

TAMIL NADU STATE JUDICIAL ACADEMY

**** VOL. XXI— PART 4 — APRIL 2026****

IMPORTANT CASE LAWS



TAMIL NADU STATE JUDICIAL ACADEMY HEADQUARTERS, CHENNAI

No.30/95, P.S.K.R. Salai, R.A. Puram, Chennai – 600 028

Phone Nos. 044– 24958595 / 96 / 97 / 98 **Fax:** (044) 24958595

Website: www.tnsja.tn.gov.in **E-Mail:** tnsja.tn@nic.in / tnsja.tn@gmail.com

REGIONAL CENTRE, COIMBATORE

No.251, Scheme Road, Race Course,
COIMBATORE,

Tamil Nadu, India. PIN: 641 018

Telephone No: (0422) 2222610, 710

E-Mail: tnsja.rc.cbe@gmail.com

REGIONAL CENTRE, MADURAI

AlagarKoil Road, K. Pudur,

MADURAI,

Tamil Nadu, India. PIN: 625 002

Telephone No: (0452) 2560807, 811

E-Mail: tnsja.rc.mdu@gmail.com

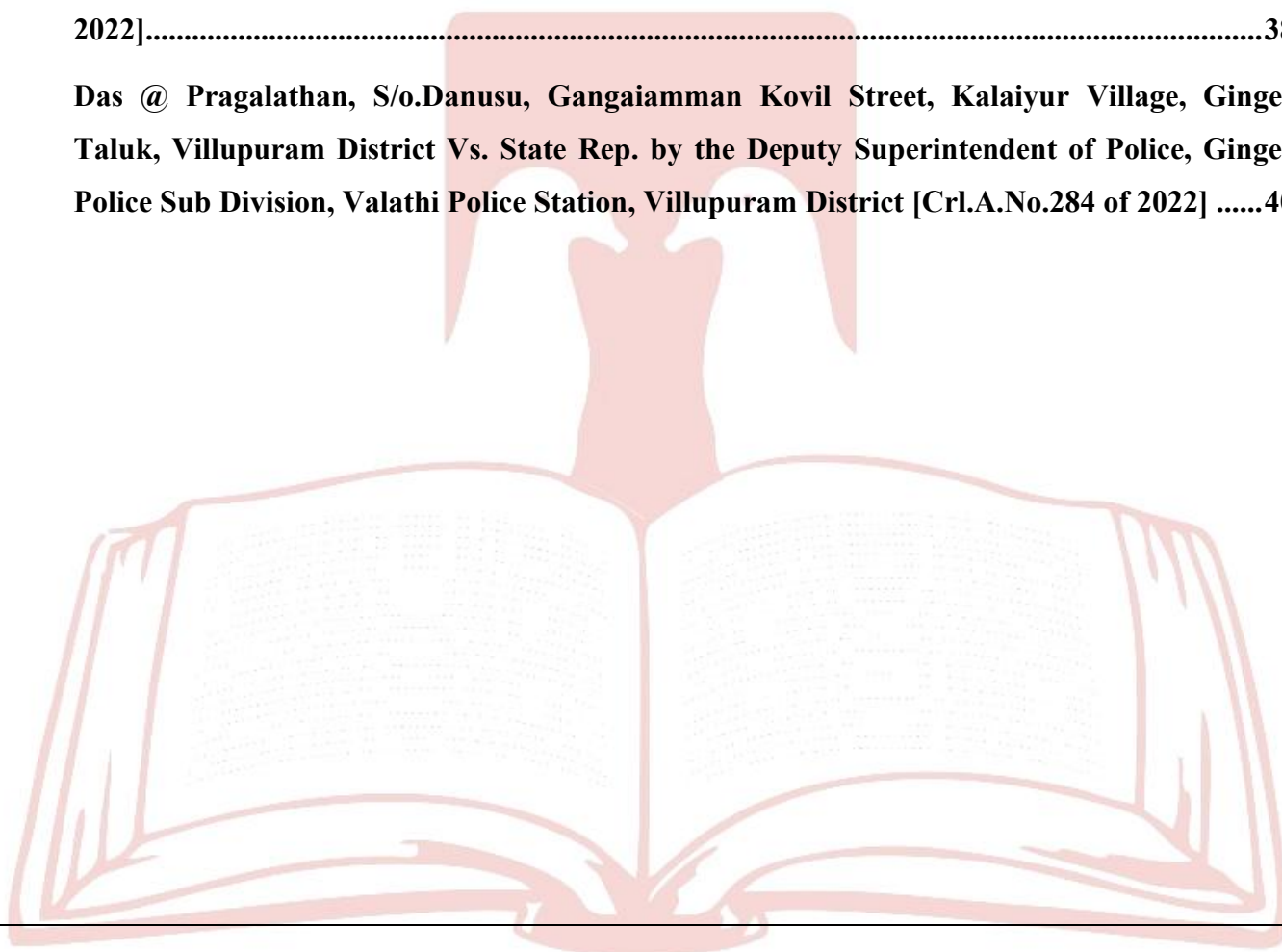
TABLE OF CONTENTS

SUPREME COURT – CIVIL CASES	1
Kaminiben & Ors. Vs. The Oriental Insurance Company Limited & Ors. [Special Leave Petition (Civil) No. 21802 of 2023]	1
Habib Alladin and Ors. Vs. Mohammed Ahmed [Special Leave Petition (Civil) No. 2937 of 2022 (2026 INSC 90)]	3
M/s Bhagheeratha Engineering Ltd. Vs. State of Kerala [Civil Appeal No. 39 of 2026 (2026 INSC 4)].....	5
Bhagyalaxmi Co-Operative Bank Ltd. Vs Babaldas Amtharam Patel (D) Thr. LR. & Ors. [Civil Appeal No. 3200 of 2016 (2026 INSC 205)]	7
Gobind Singh and Ors. Vs. Union of India and Ors. [Civil Appeal Nos. 5168-5169 of 2011 (2026 INSC 211)]	9
SUPREME COURT – CRIMINAL CASES.....	12
Dr. Sushil Kumar Purbey and Anr. Vs. The State of Bihar and Ors. [Special Leave Petition (Criminal) No. 3075 of 2024 (2026 INSC 212)]	12
Sanjay Kumar Sharma Vs. State of Bihar & Ors. [Special Leave Petition (Criminal) No. 15378 of 2024 (2026 INSC 223)]	14
Pooranmal Vs. The State of Rajasthan & Anr. [Special Leave Petition (Criminal) No. 1977 of 2026 (2026 INSC 217)]	16
Central Bureau Of Investigation Vs. Baljeet Singh [Special Leave Petition (Criminal) No. 12486 of 2025 (2026 INSC 221)]	18
Subramani Vs. State of Karnataka [Criminal Appeal No. 2432 of 2010 (2026 INSC 249)]....	20
HIGH COURT – CIVIL CASES	22
Leelabai (Died) & Ors. Vs. S.Kandhamani & Ors. [SA No.250 of 2003 and CMP No.2341 of 2003].....	22
Ramados & Ors. Vs. V. Sujatha [S.A.Nos.437 and 470 of 2023 and C.M.P.Nos.13249, 13250 and 14349 of 2023].....	24

Janaki Ammal (Deceased) & Ors. Vs. The Tahsildar, Bhuvanagiri Taluk & Ors. [S.A.No. 76 of 2023]	26
B.Kannan & Anr. Vs. J.Margaret Alice [A.S.Nos.188 & 189 of 2023 and C.M.P.Nos.7624 & 7641 of 2023]	28
J.Vadivelu & Anr. Vs. Sri Pachaiaimman Devasthanam Rep. By its Executive Officer, Mannarsami Koil Street, Anna Salai, Chennai- 600 002 [SA No. 223 of 2026 and CMP.No.5953 of 2026]	30

HIGH COURT – CRIMINAL CASES32

Jasheer Razak S/o.Mr. Mohammed Basheer, Bangalore - 560 024 Vs. Union Rep. by Intelligence Officer, DRI, Chennai Zone, Chennai - 600 017 [CRL OP No. 5295 of 2026]	32
Rajkumar Vs. The State of Tamil Nadu, Rep. by the Deputy Superintendent of Police, Andipatti Sub Division, G. Vilakku Police Station, Theni District & Ors. [Crl.MP (MD)No.12468 of 2025 in Crl.A (MD)No.405 of 2025]	34
Muthukumar Vs. The State rep by the Inspector of Police, Parthibanoor Police Station, Ramanathapuram District [Crl. A. (MD)No.123 of 2024]	36
Sundaram, S/o.Vedi, Dharumanthoppu Village, Burgur Taluk, Krishnagiri District Vs. State by the Inspector of Police, Mathur Police Station, Krishnagiri District [Crl.A.No.1270 of 2022]	38
Das @ Pragalathan, S/o.Danusu, Gangaiaimman Kovil Street, Kalaiyur Village, Gingee Taluk, Villupuram District Vs. State Rep. by the Deputy Superintendent of Police, Gingee Police Sub Division, Valathi Police Station, Villupuram District [Crl.A.No.284 of 2022]	40



