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MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU



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IN A WELFARE STATE, RIGHT TO PROPERTY IS A HUMAN RIGHT AS WELL BESIDES BEING A CONSTITUTIONAL RIGHT UNDER ARTICLE 300A: SUPREME COURT

In a landmark judgment reaffirming the sanctity of property rights in a welfare state, the Supreme Court ruled that individuals cannot be deprived of their land without fair and adequate compensation. A bench comprising Justices Bhushan R. Gavai and K.V. Viswanathan emphasized that while the right to property is no longer a fundamental right, it remains a constitutional right under Article 300A and a human right in a welfare state.

The case revolved around the long-pending compensation claims of landowners whose properties were acquired for the Bengaluru-Mysuru Infrastructure Corridor Project (BMICP) in Karnataka. The petitioners, who had purchased residential plots in Gottigere village between 1995 and 1997, had their lands acquired in 2003 under the Karnataka Industrial Areas Development Act, 1966. However, despite taking possession of the land, state authorities failed to finalize compensation for over two decades, compelling the landowners to repeatedly approach the courts.

The Supreme Court, invoking past precedents such as *Vidya Devi v. State of Himachal Pradesh* (2020) and *Ultra-Tech Cement Ltd v. Mast Ram* (2024), strongly criticized the delay in compensating the landowners. The bench held that such delays violate the constitutional scheme of Article 300A and undermine the principles of a welfare state. "The delay in payment of compensation is not just unfair but an outright violation of the rule of law," the court noted.



Advocate R. Chandrachud, representing the landowners, pointed out that more than 21 years had passed since the preliminary notification, yet the rightful compensation remained unpaid. The Supreme Court acknowledged the severe injustice caused by this delay, noting that what the landowners could have bought with their compensation in 2003 is far beyond reach in 2025. Criticizing the Karnataka government and its agencies, including the Karnataka Industrial Areas Development Board (KIADB), for their "lethargic attitude," the court emphasized that landowners should not have to continuously seek judicial intervention for what is rightfully theirs. The ruling reiterated that while the state has the power to acquire land under the principle of eminent domain, it carries the obligation to ensure prompt and fair compensation.

In a significant move, the Supreme Court invoked its extraordinary powers under Article 142 of the Constitution to shift the valuation date of the land from 2003 to 2019. "Awarding compensation based on 2003 market value would be a travesty of justice and make Article 300A meaningless," the bench observed. The court directed the Special Land Acquisition Officer (SLAO) to determine compensation based on the 2019 market value and ensure statutory benefits under the 1894 Land Acquisition Act. This judgment sets a strong precedent for ensuring that landowners are not left in financial limbo due to bureaucratic inertia.

With this ruling, the Supreme Court has once again underscored the importance of protecting property rights and ensuring that state authorities act with fairness and efficiency when acquiring private land. The verdict is expected to have far-reaching implications on similar pending land acquisition cases across the country.

Read More:

- <https://www.hindustantimes.com/india-news/right-to-property-is-a-human-and-constitutional-right-sc-101735844271693.html>
- <https://economictimes.indiatimes.com/news/india/right-to-property-a-constitutional-right-says-supreme-court/articleshow/116906886.cms?from=mdr>

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SUPREME COURT DIRECTS CENTRAL GOVERNMENT TO IMPLEMENT CASHLESS TREATMENT SCHEME FOR ROAD ACCIDENT VICTIMS

In a landmark ruling, the Supreme Court of India has directed the Central Government to expedite the formulation of a scheme for providing cashless treatment to victims of motor vehicle accidents. The Division Bench, comprising Justices Abhay S. Oka and Augustine George Masih, mandated that the scheme, as required under Section 162(2) of the Motor Vehicles Act, 1988 (MV Act), must be finalized by March 14, 2025, without any further extensions.

The Court emphasized that Section 162 of the MV Act, which mandates the creation of a scheme for cashless treatment during the "golden hour," is essential to upholding the right to life enshrined in Article 21 of the Constitution. The "golden hour"—defined under Section 2(12-A) of the MV Act—refers to the crucial first hour following a traumatic injury in a motor accident, during which timely medical intervention can significantly improve survival chances.

