TAMIL NADU STATE JUDICIAL ACADEMY

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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
Alagar Koil Road, K. Pudur,
MADURAI,
Tamil Nadu, India. PIN: 625 002
*Telephone No:***(0452) 2560807, 811**
*E-Mail:***tnsja.rc.mdu@gmail.com**

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SUPREME COURT – CIVIL CASES

Saraswati Devi & Ors. Vs. Santosh Singh & Ors. [Special Leave Petition (C) Nos.2817-2818 of 2020]

Date of Judgment: 16.05.2025

The present appeals were filed by the appellants challenging the orders of the High Court dismissing their writ petition and review petition, which had upheld the rejection of their Execution Petition (EP) by the Executing Court on the ground of res judicata.

The appellants' predecessor had filed a Civil Suit in 1988 seeking a permanent prohibitory injunction against interference with agricultural land and cancellation of a 1998 supplementary sale deed. The suit was decreed in their favour. In an earlier execution petition, the judgment-debtor gave a written undertaking not to obstruct, leading to its closure as satisfied in the absence of the decree-holder.

On fresh interference, the appellants filed a third execution petition. The respondents objected to the same by filing petition under Section 47 C.P.C, asserting title based on a 1984 sale deed. They also claimed that proceedings to set aside the decree was pending. The Executing Court dismissed the EP as barred by res judicata, which was upheld by the Revisional Court and the Hon'ble High Court. Aggrieved by the same, the appellants approached the Supreme Court.

The issue before the Supreme Court was whether a subsequent execution petition to enforce a decree of permanent prohibitory injunction is barred by res judicata on account of an earlier recorded satisfaction, and whether there is any limitation for enforcing such a decree.

The Supreme Court observed that the High Court had misconstrued the entire case and facts. The Court observed that ***a recorded satisfaction in one execution petition cannot automatically extinguish the right to enforce a perpetual***

injunction decree if new breaches occur. The Supreme Court emphasized that under Article 136 of the Limitation Act, 1963, there is no limitation period for enforcing a decree granting perpetual injunction, since such decrees operate indefinitely against judgment-debtors.

Accordingly, the Supreme Court allowed the appeals and held that fresh ***execution petition can be filed whenever there is a violation of the decree***. Thereby, set aside the orders of the High Court, the Executing Court, and the revisional Court and restored EP No. 2 of 2012 remitting the matter back to the Civil Judge, Senior Division for fresh consideration. Further the Supreme Court, directed the Executing Court that they may examine the objections under Section 47 C.P.C and also consider the outcome of any proceedings for setting aside the decree.

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Kavin Vs. P. Sreemani Devi & Ors. [Civil Appeal Nos. 3132-3133 of 2023 (2025 INSC 1028)]

Date of Judgment: 22.08.2025

This civil appeal had been filed as against the judgment of the Division Bench of the Madras High Court seeking prayer for restoration and enhancement of compensation. The appellant–claimant, aged 21 years, had suffered 100% permanent disability in a motor accident on 03.07.2011 when the bus in which he was travelling collided with a tree due to rash and negligent driving. He filed M.C.O.P. under Section 166 of the Motor Vehicles Act, 1988, claiming one crore as compensation.

The Motor Accidents Claims Tribunal held that the accident was due to the driver's negligence, that the vehicle was owned by the second respondent and insured with the third respondent, and that the insurer was liable to pay. The Tribunal awarded Rs. 67,83,866 under several heads, including future medical expenses, attendant charges, permanent disability, loss of enjoyment of life and amenities, and pain and suffering of family members.

Aggrieved, the claimant appealed for enhancement, while the insurance company appealed challenging the quantum. The High Court confirmed liability but reduced the compensation to Rs. 48,83,866, holding that future medical expenses and attendant charges were excessive, and it set aside compensation for permanent disability, loss of enjoyment of life, and pain and suffering of family members. The claimant's appeal was dismissed, while the insurer's appeal was partly allowed by the High Court.

The Supreme Court observed that liability was not in dispute and the only issue was quantum of compensation. It held that the reduction of future medical expenses was unjustified, enhancing the amount to Rs.15 lakhs. It restored Rs.3 lakhs for loss of enjoyment of life and amenities, restored Rs.3 lakhs for pain and suffering of family members, and enhanced attendant charges to Rs.10 lakhs considering the need for lifelong assistance. The Supreme Court further held that permanent disability was a distinct head from loss of income and enhanced the award from Rs.3 lakhs to Rs.5 lakhs.

The Supreme Court concluded that the High Court's reduction was unsustainable and held that the appellant was entitled to Rs.82,83,866 as compensation under Section 166 of the Motor Vehicles Act, 1988. The Court then directed payment of the unpaid compensation with 7.5% interest per annum within four weeks.

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Chowdamma (D) by LR and Anr. Vs. Venkatappa (D) by LRs and Anr. [Civil Appeal No. 11330 of 2011 (2025 INSC 1038)

Date of Judgment: 25.08.2025

This Civil Appeal was filed as against the judgment of the High Court of Karnataka, wherein the High Court had set aside the decree of the Trial Court and decreed the suit for partition in favour of the plaintiffs. The appellants, who were the defendants before the Trial Court, filed this Civil Appeal seeking to set aside the decree of partition.

The plaintiffs had instituted a suit claiming half share in the suit schedule properties along with consequential reliefs. Their case was that they were the children of Dasabovi through his first wife, Bheemakka @ Sathyakka, and that the properties were joint family properties which fell to the share of Dasabovi in a partition with his brother Venkatappa. They contended that after defendant No.1 (the second wife of Dasabovi) entered the house, they and their mother were driven away, though their father continued to maintain relations with them. Later, defendant No.1, being a Panchayat member, allegedly misused her influence to mutate the revenue records in her own name and that of her son, thereby denying the plaintiffs' rights.

The defendants denied these assertions, contending that defendant No.1 was the only wife of Dasabovi and that the plaintiffs had no right, title, or interest over the properties. They further claimed that the plaintiffs had failed to prove the marriage of their mother with Dasabovi, and therefore, their suit was not maintainable.