SUPREME COURT – CIVIL CASES**Kaminiben & Ors. Vs. The Oriental Insurance Company Limited & Ors.
[Special Leave Petition (Civil) No. 21802 of 2023]****Date of Judgment: 11.02.2026**

Motor Vehicles Act, 1988 – Sections 166, 168 and 147 – Fatal accident – Deceased was travelling in a tempo [goods vehicle] Insured with respondent Insurance Company on the date of accident – Tribunal granted compensation and directed the insurance company to deposit the compensation amount and recover it from the vehicle owner – High Court set aside the Tribunal's direction holding that the insurer was not liable to first pay and then recover the compensation from the vehicle owner – *Held* : The deceased was travelling in the tempo along with the Ganesh idol, which was taken for immersion in the Narmada River – The dominant purpose for hiring the vehicle was not travelling, but carrying the idol for immersion and travelling in the vehicle was only incidental – The deceased could be treated as a gratuitous passenger travelling with his goods, namely the Ganesh idol – Distinguished the facts of the cases in *Amudhavalli & Ors. Vs. HDFC Ergo General Insurance Company Ltd. & Ors.*, [2025 INSC 1219] and *Manuara Khatun & Ors. Vs. Rajesh Kumar Singh & Ors.*, [(2017) 4 SCC 796] – In the case of *Amudhavalli & Ors.*, the goods vehicle had been hired for travelling and not for carrying goods with travel being incidental – Referring to the case in *Manuara Khatun & Ors.*, since the victim was a gratuitous passenger, the insurer of the offending vehicle has to first satisfy the awarded sum and then to recover the same from the insured in the same proceedings – Appeal allowed – High Court's order set aside and Tribunal's award restored.

The appellants/ legal heirs of the deceased filed this appeal against the order of the High Court setting aside the Tribunal's direction to the insurer to first pay the compensation and then recover the same from the vehicle owner.

The case arose from a fatal accident involving a deceased individual who was traveling in a rented tempo [goods vehicle] to immerse a Ganesh idol during a festival. While the Tribunal awarded ₹13,23,000/- with a "pay and recover" direction, the High Court set aside this direction, holding that the Insurance Company was not liable to pay the amount first.

The appellants contended that since the deceased was a gratuitous passenger in a goods vehicle, the Insurance Company should be directed to "pay and recover" based on precedents such as *Manuara Khatun & Ors. vs. Rajesh Kumar Singh & Ors.* and *National Insurance Company Limited vs. Saju P. Paul & Anr.* Conversely, the respondent argued that in cases where a deceased travels in a goods vehicle on rent, the insurer cannot be fastened with liability even under the "pay and recover" principle, citing the decision in *Amudhavalli & Ors. vs. HDFC Ergo General Insurance Company Ltd.*

The Hon'ble Supreme Court observed that the dominant purpose for hiring the tempo was carrying the Ganesh idol for immersion, making the deceased's travel incidental as a gratuitous passenger traveling with his goods. The Court noted that while an insurer is generally not liable for gratuitous passengers in goods vehicles, the "pay and recover" principle can be applied by keeping in view the benevolent object of the Motor Vehicles Act. The Court distinguished the *Amudhavalli* case cited by the respondents, noting that in that instance, the vehicle was hired for traveling rather than for carrying goods. Relying on the principles in *Saju P. Paul* and *Manuara Khatun*, the Supreme Court allowed the appeal, set aside the High Court's order, and restored the Tribunal's award.

**Habib Alladin and Ors. Vs. Mohammed Ahmed [Special Leave Petition (Civil)
No. 2937 of 2022 (2026 INSC 90)]**

Date of Judgment: 28.01.2026

Wakf Act, 1995 – Sections 6 and 7 read with Sections 83 and 85 – Civil Procedure Code, 1908 – Order VII, Rule 11 – The respondent filed suit for perpetual injunction restraining the appellants from interfering with the respondent and other musallies from entering into the premises and offering prayers contending that a portion of ground floor of residential building was enclosed and used as Mosque with the participation of owner and builder – Appellants filed an application under Order VII, Rule 11 CPC seeking to reject the plaint contending that no Mosque was ever established, no demarcation existed in the sanctioned plan and the property in question was neither notified in the list of auqaf nor registered under the Act of 1995 – Rejected by the Tribunal – Revision filed before the High Court was dismissed – *Held* : A bare reading of the plaint disclosed that the suit property was neither specified in the list of auqaf published under Chapter II nor registered under Chapter V – Determination as to whether the property was wakf or not could not be undertaken by the Tribunal in the absence of mandatory requirements under Sections 6(1) and 7(1) – Injunction simpliciter in respect of property not conferred the status of wakf – Tribunal had no jurisdiction and the plaint was liable to be rejected – Appeal is allowed, rejecting the suit filed before the Tribunal, leaving the question of whether the suit property is a waqf or not open to be agitated in accordance with law.

The appellants-defendants have filed this appeal against the dismissal of the revision filed before the High Court challenging the rejection of the petition filed under Order VII, Rule 11 CPC before the Wakf Tribunal.

The respondent-plaintiff filed a suit for the relief of perpetual injunction restraining the appellants-defendants from interfering with the respondent and other musallies from entering into the premises and offering prayers contending that a portion of ground floor of residential building was enclosed and used as a Mosque with the

participation of owner and builder. The appellants-defendants filed an application under Order VII, Rule 11 of CPC seeking to reject the plaint contending that no Mosque was ever established, no demarcation existed in the sanctioned plan and the property in question was neither notified in the list of auqaf nor registered under the Act of 1995. The said application was rejected by the Tribunal, against which, a revision was filed before the High Court, but the same was also dismissed. Hence, the appeal.

The appellants contended that for the Tribunal to exercise jurisdiction under Sections 6 and 7 of the Act, the property must be specified in the "list of Auqaf" published under Section 5. They asserted that a prayer for an injunction regarding property not established as waqf must be brought before a Civil Court. Conversely, the respondent argued that Section 83 of the Act provides the Tribunal with broad power to determine any dispute or question relating to waqf property, including whether a property holds that status by user, and that a Gazette notification is not a prerequisite for the Tribunal's jurisdiction.

The Hon'ble Supreme Court noted that the jurisdiction of the Tribunal and the ouster of Civil Court jurisdiction under Section 85 is not absolute. Reaffirming the principles in *Ramesh Gobindram v. Sugra Humayun Mirza Wakf*, the Court held that the Tribunal's jurisdiction to determine if a property is waqf is strictly limited to those properties already specified in the "list of Auqaf". The Court clarified that Section 83 does not serve as an all-pervasive conferment of power and that the 2013 Amendment did not grant the Tribunal the authority to determine the waqf status of unlisted properties. Ultimately, the Supreme Court set aside the Tribunal's order ascertaining jurisdiction, allowed the appeal, and rejected the suit under Order VII Rule 11.

M/s Bhagheeratha Engineering Ltd. Vs. State of Kerala [Civil Appeal No. 39 of 2026 (2026 INSC 4)]

Date of Judgment: 05.01.2026

Arbitration and Conciliation Act, 1996 – Sections 4, 16, 21, 23, 28, 34 and 37 – Indian Contract Act, 1872 – Section 28(b) – The appellant, who was awarded with four road maintenance contracts under the Kerala State Transport Project, sought arbitration following the respondent's dissatisfaction with an adjudicator's decision – Arbitral Tribunal was constituted and decided all four disputes in favour of the appellant, which was challenged by the respondent – The District Court set aside and restored the adjudicator's decision – Upheld by High Court – Held : The Arbitrator exceeded his mandate by adjudicating disputes not specifically referred – An Arbitral Tribunal's jurisdiction, once constituted, includes all disputes arising from the contract – Proper procedures were not followed and the adjudicator's decision had not been properly challenged – The High Court erred in its jurisdictional assessments – The respondent's conduct indicated a waiver of the procedural pre-requisites and it could not deny the appellant's claims based on technicalities when the parties had not followed the stipulated timelines in good faith – Appeal allowed – Judgment of the High Court in Arbitration Appeal is set aside upholding the Award of the Arbitral Tribunal.