Despite the statutory obligation, the Central Government has yet to implement the required scheme, even though ample time has been available since the introduction of the relevant provisions on April 1, 2022. The Court sternly noted that delays in providing cashless treatment have cost many lives, as victims often face barriers such as hospitals awaiting police clearance or concerns over treatment costs.

Recognizing the urgent need for intervention, the Court reiterated that every human life is precious and that financial concerns should not obstruct timely medical care. Under Section 162(1), insurance companies operating in India are required to fund the treatment of road accident victims, including care during the golden hour, as per the scheme that is yet to be framed.

The Court also acknowledged the creation of the Central Motor Vehicles (Motor Vehicle Accident Fund) Rules, 2022, under Section 164-B of the MV Act. While the fund is in place to support cashless treatment, its utility remains unfulfilled without the implementation of a comprehensive scheme.

Additionally, the Court addressed the backlog of 921 pending claims as of July 31, 2024, instructing the General Insurance Corporation (GIC) to process claims



based on the seven key documents it had submitted before the Amicus Curiae.

The Central Government has been directed to submit a copy of the framed scheme to the Court by March 21, 2025, along with an affidavit from the Ministry of Road Transport and Highways outlining its implementation strategy. This ruling underscores the judiciary's commitment to ensuring timely and life-saving medical care for road accident victims across India.

Read More:

- <https://economictimes.indiatimes.com/news/india/frame-policy-on-cashless-treatment-for-motor-accident-victims-supreme-court-to-centre/articleshow/117060419.cms?from=mdr>
- <https://www.livelaw.in/top-stories/frame-cashless-treatment-scheme-for-road-accident-victims-during-golden-hour-by-march-14-supreme-court-directs-centre-280355>

IMPROPER REJECTION OF JUVENILITY CLAIM EVEN IN SC'S CURATIVE JURISDICTION NOT FINAL; FRESH PLEA CAN BE RAISED : SUPREME COURT

The Supreme Court has ordered the release of a prisoner who had been incarcerated for nearly 25 years after determining that he was a juvenile at the time of the offence in 1994.

A bench comprising Justice MM Sundresh and Justice Aravind Kumar found that the convict was only 14 years old when the offence was committed. The Court emphasized that a plea of juvenility, if not properly considered in earlier proceedings, can be raised afresh.

The Court noted that in previous rounds of litigation, including at the Supreme Court, there was no proper adjudication on the plea. It held that a wrongly adjudicated juvenility plea cannot be considered final, allowing the convict to raise the issue again.

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The plea of juvenility allows accused persons to argue that they were minors at the time of the offence and, therefore, should not have been tried as adults in regular courts. The Supreme Court's ruling underscores the importance of following due process in juvenility determinations and ensures that such claims are properly adjudicated before being dismissed.

This judgment reaffirms the principle that juvenile justice laws must be applied retrospectively to protect the rights of individuals who were minors at the time of the alleged offence.

Read More:

- <https://lawstreet.co/judiciary/after-25-yrs-in-jail-in-1994-triple-murder-case-sc-finds-convict-as-juvenile-orders-release>
- <https://www.livelaw.in/top-stories/improper-rejection-of-juvenility-claim-even-in-scs-curative-jurisdiction-not-final-fresh-plea-can-be-raised-supreme-court-280421>

INSENSITIVE SOCIETY HOMICIDE: MADRAS HIGH COURT PROVIDES RS 10 LAKHS IN COMPENSATION FOR THE DEATH OF A MANUAL SCAVENGER

The Chennai Metropolitan Water Supply & Sewerage Board was ordered by the Madras High Court to compensate the family of a manual scavenger who lost his life while cleaning an underground sewer without any safety equipment with Rs 10 lakh. The Bench emphasized in the epilogue that the city's callous society is committing homicide when its residents carelessly shove anything down the drains and sewers. Justice D. Bharatha Chakravarthy's single-judge bench declared that the fourth respondent is

bound to pay the compensation. In this instance, the authorities should not have let the victim's father visit the labour commissioner to request compensation after the employee died from manual scavenging. The authorities should have agreed to pay the compensation right away, even if a petition is filed at that point.

