



THE CIVIL AND CRIMINAL JUSTICE CELL, NATIONAL LAW INSTITUTE
UNIVERSITY BHOPAL



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU



VOL - 04 || ISSUE - 11

MAY 2025

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

HIGHLIGHTS

Bail Should Be Normally Granted For Offences Under S 132 CGST Act Unless Extraordinary Circumstances Exist: Supreme Court

PG. 05

High Court Cannot Reject A Plaint While Exercising Article 227 Power: Supreme Court

PG. 07

Penetrative Act By One Can Implicate All If There's Common Intention; Need Not Prove Rape By All: Supreme Court

PG. 08



'Creating Fake Order Is Contempt Of Court': Supreme Court Upholds Conviction Of Litigant Who Forged HC Order

PG. 13

S.362 CrPC Can Be Used Only To Correct Clerical Errors: Supreme Court Criticises Allahabad HC For Modifying Murder Conviction

PG. 14



ccjc.nliu



ccjc@nliu.ac.in



PRAKHAR (JOINT CONVENOR)
9981222168



ANIKET NIGHOJKAR (JOINT CONVENOR)
6261407841

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

CHIEF PATRON

PROF.(DR.) S. SURYA PRAKASH

Vice Chancellor, National Law Institute University, Bhopal

PATRON

ASSISTANT PROFESSOR MS. DIVYA SALIM

Faculty Advisor, Civil and Criminal Justice Cell

EDITOR-IN-CHIEF

MR. PRIYANSHU DANU

Secretary, Civil and Criminal Justice Cell

DEPUTY EDITOR

MR. AMAN GARG

AUTHORS

RUJUTA BAPAT

ARCHIT YADAV

BIKRAM MANHAS

TECHNICAL BOARD

JAHNAVI TIWARI

BIKRAM MANHAS

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

REASONABLE ACCOMMODATION NOT CHARITY BUT FUNDAMENTAL RIGHT: SUPREME ALLOWS AIIMS ADMISSION FOR CANDIDATE WITH DISABILITY

In a landmark ruling, the Supreme Court has set aside a Delhi High Court order and directed the admission of a meritorious candidate with benchmark disabilities to the MBBS program at AIIMS, New Delhi. The case, *Kabir Paharia v. National Medical Commission*, addressed the critical issue of systemic discrimination against persons with disabilities (PwBD) in medical education admissions.

The appellant, Kabir Paharia, who has congenital deformities in both hands and a foot, performed exceptionally well in the NEET UG 2024 examination, securing a high rank (176) in the Scheduled Castes-PwBD category. Despite his academic excellence, he was deemed ineligible to pursue a medical course by multiple medical boards based on the National Medical Commission (NMC) guidelines. Both a single judge and a division bench of the Delhi High Court upheld this disqualification.

The Supreme Court, however, took a different view. It initially directed the constitution of a new five-member medical board at AIIMS to reassess the appellant's disabilities, with a specific mandate to consider the principles of "assistive devices" and "reasonable accommodation" established in previous judgments. The new board's report, submitted to the Supreme Court, concluded that while the appellant faced "minor challenges" in putting on sterilized gloves, he "satisfactorily" demonstrated all other skilled techniques required of a doctor, such as suturing, intravenous cannulation, and chest compressions.



Based on this report, the Supreme Court found the denial of admission to be "grossly illegal, arbitrary and violative of the appellant's fundamental rights." It highlighted that a candidate with a much lower rank than the appellant had already been granted a seat at AIIMS under the same reserved category, further underscoring the injustice.

Given that the 2024-2025 academic session was well underway, the Court did not order his immediate admission. Instead, it directed that the appellant be allocated a seat at AIIMS, New Delhi, in the MBBS UG 2025 course, without having to retake the NEET UG examination.

Beyond the individual case, the Supreme Court issued a broader directive to the National Medical Commission. It instructed the NMC to revise its guidelines within two months to align with the principles of the Rights of Persons with Disabilities Act, 2016, and the Court's precedents. The judgment stressed that "reasonable accommodation is not a matter of charity but a fundamental right" and that authorities must eliminate systemic discrimination and avoid making decisions based on "stereotypical assumptions" about a person's capabilities.

Case: *Kabir Paharia v National Medical Commission & Ors* (2025) INSC 623 (SC)

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

Read more:

1.<https://www.livelaw.in/top-stories/reasonable-accommodation-not-charity-but-fundamental-right-supreme-allows-aiims-admission-for-candidate-with-disability-291310>

2.<https://www.sconline.com/blog/post/2025/05/07/reasonable-accommodation-fundamental-right-sc-directs-admission-mbbs-aspirant-pwbd-quota-aiims/>

BAIL SHOULD BE NORMALLY GRANTED FOR OFFENCES UNDER S 132 CGST ACT UNLESS EXTRAORDINARY CIRCUMSTANCES EXIST

The Supreme Court of India has recently reiterated a foundational principle of criminal jurisprudence that bail should be the norm and jail an exception, in the context of offences under the Goods and Services Tax (GST) regime. Through several key rulings, the apex court has provided crucial guidance on the grant of bail for offences punishable under Section 132 of the Central Goods and Services Tax (CGST) Act, 2017, emphasising the need for a cautious and judicious approach by lower courts.

