
Case Pointer
**MONTHLY DIGEST – SUPREME COURT AND ANDHRA
PRADESH AND TELANGANA HIGH COURT**

2024(11)MDSCAT1

IN THE SUPREME COURT OF INDIA

[Before Dr Dhananjaya Y Chandrachud; J B Pardiwala; Manoj Misra]

Civil Appeal No 3098 of 2023, 3099 of 2023, 3098 of 2023 of 2021, 1798 of 2021, 1799 of 2021, 1806 of 2021, 3098 of 2023 of 2021 of 2024, 1798 of 2021 of 2024, 10668 of 2024, 10670 of 2024, 3098 of 2023 of 2021 of 2024 of 2022, 1798 of 2021 of 2024 of 2022, 10668 of 2024 of 2022, 3697 of 2022, 3698 of 2022, 8217 of 2023, 7767 of 2023, 3098 of 2023 of 2021 of 2024 of 2022 of 2024, 1798 of 2021 of 2024 of 2022 of 2024, 10668 of 2024 of 2022 of 2024, 3697 of 2022 of 2024, 10691 of 2024, 10692 of 2024, 393 of 2024, 10678 of 2024, 10659 of 2024 **dated 18/10/2024**

Airports Economic Regulatory Authority of India vs. Delhi International Airport Ltd & Ors

APPEAL AGAINST TRIBUNAL DECISION

Code of Civil Procedure, 1908 Sec. 100 - Electricity Act, 2003 Sec. 125 - Securities and Exchange Board of India Act, 1992 Sec. 15Z - Competition Act, 2002 Sec. 53T - Airports Economic Regulatory Authority of India Act, 2008 Sec. 14, Sec. 13, Sec. 15, Sec. 1, Sec. 17, Sec. 31, Sec. 18, Sec. 3 - Aircraft Rules, 1937 Rule 88 - Pension Fund Regulatory and Development Authority Act, 2013 Sec. 38 - Companies Act, 2013 Sec. 242 - Major Port Authorities Act, 2021 Sec. 60 - Appeal against Tribunal Decision - Airports Economic Regulatory Authority filed appeals under Sec. 31 of the Airports Economic Regulatory Authority of India Act, 2008 against Telecom Disputes Settlement and Appellate Tribunal - Respondents argued appeals not maintainable - Authority challenged whether it could defend its orders before the Tribunal - Respondents claimed authority was quasi-judicial and barred from appealing its orders - Held that tariff determination was regulatory function, not adjudicatory - Distinguished adjudication from regulation - Allowed appeals as maintainable by regulatory authority - Remanded for reconsideration. - Appeals Allowed

Law Point: Regulatory bodies can appeal against Tribunal orders if their role is determined to be regulatory, not adjudicatory.

Acts Referred:

Code of Civil Procedure, 1908 Sec. 100

Electricity Act, 2003 Sec. 125

Securities and Exchange Board of India Act, 1992 Sec. 15Z

Competition Act, 2002 Sec. 53T

Airports Economic Regulatory Authority of India Act, 2008 Sec. 14, Sec. 13, Sec. 15,
Sec. 1, Sec. 17, Sec. 31, Sec. 18, Sec. 3

Aircraft Rules, 1937 Rule 88

Pension Fund Regulatory and Development Authority Act, 2013 Sec. 38

Companies Act, 2013 Sec. 242

Major Port Authorities Act, 2021 Sec. 60

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2024(11)MDSCAT2

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before B R Gavai; Prashant Kumar Mishra; K V Viswanathan]

Criminal Appeal No. 213 of 2020 **dated 17/10/2024**

Vishwajeet Kerba Masalkar vs. State of Maharashtra

CONVICTION APPEAL

Indian Penal Code, 1860 Sec. 201, Sec. 302, Sec. 307, Sec. 397 - Code of Criminal Procedure, 1973 Sec. 161, Sec. 164, Sec. 415 - Evidence Act, 1872 Sec. 27 - Conviction Appeal - Appeal against conviction and death sentence for multiple murders - Appellant informed police about robbery and killings - During investigation, suspicion fell on appellant due to his affair and inconsistent evidence - Prosecution relied on recovery of weapons and testimony of injured witness - Court found several discrepancies in witness's testimony and lack of conclusive proof regarding appellant's guilt - Recovery of weapons from a public place raised doubts - Circumstantial evidence not strong enough to exclude all other hypotheses - Conviction based on suspicion alone cannot stand - Appellant acquitted of charges. - Appeal Allowed

Law Point: Circumstantial evidence must conclusively establish guilt beyond reasonable doubt; suspicion alone cannot justify conviction

Acts Referred:

Indian Penal Code, 1860 Sec. 201, Sec. 302, Sec. 307, Sec. 397

Code of Criminal Procedure, 1973 Sec. 161, Sec. 164, Sec. 415

Evidence Act, 1872 Sec. 27

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2024(11)MDSCAT3

IN THE SUPREME COURT OF INDIA

[Before Abhay S Oka; Pankaj Mithal]

Civil Appeal No 3291 of 2009, 3294 of 2009, 3291 of 2009 of 2024, 11200 of 2024,
11201 of 2024, 11202 of 2024, 11203 of 2024, 11204 of 2024, 11205 of 2024, 11196
of 2024, 11197 of 2024, 11198 of 2024, 11199 of 2024, 4755 of 2023

dated 16/10/2024

Bank of Rajasthan Ltd vs. Commissioner of Income Tax

BROKEN PERIOD INTEREST

Finance Act, 1988 Sec. 19, Sec. 21, Sec. 20, Sec. 18 - Information Technology Act,
2000 Sec. 14 - Broken Period Interest - Appeals concerned treatment of broken period
interest in government securities purchased by banks - Assessee claimed deduction for
interest paid during purchase of securities - Issue arose post repeal of Sections 18 to 21
of Income Tax Act - Commissioner of Income Tax disallowed deduction of broken
period interest - Tribunal allowed appeal, stating entire purchase price, including
interest, could be deducted as securities were treated as stock-in-trade - High Court
disagreed, applying previous rulings - Supreme Court considered impact of tax laws
and held in favor of allowing deduction - Appeal Allowed

**Law Point: Deduction of broken period interest is allowable when securities are
treated as stock-in-trade in banking business under Income Tax Act.**

Acts Referred:

Finance Act, 1988 Sec. 19, Sec. 21, Sec. 20, Sec. 18

Information Technology Act, 2000 Sec. 14

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2024(11)MDSCAT4

IN THE SUPREME COURT OF INDIA

[Before Abhay S Oka; Ujjal Bhuyan]

Criminal Appeal No 2891 of 2023 **dated 16/10/2024**

Central Bureau of Investigation vs. Srinivas D Sridhar

FRAUDULENT LOAN DISBURSEMENT

Indian Penal Code, 1860 Sec. 420, Sec. 468, Sec. 471, Sec. 120B - Prevention of Corruption Act, 1988 Sec. 13 - Fraudulent Loan Disbursement - Respondent, former CMD of Central Bank of India, was charged with conspiracy and fraud in disbursement of loans to a company - Alleged that Rs. 330 crore EPC facility granted to company for overseas project without proper appraisal and due diligence - Bank suffered loss due to misuse of funds by company - Respondent sought discharge arguing no direct evidence - High Court discharged him - CBI contended that suspicion and material from charge sheet were sufficient to frame charges - Court found sufficient basis for framing charges and reversed High Court's decision - Appeal Allowed

Law Point: At stage of framing charges, strong suspicion and material from charge sheets are sufficient for proceeding in conspiracy and fraud cases.

Acts Referred:

Indian Penal Code, 1860 Sec. 420, Sec. 468, Sec. 471, Sec. 120B

Prevention of Corruption Act, 1988 Sec. 13

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2024(11)MDSCAT5

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before B R Gavai; Aravind Kumar; K V Viswanathan]

Criminal Appeal No 4220 of 2024 **dated 16/10/2024**

Eknath Kisan Kumbharkar vs. State of Maharashtra

MURDER AND CONSPIRACY

Constitution of India Art. 136 - Indian Penal Code, 1860 Sec. 316, Sec. 302, Sec. 364 - Code of Criminal Procedure, 1973 Sec. 161, Sec. 313 - Evidence Act, 1872 Sec. 103 - Murder and Conspiracy - Appellant convicted for murdering his pregnant daughter - Incident triggered by inter-caste marriage of daughter - Appellant accused of strangling her in public after luring her from her marital home - Eyewitness and forensic evidence corroborated prosecution case - Appellant denied charges, claiming monetary disputes and framing by witnesses - High Court confirmed Trial Court's death sentence for appellant - Appeal for commutation of sentence to life imprisonment also rejected - Appeal Dismissed

Law Point: Death sentence is justified in rarest of rare cases where murder is premeditated, involves family members, and is aggravated by victim's vulnerable condition.

Acts Referred:

Constitution of India Art. 136

Indian Penal Code, 1860 Sec. 316, Sec. 302, Sec. 364

Code of Criminal Procedure, 1973 Sec. 161, Sec. 313

Evidence Act, 1872 Sec. 103

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2024(11)MDSCAT6

IN THE SUPREME COURT OF INDIA

[Before Pankaj Mithal; R Mahadevan]

Civil Appeal No 11115 of 2024, 11116 of 2024 **dated 16/10/2024**

IDBI Bank Ltd vs. Ramswaroop Daliya and Ors

AUCTION CANCELLATION

Security Interest (Enforcement) Rules, 2002 Rule 9 - Auction Cancellation - Appellant-bank cancelled auction after respondents failed to deposit balance amount within stipulated time - Respondents sought writ for direction to issue sale certificate - High Court held that appellant's action in canceling auction was unjustified as respondents were ready and willing to pay - Court noted that refusal to issue certificate was based on bank's own internal issues with CBI and Enforcement Directorate - Court directed issuance of sale certificate upon deposit of balance amount - Appeal Dismissed

Law Point: Auction cancellations cannot be justified if bidders are willing to comply with terms, and any internal bank issues do not affect bidders' rights to sale certificate.

Acts Referred:

Security Interest (Enforcement) Rules, 2002 Rule 9

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2024(11)MDSCAT7

IN THE SUPREME COURT OF INDIA

[From ALLAHABAD HIGH COURT]

[Before C T Ravikumar; Rajesh Bindal]

S L P (Cr) (Special Leave Petition (Criminal)); Criminal Appeal No 9371 of 2018;
4222 of 2024 **dated 16/10/2024**

Lalu Yadav vs. State of Uttar Pradesh & Ors

FIR QUASHING

Indian Penal Code, 1860 Sec. 376, Sec. 313, Sec. 375 - Code of Criminal Procedure, 1973 Sec. 482 - FIR Quashing - Appellant accused of rape and forced abortion by complainant - FIR filed after 5-year relationship - Appellant claimed consensual relationship under promise of marriage - High Court refused to quash FIR - Supreme Court considered delay in complaint, contradictions in statements, and omission of abortion charge in investigation - Court held that allegations under Sec. 376 IPC require full trial, but quashed Sec. 313 charge due to lack of evidence - FIR Partially Quashed

Law Point: While charges of forced abortion can be quashed if unsupported by evidence, rape allegations under IPC Sec. 376 require thorough judicial scrutiny.

Acts Referred:

Indian Penal Code, 1860 Sec. 376, Sec. 375, Sec. 313

Code of Criminal Procedure, 1973 Sec. 482

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2024(11)MDSCAT8

IN THE SUPREME COURT OF INDIA

[Before B R Gavai; Aravind Kumar; K V Viswanathan]

Civil Appeal No 10611 of 2024 **dated 15/10/2024**

Omkar Ramchandra Gond vs. Union of India & Ors

MEDICAL ADMISSION DENIAL

Rights of Persons With Disabilities Act, 2016 Sec. 32, Sec. 15, Sec. 2, Sec. 3 - Medical Admission Denial - Appellant challenged rejection of MBBS admission under PwD category due to 44% speech and language disability - National Medical Commission guidelines disqualified persons with 40% or more disability from medical

courses - Appellant obtained favorable opinion from Medical Board confirming his disability would not hinder course completion - Court held quantified disability alone cannot disqualify candidates under RPwD Act - Directed NMC to revise regulations and granted appellant's admission - Appeal Allowed, Admission Confirmed

Law Point: Disability alone does not justify disqualification for medical courses; ability to pursue course must be determined by expert evaluation.

Acts Referred:

Rights of Persons With Disabilities Act, 2016 Sec. 32, Sec. 15, Sec. 2, Sec. 3

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2024(11)MDSCAT9

IN THE SUPREME COURT OF INDIA

[From ORISSA HIGH COURT]

[Before J K Maheshwari; Rajesh Bindal]

Civil Appeal No 11100 of 2024 **dated 15/10/2024**

Chandramani Nanda vs. Sarat Chandra Swain and Another

ENHANCED COMPENSATION

Indian Penal Code, 1860 Sec. 279, Sec. 338, Sec. 337 - Enhanced Compensation - Claimant injured in a motor vehicle accident appealed for enhancement of compensation - Tribunal awarded Rs. 20,60,385/- considering 60% disability and medical expenses - High Court enhanced compensation to Rs. 30,99,873/- on finding 100% functional disability - Claimant sought further enhancement citing permanent cognitive disability - Court considered evidence and further enhanced compensation to account for future medical costs and loss of income due to total disability - Final compensation awarded Rs. 35,50,000/- with interest - Appeal Allowed

Law Point: Compensation must consider 100% functional disability when cognitive impairment prevents gainful employment, warranting enhancement.

Acts Referred:

Indian Penal Code, 1860 Sec. 279, Sec. 338, Sec. 337

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2024(11)MDSCAT10

IN THE SUPREME COURT OF INDIA

[From CHHATTISGARH HIGH COURT]

[Before C T Ravikumar; Sanjay Kumar]

Civil Appeal; Contempt Petition (Civil) No 3159 of 2019, 3160 of 2019; 517 of 2020,
518 of 2020 **dated 14/10/2024**

*Neelam Gupta & Ors; Rajendra Kumar Gupta vs. Rajendra Kumar Gupta & Anr;
Neelam Gupta and Ors*

TITLE AND POSSESSION DISPUTE

Transfer of Property Act, 1882 Sec. 54 - Sec. 6 - Sec. 7 - Contract Act, 1872 Sec. 11 -
Limitation Act, 1963 Art. 65 - Benami Transactions (Prohibition) Act, 1988 Sec. 4 -
Title and Possession Dispute - Appellants, legal heirs of original defendant, challenged
High Court judgment reversing concurrent findings of lower courts which dismissed
respondent's suit for recovery of possession based on title - Respondent claimed
ownership through a registered sale deed, but appellants argued it was joint family
property or acquired by adverse possession - High Court found evidence supporting
respondent's title and rejected adverse possession claim - Held that permissive
possession by appellants did not convert to adverse possession - Supreme Court upheld
High Court's ruling, finding no error in setting aside lower court judgments. - Appeal
Dismissed

**Law Point: Permissive possession cannot convert into adverse possession without
clear proof of hostile intent for statutory period - Title claim upheld if adverse
possession is not proven within limitation period.**

Acts Referred:

Transfer of Property Act, 1882 Sec. 54, Sec. 6, Sec. 7

Contract Act, 1872 Sec. 11

Limitation Act, 1963 Art. 65

Benami Transactions (Prohibition) Act, 1988 Sec. 4

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2024(11)MDSCAT11

IN THE SUPREME COURT OF INDIA

[From KERALA HIGH COURT]

[Before Pankaj Mithal; R Mahadevan]

Civil Appeal No 8315 of 2014, 8316 of 2014 **dated 14/10/2024**

Renjith K G & Others vs. Sheeba

EXECUTION OF DECREE

Code of Civil Procedure, 1908 Or. 21 R. 99 - Limitation Act, 1963 Art. 136 - Execution of Decree - Appellants challenged High Court judgment remanding execution proceedings to trial court - Dispute arose over possession of partitioned property after final decree was passed in 1970 - Appellants argued that respondents' predecessor, a pendente lite transferee, could not resist execution - Respondents contended that execution was time-barred under Article 136 of Limitation Act - Supreme Court upheld High Court's decision, affirming respondents' right to challenge dispossession under Or. 21 R. 99 CPC - Case remanded for fresh consideration on all issues. - Appeal Dismissed

Law Point: Pendente lite transferee has right to challenge dispossession under Or. 21 R. 99 CPC - Execution proceedings must adhere to limitation under Article 136 of the Limitation Act.