The Bench further stated that proactive measures should have been taken to summon the petitioner and compensation should have been granted even in the event that the petitioner did not show up. It was incredibly unjust to all of the respondents. It goes without saying that the fourth respondent may always file a lawsuit against its own contractor to recover all or a portion of the damages this Court has awarded if the second respondent contractor has failed to fulfill his end of the bargain by failing to provide protective gear, etc.," the statement continued.

The Bench further noted that the only dependents eligible to receive compensation were the two sisters and the two young children who were the other deceased sister's offspring. Additionally, on the day of the death, they were all unmarried and living with the deceased's family as dependents. As a result, the Bench granted the deceased's dependents Rs 10 lakh in compensation, granting the petition.

The Bench cited Mahatma Gandhi's remarks in the epilogue. "It is simple to place the blame on the authorities. The callous society is committing manslaughter when we, the city's residents, carelessly shove everything into the drains and sewers. It came to the conclusion, "How many more lives do we want to lose before realizing that we need to keep our drains and sewers as clean as the arteries that supply blood to our brains?"

Read More:

- <https://www.livelaw.in/high-court/madras-high-court/madras-high-court-compensation-manual-scavenging-homicide-by-society-280318#:~:text=The%20Madras%20High%20Court%20has,doing%20manual%20scavenging%20in%202000.>
- <https://www.barandbench.com/news/litigation/madras-high-court-10-lakh-compensation-manual-scavenger-died-24-years-ago>



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SUPREME COURT CLARIFIES SCOPE OF SECTION 306 IPC ON ABETMENT OF SUICIDE

In *Mahendra Awase v. State of Madhya Pradesh* (2025 SCC OnLine SC 107), the Supreme Court of India adopted a strong position opposing the haphazard application of Section 306 IPC in situations involving suspected suicide abetment. In this case, the Madhya Pradesh High Court's ruling to deny the appellant's discharge from proceedings under Section 306 IPC was appealed.

The deceased was discovered hanging from a tree, on December 31, 2022, and a formal complaint was filed. According to a suicide note found at the site, the appellant had harassed the victim over loan repayment. Citing pressure from the appellant, witnesses claimed that the dead had been disturbed for months. In light of this, the trial court framed charges under Section 306 IPC and filed a chargesheet. Both the trial court and the High Court denied the appellant's appeal for discharge.

A bench comprising Justices Abhay S. Oka and K.V. Viswanathan held that the casual invocation of Section 306 IPC must be avoided. The Court noted that for an offence under Section 306 IPC to be established, there must be clear abetment, such as instigation or an intentional act facilitating suicide. Mere hyperbolic exchanges or financial disputes do not constitute instigation. The Court also questioned the delay of over two months in the FIR's registration, raising doubts about the case's credibility.

The Court also cited earlier rulings that highlight that comments said in rage without a specific aim to incite suicide cannot be regarded as abetment, in the case *M. Mohan v. State* (2011) 3 SCC 626 and *Ramesh Kumar v. State of Chhattisgarh* (2001) 9 SCC 618.

According to the Supreme Court, there were insufficient reasons in this case to file charges under Section 306 IPC. It advised trial courts to use prudence and chastised lower courts for formulating allegations in a robotic manner. As a result, the proceedings against the appellant were invalidated and the appeal was granted.

Read More:

- <https://www.scconline.com/blog/post/2025/01/18/section306-ipc-hyperbole-exchange-instigation-commit-suicide-sc-legal-news/>

SUPREME COURT STRESSES CAUTION IN GRANTING AD-INTERIM ANTICIPATORY BAIL

The Supreme Court recently reaffirmed that courts must exercise caution while granting ad-interim anticipatory bail, as such reliefs carry significant legal implications. The bench comprising Justice J.B. Pardiwala and Justice R. Mahadevan disapproved of the Punjab & Haryana High Court's decision, which allowed the accused to join the investigation while the anticipatory bail plea was pending and directed their release on ad-interim bail in case of arrest.