The Trial Court, on framing six issues, dismissed the plaintiffs' claim. However, the High Court, on appeal, relied upon the testimony of P.W.2 (Hanumanthappa), who supported the claim of the plaintiffs, and observed that defendant No.1 deliberately abstained from entering the witness box to rebut the evidence. Consequently, the High Court decreed the suit for partition in favour of the plaintiffs.

Before the Supreme Court, the principal issue was whether the plaintiffs had succeeded in proving a valid marital relationship between their mother and the deceased Dasabovi. The Court examined the scope of Section 50 of the Indian Evidence Act, 1872, which recognizes opinion expressed by conduct of persons having special means of knowledge as relevant in determining family relationships. The Court held that P.W.2, a 75-year-old villager, had personal knowledge of the relationship, clearly testified to the marriage between Bheemakka and Dasabovi, and his testimony remained unimpeached in cross-examination. His account was also consistent with the genealogical chart produced by the plaintiffs.

The Court observed that prolonged cohabitation and recognition within the community give rise to a presumption of a valid marriage, as recognized in precedents such as *Badri Prasad Vs. Dy. Director of Consolidation* and *Mohabbat Ali Khan Vs. Mahomed Ibrahim Khan*. The defendants had failed to rebut this presumption. Their genealogical chart, excluding the plaintiffs, was found unreliable, while their reliance on revenue records was rejected as such entries serve only fiscal purposes and do not confer title.

Further, the Court emphasized that the failure of defendant No.1 in an entering the witness box, despite being present in court and also not availing the procedural remedy of evidence by commission under Order XXVI Rule 1 C.P.C, amounted to deliberate evasion. Such silence warranted an adverse inference under Section 114(g) of the Evidence Act.

The Supreme Court concluded that the plaintiffs had successfully discharged their burden of proof through consistent oral testimony corroborated by genealogical evidence, while the defendants had failed to rebut the same. The High Court's judgment was found to be free from infirmity.

Accordingly, the Supreme Court dismissed the Civil Appeal as being devoid of merit and affirmed the decree of partition in favour of the plaintiffs.

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Iqbal Ahmed (Dead) by LRs. & Anr. Vs. Abdul Shukoor [Civil Appeal No.10458 of 2010 (2025 INSC 1027)]

Date of Judgment: 22.08.2025

"An Appellate Court must first consider the pleadings of the parties before allowing additional evidence under Order XLI Rule 27(1) of the Code of Civil Procedure. Allowing additional evidence without supporting pleadings is an unnecessary exercise, as such evidence would be of no legal consequence."

The Civil Appeal has been filed by the appellants (plaintiffs) who are aggrieved by the High Court's reversal of a decree for specific performance. The case originated from an agreement to sell a house property, for which the plaintiffs had made a part payment. After the defendant failed to execute the sale deed, the plaintiffs filed a suit. The Trial Court decreed the suit in favor of the plaintiffs, a decision which the defendant challenged in the High Court. During the appeal, the defendant filed an application to produce additional evidence to support his appeal. The High Court accepted this additional evidence, reversed the decree of the Trial Court, and set aside the suit. The plaintiffs subsequently appealed this decision to the Supreme Court.

The plaintiffs contended that the High Court erred in reversing the Trial Court's decree, as they had shown readiness to perform the contract, and also claimed they weren't given a chance to rebut the defendant's additional evidence. On the contrary, the defendant acknowledged some signatures but denied others, supporting the High Court's use of Section 73 of the Evidence Act to compare them. The defendant also claimed that he had later discovered that the plaintiffs had not sold any immovable property as they had claimed in their pleadings, which is why he moved the application for additional evidence.

The Supreme Court deliberated on the principles of Order XLI Rule 27(1) of the Code of Civil Procedure and whether an Appellate Court must consider the parties' pleadings before allowing additional evidence. The Court noted that the High Court had granted the application for additional evidence without examining whether the defendant's new case was supported by the pleadings he made in his written statement. The Supreme Court held that allowing additional evidence without the necessary supporting pleadings would be an "unnecessary exercise" and that such evidence could be of no consequence. The Court concluded that the High Court had erred by allowing the additional evidence and reversing the decree based on it. The Supreme Court set aside the High Court's judgment and remanded the case for fresh consideration, directing the High Court to re-examine the application for additional evidence in accordance with the law.

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Kishundeo Rout & Ors. Vs. Govind Rao & Ors.[Special Leave Petition (Civil) No. 22070/2025 (@Diary No. 30361) (2025 INSC 956)]

Date of Judgment: 08.08.2025

"The plea of adverse possession cannot be allowed to be flung as a surprise, on an unsuspecting defendant, for the first time in appeal."

The Special Leave Petition has been filed by the appellants (original plaintiffs) against a High Court decision that set aside a First Appellate Court's judgment, which had decreed the suit based on a finding of adverse possession. For convenience, the petitioners are referred to as the plaintiffs and the respondents as the defendants.

The plaintiffs had initially filed a Title Suit to declare a sale deed executed by them in favour of the defendants as bogus, inoperative, and liable to be cancelled, with confirmation of possession or recovery thereof if dispossessed during the suit. The trial court rejected the suit, concluding that the plaintiffs failed to prove both the alleged fraud in the sale deed and the claim that possession had not been transferred to the defendants.

The First Appellate Court allowed the plaintiffs' appeal, holding that the defendants had lost possession of the property since July 7, 2000, and had not taken any steps to reclaim it. It framed an additional issue of adverse possession and concluded that the plaintiffs' adverse possession had ripened against the defendants by 2012, thereby extinguishing the defendants' rights and remedies. The First Appellate Court decreed the suit in favour of the plaintiffs with respect to the suit property.

The High Court allowed the Second Appeal filed by the unsatisfied defendants, concluding that there were no foundational pleadings for adverse possession in the plaint or written statement, and therefore, the First Appellate Court had no occasion to frame such an issue. The High Court found the First Appellate Court's decision to be perverse and beyond the scope of the suit, as it decreed a case based on a plea not made by the parties and held that adverse possession had matured during the pendency of the suit. The High Court set aside the First Appellate Court's judgment and affirmed the trial court's dismissal of the suit.