Acts Referred:

Code of Civil Procedure, 1908 Or. 21R. 99

Limitation Act, 1963 Art. 136

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2024(11)MDSCAT12

IN THE SUPREME COURT OF INDIA

[From UTTARAKHAND HIGH COURT]

[Before Pankaj Mithal; R Mahadevan]

Criminal Appeal No 2224 of 2014 **dated 14/10/2024**

Sandeep vs. State of Uttarakhand

CONVICTION UNDER IPC 302

Indian Penal Code, 1860 Sec. 34, Sec. 302 - Code of Criminal Procedure, 1973 Sec. 161, Sec. 313 - Arms Act, 1959 Sec. 27, Sec. 25 - Conviction under IPC 302 - Appellant convicted under Sec. 302 r/w Sec. 34 IPC for murdering Abdul Hameed with a gun - Co-accused acquitted due to lack of evidence - Appellant argued inconsistencies in prosecution's case, absence of specific role in FIR, and acquittal under Arms Act - Court noted minor contradictions in witness statements but found material evidence, including eyewitness testimony and recovery of weapon, sufficient to prove guilt - Charge under Sec. 34 IPC set aside due to acquittal of co-accused - Sentence reduced to time served, considering mitigating factors - Appeal Partly Allowed

Law Point: Conviction under Sec. 34 IPC requires more than one person with common intention - In cases of co-accused acquittal, Sec. 34 IPC charge cannot stand for sole accused.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 302

Code of Criminal Procedure, 1973 Sec. 161, Sec. 313

Arms Act, 1959 Sec. 27, Sec. 25

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2024(11)MDSCAT13

IN THE SUPREME COURT OF INDIA

[Before Hrishikesh Roy; Prashant Kumar Mishra]

Civil Appeal No 5919 of 2023 **dated 14/10/2024**

Shingara Singh vs. Daljit Singh & Anr

SPECIFIC PERFORMANCE

Transfer of Property Act, 1882 Sec. 52 - Specific Performance - Appellant challenged High Court's decree for specific performance of sale agreement in favor of respondent - Trial Court found sale agreement genuine but dismissed specific performance claim due to sale to appellant during litigation - High Court reversed, applying doctrine of lis pendens, which voids transfers during suit pendency - Supreme Court affirmed High Court's decision, rejecting appellant's claim of bona fide purchaser - Held that doctrine of lis pendens applies regardless of purchaser's notice of suit. - Appeal Dismissed

Law Point: Doctrine of lis pendens applies to property transfers during litigation, rendering subsequent purchasers bound by court decrees, regardless of whether they had notice of pending suit.

Acts Referred:

Transfer of Property Act, 1882 Sec. 52

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2024(11)MDSCAT14

IN THE SUPREME COURT OF INDIA

[From JHARKHAND HIGH COURT]

[Before J B Pardiwala; Manoj Misra]

Criminal Appeal No 4190 of 2024 **dated 14/10/2024**

Somjeet Mallick vs. State of Jharkhand & Others

QUASHING OF FIR

Indian Penal Code, 1860 Sec. 420, Sec. 406 - Code of Criminal Procedure, 1973 Sec. 156, Sec. 482, Sec. 173, Sec. 204, Sec. 41A - Quashing of FIR - Appellant challenged High Court's quashing of FIR under Sec. 420 and Sec. 406 IPC - Accused rented appellant's truck but failed to pay rent despite assurances - High Court quashed proceedings, stating issue was civil - Supreme Court held that allegations indicated possible criminal breach of trust and dishonest conduct, warranting investigation - Court found High Court erred by not considering materials from police investigation - Matter remanded to High Court for fresh consideration. - Appeal Allowed

Law Point: FIR should not be quashed without examining materials collected during investigation - Allegations of dishonest conduct in failing to pay rent and possible misappropriation may warrant criminal proceedings.

Acts Referred:

Indian Penal Code, 1860 Sec. 420, Sec. 406

Code of Criminal Procedure, 1973 Sec. 156, Sec. 482, Sec. 173, Sec. 204, Sec. 41A

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2024(11)MDSCAT15

IN THE SUPREME COURT OF INDIA

[Before Bela M Trivedi; Satish Chandra Sharma]

Civil Appeal No. 11005 of 2024 **dated 04/10/2024**

Banshidhar Construction Pvt Ltd vs. Bharat Coking Coal Limited & Others

ARBITRARY BID REJECTION

Constitution of India Art. 14 - Powers of Attorney Act, 1882 Sec. 2 - Arbitrary Bid Rejection - Appellant challenged rejection of its technical bid by Respondent in a tender process, while a competitor's bid was accepted despite non-compliance with eligibility criteria - Appellant's bid rejected due to notarization of Power of Attorney one day after signing bid documents - Court found rejection unjustified as notarization requirement was fulfilled before bid submission deadline - Respondent failed to justify accepting competitor's bid which lacked mandatory financial documents - Court held decision discriminatory, violating Article 14, and directed re-tendering for the project - contract and actions based on earlier decision set aside - Appeal Allowed

Law Point: Tender rejections based on procedural technicalities are invalid if compliance was substantially achieved before submission deadline - All bidders must be treated equally to avoid arbitrariness.

Acts Referred:

Constitution of India Art. 14

Powers of Attorney Act, 1882 Sec. 2

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2024(11)MDSCAT16

IN THE SUPREME COURT OF INDIA

[Before Abhay S Oka; Augustine George Masih]

Civil Appeal No. 6274 of 2013 **dated 04/10/2024**

Shriram Investments vs. Commissioner of Income Tax III Chennai

TIME-BARRED REVISED RETURN

Income Tax Act, 1961 Sec. 139, Sec. 143, Sec. 254 - Time-Barred Revised Return - Appellant challenged the High Court's decision that barred consideration of a revised return filed after the statutory period under Sec. 139(5) IT Act - Tribunal had directed the assessing officer to consider the appellant's claim for deduction of deferred revenue

expenditure - Supreme Court upheld High Court's decision, noting the revised return was time-barred and could not be entertained - Tribunal's order directing reconsideration by assessing officer was invalid - Appeal Dismissed

Law Point: A revised return filed after the statutory period under Sec. 139(5) of the IT Act cannot be entertained by the assessing officer - Claims not made in time-barred revised returns are inadmissible.

Acts Referred:

Income Tax Act, 1961 Sec. 139, Sec. 143, Sec. 254

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2024(11)MDSCAT17

IN THE SUPREME COURT OF INDIA

[From TELANGANA HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Criminal Appeal No 4113 of 2024 **dated 03/10/2024**

K Bharthi Devi and Anr vs. State of Telangana & Anr

QUASHING CRIMINAL PROCEEDINGS

Indian Penal Code, 1860 Sec. 420, Sec. 409, Sec. 307, Sec. 468, Sec. 471, Sec. 467, Sec. 120B; Code of Criminal Procedure, 1973 Sec. 482; Prevention of Corruption Act, 1988 Sec. 13 - Quashing Criminal Proceedings - Appellants sought quashing of criminal proceedings related to fraudulent documents used for loans-Prosecution initiated under Sections 420, 467, 471, and 120B of IPC and Prevention of Corruption Act-Appellants argued for quashing based on the settlement between accused and bank-High Court refused, holding settlement did not absolve criminal liability-Supreme Court held that continuation of proceedings against appellants, who played a minimal role, would cause oppression-Criminal charges quashed, citing settlement and lack of substantial involvement by appellants. - Appeal Allowed

Law Point: Criminal proceedings can be quashed if the dispute is predominantly civil and settled between parties, especially when the accused played a minimal role.

Acts Referred:

Indian Penal Code, 1860 Sec. 420, Sec. 409, Sec. 307, Sec. 468, Sec. 471, Sec. 467, Sec. 120B

Code of Criminal Procedure, 1973 Sec. 482

Prevention of Corruption Act, 1988 Sec. 13

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2024(11)MDSCAT18

IN THE SUPREME COURT OF INDIA

[From ORISSA HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Criminal Appeal No 4114 of 2024 **dated 03/10/2024**

Tarina Sen vs. Union of India & Anr

QUASHING OF CRIMINAL PROCEEDINGS

Indian Penal Code, 1860 Sec. 420, Sec. 468, Sec. 471, Sec. 120B; Code of Criminal Procedure, 1973 Sec. 482, Sec. 154; Prevention of Corruption Act, 1988 Sec. 13 - Quashing of Criminal Proceedings - Appellants sought quashing of criminal proceedings initiated by CBI under charges of fraud, conspiracy, and forgery related to loans secured without repayment-Appellants argued that a settlement was reached with the bank, fully discharging the debt-High Court dismissed the plea under Sec. 482 of CrPC-Supreme Court held that in commercial disputes where parties have settled, continuation of criminal proceedings is unjustified-Criminal proceedings quashed as the dispute was private and the possibility of conviction was bleak. - Appeal Allowed

Law Point: Criminal proceedings related to financial and commercial disputes can be quashed under Sec. 482 of CrPC when parties have reached a full settlement, making conviction unlikely.

Acts Referred:

Indian Penal Code, 1860 Sec. 420, Sec. 468, Sec. 471, Sec. 120B

Code of Criminal Procedure, 1973 Sec. 482, Sec. 154

Prevention of Corruption Act, 1988 Sec. 13

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2024(11)MDSCAT19

IN THE SUPREME COURT OF INDIA

[Before Dr Dhananjaya Y Chandrachud; J B Pardiwala; Manoj Misra]

T P (C) Tranfer Petition (Civil); Civil Appeal No 767 of 2023 **dated 03/10/2024**

Union of India & Ors vs. Rajeev Bansal

REASSESSMENT NOTICES VALIDITY

Constitution of India Art. 142; Land Acquisition Act, 1894 Sec. 11A, Sec. 11; Finance Act, 2021 Sec. 2, Sec. 3; Finance Act, 2022 Sec. 45 - Reassessment Notices Validity - Appeals dealt with the validity of reassessment notices issued after 1 April 2021- Finance Act, 2021 substituted old reassessment provisions with new ones-Revenue continued issuing notices under old provisions citing TOLA, extending timelines due to COVID-19-Respondent argued that notices issued under old provisions post 1 April 2021 were invalid as new regime applied-Supreme Court held that reassessment notices must follow new regime but allowed notices issued under the old regime to be deemed as issued under the new-Court balanced interests of Revenue and assesseees, upheld notices under new regime - Appeal Allowed

Law Point: Reassessment notices issued after 1 April 2021 under old regime are invalid but can be deemed issued under the new regime for legal compliance, considering pandemic-related relaxations

Acts Referred:

Constitution of India Art. 142

Land Acquisition Act, 1894 Sec. 11A, Sec. 11

Finance Act, 2021 Sec. 2, Sec. 3

Finance Act, 2022 Sec. 45

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2024(11)MDSCAT20

IN THE SUPREME COURT OF INDIA

[Before Abhay S Oka; Sanjay Karol]

Civil Appeal; Writ Petition (Civil) No. 2948 of 2023, 2949 of 2023; 804 of 2022, 1030 of 2022, 1036 of 2022, 90 of 2023, 846 of 2023, 847 of 2023 **dated 03/10/2024**

Chief Commissioner of Central Goods and Service Tax & Ors vs. Safari Retreats Private Ltd & Ors

GST INPUT CREDIT RESTRICTION

Constitution of India Art. 300A, Art. 19, Art. 366, Art. 14 - Central Goods and Services Tax Act, 2017 Sec. 16, Sec. 9, Sec. 17, Sec. 7, Sec. 18, Sec. 2 - Finance Act, 2022 Sec. 16 - GST Input Credit Restriction - Appellant challenged High Court decision allowing input tax credit (ITC) for construction of immovable property let out on rent - Respondent claimed denial of ITC violated Article 14 by treating developers

renting property unequally from those selling it - Appellant argued ITC was only available where there is no break in tax chain - Supreme Court held that GST law does not allow ITC for immovable property construction, confirming restriction under Sec. 17(5)(d) - ITC is not available when goods or services are used for constructing immovable property intended for rental purposes - Appeal Allowed

Law Point: Input tax credit (ITC) is not available for construction of immovable property intended for leasing or renting, as it breaks the GST credit chain - Restriction under Sec. 17(5)(d) of CGST Act applies.

Acts Referred:

Constitution of India Art. 300A, Art. 19, Art. 366, Art. 14

Central Goods and Services Tax Act, 2017 Sec. 16, Sec. 9, Sec. 17, Sec. 7, Sec. 18, Sec. 2

Finance Act, 2022 Sec. 16

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2024(11)MDSCAT21

IN THE SUPREME COURT OF INDIA

[From PATNA HIGH COURT]

[Before Sanjiv Khanna; Sanjay Kumar; R Mahadevan]

Criminal Appeal No. 2623 of 2014, 2631 of 2014 **dated 03/10/2024**

Rama Devi vs. State of Bihar and Others

APPEAL AGAINST ACQUITTAL

Indian Penal Code, 1860 Sec. 379, Sec. 355, Sec. 34, Sec. 333, Sec. 302, Sec. 307 - Code of Criminal Procedure, 1973 Sec. 428, Sec. 161 - Arms Act, 1959 Sec. 27 - Appeal Against Acquittal - Appellant challenged High Court's decision acquitting accused in the murders despite strong eyewitness testimonies - Trial court had convicted based on eyewitness accounts and postmortem reports - High Court cited discrepancies in FIR timing and witness reliability for acquittal - Supreme Court found High Court's reasoning flawed, reinstated convictions under Sec. 302, 307 IPC, affirming life imprisonment for two accused while acquitting others for lack of evidence - Appeal Partly Allowed

Law Point: Convictions based on credible eyewitness accounts and corroborated evidence should not be overturned due to minor procedural lapses like FIR timing or witness inconsistencies unless they materially affect the case.

Acts Referred:

Indian Penal Code, 1860 Sec. 379, Sec. 355, Sec. 34, Sec. 333, Sec. 302, Sec. 307

Code of Criminal Procedure, 1973 Sec. 428, Sec. 161

Arms Act, 1959 Sec. 27

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2024(11)MDSCAT22

IN THE SUPREME COURT OF INDIA

[Before M M Sundresh; Aravind Kumar]

Criminal Appeal No 2899 of 2024 **dated 03/10/2024**

Byappanahalli Prabhakar Reddy Kumar Babu vs. State of Telangana

QUASHING OF CRIMINAL PROCEEDINGS

Indian Penal Code, 1860 Sec. 420, Sec. 120B - Quashing of Criminal Proceedings - Appellant, accused No.13, sought quashing of criminal proceedings where he was charged under Sec. 120B and 420 IPC for facilitating transfer of Rs.50 crore allegedly as bribe money - Appellant argued that he acted as a Managing Director of his company, through which funds were routed - Prosecution failed to array involved companies and key individuals as accused - Supreme Court found insufficient material to implicate appellant, ruling continuation of proceedings against him would amount to travesty of justice - Charges against appellant quashed. - Appeal Allowed

Law Point: Insufficient evidence to implicate a person in criminal conspiracy justifies quashing of proceedings under Sec. 120B IPC.