In a significant pronouncement, the Supreme Court expressed surprise and concern over the denial of bail to an accused at all levels, including the High Court, in a case where a charge sheet had been filed and the accused had been in custody for several months. The bench, comprising Justices Abhay S. Oka and Ujjal Bhuyan, in the matter of *M/s. Vineet Jain v. Union of India* underscored that for offences under Section 132, which are often based on documentary evidence, bail should ordinarily be granted unless "extraordinary circumstances" exist. This principle is particularly relevant given that the maximum punishment for many of these offences is five years, and the cases are triable by a Judicial Magistrate. The court clarified that the nature of the evidence being documentary significantly reduces the risk of tampering or witness influence, thereby favouring the grant of bail. Furthermore, the judiciary has been highly critical of the practice of imposing onerous bail conditions that

transform a bail order into a mechanism for revenue recovery. In a separate case, the Supreme Court deprecated the condition imposed by a High Court that required an accused to deposit a substantial amount for the grant of bail, stating that such conditions are not permissible. The court's stance is that bail is a matter to be decided on legal merits and should not be used as a tool to coerce tax payments. Revenue recovery, the court has emphasised, must follow the specific procedures laid down under the GST law, such as demand and recovery proceedings, and not be circumvented through the imposition of disproportionate bail conditions.

These judgments collectively establish a clear judicial position: while the power of arrest for GST offences is upheld, its exercise must be reasonable and subject to stringent safeguards. The principle of the presumption of innocence and an individual's right to liberty must be the guiding force. The courts have effectively cautioned against the misuse of arrest and prolonged detention as instruments of investigation or a means of enforcing compliance, thereby reinforcing the constitutional rights of the accused within the framework of the GST law.

Case: *Vineet Jain v Union of India*
MANU/SCOR/38321/2025 (SC)

Read more:

1.<https://www.livelaw.in/supreme-court/gst-bail-should-be-normally-granted-for-offences-under-s-132-cgst-act-unless-extraordinary-circumstances-exists-supreme-court-290909>

2.<https://updates.manupatra.com/roundup/contentsummmary.aspx?iid=48834>

POWER TO RECALL WITNESS VESTS WITH COURT, PARTIES CANNOT DO WITHOUT COURT'S LEAVE: SC

The Supreme Court, in the case of *Shubhkaran Singh v. Abhayraj Singh & Ors.*, has delivered a definitive ruling on the scope and application of Order XVIII Rule 17 of the Code of Civil Procedure (CPC). The Court clarified that the power to recall a witness is a prerogative of the trial court itself, to be used sparingly and for the sole purpose of clarifying ambiguities in the evidence, not to serve the interests of the parties.

The case originated from a civil suit where the appellant Shubhkaran Singh, sought to challenge the orders of the High Court of Madhya Pradesh,



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

which had rejected his application to recall a witness. The appellant had argued that recalling the witness was necessary for further examination.

The Supreme Court bench, comprising Justices J.B. Pardiwala and R. Mahadevan, affirmed the High Court's decision and laid down the following principles:

The power under Order XVIII Rule 17 is for the Court, not the parties. The Court emphasized that the language of the rule—"The Court may at any stage of a suit recall any witness"—vests this power solely in the judge. Its primary objective is to enable the court to seek clarification on a point of evidence or to remove an ambiguity that may hinder a just decision. It is not a right available to a party to re-examine or cross-examine a witness to fill in gaps in their case. The provision is not a procedural tool for filling lacunae. The Court explicitly stated that the rule is not intended to be a mechanism for parties to address their own negligence or omissions. The purpose of the power is to aid the court in the proper conduct of the case and to ensure a comprehensive understanding of the facts, not to provide an opportunity for a party to strengthen a weak case.

Leave of the Court is a prerequisite for cross-examination. The judgment highlights that when a court recalls a witness and poses questions, a party is not automatically entitled to cross-examine that witness on the answers given. Any such cross-examination can only be done with the express leave of the court, a principle also reflected in Section 165 of the Indian Evidence Act.

Inherent powers under Section 151 CPC may be used in exceptional circumstances. While reaffirming the limitations of Order XVIII Rule 17, the Court acknowledged that a party may, in exceptional cases, seek the recall of a witness by invoking the court's inherent powers under Section 151 of the CPC. However, this is only permissible when it is necessary for the ends of justice and cannot be used routinely. By dismissing the appeal, the Supreme Court has underscored the importance of procedural discipline and the finality of evidence once a witness has been examined. The judgment serves as a clear guide for trial courts, reinforcing that the power to recall witnesses is a judicial tool for ensuring justice, not a tactical maneuver for litigants to prolong proceedings.

Case: *Shubhkaran Singh v Abhayraj Singh & Ors* (2025) INSC 628 (SC)

Read more:

1. <https://www.livelaw.in/supreme-court/order-xviii-rule-17-cpc-power-to-recall-witness-vests-with-court-parties-cannot-do-without-courts-leave-supreme-court-291407>

2. <https://www.drishtijudiciary.com/current-affairs/order-xviii-rule-17-of-cpc>

SUITS CAN BE DISMISSED SUO MOTU UNDER ORDER XII RULE 6 CPC BASED ON PLAINTIFF'S ADMISSIONS: SC

The Supreme Court has made a significant clarification on the scope of Order XII Rule 6 of the Code of Civil Procedure (CPC), holding that courts are empowered to dismiss a suit based on admissions made by the plaintiff themselves. This ruling broadens the traditional application of the provision, which is typically used to grant a decree in the plaintiff's favor based on the defendant's admissions.