The present civil appeal was filed by the appellant challenging the judgment of the Division Bench of the High Court, which had set aside an arbitral award. The High Court had reasoned that the Arbitral Tribunal exceeded its jurisdiction by adjudicating on four disputes when it was allegedly appointed at the request of the respondent-State to decide only one, and further held that the appellant's failure to issue a separate notice under Section 21 of the Arbitration and Conciliation Act, 1996 (A&C Act) for the remaining disputes was fatal.

The dispute arose from four Road Maintenance Contracts awarded to the appellant. Under the contract's dispute resolution mechanism, matters were first referred to an Adjudicator, who ruled in favour of the appellant on two disputes (Nos. 1 and 3) and against them on two others (Nos. 2 and 4). The respondent-State, dissatisfied with the ruling on dispute No. 1, initiated arbitration. During the arbitral proceedings, the appellant sought to raise all four disputes. While the Arbitral Tribunal eventually ruled in favour of the appellant on all four issues and awarded a total sum of approximately Rs. 1.99 crores, the District Judge and subsequently the High Court set aside the award, primarily on the ground that the arbitration was limited to the single issue referred by the State.

The appellant contended that the arbitration clause was widely worded to cover any matter arising out of or connected with the agreement and that the respondent's conduct, including challenging the entire adjudicatory process, showed an intention to reopen all disputes. They further argued that Section 21 of the A&C Act is a procedural provision for limitation and not a jurisdictional bar. The respondent maintained that the escalatory measures in the contract were mandatory and that a party must strictly comply with notice requirements to invoke arbitration on specific issues.

The Hon'ble Supreme Court held that the High Court erred in setting aside the award. The Court observed that the respondent's own conduct, such as failing to treat the Adjudicator's decision as final and seeking to declare it null and void, precluded it from relying on contractual time-bars to limit the scope of the reference. Crucially, the Court clarified that Section 21 of the A&C Act is intended for determining the commencement of proceedings to reckon limitation and is not a "mandatory prerequisite" that limits a Tribunal's jurisdiction to only those disputes specified in a notice. The Court reaffirmed that where an arbitration agreement is broad, as in this case, a claimant is not restricted to the claims raised in the initial notice and may supplement them during proceedings. Ultimately, the Court set aside the High Court's judgment and upheld the arbitral award in its entirety.

Bhagyalaxmi Co-Operative Bank Ltd. Vs Babaldas Amtharam Patel (D) Thr. LRs. & Ors. [Civil Appeal No. 3200 of 2016 (2026 INSC 205)]

Date of Judgment: 27.02.2026

Indian Contract Act, 1872 [“the Act”] – Sections 133 and 139 – Discharge of Surety – Appeal against the order of the High Court setting aside the decision of the Tribunal as to the sureties’ liability upon the sanctioned sum of cash-credit facility to the principal debtor and interest, for the default in repayment by the principal debtor – Held : Liability of surety is co-extensive with that of principal-debtor, unless contract of guarantee provides otherwise – Discharge of surety by variance in terms of contract means that surety cannot be bound to do something for which he has not contracted – If surety had not assented to certain new terms, he cannot be bound for final obligation of principal-debtor which would be different from obligations which surety initially guaranteed – Liability of surety extends only to what contract he guaranteed and not something for which he had not contracted for – In order to bind surety to a contract of guarantee, he must be consulted – Surety will be discharged by acts or omissions of creditor which, though not having legal consequences of discharging principal, impair eventual remedy of surety against him – Surety is discharged only in respect of transactions that occurred subsequent to variance of terms of contract – High Court was not right in holding that guarantors may be either liable to pay entire amount which is deemed payable by principal borrower or not at all and that there cannot be bifurcation of liability – This is contrary to Section 133 of the Act – Appeal allowed and the impugned order of High Court set aside.

The civil appeal was filed by the appellant-Bank challenging the High Court’s judgment which had set aside an order directing the recovery of a loan from the respondents, who were sureties for the principal borrower.

The dispute arose after the 6th respondent obtained a cash-credit facility for Rs. 4,00,000, for which 1st and 2nd respondents stood as guarantors. Subsequently, the borrower overdrew amounts far exceeding the sanctioned limit in connivance with bank officers. While the Board of Nominees initially dismissed the suit against the sureties, the Gujarat State Co-operative Tribunal later held them liable for the original Rs. 4,00,000. However, the High Court reversed this, ruling that the unauthorized overdrawing constituted a variance that discharged the sureties from all liability, as liability could not be bifurcated.

The appellant contended that under Section 133 of the Indian Contract Act, 1872, a variance in contract terms without a surety's consent only discharges the surety regarding transactions subsequent to that variance. They argued the Bank remained entitled to recover the original sanctioned amount from the sureties up until the point the contract was varied. Conversely, the respondents submitted that under Section 139 of the Act, the Bank's act of allowing overdrafts without their knowledge was inconsistent with their rights and impaired their remedy against the debtor, thereby discharging them from all liability.

The Hon'ble Supreme Court noted that the core issue was whether the sureties were entitled to a total discharge under Section 139 or a partial discharge under Section 133. The Court observed that while the overdrawing was a fundamental variation, Section 133 explicitly provides that such a discharge is not absolute; the surety remains bound by the obligations they originally contracted for. The Court further held that Section 139 did not apply because, although the Bank's actions were inconsistent with the sureties' rights, they did not impair the eventual remedy of the sureties against the principal debtor. The Court concluded that the High Court erred in holding that liability could not be bifurcated, as the statute itself mandates determining liability based on when the variance occurred. Ultimately, the appeal was allowed, the High Court's order was set aside, and the sureties were held liable for the original Rs. 4,00,000 with interest.

Gobind Singh and Ors. Vs. Union of India and Ors. [Civil Appeal Nos. 5168-5169 of 2011 (2026 INSC 211)]

Date of Judgment: 09.03.2026

Civil Procedure Code, 1908 – Order XLI Rule 27 – Production of additional evidence in the appellate Court – Appeals filed against the Judgment and order passed in the first appeal and review petition respectively by the High Court reversing the findings of the Trial Court – *Held* : Provision contemplates only three eventualities in which additional evidence may be permitted : first, where court which passed decree has refused to admit evidence which ought to have been admitted; second, where party seeking to adduce such evidence establishes that, notwithstanding exercise of due diligence, evidence was not within its knowledge or could not have been produced at the time when decree under appeal was passed; and third, where appellate court itself requires any document to be produced or any witness to be examined in order to enable it to pronounce judgment or for any other substantial cause – It is only upon satisfaction of any of the three contingencies that application under Order XLI Rule 27 CPC can be entertained – Where Appellate Court forms an opinion that additional evidence is required to be admitted, it must record reasons for such admission – Appellate Court’s inquiry, while considering application for leading additional evidence, is confined to examining whether such evidence is necessary to remove lacuna in the case – Parties do not possess any vested or automatic right to seek admission of additional evidence at appellate stage - Appeal is ordinarily to be decided on evidence adduced before the Trial Court – Appellate Court is not expected to embark upon a fresh fact-finding exercise or permit production of additional evidence as a matter of routine – Where Appellate Court is satisfied that material already available on record is sufficient to enable it to pronounce judgment, it is well within its jurisdiction to confine its consideration to evidence forming part of record of courts below – When appellants-plaintiffs themselves asserted title on the basis of long and continuous possession through their predecessors,

subsequent attempt to introduce additional evidence at appellate stage assumes little legal significance – Once trial had concluded and decree was under challenge in appeal, appellants could not be permitted to fill gaps in their case by seeking to adduce further material to fortify a claim that was fundamentally flawed – Appeals dismissed.

The appellants have filed these appeals against the Judgment of the High Court reversing the findings of the Trial Court as well as the order passed in the review petition.

The appellants–plaintiffs filed a suit for declaration and permanent injunction against the respondents–defendants and the same was decreed. Pending appeal before the High Court, the appellants-plaintiffs filed an application under Order XLI, Rule 27 CPC to introduce the General Land Register (GLR) as additional evidence. The High Court allowed the first appeal setting aside the Judgment and decree of the Trial Court. Against which, the appellants-plaintiffs filed a review petition on the ground that the application for additional evidence has not been decided. However, the High Court dismissed the review petition and the application for additional evidence, affirming the Judgment rendered in the first appeal. Hence, the appeals.