Acts Referred:

Indian Penal Code, 1860 Sec. 420, Sec. 120B

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2024(11)MDSCAT23

IN THE SUPREME COURT OF INDIA

[Before Dr Dhananjaya Y Chandrachud; J B Pardiwala; Manoj Misra]

Writ Petition (Civil) No 1404 of 2023 **dated 03/10/2024**

Sukanya Shantha vs. Union of India & Ors

PRISON MANUAL DISCRIMINATION

Constitution of India Art. 15, Art. 23, Art. 21, Art. 341, Art. 17, Art. 14 - Indian Penal Code, 1860 Sec. 377 - Code of Criminal Procedure, 1973 Sec. 118 - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 18 - Prisons Act, 1894 Sec. 34, Sec. 27, Sec. 11 - Legal Services Authorities Act, 1987 Sec. 12 - Prohibition of Employment As Manual Scavengers and Their Rehabilitation Act, 2013 Sec. 2, Sec. 5 - Prison Manual Discrimination - Petitioner, a journalist, highlighted caste-based discrimination in Indian prisons and sought repeal of offending provisions in State prison manuals - Provisions allegedly sanctioned segregation of prisoners by caste and forced manual labor, violating Articles 14, 15, 17, 21, and 23 of Constitution - States responded that outdated rules had been abolished but practices persisted - Court held that caste-based practices in prisons violated fundamental rights and ordered revision of discriminatory provisions - Directed States to align prison rules with Model Prison Manual 2016 and constitutional principles ensuring equality and non-discrimination in all aspects of prison life. - Petition Allowed, Revision Ordered

Law Point: Caste-based discrimination in prisons is unconstitutional; prison rules must be revised to ensure equality, dignity, and non-discrimination for all prisoners

Acts Referred:

Constitution of India Art. 15, Art. 23, Art. 21, Art. 341, Art. 17, Art. 14

Indian Penal Code, 1860 Sec. 377

Code of Criminal Procedure, 1973 Sec. 118

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 Sec. 18

Prisons Act, 1894 Sec. 34, Sec. 27, Sec. 11

Legal Services Authorities Act, 1987 Sec. 12 Madras Restriction of Habitual Offenders Act, 1948 Sec. 15

Tamil Nadu Prison Rules, 1983 Rule 214

Goa, Daman and Diu Habitual Offenders Act, 1976 Sec. 22, Sec. 6

Orissa Restriction of Habitual Offenders Act, 1952 Sec. 12

Prohibition of Employment As Manual Scavengers and Their Rehabilitation Act, 2013 Sec. 2, Sec. 5

Bombay Habitual Offenders Act, 1959 Sec. 22, Sec. 6

Karnataka Habitual Offenders Act, 1961 Sec. 6, Sec. 18

Andhra Pradesh Habitual Offenders Act, 1962 Sec. 6, Sec. 19

Rajasthan Habitual Offenders Act, 1953 Sec. 14, Sec. 4

Himachal Pradesh Habitual Offenders Act, 1969 Sec. 6, Sec. 21

Jammu and Kashmir Habitual Offenders (Control and Reform) Act, 1956 Sec. 23, Sec. 9

Kerala Habitual Offenders Act, 1960 Sec. 6, Sec. 18

Criminal Tribes Act, 1871 Sec. 14, Sec. 6, Sec. 19, Sec. 1, Sec. 13, Sec. 21, Sec. 20, Sec. 2, Sec. 29, Sec. 9, Sec. 30, Sec. 26, Sec. 10, Sec. 17, Sec. 5, Sec. 27, Sec. 4, Sec. 3, Sec. 12

Criminal Tribes Act, 1911 Sec. 14, Sec. 22, Sec. 19, Sec. 16, Sec. 28, Sec. 21, Sec. 23, Sec. 26, Sec. 5, Sec. 11, Sec. 25, Sec. 3

Criminal Tribes Act, 1924 Sec. 3

Gujarat Habitual Offenders Act, 1959 Sec. 22, Sec. 6

West Bengal Jail Code Rules, 1967 Rule 741, Rule 793, Rule 860, Rule 1117

Uttar Pradesh Jail Manual, 1941 Rule 719, Rule 825

Rajasthan Prison Rules, 1951 Rule 37, Rule 67

Madhya Pradesh Manual, 1987 Rule 36, Rule 411

Andhra Pradesh Manual Rule, 219 Rule 217, Rule 440

Andhra Pradesh Manual, 1979 Rule 448, Rule 1036

Model Prison Manual, 2016 Rule 29

Model Prisons and Correctional Services Act, 2023 Sec. 54, Sec. 60, Sec. 56

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2024(11)MDSCAT24

IN THE SUPREME COURT OF INDIA

[From MADRAS HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Criminal Appeal No. 4058 of 2024 **dated 30/09/2024**

K Vadivel vs. K Shanthi & Ors

FURTHER INVESTIGATION

Code of Criminal Procedure, 1973 Sec. 173, Sec. 311, Sec. 313 - Further Investigation
- Present appeal challenges Madurai Bench order directing further investigation after final arguments concluded - Trial court dismissed application under Sec. 311 Cr.P.C. by respondent-widow seeking additional witnesses' examination - Trial court found no merit in re-examining facts after prosecution had presented its witnesses - High Court directed further investigation despite findings by trial court - Supreme Court

overturned High Court order holding that grounds presented for further investigation lacked credibility and delayed trial unnecessarily - Emphasized necessity of preventing misuse of Sec. 173(8) Cr.P.C. powers for delaying justice - Appeal allowed.

Law Point: Further investigation under Sec. 173(8) Cr.P.C. should not be permitted unless reasonable grounds justify it-Misuse of such power to delay trial undermines speedy justice.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 173, Sec. 311, Sec. 313

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2024(11)MDSCAT25

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before Pamidighantam Sri Narasimha; Pankaj Mithal]

Civil Appeal No 10889 of 2024 **dated 27/09/2024**

Punjab State Civil Supplies Corporation Limited & Anr vs. Sanman Rice Mills & Ors

ARBITRAL AWARD REINSTATED

Arbitration and Conciliation Act, 1996 Sec. 34, Sec. 37, Sec. 5 - Arbitral Award Reinstated - Appeal was filed by the appellant Corporation against the High Court's order that had set aside the arbitral award - Dispute arose over non-supply of processed rice by respondent rice mill, leading to recovery proceedings - Arbitral tribunal awarded compensation to the Corporation, which was upheld by the District Judge under Section 34 of the Arbitration Act - However, High Court, in appeal under Section 37, quashed both the award and lower court's judgment - Supreme Court held that interference with arbitral awards is limited to the grounds under Section 34 and cannot be done lightly - Appellate Court exceeded its jurisdiction in setting aside a reasonable and evidence-based award - Supreme Court restored award. - Appeal Allowed

Law Point: Courts should refrain from interfering with arbitral awards unless clear grounds under Section 34 are established, and appellate powers under Section 37 must remain confined to ensuring compliance with Section 34 limits.

Acts Referred:

Arbitration and Conciliation Act, 1996 Sec. 34, Sec. 37, Sec. 5

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2024(11)MDSCAT26

IN THE SUPREME COURT OF INDIA

[From MADRAS HIGH COURT]

[Before Abhay S Oka; Augustine George Masih]

Criminal Appeal No 4011 of 2024 **dated 26/09/2024**

V Senthil Balaji vs. Deputy Director, Directorate of Enforcement

BAIL REJECTION APPEAL

Constitution of India Art. 21 - Indian Penal Code, 1860 Sec. 34, Sec. 420, Sec. 419, Sec. 471, Sec. 467, Sec. 120B - Code of Criminal Procedure, 1973 Sec. 438, Sec. 439, Sec. 313, Sec. 437 - Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 37 - Prevention of Corruption Act, 1988 Sec. 13, Sec. 7, Sec. 12 - Unlawful Activities (Prevention) Act, 1967 Sec. 43D - Prevention of Money-Laundering Act, 2002 Sec. 2, Sec. 45, Sec. 44, Sec. 4, Sec. 3 - Bail Rejection Appeal - Appellant, former Transport Minister of Tamil Nadu, arrested under PMLA for alleged job racket scam involving over Rs. 67 crore - Bail rejected by High Court - Supreme Court allowed appeal noting prolonged incarceration of over 15 months, with trial unlikely to conclude in near future - Court emphasized right to speedy trial under Art. 21 - Bail granted with stringent conditions to prevent witness tampering and ensure cooperation in trial. - Appeal Allowed

Law Point: Prolonged incarceration without trial violates right to speedy trial under Art. 21 - Bail granted despite serious charges when trial is unlikely to conclude in reasonable time.

Acts Referred:

Constitution of India Art. 21

Indian Penal Code, 1860 Sec. 34, Sec. 420, Sec. 419, Sec. 471, Sec. 467, Sec. 120B

Code of Criminal Procedure, 1973 Sec. 438, Sec. 439, Sec. 313, Sec. 437

Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 37

Prevention of Corruption Act, 1988 Sec. 13, Sec. 7, Sec. 12

Unlawful Activities (Prevention) Act, 1967 Sec. 43D

Prevention of Money-Laundering Act, 2002 Sec. 2, Sec. 45, Sec. 44, Sec. 4, Sec. 3

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2024(11)MDSCAT27

IN THE SUPREME COURT OF INDIA

[From PUNJAB AND HARYANA HIGH COURT]

[Before Dipankar Datta; Augustine George Masih]

Criminal Appeal No 1389 of 2012 **dated 25/09/2024**

Baljinder Singh @ Ladoo and Others vs. State of Punjab

COMMON INTENTION

Indian Penal Code, 1860 Sec. 149, Sec. 148, Sec. 34, Sec. 302, Sec. 307 - Code of Criminal Procedure, 1973 Sec. 374, Sec. 464 - Arms Act, 1959 Sec. 27, Sec. 25 - Common Intention - Appeal by four appellants challenging conviction under IPC Sec. 302 and 307 read with Sec. 34 for murder and grievous assault - Prosecution case involved altercation between P.W.3 and A-1 leading to appellants assembling with weapons and attacking victims - A-4 fired shots causing fatalities - Defense claimed false implication and self-defense - Court emphasized presence of injured eyewitnesses and rejected plea of self-defense - Held common intention was formed even minutes before crime, and appellants acted together with intent to kill - Appeal dismissed

Law Point: Common intention under Sec. 34 IPC can be inferred from conduct immediately before, during, and after the crime, even if formed shortly before the act, making all perpetrators equally liable.

Acts Referred:

Indian Penal Code, 1860 Sec. 149, Sec. 148, Sec. 34, Sec. 302, Sec. 307

Code of Criminal Procedure, 1973 Sec. 374, Sec. 464

Arms Act, 1959 Sec. 27, Sec. 25

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2024(11)MDSCAT28

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before Pamidighantam Sri Narasimha; Pankaj Mithal]

Criminal Appeal No 4003 of 2024 **dated 25/09/2024**

Kailashben Mahendrabhai Patel & Ors vs. State of Maharashtra & Anr

QUASHING OF FIR

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 498A, Sec. 323, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 482, Sec. 178, Sec. 161, Sec. 179 - Protection of Women from Domestic Violence Act, 2005 Sec. 12 - Quashing of FIR - Appeal challenged FIR and chargesheet under IPC Sec. 498A, 323, 504, 506 read with Sec. 34 - FIR involved allegations of cruelty, dowry demands, and property disputes - High Court refused to quash FIR, holding a prima facie case was made out - Appellants argued FIR lacked specific details and was filed to further a civil property dispute between complainant's husband and his family - Supreme Court noted similar allegations were dismissed in Domestic Violence case and held FIR had predominating civil nature - FIR and chargesheet quashed - Appeal Allowed

Law Point: Criminal proceedings based on vague, general allegations, especially when rooted in civil disputes, amount to abuse of process and may be quashed to prevent injustice.

Acts Referred:

Indian Penal Code, 1860 Sec. 504, Sec. 34, Sec. 498A, Sec. 323, Sec. 506

Code of Criminal Procedure, 1973 Sec. 482, Sec. 178, Sec. 161, Sec. 179

Protection of Women from Domestic Violence Act, 2005 Sec. 12

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2024(11)MDSCAT29

IN THE SUPREME COURT OF INDIA

[From BOMBAY HIGH COURT]

[Before C T Ravikumar; Sanjay Kumar]

Criminal Appeal No 1614 of 2012, 1615 of 2012, 1616 of 2012, 1617 of 2012, 1618 of 2012 **dated 25/09/2024**

Manik & Ors vs. State of Maharashtra

CUSTODIAL DEATH

Constitution of India Art. 21 - Indian Penal Code, 1860 Sec. 193, Sec. 201, Sec. 34, Sec. 300, Sec. 203, Sec. 348, Sec. 218, Sec. 302, Sec. 331, Sec. 304, Sec. 387, Sec. 354, Sec. 342, Sec. 385, Sec. 330, Sec. 320, Sec. 343, Sec. 323, Sec. 202 - Railways Act, 1989 Sec. 137, Sec. 174 - Police Act, 1861 Sec. 29 - Custodial Death - Appellants, police officers, were convicted for custodial torture and custodial death of a history-sheeter taken into custody without legal procedures - Trial court convicted

under IPC Sections 304-II, 330, 348, and other Sections - High Court acquitted for Sec. 302, citing lack of proof that the burnt body was of the deceased, but confirmed convictions for custodial torture - Supreme Court found no conclusive evidence of murder or grievous hurt - Acquittal granted for Sec. 304-II, but convictions under Sec. 330, 348, and 387 upheld - Appeals Partly Allowed

Law Point: Conviction for murder (Sec. 304-II) requires conclusive identification of the deceased and proven causation of death. In cases of custodial torture, Section 330 and related IPC offenses remain applicable when severe harm is proven.

Acts Referred:

Constitution of India Art. 21

Indian Penal Code, 1860 Sec. 193, Sec. 201, Sec. 34, Sec. 300, Sec. 203, Sec. 348, Sec. 218, Sec. 302, Sec. 331, Sec. 304, Sec. 387, Sec. 354, Sec. 342, Sec. 385, Sec. 330, Sec. 320, Sec. 343, Sec. 323, Sec. 202

Railways Act, 1989 Sec. 137, Sec. 174

Police Act, 1861 Sec. 29

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2024(11)MDSCAT30

IN THE SUPREME COURT OF INDIA

[From MADHYA PRADESH HIGH COURT]

[Before C T Ravikumar; Sanjay Karol]

Criminal Appeal No 3327 of 2024 **dated 25/09/2024**

Shoyeb Raja vs. State of Madhya Pradesh & Ors

FRAMING OF CHARGE

Indian Penal Code, 1860 Sec. 34, Sec. 353, Sec. 332, Sec. 307, Sec. 294, Sec. 323, Sec. 352, Sec. 506 - Framing of Charge - Appellant challenged the rejection of framing charges under Sec. 307 IPC - Lower courts had held injuries suffered were minor and not sufficient to justify charges for attempt to murder - Supreme Court held that injury severity is irrelevant if intent to kill is present - Medical report showed signs of throttling, supporting a prima facie case of intent to cause death - Charges under Sec. 307 IPC restored - Appeal Allowed

Law Point: Even minor injuries can justify charges under Sec. 307 IPC if there is sufficient evidence of intent to kill or cause grievous harm, as indicated by medical reports and witness statements.