In the present petition, the Supreme Court highlighted that adverse possession is a question of fact that requires assertion and proof of specific details, such as the date when possession began, its nature, and its open and undisturbed continuation, all of which were lacking in the plaintiffs' case. The Court observed that the foundation for a plea of adverse possession must be laid in the pleadings and that a plea not properly raised at the trial stage cannot be permitted for the first time in an appeal unless the record already contains sufficient facts to support it and the opposing party won't be surprised.

In the present case, the Court found that it was "inconceivable" that the issue of adverse possession could be adjudicated without a proper plea, issue, or evidence. It held that a party can only succeed based on what they have alleged and proved, and that a decision cannot be based on grounds outside the pleadings. While dismissing the petition, the Court concluded that the plea of adverse possession could not be "flung as a surprise" on an unsuspecting defendant for the first time in an appeal. The Supreme Court confirmed the High Court's findings.

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SUPREME COURT - CRIMINAL CASES

State of Punjab Vs. Gurnam @ Gama Etc. [Criminal Appeal Nos.2836-2837 of 2025 (2025 INSC 960)]

Date of Judgment: 30.07.2025

"The credibility of a prosecution's case cannot be questioned solely on the ground that the informant and the investigator are the same person."

The appellant / State, had challenged the judgment of the High Court, which set aside the conviction of the respondents. A secret information on September 20, 2009, led to the stopping of a truck where the respondents were found transporting 750 kilograms of poppy husk along with two motorcycles. The Trial Court convicted the respondents and sentenced them to 12 years of rigorous imprisonment with a fine of Rs. 1,00,000 each. However, the High Court, relying on the judgment in *Mohan Lal Vs. State of Punjab*, allowed the criminal appeals and acquitted the respondents, without discussing the merits of the case.

The appellant contended that the High Court erred in acquitting the respondents solely on the technicality that the informant and the investigator were one and the same person. The appellant cited the subsequent rulings in *Varinder Kumar v. State of H.P.*, which clarified that the *Mohan Lal* judgment should not be a "springboard for acquittal," and the Constitution Bench judgment in *Mukesh Singh v. State (Narcotics Branch of Delhi)*, which overruled the *Mohan Lal* precedent. The appellant also referred to the extensive criminal antecedents of the respondent, Gurnam @ Gama, who had two prior FIRs and 11 subsequent FIRs, 7 of which were under the NDPS Act, arguing he did not deserve acquittal on a technicality. Per contra, the respondents' counsel contended that the High Court's decision was valid as the *Mohan Lal* judgment was the prevailing law at the time of the acquittal.

The Supreme Court observed that the High Court's acquittal was based "merely on technical ground" without considering the evidence led before the Trial Court. The Court held that since an appeal is a continuation of the proceedings, the law as it stands today must be applied. The Court noted that the *Mohan Lal* judgment was diluted by the three-Judge Bench in *Varinder Kumar* and subsequently overruled by the Constitution Bench in *Mukesh Singh*. The Court found that the acquittal based solely on this technicality was an error. While allowing the appeal, the Supreme Court set aside the High Court's judgment and remitted the matter back to the High Court for reconsideration on the merits of the case.

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Mini Vs. CBI/SPE Cochin [SLP(Crl.) No(s). 11212/2022 (2025 INSC 980)

Date of Judgment: 13.08.2025

"For a conviction under the Prevention of Corruption Act, demand of a bribe must be proved, even if the complainant turns hostile."

The Criminal appeal has been filed by the widow of a deceased convict, challenging the High Court's judgment that upheld her husband's (accused) conviction under Sections 7, 13(1)(d) r/w section 13(2) of the Prevention of Corruption Act, 1988. The convict was a lower division clerk at the Passport Office. The prosecution alleged that the accused demanded an extra Rs. 500 from the complainant (PW1) for expeditious processing of a passport application, though he initially agreed to accept Rs. 200. The complainant reported the demand to the CBI, which laid a trap. The accused was apprehended after receiving tainted currency notes at his residence. Although the complainant did not support the prosecution's case regarding the demand during the trial, the Trial Court and the High Court convicted the accused.

The appellant contended that the lower courts did not properly appreciate the evidence or the accused's defense, which was that he was unaware he had received an amount in excess of the lawful passport fee. The appellant also submitted that if the demand for a bribe is not proven, the recovery of the money alone is not incriminating. Per contra, the respondent contended that a conviction could be sustained even if the complainant turns hostile, as long as the demand is established through circumstantial evidence, such as the recovery of tainted money, which was corroborated by independent witnesses (PW2 and PW3).

The Supreme Court acknowledged that demand can be proven by circumstances even if the complainant turns hostile. However, the Court noted that the High Court failed to consider the complainant's statement that he was misled by a CBI official to trap the accused. The Court found that there was no evidence, other than the unreliable complainant, that the accused was aware of the extra money when he accepted it. The defense of the accused was that two 100 Rupee notes were placed between two 500 Rupee notes, and he was not aware of the extra Rs. 200. The Court held that the accused's defense was plausible and should have been given due consideration, especially since Rs. 1000 of the Rs. 1200 was a lawful fee. The Court concluded that for an offense to be made out, there must be "cogent proof of demand".

The Supreme Court found that this was a fit case for the benefit of the doubt to be given to the accused. The appeal was allowed, and the judgments of the High Court and the trial court were set aside. The accused, having since passed away, was acquitted of all charges.

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Devendra Kumar Vs. The State (NCT of Delhi) & Anr. [Special Leave Petition (Criminal) No. 12373 of 2025 (2025 INSC 1009)]

Date of Judgment: 20.08.2025

"A written complaint is mandatory under Section 195 Cr.P.C. Non-compliance renders the prosecution and all subsequent proceedings void ab initio, as the Court lacks jurisdiction to take cognizance without it."

