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Haradhan Saha v. The State of West Bengal and Ors. 1975 (1) SCR 778	312
Harbans Singh v. State of Punjab, 1985 (1) SCR 214		
– relied on	3

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Harcharan v. State of Haryana, AIR 1983 SC 43	976
Hardesh Ores (P) Ltd. v. Hede and Company 2007 (6) SCR 608		
– relied on	....	1019
Haridas Das v. Usha Rani Banik 2006 (3) SCR 87		
– relied on	....	242
Harinagar Sugar Mills Ltd. (M/s.) v. Shyam Sundar Jhunjhunwala and Ors. 1962 (2) SCR 339	....	1101
Harish Verma and Others v. Ajay Srivastava and Another 2003 (3) Suppl. SCR 833		
– relied on	....	879
Harkirat Singh v. Amrinder Singh 2005 (5) Suppl. SCR 817		
– relied on	....	854
Harshali v. State of Maharashtra and Others (2005) 13 SCC 464		
– relied on	....	878
Haryana Financial Corporation & Anr. v. Jagdamba Oil Mills & Anr. 2002 (1) SCR 621		
– relied on	....	109
Hemlata Kantilal Shah (Smt.) v. State of Maharashtra and Anr. 1982 (1) SCR 1028	....	312

High Court of M.P. v. Mahesh Prakash and Others (1995) 1 SCC 203		
– relied on	....	283
Himanshu @ Chintu v. State (NCT of Delhi) 2011 (1) SCR 48		
– relied on	....	692
Hoffman Andreas v. Inspector of Customs, Amritsar (2000) 10 SCC 430		
– relied on	....	793
Hussainara Khatoon (IV) v. Home Secretary, State of Bihar 1979 (3) SCR 532		
– relied on	....	1184
Ibrahimpatnam Taluk Vyavasaya Coolie Sanghem v. K. Suresh Reddy and Ors. 2003 (2) Suppl. SCR 698	....	217
Income Tax Officer, Tuticorin v. T.S. Devinatha Nadar etc. 1968 SCR 33	....	666
India Carat Pvt. Ltd. (M/s.) v. State of Karnataka and Anr. 1989 (1) SCR 718		
– relied on	....	724
Indira Nehru Gandhi v. Shri Raj Narain (1975) Supp SCC 1	....	313
Indu Shekhar Singh & Ors. v. State of U.P. & Ors. 2006 (1) Suppl. SCR 497		
– relied on	....	133

Industrial Investment Bank of India Ltd. v. Biswasnath Jhunjhunwala 2009 (13) SCR 391		
– relied on	....	108
Inspector General of Police & Anr. v. Thavasiappan 1996 (1) SCR 977		
– relied on	....	182
Jadunath Singh and Others v. State of U.P. AIR 1972 SC 116		
– relied on	....	195
Jagdish Chander v. Ramesh Chander 2007 (5) SCR 720	....	219
Jagdish Ram v. State of Rajasthan and Anr. 2004 (2) SCR 846		
– relied on	....	724
Jai Krishna Mandal & Anr. v. State of Jharkhand (2010) 14 SCC 534		
– relied on	....	149
Jaisy @ Jayaseelan v. State Rep. by Inspector of Police 2012 (1) SCC 529		
– relied on	....	1027
Jayaram Mudaliar v. Ayyaswami and Others 1973 (1) SCR 139		
– relied on	....	373
Jodhraj Singh v. State of Rajasthan 2007 (5) SCR 850	594
John Vallamattom and Another v. Union of India 2003 (1) Suppl. SCR 638	312

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Jose Da Costa v. Bascora Sadasiva Sinai Narcornium (1976) 2 SCC 917	908
Kaladevi (S.) v. V.R. Somasundaram and Ors. 2010 (6) SCR 480 – distinguished.	987
Kale and others v. Deputy Director of Consolidation and Others 1976 (2) SCR 202	....	78
Kamal Kishore etc. v. State of Himachal Pradesh 2000 (3) SCR 473 – relied on	....	3
Kamal Nayan Mishra v. State of Madhya Pradesh and Ors. 2009 (16) SCR 237	....	1048
Kamalam (M.) v. Dr. V.A. Syed Mohammed 1978 (3) SCR 446	....	856
Kamalnath v. Sudesh Verma 2002 (1) SCR 63	....	856
Kanchanlal Maneklal Chokshi v. State of Gujarat and Ors. 1980 (1) SCR 54	....	312
Kanti Bhadra Shah v. State of West Bengal 2000 (1) SCR 27 – relied on	....	726
Kanwar Singh Saini v. High Court of Delhi 2012 (4) SCC 307 – relied on	77
Kapen (K.) Chako v. Provident Investment Co. (P) Ltd 1977 (1) SCR 1026	908

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Karnataka Bank Limited v. State of Andhra Pradesh and Others 2008 (1) SCR 986 – relied on	666
Karnataka Power Corporation Ltd. & Anr. v. K. Thangappan & Anr.2006 (3) SCR 783	....	133
Karunagappally Grama Panchayat v. State of Kerala 1996 (1) KLT 419	....	283
Katikara Chintamani Dora v. Guntreddi Annamanaidu 1974 (2) SCR 655	....	908
Kavita v. State of T.N. 1998 (3) SCR 902	....	622
Kayjay Industries (P) Ltd. (M/s.) v. M/s. Asnew Drums (P) Ltd. & Ors. 1974 (3) SCR 678 – relied on	....	111
Kendriya Vidyalaya Sangathan and Ors. v. Ram Ratan Yadav 2003 (2) SCR 361	....	1047
Kerala State Electricity Board v. Valsala K., 1999 (2) Suppl. SCR 657 – relied on	....	1080
Kesavananda Bharati Sripadagalvaru v. State of Kerala and Anr. (1973) 4 SCC 225	....	312
Keshabhai Malabhai Vankar v. State of Gujarat 1995 Supp (3) SCC 704 – relied on	169
Keshav Mills Co. Ltd. v. CIT (1965) 2 SCR 908 – relied on	911

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Kewal Krishan v. Suraj Bhan and Anr. 1980 (Supp) SCC 499	
– relied on 725
Khatri (II) v. State of Bihar 1981 (2) SCR 408	
– relied on	.... 1184
Khudiram Das v. The State of West Bengal and Ors. 1975 (2) SCR 832	.... 312
Khujji @ Surendra Tiwari v. State of Madhya Pradesh 1991 (3) SCR 1	
– relied on	.... 692
Kihoto Hollohan v. Zachillhu and Ors. 1992 (1) SCR 686	.... 1101
Kishore Lal v. Chairman, Employees' State Insurance Corpn. 2007 (6) SCR 139	.... 1101
Krishan Kumar Malik v. State of Haryana 2011 (8) SCR 774	
– relied on	.... 1158
Krishan Lal v. State of Haryana (1980) 3 SCC 159	
– relied on	.... 520
Krishena Kumar v. Union of India 1990 (3) SCR 352	.... 910
Krishna Beharilal (dead) by his legal representatives v. Gulabchand and Others 1971 Suppl. SCR 27 78

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Kunj Behari Lal Butail and Ors. v. State of H.P. and Ors. 2000 (1) SCR 1054 37
Lachhman Dass v. Jagat Ram & Ors. 2007 (2) SCR 980	
– relied on	.... 109
Lakshmana (SL) Ayyar v. TSPLP Palaniappa Chettiar AIR 1935 Mad. 927	.... 375
Lalji v. State of U.P., 1989 (1) SCR 130	
– relied on	.... 1069
Lalliram & Anr. v. State of Madhya Pradesh 2008 (13) SCR 395	
– relied on	.... 1157
Laxman v. State of Maharashtra (2002) 6 SCC 710	.... 596
Laxmidas Morarji (Dead) by LRS. v. Behrose Darab Madan 2009 (14) SCR 777	
– relied on	.... 169
Laxminarayan R. Bhattad & Ors. v. State of Maharashtra & Anr., 2003 (3) SCR 409	.... 4
Lily Thomas v. Union of India 2000 (3) SCR 1081	
– relied on	.... 242
Liverpool and London S.P. and I. Asson. Ltd. v. M.V. Sea Success Ind Anr. 2003 (5) Suppl. SCR 851	
– relied on 853

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Madhukar Bhaskarrao Joshi v. State of Maharashtra 2000 (4) Suppl. SCR 475		
– relied on	3 & 167
Mahant Moti Das v. S.P. Sahi, AIR 1959 SC 942		
– relied on	....	666
Maharaj Krishan Bhatt and Another v. State of Jammu and Kashmir and Others 2008 (11) SCR 670		
– distinguished	....	133
Maharao Sahib Shri Bhim Singhji v. Union of India and Ors. (1981) 1 SCC 166	....	313
Maharashtra State Electricity Board, Bombay v. The Official Liquidator, High Court, Ernakulam & Anr. 1983 (1) SCR 561		
– relied on	....	108
Mahendra Pal v. Ram Dass Malanger and Ors. 1999 (4) Suppl. SCR 170		
– relied on	....	854
Malaichami (P.) v. M. Andi Ambalam and Ors. 1973 (3) SCR 1016	....	857
Mallikarjunappa (G.) and Anr. v. Shamanur Shiv Ashankappa and Ors. (2001) 4 SCC 428		
– relied on	856

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Mani (N.) v. Sangeetha Theatre 2004 (12) SCC 278		
– relied on	1195
Mannan Lal v. Mst. Chhotka Bibi (dead) by Lrs. & Ors. 1971 (1) SCR 253		
– relied on	....	379
Manohar Joshi v. Nitin Bhaurao Patil and Another 1995 (6) Suppl. SCR 421	....	408
– relied on	....	856
Manu Sao v. State of Bihar 2010 (8) SCR 811		
– relied on	....	625
Maria Margarida Sequeria Fernandes v. Erasmo Jack de Sequeria through LRs. 2012 (3) SCALE 550		
– relied on	....	793
Mariyappa (S.) (Dead) By LRs. & Ors. v. Siddappa & Anr. (2005) 10 SCC 235		
– relied on	....	111
Mark Netto (Rt. Rev. Msgr.) v. State of Kerala and Others 1979 (1) SCR 609	....	666
Maturi Pullaiah and Another v. Maturi Narasimham and Others 1966 AIR 1836	....	79
Mayar (H.K.) Ltd. and Others v. Owners & Parties, Vessel M.V. Fortune Express and Others 2006 (1) SCR 860	407
– relied on	1019

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Medical Council of India v. Madhu Singh & Ors. 2002 (2) Suppl. SCR 228		
– relied on	880
– cited	....	879
Medical Council of India v. Naina Verma and Others (2005) 12 SCC 626		
– cited	....	879
Medical Council of India v. State of Karnataka & Ors. 1998 (3) SCR 740		
– relied on	....	453
Meena Balwant Hemke (Smt.) v. State of Maharashtra 2000 (3) SCR 12	....	713
Meera Bhanja v. Nirmala Kumari Choudhury 1994 (5) Suppl. SCR 503		
– relied on	....	242
Meesala Ramakrishan v. State of A.P. (1994) 4 SCC 182	....	20
Meet Singh v. The State of Punjab, 1980 (2) SCR 1152		
– relied on	....	3
Minerva Mills Limited and Ors. v. Union of India and Ors. 1981 (1) SCR 206	313
Minor P. Rajendran v. State of Madras 1968 SCR 786		
– distinguished	453

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Mishri Lal v. Dharendra Nath 1999 (2) SCR 453	910
Mithilesh Kumar Pandey v. Baidyanath Yadav and Ors. 1984 (2) SCR 278	856
Modern Industries v. Steel Authority of India Limited 2010 (4) SCR 560		
– relied on	....	906 & 909
Mohammadia Cooperative Building Society Ltd. v. Lakshmi Srinivasa Cooperative Building Society Ltd. and Others 2008 (7) SCR 762		
– relied on	....	409
Mohanlal Shamji Soni v. Union of India & Anr. 1991 (1) SCR 712		
– relied on	....	793
Moidutty (R.P.) v. P.T. Kunju Mohammad (2000) 1 SCC 481	....	856
Moni Shankar v. Union of India and Anr. 2008 (3) SCR 871	....	714
Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius 1955 SCR 520		
– relied on	....	242
Motor General Traders and Anr. v. State of Andhra Pradesh and Ors. 1984 (1) SCR 594	....	312
Mridhul Dhar v. Union of India 2005 (1) SCR 380		
– cited	....	456 & 879