The judgment, delivered by a bench of Justices Sanjay Karol and Manmohan in the case of *Saroj Salkan v. Huma Singh & Ors.*, affirmed that a court's discretionary power under Order XII Rule 6 is not limited to passing decrees but also extends to dismissing a suit where the plaintiff's own admissions reveal that their claim has no valid cause of action. Crucially, the Court emphasized that this power can be exercised suo motu—on its own motion—at any stage of the proceedings, without the need for a formal application from the defendant.

The case centred on a partition suit filed by Saroj Salkan for a share in five properties. The trial court had dismissed the suit under Order XII Rule 6, finding that the plaintiff's own pleadings and admissions from previous litigation negated her claim. For instance, the plaintiff had admitted that one of the properties was a gallantry award, which legally makes it a self-acquired asset and not a part of a Hindu Undivided Family (HUF) as she had claimed. The High Court upheld this dismissal.

In its final judgment, the Supreme Court upheld the decisions of the lower courts. It relied on its own recent precedent in *Rajiv Ghosh v. Satya Narayan Jaiswal* to reinforce the principle that the court has a robust power to dismiss a suit based on a plaintiff's self-defeating



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

admissions. This ruling is a powerful tool for judicial efficiency, allowing courts to swiftly dispose of litigation that is fundamentally flawed by the plaintiff's own case, thereby preventing the waste of judicial time and resources on non-meritorious claims.

Case: *Saroj Salkan v Huma Singh & Ors* (2025) LiveLaw (SC) 538

Read more:

- 1.<https://www.livelaw.in/supreme-court/suits-can-be-dismissed-suo-motu-under-order-xii-rule-6-cpc-based-on-plaintiffs-admissions-supreme-court-291446>
- 2.<https://www.verdictum.in/court-updates/supreme-court/saroj-salkan-v-huma-singh-2025-insc-632-order-xii-rule-6-cpc-1576518>

HIGH COURT CANNOT REJECT A PLAINT WHILE EXERCISING ARTICLE 227 POWER: SUPREME COURT

In a significant ruling, the Supreme Court has held that a High Court, while exercising its supervisory jurisdiction under Article 227 of the Constitution, cannot reject a plaint. The Court emphasised that this power is limited to ensuring subordinate courts and tribunals act within their jurisdiction and cannot be used to usurp the original jurisdiction of a trial court.

The judgment, delivered by a bench of Justices Pamidighantam Sri Narasimha and Joymalya Bagchi in the case of *K. Valarmathi & Ors. v. Kumaresan*, arose from a dispute over land. The appellants had filed a civil suit seeking a declaration of title, but the respondent approached the High Court under Article 227, seeking to have the plaint rejected as being barred by the Prohibition of Benami Property Transactions Act. The High Court granted this prayer, leading to the present appeal.

The Supreme Court found the High Court's action to be procedurally flawed. Justice Bagchi, writing for the bench, underscored that the Code of Civil Procedure (CPC) provides a specific and exhaustive mechanism for the rejection of a plaint under Order VII Rule 11. An order rejecting a plaint is a "deemed decree" that is appealable under Section 96 of the CPC. The Court concluded that the High Court's intervention bypassed this statutory scheme and effectively substituted itself as the court of first instance. Thereby denying the appellants their valuable right to a statutory appeal. The judgment also delivered a strong message against procedural shortcuts.

It noted that procedural law forms the "legal infrastructure" of the rule of law.

The Court criticised the "undesirable propensity of an overburdened judiciary" to adopt hasty outcomes, stating that such impulses subvert the certainty and consistency of law and should be discouraged.

By setting aside the High Court's order, the Supreme Court reaffirmed the separation of powers and the importance of adhering to established legal procedures. The Court clarified that the plea for plaint rejection must first be addressed by the trial court, leaving the matter open for consideration there.

Case: *K Valarmathi v Kumaresan* (2025) INSC 606 (SC)

Read more:

- 1.<https://www.livelaw.in/supreme-court/k-valarmathi-vs-kumaresan-high-court-cannot-reject-a-plaint-while-exercising-article-227-power-290934>
- 2.<https://www.scconline.com/blog/post/2025/05/02/hc-exercising-supervisory-jurisdiction-art227-reject-plaint-sc-legal-news/>

DISPUTE OVER FULL & FINAL SETTLEMENT IS ARBITRABLE DESPITE PARTIES DISCHARGING CONTRACT : SC

The Supreme Court has delivered a significant judgment on the arbitrability of disputes arising from "full and final" settlements, holding that an arbitration agreement remains valid even if the original contract is discharged by a settlement, particularly if the settlement itself is challenged on grounds of coercion or duress.

In the case of *Arabian Exports Private Limited v. National Insurance Company Ltd.*, a bench of Justices Abhay S. Oka and Ujjal Bhuyan set aside an order of the Bombay High Court and referred the dispute to arbitration. The High Court had earlier rejected the company's request for arbitration, reasoning that by accepting payment and signing a discharge voucher, the company had fully and finally settled its claim.

However, the Supreme Court took a different view. The appellant company, Arabian Exports, had argued that it was forced to sign the undated and standardized discharge voucher under "financial duress" due to an inordinate delay in the settlement of its insurance claim and immense pressure from its bankers and creditors.