This petition arises from the judgment and order of the High Court, which upheld the Chief Metropolitan Magistrate's (CMM) order directing the registration of a First Information Report (FIR) against the petitioner, Devendra Kumar. The case began with a complaint from a Process Server, Ravi Dutt Sharma, who alleged that he was obstructed and ill-treated by the petitioner, an SHO of PS Nand Nagri, while attempting to serve a warrant and a summons. The CMM ordered the registration of an FIR under Sections 186, 341, and 342 of the Indian Penal Code (IPC). The petitioner's challenges to this order were dismissed by the Sessions Court and the High Court.

Before the Supreme Court, the petitioner contended that the facts did not support an offence under Section 186 of the IPC, and that the court lacked the authority under Section 156(3) of the Cr.P.C. to direct the registration of an FIR, as Section 195(1)(a) of the same code mandates that a complaint for this specific offense must be filed by the concerned public servant.

The Supreme Court highlighted that the CMM should have directly taken cognizance of the private complaint and issued process, rather than directing a police investigation under Section 156(3) of the Criminal Procedure Code (Cr.P.C.). The Court emphasized that for an offence under Section 186 IPC, a court can only take cognizance based on a written complaint from the concerned public servant or their administrative superior. This is a mandatory requirement, and non-compliance would make the entire prosecution void from the beginning.

The Supreme Court reviewed various precedents on the interpretation of "obstruction" under Section 186 IPC, concluding that it doesn't always require criminal force but can be a show of force, a threat, or an act that prevents the execution of a public servant's duty. The Court also addressed the issue of "splitting up" offences, stating that if a transaction primarily involves an offence requiring a complaint from a public servant, it cannot be simply re-labeled to evade the mandatory procedure of Section 195 of the Cr.P.C.

The Supreme Court concluded that while the CMM's direction for an FIR was an error, the petition should be disposed of, leaving it open for the petitioner to raise the issue of the bar under Section 195 of the Cr.P.C. before the trial court if a charge sheet is filed. The Court did not quash the FIR but rather clarified the legal position for the courts below.

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Deepak Kumar Sahu Vs. State of Chhattisgarh [SLP (Crl.) (D) No.(s) 26453 of 2025 (2025 INSC 929)]

Date of Judgment: 05.08.2025

"In cases of sexual assault, the conviction can be sustained on the sole testimony of the prosecutrix"

The criminal appeal has been filed by the appellant challenging the High Court judgment which upheld his conviction and sentence imposed by the trial court for offences under Sections 376(2), 450 of IPC, and Section 4 of POCSO Act. The prosecution's case was that the appellant entered the house of a 15-year-old victim when her parents were away. He sent the victim's younger brother away to buy chewing tobacco. After the brother left, the appellant forced the victim onto a cot, gagged her, and sexually assaulted her. When the victim's brother returned, the appellant fled, threatening the victim not to tell anyone. The victim immediately went to her cousin's house, informed her family, and a police complaint was lodged.

The appellant contended that the prosecution's case was not proven beyond a reasonable doubt, specifically raising three points: the medical report was inconclusive and did not confirm sexual assault, there were contradictions between the testimonies of the victim and her brother, and the prosecution failed to prove that the victim was a minor.

The Supreme Court rejected the argument regarding the victim's age, noting that the prosecution had provided "cogent and reliable evidence" in the form of her 8th-grade marksheet, which showed her date of birth. The Court calculated that on the date of the incident, the victim was 15 years, 5 months, and 24 days old.

The Supreme Court dealt with the challenge to the victim's testimony and the lack of a conclusive medical report. The Court held that the victim's evidence was "clear and consistent" and "inspires confidence and veracity for its clarity and consistency". The Court emphasized that in cases of sexual assault, the testimony of the victim, if found credible, can be the sole basis for a conviction, even in the absence of corroborating medical evidence. It cited numerous precedents, including ***State of Punjab Vs. Gurmit Singh*** *and* ***State of Himachal Pradesh Vs. Manga Singh***, to reinforce the principle that medical evidence is not a prerequisite for a rape conviction.

Finally, the Court found the alleged discrepancies between the testimonies of the victim and her brother to be minor and not material to the core of the prosecution's case. The Court noted that the brother's testimony was "rationally and logically supportive" of the victim's account. The Supreme Court, finding the victim's evidence to be "entirely probable, natural and trustworthy," concluded that there was no reason to disbelieve her testimony and upheld the findings of the trial court and the High Court. The Criminal Appeal was dismissed.

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[SD. Shabuddin Vs. The State of Telangana [Criminal Appeal No. 3605 of 2025 (2025 INSC 999)]]

Date of Judgment: 19.08.2025

"In order to uphold conviction under Section 411 IPC, it is sine qua non that the property in the possession of the accused is a stolen property. If the property is not a stolen property, the charge under Section 411 IPC cannot be sustained."

The criminal appeal has been filed by the appellant, challenging the judgment of the High Court, which had reduced his sentence from three years to one year under Section 411 of the Indian Penal Code (IPC). A complaint was filed by K. Vikram, the cousin brother of the deceased M. Narsaiah, after his brother went missing on December 22, 2005. The investigation resulted in a chargesheet against the appellant and accused-Moulana, alleging that accused-Moulana had murdered the deceased, stolen his belongings, and with the help of the appellant, disposed of the body. The Trial Court acquitted both accused of the charges under Sections 302, 201, and 379 IPC but found them guilty of dishonestly receiving stolen property under Section 411 IPC, sentencing them to three years of rigorous imprisonment with fine. The Trial Court's finding was based on the fact that accused-Moulana and the appellant were found in possession of large sums of cash (₹2,60,000 and ₹25,000 respectively) that they couldn't account for. The High Court partially upheld this conviction, reducing the sentence to one year. The appellant then appealed to the Supreme Court.

The appellant contended that his conviction under Section 411 IPC was unjustified as mere possession doesn't prove knowledge of theft, especially after acquittal under Section 379 IPC. In contrast, the respondent state contended that the appellant accepted ₹30,000 from co-accused Moulana to help dispose of the deceased’s body, part of which (₹25,000) was recovered from his house based on his confession.

