harmful effects on workers is of extreme importance - High Courts to examine whether CFTPPs are complying with safety standards and the Rules and Regulations and the issues projected in the judgment - Matter relegated to High Courts.

*Occupational Health and Safety Association v. Union of India and others* ..... 10

(4) Art. 136 - Special Leave Petition - Maintainability of - Petitioners convicted by trial court - In appeal, bail granted by High Court - Application by petitioner for early hearing of appeal wherein order passed to put up the case before appropriate Bench - SLP against the order of High Court - Held: Power u/Art. 136 is to be invoked not in a routine manner but in very exceptional circumstances when constitutional questions arises, when question of law of general public importance arises or impugned decision shocks the conscience of the court - There is an urgent need to put a check on such frivolous litigation - Bar to realise that great burden upon the Bench of dispensing justice imposes a simultaneous duty upon them to share this burden and it is their duty to see that the burden should not needlessly be made unbearable - Petition was filed by petitioners and accepted to do so by Advocate-on-Record without any sense of responsibility - If the court has directed to list the application before another Bench, none of the petitioners' right got violated - Court expressed displeasure for the attitude and

course adopted by petitioners and Advocate-on-Record - SLP dismissed - Administration of justice.

*Phool Chandra & Anr. v. State of U.P.* ..... 97

(5) Art. 217 - Appointment of High Court Judge - Writ petition seeking direction to Union of India and Supreme Court Collegiums to return the list of 12 persons comprising of ten Advocates and two District Judges for consideration by the collegiums of Supreme Court for appointment as Judges of the Madras High Court on the ground of non-suitability - Maintainability of - Held: Writ petitioners took a premature step by filing writ petitions seeking a direction to Union of India to return the list sent by the collegium of the Madras High Court without further waiting its consideration by the Supreme Court collegium - Fact-situation is that even after the President of India accepts the recommendations and warrants of appointment are issued, the Court is competent to quash the warrant - In such a situation, writ petitioners or members of the Bar could approach the Chief Justice of India; or the Law Minister - But instead of resorting to such a procedure, the writ petitioners had adopted an unwarranted short-cut knowing it fully well that on the ground of the suitability, writ petitions were not maintainable.

*Registrar General, High Court of Madras v. R. Gandhi & Ors.* ..... 77

CONSUMER PROTECTION ACT, 1986:

Deficiency of services - Agricultural Marketing Board allotting sites to respondents for doing

(xi)

business of grain on payment of 25% of price of plots - Failure of Board to notify the Mandi as market Area and develop and provide basic amenities in the said locality - Respondent also stopped the payment of balance installments - Complaint by respondent before the Consumer Forum - Held: Maintainable - Appellant-board as service provider is obligated to facilitate the utilisation and enjoyment of plots as intended by allottees.

*Haryana State Agricultural Marketing Board v. Bishamber Dayal Goyal and Ors.* ..... 141

#### CONTEMPT OF COURT:

Contempt petition - Scope of - High Court in contempt jurisdiction directing creation of supernumerary posts - Held: Courts must not travel beyond the four corners of the order which is alleged to have been flouted nor should it enter into questions that have not been dealt with or decided in the judgment or the order violation of which is alleged - Courts must act with utmost restraint before compelling the executive to create additional posts - Alternative direction had been issued by High Court in writ petition and appellants have complied with the same - They cannot be, therefore, understood to have acted in willful disobedience of the said order - Order passed in contempt petition as well as impugned order passed in contempt appeal set aside.

*Sudhir Vasudeva, Chairman & MD. ONGC & Ors. v. M. George Ravishekar & Ors.* ..... 27

(xii)

#### CRIMES AGAINST WOMEN:

(1) (i) Gang rape of 20 year old woman in a village of West Bengal on the orders of the Community Panchayat as a punishment for having relationship with a man from a different community - Suo motu action by Supreme Court - Held: The case at hand is the epitome of aggression against a woman and it is shocking that even with rapid modernization such crime persists in Indian society - State Police Machinery could have prevented the said occurrence - State is duty bound to protect the Fundamental Rights of its citizens - Inherent aspect of Art. 21 of the Constitution would be the freedom of choice in marriage - Such offences are resultant of the States incapacity or inability to protect the Fundamental Rights of its citizens - Considering the facts and circumstances of the case, victim given a compensation of Rs. 5 lakhs for rehabilitation by State - State directed to make a payment of Rs. 5 lakhs, in addition to the already sanctioned amount of Rs. 50,000 - Compensation - Constitution of India, 1950 - Article 21.

(ii) Duty of court and police - Held: Courts and police officials are required to be vigilant in upholding the rights of the victims of crime as the effective implementation of provisions of Code of Criminal Procedure lies in their hands - Police Officer must visit a village on every alternate days to instill a sense of security and confidence amongst the citizens of the society and to check the depredations of criminal elements.