The Supreme Court's ruling rests on a fundamental principle of arbitration law: the doctrine of Kompetenz-Kompetenz, which states that an arbitral tribunal is

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

competent to rule on its own jurisdiction. The Court clarified that the existence of a signed discharge voucher does not automatically extinguish the right to arbitration. If a party alleges that such a settlement was executed under coercion, fraud, or undue influence, that very dispute is an arbitrable one.

Citing precedents like *Vidya Drolia v. Durga Trading Corporation* and *SBI General Insurance Co. Ltd. v. Krish Spinning*, the Court reiterated that a court's role at the pre-arbitration stage (under Section 11 of the Arbitration and Conciliation Act, 1996) is limited to a prima facie determination of the existence of an arbitration agreement. It is not the court's job to conduct a mini-trial on the merits of the coercion claim. That function, the Court held, belongs squarely to the arbitral tribunal.

By allowing the appeal and appointing an arbitrator, the Supreme Court has reinforced the pro-arbitration stance of Indian jurisprudence. The judgment makes it clear that the issue of economic duress is a valid ground for challenging a settlement and that such a dispute must be adjudicated by the arbitral tribunal, not dismissed by a court on a preliminary assessment.

Case: *Arabian Exports Pvt Ltd v National Insurance Co Ltd* (2025) INSC 630 (SC)

Read more:

1. <https://www.livelaw.in/supreme-court/dispute-over-full-final-settlement-is-arbitrable-despite-parties-discharging-contract-supreme-court-291447>

2. <https://www.juriscorp.in/signed-sealed-still-disputed-arbitration-follows-full-final-settlement/>

PENETRATIVE ACT BY ONE CAN IMPLICATE ALL IF THERE'S COMMON INTENTION; NEED NOT PROVE RAPE BY ALL: SC

The Supreme Court, in the case of *Raju@Umakant & Ors. vs. State of Madhya Pradesh*, has provided a crucial clarification on the legal principle of "common intention" as it applies to offences of gang rape. The Court affirmed that even if a penetrative act is committed by only one of the accused, all individuals present with a shared common intention to commit the crime will be held equally liable for the offence.

A bench comprising Justices Sanjay Karol and K.V. Vishwanathan delivered the judgment, which upheld the conviction of the accused. The Court's reasoning centred on the interpretation of Section 376(2)(g) and Section 376D of the Indian Penal Code (IPC), which defines gang rape. The provision mandates that when a woman is subjected to a penetrative sexual act by one or more people,

acting in furtherance of their common intention, each person is deemed to have committed gang rape.

The ruling emphasised that the law does not require every single member of the group to individually perform a penetrative act to be found guilty of gang rape. The key determinant is the existence of a common intention. The Court highlighted that common intention is often inferred from the circumstances, the conduct of the accused, and the roles they play in the commission of the crime. In this particular case, the evidence established that all three accused were part of the group that abducted and confined the victim, showing a clear common objective to commit the offence. The fact that one of the accused committed the penetrative act while the others participated by holding the victim and providing support was sufficient to prove a shared criminal intent.

This judgment reinforces the legal position that active participation in a gang rape, even without a direct penetrative act, carries the same criminal culpability. It serves as a strong deterrent and ensures that all individuals who act in concert to commit such a heinous crime are held equally accountable, thereby preventing a narrow interpretation of the law from undermining justice for victims.

Case: *Raju v State of Madhya Pradesh* (2025) INSC 615 (SC)

Read more:

1. <https://www.livelaw.in/supreme-court/raju-umakant-vs-state-of-madhya-pradesh-gang-rape-penetrative-act-by-one-can-implicate-all-if-theres-common-intention-291011>

2. <https://www.scconline.com/blog/post/2025/05/05/penetrative-act-sufficient-convict-all-gang-furtherance-common-intention-sc/>



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

HIGH COURT MAY GRANT ARTICLE 227 INTERIM RELIEF IN ARBITRATION PROCEEDINGS IN EXCEPTIONAL CASES: SC

The Supreme Court has addressed a procedural dispute stemming from an arbitration petition, directing a Commercial Court to expeditiously decide on a plea to restrain the encashment of a bank guarantee. In its ruling, the Court opted not to delve into the complex legal questions regarding the scope of a High Court's supervisory jurisdiction and the appealability of interim arbitration orders, leaving those issues open for future adjudication.

The case, *M/s Jindal Steel and Power Ltd. & Anr. v. M/s Bansal Infra Projects Pvt. Ltd. & Others*, involved a work order for a construction project. Jindal Steel had terminated the contract due to alleged poor performance and sought to encash a bank guarantee provided by Bansal Infra. Bansal Infra, in turn, filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996 with a Commercial Court, seeking an ex parte injunction to prevent the encashment.

The Commercial Court rejected the ex parte injunction and issued notice to Jindal Steel. Challenging this decision, Bansal Infra approached the Orissa High Court through a writ petition under Article 227 of the Constitution. The High Court, as an interim measure, stayed the encashment of the bank guarantee, provided that Bansal Infra extended its validity.

Jindal Steel appealed to the Supreme Court, arguing that the High Court should not have exercised its supervisory jurisdiction under Article 227, as an equally effective remedy was available under Section 37 of the Arbitration Act. They also contended that the High Court improperly interfered with the invocation of an unconditional bank guarantee.

The Supreme Court, while acknowledging the established principle that courts generally should not interfere with bank guarantees, chose to focus on the practicalities of the ongoing litigation. The Court noted that the High Court's order was an interim measure and that Bansal Infra had already extended the bank guarantee's validity, causing no immediate prejudice to Jindal Steel.