The appellants contended that the High Court erred by deciding the appeal on merits without first adjudicating the application for additional evidence and argued they had perfected title via adverse possession. Conversely, the respondents submitted that the land had vested in the Union Government in 1953 and that the earlier decree was obtained behind their back. They further argued that the application for additional evidence was meritless as it did not satisfy the strict parameters of Order XLI Rule 27 CPC.

The Hon'ble Supreme Court observed that Order XLI Rule 27 CPC is couched in negative terms, meaning parties are not entitled to additional evidence as a right; it is a judicial discretion to be used sparingly only to remove a lacuna when the court cannot otherwise pronounce a satisfactory judgment. The Court held that since the 1984 decree was non-est against the Union, the burden lay on the appellants to

independently prove their title, which they failed to do. It further found that the GLR entries would not have changed the outcome, as the Union's title was fortified by a 1954 Gazette Notification. Criticizing the unscrupulous attempt to secure a decree without impleading the true owner, the Court affirmed the High Court's decision and dismissed the appeals.

SUPREME COURT – CRIMINAL CASES

Dr. Sushil Kumar Purbey and Anr. Vs. The State of Bihar and Ors. [Special Leave Petition (Criminal) No. 3075 of 2024 (2026 INSC 212)]

Date of Judgment: 09.03.2026

Criminal Procedure Code, 1973 – Section 482 – Indian Penal Code, 1860 – Sections 341, 323, 498A and 34 read with Sections 3 and 4 of Dowry Prohibition Act, 1961 – Cruelty and dowry offences – Cognizance of offences – Appeal filed against the dismissal of the quash petition in so far as the father-in-law and mother-in-law of the complainant – Allegations leveled against the sister-in-law and those against present appellants are, in all material particulars, identical – FIR does not assign any specific or overt act to either appellant; there are no particular dates, places, or individual acts attributed to them – Lone allegation that stands separately against the present appellants is that they would quarrel – The criminal complaint against the appellants was lodged nearly a year after the filing of the divorce petition – However, viewed in conjunction with absence of any specific allegations attributable to them, delay lends credence to submission that criminal complaint against in-laws may have been instituted by way of a counter-blast to divorce proceedings initiated by the husband – Criminal proceedings are quashed insofar as the present appellants are concerned – Appeal allowed.

The criminal appeal has been filed by the appellants (the father-in-law and mother-in-law of the complainant) challenging the High Court's judgment and order which refused to quash criminal proceedings against them while granting such relief to the complainant's sister-in-law.

The dispute arose following the marriage of the complainant to the appellants' son in July 2019. In March 2021, the husband instituted a divorce petition, and subsequently, in March 2022, the complainant filed an FIR alleging persistent torture and cruelty regarding demands for a BMW car, as well as an instance of attempted

strangulation. The Judicial Magistrate took cognizance of offences under Sections 341, 323, 498A, and 34 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act against the husband, the appellants, and the sister-in-law. The High Court quashed the proceedings against the sister-in-law, characterizing the allegations as "general and omnibus," but maintained the proceedings against the appellants, finding a prima facie case. Hence, the appeal.

The appellants contended that the allegations against them were identically general and omnibus to those against the sister-in-law, and that no specific role or overt act had been attributed to them. They further argued that the FIR was a "counter-blast" to the divorce petition filed a year earlier, noting that the complainant had made material improvements to her story in subsequent filings. Conversely, the complainant argued that the allegations were specific and that the trial was already at an advanced stage.

The Hon'ble Supreme Court noted that the allegations against the appellants and the sister-in-law were identical in all material particulars, with no specific dates, places, or individual acts attributed to any of them. The Court observed that the High Court erred by applying different standards to individuals who stood on an identical footing regarding the nature of the allegations. The Court further noted that the delay in filing the complaint, nearly a year after the husband's divorce petition, lent credence to the claim that the proceedings were a counter-blast. The Supreme Court while allowing the appeal, set aside the High Court's order and quashed the criminal proceedings insofar as the appellants were concerned.

**Sanjay Kumar Sharma Vs. State of Bihar & Ors. [Special Leave Petition
(Criminal) No. 15378 of 2024 (2026 INSC 223)]**

Date of Judgment: 11.03.2026

Indian Penal Code, 1860 – Section 302 – Indian Evidence Act, 1872 – Section 32 – Case of murder of parents by son and daughter-in-law – Conviction by Trial Court – Acquittal by High Court – Dying declaration is a very important species of evidence capable of proving crime proper and identifying accused, an exception to hearsay evidence – Court should be satisfied it is made by the deceased without any prompting or tutoring or coercion or is a mere figment of imagination – Conviction can be based solely on dying declaration and there is no requirement of any corroboration – It can be reduced to writing or can be oral, as testified by reliable witnesses – Capacity of injured to make statement, both physical and mental, need not be necessarily certified by a doctor and would rest again on satisfaction of Court on an analysis of testimony of various witnesses and other evidence coming forth in trial – If there is an iota of suspicion, Court has to look for corroboration – Medical certification as to physical and mental state always aids in arriving at a satisfaction – Post-mortem report of deceased husband indicates that he had sustained 100% burns – Degree of burn injuries suffered by deceased wife is not mentioned in the report prepared by Doctor who carried out post-mortem – There was no investigation on the defence stand that the fire was caused when the gas cylinder burst and the I.O. did not even carry out a forensic examination of the site to find out the cause of fire, whether it was arson or accidental – Investigation and prosecution was premised on motive alleged and nothing more – Judgment of the High Court acquitting accused, confirmed – Appeal dismissed.

This criminal appeal was filed by the appellant/ elder son of the deceased challenging the High Court's judgment of acquittal, which had reversed the Trial Court's conviction of the appellant's younger brother and sister-in-law for the murder of their parents.

The case originated from a 2016 incident where a couple died after their shanty was gutted in a fire. The prosecution alleged that the accused torched the hut due to a long-standing land dispute, basing their case on several written and oral dying declarations and the purported motive of the son's resentment over his share of ancestral property. While the Trial Court convicted the accused, the High Court acquitted them, leading to this appeal.

The appellant and the State contended that the conviction should be upheld based on the consistency of the dying declarations and medical corroboration. Conversely, the respondents argued that the investigation was a cooked-up prosecution story involving manufactured evidence and interested witnesses.

The Hon'ble Supreme Court observed that the dying declarations lacked credibility as they were recorded in the presence of villagers and interested relatives without medical certification of the victim's fit state of mind. The Court found the investigation to be grossly deficient, noting the failure to draw a scene mahazar, the lack of forensic examination to determine if the fire was accidental, and the non-examination of crucial independent witnesses. Additionally, the Court noted a fatal procedural lapse where the Trial Court failed to put incriminating circumstances to the accused during their Section 313 Cr.P.C. examination. Holding that the prosecution failed to prove guilt beyond a reasonable doubt, the Supreme Court dismissed the appeal, affirming the acquittal.

**Pooranmal Vs. The State of Rajasthan & Anr. [Special Leave Petition
(Criminal) No. 1977 of 2026 (2026 INSC 217)]**

Date of Judgment: 10.03.2026

Indian Penal Code, 1860 – Sections 302/34 and 201 [Sections 103 (1)/3(5) and 238 of Bharatiya Nyaya Sanhita, 2023] – Indian Evidence Act, 1872 [“the Act”] – Section 27 [Proviso to Section 23 of BSA] & Section 65-B [Section 63 of BSA] – Appeal against the conviction and sentence imposed in the case of murder by the Trial Court and it was upheld by High Court – grave discrepancy regarding exact amount of currency notes recovered by Investigating Officer purportedly in furtherance of disclosure statement made by appellant – Mere recovery of currency notes cannot constitute incriminating evidence in absence of corroborative evidence – For treating FSL report to be admissible, prosecution would have to prove complete chain of custody establishing sanctity of sealed articles right from time of seizure till the time they reached FSL – Requisite link evidence essential to prove safe-keeping and sanctity of ‘Muddamal’ articles is lacking and chain of custody has been breached, making FSL report redundant – Neither recovery of currency notes is reliable, nor recovery of shirt inspires confidence – Requirement of certificate under Section 65-B of the Act for admissibility of electronic evidence is mandatory and cannot be dispensed with – In absence of certificate, mandatorily required under Section 65-B of the Act, call detail records become inadmissible in evidence and cannot be relied upon to support the prosecution’s case – Prosecution failed to bring home the charges against the appellant – Appeal allowed – Appellant acquitted.