(iii) Rape victim - Duty of State - Compensation - Held: No amount of compensation can be adequate

(xiii)

nor can it be of any respite for the victim but since such offence take place due to failure on part of State in protecting a victim's fundamental right, the State is duty bound to provide compensation, which may help in the victim's rehabilitation.

*In Re: Gang Rape on Orders of Community Panchayat* .....

264

(2)(See under: Penal Code, 1860) .....

264

DOCTRINES/PRINCIPLES:

Principles of composite and contributory negligence.

(See under: Motor Vehicles Act, 1988) .....

1

ECONOMIC OFFENCES:

(See under: Prevention of Corruption Act, 1988) .....

49

ELECTRICITY ACT, 1910:

s.26 - Applicability of, in case of tampering of meter - Held: s.26 is applicable only when there is any difference or a dispute in connection with correctness of a meter - Upon being applied by either party, matter has to be decided by an Electrical Inspector and if in the opinion of the Inspector the meter is found to be defective, Inspector shall estimate the amount of energy supplied to the consumer or the electrical quantity contained in the supply during such time not exceeding six months - But if there is a question of fraud in tampering with the meter, s.26 of the Act is not applicable - In the instant case, respondent never asked or applied for checking of the meter

(xiv)

by the Electrical Inspector on the ground of defective meter - Therefore, the ingredients of s.26(6) were not followed by respondent to meet the necessity of checking the meter in question in accordance with the said provision - Inspection was made in the presence of the representative of the respondent who was a Manager of the said company and in his presence the meter was checked up and was found to be tampered with - Electricity supply company was right in raising penal charges and penal bill on the respondent on the ground of unauthorised consumption by way of tampering the metering equipment.

*Western Electricity Supply Co. of Orissa Ltd & Ors. v. M/s. Baba Baijanath Roller and Flour Mill P. Ltd.* .....

121

EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATRINES (PROHIBITION) ACT, 1993:

(See under: Constitution of India, 1950) .....

197

EVIDENCE:

(See under: Penal Code, 1860) .....

55

FIR:

(1) Registration of FIR - Mandatory u/s. 154 Cr.P.C.

(See under: Penal Code, 1860) .....

264

(2) (See under: Penal Code, 1860) .....

70

INTERNATIONAL LAW:

(1) International conventions and covenants - Binding effect of - Held: Provisions of the International Covenants, which have been ratified

by India, are binding to the extent that they are not inconsistent with the provisions of the domestic law.

*Safai Karamchari Andolan & ors. v. Union of India & Ors.* ..... 197

(2) International treaties - Obligation to protect women from any kind of discrimination.  
(See under: Penal Code, 1860) ..... 264

JAMMU AND KASHMIR HIGHER JUDICIAL SERVICE RULES, 1983:  
(See under: Public Interest Litigation) ..... 226

#### JUDGMENTS/ORDERS:

Application for correction of judgment - Scope of - Petition u/s 482 CrPC for quashing proceedings of a complaint case relating to medical negligence - Single Judge of High Court framing issue on the premise that patient died due to wrong treatment and medical negligence - Petition dismissed - Subsequently, on an application by complainant, Single Judge issuing orders to correct the words "dead" and "death" in the judgment as "the brink of death" - Held: It cannot be said that Single Judge was merely correcting an accidental omission or typographical error - By correcting the judgment, the very foundation and the issue formulated, lost its sanctity - Single Judge cannot correct an issue which has been framed and answered - Judgment as well as the subsequent order set aside - High Court directed to hear petition u/s 482 CrPC afresh

- Code of Criminal Procedure, 1973 - s.482.

*Daljit Singh gujral & Ors. v. Jagjit Singh Arora & Ors.* ..... 59

#### JUDICIAL REVIEW:

Judicial appointments - Held: Judicial review is permissible only on assessment of eligibility and not on suitability.

*Registrar General, High Court of Madras v. R. Gandhi & Ors.* ..... 77

#### JUDICIARY:

Judicial Appointments - Guiding factors - Discussed.

*Registrar General, High Court of Madras v. R. Gandhi & Ors.* ..... 77

#### JURISDICTION:

(1) Jurisdiction to entertain the suit.

(See under: Code of Civil Procedure, 1908) ..... 105

(2) (See under: Code of Criminal Procedure, 1973) ..... 183

(3) Contempt jurisdiction.

(See under: Contempt of Court) ..... 27

#### LAND ACQUISITION ACT, 1894:

(1)(i) s. 23 - Acquisition of large tract of land - Compensation - Belting method - Held: Market value of land acquired is to be assessed keeping in mind the limitation prescribed u/s 23, which mandates that the market value of the land is to be assessed at the time of notification u/s 4 - Therefore, value which has to be assessed is the value to the owner who parts with it

(xvii)

not the value to the new owner who takes it over  
- Fair and reasonable compensation means the price of a willing buyer which is to be paid to the willing seller - Where huge tract of land has been acquired, belting system may be applied.