Given that the core matter was a Section 9 petition already pending before the Commercial Court, the Supreme Court directed the Commercial Court to conclude its proceedings and pass a final order within eight weeks. The Court also ordered that the bank guarantee remain active until the Commercial Court's decision.

By doing so, the Supreme Court ensured that the arbitral process would proceed without delay, while sidestepping the intricate legal questions raised on appeal.

Case: *M/s Jindal Steel and Power Ltd & Anr v M/s Bansal Infra Projects Pvt Ltd & Ors* (2025) INSC 640 (SC)

Read more:

1. <https://www.livelaw.in/supreme-court/high-court-may-grant-article-227-interim-relief-in-arbitration-proceedings-in-exceptional-cases-supreme-court-291570>

2. <https://amlegals.com/interim-relief-against-encashment-of-bank-guarantee-can-be-granted-by-high-court-under-article-227-under-exceptional-cases/>

COGNIZANCE OF OFFENCE UNDER S.186 IPC CAN'T BE TAKEN ON POLICE REPORT/CHARGESHEET: SC

The Supreme Court has quashed a criminal prosecution against a project coordinator of the well-known anti-human trafficking organization 'Guria' and another individual, ruling that the case was a product of malice and legally unsustainable. The Court strongly criticised the High Court for its "cryptic" and "perfunctory" order, which had earlier refused to quash the charges.

The case, *Umashankar Yadav & Anr. v. State of Uttar Pradesh, Through Chief Secretary & Anr.*, arose from a joint raid conducted by government officials and the appellants at a brick kiln in Varanasi to rescue alleged bonded and child labourers. A dispute arose between the NGO workers and the officials regarding the procedure for taking the labourers into custody. The appellants took the labourers away in a dumper, while the officials wanted to record their statements at the site.



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

This led a labour officer to file an FIR against the appellants, accusing them of obstructing official duty and using force. A chargesheet was subsequently filed under Sections 186 and 353 of the Indian Penal Code (IPC). The High Court had dismissed the appellants' plea to quash the charges, stating that the matter involved "disputed questions of fact" which could not be adjudicated.

The SC, in its judgment delivered by J. Pamidighantam Sri Narasimha and Joyimalya Bagchi, meticulously analysed the allegations. It found that the chargesheet's narrative did not disclose the essential ingredients of either offence.

Section 353 IPC (Criminal Force): The Court held that the act of placing labourers in a dumper did not constitute "assault" or "criminal force" on a public servant as defined in the IPC. Section 186 IPC (Obstruction of Public Servant): The Court concluded that the appellants lacked the requisite mens rea (criminal intent) to obstruct the officials. It reasoned that their actions stemmed from a "genuine difference of opinion" on the best way to handle the rescue, not a deliberate attempt to impede the investigation. The Court also noted the "malicious animus" of the officials, citing unsubstantiated allegations against the appellants as evidence of a vendetta. Beyond the factual analysis, the Supreme Court highlighted two insurmountable legal hurdles that made the prosecution unmaintainable:

1. Prior Permission for FIR: The Court noted that Section 186 IPC is a non-cognizable offence. As the chargesheet failed to establish the cognizable offence under Section 353, the police required prior permission from a Magistrate under Section 155(2) of the Cr.PC to register the FIR, which they did not obtain.

2. Bar under Section 195 Cr.PC: The Court reiterated that a court can only take cognizance of an offence under Section 186 on a written complaint by the aggrieved public servant, and not on a police report (chargesheet). The Court clarified that even a "deemed complaint" under Section 2(d) of the Cr.PC does not satisfy this specific legal requirement. The Supreme Court allowed the appeal and quashed the prosecution, serving a strong reminder to High Courts of their duty under Section 482 Cr.P.C to prevent the abuse of the court process through vexatious and legally untenable criminal cases.

Case: *Umashankar Yadav & Anr v State of Uttar Pradesh* (2025) INSC 653 (SC)

Read more:

1. <https://www.livelaw.in/supreme-court/cognizance-of-offence-under-s186-ipc-cant-be-taken-on-police-reportchargesheet-supreme-court-291723>

2. <https://hellocounsel.com/cognizance-of-offence-under-s186-ipc-cant-be-taken-on-police-reportchargesheet-supreme-court>

DELHI HIGH COURT EXPLAINS CONCEPT OF 'CONSTRUCTIVE RES JUDICATA', SAYS IT APPLIES TO WRIT PROCEEDINGS AS WELL

The Delhi High Court has dismissed a petition from an individual who repeatedly challenged the government's reward guidelines for informers, invoking the legal principle of "constructive res judicata." The petitioner, who had previously been denied a higher reward and had their case dismissed by both a single judge and a division bench, was attempting to challenge the constitutional validity of the guidelines themselves.

The petitioner, S.C. Gupta, had provided intelligence leading to a multi-crore central excise duty evasion case. Following a settlement under a government scheme, the defaulting company's liability was reduced, and the petitioner was awarded a reward of ₹25 lakhs. Claiming he was entitled to 20% of the recovered amount (₹2.38 crores), the petitioner filed a writ petition seeking a higher reward. The High Court had dismissed this petition, affirming that rewards are an "ex-gratia" payment and not a matter of right. The court also noted that the petitioner had not challenged the reward guidelines themselves.

Undeterred, the petitioner filed a new writ petition, this time specifically challenging Clause 3.3 of the Guidelines for Grant of Reward to Informers and Government Servants, 2015, as unconstitutional and arbitrary.