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 353, Sec. 332, Sec. 307, Sec. 294, Sec. 323, Sec. 352, Sec. 506

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2024(11)MDSCAT31

IN THE SUPREME COURT OF INDIA

[From PATNA HIGH COURT]

[Before Bela M Trivedi; Satish Chandra Sharma]

Criminal Appeal No 1031 of 2015, 1578 of 2017, 765 of 2017, 1579 of 2017
dated 25/09/2024

Vijay Singh@vijay Kr Sharma vs. State of Bihar

ACQUITTAL IN MURDER CASE

Indian Penal Code, 1860 Sec. 380, Sec. 34, Sec. 449, Sec. 302, Sec. 364, Sec. 450, Sec. 342, Sec. 120B, Sec. 323, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 313 - Acquittal in Murder Case - Appellant convicted under IPC Sec. 302 and 364 for abduction and murder in 1985 - Conviction based on circumstantial evidence and testimonies of eyewitnesses - Appellant argued inconsistencies in witness statements, motive, and time of death - Court found that testimonies were unreliable and circumstantial evidence was insufficient to establish guilt beyond reasonable doubt - High Court's reversal of acquittal lacked legal grounds - Conviction set aside, and all accused acquitted - Appeals Allowed

Law Point: Conviction based on circumstantial evidence requires a complete and reliable chain of proof, and failure to establish the foundational facts or credible witness testimony warrants acquittal.

Acts Referred:

Indian Use Penal Code, 1860 Sec. 380, Sec. 34, Sec. 449, Sec. 302, Sec. 364, Sec. 450, Sec. 342, Sec. 120B, Sec. 323, Sec. 506

Code of Criminal Procedure, 1973 Sec. 313

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2024(11)MDSCAT32

IN THE SUPREME COURT OF INDIA

[From DELHI HIGH COURT]

[Before B R Gavai; K V Viswanathan]

Criminal Appeal **dated 24/09/2024**

Sunil @ Sonu Etc vs. State Nct of Delhi

ALTERATION OF CONVICTION

Indian Penal Code, 1860 Sec. 308, Sec. 34, Sec. 302, Sec. 307, Sec. 304, Sec. 323 -
Code of Criminal Procedure, 1973 Sec. 161, Sec. 313 - Alteration of Conviction -
Appellants convicted under Section 302 IPC for causing the death - Trial court
convicted appellants based on eyewitness testimony - Defense argued appellants
arrived drunk and initiated the fight - Appellants also sustained injuries during the
altercation, which prosecution failed to explain - Court found possibility of a sudden
quarrel without premeditation, holding that Section 302 not applicable - Conviction
altered to Part-I of Section 304 IPC as the appellants acted in the heat of passion -
Sentence reduced to time already served. - Appeal Partly Allowed

**Law Point: Conviction for murder under Section 302 IPC can be altered to
culpable homicide not amounting to murder under Section 304 Part-I IPC when
death occurs in the heat of passion during a sudden quarrel without premeditation.**

Acts Referred:

Indian Penal Code, 1860 Sec. 308, Sec. 34, Sec. 302, Sec. 307, Sec. 304, Sec. 323
Code of Criminal Procedure, 1973 Sec. 161, Sec. 313

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2024(11)MDSCAT33

IN THE SUPREME COURT OF INDIA

[From DELHI HIGH COURT]

[Before Sandeep Mehta; R Mahadevan]

Civil Appeal No 8387 of 2013 **dated 24/09/2024**

Union of India and Ors vs. Doly Loyi

SEALED COVER PROMOTION

Indian Penal Code, 1860 Sec. 120B - Code of Criminal Procedure, 1973 Sec. 197 - Prevention of Corruption Act, 1988 Sec. 19, Sec. 13 - Central Civil Services (Pension) Rules, 1972 Rule 9 - Sealed Cover Promotion - Respondent denied promotion due to pending criminal prosecution under Prevention of Corruption Act - Promotion recommendations kept in sealed cover by Departmental Promotion Committee (DPC) - Respondent challenged denial, arguing prosecution was not pending when DPC met. - Supreme Court referred to Jankiraman case, stating sealed cover procedure applies only after charge memo or charge sheet is issued - Since no charge sheet was filed when DPC met, sealed cover procedure was unjustified - Court upheld High Court's order directing the opening of sealed cover, which recommended respondent as fit for promotion. - Appeal Dismissed

Law Point: Sealed cover procedure for promotion can only be invoked after charge sheet or charge memo is issued; pending investigation or prosecution sanction is insufficient to deny promotion.

Acts Referred:

Indian Penal Code, 1860 Sec. 120B

Code of Criminal Procedure, 1973 Sec. 197

Prevention of Corruption Act, 1988 Sec. 19, Sec. 13

Central Civil Services (Pension) Rules, 1972 Rule 9

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2024(11)MDSCAT34

IN THE SUPREME COURT OF INDIA

[From MADHYA PRADESH HIGH COURT]

[Before C T Ravikumar; Sanjay Karol]

Civil Appeal No 10812 of 2024 **dated 24/09/2024**

Dinesh Goyal @ Pappu vs. Suman Agarwal (Bindal) & Ors

AMENDMENT OF PLEADINGS

Code of Civil Procedure, 1908 Or. 18 R. 3 - Or. 11 R. 14 - Or. 6 R. 17 - Sec. 151 - Or. 18 R. 1 - Amendment of Pleadings - Appellant challenged High Court's decision allowing amendment to respondent's plaint questioning genuineness of Will after trial had commenced - Respondent sought to amend the plaint to question Will and add movable property to the partition suit - Appellant opposed amendment citing delay and

due diligence failure - Court held amendment necessary to resolve dispute about Will, as it is crucial to succession - Trial Court directed to decide all issues, including Will genuineness, expeditiously - Appeal Dismissed

Law Point: Amendments to pleadings may be allowed even after the commencement of the trial if they are essential for determining the main issue in controversy, such as the genuineness of a Will in a succession dispute.

Acts Referred:

Code of Civil Procedure, 1908 Or. 18R. 3, Or. 11R. 14, Or. 6R. 17, Sec. 151, Or. 18R. 1

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2024(11)MDSCAT35

IN THE SUPREME COURT OF INDIA

[From TELANGANA HIGH COURT]

[Before Dr D Y Chandrachud; J B Pardiwala; Manoj Misra]

Special Leave Petition (Civil) No 20243 of 2024 **dated 13/09/2024**

Talluri Srikar (Minor) Through His Father Talluri Srikrishna vs. Director, National Testing Agency & Ors

NEET RE-EXAMINATION REQUEST

NEET Re-examination Request - Petitioner, a NEET-UG candidate, sought re-examination due to suffering from Hyperhidrosis, which caused excessive sweating on his palms, making it difficult to write - Claimed refusal to allow a handkerchief during the exam affected his performance - Compared his case to 1563 candidates given a re-exam due to delayed question paper distribution - High Court rejected petition, noting petitioner had full exam time and could have wiped his palms on clothing - Supreme Court found no merit in the claim, ruling denial of a handkerchief would not have significantly impacted his performance - Petition Dismissed

Law Point: Minor inconveniences such as denial of non-essential items during exams do not justify re-examination unless there is a substantial loss of examination time or direct impact on the ability to complete the test.

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2024(11)MDSCAT36

IN THE SUPREME COURT OF INDIA

[From ANDHRA PRADESH HIGH COURT]

[Before Pamidighantam Sri Narasimha; Pankaj Mithal]

Civil Appeal No 5267 of 2024; 5268 of 2024, 5269 of 2024, 5270 of 2024, 5271 of 2024, 5272 of 2024, 5273 of 2024, 5274 of 2024, 5275 of 2024, 5276 of 2024, 5277 of 2024, 5278 of 2024, 5279 of 2024, 5280 of 2024, 5281 of 2024, 5282 of 2024, 5283 of 2024, 5284 of 2024, 5285 of 2024, 5286 of 2024, 5287 of 2024, 5288 of 2024, 5289 of 2024, 5290 of 2024, 5291 of 2024 **dated 06/09/2024**

Andhra Pradesh State Road Transport Corporation vs. V V Brahma Reddy & Anr

REPATRIATION ORDERS

Andhra Pradesh Reorganisation Act, 2014 Sec. 77, Sec. 82, Sec. 4, Sec. 3 - Repatriation Orders - Appeals arise from common judgment dismissing writ appeals filed by appellant - Respondents were employees appointed in zones falling under State of Telangana - After bifurcation of Andhra Pradesh, they were deputed to zones in Andhra Pradesh - Appellant issued repatriation orders directing respondents to return to their initial zones - High Court quashed these orders, stating that guidelines for employee allocation were not finalised - Division Bench upheld single judge's order, drawing analogy with Sec. 77 of Reorganisation Act - Held - Section 82 governs corporation employees - Repatriation orders valid - Appeals allowed

Law Point: Repatriation of employees based on zone of initial appointment valid under Sec. 82 of Andhra Pradesh Reorganisation Act - Section 77 applies only to state government employees, not corporation employees.

Acts Referred:

Andhra Pradesh Reorganisation Act, 2014 Sec. 77, Sec. 82, Sec. 4, Sec. 3

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2024(11)MDSCAT37

IN THE SUPREME COURT OF INDIA

[From ANDHRA PRADESH HIGH COURT]

[Before Vikram Nath; Satish Chandra Sharma; Prasanna Bhalachandra Varale]

Civil Appeal No 3872 of 2009 **dated 05/09/2024**

Karedla Parthasarathi vs. Gangula Ramanamma

POSSESSION AND LEGAL HEIRSHIP

Code of Civil Procedure, 1908 Or. 22R. 5, Or. 22R. 4 - Possession and Legal Heirship - Appellant challenged High Court's judgment declaring respondent the legally wedded wife of the deceased and dismissing the suit for possession of disputed property - High Court found respondent lived with the deceased for decades and was recognized as his wife, making her the Class I legal heir - Appellant contested adoption of respondent's alleged son but lacked sufficient grounds - Supreme Court dismissed appeal, allowing appellant to pursue fresh proceedings for relief against respondent's son, who remained in possession property - Appeal Dismissed

Law Point: Declarations of legal heirship based on long cohabitation and evidence of spousal recognition are upheld unless proven otherwise - Fresh proceedings can be initiated to challenge subsequent claims like adoption or inheritance.

Acts Referred:

Code of Civil Procedure, 1908 Or. 22R. 5, Or. 22R. 4

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2024(11)MDSCAT38

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before B V L N Chakravarthi]

Writ Petition No 12881 of 2024 **dated 14/10/2024**

P Sudhakara Reddy S/o P Venugopal Reddy vs. State of Andhra Pradesh; Director General of Police, Government of Andhra Pradesh; Security Review Committee; Superintendent of Police

SECURITY WITHDRAWAL

Constitution of India Art. 226, Art. 21, Art. 14, Art. 19 - Evidence Act, 1872 Sec. 125 - Security Withdrawal - Petitioner, former Additional Advocate General, challenged withdrawal of his personal security by State - Cited threats from ruling party leaders due to past legal representations - State claimed Security Review Committee (SRC) found no current threat to justify continued security - Petitioner argued decision based solely on his non-holding of office without assessing real threat - Court upheld SRC decision, citing no procedural violations and no substantive proof of threat - Petition for reinstatement of security dismissed

Law Point: Security provision depends on threat perception, which is dynamically reviewed by State; subjective fears of petitioners are insufficient to challenge SRC's decisions

Acts Referred:

Constitution of India Art. 226, Art. 21, Art. 14, Art. 19

Evidence Act, 1872 Sec. 125

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2024(11)MDSCAT39

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before B V L N Chakravarthi]

Criminal Petition No 149 of 2023 **dated 14/10/2024**

Pamarthi Chaitanyeswar Ganesh S/o Kusumaiah vs. State of Andhra Pradesh and Others; Avanapu Sucharitha D/o Surya Prakasa Rao

QUASHING OF RAPE CHARGES

Indian Penal Code, 1860 Sec. 376, Sec. 417, Sec. 420, Sec. 354D - Code of Criminal Procedure, 1973 Sec. 482, Sec. 161 - Bharatiya Nyaya Sanhita, 2023 Sec. 69 - Quashing of Rape Charges - Petitioner sought quashing of criminal proceedings under Sec. 376 IPC for alleged rape under false promise of marriage - Claimed relationship with respondent was consensual, and no false promise was made - Respondent accused petitioner of sexual exploitation and breach of promise - Court examined evidence and found no initial intent to deceive, ruling that relationship breakdown was consensual and not a case of rape - Quashed criminal proceedings - Petition Allowed

Law Point: False promise of marriage requires proof of intent to deceive at inception; breakdown of consensual relationships does not constitute rape

Acts Referred:

Indian Penal Code, 1860 Sec. 376, Sec. 417, Sec. 420, Sec. 354D

Code of Criminal Procedure, 1973 Sec. 482, Sec. 161

Bharatiya Nyaya Sanhita, 2023 Sec. 69

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2024(11)MDSCAT40

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Nyapathy Vijay]

Criminal Petition No 6372 of 2024 **dated 10/10/2024**

Telasari Varalakshmi and Others vs. State of Ap

ANTICIPATORY BAIL FOR FAMILY MEMBERS

Indian Penal Code, 1860 Sec. 34, Sec. 354, Sec. 498A, Sec. 386 - Dowry Prohibition Act, 1961 Sec. 4, Sec. 3 - Information Technology Act, 2000 Sec. 67 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 482 - Anticipatory Bail for Family Members - Petitioners, A2 to A5, sought anticipatory bail in a dowry harassment case under Sec. 498A and other charges - Allegations against petitioners were general, claiming threats without specifying dates or actions - Court observed no detailed allegations against petitioners apart from threats related to dowry demands - Held petitioners entitled to anticipatory bail due to lack of evidence and specific accusations - Bail Allowed

Law Point: General allegations without specific actions or dates do not justify denial of anticipatory bail in dowry harassment cases

Acts Referred:

Indian Penal Code, 1860 Sec. 34, Sec. 354, Sec. 498A, Sec. 386

Dowry Prohibition Act, 1961 Sec. 4, Sec. 3

Information Technology Act, 2000 Sec. 67

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 482

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2024(11)MDSCAT41

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before R Raghunandan Rao; Harinath N]

Writ Petition No 9620 of 2023 **dated 04/10/2024**

Anem Veera Raju and Others vs. High Court of Andhra Pradesh and Others

PROMOTION DISPUTE

Andhra Pradesh Judicial Ministerial Service Rules, 2003 Rule 27 - Andhra Pradesh Judicial Ministerial and Subordinate Service Rules, 2019 Rule 19, Rule 13 - Promotion Dispute - Petitioners promoted to Stenographer Grade-II by District Judge - Promotion

was regularized after successful completion of probation - Later reverted back to Grade-III based on representations from third parties - Petitioners challenged reversion as arbitrary and violative of principles of natural justice - Court observed procedural errors in reversion process and non-compliance with natural justice - Held reversion orders invalid and directed petitioners to be restored to their previous posts - Emphasized necessity of following due process in service matters - Petitions Allowed