The Supreme Court assessed improper burden shifting and the validity of a Section 411 conviction post-acquittal under Section 379. The Court concluded that the High Court erred by placing a reverse burden of proof on the accused to account for the cash found in their possession. The Court reasoned that for the presumption under Section 114 of the Evidence Act to apply, the prosecution must first prove that the goods were stolen and that the accused was in possession of them soon after the theft. In this case, there was no evidence to prove the amount of money the deceased was carrying, and the recovered cash lacked any distinct identification to link it to the alleged theft. The Court emphasized that the initial burden of proof always rests with the prosecution.

On the second issue, the Supreme Court stated that for a conviction under Section 411 IPC, it's essential that the property in question is "stolen property". Since both the Trial Court and the High Court had acquitted the accused of the theft charge under Section 379 IPC, the Court could not logically convict them for receiving stolen property. The prosecution's theory of theft had been rejected by the lower courts, and the prosecution had not appealed this rejection. Therefore, the charge under Section 411 IPC could not be sustained.

The Supreme Court allowed the appeal and set aside the High Court's judgment, acquitting the appellant of all charges and discharging his bail bonds.

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HIGH COURT - CIVIL CASES

T.V. Shatrugan Vs. Riyaz & Ors. [CRP.Nos.74 and 1710 of 2025 and CMP.Nos.9892 & 4150 of 2025]

Date of Judgment: 09.07.2025

The Civil Revision Petitions were filed by the petitioners challenging the order of the tribunal, which had dismissed these applications, holding him liable since the insurance policy was still in his name.

The facts of the case reveal that the vehicle involved in the accident had been sold by the petitioner to one Kailash Mehra and the Registration Certificate (RC) had also been transferred in the name of the purchaser. The Insurance Company, however, contended that since the insurance policy continued to stand in the name of the petitioner, he was bound to participate in the claim proceedings. The Tribunal accepted this contention and dismissed the petitioner's applications, holding him liable since the insurance policy was still in his name. Aggrieved by the same, Civil Revision petition has been filed to sought a direction to strike off his name as a misjoinder of party in M.C.O.P.

The High Court observed that Section 157(1) of the Motor Vehicles Act, 1988, specifically provides that upon transfer of ownership of a motor vehicle, the certificate of insurance and policy shall be deemed to have been transferred in favour of the transferee from the date of transfer. The explanation to this section clarifies that such deemed transfer includes not only rights but also liabilities. The Court further observed that while Section 157(2) requires the transferee to intimate the insurer within 14 days, this statutory obligation does not impose liability on the transferor when the ownership and RC had been duly transferred prior to the accident. It also emphasized that the Tribunal's reasoning, based solely on the insurance certificate still bearing the petitioner's name, ignored the clear mandate of law.

Accordingly, the High Court allowed the Civil Revision petition and held that the tribunal's dismissal of the application was unsustainable in law. Since the transferee had already been impleaded as a party in the MCOP proceedings, no prejudice would be caused to the Insurance Company. Thus, the petitioner was removed from the array of parties. However, the Court clarified that the Insurance Company was at liberty to pursue its defences against the transferee regarding any non-compliance with statutory requirements.

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Shashikumar Rep by Power Agent S.Karthikeyan Vs. G.Vasantha & Ors. [C.R.P.No.1832 of 2025]

Date of Judgment: 25.07.2025

The Civil Revision Petition was filed by the plaintiff/Petitioner seeking to set aside the order of the trail Court, which had dismissed the application seeking refund of interest accrued on the balance sale consideration of Rs. 1,17,82,231/- deposited in court.

The first respondent, agreed to sell property to the petitioner in 2006 for Rs. 1.54 crore, after receiving Rs. 30 lakhs advance. When she failed to execute the sale deed, the petitioner filed a suit for specific performance in 2007. Meanwhile, the first respondent sold the property to the second defendant, who later sold it to the third defendant, and they were impleaded. The suit was decreed ex parte in 2012, leading to the petitioner depositing the balance Rs. 1.24 crore in court in 2013. Although the ex parte decree was set aside, the suit was again decreed in 2016 and the same was confirmed by the Supreme Court in 2019. The sale deed was executed in the petitioner’s favour in 2022, and possession delivered in 2023. The petitioner then filed I.A seeking refund of interest accrued on the deposit, which the trial court dismissed. Aggrieved by the same, the plaintiff filed the present Civil Revision Petition.

In the revision petition, the High Court observed that Section 55(6)(b) of the Act creates a statutory charge in favor of the buyer for the purchase money properly paid, together with interest, until delivery of possession or execution of the sale deed, unless the buyer has improperly declined delivery. Relying on Supreme Court decisions in ***Delhi Development Authority vs. Skipper Construction Co. (P) Ltd and Videocon Properties Ltd. vs. Dr. Bhalchandra Laboratories, as well as its own decision in Kanan vs. Dr. Sridharan***, the Court emphasized that a purchaser who has deposited the balance consideration and has been ready and willing to perform his part of the contract cannot be denied interest on the sum until conveyance and possession are given. It rejected the third defendant's objection based on a pending review petition, noting that it had not even been numbered and no stay was in force. The Court further noted that the first and second defendants had already received their money, and that the third defendant, though a contesting party, was only entitled to the return of his consideration, less costs.

Accordingly, the High Court allowed the civil revision petition, set aside the trial court's order and held that the petitioner was entitled to the accrued interest on the balance sale consideration from 22.01.2013 until 11.07.2022, along with Rs. 13,19,833/- as costs previously ordered by the trial court.

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P.C. Amaranathan & Anr. Vs. C.Lingadurai Pandian & Ors. [S.A.(MD)No.145 of 2019 and C.M.P.(MD)Nos.3413, 6430, 6432 and 6433 of 2019]

Date of Judgment: 23.04.2025

The Second Appeal was filed by the appellants/defendants challenging the judgment of the First Appellate Court, which confirmed the decree of the trial court holding the sale deeds valid and binding.