Mukri Gopalan v. Cheppilat Puthanpurayil Aboobacker, 1995 (2) Suppl. SCR 1		
– cited	....	912
Mumtaz Yunus Mulani (Smt.) v. State of Maharashtra & Ors. 2008 (5) SCR 241	....	98
Muniappan (C.) and Ors. v. State of Tamil Nadu 2010 (10) SCR 262		
– relied on	....	692
Municipal Corporation of Delhi v. Gurnam Kaur 1988 (2) Suppl. SCR 929	....	1102
– cited	....	912
Municipal Corporation of the City of Ahmedabad v. Ben Hiraben Manilal 1983 (2) SCC 442		
– relied on	....	1195
Murarka Radhey Shyam Ram Kumar v. Roop Singh Rathore and Ors. 1964 SCR 573		
– followed	....	856
Musheer Khan Alias Badshah Khan and Anr. v. State of Madhya Pradesh 2010 (2) SCR 119	....	808
Nagaraj (S.) v. State of Karnataka 1993 (2) Suppl. SCR 1		
– relied on	....	242
Nagawwa (Smt.) v. Veeranna Shivalingappa Konjalgi and Ors. 1976 (0) Suppl. SCR 123		
– relied on	....	725

Narayanswamy (V.) v. C.P. Thirunavukkarasu 2000 (1) SCR 292	....	856
Narmada Bachao Andolan v. State of Madhya Pradesh & Anr. AIR 2011 SC 1589		
– relied on	....	109
Narsinga Rao (M.) v. State of A.P. 2000 (5) Suppl. SCR 584		
– relied on	....	167
Natarajan (K.) v. P.K. Rajasekaran, (2003) 2 M.L.J. 305	....	379
National Insurance Co. Ltd. v. Mubasir Ahmed and Anr. 2007 (2) SCR 117		
– stood approved	....	1080
National Seeds Corporation Limited v. M. Madhusudhan Reddy and Anr. (2012) 2 SCC 506	....	1101
Natrajan (C.) v. Ashim Bai and Another 2007 (11) SCR 33		
– relied on	....	1019
Navalkha and Sons v. Sri Ramanya Das and Ors. 1970 (3) SCR 1		
– relied on	....	111
Neelu Arora (Ms.) and Another v. Union of India and Others 2003 (1) SCR 562		
– cited	879

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New Delhi Municipal Committee v. Life Insurance Corporation of India and Ors. 1978 (1) SCR 279	218
Noronah (S.B.) v. Prem Kumari Khanna 1980 (1) SCR 281	....	79
Om Prakash Srivastava v. Union of India and Anr. 2006 (3) Suppl. SCR 80	....	853
Oriental Insurance Company Limited v. Mohd. Nasir and Anr. 2009 (8) SCR 829		
– stood disapproved.	....	1080
Pakkirisamy v. State of T.N. (1997) 8 SCC 158	....	622
Palanisamy (P.K.) v. N. Arumugham & Anr. 2009 (11) SCR 342		
– relied on	....	379
Panalal Damodar Rathi v. State of Maharashtra AIR 1979 SC 1191	....	713
Pancho v. State of Haryana 2011 (12) SCR 1173	....	623
Pandey (S.N.) v. Union of India 2012 (8) SCC 261	....	1102
Parsion Devi v. Sumitri Devi 1997 (4) Suppl. SCR 470		
– relied on	....	242
People's Union For Civil Liberties (PUCL) and Anr. v. Union of India and Anr. 2003 (2) SCR 1136	359

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Phungzathang (T.) v. Hangkhanlian and Ors. 2001 (2) Suppl. SCR 256		
– relied on	856
Prabhakar (B.) Rao and Ors. v. State of Andhra Pradesh and Ors. 1985 (Supp) SCC 432		
– relied on	....	1102
Pradeep Jain v. UOI 1984 (3) SCR 942		
– relied on	....	878
Pratap Chandra Mehta v. State Bar Council of Madhya Pradesh and Ors. 2011 (11) SCR 965	....	37
Pratap Narain Singh Deo. v. Shrinivas Sabata and Anr., 1976 (2) SCR 872		
– relied on	....	1080
Preeti Srivastava (Dr.) & Anr. v. State of M.P. & Ors. 1999 (1) Suppl. SCR 249		
– relied on	....	453, 455 & 878
Premier Automobiles Ltd. (The) v. Kamlekar Shantaram Wadke of Bombay and Ors. 1976 (1) SCR 427	....	1101
Priya Gupta v. State of Chhatisgarh & Anr. 2012 (7) SCC 433		
– relied on	878
Project Officer, ITDP & Ors. v. P.D. Chacko 2010 (6) SCR 846	4

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Public Service Commission, Uttaranchal v. Mamta Bisht & Ors. 2010 (7) SCR 289		
– relied on	133
Punjab National Bank & Ors. v. Ashwini Kumar Taneja 2004 (3) Suppl. SCR 597	....	98
Purbanchal cables & conductors Pvt. Ltd. v. Assam state electricity board & Anr 2012 (6) JT 327		
– cited	....	912
Rabindra Kumar Dey v. State of Orissa 1977 (1) SCR 439		
– relied on	....	692
Radha Mohan Singh @ Lal Saheb and Ors. v. State of U.P. 2006 (1) SCR 519		
– relied on	....	692
Radhakrishnan (R.) v. Director General of Police and Ors. 2007 (11) SCR 456	....	1047
Raj Narain v. Indira Nehru Gandhi and Anr. 1972 (3) SCR 841		
– relied on	....	854
Raj Rajendra Singh Seth v. State of Jharkhand & Anr. 2008 (11) SCR 66		
– relied on	....	167
Raja Prithwi Chand Lal Choudhury v. Sukhraj Rai AIR 1941 FC 1		
– relied on	242

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Rajendra Prasad v. Narcotic Cell 1999 SCC (CrI) 1062		
– relied on	792
Rajesh Govind Jagesha v. State of Maharashtra 1999 (4) Suppl. SCR 277		
– distinguished	....	623
Rajoo & Ors. v. State of Madhya Pradesh 2008 (16) SCR 1078		
– relied on	....	150
Rajunder Narain Rae v. Bijai Govind Singh (1836) 1 Moo PC 117		
– relied on	....	242
Ram Chandra Singh v. Savitri Devi and Others 2003 (4) Suppl. SCR 543	....	80
Ram Kumar v. State of U.P. and Ors. 2011 (10) SCR 506	....	1048
Ram Prakash Arora v. The State of Punjab AIR 1973 SC 498	....	712
Ram Prakash Gupta v. Rajiv Kumar Gupta and Others, 2007 (10) SCR 520		
– relied on	....	1019
Ram Preeti Yadav v. U.P. Board of High School and Intermediate Education and Other 2003 (3) Suppl. SCR 352	79
Ram Sukh v. Dinesh Aggarwal 2009 (14) SCR 836	856

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Rama Krishna v. S. Rami Reddy 2008 (6) SCR 1236		
– relied on	195
Ramaswamy Gounder v. K.M. Venkatachalam 1976(1) Madras Law Journal 243, 248, 249	409
Ramesh Chand Bansal and Others v. District Magistrate/Collector Ghaziabad and Others 1999 (3) SCR 462		
– cited	....	666
Rameshbhai Chandubhai Rathod v. State of Gujarat (2009) 5 SCC 740	....	623
Rameshwar Dayal v. State of Punjab and Ors. 1961 SCR 874	....	38
Rameshwar s/o Kalyan Singh v. The State of Rajasthan AIR 1952 SC 54		
– relied on	....	20
Rammi alias Rameshwar v. State of Madhya Pradesh 1999 (3) Suppl. SCR 1		
– relied on	....	196
Rampur Fertilizers Limited v. Vigyan Chemical Industries 2009 (2) SCR 650		
– relied on	909
– cited	912
Ranbir Yadav v. State of Bihar 1995 (2) SCR 826		
– relied on	1069

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Randhir Singh Rana v. State (Delhi Administration) 1996 (10) Suppl. SCR 880		
– relied on	725
Ranjitham v. Basvaraj & Ors. (2012) 1 SCC 414		
– relied on	....	195
Raptakos Brett & Co. Ltd. v. Ganesh Property 1998 (1) Suppl. SCR 485	....	407
Rathnavarma Raja v. Smt. Vimala 1961 SCR 1015		
– relied on	....	375
Ravinder Singh v. Janmeja Singh 2000 (3) Suppl. SCR 331	....	856
Ravji @ Ram Chandra v. State of Rajasthan 1995 (6) Suppl. SCR 195		
– relied on	....	3
Regional Manager, Bank of Baroda v. Presiding Officer, Central Govt. Industrial Tribunal and Anr. 1999 (2) SCC 247	....	1047
Rekha v. State of Tamil Nadu Through Secretary to Government and Anr. 2011 (4) SCR 740	312
Revanna (H.D.) v. G. Puttaswamy and Ors. 1999 (1) SCR 198	853
– relied on	854 & 856

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Roop Lal Sathi v. Nachhattar Singh Gill 1983 (1) SCR 702		
– held inapplicable	410
Roshan Deen v. Preeti Lal 2001 (5) Suppl. SCR 23	....	79
Rupan Deol Bajaj and Anr. v. KPS Gill and Anr. 1995 (4) Suppl. SCR 237		
– relied on	....	726
Sadasivaswamy (P.S.) v. State of Tamil Nadu 1975 (2) SCR 356	....	133
Sahdeo v. State of U.P. 2004 (1) Suppl. SCR 918		
– held inapplicable	....	1070
Saila Bala Dassi (Smt.) v. Smt. Nirmala Sundari Dassi and Another 1958 SCR 1287	....	379
Saleem Bhai & Ors. v. State of Maharashtra and Others 2002 (5) Suppl. SCR 491		
– relied on	....	410 & 1019
Sambhu Das @ Bijoy Das & Anr. v. State of Assam 2010 (11) SCR 493	....	594
Sampuran Singh v. State of Punjab AIR 1982 SC 1407: 1982 (3) SCC 200		
– relied on	182
San-A Trading Company Ltd. v. IC Textiles Ltd. (2006) Arb. LR 11	217

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Sanatan Naskar and Anr. v. State of West Bengal (2010) 8 SCC 249	616
– relied on	806
Sanjay Verma v. Manik Roy 2006 (10) Suppl. SCR 469		
– relied on	....	373
Sansar Chand v. State of Rajasthan 2010 (12) SCR 583	....	623
Santosh Devi v. National Insurance Company Ltd. and Others 2012(3) SCR 1178		
– relied on	....	835
Santosh v. Jagat Ram and Another 2010 (2) SCR 429		
– relied on	....	78
Sapa (F.A.) and Ors. v. Singora and Ors. 1991 (2) SCR 752		
– relied on	....	856
Sardar Harcharan Singh Brar v. Sukh Darshan Singh and Ors. 2004 (5) Suppl. SCR 682		
– relied on	....	854 & 856
Sarla Verma v. Delhi Transport Corporation 2009 (5) SCR 1098	....	836
Sarvesh Narain Shukla v. Daroga Singh and Ors. 2007 (11) SCR 300		
– relied on	692