The criminal appeal has been filed by the appellant challenging the High Court’s judgment, which affirmed his conviction and life sentence for murder and concealment of evidence under Sections 302/34 and 201 of the IPC [Sections 103 (1)/3(5) and 238 of the BNS, 2023].

The case involved the murder of Aruna, wife of the co-convict Ladu Lal, in March 2010. The Trial Court convicted and sentenced them to undergo life imprisonment, which was upheld by the High Court. Hence, the appellant has filed the present appeal.

The appellant contended that the recovery of a blood-stained shirt was unnatural and unreliable, and that the call detail records (CDR) were inadmissible due to the lack of a mandatory Section 65-B Evidence Act certificate. Conversely, the respondent State submitted that the recoveries were unimpeachable and that the FSL report, matching the blood group on the shirt to the deceased, provided conclusive proof of guilt. They also argued that the burden of proof shifted to the appellant under Section 106 of the Evidence Act to explain his possession of a large sum of money.

The Hon'ble Supreme Court noted that in cases of circumstantial evidence, the conclusion of guilt must be fully established and exclude every other hypothesis. The Court observed a grave discrepancy in the amount of currency notes recovered (Rs. 46,000 recorded vs. Rs. 46,145 counted in court), rendering the recovery doubtful and non-incriminating without corroborative evidence. Regarding the FSL report, the Court held it redundant because the prosecution failed to prove an unbroken chain of custody for the samples, which were returned from the FSL for undisclosed reasons. Furthermore, the Court reiterated that a Section 65-B certificate is a mandatory condition precedent for the admissibility of electronic records; in its absence, the CDR was inadmissible. Concluding that the prosecution failed to establish a coherent chain of incriminating circumstances, the Court allowed the appeal, set aside the conviction, and ordered the appellant's immediate release.

**Central Bureau Of Investigation Vs. Baljeet Singh [Special Leave Petition
(Criminal) No. 12486 of 2025 (2026 INSC 221)]**

Date of Judgment: 10.03.2026

Indian Penal Code, 1860 – Sections 120-B – Prevention of Corruption Act, 1988 [P.C. Act] – Sections 5(1)(a) and 7 – Indian Evidence Act, 1872 – Sections 65(b) – Illegal gratification by public servant – Appeal against the acquittal of Income Tax Inspector (A2) in the case of illegal gratification on the grounds of bereft of proof of the conspiracy theory and absence of demand of bribe – Evidence did not establish a conspiracy between the accused A1 (Assessing Officer) and A2 – The absence of proof that A1 directly demanded or accepted a bribe leads to dismissal of the conspiracy charge against him – The conspiracy charge was rightly overturned by the High Court – There was clear proof of demand and acceptance of illegal gratification by appellant/A2 based on substantial evidence including recovery of marked notes, forensic test results and eyewitness testimonies, which was corroborated by independent witnesses and forensic evidence – Failure to establish conspiracy would not automatically defeat a separate charge of demand and acceptance of a bribe – Where evidence clearly establishes demand and acceptance by one accused, conviction can still follow even if conspiracy with another accused is not proved – Conviction restored under Section 7 of PC Act and sentence reduced to one year rigorous imprisonment with fine – Appeal allowed accordingly.

The criminal appeal was filed by the Appellant/ Central Bureau of Investigation (CBI) challenging a High Court judgment that overturned the conviction of two Income Tax officials, a Joint Commissioner (A1) and an Inspector (A2/Respondent), for bribery and criminal conspiracy.

The case arose from a trap operation where A2 allegedly demanded ₹5 lakhs on behalf of A1 to finalize a tax assessment for PW1, resulting in the recovery of ₹2 lakhs in marked currency from A2's coat pocket. The Trial Court had established fifteen circumstances to prove the charges, convicting both accused under Section

120B IPC r/w Section 7 PC Act and separately under Section 7 PC Act, sentencing them to 4 years of rigorous imprisonment and a ₹1 lakh fine on each count. However, the High Court acquitted both, finding the conspiracy was not proved and there was no clear proof of demand. Hence, the Appeal.

The respondent (A2) contended that because the charge of criminal conspiracy failed, leading to A1's final acquittal, the independent charge under the Prevention of Corruption (PC) Act could not survive against him alone.

The Hon'ble Supreme Court held that while the conspiracy charge failed due to lack of evidence linking A1 to the demand, A2's liability was not inextricably linked to A1's culpability. The Court clarified that an accused can be independently convicted for demand and acceptance under Section 7 of the PC Act, even if a co-accused is acquitted of conspiracy under Section 120B IPC. Relying on the testimony of the complainant and the recovery of tainted notes, corroborated by independent witnesses and A2's conduct of remaining pale and mum when caught, the Court found the case against A2 established beyond reasonable doubt. Ultimately, the appeal was allowed in part, setting aside A2's acquittal and restoring his conviction under Section 7 of the PC Act, with a modified sentence of one year of rigorous imprisonment.

**Subramani Vs. State of Karnataka [Criminal Appeal No. 2432 of 2010
(2026 INSC 249)]**

Date of Judgment: 17.03.2026

Indian Penal Code, 1860 – Sections 498-A and 302 – Authenticity of Dying Declaration – Offence of setting ablaze the deceased wife by the Appellant-husband by pouring kerosene over her – Trial Court acquitted on the grounds that the bathroom where the incident took place was very small, testimonies of family witnesses were inconsistent and unreliable and the deceased was not in a mental state to depose dying declaration – High Court had reversed the finding – The fact of recovery of the kerosene tin, matchbox and burnt cloth pieces from the scene of the incident, the deposition of P.W.3, the daughter of the appellant and the deceased that she had seen her father bringing kerosene tin, pouring it on her mother and putting her on fire, coupled with the dying declaration and the statements of the doctors P.W.10, P.W.11 who examined and treated the deceased and P.W.4 who conducted the postmortem, in unequivocal terms prove that the appellant alone is responsible for the commission of the offences – The Investigation Officer might have deposed that the deceased was not in a conscious state of mind but that would not override the statement of the doctors who treated the deceased, especially the one who was on duty and had permitted the police to record the statement of the deceased on being satisfied that she was in a fit condition to make a statement – Appeal dismissed – High Court's Judgment confirmed.

This criminal appeal was filed by the appellant challenging the High Court's judgment which reversed his acquittal by the Trial Court. The High Court had convicted the appellant under Sections 302 and 498A of the Indian Penal Code (IPC) for the murder of his wife and sentenced him to life imprisonment, a decision the appellant sought to set aside.

The case involved the death of Chennamma, the appellant's wife of seventeen years. While they initially had a happy marriage, their relations became strained due to the appellant's frequent demands for money and cruel treatment. On the night of July 20, 2000, following a quarrel, the appellant poured kerosene on the deceased and set her on fire. She was admitted to the hospital with 80-90% burn injuries and died four days later. The Trial Court had acquitted the appellant, doubting the possibility of the incident in a small bathroom and questioning the reliability of the dying declaration given the extent of the burns. However, the High Court set aside the acquittal and convicted him. Hence, the Appeal.

The appellant contended that the High Court was not justified in interfering with the acquittal, asserting there was no credible evidence or motive. He argued that the deceased was unconscious and unfit to make a statement, making the dying declaration unreliable.

The Hon'ble Supreme Court observed that the testimony of PW-3 (the daughter, aged 16), an eyewitness to the incident, was consistent and clinchingly proved the appellant's guilt. The Court noted that despite the severity of the burns, multiple doctors (PW-10 and PW-11) certified that the deceased was conscious and in a fit mental state to provide the statement recorded as Exhibit P-12. Furthermore, the Court found that a clear motive existed due to the appellant's frustration over money and his history of treating the deceased with cruelty. The recovery of a matchbox and kerosene tin at the scene further supported the prosecution's version of events. The Court held that the High Court was perfectly justified in reversing the acquittal as the Trial Court had relied on slight discrepancies that did not override the credible medical and eyewitness evidence. Ultimately, the appeal was dismissed, the conviction and sentence were confirmed, and the appellant was directed to surrender forthwith.

HIGH COURT – CIVIL CASES**Leelabai (Died) & Ors. Vs. S.Kandhamani & Ors. [SA No.250 of 2003 and CMP No.2341 of 2003]****Date of Judgment: 02.04.2026**

The Second Appeal was filed by the 1st defendant/appellant against the judgment of the First Appellate Court, seeking reversal of the decree by which the suit filed by the plaintiff/1st respondent for declaration of title and permanent injunction was allowed. The dispute is related to Plot No.152 allotted by the Co-operative Housing Society. The plaintiff's case was that she was a member of the Society and on paying the required amount, was allotted the plot, which was registered, and she was also put in possession. She later took steps to develop the property and obtained approval for construction.