The division bench of Chief Justice Devendra Kumar Upadhyaya and Justice Tushar Rao Gedela dismissed the new petition, agreeing with the arguments of the Additional Solicitor General. The court held that the petitioner could have, and should have, raised the constitutional challenge in his first writ petition.

The judgment emphasized that while the Code of Civil Procedure (CPC) does not directly apply to writ petitions under Article 226 of the Constitution, the fundamental public policy behind legal principles like res judicata and constructive res judicata remains crucial. The court stated that these principles are designed to ensure finality in judicial decisions and to prevent a multiplicity of litigation.

Quoting a Supreme Court precedent, the Delhi High Court explained that constructive res judicata prevents a litigant from raising an issue in a new proceeding that "might and ought to have been made a ground of attack or defence" in a previous one.

The Court's decision makes it clear that while the writ jurisdiction is a powerful tool for citizens, it cannot be used to file successive petitions by raising new grounds that were available but not argued in earlier litigation.

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

This ruling underscores the importance of finality in the judicial process and serves as a strong reminder to litigants to present their entire case at once.

Case: *SC Gupta v Union of India & Anr* (2025) DHC 3273-DB (Del HC)

Read more:

1. <https://www.livelaw.in/high-court/delhi-high-court/delhi-high-court-explains-concept-of-constructive-res-judicata-says-it-applies-to-writ-proceedings-as-well-291336>

2. <https://courtbook.in/posts/delhi-high-court-clarifies-constructive-res-judicata-also-applies-to-writ-petitions>

PMLA ACCUSED ENTITLED TO RECEIVE LIST OF MATERIALS NOT RELIED UPON BY ED: SC

In a landmark decision, the Supreme Court of India has significantly strengthened the rights of individuals accused under the Prevention of Money Laundering Act (PMLA). The Court has ruled that an accused person is entitled to receive copies of all documents and records seized by the Directorate of Enforcement (ED), even if the prosecution does not rely on those documents in its official complaint.

The judgment, in the case of *Sarla Gupta & Another v. Directorate of Enforcement*, resolves a key procedural dispute that had reached the Supreme Court after multiple High Courts and Special Courts had sided with the prosecution. In both cases brought to the apex court, the appellants were denied access to copies of seized documents on the grounds that the prosecution was only obligated to provide material that was being used to build its case.

Writing for the bench, Justice Abhay S. Oka delivered a clear and decisive verdict, directly referencing Section 21(2) of the PMLA. The Court highlighted that this provision explicitly states, "The person, from whom records seized or frozen, shall be entitled to obtain copies of records." The ruling emphasized that denying an accused person this right would be arbitrary and a violation of their fundamental right to a fair trial, as guaranteed under Article 14 of the Constitution.

The decision is a major victory for transparency and due process in a legal landscape often criticized for its stringent provisions. While the Court clarified that an accused cannot rely on un-relied-upon documents at the stage of framing charges, the ruling ensures that they have full access to all evidence collected against them, which is crucial for preparing a robust defence. This judgment sets a powerful precedent, reaffirming the judiciary's role in safeguarding the rights of the accused and ensuring that legal proceedings, even in complex financial crimes, remain fair and equitable.

Case: *Sarla Gupta & Anr v Directorate of Enforcement* (2025) INSC 645 (SC)

Read more:

1. <https://www.livelaw.in/top-stories/pmla-accused-entitled-to-receive-materials-not-relied-upon-by-ed-supreme-court-291471>

2. <https://www.scobserver.in/supreme-court-observer-law-reports-scolr/pmla-accused-entitled-to-records-seized-by-ed-including-list-of-unrelied-documents-sarla-gupta-v-directorate-of-enforcement/>

37 NOT AN EFFICACIOUS ALTERNATE REMEDY AFTER REJECTION OF PLEA U/S 34 SEEKING ENHANCED COMPENSATION: BOMBAY HC

The Bombay High Court has issued a significant ruling in favour of numerous landowners, affirming their right to statutory benefits under land acquisition laws, even when the National Highway Authority of India (NHAI) argued that they should pursue an alternative legal remedy. The consolidated judgment, delivered by Justices M.S. Sonak and Jitendra Jain, addressed a series of writ petitions filed by individuals whose land was acquired for national highway projects. While they had received enhanced compensation through arbitration, they were not granted the additional benefits of solatium and interest, which were established as mandatory by the Supreme Court in the case of *Union of India vs. Tarsem Singh*.

The NHAI's primary objection was that the petitioners should have appealed the arbitration awards under Section 37 of the Arbitration and Conciliation Act, 1996, rather than filing a direct writ petition. The High Court, however, rejected this argument. The bench highlighted that the rule of exhausting alternative remedies is a self-imposed restriction, and it is not applicable if the alternative remedy is ineffective. The court noted that a co-ordinate bench had previously ruled in another case that a court acting under Section 34 or Section 37 of the Arbitration Act does not have the power to modify an award to grant these benefits. Therefore, relegating the petitioners to this "futile" remedy would be pointless.

The Court emphasized that the entitlement to solatium and interest is a matter of settled law, with the NHAI itself having conceded to this fact in previous proceedings. By invoking the High Court's extraordinary jurisdiction under Article 226 of the Constitution, the court directed the NHAI to pay all petitioners the statutory benefits of solatium and interest as per the *Tarsem Singh* judgment within four months. This decision not only ensures a fair outcome for the affected landowners but also serves as a strong reminder to government authorities that they cannot use procedural objections to deny citizens benefits that are a matter of established law.