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Sarwan Singh v. State of Punjab 2002 (3) Suppl. SCR 128		Shakti Tubes Ltd. v. State of Bihar 2009 (10) SCR 739	
– relied on	.... 793	– relied on	.... 909
Sasidharan (U.S.) v. K. Karunakaran and Another 1989 (3) SCR 958	.... 408	Shama (B.) Rao v. Union Territory of Pondicherry 1967 SCR 650	.... 1102
Satya Narian Singh v. High Court of Judicature at Allahabad and Ors. 1985 (2) SCR 112	.... 38	Shanker Raju v. Union of India 2011 (2) SCR 1	.... 910
Satyanarayana (D.) v. P. Jagdish 1988 (1) SCR 145		Shanmugam (S.) Pillai & Others v. K. Shanmugam Pillai & Others. 1973 (1) SCR 570	.... 79
– relied on	.... 1177		
Satyawati Sharma (Dead) by LRs. v. Union of India and Anr. 2008 (6) SCR 566	.... 312	Sharad Birdhichand Sarda v. State of Maharashtra 1985 (1) SCR 88	
		– relied on	.... 806
Saurabh Chaudri & Ors. v. Union of India & Ors. 2003 (5) Suppl. SCR 152	.... 1132	Sharma (C.M.) v. State of A.P. Th. I.P. 2010 SCR 1105	
		– relied on	.... 714
Secretary to Government, Prohibition & Excise Department v. L. Srinivasan 1996 (2) SCR 737		Sharma (K.C.) and others v. Union of India and Others 1997 (3) Suppl. SCR 87	
– relied on	.... 183	– distinguished	.... 133
Secretary, Forest Department & Ors. v. Abdur Rasul Chowdhury (2009) 7 SCC 305		Sharma (M.P.) and Ors. v. Satish Chandra, District Magistrate, Delhi and Ors. 1954 SCR 1077	.... 20
– relied on	.... 184		
Secretary, Thirumurugan Cooperative Agricultural Credit Society v. M. Lalitha (Dead) through LRs. and Ors. 2003 (6) Suppl. SCR 659	.... 1101	Sharwan Kumar and Others v. Director of Health Services and Another 1993 Supp (1) SCC 632	
		– relied on	.... 878
Shailesh Jasvantbhai & Anr. v. State of Gujarat & Ors., 2006 (1) SCR 477			
– relied on 3		

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Shiji @ Pappu and Ors. v. Radhika and Anr. (2011) 10 SCC 705		
– relied on	537
Shiv Kumar Chadha v. Municipal Corporation of Delhi 1993 (3) SCR 522		
– cited	....	456
Shivaji Sahebrao Bobade and Another v. State of Maharashtra 1974 (1) SCR 489		
– relied on	....	195 & 693
Shri Kumar Padma Prasad v. Union of India and Ors. 1992 (2) SCR 109	....	38
Shrist Dhawan (Smt.) v. M/s. Shaw Brothers 1991 (3) Suppl. SCR 446	....	79
Shyam Sunder v. Ram Kumar 2001 (1) Suppl. SCR 115		
– relied on	....	908
Sidhartha Vashisht alias Manu Sharma v. State (NCT of Delhi) 2010 (4) SCR 103	....	624
Sirigineedi Subbarayadu v. Kopanathi Tatayya, 1937 Madras Weekly Notes 1158, 1159	....	409
Situ Sahu and Ors. v. State of Jharkhand and Ors. 2004 (4) Suppl. SCR 258	217
Skypak Couriers Ltd. v. Tata Chemicals Ltd. 2000 (1) Suppl. SCR 324	1101

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Sopan Sukhdeo Sable and Others v. Assistant Charity Commissioner and Others, 2004 (1) SCR 1004		
– relied on	....	1019
Special Director & Anr. v. Mohd. Ghulam Ghouse & Anr. 2004 (1) SCR 399		
– relied on	....	184
St. Johns Teachers Training Institute v. Regional Director 2003 (1) SCR 975	....	37
State Bank of India v. M/s. Saksaria Sugar Mills Ltd. & Ors. 1986 (1) SCR 290		
– relied on	....	108
State Bank of India v. Messrs. Indexport Registered & Ors. 1992 (2) SCR 1031		
– relied on	....	108
State of A.P. and Others v. Mcdowell and Co. and Others 1996 (3) SCR 721		
– relied on	....	665
State of A.P. v. Lavu Narendranath (1971) 1 SCC 607		
– distinguished	....	453
State of Andhra Pradesh and Another v. T. Suryachandra Rao 2005 (1) Suppl. SCR 809	80
State of Andhra Pradesh v. N. Radhakishan 1998 (2) SCR 693		
– relied on	183

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State of Andhra Pradesh v. Polamala Raju @ Rajarao, 2000 (2) Suppl. SCR 329	3
– relied on		
State of Andhra Pradesh v. Vasudeva Rao, 2003 (5) Suppl. SCR 500	....	3
– relied on		
State of Bihar v. Sanjay Kumar Sinha & Ors. 1989 (2) Suppl. SCR 168	....	880
– relied on		
State of Bombay (The) and Another v. F.N. Balsara 1951 SCR 682	....	666
State of Bombay v. Atma Ram Sridhar Vaidya 1951 SCR 167	....	312
State of Bombay v. Rusy Mistry, AIR 1960 SC 391	195
– relied on		
State of Goa v. Sanjay Thakran 2007 (3) SCR 507	195
– relied on		
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(ii) O. 7, r.11 - Rejection of plaint - Suit for specific performance - Power of attorney - Held: A power of attorney has to be strictly construed - In order to agree to sell or effect a sale by a power of attorney, it should also expressly authorize the power to the agent to execute sale agreement/sale deed i.e., (a) to present the document before Registrar; and (b) to admit execution of document

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(iv) O. 7, r.11 - Application for rejection of plaint - Non-joinder of party - Held: To reject the plaint even before its registration on one or more grounds mentioned in O. 7, r. 11, the other defendants need not necessarily be heard at all as it does not affect their rights - In the instant case, second defendant is not a necessary party nor does the applicant-first defendant seek any relief against him - Besides, the plea as to non-joinder of party cannot be raised for the first time before Supreme Court if the same has not resulted in failure of justice.

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(ii) ss.190 and 204 - Double murder - Investigation by CBI - Closure report of investigation - First informant filing protest petition and seeking further investigation - Closure report as well as protest petition rejected and cognizance taken by Magistrate and process issued against the first informant and his wife for murdering their daughter and servant - Order of Magistrate upheld by High Court and Supreme Court - Plea of further investigation - Held: Not tenable.

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(Also see under: Supreme Court Rules, 1966)

Nupur Talwar v. Central Bureau of Investigation & Anr. 723

(3) ss. 311 and 242 - Extent and scope of the power of court to recall witnesses - Prosecution for offences punishable u/ss.7 and 13(1) r/w s. 13(d) of Prevention of Corruption Act - Held: The decision to cross-examine is generally guided by the nature of depositions and whether it incriminates the accused - In a case like the one at hand where PWs had clearly indicted the appellant and supported the prosecution version not only regarding demand of bribe but also its receipt by appellant, there was no question of the defence not cross-examining them - One is inclined to believe that the two PWs were not cross-examined by the counsel for the appellant because he had indeed intended to cross-examine them after the Trap Laying Officer had been examined - The fact that appellant did not make a formal application nor even an oral prayer to the court to that effect at the time the cross-examination was deferred may be a mistake - Direction given that PWs concerned be recalled by trial court and an opportunity to cross-examine them afforded to appellant.

P. Sanjeeva Rao v. The State of A.P. 787

(4) s.313 - Object of - Held - The legislative scheme contained under the provisions of s.313 is to put to the accused all incriminating material against him and it is equally important to provide an opportunity to him to state his case - It is the option of accused whether to remain silent or to provide answer to questions asked by court - Once he opts to give answers and, in fact, puts forward his own defence or the events as they occurred, then he is bound by such statement and court is at liberty to examine it in light of evidence produced on record.

(Also see under: Penal Code, 1860)

Bable @ Gurdeep Singh v. State of Chattisgarh Tr.P.S.O.P. Kursipur 517

(5) s.313 - Statement of accused - Purpose of - Held: Is to serve a dual purpose, firstly, to afford to accused an opportunity to explain his conduct and secondly to use denials of established facts as incriminating evidence against him - If an accused gives incorrect or false answers during the course of his statement u/s.313, court can draw an adverse inference against him.

(Also see under: Evidence; and Penal Code, 1860)

Munna Kumar Upadhyaya @ Munna Upadhyaya v. The State of Andhra Pradesh through Public Prosecutor, Hyderabad, Andhra Pradesh 611

(6) s. 451.

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) 823

(7) (i) s.482 - Exercise of power under - Scope - Held: Power u/s.482 has to be exercised sparingly

and only in cases where High Court is, for reasons to be recorded, of the clear view that continuance of prosecution would be nothing but an abuse of process of law.

(ii) ss. 482 and 320.

(Also see under: Constitution of India, 1950)

Jayrajsinh Digvijaysinh Rana v. State of Gujarat and Anr. 534

COMPENSATION:

(1) (See under: Land Acquisition Act, 1894) 975

(2) (See under: Workmen's Compensation Act, 1923) 1079

CONDUCT OF ELECTION RULES, 1961:

r. 94 (1) r/w. Form 25.

(See under: Representation of the People Act, 1951) 851

CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES ACT, 1974:

s. 3(1) - Constitutional validity of - Held: If the activity of any person is prejudicial to the conservation or augmentation of foreign exchange, the authority is empowered to make a detention order against such person and the Act does not contemplate that such activity should be an offence - Essential concept of preventive detention is not to punish a person for what he has done but to prevent him from doing an illegal activity prejudicial to the security of the State - Thus, the constitutional validity of impugned part of s. 3(1) upheld.

Dropti Devi & Anr. v. Union of India & Ors. 307

CONSTITUTION OF INDIA, 1950:

(1) Art. 14.

(See under: Stamp Act, 1899) 661

(2) Arts. 21, 47 and 48A.

(See under: Environmental Law) 489

(3) Art. 39-A and ss. 12 and 13 of Legal Services Authorities Act - Right of accused to legal representation at appellate stage - Held: Art. 39-A as well as the Act provide for free legal aid - An eligible person is entitled to legal services at any stage of the proceedings either trial or appellate - In the instant case, accused was not provided legal representation and High Court failed to enquire into it - Matter remitted to High Court for fresh hearing after providing the accused opportunity of obtaining legal representation - Legal Services Authorities Act, 1987.

Rajoo @ Ramakant v. State of Madhya Pradesh 1182

(4) Arts. 39-A, 14, 21 and 141.

(See under: Legal Services Authorities Act, 1987) 1094

(5) Art. 47.

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) 823

(6) Art. 136.

(See under: Land Acquisition Act, 1892) 975

(7) Art. 137 - Review petition.

(See under: Supreme Court Rules, 1966) 723

(8) Arts. 137, 145.

(See under: Review) 237

(10) Art. 142.

(See under: Motor Vehicles Act, 1988) 834

(9) Art. 142 - Scope of interference with the sentence - Held: Power u/Art. 142 is a constitutional power, not restricted by statutory enactments - This power cannot be used to supplant the law applicable to the case - Where the minimum sentence is provided, it would not be at all appropriate to exercise jurisdiction u/Art. 142 to reduce the sentence on the ground of the so-called mitigating factors as that would tantamount to supplanting statutory mandate - Sentence/Sentencing.

(Also see under: Prevention of Corruption Act, 1988)

Narendra Champaklal Trivedi v. State of Gujarat 165

(11) Art.142 r/w ss. 482 and 320 CrPC - Dispute over disposal of plot/property - Averments in FIR disclosing offences punishable u/ss. 467, 468, 471, 420 and 120B IPC against accused-appellant and two other accused - Prayer for quashing of criminal proceedings having regard to settlement between complainant and appellant - Held: In the case on hand, irrespective of the earlier dispute between the parties, subsequently, appellant swore an affidavit with bona fide intention securing right, title and interest in favour of complainant - Further, in view of settlement arrived at between the two, there is no chance of recording a conviction of appellant - Inasmuch as the matter has not reached the stage of trial, High Court, by exercising inherent power u/s.482 CrPC even in

offences which are not compoundable u/s.320 CrPC, may quash the prosecution - By applying the same analogy and in order to do complete justice u/Art. 142, the terms of settlement insofar as the appellant is concerned, are accepted - FIR quashed qua the appellant - Penal Code, 1860 - ss.467, 468, 471, 420 and 120B.

Jayrajsinh Digvijaysinh Rana v. State of Gujarat and Anr. 534

(12) (i) Art.226 - Writ petition before Allahabad High Court against order of debt Recovery Tribunal, Delhi - Maintainability of - Held: In the subsequent writ petition filed by appellant the said High Court has held that it had no jurisdiction to entertain the writ petition and dismissed the same accordingly - Jurisdiction.