The respondent/plaintiff filed the original suit before the trial court, seeking declaration of ownership, recovery of possession, past damages, and future mesne profits in respect of a house property at Tenkasi. He claimed title under a sale deed from one Vargheese (intermediate purchaser), who had earlier purchased the property from the defendants. The defendants resisted, contending that the transaction with the intermediate purchaser was not an outright sale but only a loan secured by a sale deed and a separate reconveyance agreement. Further, the defendants alleged that the plaintiff had colluded with the intermediate purchaser to obtain sale deed by fraud and claimed adverse possession. The Trial Court decreed the suit in favor of the plaintiff, holding the sale deeds valid and binding, and the First appellate Court, confirmed the judgment. Aggrieved by the same, the defendants preferred the present Second Appeal.

The High Court, observed that though the appeal was pending since 2019, no substantial question of law had been framed. On the issue of mortgage versus sale, the Court observed that for a transaction to be treated as a mortgage by conditional sale, the condition of reconveyance must be embodied in the very same sale deed. Since in the present case the alleged reconveyance was contained in a separate document, the defendants' claim was untenable. The defendants had also admitted their failure to repay the stipulated sum of Rs.1,24,000/- within the agreed time. Under the reconveyance agreement, they were required to vacate the property on default, after which the intermediate purchaser was to pay them Rs.56,000/-, but as they never vacated, the condition never arose. Importantly, the agreement contained no clause rendering the sale void in case of non-payment by the intermediate purchaser. With respect to adverse possession, the Court observed that such a plea was contradictory, as one cannot simultaneously claim ownership under title and also by adverse possession. Since the suit was filed within the limitation period of 12 years, the plea was also unsustainable.

Consequently, the High Court dismissed the second appeal and upheld the concurrent findings of the trial and first appellate courts that the sale deeds were valid and binding, thereby entitling the plaintiff to possession.

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M/s.Rajiv Jewellers Represented by its Proprietor, R.Jayakumar, Shop No.2, Ground Floor, New No.78, Old No.84, Sir Thyagaraya Road, T.Nagar, Chennai Vs. R. Roop Kumar [C.R.P.No.1559 of 2025 and C.M.P.No.9080 of 2025]

Date of Judgment: 16.06.2025

The revision petition was filed by the petitioner/tenant, challenging the order of the Rent Appellate Tribunal. By the said order, the appellate tribunal reversed the earlier decision of the Rent Court, which had dismissed the landlord's eviction application.

The respondent/landlord had leased the premises to the petitioner, who was running "Rajiv Jewellers," at a monthly rent of Rs.18,216/- fixed by the High Court in 2011 under the repealed 1960 Act. With no written agreement after July 2014, the landlord, following the 2017 Act, sent draft agreements in 2019 and 2022 proposing a revised rent of Rs.44,220/-. The tenant refused, citing the earlier fair rent fixation, leading the landlord to terminate the tenancy and file for eviction under Section 21(2)(a) of Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The Rent Court dismissed the application as illegal rent demand, but on appeal, the Rent Appellate Tribunal reversed it and ordered eviction for failure to execute a fresh agreement under Section 4(2) of the new Act. Aggrieved by the same, the tenant/petitioner filed the Civil Revision Petition.

The High Court observed that under the 2017 Act, it is mandatory for both landlords and tenants to enter into written agreements within 575 days from commencement of the Act, even for pre-existing tenancies. Failure to do so, irrespective of fault, provides a ground for eviction under Section 21(2)(a). The Court further held that the fair rent fixed under the repealed 1960 Act ceased to operate after the enactment of the new Act, as Section 47(1) repealed the earlier Act completely, except for pending proceedings. Thus, the tenant could not rely on the earlier fixation of fair rent.

Accordingly, the High Court dismissed the Civil Revision Petition and held that the failure to execute a new rental agreement under Section 4(2) of the 2017 Act validly entitled the landlord to seek eviction under Section 21(2)(a). The fair rent fixed under the old Act could not be relied upon to resist compliance with the new Act.

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Jeyamani Vs. Umamaheshwari & Ors. [A.S.Nos.39 & 40 of 2022 and CMP.Nos.1751 and 1758 of 2022]

Date of Judgment: 07.02.2025

The appeals were filed by the appellant, challenging the common judgment passed by the trial Court, which decreed in the respondent's favor by granting injunction and dismissed the suit filed by the appellant seeking cancellation of power of attorney, sale deed and permanent injunction.

This case revolves around two suits, one filed by the filed by appellant for cancellation of the Power of Attorney, cancellation of the Sale Deed and for permanent injunction and the other suit was filed by the respondent for permanent injunction. The appellant, claiming ownership of a vacant site, stated that she and her husband borrowed Rs.3 lakhs and executed a Power of Attorney in favor of the first defendant (Power Agent) as security, but later discovered that he had used it to sell the property to the respondent through a registered sale deed, which she alleged was fraudulent and unauthorized, while the defendants contended that the PoA was executed for sale with full knowledge and that the respondent was a bona fide purchaser with valid title and possession.

The Trial Court, by a common judgment, dismissed the suit filed by the appellant holding that the Power of Attorney was valid, the sale deed was executed with authority, and the plaintiff failed to prove allegations of fraud or forgery. In contrast, the suit filed by the respondent was decreed in her favor, the Court finding that she had established valid title and possession through the registered sale deed and revenue records, thereby entitling her to an injunction against the appellant. Aggrieved by the same, the appeals were filed by the appellant.

The High Court observed that the appellant contention, that the power of attorney did not authorize sale could not be sustained, as the document (Ex.A1) expressly empowered the power agent to execute sale agreements and deeds. The Court observed that the ***Oral evidence could not override the terms of a registered document***. With regard to the alleged forgery of the life certificate, the Court observed that the burden of proof lay on the appellant, but she had failed to substantiate her claim. On the contrary, her cross-examination suggested that the certificate was genuinely obtained, thus negating her allegation of forgery. The Court also noted that the appellant did not dispute receipt of Rs.3 lakhs but only claimed it was a loan, and yet failed to examine the bank officials or records to prove her case. Further the High Court observed that the respondent had produced revenue records and title deed in support of her claim. By Referring to the Supreme Court decision in ***Anathula Sudhakar Vs. B. Buchi Reddy***, the Court reiterated that in the case of a vacant site, possession follows title, and therefore a person who establishes valid title is entitled to injunction.