The appeal was filed by the informant challenging the High Court's order, contending that the ad-interim relief granted to the accused was essentially equivalent to granting anticipatory bail, which is impermissible. The Supreme Court found merit in this argument and held that such interim reliefs should not amount to final relief while the anticipatory bail application is pending.

The Court clarified that when a High Court hears an anticipatory bail plea, it has three options: outright rejection, issuing notice without granting interim protection, or issuing notice with appropriate protection. However, in the present case, the Court disapproved of the nature of the ad-interim relief, as it effectively granted the final relief sought.

The ruling referenced *Srikant Upadhyay & Ors. v. State of Bihar & Anr.* (2024), wherein the Court underscored the importance of judicial discretion in granting anticipatory bail. It was observed that



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interim protection in serious cases might obstruct investigations and lead to miscarriage of justice. While the provision safeguards individual liberty, courts must exercise caution to prevent potential misuse.

Read More:

- <https://www.livelaw.in/supreme-court/supreme-court-advises-caution-while-granting-ad-interim-anticipatory-bail-281013>
- <https://www.verdictum.in/court-updates/supreme-court/deepak-aggarwal-v-balwan-singh-anr-special-leave-to-appeal-crl-no-175042024-1564984>

SUPREME COURT REINFORCES PRINCIPLES FOR EVALUATING CIRCUMSTANTIAL EVIDENCE

The Supreme Court of India has reiterated the significance of circumstantial evidence in obtaining convictions in a recent judgement. The decision came in Abdul Nassar v. State of Kerala case, where the court underlined that such evidence needs to be carefully examined to make sure that every connection in the sequence of events clearly indicates the accused's guilt. The Supreme Court highlighted essential principles for assessing circumstantial evidence in criminal cases.

A complete and unbroken chain of evidence is required to establish guilt. Any missing link or alternative interpretation calls for reasonable doubt, necessitating acquittal. Exclusion of alternate hypothesis is crucial. Prior to assuming guilt, every alternative explanation must be ruled out. Any reasonable alternative must be thoroughly considered before a conviction is made. Consistency with guilt is fundamental. Accused's innocence must be entirely contradicted and unequivocally supported by the chain of evidences.

Trustworthiness of Witness Testimony is essential. Statements from witnesses must be reliable, consistent, and devoid of inconsistencies. Circumstantial evidence is strengthened by Forensic and Scientific Confirmation. To increase credibility, the evidence should be backed up by forensic analysis, such as DNA testing and medical records.

This decision demonstrates the judiciary's dedication to making sure that convictions only take place in cases where the circumstantial evidence is strong,

coherent, and beyond a reasonable doubt. The Supreme Court upholds due process and ensures justice by strengthening the legal framework controlling such matters by enforcing strict evaluation criteria. To satisfy judicial standards, legal practitioners must be thorough in gathering evidence, forensic validation, and meticulous case-building.

Read More:

- <https://www.livelaw.in/top-stories/principles-to-evaluate-circumstantial-evidence-in-criminal-cases-supreme-court-explains-280771>
- <https://www.drishtijudiciary.com/current-affairs/guidelines-on-circumstantial-evidence>

SUPREME COURT CLARIFIES PRESUMPTION UNDER SECTION 113B OF EVIDENCE ACT IN DOWRY DEATH CASES

The Supreme Court, in a recent judgment delivered on January 9, underscored that the presumption under Section 113B of the Indian Evidence Act cannot be invoked without clear evidence of incessant harassment in connection with dowry. The Court, while acquitting an accused of cruelty and abetment of suicide, held that in the absence of such evidence, Section 113B cannot be automatically applied.

Section 113B states that when it is shown that a woman was subjected to cruelty or harassment for dowry soon before her death, the Court shall presume that the accused caused the dowry death. However, the bench comprising Justices J.B. Pardiwala and R. Mahadevan emphasized that mere allegations without substantive proof do not suffice to invoke this presumption.