(ii) Art.226 - Writ petition challenging the order of Debt Recovery Tribunal by which the application challenging the auction of property was rejected - High Court found "no good ground to interfere with the order of the appellate authority", however, it gave direction to Debt Recovery Tribunal to decide the application and also restrained the auction purchaser from making any further transfer of the property - Held: The practice adopted by High Court, is not only arbitrary, but also contrary to the concept of principles of natural justice - Since the writ petition was to be dismissed without issuing notice, it should have been dismissed without giving any further directions in the matter - The impugned judgment to the extent it restrains the appellants from alienating or encumbering the property, is set aside - Natural Justice - Securitization and Reconstruction of Financial

Assets and Enforcement of Security Interest Act, 2002 - s.17-A.

Optimus Infracom Ltd. etc. v. M/s. Ishan Systems Pvt. Ltd. & Anr. 1089

(13) (i) Art. 245 - Statute enacted by Parliament or State Legislature - Constitutional validity of - Judicial review - Scope - Held: Legislative enactment can be struck down by court only on two grounds, namely (i), that the appropriate Legislature did not have competency to make the law and (ii), that it did not take away or abridge any of the fundamental rights enumerated in Part-III of the Constitution or any other constitutional provisions.

(ii) Art.14 - Constitutional validity of a statute - Judicial review - Scope - Held: When provision enacted by State Legislature is not found to be discriminatory, it cannot be struck down on the ground that it was arbitrary or irrational.

(Also see under: Stamp Act, 1881)

State of M.P. v. Rakesh Kohli & Anr. 661

(14) Art. 311.

(See under: Service Law) 182

CONTRACT ACT, 1872:

(i) s.128 - Guarantor - Liability of - Held: Liability of guarantor/surety is co-extensive with that of debtor - Surety has no right to restrain execution of decree against him until creditor has exhausted his remedy against principal debtor.

(ii) s.146 - Co-surety - Liability of - Held: Co-sureties are liable to contribute equally - In case there are more than one surety/guarantor, they

have to share the liability equally unless the agreement of contract provides otherwise.

(Also see under: Auction; and Financial Institutions)

Ram Kishun and Ors. v. State of U.P. and Ors. 105

COSTS:

Payment of compensation, delayed - Compensation awarded by Tribunal enhanced by single Judge of High Court, confirmed by Division Bench of High Court - Held: Since the insurer had enjoyed the ex-parte interim order passed by Supreme Court for a period of five years, it is directed to pay cost of Rs.5 lakhs to claimants.

(Also see under: Motor Vehicles Act, 1988)

New India Assurance Co. Ltd. v. Gopali & Ors. 834

COURT FEES ACT, 1870:

Filing of plaint - Deficient court fee - Right of defendant to raise objection - Held: Question of court fee is a matter between plaintiff and court - If court comes to the conclusion that court fee paid in lower court is not sufficient, it shall require the party to make good the deficiency - Legislature did not intend to give any advantage to defendants on account of payment of inadequate court fee by plaintiffs - In a case where plaint is filed within period of limitation but with deficit court fee and plaintiff seeks to make good the deficiency beyond period of limitation, court, though has discretion u/s.149 CPC, must scrutinise the explanation offered for delayed payment of the deficit court fee carefully - Exercise of the discretion by court is conditional upon its satisfaction that the plaintiff offered a legally acceptable explanation for not

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	paying court fee within period of limitation - Code of Civil Procedure, 1908 - s.149. (Also see under: Code of Civil Procedure, 1908; and Tamil Nadu Court Fees and Suits Valuation Act, 1955)	
	<i>A. Nawab John & Ors. v. V.N. Subramaniam</i>	.... 369
	CRIMES AGAINST WOMEN: (See under: Penal Code, 1860)	.... 1, 62, 148, 193, 688 and 1153
	CRIMINAL TRIAL: (1) Benefit of doubt - Held: The doubt should be reasonable based upon reason and common sense and not an imaginary, trivial or merely possible doubt - The duty of court is to ensure that miscarriage of justice is avoided.	
	<i>Ramesh Harijan v. State of U.P.</i>	.... 688
	(2) Bribery case - Need for corroboration of complainant's version by another witness - Held: A shadow witness is desirable in a trap party, but its mere absence would not vitiate the whole trap proceedings - Evidence.	
	<i>Mukut Bihari & Anr. v. State of Rajasthan</i>	.... 710
	DEEDS AND DOCUMENTS: (1) Family arrangement - Held: Though, a family arrangement need not be construed narrowly and it need not be registered, but it must prima facie appear to be genuine which is not so in the case at hand. (Also see under: Suit)	
	<i>Smt. Badami (D) By her L.R. v. Bhali</i> 75

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	DELAY / LACHES: (1) Delay in holding TIP. (See under: Evidence) 611
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	(3) (See under: Land Acquisition Act, 1894) 975
	(4) (See under: Service Law) 128
	DOCTRINES / PRINCIPLES: Doctrine of stare decisis. (See under: Precedent) 905
	EDUCATION / EDUCATIONAL INSTITUTIONS: (i) Medical admissions - MBBS course - Candidate securing more marks and placed higher in merit list, ignored on the ground of absence in counseling during relevant time - Held: The rule of merit for preference of courses and colleges admits no exception - It is an absolute rule and all stakeholders and authorities concerned are required to follow this rule strictly and without demur - Record indicates that the candidate was present in the counseling at the time of attendance and even subsequent thereto - Direction issued for her admission to MBBS course.	
	(ii) Medical admissions - Cut-off-date - Exception - Held: 30th September is undoubtedly the last date by which the admitted students should report to their respective colleges without fail - Thereafter, only in very rare and exceptional cases, admission may be permissible but such power may preferably	

be exercised by courts only if the conditions stated by Supreme Court are found to be unexceptionally satisfied - Adherence to the schedule is obligation of authorities and students both - Constitution of India, 1950 - Art. 141.

(iii) Medical admissions - Refusal of admission if found arbitrary, violative of Rules and Regulations or contrary to judgments of Supreme Court - Remedy - Explained - Further directions given in order to avoid ambiguity and to ensure that authorities act in accordance with law.

(iv) Medical admissions - Interim orders - Held: Courts should avoid giving interim orders where admissions are the matter of dispute - The students who pursue the courses under courts' orders would not be entitled to claim any equity at the final decision of the case nor should it weigh with courts - Equity.

Asha v. Pt. B.D. Sharma University of Health Sciences & Ors. 876

ELECTION LAWS:

(See under: Representation of the People Act, 1951) 851

ENVIRONMENTAL LAW:

(1) Hazardous waste - Import of toxic waste - Ban on such imports - Central Government directed to ban import of all hazardous/toxic wastes identified and declared to be so under the BASEL Convention and its different protocols - Central Government also directed to bring the H.W.M.H. Rules, in line with the BASEL Convention and Arts. 21, 47 and 48A of the Constitution - Hazardous

Wastes (Management & Handling) Rules, 1989 - Constitution of India, 1950 - Arts. 21, 47 and 48A - BASEL Convention.

Research Foundation for Science, Technology and Natural Resource Policy v. Union of India and Ors. 489

(2) Writ petition challenging Hazardous Wastes (Management and Handling) Rules as unconstitutional and seeking direction to ban import of Hazardous wastes in India and amendment of Rules in conformity with BASEL Convention and Arts. 21, 47 and 48A of the Constitution - During pendency of the petition, applications seeking permission of State Pollution Control Board and State Maritime Board to allow a ship (which had entered territorial waters of India) to beach for the purpose of dismantling - Held: Since clearance has been given by State Pollution Control Board, State Maritime Board and Atomic Energy Regulatory Board for the ship to beach for the purpose of dismantling, it is presumed that the ship is free from hazardous and toxic substances except the substances which might be part of the superstructure of the ship and could be exposed only at the time of its dismantling - Direction to the authorities to allow the ship to beach and permit its dismantling - Authorities concerned directed to take steps for disposal of toxic wastes discovered during dismantling at the cost of owner of ship or its nominee(s) - In all future cases of similar nature, the authorities concerned to strictly comply with the norms laid down in BASEL Convention or any other subsequent provisions adopted by the Central

government - BASEL Convention - Hazardous Wastes (Management and Handling) Rules, 1989.

Research foundation for Science, Technology and Natural Resource Policy v. Union of India & Ors. 1039

EQUITY:

(1) (See under: Education / Educational Institutions) 876

(2) (See under: Service Law) 128

ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999:

(See under: Indian Medical Council Act, 1956) 449

EVIDENCE:

(1) Admission.
(See under: Rent Control and Eviction) 984

(2) (i) (a) Circumstantial evidence.

(b) Testimony of hostile witnesses.

(c) Evidentiary values of related witnesses.
(See under: Penal Code, 1860) 581

(ii) (See under: Penal Code, 1860) 611

(3) Evidence of prosecutrix in a case of alleged gang rape - Characteristics of 'sterling witness' - Explained.

Rai Sandeep @ Deepu v. State of NCT of Delhi 1153

(4) Hostile witness - Evidentiary value of - Held: Court can even take into consideration the part of

the statement of a hostile witness which supports the case of prosecution.

M. Sarvana @ K.D. Saravana v. State of Karnataka 592

(5) (i) Information given by injured accused to doctor in regard to circumstances leading to his injuries - Admissibility of - Held: History given to doctor by injured accused at the time of treatment would not be strictly an extra judicial confession, but would be a relevant piece of evidence.

(ii) Evidence - Test identification parade - Delay in holding identification parade - Effect - Held: Delay per se cannot be fatal to the validity of holding an identification parade - In the instant case, nothing on record to say that the photographs of the accused were actually printed in the newspaper - It cannot be said that merely because of delay, court should have rejected the entire evidence of identification of the accused.

(iii) Evidence - Circumstantial evidence - Appreciation of - Held: A case of circumstantial evidence is primarily dependent upon the prosecution story being established by cogent, reliable and admissible evidence - Each circumstance must be proved like any other fact which will, upon their composite reading, completely demonstrate how and by whom the offence had been committed.

(iv) Evidence - Confession - Extra-judicial confession - Admissibility and evidentiary value of - Held: Extra-judicial confession can be accepted and can be the basis of conviction, if it passes the test of credibility - It should inspire

confidence and court should find out whether there are other cogent circumstances on record to support it.

(Also see under: Penal Code, 1860; and Code of Criminal Procedure, 1973)

Munna Kumar Upadhyaya @ Munna Upadhyaya v. State of Andhra Pradesh through Public Prosecutor, Hyderabad, Andhra Pradesh 611

(6) Minor discrepancies in evidence.
(See under: Penal Code, 1860) 193

(7) Presumption.
(See under: Criminal Trial) 710

(8) (See under: Witnesses) 688

EVIDENCE ACT, 1872:

(1) s. 32(1) - Dying declaration recorded by police - Evidentiary value of - Explained - Held: In the instant case, dying declaration was made after due certification of fitness by doctor and was recorded by a police officer in discharge of his normal functions - Statement was made by deceased voluntarily and was a truthful description of events - His version is fully supported by the witness who had accompanied him at all relevant times.

M. Sarvana @ K.D. Saravana v. State of Karnataka 592

(2) ss. 119 and 118 - Deaf and dumb witness - Evidentiary value - Held: Deaf and dumb person is a competent witness - If oath can be administered to him/her, it should be done by the

court - If such a witness is able to read and write, it is desirable to record his statement giving him questions in writing and seeking answers in writing - In case the witness is not able to read and write, his statement can be recorded on examining him in sign language with the aid of interpreter who should be a person of the same surrounding but should not have any interest in the case and he should be administered oath - On facts, though trial court convicted the respondent u/s. 302 on basis of evidence of sole eye-witness, who was deaf and dumb, but High Court rightly set aside conviction - Sole eye-witness and her father who acted as interpreter when her statement was recorded, were not administered oath - Sufficient material on record that the sole eye-witness was able to read and write which fact stood proved in trial court - But her statement was not recorded in writing - She was not given the questions in writing and an opportunity to reply the same in writing - Her statement was recorded with the help of her father as an interpreter, who was an interested witness - Thus, evidence was unreliable and High Court rightly gave benefit of doubt and acquitted the respondent - Oaths Act, 1969 - ss. 4 and 5 - Penal Code, 1860 - s. 302.

State of Rajasthan v. Darshan Singh @ Darshan Lal 18

FINANCIAL INSTITUTIONS:

Recovery of loans - Held: Financial institutions cannot be permitted to dispose of secured assets in any unreasonable or arbitrary manner in flagrant violation of statutory provisions - A person cannot be deprived of his property except in accordance with provisions of statute.