(ii) ss. 9 and 23 - Acquisition of land - Claim for higher compensation - Held: Burden of proof lies on land owner to prove inadequacy of market value fixed for land acquired - Appellant has not put on record as to what was his claim u/s 9 and award was made relying upon some other award - Before High Court, appellant relied upon solely another judgment relating to land of same village and High Court awarded compensation as per demand of appellant - Reference court had already held appellant's land as non-comparable with other lands - There is no reason to interfere.

*Bhule Ram v. Union of India & Anr.* ..... 247

(2) s.23 - Compensation - Claim for enhancement of compensation.

*Raja Ram & Ors. v. Union of India & Anr.* ..... 262

#### LAND LAWS:

'Old Grant' - Connotation of - Held: Tenures under which permission is given to civilians to occupy Government land in the cantonment for construction of bungalows on the condition of a right of resumption, if required, are known as old grant tenures.

*Union of India and Ors. v. Robert Zomawia Street* ..... 156

(xviii)

#### LIMITATION:

(See under: Land Acquisition Act, 1894) ..... 247

#### MAXIMS:

'Nemo dat quid non habet'.  
(See under: Cantonments) ..... 156

#### MILITARY LAND MANUAL:

Chapter II- r.3.  
(See under: Cantonments) ..... 156

#### MOTOR VEHICLES ACT, 1988:

(i) Fatal accident - Collusion between truck and jeep - Claim petition in respect of victims traveling in jeep - High Court apportioning liability of driver/owner of truck at 70% and that of driver/owner of jeep at 30% - Held: Since victims were third parties, High Court not correct in apportioning liability for the accident between drivers/owners of two vehicles - Drivers/owners of both the vehicles are jointly and severally liable to pay compensation and it is open to claimants to enforce the award against both or any of them.

(ii) Motor accident - Compensation - Principles of composite and contributory negligence - Explained.

*Pawan Kumar & Anr. Etc. v. M/s Harkishan Dass Mohan Lal & Ors.* ..... 1

#### NEGLIGENCE:

Principles of composite and contributory negligence.  
(See under: Compensation) ..... 1

## NOTICE:

Notice u/s. 106 of the Transfer of Property Act, 1882.

(See under: Public Premises (Eviction of Unauthorised Occupants) Act, 1971) ..... 42

## PENAL CODE, 1860:

(1) s.302 - Murder - Altercation between appellant and his son - Intervention by deceased-victim and his mother staying next door - Gun shot fire by appellant at deceased resulting in his death - Conviction u/s.302 by courts, below - Held: It was a case wherein deceased and his mother were called to intervene and pacify the matter - Altercation took place between appellant and deceased - No evidence to show that there was any prior intention of appellant to kill the deceased - As per the medical and ocular evidence, there was only one gun shot fired by appellant which proved to be fatal for deceased - More so, prosecution failed to marshal any evidence to show that the gun was in the hand of appellant when deceased entered his house - Thus, conviction u/s.302 set aside and appellant convicted u/s.304 Part-I and awarded sentence of ten years.

*Jhaptu Ram v. State of Himachal Pradesh* ..... 55

(2) s.302 r/w s.34 - Murder - Two accused - One of them stabbed the victim resulting into his death - Conviction of both the accused by courts below - Plea of appellant that no role was attributed to him in the crime - Held: No role was assigned to appellant in FIR or in statement u/s 161 Cr.P.C. by solitary eye-witness - His testimony before court

stating that appellant caught hold of victim is an improvement over his statement in FIR and u/s 161 CrPC - This creates a suspicion about overt act attributed to appellant - His involvement in the incident remains doubtful - Appellant entitled to benefit of doubt and is, acquitted.

*Chet Ram v. State of Uttarakhand* ..... 70

(3) ss.326A, 376, 376A, 376B, 376C, 376D, 376E - Held: Offences under these provisions are not only in contravention of domestic laws, but are also a direct breach of the obligations under the International law - India has ratified various international conventions and treaties, which oblige the protection of women from any kind of discrimination - However, women of all classes are still suffering from discrimination even in this contemporary society - Such crimes can certainly be prevented if the State police machinery work in a more organized and dedicated manner - Thus, State machinery should work in harmony with each other to safeguard the rights of women in our country - Registration of FIR is mandatory u/s.154 of the Code, if the information discloses commission of a cognizable offence and the Police officers are duty bound to register the same - Likewise, all hospitals, public or private, whether run by the Central Government, the State Government, local bodies or any other person, are statutorily obligated u/s.357C to provide the first-aid or medical treatment, free of cost, to the victims of any offence covered u/ss.326A, 376, 376A, 376B, 376C, 376D or s.376E - Code of Criminal

Procedure, 1973 - s.154 - Crime against women  
- International Treaties.