The plaintiff further stated that the Society later cancelled her sale deed unilaterally, without notice or valid reason. She challenged that action under Section 90 of the Tamil Nadu Co-operative Societies Act, and the competent authority held that the cancellation deed was null and void, affirming that her original sale deed remained valid. However, the 1st defendant claimed that the very same plot had originally been allotted to her and that its cancellation was improper. She had approached the District Consumer Disputes Redressal Forum, and on the strength of the order obtained there, the Society once again cancelled the plaintiff's sale deed and executed a fresh sale deed in favour of the 1st defendant. This led to the present suit.

The 1st defendant/appellant contended that she was the earlier allottee and that the sale deed later executed in her favour was valid. The Society also supported this stand and further argued that the Civil Court had no jurisdiction. The Trial Court dismissed the suit, but the first appellate Court reversed that decision and decreed the suit in favour of the plaintiff. The matter therefore came before the Court in second appeal.

The Court found that it was admitted that the plaintiff had been validly allotted the plot, had paid the full consideration, and had obtained a registered sale deed. The Court also found that she had been in possession from 1992 onwards. Though there had been an earlier allotment in favour of the 1st defendant, the same had already been cancelled by the Society on the ground of ineligibility under the relevant by-laws, since her husband had already been allotted another plot. The Court observed that once the plot had thereafter been validly sold to the plaintiff, the Society had no authority to cancel that sale deed on its own and convey the same property to another person. The Court further held that a registered sale deed cannot be unilaterally cancelled by the vendor, and if such cancellation is sought, it must be done only through a competent Civil Court. The Court also noted that no notice had been given to the plaintiff and no refund of sale consideration had been made, which made the cancellation arbitrary and void.

The Court further observed that the Consumer Forum had not decided the question of title, nor could it conclusively determine such a dispute where third-party rights were involved and therefore held that the Society could not rely on the Consumer Forum's order to defeat the plaintiff's existing title. The Court also rejected the plea regarding want of jurisdiction, holding that disputes relating to declaration of title, validity of registered documents, and consequential reliefs are matters for the Civil Court and found that the Trial Court had failed to properly consider these aspects, whereas the first appellate Court had correctly appreciated both the facts and the law.

While dismissing the second appeal, the Court held that the plaintiff's title under the registered sale deed remained valid and could not be defeated by the Society's unilateral cancellation or by the subsequent sale deed executed in favour of the 1st defendant. The Court therefore confirmed the judgment and decree of the First Appellate Court, declared the plaintiff as the absolute owner of the suit property, and upheld the relief of permanent injunction granted in her favour.

**Ramadoss & Ors. Vs. V. Sujatha [S.A.Nos.437 and 470 of 2023 and
C.M.P.Nos.13249, 13250 and 14349 of 2023]**

Date of Judgment: 25.03.2026

This case comprises two Second Appeals filed by the appellants/plaintiffs against the concurrent judgments of the Trial Court and First Appellate Court, for seeking declaration that two sale deeds were null and void, declaration of title, and consequential injunction, while also challenging the decree granted in favour of the respondent in the connected suit for bare injunction. The appellants claimed that the suit property originally belonged to the 2nd plaintiff's mother under a 1972 sale deed, and that after her death, the 2nd plaintiff succeeded to it and later settled it in favour of the 1st plaintiff. Their case was that the 1984 sale deed allegedly executed by the original owner in favour of the 1st defendant was forged, and that the subsequent 1999 sale deed executed by the 1st defendant in favour of the 2nd defendant was also invalid. The respondent, on the other hand, claimed valid title and possession through those very documents.

The main issue before the Court was whether the 1984 sale deed was genuine and whether the appellants had proved their allegation of fraud. The Court found that though the appellants claimed the original owner used only her signature after 1975, they had not produced any document containing her admitted signature, nor had they taken steps to compare the thumb impression found in the disputed sale deed with any admitted thumb impression. The Court also found that the surrounding records supported the sale transaction, including material showing that the original owner had discharged an earlier mortgage and that the sale deed recited payment towards that liability. On that basis, the Court held that the appellants had failed to prove that the 1984 sale deed was forged, and accepted it as genuine.

The Court further held that the suit was hopelessly barred by limitation. It relied heavily on the admission of the 2nd plaintiff that he had knowledge of the 1984 sale deed as early as 1985, and of the 1999 sale deed by 2005. The Court also referred to the encumbrance certificate and the FIR complaint lodged by the 2nd plaintiff,

which showed knowledge of both transactions well before the suit was filed in 2011. Since neither the original owner during her lifetime nor the appellants thereafter took timely steps to challenge the documents, the Court held that the prayers seeking to declare the sale deeds as null and void were clearly out of time, and once those prayers failed, the claim for declaration of title also could not survive.

The Court then examined possession and found that the property was admittedly a vacant site, in which case possession follows title. Since the title of the 1st defendant and thereafter the 2nd defendant stood established through the accepted sale deeds, the Court held that possession must also follow in their favour. This was further supported by the patta, tax records and other revenue documents produced by the respondent. The settlement deed executed by the 2nd plaintiff in favour of the 1st plaintiff in 2008 was held to be of no value, because once the original owner had already sold the property in 1984, the 2nd plaintiff had no title left to convey. The Court therefore found no cloud over the respondent's title and upheld the decree for injunction in her favour.

While dismissing the Second Appeals, the Court held that the appellants had failed to prove forgery, that the challenge to both sale deeds was barred by limitation, that the appellants had no title over the property, and that the respondent was entitled to injunction as title and possession stood in her favour.

Janaki Ammal (Deceased) & Ors. Vs. The Tahsildar, Bhuvanagiri Taluk & Ors. [S.A.No. 76 of 2023]

Date of Judgment: 16.03.2026

The Second Appeal was filed by the plaintiffs/appellants against the judgment of the First Appellate Court confirming dismissal of their suit by the Trial Court, for seeking a declaration that they are the legal heirs of the deceased and entitled to succeed to his estate, and for a direction to issue legal heirship certificate in their favour.

The plaintiffs claimed that the deceased male died intestate and his estate first devolved upon his wife, who also later died intestate and without children. According to them, after her death, the estate had to pass to the heirs of the husband, and therefore they, being from the brother's branch, became entitled. Their claim was opposed by the 3rd defendant, who asserted that he was the son of the deceased through a second relationship and therefore the true legal heir. Thus, the core question before the Court was how succession had to be worked out after the death of both the husband and his widow, and whether the 3rd defendant had proved a better right.

The Court found that the matter had to be decided by applying Section 15(1)(b) of the Hindu Succession Act, 1956, along with Sections 8 and 9 and the Schedule. Since the widow died issueless, her property had to devolve upon the heirs of her husband. The Court held that in the absence of nearer heirs, the estate would go to the children of the deceased's brother who were alive at the time of the widow's death, and after the later death of one such heir, his own legal heirs could represent his share. On this reasoning, the Court held that the finding of the First Appellate Court that the plaintiffs could not be treated as legal heirs was unsustainable.

The Court then considered the 3rd defendant's claim that he was the son of the deceased and held that he had failed to prove it. The documents relied on by him, such as invitation, Aadhaar and voter records, were not treated as sufficient proof, especially when better evidence like school records was not produced. The oral evidence adduced on his side was also found vague and unsupported by

documentary proof. The Court therefore accepted the factual finding that he had not established either the alleged marriage of his mother with the deceased or his status as son of the deceased.

While allowing the Second Appeal, the Court held that the plaintiffs were entitled to succeed to the estate under the scheme of succession contained in the Hindu Succession Act, 1956, and that the 3rd defendant had failed to prove his claim as son and legal heir of the deceased. Accordingly, the judgments of the Courts below were set aside and the suit was decreed as prayed for.

**B.Kannan & Anr. Vs. J.Margaret Alice [A.S.Nos.188 & 189 of 2023 and
C.M.P.Nos.7624 & 7641 of 2023]**

Date of Judgment: 30.03.2026

The first appeals were filed by the plaintiffs/appellants against the judgment passed by the Additional District Judge, for seeking specific performance of the sale agreement and the decree granted on the defendant's counter claim. The plaintiffs' case was that the defendant had agreed to sell the suit property to them for Rs.16 lakhs and that they had paid a sum of Rs.5,93,000/-, and that the sale could not be completed earlier because the defendant's title to the property was under dispute in separate proceedings. According to them, once that issue was over, they were ready to complete the sale, but the defendant cancelled the agreement instead. The defendant, contented that the plaintiffs had not paid the balance amount for years even though they knew the position regarding title, and that they were already in possession of the property under an earlier bokiam (traditional, customary form of land mortgage) arrangement and therefore refused specific performance, offered to return the money received, and sought recovery of possession through a counter claim.