(Also see under: Auction; and Contract Act, 1872)

Ram Kishun and Ors. v. State of U.P. and Ors. 105

FIR:

(1) Delay in registration of FIR, explained.
(See under: Penal Code, 1860) 1068

(2) Lodging of FIR - Held: It is not necessary that an eye witness alone can lodge FIR - It can be lodged by any person and even by telephonic information - In the instant case, there was no inordinate delay in lodging the FIR.

M. Sarvana @ K.D. Saravana v. State of Karnataka 592

FOREIGN EXCHANGE MANAGEMENT ACT, 1999:
ss. 21(1)(b), 2(s), 46.

(See under: Appellate Tribunal for Foreign Exchange (Recruitment, Salary and Allowances and other Conditions of Service of Chairperson and Members) Rules, 2000)) 34

FREEDOM FIGHTERS' PENSION:

Application seeking freedom fighters' pension - In the category of 'Underground Freedom Fighter' - Documents furnished as per the requirement under Government Resolution - Held: Applicant made out a case for grant of Freedom Fighters' Pension under the category 'Underground Freedom Fighter' - Since applicant is no more, direction to grant the pension to his wife-appellant.

Kamalbai Sinkar v. State of Maharashtra & Ors. 1011

GOA PANCHAYAT RAJ ACT, 1994:

(i) ss. 3, 64 and 8 - Order passed by designated officer-Additional Director of Panchayat exercising the power of an appellate authority qua the action/decision/resolution of Village Panchayat - Locus of Village Panchayat to file a petition under Art. 226 and/or 227 for setting aside the order passed by Additional Director of Panchayat - Held: Village Panchayat has the locus to challenge the orders passed by Additional Director of Panchayat - While exercising power under the Act, Panchayat was not acting as a subordinate to Additional Director of Panchayat but as a body representing the will of the people and also a body corporate in terms of s.8 - High Court erred in holding that the writ petition filed by Village Panchayat challenging the order passed by Additional Director of Panchayat was not maintainable - Order passed by High Court set aside - Writ petitions filed by Village Panchayat being maintainable, restored to their original numbers.
(ii) Panchayat - Functions and responsibilities of a village panchayat - Explained.

Village Panchayat, Calangute v. The Additional Director of Panchayat-II and Ors. 277

GOVERNMENT GRANTS ACT, 1895:

ss. 2 and 3 - Grant of lease by Government - Cancellation of before expiry of the lease period - Dispossession of lessee - Held: Since the State has absolute power under the terms of the grant of lease to resume the leased property for itself or for any public purpose, the order canceling the lease is valid and legal - The State followed the

special procedure as laid down under Clause 3(c) of the lease deed to dispossess the lessee, it was not required to follow any other procedure or law - Lease.

Azim Ahmad Kazmi and Ors. v. State of U.P. & Anr. 960

HAZARDOUS WASTES (MANAGEMENT AND HANDLING) RULES, 1989:
(See under: Environmental Law) 489
and 1039

HYDERABAD HOUSES (RENT, EVICTION AND LEASE) CONTROL ACT, 1954:

Eviction petition - On the ground that suit for recovery of rent was decreed, and statutory period of six months was over - Petition decided ex-parte and allowed directing eviction - Order confirmed by appellate court - In revision, High Court remitted the matter to Rent Controller to decide the matter afresh - Held: Since the application has been dismissed by Rent Controller after remission, the appeal has become infructuous and, as such, is dismissed.

Ahmedsaheb (D) By Lrs. & Ors. v. Sayed Ismail 984

IDENTIFICATION / TEST IDENTIFICATION PARADE:
(See under: Evidence) 611

INDIAN MEDICAL COUNCIL ACT, 1956:
ss. 10A, 10B(3) and 11 read with Regulations of 1999 and Regulations of 2000 - MBBS Course - Increase in admission capacity - Held: In view of sub-s. (3) of s.10-B, where any medical college increases its admission capacity in any course of

study or training, except with the previous permission of Central Government in accordance with provisions of s.10A, no medical qualification granted to any student of such medical college on the basis of the increase in its admission capacity, shall be a recognised medical qualification for purposes of the Act - s.10A speaks of permission and not recognition on a year to year basis - It is the Central Government which is empowered to grant recognition to a medical college or institution on the recommendation made by Medical Council of India - Judgments of Single Judge and Division Bench of High Court and directions given to increase the number of seats from 100 to 150 in MBBS course run by Institutions concerned are set aside - Establishment of Medical College Regulations, 1999 - Opening of a New or Higher Course of Study or Training (including Post-Graduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (Including a Post-Graduate Course of Study or Training) Regulations, 2000.

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INTEREST:

(1) (See under: Motor Vehicles Act, 1988) 834

(2) (See under: Interest on Delayed Payment to Small Scale and Ancillary Industrial Undertakings Act, 1973) 905

INTEREST ON DELAYED PAYMENT TO SMALL SCALE AND ANCILLARY INDUSTRIAL UNDERTAKINGS ACT, 1973:

(i) Suit for interest on delayed payment - Held: Is

maintainable - Supplier may file a suit only for a higher rate of interest on delayed payments made by the buyer from the commencement of the Act.

(ii) Prospective operation of the Act - Held: The Act is a substantive law, as a vested right of entitlement to a higher rate of interest in case of delayed payment accrues in favour of the supplier and a corresponding liability is imposed on the buyer - Any substantive law shall operate prospectively unless retrospective operation is clearly made out in language of the statute and, as such, the Act cannot be construed to have retrospective effect - The Act, though enacted on 2.4.1993, by a legal fiction is deemed to have come into effect from the date of promulgation of the Ordinance, i.e. 23.9.1992 - Since the Act envisages that the supplier has an accrued right to claim a higher rate of interest in terms of the Act, the same can only be said to accrue for sale agreements after the date of commencement of the Act, i.e. 23.9.1992 and not any time prior - Interpretation of Statutes - Precedent.

M/s. Purbanchal Cables & Conductors Pvt. Ltd. v. Assam State Electricity Board & Another 905

INTERIM ORDERS:

(1) (See under: Administration of Justice; Costs; and Motor Vehicles Act, 1988) 834

(2) (See under: Education / Educational Institutions) 876

INTERNATIONAL CONVENTIONS / TREATIES:

(1) BASEL Convention and MARPOL convention - Objectives of - Discussed.

(Also see under: Environmental law)

Research Foundation for Science, Technology and Natural Resource Policy v. Union of India & Ors. 489

(2) (i) United Nations convention against Illicit Traffic and Narcotic Drugs and Psychotropic Substances.

(ii) SAARC convention for Narcotic Drugs and Psychotropic Substances, 1990.

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) 823

INTERPRETATION OF STATUTES:

(1) Exception clause - Interpretation of - Proviso to s.376 IPC - Held: Exception clause is always required to be strictly interpreted even if there is a hardship to any individual - Natural presumption in law is that but for the proviso, enacting part of Section would have included the subject matter of the proviso - Enacting part should be generally given such a construction which would make the exceptions carved out by proviso necessary and a construction which would make the exceptions unnecessary and redundant should be avoided - Power under the proviso is not to be used indiscriminately in a routine, casual and cavalier manner - Court while exercising the discretion in the exception clause has to record "exceptional reasons" for resorting to the proviso.

(Also see under: Penal Code, 1860)

State of Rajasthan v. Vinod Kumar 1

(2) Fiscal statute.

(See under: Tax / Taxation) 661

(3) (See under: Interest on Delayed Payment to Small and Ancillary Industrial Undertakings Act, 1973) 905

(4) (See under: Representation of the People Act, 1951) 851

JUDICIAL DISCRETION:

Exercise of - Scope - Held: It is well settled that the judicial discretion is required to be exercised in accordance with the settled principles of law - It must not be exercised in a manner to confer an unfair advantage on one of the parties to the litigation.

(Also see under: Code of Civil Procedure, 1908)

A. Nawab John & Ors. v. V.N. Subramaniam 369

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(See under: Constitution of India, 1950) 1089

KERALA EDUCATION ACT, 1958:

(See under: Service Law) 427

KERALA EDUCATION RULES, 1959:

rr. 9A and 51B - G.O. dated 24.5.1999.
(See under: Service Law) 427

LAND ACQUISITION:

(See under: Review) 237

LAND ACQUISITION ACT, 1894:

s.28-A - Re-determination of compensation on the basis of award of court - Held: Mere making a reference in the memo of appeal that High Court had awarded a higher amount in respect of a land covered by the same Notification u/s 4 of the Act, is not enough - Claimant has to satisfy the court

that his land was similar in quality and had same geographical location or was situated in close vicinity of the land covered by the exemplar relied upon by him - In the instant case, no such attempt has ever been made by petitioner - Constitution of India, 1950 - Art. 136 - Delay / laches.

Girimallappa v. The Special Land Acquisition Officer M & MIP & Anr. 975

LEASE:

(See under: Government Grants Act, 1895) 960

LEGAL SERVICES AUTHORITIES ACT, 1987:

(1) ss. 12 and 13.

(See under: Constitution of India, 1950) 1182

(2) Chapter VI-A (ss. 22-A to 22-E) [as inserted by Legal Services Authorities (Amendment) Act, 2002] - Pre-litigation conciliation and settlement - Establishment of Permanent Lok Adalat - For settlement of disputes in matters of public utility services - Constitutional validity of - Held: Chapter VI-A is constitutionally valid - It is not violative of Arts. 14 and 21 of the Constitution nor is it contrary to rule of law, fairness and even-handed justice - It is an alternative institutional mechanism for settlement of disputes concerning public utility services - Legislature has the power to set up such mechanism - It is not a constitutional right to have dispute adjudicated by means of court only - Not making CPC and evidence Act applicable to the Lok Adalat does not make its justice delivery ineffective as the Adalat has to follow the principles of natural justice - Since the challenge to the provisions has already been decided by Supreme Court on merits and dismissed, deciding the same issues again is against public policy -

Constitution of India, 1950 - Arts. 39-A, 14, 21 and 141 - Precedent.

(Also see under: Appeal)

Bar Council of India v. Union of India 1094

LIMITATION ACT, 1963:

(See under: Code of Civil Procedure, 1908) 369

MAXIMS:

'*Falsus in uno falsus in omnibus*' - Applicability.

Ramesh Harijan v. State of U.P. 688

MOTOR VEHICLES ACT, 1988:

(i) s.166 - Motor accident - Death of victim - Claim for compensation - Computation of income of deceased - Consideration of increase in income - Held: High Court was justified in determining the amount of compensation by granting 100% increase in the income of deceased - In the normal course, deceased would have served for 22 years and during that period his salary would have certainly doubled because the employer was paying 20% of his salary as bonus per year.

(ii) Compensation - Deduction towards personal expenses - Held: Single Judge of High Court did not commit any error by not following the rule of 1/3rd deduction towards the personal expenses of deceased - In the instant case, deceased had 8 dependents including four sons and one daughter - Where the family of the deceased comprised of 5 persons or more having an income of Rs.3,000/- to Rs.5,000/-, it is virtually impossible for him to spend more than 1/10th of the total income upon himself.

(iii) Multiplier - Deceased aged about 36 years - Held: Tribunal and High Court were not right in applying the multiplier of 10 - They should have adopted the multiplier of 15 for the purpose of determining the amount of compensation - This is a fit case in which Supreme Court should exercise power under Art. 142 of the Constitution and enhance the compensation determined by High Court, by applying appropriate multiplier - With a view to do complete justice to the claimants, the amount of compensation is redetermined by applying the multiplier of 15 and, accordingly, the claimants are entitled to enhanced compensation, as detailed in the judgment - The claimants shall also get interest on the enhanced compensation at the rate of 12% per annum from the date of filing the claim petition - Interest - Constitution of India, 1950 - Art. 142.

New India Assurance Co. Ltd. v. Gopali & Ors. 834

MOTOR VEHICLES RULES, 1989:

r.100 - Prohibiting the use of black films of any Visual Light Transmission (VLT) percentage or any other material upon the safety glasses of all vehicles throughout the country - Supreme Court took the view that r. 100 does not permit use of any other material except the safety glass 'manufactured as per the requirements of law' - Applications for modification /clarification of the judgment dated 27-04-2012 passed by Supreme Court - Held: In terms of r. 100, no material including films of any VLT can be pasted on the safety glasses of the car and this law is required to be enforced - It is not the extent of VLT

percentage of films which is objectionable under the Rules but it is the very use of black films or any other material, which is impermissible to be used on the safety glasses - Consequential directions passed.