Accordingly, the High Court dismissed the appeals and held that the Trial Court's findings suffered from no infirmity and upheld that the power of attorney was valid, the sale deed was not fraudulent, and the respondent, being the lawful title holder, was entitled to permanent injunction.

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HIGH COURT – CRIMINAL CASES

C.K.Santhosh Vs. The State of Rep by, The Inspector of Police, R-9, Valasaravakkam Police Station, Chennai & Anr. [Crl. O.P. No.10719 of 2025 and Crl. M.P. No.7154 & 7156 of 2025] [2025-2-MWN (Crl.) 191]

Date of Judgment: 08.04.2025

This Criminal Original Petition had been filed as against the State and the de facto complainant seeking prayer to quash the charge sheet pending before the Additional Special Court for Exclusive Trial of Cases under NDPS Act at Chennai.

The prosecution case was that the Sub-Inspector of Police had received secret information that the first accused along with the petitioner intended to sell Ganja kept in their home. On enquiry, the first accused handed over 8 kgs of Ganja and other articles, from which samples were taken, and thereafter the first accused was arrested. The complaint led to registration of Crime No.758 of 2024 under Sections 8(c), 20(b)(ii)(B), 25, and 29(1) of the NDPS Act. After investigation, final report had been filed and taken cognizance in C.C. No.138 of 2025.

The petitioner was arrayed as the second accused solely on the basis of the confession statement of the first accused. The learned counsel for the petitioner conferred that except the confession, there was no recovery or incriminating material against the petitioner, and that anticipatory bail had already been granted. The learned Government Advocate contended that the petitioner was implicated based on the first accused's confession and that even a passbook belonging to the petitioner was seized from the first accused, who had confessed that both were involved in selling Ganja.

The High Court, upon perusal of records, observed that the petitioner was implicated only on the strength of the co-accused's confession, without any recovery or independent incriminating evidence. The Court noted that in the absence of recovery or supporting material, such confession alone could not attract offences under Sections 8(c), 20(b)(ii)(B), 25, and 29(1) of the NDPS Act. The Court also relied on the judgment of the Hon'ble Supreme Court in *Karan Talwar v. State of Tamil Nadu* (MANU/SC/1372/2024), wherein it was held that a co-accused's confession, being inadmissible as evidence under Section 25 of the Indian Evidence Act, could not form the sole basis to make a person stand trial, as it would amount to miscarriage of justice.

Accordingly, the Court held that there existed no material other than the inadmissible confession statement to proceed against the petitioner. Therefore, the proceedings could not be sustained against the petitioner. The Court quashed the proceedings as against the petitioner alone and directed that the trial should continue against the first accused. The Court allowed the Criminal Original Petition and closed the connected miscellaneous petitions.

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Yasar Arafath Vs. The Inspector of Police, Melapalayam Police Station, Tirunelveli City & Anr. [Crl.A.(MD) No.719 of 2025]

Date of Judgment: 12.08.2025

This criminal appeal had been filed as against the order of the learned Principal District and Sessions Judge, seeking prayer to set aside the dismissal of the bail petition.

The case originated from a complaint lodged on 16.11.2024 by the lessee of Alangar Theatre, Tirunelveli, stating that two persons had hurled a petrol bomb into the theatre during the screening of movies. On investigation, the first respondent police recovered CCTV footage and arrested several accused, altering the case under Sections 196, 113(2) of BNS and Section 3 of the Explosive Substances Act, 1908. Later, the investigation was transferred to the second respondent—Anti-Terrorism Squad. The course of investigation revealed that A1, a member of the banned outfit Al-Umma, masterminded the incident and gave instructions to A2 and A3 to hurl the petrol bombs. The appellant was arrayed as A7 and accused of harbouring A2 at a plumbing godown on 17.11.2024, thereby helping him escape. The charges were later altered to invoke Sections 16, 18, 19, and 20 of the Unlawful Activities (Prevention) Act, 1967 (UAPA). A final report was filed before the Special Court in S.C.No.423 of 2025.

The appellant filed a bail petition before the Sessions Court, which was dismissed. Hence, the present appeal was filed under Section 21(2) of the NIA Act, 2008.

The learned counsel for the appellant conferred that the appellant had been falsely implicated based on confessional statements of co-accused and certain call records, and that there was no independent evidence linking him to the crime. It was contended that the allegations did not fall within the definitions of Section 2(k) or Section 15 of UAPA and that the appellant was at most accused of harbouring. Since the final report had been filed citing 110 witnesses and numerous documents, it was argued that the trial could not be completed soon. Emphasising Article 21 of the Constitution, the counsel relied upon *Union of India v. K.A. Najeeb* (AIR 2021 SC

712), wherein the Hon'ble Supreme Court held that statutory restrictions under Section 43-D(5) of UAPA did not oust the power of constitutional courts to grant bail where prolonged incarceration and delay in trial infringed fundamental rights.

The learned Additional Public Prosecutor, opposing bail, conferred that the appellant, as A7, being an associate of A1 and A2, had voluntarily harboured A2 despite knowing their terrorist activities and Witnesses L.W.15, L.W.16, and L.W.31 had spoken about his involvement. It was argued that since the offence was serious, the restrictions under Section 43-D(5) of UAPA applied, and the appellant was not entitled to bail.

The High Court after perusing the records, case diary, and final report observed that while the allegations against the appellant related mainly to harbouring accused persons, no serious destruction or loss of life had occurred. Since investigation was complete and the final report filed, the possibility of early completion of trial was also unlikely and therefore, the Court held that prolonged custody and the right to speedy trial outweighed the statutory bar under Section 43-D(5). The court also relied on Union of India Vs. K.A. Najeeb.

Accordingly, the Court allowed the Criminal Appeal and directed the release of the appellant on bail subject to conditions.