Law Point: Reversions affecting service conditions must comply with natural justice, and procedural fairness is paramount in administrative decisions

Acts Referred:

Andhra Pradesh Judicial Ministerial Service Rules, 2003 Rule 27

Andhra Pradesh Judicial Ministerial and Subordinate Service Rules, 2019 Rule 19, Rule 13

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2024(11)MDSCAT42

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before V R K Krupa Sagar]

Criminal Petition No 6295 of 2024, 6306 of 2024 **dated 04/10/2024**

Avuthu Srinivas Reddy S/o Avuthu Venket Reddy; Nandigam Suresh Babu S/o Poal vs. Station House Officer; State of Andhra Pradesh

BAIL IN POLITICAL ATTACK

Constitution of India Art. 20 - Indian Penal Code, 1860 Sec. 324, Sec. 149, Sec. 380, Sec. 148, Sec. 147, Sec. 109, Sec. 307, Sec. 452, Sec. 450, Sec. 427, Sec. 326, Sec. 120B, Sec. 323, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 164, Sec. 41A, Sec. 439, Sec. 437 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 164 - Bail in Political Attack - Petitioners sought regular bail for their alleged involvement in a politically motivated attack on opposition party's office - Allegations include armed assault, property damage, and conspiracy - Petitioners argued they were falsely implicated due to political rivalry and complied with previous police notices - Prosecution argued strong evidence of involvement and prior criminal cases - Court considered both sides and denied bail citing seriousness of charges and need for further investigation into key evidence - Police directed to expedite investigation - Bail Denied

Law Point: Bail can be denied if serious charges exist and further investigation is pending, even if accused complied with prior legal notices

Acts Referred:

Constitution of India Art. 20

Indian Penal Code, 1860 Sec. 324, Sec. 149, Sec. 380, Sec. 148, Sec. 147, Sec. 109, Sec. 307, Sec. 452, Sec. 450, Sec. 427, Sec. 326, Sec. 120B, Sec. 323, Sec. 506

Code of Criminal Procedure, 1973 Sec. 164, Sec. 41A, Sec. 439, Sec. 437

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 164

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2024(11)MDSCAT43

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Tarlada Rajasekhar Rao]

Writ Petition No 20626 of 2019, 3797 of 2020 **dated 04/10/2024**

Bhavathi Health Care and Others; Bhagyavathi Health Care vs. State of Andhra Pradesh and Others

AUCTION SALE PROCEEDINGS

Code of Civil Procedure, 1908 Or. 6R. 17, Sec. 151 - Banking Regulation Act, 1949 Sec. 5 - Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Sec. 2 - Andhra Pradesh Co-Operative Societies Act, 1964 Sec. 61 - Andhra Pradesh Co-Operative Societies Rules, 1964 Rule 52 - Auction Sale Proceedings - Petitioners challenged recovery proceedings initiated by cooperative bank under APCS Act for defaulting on loans - Argued auction notice violated procedures and SARFAESI should apply - Court observed non-compliance with repayment terms led to classification of loan as NPA and auction was conducted after several failed attempts - Petitioners failed to prove auction irregularities - Held recovery actions lawful under APCS Rules and SARFAESI not applicable for cooperative banks under these circumstances - Petition Dismissed

Law Point: Recovery of cooperative bank debts can proceed under APCS Act, even if SARFAESI provisions may apply for other financial institutions

Acts Referred:

Code of Civil Procedure, 1908 Or. 6R. 17, Sec. 151

Banking Regulation Act, 1949 Sec. 5

Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 Sec. 2

Andhra Pradesh Co-Operative Societies Act, 1964 Sec. 61

Andhra Pradesh Co-Operative Societies Rules, 1964 Rule 52

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2024(11)MDSCAT44

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Ravi Nath Tilhari; Nyapathy Vijay]

Writ Petition No 32334 of 2010 **dated 04/10/2024**

Ch Krishna vs. Government of Andhra Pradesh and Others

PROMOTION DISPUTE

Constitution of India Art. 309 - Administrative Tribunals Act, 1985 Sec. 21 - Andhra Pradesh Ministerial Service Rules, 1998 Rule 15, Sec. 28A, Rule 2, Rule 3 - Promotion Dispute - Petitioner challenged promotions of respondents to Senior Assistant and Superintendent, alleging irregularities in promotion process and lack of required qualifications - Respondents promoted under reserved category but later produced caste certificates - Tribunal upheld respondents' promotion, citing compliance with applicable rules and petitioner's claim barred by delay - Held: No irregularity in promotions - Challenge rejected as time-barred - Petition Dismissed

Law Point: Service promotions granted following due process cannot be challenged after significant delay unless exceptional circumstances are demonstrated

Acts Referred:

Constitution of India Art. 309

Administrative Tribunals Act, 1985 Sec. 21

Andhra Pradesh Ministerial Service Rules, 1998 Rule 15, Sec. 28A, Rule 2, Rule 3

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2024(11)MDSCAT45

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Ravi Nath Tilhari; Nyapathy Vijay]

Motor Accident Civil Miscellaneous Appeal No 1774 of 2017, 750 of 2017
dated 04/10/2024

Erramreddy Mamatha, Spsr Nellore Dist & Anr and Others; New India Assurance Company Limited vs. G Sreeramulu Naidu Nellore 3 Others and Others; Erramreddy Mamatha 4 Others and Others

COMPENSATION DISPUTE IN ACCIDENT

Code of Civil Procedure, 1908 Or. 1R. 10 - Motor Vehicles Act, 1988 Sec. 166, Sec. 140 - Andhra Pradesh Motor Vehicles Rules, 1989 Rule 473 - Compensation Dispute in Accident - Appeals relate to a motor accident where deceased's family sought compensation - Tribunal awarded Rs.45,88,000/- but deducted 20% for contributory negligence of deceased - Insurance company challenged liability, arguing driver non-impleadment and greater negligence by deceased - Claimants sought enhancement of compensation - Court upheld Tribunal's decision on contributory negligence and denied reduction or increase in compensation - Appeals Dismissed

Law Point: Contributory negligence reduces compensation but does not nullify liability under Motor Vehicles Act

Acts Referred:

Code of Civil Procedure, 1908 Or. 1R. 10

Motor Vehicles Act, 1988 Sec. 166, Sec. 140

Andhra Pradesh Motor Vehicles Rules, 1989 Rule 473

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2024(11)MDSCAT46

HIGH COURT FOR THE STATE OF TELANGANA

[Before Alok Aradhe; J Sreenivas Rao]

Writ Appeal No 1056 of 2024 **dated 04/10/2024**

Ghouse Mohiuddin Ali vs. Muslim Educational Social Cultural Organization Mesco

SOCIETY MANAGEMENT DISPUTE

Code of Civil Procedure, 1908 Sec. 151, Or. 7R. 10, Or. 39R. 2A - Indian Penal Code, 1860 Sec. 34, Sec. 420, Sec. 403, Sec. 468, Sec. 471, Sec. 406 - Telangana Societies

Registration Act, 2001 Sec. 23 - Society Management Dispute - Appellant sought to invalidate meetings and resolutions of society led by suspended Secretary - Trial Court dismissed appellant's plea and directed dispute to statutory forum under Telangana Societies Act - Appellant argued for police protection to enforce interim orders - Court upheld trial court's decision and ruled interim relief must follow proper forum's judgment - Appeal Dismissed

Law Point: Society disputes under Telangana Societies Act must be addressed in statutory forums, with court enforcement limited to legal jurisdiction

Acts Referred:

Code of Civil Procedure, 1908 Sec. 151, Or. 7R. 10, Or. 39R. 2A

Indian Penal Code, 1860 Sec. 34, Sec. 420, Sec. 403, Sec. 468, Sec. 471, Sec. 406

Telangana Societies Registration Act, 2001 Sec. 23

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2024(11)MDSCAT47

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Ravi Nath Tilhari; Nyapathy Vijay]

C M A (Civil Miscellaneous Appeal) No 533 of 2006 **dated 04/10/2024**

Gunapu Jayamma vs. Gunapu Dharmarao

DIVORCE ON CRUELTY GROUNDS

Indian Penal Code, 1860 Sec. 324, Sec. 34, Sec. 325, Sec. 498A, Sec. 323 - Hindu Marriage Act, 1955 Sec. 28, Sec. 13 - Divorce on Cruelty Grounds - Husband sought divorce on grounds of cruelty, alleging wife caused severe burn injuries - Wife denied allegations and claimed physical abuse by husband - Trial court granted divorce based on photographic evidence of injuries and wife's failure to disprove cruelty - Court upheld trial court's decree of divorce, noting cruelty was established by preponderance of evidence - Divorce Granted

Law Point: Cruelty as grounds for divorce can be established through preponderance of evidence even if related criminal charges are unresolved

Acts Referred:

Indian Penal Code, 1860 Sec. 324, Sec. 34, Sec. 325, Sec. 498A, Sec. 323

Hindu Marriage Act, 1955 Sec. 28, Sec. 13

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2024(11)MDSCAT48

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Ravi Nath Tilhari; Nyapathy Vijay]

Motor Accident Civil Miscellaneous Appeal No 2308 of 2018 **dated 04/10/2024**

National Insurance Company Limited vs. Udayagiri Sumathi and Others

COMPENSATION FOR ROAD ACCIDENT

Code of Civil Procedure, 1908 Sec. 2 - Motor Vehicles Act, 1988 Sec. 166, Sec. 173 - Compensation for Road Accident - National Insurance Company appealed against compensation of Rs.76,58,364/- awarded to claimants for death of a head constable in a motor vehicle accident - Argued excessive compensation and non-deduction of taxes - Claimants justified amount based on salary certificates - Court reduced compensation by deducting income tax but upheld liability and awarded amount - Appeal Partly Allowed

Law Point: Compensation for motor vehicle accidents must account for income tax deductions but cannot disregard claimant's legal entitlements

Acts Referred:

Code of Civil Procedure, 1908 Sec. 2

Motor Vehicles Act, 1988 Sec. 166, Sec. 173

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2024(11)MDSCAT49

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Venuthurumalli Gopala Krishna Rao]

Second Appeal No 356 of 2023 **dated 04/10/2024**

Uppena Madhava Reddy S/o Jamala Reddy vs. Parise Sri Rama Mohana Rao; Parise Suvarchala Devi; Gurram Kalyani; Parise Venkata Koteswara Rao; Gaddala Kavitha; Parise Anil Kumar

IRREVOCABLE LICENSE DISPUTE

Code of Civil Procedure, 1908 Sec. 100 - Easements Act, 1882 Sec. 60 - Irrevocable License Dispute - Appellant claimed irrevocable license over land granted by plaintiff,

alleging permanent structures built during employment as farm servant - Plaintiff sought eviction, claiming license was temporary - Trial Court ruled in favor of plaintiff - Appellate Court upheld ruling, noting defendant failed to prove permanent structures or meet conditions under Sec. 60 of Easements Act - Appeal Dismissed

Law Point: A license can only be considered irrevocable under Sec. 60 of Easements Act if specific conditions, such as substantial investment in permanent structures, are met

Acts Referred:

Code of Civil Procedure, 1908 Sec. 100

Easements Act, 1882 Sec. 60

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2024(11)MDSCAT50

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before R Raghunandan Rao; Harinath N]

W A (Writ Appeal) No 1753 of 2008, 522 of 2009, 125 of 2010, 1161 of 2010, 1162 of 2010 **dated 03/10/2024**

Automobile Technicians Association; District Collector, Krishna, Machilipatnam & Others; Andhra Pradesh Industrial, Hyd; Vallabhaneni Madhava Rao Hyderabad & 4 Others; Malladi Venkata Ramana Devi Vija vs. Malladi Lakshmi Narayana & Others; State of A P; District Collector, Krishna District & 3 Others

LAND ACQUISITION TIMING

Land Acquisition Act, 1894 Sec. 6, Sec. 9, Sec. 5A, Sec. 11A, Sec. 8, Sec. 11, Sec. 4 - Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013 Sec. 24 - Land Acquisition Timing - Multiple appeals related to land acquisition for industrial estate - Appellants challenged delay in award issuance under Land Acquisition Act - Award issued after two-year limitation under Section 11A - Court examined delays due to interim stays and procedural extensions - Held award valid as stay orders tolled limitation period - Petitioners' other arguments, including challenges to validity of sale deeds and procedural errors dismissed - Compensation and possession procedures upheld - Appeals Dismissed

Law Point: Limitation for passing an award under Land Acquisition Act can be extended if legal proceedings or stay orders are in place

Acts Referred:

Land Acquisition Act, 1894 Sec. 6, Sec. 9, Sec. 5A, Sec. 11A, Sec. 8, Sec. 11, Sec. 4
Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and
Resettlement Act, 2013 Sec. 24

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2024(11)MDSCAT51

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before R Raghunandan Rao; Harinath N]

Contempt Appeal No 3 of 2024 **dated 03/10/2024**

Kirthi Chekuri vs. Kappagantu Jankiram Sarma and Others

CONTEMPT FOR RENT NON-PAYMENT

Contempt of Courts Act, 1971 Sec. 12 - Andhra Pradesh Charitable and Hindu
Religious Institutions and Endowments Act, 1987 Sec. 43 - Contempt for Rent Non-
Payment - Appellant convicted for contempt due to failure to comply with court order
regarding rent payments for municipal school operating on endowment land -
Respondent demanded higher rent per sq. feet as per corrected order - Appellant
argued order correction exceeded scope of original judgment - Court held correction
valid and non-payment constituted contempt - Appellant sentenced to one month
imprisonment and fine - Contempt Appeal Dismissed

**Law Point: Non-compliance with amended judicial orders, even when contested,
can lead to contempt conviction if court deems correction valid**

Acts Referred:

Contempt of Courts Act, 1971 Sec. 12

Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act,
1987 Sec. 43

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2024(11)MDSCAT52

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before K Suresh Reddy; V Srinivas]

Criminal Appeal No 1048 of 2016 **dated 03/10/2024**

Kolati Nagaraju @ Raju, Guntur Dt vs. State of Ap

MURDER OF MOTHER-IN-LAW

Indian Penal Code, 1860 Sec. 304, Sec. 302, Sec. 300, Sec. 324 - Code of Criminal Procedure, 1973 Sec. 374, Sec. 428 - Murder of Mother-in-Law - Accused convicted for murdering his mother-in-law due to personal disputes regarding his wife's fidelity - Incident occurred when deceased intervened in a family quarrel - Accused cut her throat in public, causing fatal injuries - Prosecution presented eyewitness testimony and medical evidence confirming death due to excessive bleeding - Accused challenged conviction, arguing absence of motive and unreliability of witnesses - Court upheld conviction, noting sufficient evidence - Rejected defense arguments - Appeal Dismissed

Law Point: Eyewitness testimony supported by medical evidence can establish guilt beyond a reasonable doubt in murder cases

Acts Referred:

Indian Penal Code, 1860 Sec. 304, Sec. 302, Sec. 300, Sec. 324

Code of Criminal Procedure, 1973 Sec. 374, Sec. 428

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2024(11)MDSCAT53

HIGH COURT FOR THE STATE OF TELANGANA

[Before C V Bhaskar Reddy]