Avishek Goenka v. Union of India & Anr. 1126

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985:

s. 8/18(b) r/w ss. 29 and 52A - States not following the procedure prescribed for destruction of seized contraband resulting in its accumulation and thereby increasing chances of its pilferage and re-circulation - Held: Destruction of seized contraband is not only statutory duty but also a constitutional mandate - Directions issued for collection of information, as regards seizure, storage, disposal/destruction of contraband and judicial supervision thereof - Report to be submitted before Supreme Court - Standing Order No. 1/89 and Circular dated 22-02-2011 issued by Ministry of Finance, Department of Revenue, Government of India - Constitution of India, 1950 - Art. 47 - Code of Criminal Procedure, 1973 - s. 451 - United Nations Convention Against Illicit Traffic and Narcotic Drugs and Psychotropic Substances - SAARC Convention for Narcotic Drugs and Psychotropic Substances, 1990.

Union of India v. Mohanlal & Anr. 823

NATURAL JUSTICE:

(See under: Constitution of India, 1950) 1089

OATHS ACT, 1969:

ss. 4 and 5.

(See under: Evidence Act, 1872) 18

OPENING OF A NEW OR HIGHER COURSE OF STUDY OR TRAINING (INCLUDING POST-GRADUATE COURSE OF STUDY OR TRAINING) AND INCREASE OF ADMISSION CAPACITY IN ANY COURSE OF STUDY OR TRAINING (INCLUDING A POST-GRADUATE COURSE OF STUDY OR TRAINING) REGULATIONS, 2000:

(See under: Indian Medical Council Act, 1956) 449

PANCHAYATS:

(See under: Goa Panchayat Raj Act, 1984) 277

PENAL CODE 1860:

(1) ss. 147, 148, 341 and 302 - Conviction of two out of six accused - High Court acquitting one while confirming conviction of appellant - Held: Conviction justified - Evidence of sole eye-witness was reliable - Delay in registering the FIR did not cause any serious dent in prosecution case - Prosecution case that fatal injuries were caused by appellant-accused was supported by medical evidence and ocular evidence of the eye-witness - Appellant cannot be treated at par with the other accused - In view of the fact that deceased was assaulted by accused even prior to the incident s. 304 (Part-II) is not applicable - There is no scope to alter the sentence.

Arumugam v. State Rep. by Insp. of Police 1026

(2) s. 302.

(See under: Evidence Act, 1872) 18

(3) s.302 - Accused committing murder of his elder sister's son - Circumstantial evidence - Conviction and sentence of life imprisonment by courts below - Held: Trial court has rightly held that though the

two eye-witnesses turned hostile, their presence at the police station was admitted and correctness of the report given by one of them at the police station could not be questioned - SFL report supported the prosecution case - The fact that the dead body was found in the compound of accused is not in dispute - The overall consideration of the evidence available on record only substantiates the guilt of accused in the killing of deceased - Conviction and life sentence imposed by trial court and upheld by High Court does not call for any interference - Evidence - Testimony of hostile witnesses - Evidentiary value of related witnesses - Circumstantial evidence.

Polamuri Chandra Sekhararao @ Chinna @ Babji v. State of A.P. 581

(4) s.302 - Murder - Conviction and sentence of life imprisonment awarded by courts below - Held: The dying declaration made by deceased, evidence of eye-witness, recovery of knife at the instance of accused, serological report, evidence of the father of deceased that there was previous animosity between deceased and accused, make a complete chain of events, pointing unexceptionally towards the guilt of accused - Prosecution has proved its case beyond any reasonable doubt - There is no reason to interfere with concurrent judgments of conviction and order of sentence passed by courts below.

M. Sarvana @ K.D. Saravana v. State of Karnataka 592

(5) s.302 r/w s.34 - Murder - Conviction of appellant and two others u/s.302 r/w s.34 by trial court - High Court upholding the conviction of appellant

and acquitting others - Held: Merely because complainant had turned hostile, it cannot be said that the FIR lost all its relevancy - FIR stood corroborated by medical evidence and statements of other witnesses - Dying declaration was reliable and cogent - Besides dying declaration, there also existed other circumstances which supported the view in favour of guilt of appellant - Appellant cannot derive any benefit from acquittal of the other two accused as State did not prefer any appeal against the decision of High Court - Prosecution did not render any explanation as to how the appellant suffered injuries but the onus was still on the appellant to prove that his explanation was correct - Conviction of appellant upheld.

Bable @ Gurdeep Singh v. State of Chattisgarh Tr.P.S.O.P. Kursipur 517

(6) s.302 r/w s. 34, and ss. 201, 411 and 435 - Murder of four members of a family and theft of cash and jewellery - Dead bodies transported out in a car which was set on fire - Five accused including one domestic servant and his nephew (appellant) convicted - High Court acquitted two of them - Held: To the entire occurrence, there was no eye-witness but the attendant circumstances were fully established by the prosecution - The forensic expert as well as the neighbours and the Investigating Officers had seen the blood stained walls, the floor, having been washed with phenyl and acid, and various incriminating items seized in presence of witnesses after confessions of the accused - On the date of incident, accused had given different and conflicting versions not permitting entry of any one into the house - Presence of finger prints of

appellant in the house and particularly on almirah in the bedroom of deceased, remained unexplained - Recovery of incriminating articles, cash and jewellery belonging to deceased - Appellant not only failed to explain his conduct, but even gave incorrect and false answers - Conviction of appellant confirmed as the chain of circumstances undoubtedly points towards his guilt - Circumstantial evidence.

Munna Kumar Upadhyaya @ Munna Upadhyaya v. The State of Andhra Pradesh through Public Prosecutor, Hyderabad, Andhra Pradesh 611

(7) ss. 302/149 - Murder committed by members of an unlawful assembly - Conviction by trial court of 3 accused - High Court acquitting one of them but reversing acquittal of four more accused - Held: Prosecution has clearly established with ample evidence that two of the accused had murdered the deceased - Further, other four accused were members of the same assembly which has caused the murder - They had dragged the deceased after first assault and contributed in preventing him from escaping the assault - Therefore, they are guilty of murder along with the two others u/s 302 read with s. 149 IPC - Delay in registration of FIR, explained.

Krishnappa & Ors. v. State of Karnataka by Baballeshwara Police Station 1068

(8) ss. 302 and 376 - Rape and murder of a minor girl aged 5-6 years - Deceased last seen with accused by two witnesses - Medical evidence supporting prosecution case - Acquittal by trial court - Conviction by High Court - Held: Acquittal

order by trial court was illegal, unwarranted and was based on mis-appreciation of evidence as it gave undue weightage to unimportant discrepancies and inconsistencies which resulted in miscarriage of justice - High Court rightly interfered with acquittal order - Appeal against acquittal.

Ramesh Harijan v. State of U.P. 688

(9) ss. 302 and 376 r/w s. 511 - Accused causing death of a 9 year old girl by strangulation in an attempt to commit rape on her - Acquittal by trial court - Conviction by High Court - Life imprisonment awarded - Held: Medical report clearly says that the death was caused due to asphyxia as a result of throttling - From evidence of witnesses and medical evidence, only a singular view is possible that the accused had made an attempt to commit rape and he was witnessed while he was strangulating the child - Trial court had given unnecessary importance to absolutely minor discrepancies, but High Court has correctly treated such analysis to be perverse - Sentence/Sentencing - Appeal against acquittal - Evidence - Minor discrepancies.

Jugendra Singh v. State of U.P. 193

(10) ss. 302 and 460 r/w s. 34 and s. 25 of Arms Act - Sole eye-witness named one accused who in turn disclosed involvement of appellant and one other accused - After arrest of appellant, recovery of weapon at his instance - Conviction of appellant and other accused - High Court affirming the conviction of appellant, but acquitting the other accused - Held: Conviction u/s. 25 Arms Act was justified as recovery of weapon at the instance of

appellant was proved - However, conviction u/s. 302 and 460 r/w. s. 34 IPC not correct - No direct evidence to connect the appellant with the offences under IPC - Appellant was not identified by the eye-witness - The case built up by prosecution on the basis of circumstantial evidence did not prove involvement of appellant beyond all reasonable doubt - Other serious lapses on the part of prosecution not explained - Since proceedings against the named accused had abated and one other accused was acquitted, culpability of appellant should not have been determined with the aid of s. 34 IPC but on the basis of individual overt acts - There was no evidence as regards individual acts of the appellant.

Brijesh Mavi v. State of NCT of Delhi 803

(11) ss.302, 498A - Dowry death - Prosecution case that the victim committed suicide by taking pills/poison as she was harassed by appellant-husband and in-laws - Trial court found material inconsistencies in the deposition of prosecution witnesses and acquitted all the accused - High court upheld acquittal of in-laws, however, reversed order of acquittal of husband - Held: The version given by prosecution witnesses regarding demand of dowry by appellant did not find mention in the statement u/s.161 Cr.P.C. of either of the witnesses - FSL report did not support the case of prosecution, rather leaned towards defence taken by appellant - In such a fact-situation, defence taken by appellant in his statement u/s.313 Cr.P.C. plausible - Appellant entitled to benefit of doubt and acquitted.

Rohtash v. State of Haryana 62

(12) s.304 (Part-I) r/w s.34 - Conviction by courts

below - Held: There was no evidence to suggest any pre-meditation on the part of appellants to assault the deceased or to show that they intended to kill him - Both the courts below believed the prosecution case that the first appellant was exhorting the second appellant to assault the deceased and, therefore, rightly convicted him u/s.304 (Part-I) with the help of s.34 - A distinction has, however, to be made in the facts and circumstances of the case between the sentence awarded to first appellant who is over sixty five years old and that to be awarded to second appellant - In totality of the circumstances, a rigorous sentence of three years to first appellant and seven years to second appellant would meet the ends of justice - Sentence/Sentencing.

Bishnupada Sarkar & Anr. v. State of West Bengal 230

(13) s. 376 - Conviction and sentence by courts below on basis of testimony of prosecutrix - Held: When court finds it difficult to accept the version of the prosecutrix on its face value, it may search for evidence, direct or substantial, which may lend assurance to her testimony - On facts, it cannot be said that the prosecutrix was not knowing appellant prior to incident - Facts and circumstances, make it crystal clear that if the evidence of prosecutrix is read and considered in totality of the circumstances alongwith other evidence on record, in which the offence is alleged to have been committed, her deposition does not inspire confidence - Prosecution did not disclose the true genesis of the crime - Appellant entitled to the benefit of doubt - Conviction set aside.

Narender Kumar v. State (NCT) of Delhi 148

(14) s.376(2)(g) - Gang rape - Evidence of prosecutrix - Two accused convicted and sentenced by courts below - Held: Apart from a total variation in the version of prosecutrix as stated in the complaint, and as deposed before the court, the other two eye-witnesses, who were her niece and nephew, did not support the story of prosecution - Further, there is a total somersault in her cross-examination - There are prevaricating statements of prosecutrix herself in the implication of accused to the alleged offence of gang rape - There are material variations as regards the identification of the accused persons as well as the manner in which the occurrence took place - The recoveries failed to tally with the statements made - FSL report did not correlate the version alleged - In the absence of any other supporting evidence and corroboration, it will be unsafe to sustain the conviction and sentence imposed on the accused merely on the basis of solitary version of chief-examination of prosecutrix - Prosecution has miserably failed to establish the guilt of gang rape falling u/s. 376 (2) (g), against the accused - They are, therefore, acquitted.

Rai Sandeep @ Deepu v. State of NCT of Delhi 1153

(15) (i) ss. 376 and 376/120B - Minimum prescribed sentence - Conviction and sentence of 7 years of RI awarded by trial court to both the accused - High Court reducing the sentence to 5 years in case of main accused and to the period already undergone (11 months and 25 days) in case of co-accused - Held: Though High Court took note that awarding punishment lesser than the minimum sentence of 7 years was permissible

only for adequate and special reasons, no such reasons have been recorded by it for doing so - Such an order is violative of mandatory requirement of law and has defeated the legislative mandate - Sentences awarded by High Court set aside and seven years R.I. awarded by trial court restored.