The Court found that the main question was whether the plaintiffs had proved that they were continuously ready and willing to pay the balance sale consideration. The Court held that even though the agreement was kept alive for some time by later payments, the plaintiffs still failed to show that they were actually in a position to pay the remaining amount. It also noticed that they had remained inactive for a long time. The Court further held that since the defendant had already cancelled the agreement before the suit was filed, the plaintiffs ought to have specifically challenged that cancellation, and without such a relief, the suit itself could not succeed in the form in which it was filed.

The Court also considered the defendant's counter claim regarding possession. It held that since the plaintiffs themselves admitted the earlier bokiam arrangement and possession under it, the defendant was entitled to recover possession by

repaying the Rs.1 lakh received under that arrangement. The Court rejected the objection that the counter claim could not be entertained merely because the document was unregistered, and also held that such a counter claim was maintainable under Order VIII Rule 6-A CPC.

While dismissing the appeals, the Court held that the plaintiffs were not entitled to specific performance, because they failed to prove readiness and willingness and had also not properly challenged the cancellation of the agreement. The Court therefore confirmed the Trial Court's decree refusing specific performance, directing refund of Rs.5,93,000/- with 12% interest, and allowing the defendant's counter claim by permitting deposit of Rs.1 lakh and directing the second plaintiff to vacate and hand over possession.

J.Vadivelu & Anr. Vs. Sri Pachaiaimman Devasthanam Rep. By its Executive Officer, Mannarsami Koil Street, Anna Salai, Chennai- 600 002 [SA No. 223 of 2026 and CMP.No.5953 of 2026]

Date of Judgment: 10.03.2026

The Second Appeal was filed by the appellants/plaintiffs as against the judgment and decree of the first appellate court confirming the dismissal of their suit by the trial court, for seeking declaration of title and permanent injunction over the suit property. The plaintiffs claimed title through an earlier court auction sale, a sale deed in favour of their predecessor, and later a compromise decree in a partition proceeding under which the first plaintiff claimed allotment of the property, followed by a family arrangement in favour of the second plaintiff. Their grievance was that the respondent temple later asserted ownership over the site and attempted to interfere with their possession.

The respondent/defendant temple denied their title and contended that the site of the suit property belonged to the temple, that the revenue records stood in its name, and that the earlier proceedings and documents relied on by the plaintiffs were not binding on it. The Court found that the plaintiffs' own immediate title document, namely the compromise decree, clearly stated that the superstructure stood on leasehold land owned by the respondent temple. On that basis, the Court held that a party claiming right under a document cannot rely on only the favourable part of it and ignore the recital that goes against his claim. Since the plaintiffs themselves traced title through a document recognising the temple's right over the site, their prayer for declaration of title could not be sustained.

The Court also dealt with the argument that revenue records do not confer title. While accepting that principle, it held that it did not help the plaintiffs because in a suit for declaration, the plaintiff must succeed on the strength of his own title and not on the weakness of the defence. Here, the temple was not seeking declaration in its favour; the burden remained on the plaintiffs. The Court noted that the plaintiffs had not produced any material to show that the site stood in their name or

in the name of their predecessor, whereas the temple had produced records in its favour. It also rejected the plea that the recital in the compromise decree was inadvertent, since no steps had ever been taken to amend or rectify that decree. The Court further found that the alleged interference was not independently proved and that once declaration failed, the relief of injunction also could not survive.

While dismissing the Second Appeal, the Court held that the plaintiffs failed to prove title over the suit property, that the concurrent findings of the Trial Court and First Appellate Court required no interference, and that no substantial question of law arose for consideration.

HIGH COURT – CRIMINAL CASES

Jasheer Razak S/o.Mr. Mohammed Basheer, Bangalore - 560 024 Vs. Union Rep. by Intelligence Officer, DRI, Chennai Zone, Chennai - 600 017 [CRL OP No. 5295 of 2026]

Date of Judgment: 26.03.2026

The Criminal Original Petition was filed by the petitioner/accused against the pending proceedings on the file of the Additional Special Court under EC & NDPS Act, Chennai, seeking bail under Section 483 of BNSS in respect of offences under Sections 8(c), 20(b)(ii)(c), 23, 28 and 29(1) of the NDPS Act, 1985. The case arose from the alleged import of a consignment in which 56.05 kgs of marijuana/hydroponic weed (cannabis) was found concealed. The petitioner's case was that he had only shared import-export licence details at the request of his cousin believing that the consignment contained genuine goods, and that he later came to know of the alleged contraband.

The petitioner sought bail mainly on the ground of parity with the co-accused. It was pointed out that both accused had earlier filed bail petitions, which were dismissed by a common order on 20.08.2025, mainly on the ground that the case involved commercial quantity, though the trial Court had been directed to complete the trial within six months. The petitioner relied on the fact that the co-accused was later granted bail by the Supreme Court on 23.02.2026, after taking note of the long period of custody from 27.01.2023, the delay in trial, and the fact that only one out of fourteen witnesses had been examined despite the earlier direction of the Court.

The respondent opposed the petition by contending that parity is not a matter of right and that bail must depend on the role played by each accused. It was argued that the petitioner could not claim bail automatically merely because the co-accused had obtained relief, and that the Court had to independently assess whether both accused really stood on the same footing.

The Court observed that the earlier dismissal of bail had been on grounds which were common to both accused, namely the involvement of commercial quantity and the expectation that the trial would be completed within six months. It further noted that the Supreme Court had granted bail to the co-accused because of the continued incarceration, non-compliance of the earlier direction, and delay in examining witnesses. On examining the materials, the Court found that it could not identify any real distinction in the gravity of allegations or the role attributed to the petitioner so as to deny him the same relief.

While allowing the Criminal Original Petition, the Court held that the petitioner was entitled to bail on parity, particularly in view of the long incarceration, delay in trial, and absence of any distinguishing feature between the two accused. The Court accordingly ordered his release on bail subject to conditions.

Rajkumar Vs. The State of Tamil Nadu, Rep. by the Deputy Superintendent of Police, Andipatti Sub Division, G. Vilakku Police Station, Theni District & Ors. [Crl.MP (MD)No.12468 of 2025 in Crl.A (MD)No.405 of 2025]

Date of Judgment: 01.04.2026

The criminal miscellaneous petition was filed by the petitioner/accused against the judgment of conviction passed by the Special Court for trial of cases under the SC/ST (PoA) Act, seeking suspension of sentence and bail pending appeal. The petitioner had been convicted under Section 376 read with 511 IPC and Section 3(1)(w)(i) of the SC/ST (PoA) Act, and had preferred a criminal appeal against the conviction.

The prosecution case was that the victim/defacto complainant, a woman belonging to a Scheduled Caste community, had gone out in the early morning on 04.11.2019, when the petitioner allegedly assaulted her, pushed her to the ground and attempted to commit rape. A complaint was lodged immediately and she was medically examined the same day. The petitioner, seeking suspension of sentence, contended that the allegation was false, that no injuries had been sustained, and that the case had been foisted due to prior personal dispute. Though the Accident Register, despite being crucial, had not been marked before the trial Court. The prosecution, however, relied on the medical material showing injuries recorded by the Doctor.

The Court held that suspension of sentence is a discretionary relief to be granted only upon consideration of the nature of the offence and surrounding circumstances, and relying on ***Angana v. State of Rajasthan***, found no reason to exercise such discretion in favour of the petitioner. The Court noted the seriousness of the allegation, the fact that the victim belonged to an oppressed community, and the materials available against the petitioner, and hence declined to suspend the sentence.

The Court then focused on the serious lapse in the conduct of the prosecution, namely the failure to mark the Accident Register and properly examine the Doctor

regarding the injuries. It observed that such omission had materially weakened the prosecution case and enabled the defence to argue absence of injuries. Referring to the earlier action already initiated, the Court recorded that the Director of Prosecution had found fault with the concerned Special Public Prosecutor and had even recommended removal, but no final decision had yet been taken. The Court emphasised that the State has a duty to effectively defend victims and criticised the appointment and continuance of unfit Law Officers, also referring to **V. *Vasanthakumar v. The Chief Secretary, Government of Tamil Nadu*** on the need for merit-based appointments.