Writ Petition No 4586 of 2023, 26596 of 2024, 26685 of 2024 **dated 03/10/2024**

Kotala Bhadraiah and 28 Others vs. Union of India and 6 Others

LAND ACQUISITION FOR HIGHWAY

National Highways Act, 1956 Sec. 3, Sec. 3D - Land Acquisition for Highway - Petitioners challenged notifications under National Highways Act for land acquisition to build Greenfield Expressway - Claimed alignment process was biased, favoring certain villages and bypassing theirs - Court found no merit in claims of political bias or arbitrary decisions - Held land acquisition procedures were legally compliant and based on public interest for infrastructure development - Petitions Dismissed

Law Point: Allegations of bias in land acquisition must be supported by clear evidence; infrastructure projects proceed if legal procedures are followed

Acts Referred:

National Highways Act, 1956 Sec. 3, Sec. 3D

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2024(11)MDSCAT54

HIGH COURT FOR THE STATE OF TELANGANA

[Before Moushumi Bhattacharya; M G Priyadarsini]

Criminal Appeal No 723 of 2022 **dated 03/10/2024**

Thirlapuram Ram Reddy vs. State of Telangana

MURDER CONVICTION APPEAL

Indian Penal Code, 1860 Sec. 302 - Code of Criminal Procedure, 1973 Sec. 437A - Murder Conviction Appeal - Appellant convicted for murdering his sister-in-law by setting her on fire over property disputes - Conviction based on circumstantial evidence - Witnesses testified about appellant's motive related to land sale issues, but no eyewitnesses were presented - Appellant argued lack of direct evidence and inconsistencies in police records - Court held circumstantial evidence sufficient, but criticized reliance on hearsay and absence of key witnesses - Conviction upheld despite gaps in evidence - Appeal Dismissed

Law Point: Circumstantial evidence can sustain a murder conviction if supported by a consistent chain of facts, even without direct eyewitnesses

Acts Referred:

Indian Penal Code, 1860 Sec. 302

Code of Criminal Procedure, 1973 Sec. 437A

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2024(11)MDSCAT55

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Ninala Jayasurya; T Mallikarjuna Rao]

Land Acquisition Appeal Suit No 681 of 2011, 690 of 2011, 693 of 2011, 694 of 2011, 695 of 2011, 705 of 2011, 708 of 2011, 709 of 2011, 733 of 2011, 734 of 2011, 735 of 2011, 744 of 2011, 745 of 2011, 759 of 2011 **dated 03/10/2024**

Yerrabolu Purushotham Reddy and Others vs. Land Acquisition Officer/ Revenue Divisional Officer

LAND VALUATION DISPUTE

Land Acquisition Act, 1894 Sec. 4, Sec. 9, Sec. 6, Sec. 23, Sec. 10, Sec. 18 - Land Valuation Dispute - Appellants challenged market value set for land acquired for road construction - Argued land was undervalued despite potential for residential and commercial development - Court examined comparable sales and ruled value set by Reference Court at Rs.3,90,000 per acre too low - Enhanced compensation to Rs.5,09,090 per acre based on potential and proximity to urban developments - Appeals Partly Allowed

Law Point: Compensation for acquired land must reflect market potential and proximity to urban areas, and undervaluation warrants revision

Acts Referred:

Land Acquisition Act, 1894 Sec. 4, Sec. 9, Sec. 6, Sec. 23, Sec. 10, Sec. 18

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2024(11)MDSCAT56

HIGH COURT FOR THE STATE OF TELANGANA

[Before Moushumi Bhattacharya; Nagesh Bheemapaka]

A S (Appeal Suit) No 32 of 2016 **dated 01/10/2024**

B Narasimha Reddy vs. T Seshikanth Reddy

SPECIFIC PERFORMANCE AGREEMENT

Code of Civil Procedure, 1908 Sec. 96 - Specific Performance Agreement - Plaintiffs sought specific performance of an Agreement of Sale regarding suit schedule property - Trial Court decreed suit directing plaintiffs to deposit balance consideration and defendants to execute sale deed - Defendant No.2 challenged maintainability, citing violation of interim injunction and pendente lite purchase - Trial Court confirmed consent of parties for decree based on plaintiff's payment - Court held defendant's appeal not maintainable under Sec. 96(3) of CPC - Plaintiffs allowed to proceed with sale deed registration - Appeal Dismissed

Law Point: An appeal against a consent decree under Sec. 96(3) of CPC is not maintainable

Acts Referred:

Code of Civil Procedure, 1908 Sec. 96

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2024(11)MDSCAT57

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Dr V R K Krupa Sagar]

Criminal Petition No 5439 of 2024 **dated 01/10/2024**

Eepu Ramana; Eepu Rajesh vs. Senior Intelligence Officer

BAIL IN NARCOTICS CASE

Code of Criminal Procedure, 1973 Sec. 439, Sec. 437 - Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 8, Sec. 20, Sec. 28, Sec. 29, Sec. 37, Sec. 42 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 483, Sec. 480 - Bail in Narcotics Case - Petitioners charged under NDPS Act for trafficking 790 kg of Ganja - Argued procedural violations in their arrest, claiming delay in presenting them before Magistrate - Court found no irregularity as charge sheet and procedures followed were compliant with law - Considered seriousness of offense and prior criminal history - Denied bail due to lack of mitigating factors and seriousness of narcotics trafficking - Bail Denied

Law Point: Bail cannot be granted in narcotics cases under NDPS Act without strong grounds and adherence to strict legal procedures

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 439, Sec. 437

Narcotic Drugs and Psychotropic Substances Act, 1985 Sec. 8, Sec. 20, Sec. 28, Sec. 29, Sec. 37, Sec. 42

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 483, Sec. 480

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2024(11)MDSCAT58

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Tarlada Rajasekhar Rao]

Writ Petition No 13533 of 2024 **dated 30/09/2024**

Maheswari College of Education (M Ed) vs. State of Andhra Pradesh and Others

WITHDRAWAL OF RECOGNITION

Constitution of India Art. 226, Art. 14, Art. 19 - National Council for Teacher Education Act, 1993 Sec. 15, Sec. 17, Sec. 14, Sec. 18 - Withdrawal of Recognition - Petitioners challenged withdrawal of their institution's M.Ed program recognition - Argued that decision was based on a letter submitted by a former correspondent without governing body's consent - Petitioners were not given notice as required under NCTE Act - Court noted procedural violations and ruled withdrawal was arbitrary and violative of due process - Held respondents failed to adhere to statutory requirements - Petition Allowed

Law Point: Withdrawal of educational recognition must follow due process, including notice under NCTE Act

Acts Referred:

Constitution of India Art. 226, Art. 14, Art. 19

National Council For Teacher Education Act, 1993 Sec. 15, Sec. 17, Sec. 14, Sec. 18

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2024(11)MDSCAT59

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before R Raghunandan Rao]

Writ Petition No 22438 of 2008 **dated 27/09/2024**

C Bhagyalakshmi (Died) vs. Director Appeals and Others

RYOTWARI PATTA GRANT

Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion Into Ryotwari) Act, 1956 Sec. 3 - Ryotwari Patta Grant - Petitioners sought Ryotwari Patta under AP Inams Act for land purchased through multiple deeds - Inam Tahsildar denied claim, citing prior Patta issued in 2002 to another party - Petitioners argued no notice issued to interested parties and claimed continuous title through various transactions - Court held petitioners failed to prove title or possession at crucial date - Lack of evidence linking their claim to Inam tenure rights - Petition Dismissed

Law Point: Ryotwari Patta claims require proof of title and possession as of relevant date under AP Inams Act, unsupported sale deeds do not establish such rights

Acts Referred:

Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion Into Ryotwari) Act, 1956 Sec. 3

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2024(11)MDSCAT60

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before V Gopala Krishna Rao]

Appeal Suit No 339 of 2001 **dated 26/09/2024**

Kolli Konda (Died); Kolli Adilakshmi and 6 Others vs. Kolli Somulamma and Another

DISPUTED ADOPTION AND WILL

Code of Civil Procedure, 1908 Sec. 96 - Evidence Act, 1872 Sec. 68 - Hindu Succession Act, 1956 Sec. 29A - Hindu Adoptions and Maintenance Act, 1956 Sec. 16, Sec. 11 - Disputed Adoption and Will - Appeal against trial court's decree for partition of family property - Appellants claimed rights under a registered adoption deed and will - Respondents contested the validity of both - Court held that the adoption was not proven as required under law, and the will contained suspicious circumstances - Trial court's decree to divide the property into two equal shares upheld - One share awarded to plaintiffs and the other to legal heirs of fourth defendant. - Appeal Partly Allowed

Law Point: Registered adoption deeds and wills must meet strict legal standards- adoption requires proof of giving and taking, and wills must be free of suspicious circumstances for validity.

Acts Referred:

Code of Civil Procedure, 1908 Sec. 96

Evidence Act, 1872 Sec. 68

Hindu Succession Act, 1956 Sec. 29A

Hindu Adoptions and Maintenance Act, 1956 Sec. 16, Sec. 11

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2024(11)MDSCAT61

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before B Krishna Mohan]

Writ Petition No 22228 of 2023 **dated 26/09/2024**

Aditya Academy vs. State of Ap and Others

REGISTRATION OF AUCTIONED LAND

Transfer of Property Act, 1882 Sec. 53A - Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 Sec. 80 - Registration of Auctioned Land - Petitioner purchased temple property in a public auction - Paid entire consideration and was in peaceful possession for over two decades - Authorities refused to register sale in favor of petitioner citing delays in payment and technical reasons - Petitioner argued all payments were made through Academy's accounts and delays were due to procedural reasons - Court held that petitioners' possession and payments entitled them to a registered sale deed - Respondents' refusal deemed unreasonable and contrary to law - Directed respondents to execute sale deed - Petition Allowed

Law Point: Once a party has made full payment and taken possession of auctioned property, authorities cannot unreasonably deny registration of sale deed

Acts Referred:

Transfer of Property Act, 1882 Sec. 53A

Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 Sec. 80

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2024(11)MDSCAT62

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Dhiraj Singh Thakur; R Raghunandan Rao]

Writ Appeal No 757 of 2024, 758 of 2024 **dated 26/09/2024**

Shaik Abdul Rabbani vs. State of Andhra Pradesh and Others

AUCTION OF SEIZED GOODS

Essential Commodities Act, 1955 Sec. 6A - Auction of Seized Goods - Appellant challenged auction of rice seized for alleged PDS diversion under Essential

Commodities Act - Contended rice was sold below market value at Rs.19 per kg, while authorities valued it at Rs.37 per kg - Court found auction conducted transparently, but agreed price was lower than market rate - Directed release of remaining stock to appellant if payment made at Rs.37 per kg - Appeal Partly Allowed

Law Point: Auctions of seized goods must be conducted transparently and at a fair market price; courts can direct price adjustments if discrepancies arise

Acts Referred:

Essential Commodities Act, 1955 Sec. 6A

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2024(11)MDSCAT63

HIGH COURT FOR THE STATE OF TELANGANA

[Before P Sam Koshy; N Tukaramji]

Writ Petition No 21912 of 2024 **dated 26/09/2024**

T Ramadevi W/o T Srinivas Goud vs. State of Telangana

REMAND UNDER FINANCIAL DEPOSITORS ACT

Constitution of India Art. 22 - Indian Penal Code, 1860 Sec. 420, Sec. 120B, Sec. 406 - Code of Criminal Procedure, 1973 Sec. 167, Sec. 209, Sec. 57 - Telangana Protection of Depositors of Financial Establishments Act, 1999 Sec. 13, Sec. 6, Sec. 14, Sec. 5, Sec. 3 - Remand Under Financial Depositors Act - Petitioner sought Habeas Corpus for four accused detained under Telangana Protection of Depositors Act - Challenged legality of remand before regular Magistrate instead of Special Court - Argued delay in producing accused violated Article 22 and Cr.P.C. provisions - Court held remand before regular Magistrate valid as per Cr.P.C., but emphasized timely production under Sec. 57 - Petition Dismissed

Law Point: In cases under special statutes, initial remand can be before regular Magistrate, but procedural timelines under Cr.P.C. must be strictly followed

Acts Referred:

Constitution of India Art. 22

Indian Penal Code, 1860 Sec. 420, Sec. 120B, Sec. 406

Code of Criminal Procedure, 1973 Sec. 167, Sec. 209, Sec. 57

Telangana Protection of Depositors of Financial Establishments Act, 1999 Sec. 13, Sec. 6, Sec. 14, Sec. 5, Sec. 3

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2024(11)MDSCAT64

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Venuthurumalli Gopala Krishna Rao]

First Appeal No 1534 of 2001 **dated 26/09/2024**

Vysya Bank Limited vs. State of Andhra Pradesh

RECOVERY OF ARREARS

Andhra Pradesh Excise Act, 1968 Sec. 16, Sec. 17 - Recovery of Arrears - Plaintiff sought recovery of arrears of rent and interest from defendants who operated arrack shops - Fixed Deposit Receipt (FDR) provided by defendants to secure rent payment - Defendants failed to pay arrears and plaintiff encashed FDR - Bank refused to honor FDR claiming its lien over funds for unpaid loans by defendants - Court held FDR valid as security for rent arrears and ordered bank to release funds to plaintiff - Appeal Dismissed

Law Point: Bank cannot claim lien over FDR provided as security for specific obligations like rent payment

Acts Referred:

Andhra Pradesh Excise Act, 1968 Sec. 16, Sec. 17

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2024(11)MDSCAT65

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before R Raghunandan Rao; Harinath N]

Writ Appeal No 943 of 2022, 944 of 2022, 945 of 2022 **dated 25/09/2024**

Inakoti Prasada Rao vs. Pydi Srinu Srinivasarao and Others; Akkiseti Sunny Babu and Others

ONLINE REVENUE RECORDS

Andhra Pradesh Rights In Land and Pattadar Pass Books Rules, 1989 Rule 33, Rule 9 - Andhra Pradesh Rights In Land and Pattadar Pass Books Act, 1971 Sec. 9 - Online Revenue Records - Appeals arise from Single Judge's decision on unauthorized marking of revenue records with disputed status - Private respondents alleged

Tahsildar acted without proper notice - Court held marking without notice violated rules - Tahsildar's actions reversed as no prior notification was given to interested parties, invalidating changes in online records - Appellant argued for marking based on historical disputes but failed to establish due process was followed - Single Judge's ruling upheld - Appeals Dismissed

Law Point: Revenue records cannot be altered to reflect disputes without proper notice to interested parties, as per Andhra Pradesh Pattadar Pass Books Act

Acts Referred:

Andhra Pradesh Rights In Land and Pattadar Pass Books Rules, 1989 Rule 33, Rule 9

Andhra Pradesh Rights In Land and Pattadar Pass Books Act, 1971 Sec. 9

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2024(11)MDSCAT66

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Dr V R K Krupa Sagar]

Criminal Petition No 6290 of 2024 **dated 25/09/2024**

Koneti Adimoolam vs. State of Andhra Pradesh and Others

QUASHING FALSE FIR

Bharatiya Nyaya Sanhita, 2023 Sec. 64, Sec. 351 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 528 - Quashing False FIR - Appellant, a sitting MLA, sought quashing of FIR filed under Sec. 64 and 351 of BNS alleging sexual abuse by respondent - Victim appeared in court and submitted affidavit denying allegations, stating FIR was filed under duress - Court examined circumstances, noting no prima facie case existed - Court held continuing prosecution would be abuse of judicial process - FIR quashed

Law Point: FIR can be quashed if victim retracts allegations and evidence suggests abuse of judicial process