(ii) s.376(1), proviso - Sentence less than the minimum - For "adequate and special reasons" - Held: Statutory requirement for awarding the punishment less than seven years is to record adequate and special reasons in writing - In order to impose punishment lesser than that prescribed in statute, there must be exceptional reasons relating to the crime as well as to criminal - In the context of sentencing process, special reasons must be 'special' to the accused in the facts and circumstances of the case in which the sentence is being awarded.

State of Rajasthan v. Vinod Kumar 1

(16) s.409 - Fair Price Shop dealer- Convicted and sentenced to six months RI for misappropriation of rice entrusted to him under Food for Work Scheme (FFWS) - Held: The evidence proves that there was entrustment of property of Government (rice under FFWS) to the accused-agent and the same was disbursed without proper coupons - Accused had dishonest intention not to distribute the rice properly to beneficiaries - He was rightly found guilty and convicted of the offence punishable u/s 409 - Evidence of hostile witness.

Sadhupati Nageswara Rao v. State of Andhra Pradesh 1143

(17) ss.467, 468, 471, 420 and 120B.
(See under Constitution of India, 1950) 534

PLEA:

New plea.
(See under: Representation of the People
Act, 1951) 851

PLEADINGS:

Denial of an averment - Held: An averment made
by appellant is expected to be specifically denied
by respondent - If there is no specific denial, then
such averment is deemed to have been admitted.

*Asha v. Pt. B.D. Sharma University of
Health Sciences & Ors.* 876

PRACTICE AND PROCEDURE:

(See under: Administration of Justice) 723

PRECEDENT:

(1) Reconsideration of a decision - Held: Judicial
discipline demands that a decision of a Division
Bench of two Judges should be followed by
another Division Bench of two Judges - No case
has been made out for reconsideration of the
decision of the Court in Assam Small Scale
Industries - Doctrine of stare decisis.

(Also see under: Interest on Delayed Payment
to Small and Ancillary Industrial Undertakings
Act, 1973)

*M/s Purbanchal Cables & Conductors Pvt.
Ltd. v. Assam State Electricity Board
& Another* 905

(2) (See under: Legal Services Authorities
Act, 1987) 1094

PREVENTION OF CORRUPTION ACT, 1988:

(1) (i) ss. 7 and 13(1)(d) r/w. s. 13(2) of 1988 Act
and s. 120B IPC - Demand and acceptance of
bribe - Trap - Seizure of tainted money -
Conviction and sentence of 2 years RI by trial
court - Confirmed by High Court - Held: Conviction
justified - Demand as well as acceptance of bribe
adequately proved - The trap was proved by
depositions of prosecution witnesses including
independent witnesses - Sentence reduced to 1
year in view of the fact that the accused lost their
services; the case was two decades old; accused
were suffering from serious ailments and had
already served six months imprisonment - Penal
Code, 1860 - s. 120B - Sentence/Sentencing.

(ii) ss. 7, 13 and 20 - Demand of illegal gratification
is sine qua non for constituting an offence under
the Act - Mere receipt of amount is not sufficient
to fasten the guilt, in absence of any evidence
with regard to demand and acceptance of the
amount as illegal gratification - The burden rests
on accused to displace the statutory presumption
raised u/s. 20 through direct or circumstantial
evidence that the money was accepted other than
as a motive or reward as referred to in s. 7 -
Court is required to consider the explanation of
accused, on the touchstone of preponderance of
probability and not on the touchstone of proof
beyond all reasonable doubt - Evidence -
Presumption.

Mukut Bihari & Anr. v. State of Rajasthan 710

(2) s.7 r/w s. 20 - Conviction - Recovery of tainted
money - Held: Statutory presumption u/s.20 can
be dislodged by the accused by bringing on
record some evidence, either direct or

circumstantial, that money was accepted by other than the motive or reward as stipulated u/s.7 - In the case at hand, the money was recovered from the pockets of the accused-appellants - A presumption u/s.20 became obligatory - There was no evidence on the basis of which it could be said that the presumption was rebutted - All the witnesses supported the case of prosecution - Therefore, conviction recorded by trial court as affirmed by High Court warrants no interference. (Also see under: Constitution of India, 1950)

Narendra Champaklal Trivedi v. State of Gujarat 165

PREVENTIVE DETENTION:

(See under: Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974) 307

PROSPECTIVE OPERATION:

(See under: Interest on Delayed Payment to Small and Ancillary Industrial Undertakings Act, 1973) 905

REFERENCE TO LARGER BENCH:

(See under: Service Law) 1047

REGISTRATION ACT, 1908:

(See under: Rent Control and Eviction) 984

RENT CONTROL AND EVICTION:

(1) Suit for ejection and resumption of possession of land filed on the ground of non-payment of rent - Held: Although plea was raised by defendants that execution of lease deed as well as payment of rent pursuant to the lease deed were under mistake of fact, no issue as such was

framed by trial court on whether the lease deed was executed by mistake of fact - This issue was an issue of fact but as the issue was not framed, parties could not adduce evidence and no finding as such was recorded by trial court on the said issue - Although an averment was made in the plaint that plaintiffs were owners of suit land, no relief for declaration of title as such was claimed by respondents - Only relief of eviction was sought in the plaint on the ground that the lease had not been renewed after 1986 and the rent had not been paid since 1986 - Therefore, this being not a suit for declaration of title and recovery of possession but only a suit for eviction, trial court, first appellate court and High Court were not called upon to decide the question of title - The findings of courts below on title are, therefore, set aside, but the decree for eviction is maintained - Defendants directed to vacate the suit land.

State of A.P. & Ors. v. D. Raghukul Pershad (D) by Lrs & Ors. 1176

(2) Suits for recovery of arrears - Decreed by trial court and first appellate court - In second appeal, High Court non-suited the land-lord on the ground that rent-deed was not registered and, as such, not admissible in evidence - Held: Since relationship of land-lord and tenant was established, and tenant had admitted the default, land-lord could not have been non-suited on the sole ground that rent-deed was not admissible in evidence - Admission of a party is the best evidence and does not need any corroboration - In view of second para of s. 107 of TP Act, status of parties on the basis of undisputed facts as land-lord and tenant can always be accepted and rights

of parties can be worked out on that basis - Decree modified as regards rent and total amount due - Transfer of Property Act, 1882 - s. 107 - Registration Act, 1908 - Evidence - Admission.

(Also see under: Hyderabad Houses (Rent, Eviction AND Lease) Control Act, 1954)

Ahmedsaheb (D) By Lrs. & Ors. v. Sayed Ismail 984

(3) Fixing of months rent.

(See under: Tamil Nadu Buildings Lease And Rent (Control) Act, 1960) 570

REPRESENTATION OF THE PEOPLE ACT, 1951:

(1) s. 83 and proviso to s. 83(1) - Election petition - Returned candidate seeking its dismissal in limine on the ground that it did not disclose cause of action - High Court refusing to dismiss the petition in limine - In the appeal, new plea that the petition was liable to be dismissed as it was not supported by affidavit in terms of proviso to s. 83(1) - Held: High Court was right in refusing to dismiss the petition in limine - The petition discloses a cause of action and gives rise to triable issues - The petition also contained statement of material facts as required u/s. 83 - The plea of absence of affidavit in terms of proviso to s. 83(1) cannot be permitted to be raised before Supreme Court for the first time - Also, the absence of affidavit in a given format by itself does not cause any prejudice to returned candidate and the defect is curable - Breach of proviso to s. 83(1) is not a valid ground for dismissal of an election petition at the threshold - Format of affidavit is not a matter of substance - In view of the fact that electoral process is vulnerable to

misuse, courts should not adopt a technical approach towards resolution of electoral disputes - Code of Civil Procedure, 1908 - O. 7 r. 11 - Conduct of Election Rules, 1961 - r. 94 (1) r/w Form 25 - Plea - New plea - Interpretation of Statutes.

Ponnala Lakshmalah v. Kommuri Pratap Reddy & Ors. 851

(2) Election petition - Seeking declaration that nomination papers filed by returned candidate were improperly and illegally accepted - Dismissed by High Court - Held: Any departure from prescribed format for disclosure of information about dues, if any, payable to financial institutions or government will not be of much significance, especially when declaration made by returned candidate in his affidavit clearly stated that no such dues were recoverable from him - Departure from the format was not of a substantial character on which nomination papers of returned candidate could be lawfully rejected by returning officer - Election petitioner was required to not only allege material facts relevant to such improper acceptance, but further to assert that election of returned candidate had been materially affected by such acceptance - There was no such assertion in the petition - Order passed by High Court upheld.

Shambhu Prasad Sharma v. Shri Charandas Mahant & Ors. 356

REVIEW:

Review - Scope of - Land Acquisition - Award of compensation by Supreme Court - Review petition against judgment of Supreme Court on the ground

that it was based on sale deed which was not genuine since the sale transaction had taken place between two corporate entities controlled by same management and the land was overvalued with oblique motive - Held: The documents placed on record, neither singularly nor collectively supported petitioner's plea that management of the two companies, i.e., the vendor and the vendee, was under control of the same set of persons or that the vendee had paid unusually high price with some oblique motive - No case was made out for exercise of power under Art. 137 r/w O.47, r.1, CPC - Constitution of India, 1950 - Arts. 137 and 145 - Code of Civil Procedure, 1908 - O.47, r.1 - Land Acquisition.

Haryana State Industrial Development Corporation Ltd. v. Mawasi & Ors. etc.etc. 237

SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST ACT, 2002: s.17-A.

(See under: Constitution of India, 1950) 1089

SENTENCE / SENTENCING:

(1) Appeal against acquittal.

(See under: Penal Code, 1860) 193

(2) Conviction and sentence of six months RI with fine awarded to Fair Price Shop dealer u/s 409 IPC - Held: Courts cannot take lenient view in awarding sentence on the ground of sympathy or delay, particularly, if it relates to distribution of essential commodities under any Scheme of the Government intended to benefit the public at large - There is no ground for reduction of sentence.

(Also see under: Penal Code, 1860)

Sadhupati Nageswara Rao v. State of Andhra Pradesh 1143

(3) Conviction of accused-appellants (i) u/s.302 IPC alongwith life imprisonment; (ii) u/s.2/3 of Gangsters Act alongwith 10 years rigorous imprisonment and (iii) u/s.27 of Arms Act alongwith 7 years rigorous imprisonment - Conviction affirmed by both High Court and Supreme Court - Held: Considering the fact that trial court had awarded life sentence for offence u/s.302, IPC, in view of s.31, Cr.P.C., it is clarified that all the sentences imposed under IPC, Gangsters Act and Arms Act would run concurrently - Code of Criminal Procedure, 1973 - s.31.

Ramesh Chilwal @ Bombayya v. State of Uttarakhand 558

(4) Punishment for attempt to commit rape on a 9 year old girl and causing her death - Held: Rape or an attempt to rape is a crime not only against an individual but a crime which destroys the basic equilibrium of the social atmosphere - The consequential death of a child is more horrendous and has a devastating effect on her family and, in the ultimate, eventuates on the collective at large - The cry of the collective has to be answered and respected and that is what exactly High Court has done by converting the decision of acquittal to that of conviction and imposing the sentence as per law.

(Also see under: Penal Code, 1860)

Jugendra Singh v. State of U. P. 193

(5) Punishment u/s 376 IPC - Held: Punishment should always be proportionate / commensurate to the gravity of offence - Religion, race, caste, economic or social status of the accused or victim are not the relevant factors for determining the quantum of punishment - Court has to decide punishment after considering all aggravating and mitigating factors and circumstances in which the crime has been committed - Conduct and state of mind of accused and age of victim and gravity of criminal act are the factors of paramount importance - Court must exercise its discretion in imposing the punishment objectively considering the facts and circumstances of case - Legislature introduced the imposition of minimum sentence by amendment in IPC w.e.f. 25.12.1983, therefore, courts are bound to bear in mind the effect thereof.