While dismissing the petition, the Court held that the petitioner was not entitled to suspension of sentence in view of the serious nature of the offence and the available materials. The Court further held that the prosecution had failed in properly conducting the trial, particularly in not marking the Accident Register and not taking steps under Section 311 CrPC, and therefore suo motu impleaded the District Collector and the Secretary to Government, Home Department, and directed them to take a decision within four weeks on the recommendation made against the concerned Law Officer.

**Muthukumar Vs. The State rep by the Inspector of Police, Parthibanoor
Police Station, Ramanathapuram District [Crl. A. (MD)No.123 of 2024]**

Date of Judgment: 25.03.2026

The criminal appeal was filed by the appellant against the judgment of the trial Court seeking to set aside the conviction for offences under Sections 342 and 302 of the Indian Penal Code.

The prosecution's case was built on the allegation that the appellant, who suspected the loyalty and chastity of his wife, the deceased, attacked her while she was travelling with her parents to a hospital. The appellant allegedly called the deceased toward him near a specific property, where he slit her throat with a knife and cut her ear in the presence of her parents, who were cited as eyewitnesses. Following the attack, the deceased succumbed to her injuries while being transported to a government hospital for emergency care. Based on the testimony of the parents and supporting medical evidence, the Trial Court found the appellant guilty, leading to the current appeal.

The appellant argued that the eyewitness accounts were highly doubtful because the medical records in the Accident Register indicated that the deceased claimed the incident happened while she was working inside her house, contradicting the prosecution's claim of an outdoor attack witnessed by the parents. Furthermore, the appellant contended that the failure of the police to seize the allegedly bloodstained clothes of the parents, who claimed to have lifted the bleeding victim, cast significant doubt on their presence at the scene. The central legal issue the Court aimed to solve was how to balance the medical entries in the Accident Register against the direct testimony of eyewitnesses and whether a discrepancy in the location of the crime as recorded by a doctor was enough to afford the appellant the benefit of doubt.

The Court observed that a doctor's primary duty is to save lives and provide treatment, not to act as a witness to the occurrence or record the finer details of a criminal case with legal precision. It emphasized that entries in an accident register

are relevant for understanding the nature of injuries and treatment but should not be elevated to the status of "gospel truth" to be pitted against otherwise unassailable eyewitness accounts. The Court found the testimony of the parents to be clear, coherent, and inspiring of confidence, noting that minor discrepancies in medical records often arise because a doctor's focus is on the patient's critical condition rather than the exact location or circumstances of the assault. It further noted that it is nearly impossible in any criminal trial to prove every element with scientific precision, and the judicial conscience must instead assess the entire evidence as a whole.

While dismissing the appeal, the Court held that the prosecution had proved the case beyond reasonable doubt and that the Trial Court had perfectly appreciated the evidence by determining that the medical entries did not take away the merits of the eyewitness accounts. The Court reaffirmed the principle that the benefit of doubt is a doctrine to be invoked only when a reasonable doubt persists after a thorough consideration of the entire evidence, rather than being a "legal dosage" administered at every segment of the case. Consequently, the conviction and life sentence imposed by the trial Court were confirmed.

Sundaram, S/o.Vedi, Dharumanthoppu Village, Burgur Taluk, Krishnagiri District Vs. State by the Inspector of Police, Mathur Police Station, Krishnagiri District [Crl.A.No.1270 of 2022]

Date of Judgment: 30.03.2026

The Criminal Appeal was filed by the appellant (Sundaram) to challenge a judgment from the Fast Track Mahila Court, which convicted him for aggravated penetrative sexual assault under Section 5(I) r/w 6 of the POCSO Act and criminal intimidation under Section 506(ii) of the IPC.

The prosecution alleged that on December 9, 2019, the 55-year-old appellant took the 16-year-old victim, a neighbor who had previously undergone treatment for mental health issues, to his terrace and forcibly assaulted her multiple times. A second assault allegedly occurred on December 14, 2019, after which the victim informed her grandmother, leading to a police complaint filed by her mother on December 16, 2019.

The appellant contended that the prosecution failed to provide legally acceptable evidence, such as a school or birth certificate, to prove the victim was a child on the date of the occurrence. He further argued there were serious procedural lapses, including the lack of audio-video recording during the victim's statement and the failure to examine the grandmother to whom the incident was first reported. Conversely, the respondent State argued that the mother's testimony regarding the age was sufficient and that the victim's substantive evidence in court clearly described the assault. They maintained that the medical certificate proving the "vagina admits one finger" and the presumption of guilt under Section 29 of the POCSO Act justified the trial court's conviction.

The High Court observed that the prosecution failed to mark any official documents to prove the victim's age, violating the mandatory steps for age determination under Section 94 of the Juvenile Justice Act. The court noted a glaring discrepancy between the victim's initial statement under Section 164 Cr.P.C., where she only mentioned the accused "touched her private parts," and her trial testimony, which

the court found to be an exaggerated and tutored version in line with her mother's complaint. Furthermore, the court highlighted that while the initial medical examination on December 16, 2019, found no external or internal injuries and a negative semen report, a second medical certificate was mysteriously obtained seven months later to include findings supporting penetrative assault.

The court ultimately held that the prosecution had failed to prove the foundational facts regarding both the age of the victim and the act of penetrative assault itself. Because these foundational facts were not established, the trial court erred in invoking the presumption of guilt against the accused under Section 29 of the POCSO Act. The High Court found the trial court's findings to be perverse and suffering from serious infirmity, as the burden of proof cannot be shifted to the accused until the prosecution proves its basic case. Consequently, the High Court set aside the conviction and sentence, acquitted the appellant of all charges.

Das @ Pragalathan, S/o.Danusu, Gangaianman Kovil Street, Kalaiyur Village, Gingee Taluk, Villupuram District Vs. State Rep. by the Deputy Superintendent of Police, Gingee Police Sub Division, Valathi Police Station, Villupuram District [Crl.A.No.284 of 2022]

Date of Judgment: 30.03.2026

The Criminal Appeal filed by the appellant/accused against the judgment of conviction passed by the District Mahila Court seeking to set aside the conviction imposed under Sections 498A and 304B IPC and Section 4 of the Dowry Prohibition Act. The prosecution case was that after marriage, dowry in the form of gold and cash had been given, but later there was a demand for additional gold and money, and due to such harassment, the deceased consumed poison and died within a short period of marriage. The trial court accepted the prosecution case against the husband and convicted him.

Before the Court, the main issue was whether the prosecution had proved the necessary ingredients of dowry death and cruelty, particularly whether there was reliable evidence of dowry demand and harassment soon before the death. The appellant contended that the evidence was inconsistent, several witnesses had not supported the prosecution, the RDO enquiry did not disclose dowry harassment, and the medical and recovery evidence were doubtful.

The Court found that the evidence of the family witnesses was not consistent enough to safely sustain the conviction. The independent witnesses had turned hostile, the alleged recovery was doubtful, and even the medical records did not clearly support the prosecution version. The Court also noted that the Accident Register did not reflect any allegation of harassment and that the RDO had found no prima facie material of dowry-related cruelty.

The Court then turned to the legal position under Section 304B IPC and Section 113B of the Evidence Act. The Court held that the presumption under Section 113B does not arise automatically merely because a married woman dies unnaturally within seven years of marriage. Before that presumption can be invoked, the

prosecution must first prove the foundational facts, namely that the woman was subjected to cruelty or harassment in connection with dowry demand and that such cruelty or harassment was soon before her death. According to the Court, those foundational facts were not proved in this case. Therefore, the trial court was wrong in drawing the presumption and using it to sustain the conviction. The Court further held that even for Section 498A IPC, there must still be reliable evidence of cruelty or harassment, which was also lacking here.

The Court ultimately found that the trial court had relied too heavily on the chief examination of the family witnesses without properly testing the inconsistencies, contradictions, hostile witnesses, the RDO report, and the defects in the medical and other evidence. On a reappraisal of the entire record, the Court held that the findings of the trial court could not be sustained and that the prosecution had failed to prove the charges beyond what the law requires for these offences.

While allowing the Criminal Appeal, the Court held that the prosecution had failed to prove the charges under Sections 498A and 304B IPC and Section 4 of the Dowry Prohibition Act, since there was no reliable proof of dowry demand or cruelty soon before death, and therefore the presumption under Section 113B of the Evidence Act could not be raised. Accordingly, the conviction and sentence imposed by the District Mahila Court were set aside and the appellant/accused was acquitted of all charges.