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 Sec. 64, Sec. 351

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 528

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2024(11)MDSCAT67

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before R Raghunandan Rao; Harinath N]

Writ Appeal No 113 of 2024 **dated 25/09/2024**

Voleti Venkata Narayana vs. Special Tahsildar and Others

LAND COMPENSATION DISPUTE

Constitution of India Art. 300A, Art. 226 - Land Acquisition Act, 1894 Sec. 4, Sec. 28, Sec. 28A - Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013 Sec. 24 - Land Compensation Dispute - Appellant challenged compensation for land acquired for a drainage project in 1977 - Despite acquiring possession in 1982, compensation was not paid until decades later - Appellant sought enhanced compensation in line with others whose lands were similarly acquired - Court held acquisition process valid, rejecting claims under Sec. 24 of 2013 Act - Directed respondents to pay original compensation plus interest from 1982, with final compensation based on current market value - Appeal Allowed

Law Point: Non-payment of compensation for over four decades warrants re-determination of market value and interest

Acts Referred:

Constitution of India Art. 300A, Art. 226

Land Acquisition Act, 1894 Sec. 4, Sec. 28, Sec. 28A

Right to Fair Compensation and Transparency In Land Acquisition, Rehabilitation and Resettlement Act, 2013 Sec. 24

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2024(11)MDSCAT68

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Venuthurumalli Gopala Krishna Rao]

First Appeal No 194 of 2007 **dated 24/09/2024**

P V Raghavulu S/o Mahalakshmi vs. Paramata Sripallavi D/o P V Raghavulu

DAUGHTER'S MAINTENANCE

Code of Criminal Procedure, 1973 Sec. 125 - Hindu Adoptions and Maintenance Act, 1956 Sec. 20 - Daughter's Maintenance - Respondent sought maintenance and marriage expenses from appellant father - Appellant contested, claiming respondent

was not his legitimate daughter and her mother was a concubine - Trial court awarded Rs. 2,000 per month maintenance and marriage expenses, based on evidence of paternity - Appellant challenged the judgment - Court reduced maintenance to Rs. 1,000 per month until September 2009, when respondent secured government employment - Rs. 41,000 already paid to be deducted from arrears. - Appeal Partly Allowed

Law Point: A father is legally bound to provide maintenance to his children under Sec. 20 of the Hindu Adoptions and Maintenance Act, but maintenance can be reduced if the child becomes self-sufficient.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 125

Hindu Adoptions and Maintenance Act, 1956 Sec. 20

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2024(11)MDSCAT69

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before R Raghunandan Rao; Harinath N]

Writ Petition No 1869 of 2024 **dated 24/09/2024**

Shabana vs. Collector and District Magistrate and Others

DETENTION UNDER GOONDAS ACT

Code of Criminal Procedure, 1973 Sec. 41B, Sec. 41A - Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986 Sec. 2 - Detention under Goondas Act - Petitioner challenged detention order passed under Andhra Pradesh Prevention of Dangerous Activities Act, branding detenu as a habitual offender - Petitioner argued suppression of bail orders and incomplete information led to wrongful detention - Respondents maintained detenu's involvement in six prior criminal cases justified detention - Court noted procedural lapses in conveying bail orders but upheld detention citing seriousness of offenses - Petition Dismissed

Law Point: Procedural lapses in detention orders must be weighed against severity of habitual offenses; detention can be upheld if justified on substantive grounds

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 41B, Sec. 41A

Andhra Pradesh Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986 Sec. 2
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2024(11)MDSCAT70

HIGH COURT FOR THE STATE OF TELANGANA

[Before Juvvadi Sridevi]

Criminal Petition No 8752 of 2024 **dated 23/09/2024**

Dr Kasturi Srinivas vs. State of Telangana

BAIL CANCELLATION REQUEST

Indian Penal Code, 1860 Sec. 420, Sec. 409, Sec. 468, Sec. 471, Sec. 120B, Sec. 506 - Code of Criminal Procedure, 1973 Sec. 41A - Bail Cancellation Request - Petitioner seeks to cancel bail granted to accused for allegedly misappropriating funds from a land allotment society - Accused violated bail conditions by leaving jurisdiction without court's permission - Accused claimed visit to Vijayawada was to see ill father but engaged in public meetings - Court examined both contentions and noted accused's actions were contrary to bail terms - Bail granted under previous conditions deemed invalid due to violation - Court cancelled bail and ordered re-arrest - Bail Cancelled

Law Point: Bail conditions are strictly enforceable, and violation of movement restrictions justifies cancellation

Acts Referred:

Indian Penal Code, 1860 Sec. 420, Sec. 409, Sec. 468, Sec. 471, Sec. 120B, Sec. 506
Code of Criminal Procedure, 1973 Sec. 41A

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2024(11)MDSCAT71

HIGH COURT FOR THE STATE OF TELANGANA

[Before Alok Aradhe; J Sreenivas Rao]

Writ Appeal No 1294 of 2012 **dated 21/09/2024**

P Krishna Murthy (Died) S/o Late Ayyanna and Two Others vs. Panuganti Laxmamma W/o Late Venkaiah

DISPUTE OVER SUCCESSION RIGHTS

Andhra Pradesh Rights In Land and Pattadar Pass Books Act, 1971 Sec. 8, Sec. 9 - Dispute Over Succession Rights - Appellant challenged suo motu revision by Revenue Officer, which recognized respondent as successor to disputed agricultural land - Appellant claimed respondent had no legal right to succession based on outdated laws - Court held that proper forum for such disputes is a civil court and upheld revision - Appeal Dismissed

Law Point: Succession and ownership disputes over land must be adjudicated in civil courts where conflicting claims arise under outdated or overlapping laws

Acts Referred:

Andhra Pradesh Rights In Land and Pattadar Pass Books Act, 1971 Sec. 8, Sec. 9
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2024(11)MDSCAT72

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before B V L N Chakravarthi]

Criminal Petition No 6385 of 2024 **dated 13/09/2024**

Jamisetti Venkata Subrahmanyam vs. State of Andhra Pradesh and Others

DEPOSIT OF COMPENSATION

Code of Criminal Procedure, 1973 Sec. 482, Sec. 389 - Negotiable Instruments Act, 1881 Sec. 148, Sec. 138 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 430 - Deposit of Compensation - Petitioner sought to quash the appellate court's order directing him to deposit 20% of the compensation amount in an appeal against conviction under Section 138 of the Negotiable Instruments Act - Petitioner argued that the order was unjust - Court referred to Section 148 of the Act, which grants discretion to the appellate court to impose such a condition, except in exceptional cases - Held that appellate courts must record reasons if they decide not to impose the deposit condition - Petition allowed, and the case remanded for reconsideration. - Petition Allowed

Law Point: In appeals against convictions under Section 138 of the Negotiable Instruments Act, appellate courts are generally justified in requiring a deposit of 20% of the compensation amount unless exceptional circumstances are demonstrated, in which case reasons for deviation must be recorded.

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 482, Sec. 389

Negotiable Instruments Act, 1881 Sec. 148, Sec. 138

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 430

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2024(11)MDSCAT73

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Venuthurumalli Gopala Krishna Rao]

Trans Civil Misc Petition (Transfer Civil Miscellaneous Petition) No 55 of 2024
dated 13/09/2024

Killada Priyanka vs. Chotupalli Praveen Kumar

TRANSFER OF DIVORCE PETITION

Code of Civil Procedure, 1908 Sec. 24 - Divorce Act, 1869 Sec. 32 - Special Marriage Act, 1954 Sec. 27 - Transfer of Divorce Petition - Petitioner sought transfer of husband's restitution petition filed in Guntur to Srikakulam, citing difficulty in travel due to her employment - Husband, a medical officer, opposed the transfer citing inconvenience but requested dispensation of personal attendance if transferred - Court considered wife's convenience as priority in matrimonial matters - Petition allowed, with personal attendance of respondent dispensed except when necessary - Case transferred from Guntur to Srikakulam. - Petition Allowed

Law Point: In matrimonial disputes, the wife's convenience generally takes precedence over the husband's inconvenience when considering transfer requests under Section 24 CPC.

Acts Referred:

Code of Civil Procedure, 1908 Sec. 24

Divorce Act, 1869 Sec. 32

Special Marriage Act, 1954 Sec. 27

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2024(11)MDSCAT74

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Ravi Nath Tilhari; Nyapathy Vijay]

Civil Miscellaneous Appeal No 407 of 2008 **dated 13/09/2024**

Koppuravuri Srinivasa Rao vs. Koppuravuri Venkata Savithri Devi

DIVORCE ON DESERTION

Hindu Marriage Act, 1955 Sec. 28, Sec. 13 - Divorce on Desertion - Appellant sought divorce on the ground of desertion, claiming respondent wife left the marital home in 2003 and did not return - Respondent alleged abuse and demand for additional dowry - Court found no reconciliation possible after more than 20 years of separation, considering it mental cruelty - Appellant granted divorce with Rs. 5 lakh alimony to be paid to the respondent within eight weeks, effective only after deposit. - Appeal Allowed

Law Point: Continuous long-term separation without reconciliation constitutes mental cruelty, justifying divorce, even if desertion is contested.

Acts Referred:

Hindu Marriage Act, 1955 Sec. 28, Sec. 13

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2024(11)MDSCAT75

HIGH COURT FOR THE STATE OF TELANGANA

[Before J Sreenivas Rao]

Civil Revision Petition No 1239 of 2020 **dated 13/09/2024**

K Yadagiri S/o Late Muttaiah vs. Laxmaiah Died Per Lrs Krishna S/o Late Narsimha

AMENDMENT OF WRITTEN STATEMENT

Code of Civil Procedure, 1908 Or. 2R. 2, Or. 6R. 17 - Amendment of Written Statement - Plaintiffs challenged trial court order allowing amendment to defendants' written statement - Defendants sought to introduce claims of adverse possession and additional facts from earlier litigation - Plaintiffs argued amendment was filed to delay proceedings and was contrary to Order VI Rule 17 as trial had commenced - Court held amendment did not alter case's nature but elaborated prior pleadings and caused no prejudice to plaintiffs - Revision Dismissed

Law Point: Amendments to pleadings during trial are permissible if they do not change case's fundamental nature or cause prejudice to opposing party

Acts Referred:

Code of Civil Procedure, 1908 Or. 2R. 2, Or. 6R. 17

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2024(11)MDSCAT76

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before Ravi Nath Tilhari; Nyapathy Vijay]

Civil Revision Petition No 900 of 2024 **dated 11/09/2024**

P Udaya Bhaskara Reddy vs. Sreepada Real Estates & Developers Hyderabad and Another

DE-EXHIBITING DOCUMENT

Code of Civil Procedure, 1908 Or. 13 R. 4, Or. 13 R. 3, Or. 43 R. 1, Sec. 151 - Arbitration and Conciliation Act, 1996 Sec. 37 - Stamp Act, 1899 Art. 6, Sec. 6B, Art. 6 - Commercial Courts Act, 2015 Sec. 13, Sec. 16, Sec. 8 - De-exhibiting Document - Appellant filed application under Order XIII Rules 3 and 4 CPC to de-exhibit a development agreement marked as Ex.P1, claiming insufficient stamp duty under Article 6B of Stamp Act - Respondents opposed, contending agreement related to land development, not construction, and thus did not fall under Article 6B - Special Judge held document falls under Article 6C, directing respondents to pay deficit stamp duty and penalty for admissibility - Appellant challenged only this part of the ruling - Court dismissed revision, finding that the order was interlocutory and not appealable under Order XLIII CPC. - Revision Dismissed

Law Point: Orders related to admissibility of documents and stamp duty issues are interlocutory in nature and not appealable under Order XLIII CPC.

Acts Referred:

Code of Civil Procedure, 1908 Or. 13R. 4, Or. 13R. 3, Or. 43R. 1, Sec. 151

Arbitration and Conciliation Act, 1996 Sec. 37

Stamp Act, 1899 Art. 6, Sec. 6B, Art. 6

Commercial Courts Act, 2015 Sec. 13, Sec. 16, Sec. 8

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2024(11)MDSCAT77

HIGH COURT FOR THE STATE OF TELANGANA

[Before Alok Aradhe; J Sreenivas Rao]

Public Interest Litigation No 135 of 2012, 161 of 2012 **dated 11/09/2024**

A B K Prasad and Another vs. Union of India

CBI INVESTIGATION JURISDICTION

Code of Criminal Procedure, 1973 Sec. 200 - Police Act, 1861 Sec. 6, Sec. 2, Sec. 5, Sec. 3 - Delhi Special Police Establishment Act, 1946 Sec. 6, Sec. 5 - Andhra Pradesh Government Property (Preservation, Protection and Resumption) Act, 2007 Sec. 2 - CBI Investigation Jurisdiction - Petitioners seek directions for CBI jurisdiction extension to cover land agreements made by Andhra Pradesh Government with a private company - Alleged agreements made at low prices in a non-transparent manner - Petitioners ask for CBI investigation and Central Vigilance Commission oversight - Government ordered CBI investigation but petitioners claim inaction and delay by CBI - Petitioners argue agreements violated legal and procedural standards - Respondents argue lack of jurisdiction and existing CBI resource constraints - Court held CBI is to proceed with investigation under its existing mandate - Petitions Partly Allowed

Law Point: CBI can extend jurisdiction based on Government's notification and CBI's resources are not an excuse to avoid investigations when ordered by a competent authority

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 200

Police Act, 1861 Sec. 6, Sec. 2, Sec. 5, Sec. 3

Delhi Special Police Establishment Act, 1946 Sec. 6, Sec. 5

Andhra Pradesh Government Property (Preservation, Protection and Resumption) Act, 2007 Sec. 2

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2024(11)MDSCAT78

HIGH COURT FOR THE STATE OF TELANGANA

[Before K Surender]

Civil Revision Petition No 987 of 2010 **dated 11/09/2024**

Telangana Dairy Development Co-operative Federation Limited vs. Harbanslal Bhanote (Died)

LAND ACQUISITION COMPENSATION

Code of Civil Procedure, 1908 Or. 21R. 13, Sec. 115 - Land Acquisition Compensation - Petition filed to execute decree for delivery of land acquired by Government beyond limits set in prior agreements - Initial decree ordered Telangana Dairy Development Cooperative Federation to deliver excess land or pay compensation - Execution petition filed due to failure in delivering land - Federation argued that property could not be identified during surveys and that boundaries were unclear - Court dismissed Federation's objections and ordered payment of Rs.2.89 crores as compensation, with interest, for land value - Revision Dismissed

Law Point: Failure to execute a decree for land delivery requires payment of compensation even if property boundaries cannot be identified

Acts Referred:

Code of Civil Procedure, 1908 Or. 21R. 13, Sec. 115

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2024(11)MDSCAT79

HIGH COURT FOR THE STATE OF TELANGANA

[Before K Sujana]

Criminal Petition No 9953 of 2024 **dated 11/09/2024**

Vasundhara Chary Vasunder Chary Ravulakola vs. State of Telangana

QUASHING OF VEHICLE SEIZURE CASE

Indian Penal Code, 1860 Sec. 420 - Motor Vehicles Act, 1988 Sec. 80 - Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 528 - Quashing of Vehicle Seizure Case - Appellant charged under Sec. 420 of IPC and Sec. 80(a) of Motor Vehicles Act for driving a vehicle without a number plate - Court examined whether driving without a number plate constituted cheating under Sec. 420 - Found no element of deception in facts of case, as vehicle did not belong to complainant - Quashed proceedings under