The case pertained to a man convicted under Sections 306 (abetment of suicide) and 498-A (cruelty by husband or relatives) of the IPC, as well as provisions of the Dowry Prohibition Act. The prosecution alleged that the deceased, due to harassment from her in-laws, committed suicide by self-immolation. While both the Trial Court and the High Court upheld the conviction, the Supreme Court found "practically no evidence" linking the appellant to the act.

Distinguishing between Sections 113A and 113B, the Court noted that under Section 113A, the Court may presume abetment, whereas under Section 113B, such presumption arises only upon cogent evidence of harassment. Thus, the conviction was overturned in the absence of substantive proof.

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- <https://www.livelaw.in/supreme-court/supreme-court-apply-section-113b-of-the-indian-evidence-act-clear-evidence-incessant-harassment-essential-280896#:~:text=The%20Supreme%20Court%20on%20January,for%20incessant%20harassment%20is%20essential.>
- <https://www.verdictum.in/court-updates/supreme-court/presumption-of-dowry-death-and-abetment-of-suicide-2025-insc-71-ram-pyarey-v-state-of-uttar-pradesh-1564908>

BOMBAY HIGH COURT QUASHES FIR OVER LACK OF EVIDENCE AND PROCEDURAL LAPSES

In *X v. State of Maharashtra*, 2025 SCC OnLine Bom 91, decided on 10-01-2025, the Bombay High Court recently quashed an FIR filed under Sections 498-A, 323, 504, 506 read with Section 34 of the Indian Penal Code, 1860 (IPC), citing vague allegations and lack of substantive evidence. The Division Bench comprising Justices Vibha Kankanwadi and Rohit W. Joshi observed that the accusations lacked specificity and that the statements of witnesses were merely copy-pasted, raising serious concerns over the integrity of the investigation.

The case involved a criminal application under Section 482 of the Code of Criminal Procedure, 1973 (CrPC), seeking the quashing of an FIR lodged by a woman against her husband and six of his family members. The complainant alleged that after three months of marriage, she was subjected to taunts about her rural background and lack of cooking skills. Further, she claimed that her husband and in-laws demanded Rs. 5,00,000 to secure his permanent employment and threatened her with dire consequences when she failed to meet their demand. The High Court scrutinized the FIR and witness statements and found them to be excessively vague.

It noted that the complainant had failed to provide essential details regarding the alleged incidents, including specific dates and circumstances. The FIR did not clarify how all seven accused could have simultaneously engaged in taunting, and there was no explanation for why the married sister-in-law and her husband were residing at the complainant's marital home. The allegations regarding monetary demands were not accompanied by specific incidents of coercion or abuse. The statements of witnesses were identical, including punctuation and font style, indicating a lack of independent verification by the Investigating Officer (IO).

The Court strongly criticized the police for failing to conduct a diligent investigation, highlighting that the IO failed to interview neutral witnesses, such as neighbours of the marital home, relying instead on statements from the complainant's relatives. The cut-and-paste nature of witness statements pointed to non-application of mind, and the charge sheet did not differentiate between accused persons based on their level of involvement, potentially subjecting innocent individuals to unwarranted trial.

In light of these findings, the Court ruled that the case lacked the fundamental ingredients required to constitute offenses under Sections 498-A, 323, 504, and 506 of the IPC. To prevent unnecessary harassment of the accused, it exercised its powers under Section 482 of the CrPC to quash the FIR and the criminal proceedings arising from it. This ruling underscores the judiciary's commitment to ensuring that criminal proceedings are not weaponized through vague and unsubstantiated allegations while serving as a stern reminder to law enforcement agencies about the importance of conducting thorough, unbiased, and meticulous investigations.