*In Re: Gang Rape on Orders of Community  
Panchayat* ..... 264

PERSONS WITH DISABILITIES (EQUAL  
OPPORTUNITIES, PROTECTION OF RIGHTS  
AND FULL PARTICIPATION) ACT, 1995:  
Differently abled persons - Writ petition with regard  
to visually disabled persons - Seeking reservations  
of 1% of identified teaching posts in Universities  
and Colleges in terms of the Act - Held: Beneficial  
provisions of the Act cannot be allowed to remain  
only on paper for years and thereby defeating the  
very purpose of such law and legislative policy -  
Role of governments in such a matter has to be  
proactive - Differently abled citizens must be  
accorded best and special attention - This is true  
equality and effective conferment of equal  
opportunity - Pursuant to interim orders, UGC has  
acted in compliance of the Act - Central  
Government, State Governments and Union  
Territories directed to implement provisions of the  
Act immediately.

*Justice Sunanda Bhandare Foundation v.  
U.O.I. & Anr.* ..... 113

#### POLLUTION:

Coal Fire Thermal Power Plant - Thermal discharge  
and air and coal emission - Health hazards.  
(See under: Constitution of India, 1950) ..... 10

#### PREVENTION OF CORRUPTION ACT, 1988:

s.13(2) - Demand of bribe for allocation of canal

water - Money paid in the house of accused -  
Conviction and rigorous imprisonment for 3 years  
by courts below - Held: Evidence established that  
complainant had handed over to appellant a sum  
of Rs.1000/- which was subsequently recovered  
from beneath the files - Formality of tallying the  
numbers on currency notes complied with, including  
the washing of appellant's hands in Sodium  
Carbonate solution, leading to his unassailable  
implication - Conviction upheld - However, since  
appellant aged 62 years, and already retired thus,  
cannot indulge in corrupt practices, sentence  
reduced to two years rigorous Imprisonment, but  
fine increased to Rs.10,000/- - Sentence/  
Sentencing.

*Baldev Singh v. State of Punjab* ..... 49

#### PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013:

(1) Object of - Discussed.

*Safai Karamchari Andolan & ors. v. Union  
of India & Ors.* ..... 197

(2) ss.2(1)(d), (e) and (g).

(See under: Constitution of India, 1950) ..... 197

#### PUBLIC INTEREST LITIGATION:

(1) Appeals before Supreme Court - Arising out of  
writ petitions filed before High Court - Challenging  
selection and appointment to post of District and  
Sessions Judge - Held: Appellants have stated that  
they have no grievance against any of the selected

candidates in the particular selection - Therefore, if at all, their grievances are to be considered relating to ascertainment of quota for direct recruit posts, it would only amount to Public Interest Litigation which cannot be permitted in the instant appeals - As per the guidelines and decisions of Supreme Court, in service matters Public Interest Litigation is not maintainable - Jammu and Kashmir Higher Judicial Service Rules, 1983.

*Madan Lal v. High Court of Jammu & Kashmir & Ors.* ..... 226

(2) (See under: Constitution of India, 1950) ..... 197

#### PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1971:

Eviction of unauthorized occupants - Appellant in occupation of property in question since 26.3.1952 - Respondent-Bank becoming owner of it on 13.12.1978 - Notice u/s 106 of TP Act by Bank followed by proceedings to evict the appellant - Plea of appellant that it was protected under Delhi Rent Control Act - Order of eviction upheld by courts below - Held: Order of eviction set aside - However, appellant would continue to pay Rs.1,80,000/-pm as rent as per order dated 6.8.2012, in place of the recorded rent of Rs.183 pm, for a period of 12 years with an annual increase of 10% as directed in the order - After 12 years, respondents would be open to take steps under Public Premises Act, if required - Transfer of Property Act, 1882 - s.106.

*M/s Band Box Private Limited v. Estate Officer, Punjab & Sind Bank and Anr.* ..... 42

#### RES JUDICATA:

(See under: Code of Civil Procedure, 1908) ..... 105

#### SENTENCE/SENTENCING:

(See under: Prevention of Corruption Act, 1988) ..... 49

#### TRANSFER OF PROPERTY ACT, 1882:

s.106 - Notice under.

(See under: Public Premises (Eviction of Unauthorised Occupants) Act, 1971) ..... 42

#### WORDS AND PHRASES:

(1) Word 'held'- Connotation of.

*Union of India and Ors. v. Robert Zomawia Street* ..... 156

(2) Word 'shall' as occurring in s. 202 Cr.P.C. - Connotation of.

*Vijay Dhanuka Etc. v. Najima Mamtaj Etc.* ..... 171

#### WRIT PETITION:

Maintainability of.

(See under: Constitution of India, 1950) ..... 77