Sec. 420, but left open possibility of fines under appropriate provisions of Motor Vehicles Act - Petition Allowed

Law Point: Driving a vehicle without a number plate does not constitute cheating under Sec. 420 of IPC; appropriate action lies under Motor Vehicles Act

Acts Referred:

Indian Penal Code, 1860 Sec. 420

Motor Vehicles Act, 1988 Sec. 80

Bharatiya Nagarik Suraksha Sanhita, 2023 Sec. 528

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2024(11)MDSCAT80

HIGH COURT FOR THE STATE OF TELANGANA

[Before Sujoy Paul]

Civil Revision Petition No 2026 of 2024 **dated 10/09/2024**

M Sanjay Kumar vs. Shanta Education Society and Others

REJECTION OF PLAINT

Code of Civil Procedure, 1908 Or. 7R. 11 - Telangana Societies Registration Act, 2001 Sec. 23 - Rejection of Complaint - Petitioners challenged trial court's rejection of their application under Order VII Rule 11 in a dispute over removal from society - Argued that CPC provisions were inapplicable under Telangana Societies Registration Act - Court dismissed appeal, citing Supreme Court precedents establishing that CPC provisions apply to proceedings under Act - Petition Dismissed

Law Point: Proceedings under Telangana Societies Registration Act must follow applicable provisions of CPC, including Order VII Rule 11 for rejection of complaint

Acts Referred:

Code of Civil Procedure, 1908 Or. 7R. 11

Telangana Societies Registration Act, 2001 Sec. 23

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2024(11)MDSCAT81

HIGH COURT FOR THE STATE OF TELANGANA

[Before Sujoy Paul; Namavarapu Rajeshwar Rao]

Writ Petition No 7517 of 2018 **dated 10/09/2024**

P V Suryanarayana vs. High Court of Judicature For The State of Telangana

REMOVAL FROM SERVICE

Central Civil Services (Classification, Control and Appeal) Rules, 1965 Rule 20 - Andhra Pradesh High Court Service Rules, 1975 Rule 17 - Removal from Service - Petitioner, an Assistant Registrar, challenged dismissal from service for alleged misconduct during a recruitment process - Charges included mishandling exam question papers and conversion of answer key file - Disciplinary enquiry found petitioner responsible for tampering - Petitioner argued procedural violations and lack of concrete evidence in support of charges - Court upheld dismissal, ruling disciplinary process was followed correctly and findings were supported by evidence - Petition Dismissed

Law Point: Disciplinary proceedings leading to dismissal must follow due process, and charges based on tampering of official documents can warrant removal from service if supported by evidence

Acts Referred:

Central Civil Services (Classification, Control and Appeal) Rules, 1965 Rule 20

Andhra Pradesh High Court Service Rules, 1975 Rule 17

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2024(11)MDSCAT82

HIGH COURT FOR THE STATE OF TELANGANA

[Before Alok Aradhe; N V Shravan Kumar]

Applications No 361 of 2007, 364 of 2007, 367 of 2007, 370 of 2007, 1228 of 2008, 1235 of 2008, 1239 of 2008, 1249 of 2008, 43 of 2009 **dated 09/09/2024**

M Anand S/o M Seshagiri Rao and Others vs. N S D Prasad Rao S/o N K Rao

EVICITION IN EXECUTION PROCEEDINGS

Code of Civil Procedure, 1908 Or. 21R. 99, Sec. 54, Or. 21R. 35 - Registration Act, 1908 Sec. 49, Sec. 17 - Stamp Act, 1899 Sec. 42 - Eviction in Execution Proceedings - Applicants claimed ownership over properties sold to them by previous owners and

challenged Bailiff's report in execution of decree - Respondents argued applicants were not in possession and report accurately reflected property status - Court held applicants failed to establish their possession at relevant time and dismissed applications seeking possession

Law Point: In execution proceedings, applicants must establish their possession at time of decree enforcement to challenge Bailiff's report

Acts Referred:

Code of Civil Procedure, 1908 Or. 21R. 99, Sec. 54, Sec. 2, Or. 21R. 35

Registration Act, 1908 Sec. 49, Sec. 17

Stamp Act, 1899 Sec. 42

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2024(11)MDSCAT83

HIGH COURT FOR THE STATE OF TELANGANA

[Before B Vijaysen Reddy]

Writ Petition No 9472 of 2024, 11098 of 2024, 18553 of 2024 **dated 09/09/2024**

Padi Kaushik Reddy vs. State of Telangana

DISQUALIFICATION OF MLA

Disqualification of MLA - Petitioners, MLAs from BRS and BJP, sought disqualification of fellow MLAs under X Schedule for defecting to INC - Alleged that defectors campaigned for INC and were declared as candidates for elections - Speaker delayed adjudication of disqualification petitions - Court observed delay in adjudicating disqualification petitions violated constitutional duties - Directed Speaker to decide petitions within a fixed time - Petitions Allowed

Law Point: Courts can direct Speakers to decide disqualification petitions in a timely manner if delays undermine constitutional mandate of preventing political defections

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2024(11)MDSCAT84

HIGH COURT FOR THE STATE OF TELANGANA

[Before K Sujana]

Criminal Petition No 3348 of 2024 **dated 09/09/2024**

Prasadam Raghu vs. State of Telangana

SEXUAL HARASSMENT ALLEGATIONS

Indian Penal Code, 1860 Sec. 354A, Sec. 509 - Code of Criminal Procedure, 1973 Sec. 482 - Sexual Harassment Allegations - Petitioners sought quashing of criminal proceedings for sexual harassment under Sec. 354A IPC - Allegedly made inappropriate remarks towards respondent during discussions for Big Boss TV show casting - Petitioners denied charges, claiming no evidence of intent or physical advances - Court found allegations insufficient to constitute sexual harassment under IPC - Quashed proceedings based on lack of material evidence - Petition Allowed

Law Point: Allegations of sexual harassment must be supported by concrete evidence of unwelcome advances or demands; vague accusations and lack of corroborative evidence can justify quashing charges

Acts Referred:

Indian Penal Code, 1860 Sec. 354A, Sec. 509

Code of Criminal Procedure, 1973 Sec. 482

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2024(11)MDSCAT85

HIGH COURT FOR THE STATE OF TELANGANA

[Before K Surender]

Criminal Appeal No 1143 of 2012 **dated 09/09/2024**

S Surender vs. State Through Cbi-acb, Hyderabad

DISPROPORTIONATE ASSETS CASE

Code of Criminal Procedure, 1973 Sec. 428 - Prevention of Corruption Act, 1988 Sec. 13 - Disproportionate Assets Case - Appellant, a postman, was convicted for possession of disproportionate assets under Sec. 13 of Prevention of Corruption Act - Assets of Rs.6,48,000 found disproportionate to his known income - Investigation covered a period of two months and included significant deposits and purchase of Kisan Vikas Patras - Appellant claimed assets belonged to his brother, but failed to

produce supporting evidence or summon his brother as witness - Court upheld conviction, citing failure to explain lawful possession of assets - Appeal Dismissed

Law Point: In disproportionate assets cases, burden of proving lawful possession of assets lies with accused once disproportion is established

Acts Referred:

Code of Criminal Procedure, 1973 Sec. 428

Prevention of Corruption Act, 1988 Sec. 13

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2024(11)MDSCAT86

HIGH COURT FOR THE STATE OF TELANGANA

[Before Alok Aradhe; J Sreenivas Rao]

Writ Petition No 39589 of 2012 **dated 06/09/2024**

N Indiramma W/o Late Srinivasa Chary vs. State of Telangana

CHALLENGE TO INAM RULE

Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 Sec. 35, Sec. 10, Sec. 2, Sec. 24 - Andhra Pradesh District Collectors Powers (Delegation) Act, 1961 Sec. 6, Sec. 7, Sec. 5, Sec. 8, Sec. 4, Sec. 3 - Andhra Pradesh (Telangana Area) Abolition of Inams Rules, 1975 Rule 18 - Challenge to Inam Rule - Petitioners sought to declare Rule 18 of Inams Rules as ultra vires for conflicting with Inams Act - Argued that District Collector alone has jurisdiction over such disputes - Claimed Revenue Divisional Officer wrongfully issued Occupancy Rights Certificate without authority - Court upheld Rule 18, finding no conflict with Act - Petition Dismissed

Law Point: Revenue Divisional Officers have delegated authority to issue Occupancy Rights Certificates under Inams Act

Acts Referred:

Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955 Sec. 35, Sec. 10, Sec. 2, Sec. 24

Andhra Pradesh District Collectors Powers (Delegation) Act, 1961 Sec. 6, Sec. 7, Sec. 5, Sec. 8, Sec. 4, Sec. 3

Andhra Pradesh (Telangana Area) Abolition of Inams Rules, 1975 Rule 18

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2024(11)MDSCAT87

HIGH COURT FOR THE STATE OF TELANGANA

[Before J Sreenivas Rao]

Civil Revision Petition No 2336 of 2024 **dated 06/09/2024**

Salveru Padmarao vs. Varin and Varin Constructions P Ltd , Kamareddy

ADVOCATE COMMISSIONER APPOINTMENT

Code of Civil Procedure, 1908 Or. 26R. 9, Sec. 151 - Andhra Pradesh Court Fees and Suits Valuation Act, 1956 Sec. 34 - Advocate Commissioner Appointment - Petitioners sought to challenge trial court's order allowing appointment of Advocate Commissioner to inspect property and note physical features in a partition suit - Respondents argued land was not vacant and several RCC buildings were constructed by purchasers - Court held appointment was necessary to resolve factual disputes about existing structures - Advocate Commissioner appointment upheld - Appeal Dismissed

Law Point: Appointment of Advocate Commissioner for local inspection is permissible to resolve factual disputes when parties disagree on physical status of property

Acts Referred:

Code of Civil Procedure, 1908 Or. 26R. 9, Sec. 151

Andhra Pradesh Court Fees and Suits Valuation Act, 1956 Sec. 34

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2024(11)MDSCAT88

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

[Before V Gopala Krishna Rao]

A S M P (Appeal Suit Miscellaneous Petition); Appeal Suit No 1179 of 2008; 2073 of 1996 **dated 05/09/2024**

Dr Korrapati Venkata Poornachandra Rao vs. K Midhun; K Venkata Sri Krishna

PARTITION SUIT

Code of Civil Procedure, 1908 Sec. 96, Or. 41 R. 27 - Hindu Minority and Guardianship Act, 1956 Sec. 8, Sec. 12 - Partition Suit - Appellant sought partition of family property into equal shares - Respondents, including son from the first marriage, contested division claiming additional properties were omitted - Second son challenged legitimacy of shares - Trial court decreed partition including disputed properties - Appellant argued certain properties were self-acquired and not liable for partition - Court held appellant failed to prove self-acquisition, and dismissed appeal for lack of evidence supporting his claims - Additional evidence request denied due to unexplained 24-year delay. - Appeal Dismissed

Law Point: Failure to prove self-acquired status of property results in inclusion of property in partition, and additional evidence submitted after a long delay may be rejected if not adequately justified.

Acts Referred:

Code of Civil Procedure, 1908 Sec. 96, Or. 41R. 27

Hindu Minority and Guardianship Act, 1956 Sec. 8, Sec. 12

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2024(11)MDSCAT89

HIGH COURT FOR THE STATE OF TELANGANA

[Before Alok Aradhe; J Sreenivas Rao]

Writ Petition No 21910 of 2024, 22025 of 2024, 22097 of 2024, 22101 of 2024, 22104 of 2024, 22144 of 2024, 22149 of 2024, 22156 of 2024, 22162 of 2024, 22260 of 2024, 22285 of 2024, 22330 of 2024, 22374 of 2024, 22376 of 2024, 22377 of 2024, 22389 of 2024, 22390 of 2024, 22399 of 2024, 22401 of 2024, 22405 of 2024, 22435 of 2024, 22437 of 2024, 22440 of 2024, 22443 of 2024, 22447 of 2024, 22465 of 2024, 22537 of 2024, 22658 of 2024, 22717 of 2024, 22738 of 2024, 22862 of 2024, 22892 of 2024, 23061 of 2024, 23079 of 2024, 23182 of 2024, 23271 of 2024, 23346 of 2024, 23430 of 2024, 23471 of 2024, 23490 of 2024, 23509 of 2024, 23517 of 2024, 23533 of 2024, 23720 of 2024, 23722 of 2024, 23723 of 2024, 23929 of 2024, 23961 of 2024, 24005 of 2024, 24011 of 2024, 24283 of 2024, 24307 of 2024, 24353 of 2024 **dated 05/09/2024**

Kalluri Naga Narasimha Abhiram and Others vs. State of Telangana

MEDICAL COLLEGE ADMISSION

Constitution of India Art. 371D - Andhra Pradesh Reorganisation Act, 2014 Sec. 95 - Telangana Medical & Dental Colleges Admission Rules, 2017 Rule 3 - Telangana Educational Institutions Act, 1983 Sec. 15, Sec. 3 - Medical College Admission - Petitioners challenged constitutionality of Rule 3(a) of 2017 Telangana Medical Colleges Admission Rules - Argued that rule, amended in 2024, wrongly denied them local status for MBBS admissions despite residency and schooling in Telangana - Respondents defended amendment, citing State's prerogative in admission criteria - Court upheld rule, observing that local status can be subject to specific educational criteria and petitioners failed to meet them - Petitions Dismissed

Law Point: State governments can set educational and residency requirements for local status in professional admissions if based on reasonable criteria

Acts Referred:

Constitution of India Art. 371D

Andhra Pradesh Reorganisation Act, 2014 Sec. 95

Telangana Medical & Dental Colleges Admission, (Admission Into Mbbs & Bds Courses) Rules, 2017 Rule 3

Telangana Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983 Sec. 15, Sec. 3

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2024(11)MDSCAT90

HIGH COURT FOR THE STATE OF TELANGANA

[Before P Sam Koshy; N Tukaramji]

Civil Miscellaneous Appeal No 310 of 2015 **dated 04/09/2024**

M/s Deccan Power Products Pvt Ltd vs. M/s Hyderabad Metro Water Supply and Sewerage Board and Others

NON-COMPLIANCE OF MSMED PROVISIONS

Arbitration and Conciliation Act, 1996 Sec. 7, Sec. 34, Sec. 37 - Micro, Small and Medium Enterprises Development Act, 2006 Sec. 22, Sec. 19, Sec. 16, Sec. 21, Sec. 15, Sec. 20, Sec. 23, Sec. 17, Sec. 18, Sec. 24 - Non-compliance of MSMED Provisions - Appeal against trial court's order setting aside Facilitation Council's award for non-compliance with Section 18(2) of MSMED Act - Appellant awarded contract for water meter supply but disputes arose on failure to execute work - Facilitation

Council ruled in favor of appellant but court found procedural violations - Appellant argued non-compliance was not mandatory - Court held Section 18(2) provisions were mandatory and failure to comply invalidated award - Appeal Dismissed

Law Point: Non-compliance with mandatory procedural requirements under MSMED Act invalidates arbitration awards

Acts Referred:

Arbitration and Conciliation Act, 1996 Sec. 7, Sec. 34, Sec. 37

Micro, Small and Medium Enterprises Development Act, 2006 Sec. 22, Sec. 19, Sec. 16, Sec. 21, Sec. 15, Sec. 20, Sec. 23, Sec. 17, Sec. 18, Sec. 24

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