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

Case: *Kisanlal Bairudas Jain & Ors v Union of India* (2025)
BHC-AS 21612-DB (Bom HC)

Read more:

1. <https://www.livelaw.in/high-court/bombay-high-court/section-37-aca-not-an-efficacious-alternate-remedy-after-rejection-of-section-34-aca-petition-seeking-enhanced-solatium-under-national-highways-act-bombay-high-court-292864>
2. <https://s3.courtbook.in/2025/05/bombay-high-court-holds-section-37-of-arbitration-act-not-an-efficacious-remedy-for-enhanced-compensation-claims-under-national-highways-act.pdf.pdf>

MINORS ARE PRONE TO TUTORING': SUPREME COURT ACQUITS MURDER CONVICTS AFTER FINDING CHILD WITNESS'S COMPETENCY WASN'T ASSESSED

In a significant ruling, the SC has overturned the convictions of 11 individuals who were sentenced to life imprisonment for a triple murder case, setting aside the concurrent judgments of both the Trial Court and the Madras HC. The Court's decision, which came in the case of *Agniraj & Ors. v. State*, highlighted a series of critical procedural lapses and a flawed appreciation of evidence, ultimately concluding that the prosecution failed to prove guilt beyond a reasonable doubt. The case stemmed from a 2012 attack linked to political rivalry, where the deceased's family members were targeted.

The judgment focused on the unreliability of the three main eyewitness testimonies. The Court found the account of the primary informant, a relative of the deceased, to be highly questionable due to political motivations and his admission of "exaggerating" the number of accused in his initial complaint. This, coupled with the fact that he filed his written complaint two hours after the incident with the help of his political associates, created substantial doubt. The testimony of a second witness, who claimed to have seen the gruesome attack but waited 43 days to report it to the police, was also deemed incredible, with the Court questioning his conduct and motives for the prolonged silence.

Most critically, the SC identified a major procedural failure in the handling of a key child witness, who was 10 years old at the time of her testimony. In a direct violation of Section 118 of the Evidence Act, the trial judge had failed to conduct a mandatory preliminary assessment to determine the child's competency and her understanding of the oath. The Court emphasized that this omission, combined with the fact that a Test Identification Parade

was not conducted and the witness's testimony appeared susceptible to tutoring by her mother, rendered her evidence unreliable and inadmissible.

The Court also dismissed the corroborating forensic evidence presented by the prosecution. The fingerprint evidence, which allegedly linked two of the accused to the crime scene, was found to be procedurally flawed because no official legal document or Mahazar was prepared during the collection and photographing of the fingerprints. Furthermore, the photographs themselves were not formally submitted as evidence. This lack of proper documentation and consistent testimony from the photographer undermined the integrity of the entire forensic chain of evidence. By setting aside the convictions and acquitting the appellants, the Supreme Court has underscored the importance of rigorous adherence to due process and the careful, impartial handling of evidence, especially in cases where serious criminal charges are at stake.

Case: *Agniraj & Ors v State* (2025) INSC 774 (SC)

Read more:

1. <https://www.livelaw.in/supreme-court/minors-are-prone-to-tutoring-supreme-court-acquits-murder-convicts-after-finding-child-witnesss-competency-wasnt-assessed-293731>
2. <https://www.ilms.academy/news/daily-legal-news/minors-are-prone-to-tutoring-supreme-cou>



THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

CREATING FAKE ORDER IS CONTEMPT OF COURT': SUPREME COURT UPHOLDS CONVICTION OF LITIGANT WHO FORGED HC ORDER

The Supreme Court has delivered a stern message on the sanctity of judicial orders, upholding the conviction of three individuals for criminal contempt of court. The case, which originated from the Madras High Court, involved the fabrication of fake High Court interim orders to obstruct the execution of a civil decree. The appellants, Shanmugam @ Lakshminarayanan, M. Muruganandam, and S. Amal Raj, were sentenced to six months of simple imprisonment by the High Court. They had produced forged stay orders in a District Munsiff Court to delay the delivery of possession of a property. The fraudulent orders were discovered after the decree holder, J.K.K. Rangammal Charitable Trust, verified them and found they had been fabricated, even using the name of a High Court judge who was not on the relevant roster at the time.

The SC bench of J. Prashant Kumar Mishra and Augustine George Masih meticulously reviewed the evidence, including reports from the CBCID and affidavits from the accused. The investigation uncovered a clear chain of events, from one of the accused floating the idea of creating the fake orders to another preparing and delivering them. The evidence included telephonic conversations and materials seized from a Digital Net Centre used to forge the documents.

The Court firmly rejected the appellants' legal arguments, which included a plea of limitation under Section 20 of the Contempt of Courts Act, 1971. The Court reiterated that the power to punish for contempt is an inherent constitutional power of the Supreme Court and High Courts, which cannot be curtailed by ordinary legislation. It noted that the fraud perpetrated by the appellants was only unearthed years later, making the application of the limitation period inappropriate.

The judgment also dismissed the argument that the accused were not given a fair opportunity to defend themselves, stating that in criminal contempt cases, procedural requirements are often summary, but an opportunity to meet the charges must be provided. The Court emphasized that all the appellants, including the beneficiary of the fake orders, were rightly held guilty. The ruling reaffirms that forging court orders is a grave offense that undermines the administration of justice and warrants a severe response to maintain the judiciary's authority and public trust.