(Also see under: Penal Code, 1860)

<i>State of Rajasthan v. Vinod Kumar</i>	....	1
(6) (See under: Constitution of India, 1950)	....	165
(7) (See under: Penal Code, 1860)	....	230
(8) (See under: Prevention of Corruption Act, 1988)	....	710

SERVICE LAW:

(1) Appointment / Recruitment / Selection:

(I) Appointment on deputation - Post of Director, AICTE - Offer of appointment to appellant - Withdrawal of - Held: High Court failed to appreciate the difference between "appointment on deputation" and "transfer on deputation" - The case of appellant is of appointment on deputation - A person, who applies for appointment on deputation has

indefeasible right to be treated fairly and equally and once such person is selected and offered appointment on deputation, the same cannot be cancelled except on ground of non-suitability or unsatisfactory work - Appellant has a right to join the post and respondents were bound to accept his joining.

Ashok Kumar Ratilal Patel v. Union of India and Anr. 545

(II) Compassionate appointment:

(i) Held: Appointments on compassionate ground have to be made in accordance with rules, regulations or administrative instructions taking into consideration financial condition of family of deceased and cannot be claimed as a matter of right - Applicant cannot claim appointment in a particular class/group of post - On facts, the Scheme provided that in case the family gets more than Rs. 3 lakhs, dependent of deceased would not be eligible for employment on compassionate ground - Retiral / terminal benefits received by family exceeding Rs.3 lakhs, thus, respondent not eligible to be considered for appointment.

Union of India & Anr. v. Shashank Goswami & Anr. 98

(ii) Period of limitation for making application for compassionate appointment - Held: In view of the statutory rules and Para 19 of G.O. dated 24.5.1999, application for compassionate appointment has to be made within two years from date of death of Government servant - In the case of minors, permissible period for making application is

three years from the date the minor attains majority - An application for appointment on compassionate basis has to be made within the period stipulated for the purpose - Availability of vacancy has nothing to do with the making of the application itself - Kerala Education Act - Kerala Education Rules - rr. 9A and 51B - G.O. dated 24.5.1999.

Shreejith L. v. Deputy Director (Education)
Kerala & Ors. 427

(2) Misconduct - Disciplinary proceedings - Initiation of - Competent Authority - Held: Removal and dismissal of a delinquent on misconduct must be by the authority not below the appointing authority - However, it does not mean that disciplinary proceedings may not be initiated against delinquent by an authority lower than appointing authority - It is permissible for an authority, higher than appointing authority to initiate proceedings and impose punishment, in case he is not the appellate authority so that the delinquent may not lose the right of appeal - In other case, delinquent has to prove as to what prejudice has been caused to him - Constitution of India, 1950 - Art. 311.

The Secretary, Min.of Defence & Ors. v. Prabhash Chandra Mirdha 182

(3) Seniority - Delay in making claim for seniority - Effect of - Held: Claim for seniority is to be put forth within a reasonable period of time otherwise interest of third parties may get ripened - The acts done during the interregnum are however important factors and should not be lightly brushed aside - It becomes an obligation to take into

consideration the balance of equity in entertaining the petition or declining it on the ground of delay and laches - In the case at hand, appellants neither in their initial rounds before the Tribunal nor before Jammu and Kashmir High Court ever claimed appointment with retrospective effect - Appellants had slept over their rights and eventually approached the tribunal after quite a span of time - In the meantime, beneficiaries of Punjab and Haryana High Court were promoted to higher posts - To put the clock back at this stage and disturb seniority position would be extremely inequitable - Tribunal and High Court correctly declined to exercise their jurisdiction - Delay and laches - Equity.

Vijay Kumar Kaul and Others v. Union of India and Others 128

(4) Termination/Dismissal/Removal from service/ Discharge:

(i) Termination from service - Bank employee - Served with charge-sheets and also prosecuted in criminal case - Conviction by trial court - Employee terminated from service - Acquittal by appellate court on benefit of doubt - Employee placed under suspension, and on conclusion of inquiry, his services terminated - Held: In the instant case, Clause 19.3(d) of Bi-Partite Settlement, 1966 is applicable - Clause 19.3(d) read along with Notice dated 2.7.2001, makes it clear that the employee stood reinstated w.e.f. 21.7.1999, i.e. the date on which he was originally dismissed from service, and deemed to be continuing under suspension since then and, as such, was entitled to

subsistence allowance and not the full pay and allowances - Bi-partite Settlement, 1966 - Clause 19.3(c), 19.3(d), 19.5(d) and 19.5(j).

Sushila Tiwary and Others v. Allahabad Bank and Others 561

(ii) Termination - Constable in police department - Concealing certain relevant facts which he was called upon to disclose at the time of his selection - Termination of his service - Whether the termination on the ground of concealment justified - Conflicting views on the issue in various judgments of Supreme Court - Matter referred to Larger Bench for authoritative pronouncement on the issue.

Jainendra Singh v. State of U.P. Tr. Prinl. Sec. Home & Ors. 1047

SPECIFIC RELIEF ACT, 1963:

s. 20 - Held: Jurisdiction to grant specific performance is discretionary - In view of conduct of plaintiff, bereft of required materials as mandated by statutory provisions, plaint is liable to be rejected, as cause of action pleaded in plaint is vitiated - Code of Civil Procedure, 1908 - O.7, r. 11.

Church of Christ Charitable Trust & Educational Charitable Society, Represented by its Chairman v. M/s Ponniamman Educational Trust Represented by its Chairperson/ Managing Trustee 404

STAMP ACT, 1899:

Article 45(d) of Schedule 1-A [as introduced by Stamp (Madhya Pradesh Amendment) Act, 2002] - Constitutional validity of - Test of classification -

Power of Attorney to sell/transfer immovable property - Article 45(d) prescribing stamp duty on market value of property when power of attorney given without consideration to a person other than the kith and kin - Distinction carved out in Article 45(d) between an agent who was a blood relation and who was an outsider - Held: Classification between blood relative and outsider not without any rationale - It has a direct nexus to the object of the Act - The legislative idea behind Article 45(d) was to curb tendency of transferring immovable properties through power of attorney and inappropriate documentation - In effect, by bringing in the law, State Legislature sought to levy stamp duty on such ostensible document, the real intention of which was transfer of immovable property - Constitution of India, 1950 - Art. 14.

State of M.P. v. Rakesh Kohli & Anr. 661

STANDING ORDERS:

Standing Order No. 1/89.

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) 823

SUIT:

Fraudulent suit - Suits for permanent injunction and possession - Based on an earlier compromise decree - Held: All facets of fraud get attracted to the case at hand - A rustic and illiterate woman is taken to court by a relation on the plea of creation of a lease deed and magically in a hurried manner plaint is presented, written statement is drafted and filed, statement is recorded and a decree is passed within three days - It not only gives rise to a doubt but indicates that there is some kind of foul play - However, the trial judge who decreed

the first suit did not look at these aspects as also the requirement of O. 10, r.1, CPC - The judgment is vitiated by fraud - When the subsequent suits were filed, courts below routinely followed the principles relating to consent decree and did not dwell deep to find out how fraud was manifestly writ large - The foundation was a family arrangement, which was not bona fide - Impugned judgments and decrees set aside - As a natural corollary, judgment and decree in first suit also set aside - Code of Civil Procedure, 1908 - O.10, r. 1 and O. 15, r. 1.

Smt. Badami (D) By her L.R. v. Bhali 75

SUPREME COURT RULES, 1966:

O. 40 - Review Petition - Double murder - Magistrate took cognizance and issued process to informant-husband and petitioner-wife for committing murder of their daughter and the servant and also for tampering with the evidence - Revision petition challenging the order of Magistrate dismissed by High Court - Special leave petition dismissed - Review petition - Held: The review petition is uncalled for - Petitioner has not pointed out any error in the order of which the review was sought but with the order of Magistrate - This amounts to misuse of jurisdiction of Supreme Court - Petitioner cautioned against frivolous litigation - Administration of Justice - Code of Criminal Procedure, 1973 - ss. 190 and 204 - Constitution of India, 1950 - Art. 137.

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

Nupur Talwar v. Central Bureau of Investigation & Anr. 723

TAMIL NADU BUILDINGS LEASE AND RENT (CONTROL) ACT, 1960:

ss. 4(2) to 4(4) - Fixing of monthly rent - Non-residential premises - Held: In view of sub-ss.(2) to (4) of s.4, market value of the site on which the building is constructed is an important factor to be taken into consideration for fixing fair rent of building - In the cases in hand, it was not open to appellate authority to ignore market value of adjacent land already determined by Rent Controller, on ground of pendency of an appeal - Matter remitted to appellate authority for determination of limited issue relating to market value of land on which building premises are situated, taking into consideration evidence on record and market value of adjacent land as was determined by Rent Controller - The findings of appellate authority with respect to 'classification of building', 'depreciation', 'plinth area', 'construction charges' and of basic amenities of the building as affirmed by High Court are upheld.

V.S. Kanodia Etc. Etc. v. A.I.Muthu (D) Thr. Lrs. & Anr. 570

TAMIL NADU COURT FEES AND SUITS VALUATION ACT, 1955:

ss.4, 5, 12 - Held: No document which is chargeable with a fee under the Act shall be acted on by any court or any public office unless the appropriate fee payable under the Act in respect of such a document is paid - When a document on which court fee is payable is received in any court or public office, though the whole or any part of the appropriate court fee payable on such document has not been paid, either because of a mistake or inadvertence of the court, the court, in

its discretion, may allow payment of deficit court fee within such time as may be fixed - Upon such payment, such document "shall have the same force and effect" as if the court fee had been paid in the first instance - Indisputably, the expression "document" takes within its sweep a plaint contemplated under the Code of Civil Procedure, 1908 - Court Fees Act, 1870.

(Also see under: Code of Civil Procedure, 1908 and Court Fees Act, 1870)

A. Nawab John & Ors. v. V.N. Subramaniam 369

TAX / TAXATION:

Constitutional validity of taxation law - Scope of Judicial review - Guiding principles stated viz. (i) presumption in favour of constitutionality of a law made by Parliament or State Legislature, (ii) no enactment can be struck down by just saying that it is arbitrary or unreasonable or irrational, unless some constitutional infirmity found, (iii) Court is not concerned with the wisdom or unwisdom, the justice or injustice of the law as Parliament and State Legislatures are supposed to be alive to the needs of the people whom they represent, (iv) hardship is not relevant in pronouncing on constitutional validity of a fiscal statute or economic law and (v) in the field of taxation, Legislature enjoys greater latitude for classification - Interpretation of Statutes - Fiscal statute.

State of M.P. v. Rakesh Kohli & Anr. 661

TRANSFER OF PROPERTY ACT, 1882:

(1) (i) s.52 - Pendente lite purchaser's application for impleadment - Held: Should normally be allowed or considered liberally.

(ii) s.52 - Effect of - Held: Effect of s.52 is not to render transfers effected during pendency of a suit by a party to the suit void but only to render such transfers subservient to rights of parties to such suit, as may be, eventually, determined.

A. Nawab John & Ors. v. V.N. Subramaniam 369

(2) s. 107.
(See under: Rent Control and Eviction) 984

WITNESSES:

Hostile witness - Evidentiary value - Held: Evidence of hostile witness cannot be discarded as a whole - Relevant parts thereof which are admissible in law, can be used - Evidence.

Ramesh Harijan v. State of U.P. 688

WORDS AND PHRASES:

'Document'.

(See under: Tamil Nadu Court Fees and Suits Valuation Act, 1955) 369

WORKMEN'S COMPENSATION ACT, 1923:

ss. 3 and 4-A - Liability to pay compensation and interest on delayed payment - Relevant date - Held: Is the date of accident and not the date of adjudication of the claim nor the date of filing of claim petition - Compensation becomes payable as soon as the injury is caused.

The Oriental Insurance Co. Ltd. v. Siby George & Ors. 1079

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OF
JUDGES OF THE SUPREME COURT OF INDIA**

(From 08.05.2012 to 09.08.2012)

Hon'ble Mr. Justice G.S. Singhvi, Judge, Supreme Court of India was on leave for 15 (fifteen) days w.e.f. 26.07.2012 to 09.08.2012, on full allowances.

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**ERRATA
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988	12 from bottom	Nos. 148/1992	Nos.148/1992, <u>149/1992</u>
1159	8	<u>Shubham, Aggarwal,</u>	<u>Shubham, Aggarwal,</u>

JUDGES OF THE SUPREME COURT OF INDIA

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27. Hon'ble Mr. Justice Madan B. Lokur



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