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Read More:

- <https://www.sconline.com/blog/post/2025/01/20/mer-e-statement-that-wife-cannot-cohabit-with-husband-unless-she-brings-amount-without-any-action-not-harassment-bhc/>

SUPREME COURT REINFORCES STRICT PROOF REQUIREMENTS FOR WILLS

In *Chinu Rani Ghosh v. Subhash Ghosh and ors*, 2024 SCC OnLine SC 4070. The Supreme Court recently ruled on the validity of a Will, emphasizing the distinction between attestation by a witness and attestation by a scribe. The Division Bench of Justices B.V. Nagarathna and N. Kotiswar Singh observed that an attesting witness confirms the execution of a Will at the request of the testator under Section 63 of the Succession Act, 1925, while a scribe merely drafts or records the document without fulfilling the same legal requirements. The case involved a dispute over land originally allotted by the State Government and later divided among family members. The central issue was the validity of an unregistered Will dated 15-05-1995, purportedly executed by K, who died issueless in 2001. The plaintiffs and defendants, her legal heirs, disputed ownership of the land, leading to a suit for partition.

The Trial Court ruled in favor of the plaintiffs, holding that the Will had not been proved as per Section 68 of the Evidence Act, 1872, read with Section 63 of the Succession Act, 1925. The court noted that the defendant failed to establish the presence of attesting witnesses and that the scribe's testimony lacked credibility. The High Court, however, overturned this decision, holding the Will to be legally valid. This led to the present appeal before the Supreme Court. Upon reviewing the evidence, the Supreme Court observed that Defence Witness 3, an attesting witness, failed to specify whether other attesting witnesses were present at the time of execution, nor did he provide crucial details regarding the Will's attestation. Defence Witness 1, the propounder of the Will, also failed to name the attesting witnesses or provide details about its execution. Moreover, Defence Witness 2, the scribe, lacked any apparent connection to the testator and his testimony was found untrustworthy.

Given these inconsistencies, the Court concluded that the Will had not been proven in accordance with the statutory requirements, and its execution was surrounded by suspicious circumstances that had not been adequately explained. The Supreme Court, therefore, set aside the Tripura High Court's decision and restored the Trial Court's ruling, affirming that the plaintiffs were entitled to a 1/6th

share in the disputed properties. The ruling reinforces the necessity of strict adherence to legal requirements for proving Wills, ensuring that testamentary documents are executed and attested properly.

Read More:

- <https://www.sconline.com/blog/post/2025/01/16/will-attesting-witness-purpose-distinct-attesting-scribe-sc-legal-news/>

DELHI HIGH COURT DENIES ANTICIPATORY BAIL IN DOWRY HARASSMENT CASE

In *Bilal Ansari v. State*, 2025 SCC OnLine Del 155, decided on 14-01-2025, the Delhi High Court recently ruled on an anticipatory bail application filed under Section 482 of the Nagarik Suraksha Sanhita, 2023, concerning charges under Sections 498-A, 406, and 34 of the Penal Code, 1860, along with Sections 3 and 4 of the Dowry Prohibition Act, 1961.

Justice Swarana Kanta Sharma observed that a narrow interpretation of Section 498-A, requiring hospitalization or visible injuries to establish cruelty, would undermine the purpose of the law. The case involved allegations of dowry harassment, financial exploitation, and physical abuse following a marriage solemnized on February 25, 2022, under Muslim customs. The complainant alleged that her husband and in-laws subjected her to persistent harassment and demands for additional dowry, including a Fortuner car



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and Rs. 25,00,000 in cash. When her family provided Rs. 5,25,000 and other valuables, the abuse allegedly continued, culminating in an incident where she was pushed down the stairs and subsequently forced out of her matrimonial home.

The Court noted the serious nature of the allegations, including the retention of the complainant's personal belongings and her husband's remarriage without consent. The husband contended that he had the right to remarry and that he had lawfully sold the car given in dowry, as it was registered in his name. The Court rejected these arguments, emphasizing that such claims perpetuated harmful dowry practices. Furthermore, the Court stated that the accused's failure to return dowry articles, refusal to support his wife and child, and non-cooperation in the investigation weakened his case for bail. The Court dismissed the argument that cruelty under Section 498-A required hospitalization, stating that mental, emotional, and financial abuse were equally significant. Allowing such reasoning would silence victims and perpetuate cycles of abuse, contradicting the intent of the law.