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Saravanan Vs. The Inspector of Police, AWPS, Karur [Crl.A.(MD)No.129 of 2017]

Date of Judgment: 12.08.2025

This Criminal Appeal had been filed as against the judgment of conviction and sentence passed by the learned Sessions Judge, Fast Track Mahila Court, for the offences under Sections 366 IPC, Section 5(l) r/w 6 of the POCSO Act, and Section 4 of the Tamil Nadu Prohibition of Harassment of Woman Act, and to acquit the appellant/accused.

The prosecution case was that on 01.06.2014 at about 8.30 a.m., the appellant/accused kidnapped the victim girl, then stated to be aged about 17 years, to his house and committed penetrative sexual assault against her will, while A2 to A5 allegedly facilitated the offence by beating, scolding, and confining her illegally. The complaint was lodged by the mother of the victim. The Trial Court acquitted A2 to A5 of all charges and acquitted the appellant/A1 of the offence under Section 342 IPC, but convicted him for the offences under Sections 366 IPC, 5(l) r/w 6 of POCSO Act, and 4 of TNPHW Act, and sentenced him to rigorous imprisonment and fine. The principal contention was that the victim was not a "child" as defined under Section 2(d) of the POCSO Act. The defence pointed out discrepancies in the date of birth: the school record showed 18.07.1996, whereas the corporation birth certificate showed 05.06.1997. The Court examined Section 34 of the POCSO Act and Section 94 of the Juvenile Justice Act, and noted that age determination must primarily be through a school date of birth certificate or matriculation certificate, failing which corporation records may be relied upon, and only thereafter ossification or medical tests can be resorted to.

The Court referred to the Supreme Court decision in *P. Yuvaprakash v. State* (Crl.A.No.1898 of 2023, dated 18.07.2023), which clarified that even for victims under the POCSO Act, the procedure under Section 94 JJ Act applies. In that judgment, the Apex Court held that mere transfer certificates cannot be relied upon, and that prosecution must establish age through acceptable documents.

In the instant case, the investigation officer admitted he had not collected the school certificate or matriculation certificate, but relied only on a corporation birth certificate. Contradictions remained between the transfer certificate and the birth certificate, and no effort was taken to verify their genuineness. The trial Court assumed the victim’s age as 17 years and 11 months based on the transfer certificate. The defence, however, produced the transfer certificate as Ex.D.2 showing date of birth as 18.06.1996. The Court observed that since the victim had studied up to 12th standard, her matriculation certificate ought to have been produced, which was not done. Moreover, no ossification test was conducted though the victim was said to be nearing 18 years.

The Court found that prosecution failed to prove with certainty that the victim was below 18 years at the time of occurrence, and in criminal law, when two views are possible, the view favourable to the accused must prevail. Therefore, the victim could not be presumed to be a minor.

Further, evidence of P.W.1 and P.W.14 revealed that the victim had voluntarily accompanied the accused and lived with him for eight months, even marrying him at a temple, while her parents did not lodge any complaint during that period. The subsequent complaint appeared to be an afterthought, filed only after she separated from the accused. The Court observed that her relationship with the accused, including physical intimacy, could only be seen as consensual.

The Court held that the prosecution failed to establish kidnapping or penetrative sexual assault under the provisions invoked, and the Trial Court erred in convicting the appellant. The Court set aside the judgment of the Trial Court allowed the appeal, and acquitted the appellant/accused of all charges.

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Chozhan Vs. State represented by Deputy Superintendent of Police, Jeeyapuram Sub-Division, Jeeyapuram Police Station, Trichy District [Crl. A(MD).No.520 of 2021] [2025-2-MWN (Crl.) 206 (DB)]

Date of Judgment: 29.04.2025

This Criminal Appeal was filed as against the conviction and sentence passed by the Additional District and Sessions Judge, wherein the appellant/sole accused was convicted under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months rigorous imprisonment.

The prosecution case was that on 17.12.2017 at about 6.00 a.m., the accused gave a voluntary confession to the VAO of having killed his wife at about 2.30 a.m. His statement was recorded and on visiting his house, the body of his wife was found in a pool of blood with head injury and a grinding stone nearby. P.W.1 took the accused to the Police Station with complaint and confession statement. FIR in Crime No.389/2017 was registered under Section 302 IPC. Since the death had occurred within two years of marriage, intimation was sent to the Revenue Divisional Officer. The Deputy Superintendent of Police visited the spot, recovered blood-stained articles, recorded statements, and sent materials for analysis. As per the Postmortem Dr. Selvakumar (P.W.17) cause of death was head injury. The offence was altered to Sections 302 IPC read with 3(1)(w)(ii) and 3(2)(va) of the SC/ST (POA) Act.

The trial Court acquitted the accused under the SC/ST Act but convicted him under Section 302 IPC.

In appeal, it was contended that the trial Court failed to note the absence of motive, doubtful extra-judicial confession, contradictions in testimonies, and inconsistencies with medical evidence. It was urged that guilt was not proved beyond reasonable doubt.

The State contented that the deceased had lodged a complaint against the accused for refusing to take her back, following which Police had directed the accused to take the deceased home and on the same night she was murdered in the accused house. The accused failed to explain the incident despite exclusive knowledge, confessed before P.W.1, and the weapon recovered matched the injuries. The prosecution, therefore, proved its case.

The High Court observed that the deceased had married the accused against his parents' wishes and after childbirth was not taken back, leading to a complaint and following Police intervention, the deceased was sent with the accused on 16.12.2017 and found dead the next morning. Motive was inferred from the accused's resentment over being compelled. The testimony of her father (P.W.5) and mother (P.W.6) was natural and credible.

The Court further held that while extra-judicial confession alone cannot form basis, here it was corroborated by surrounding circumstances, witness accounts, medical evidence, and recovery. Section 106 Evidence Act required the accused to explain the unnatural death of his wife, which he failed to do. Biological report confirmed blood stains on recovered articles matched with the deceased's blood group. Postmortem also confirmed death due to head injury consistent with grinding stone.

The Court held that prosecution had proved guilt beyond all reasonable doubt. The judgment of conviction under Section 302 IPC was proper, and there was no ground to interfere. Accordingly, the Court dismissed the Criminal Appeal and confirmed the conviction and sentence imposed by the trial Court.

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