Case: *Shanmugam alias Lakshminarayanan v High Court of Madras* (2025) INSC 619 (SC)

Read more:

- <https://www.livelaw.in/supreme-court/shanmugam-lakshminarayanan-vs-high-court-madras-creating-fake-order-is-contempt-of-court-litigant-forged-hc-order-291084>
- <https://legallypresent.in/criminal-contempt-supreme-court/>

'RUEL MISUSE' OF S.498A IPC: SUPREME COURT ACQUITS HUSBAND IN 26-YEAR-OLD CRUELTY AND DOWRY CASE CITING LACK OF CREDIBLE EVIDENCE

The SC has acquitted Rajesh Chaddha, overturning his conviction under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. The case, which began with a complaint filed by his wife in 1999, involved allegations of physical and mental cruelty, including assault, forced consumption of narcotics, and demands for dowry.

The Court's decision centred on the vague and unsubstantiated nature of the allegations. The marriage had lasted only for about a year, and the couple cohabited for a mere 12 days. The wife's complaint and subsequent testimony lacked specific details, such as dates, times, or places of the alleged incidents of harassment. Crucially, the prosecution failed to provide any independent evidence to corroborate the claims. The Trial Court itself had previously acquitted the husband on charges of physical assault and criminal intimidation, noting the absence of medical evidence for the alleged injuries and a miscarriage.

The Supreme Court emphasized that while emotional and mental torture in a marriage is serious, a conviction cannot be based on plausible but unproven allegations. The Court expressed strong disapproval of the growing trend to falsely implicate the husband and his relatives—including aged parents and married sisters—without any specific evidence against them. This practice, the Court noted, undermines the purpose of protective legislation. Given that the couple's divorce decree had already been finalized and never challenged, the Court concluded that continuing the prosecution would be an abuse of the legal process.

In its final judgment, the SC set aside the convictions upheld by the HC and acquitted the appellant of all charges. The ruling reaffirms the need for specific, credible evidence in cases of cruelty and dowry to prevent the misuse of these laws.

Case: *Rajesh Chaddha v State of Uttar Pradesh* (2025) INSC 671 (SC)

Read more:

- <https://www.livelaw.in/supreme-court/supreme-court-498a-ipc-misuse-1999-cruelty-fir-acquittal-292199>
- <https://www.scconline.com/blog/post/2025/05/14/supreme-court-cruelty-498a-ipc-misuse-acquittal/>

THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

S 362 CRPC CAN BE USED ONLY TO CORRECT CLERICAL ERRORS: SUPREME COURT CRITICISES ALLAHABAD HC FOR MODIFYING MURDER CONVICTION

In a sharp rebuke, the Supreme Court of India has set aside an Allahabad High Court order that sought to alter a previous judgment. The High Court had, under the guise of a "correction application," significantly modified its original ruling by converting a murder conviction (Section 302 IPC) to a lesser offence of culpable homicide not amounting to murder (Section 304 Part II IPC).

The judgment, delivered by a bench of Justices B.R. Gavai and Augustine George Masih in the case of Ramyash @ Lal Bahadur v. The State of Uttar Pradesh, unequivocally held that the High Court's action was a "grievous error" and a direct contravention of Section 362 of the Code of Criminal Procedure (Cr.P.C.).

The case involved an assault stemming from a land dispute that resulted in the death of a man named Jeet Lal. The trial court convicted the accused under Section 302 IPC, sentencing them to life imprisonment. The Allahabad High Court initially upheld this conviction, dismissing the appeals. However, the accused later filed a "Correction Application," claiming that the appeals were partly allowed and the conviction was converted to one under Section 304 Part II IPC in an oral pronouncement, but the written judgment had incorrectly dismissed the appeals. The High Court accepted this claim, modified its judgment, and reduced the sentences. The Supreme Court rejected the High Court's reasoning outright. The bench cited Section 362 of the Cr.P.C., which explicitly prohibits any court from altering or reviewing its judgment once it has been signed, except to correct a "clerical or arithmetical error." The Court observed that the High Court's original judgment had provided detailed reasoning for upholding the murder conviction. The subsequent alteration, which introduced an entirely new rationale of "sudden provocation," was not a simple clerical correction but a substantive review of its own findings—an act forbidden by law.

The Supreme Court's ruling aligns with a previous precedent in *Naresh and Others v. State of Uttar Pradesh*, where it had similarly criticized a High Court for attempting to alter a judgment under the pretext of correcting a clerical error. Quashing the High Court's modified order, the Supreme Court reinstated the initial judgment that had affirmed the murder conviction. The Court directed the accused to surrender and serve out the original sentences. The accused, however, were given the liberty to challenge the High Court's first judgment in the Supreme Court on its merits.

This decision serves as a crucial reminder of the strict procedural limitations on reviewing judgments, reinforcing the finality and integrity of judicial orders.

Case: *Ramyash alias Lal Bahadur v State of Uttar Pradesh & Anr* (2025) SCC OnLine SC 901

Read more:

1. <https://www.livelaw.in/top-stories/s362-crpc-can-be-used-only-to-correct-clerical-errors-supreme-court-criticises-allahabad-hc-for-modifying-murder-conviction-290258>

2. <https://courtbook.in/posts/supreme-court-section-362-crpc-meant-only-for-clerical-errors-not-for-changing-judgments>