Considering the severity of the accusations, the accused's misleading statements before the Trial Court, and his non-compliance with investigative procedures, the Court found no grounds to grant anticipatory bail. It ruled that the accused's actions, including his remarriage while his child was less than a year old and his persistent demands for dowry, reflected a disregard for legal obligations. Consequently, the Court dismissed the bail application, reinforcing the legal safeguards against dowry-related cruelty and domestic abuse.

Read More:

- <https://www.scconline.com/blog/post/2025/01/20/considering-hospitalisation-as-pre-requisite-to-invoke-s-498a-ipc-erodes-purpose-of-provision-dhc/>

SUPREME COURT GRANTS ANTICIPATORY BAIL TO WIFE ACCUSED OF ABETTING HUSBAND'S SUICIDE

In a recent ruling, the Indian Supreme Court granted anticipatory relief to a wife who was charged with aiding and abetting her husband's suicide in accordance with Section 306 of the Indian Penal Code (IPC). The bench that decided the case, Mamta Kaur v. State of Punjab (2025) SCC OnLine SC 53, included Justices Bela M. Trivedi and Prasanna B. Varale.

It had been about a year and a half since the couple's marriage. The wife and their six-month-old daughter had relocated to her parents' house due to persistent arguments. The husband killed himself during this time. The wife was then charged under Section 306 IPC for allegedly aiding and abetting his suicide.

The wife was exempt from additional prison interrogation since she had actively engaged in the investigation, according to the Supreme Court. The bench underlined that where the accused cooperates with the inquiry and custodial confinement is not required, anticipatory bail is appropriate.

The Supreme Court gave the accused wife anticipatory bail in light of the circumstances, emphasizing how crucial it is to protect individual liberty when the accused is assisting the legal system.

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- <https://www.scconline.com/blog/post/2025/01/17/sc-grants-anticipatory-bail-to-wife-accused-of-abetting-husband-suicide-legal-news/>

DELHI HIGH COURT AFFIRMS EQUAL PROTECTION AGAINST CRUELTY FOR MEN

The Delhi High Court has passed an important judgment asserting that men should be afforded similar protection against cruelty and violence as women. This order came in a case in which the husband sought redress for alleged physical and mental cruelty inflicted by his wife.

Justice Swarana Kanta Sharma, who presided over the case, raised her caution against gender bias in the interpretation of laws regarding domestic violence. The court observed that while women may have been historically the victims of such offenses, men also endure cruelty and deserve protection under the law. The judgment held that each passing act should not encounter the law depending on the fetal form of gender but rather on the injured parties' nature fairly and justly.

The husband alleged that he experienced physical abuse and mental torture, causing him to suffer great pain and agony. After considering the evidence, the Court held that cruelty may not be gender-centric. It took the stance that mutual respect is warranted in any marital union and that no one should suffer to be the victim of domestic violence in the name of companionship.

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Thereafter, the judgment took into its ambit the general societal belief that men cannot be victims of domestic cruelties. The Court has called for an attitudinal change with both the law and society so that the protections against domestic abuse are gender-neutral. This judgement could set some important precedents in the future and challenges the availability of legal remedies to men subjected to cruelty in marriage.

By reaffirming that men are also victims of domestic violence, and mental cruelty, the Delhi High Court reinstates the need for fair and balanced protection by law. This judgment is a step toward gender-neutral justice and seeks to address society for the recognition of domestic abuse in all its forms.

Case: Jyoti alias Kittu v. The State Govt of NCT of Delhi [2025] LiveLaw (Del) 86.

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- <https://www.barandbench.com/news/men-also-face-cruelty-marriage-entitled-legal-safeguards-as-women-delhi-high-court>

BOMBAY HIGH COURT RULES THAT USE OF LOUDSPEAKERS IS NOT ESSENTIAL TO RELIGION

The Bombay High Court ruled in a recent judgment that the use of loudspeakers for religious prayers is not an essential practice of any religion and cannot be claimed as a fundamental right. The judgment was delivered upon hearing the petitions challenging the restrictions placed on loudspeakers in religious places.

The Court stated that, as it doesn't count as a liberal allowance by law, no one would ever be able to claim an absolute and unfettered right over the use of loudspeakers in the name of religion. It recognized: "Though Article 25 of the Indian Constitution stands for the right of a person to profess and propagate the religion, this right remains subjected to public order, morality, and health. Permission will have to be secured from the authorities before using loudspeakers and amplifiers subject to rules on noise pollution."

Restriction on using loudspeakers won't harm the exercise of freedom of religion but on the contrary, would serve the larger cause of public peace and tranquility. The judgment is in line with earlier apex court judgments emphasizing the necessity to regulate noise pollution, with special emphasis on places of worship and other public domains.

This order is likely to have an effect on the various communities regarding their use of loudspeakers and impacts the secularism in India, which is intrinsically based on the liberal balancing of the exercise of religious freedoms and civic obligations. This judgment reaffirms the State's power to curb noise pollution in such a way that would ensure that religious practices do not disturb public order.

Case: Jaago Nehru Nagar Residents Welfare Association v. Commissioner of Police [2025] LiveLaw (Bom) 31.

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- <https://www.barandbench.com/news/use-loudspeakers-not-essential-practice-any-religion-bombay-high-court>

SUPREME COURT RULES ON MAINTAINABILITY OF ARTICLE 32 PETITIONS AGAINST HIGH COURT JUDGMENTS

In a landmark judgment, the Supreme Court of India ruled that a petition filed under Article 32 of the Constitution cannot be used to challenge a judgment of the High Court. The ruling came while dismissing a petition seeking recourse under Article 32 against an order passed by the High Court.

The Court pointed out that Article 32 was aimed at enforcing the fundamental rights directly against action by the State and was not to be used as a remedy for appeal against High Court decisions. The adequate remedy in such cases was to approach the Supreme Court under Article 136 by way of a special leave petition (SLP). The bench remarked that if Article 32 petitions were allowed against High Court orders, it would create an alternative layer of appeals not mandated within the legal framework.

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The ruling aligns with the hierarchy of judicial principles, bearing out that High Court's decisions can only be challenged through a set form of appellate remedies. The Court noted that allowing Article 32 petitions would have led to the opening of the flood gates for frivolous litigation which would in turn compromise the utility for the Supreme Court as abscribed in the constitutional roles joining in.

In reiterating the limited scope of Article 32, the judgment strengthens judicial discipline and rules of procedure, ensuring that litigants take the right legal route while appealing High Court judgments.

Case: Vimal Babu Dhumadiya v. The State of Maharashtra [2025] LiveLaw (SC) 140.

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SUPREME COURT DIRECTS PRESERVATION OF POLLING CCTV FOOTAGE IN VOTER INCREASE CHALLENGE

The Supreme Court has directed the Election Commission to preserve the CCTV footage of the polling stations amid a legal challenge against the increase in

the maximum limit per booth. The case questions the Election Commission's recent order to increase the number of voters from 1,200 to 1,500.

A Bench headed by the CJI, hearing a PIL concerning the same, stressed on maintaining electoral transparency. All video footage from the polling booths, unchanged, was ordered to be preserved, at par with previous elections. The order came while hearing the plea of the Election Commission in seeking more time to file its response.

The Court had further asked the ECI to explain what measures would be taken to handle situations in cases where the number of voters surpasses the new limit. A different PIL had also challenged a new amendment in the election rules that prohibit public access to CCTV footage in polling stations.

The current petition argues that the decision to increase the number of voters per booth is not based on sufficient grounds. The Petitioners are concerned about the effect that this change will have on the independence and fairness of the voting process.

The Supreme Court remains clear that it wants the tapes of the polling to be maintained in the public domain, reaffirming its commitment to uphold transparency, and accountability of elections.

Case: Indu Prakash Singh v. Election Commission of India and Anr [2025] LiveLaw (SC) (Diary No. 49052-2024)

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- <https://www.livelaw.in/top-stories/supreme-court-directs-election-commission-to-preserve-cctv-recordings-of-pollings-in-plea-challenging-increase-of-voters-per-booth-282563>
- <https://indianexpress.com/article/india/sc-hears-plea-against-increasing-voter-numbers-asks-ec-to-ensure-cctv-footage-of-voting-is-not-erased-9809990/>

