

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

AlagarKoil 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

Maurice W. Innis Vs. Lily Kazrooni @ Lily Arif Shaikh [Special Leave Petition (Civil) No. 8166 of 2022 (2026 INSC 340)]

Date of Judgment: 09.04.2026

Code of Civil Procedure, 1908 – Section 47 – Compromise Decree passed in a suit for specific performance – Executing Court modified the compromise decree – Further modified in review petition – Delivery of possession ordered – Challenged in writ petition – Dismissed – Jurisdiction of Executing Court – *Held* : Dictum laid down in *Vasudev Dhanjibhai Modi v. Rajabhai Abdul Rehman and Others*, [(1970) 1 SCC 670], reiterated and fortified in *Sunder Dass v. Ram Prakash*, [(1977) 2 SCC 662] followed – Executing Court has to strictly conform to the decree under execution and if the decree provides for reciprocal obligations, it must ensure compliance of those conditions by both the parties in pith and substance, unless the decree is a nullity – Executing Court has no jurisdiction to vary the terms of the decree – It is only where the dispute as to the identity of the land which has to be given as part of the obligation to the other side arises, the court can decide the same – The jurisdiction of Executing Court is limited to give effect to the decree as passed and not to assume the role of a trial court so as to substitute its own view in place of that expressed under the decree – There is no dispute of identity of the land falling into the shares of both the parties in instant case – The orders altering the terms of the decree are unsustainable in law – Appeal allowed - Impugned orders set aside - Executing Court is directed to execute the decree in its terms and tenor.

The appellant – plaintiff filed this appeal against the dismissal of the writ petition challenging the modification of the compromise decree in the execution petition as well as further modification in the review petition and the order of delivery of possession in a suit for specific performance.

The appellant – plaintiff purchased 97.12R(Ares) of non-agricultural land and initially sold 57R(Ares) to the respondent – defendant, who sold back 6R of the said land to the appellant – plaintiff and in respect of the remaining 51R, the respondent – defendant entered into a registered agreement to sell with the appellant – plaintiff, based on which, a suit for specific performance was filed, in which the parties entered into a compromise that 10R of the said land would remain a common land in common ownership of both the partners and the remaining 41R of land would be equally divided between them to the extent of 20.5R each and accordingly, a compromise decree would also be drawn, which was put into execution by both parties separately. In the execution petition filed by the respondent – defendant, he became the decree holder and the plaintiff-appellant became the judgment debtor, wherein the Executing Court allotted them some different portions by modifying the compromise decree and the same was further modified in the review petition filed by the respondent – defendant. Challenging the same, the plaintiff-appellant filed a writ petition before the High Court and the same was dismissed. Hence, the appeal.

The Hon'ble Supreme Court, following the dictum laid down in ***Vasudev Dhanjibhai Modi v. Rajabhai Abdul Rehman and Others, [(1970) 1 SCC 670]***, which was reiterated and fortified in ***Sunder Dass v. Ram Prakash, [(1977) 2 SCC 662]***, observed that the Executing Court has to strictly conform to the decree under execution and if the decree provides for reciprocal obligations, it must ensure compliance of those conditions by both the parties in pith and substance, unless the decree is a nullity which is not the case herein. Executing Court has no jurisdiction to vary the terms of the decree. It is only where the dispute as to the identity of the land which has to be given as part of the obligation to the other side arises; the court can decide the same. It is settled in law that the jurisdiction of Executing Court is limited to give effect to the decree as passed and not to assume the role of a trial court so as to substitute its own view in place of that expressed under the decree. In the instant case, there is no dispute of identity of the land falling into the shares of both the parties. The compromise decree clearly describes the portions of land falling into the shares of the parties. Therefore, the Executing Court has to ensure that both the

parties fulfil their obligations and exchange the land as per the decree and to see that the sale deed is executed as directed. Merely for the reasons that exchange of some portions of the land may not be practicable for the reason that constructions on it are not as per the sanctioned map or that part of it has been sold off, are all immaterial. The orders altering the terms of the decree are unsustainable in law. The impugned orders are set aside and the appeal is allowed, directing the Execution Court to execute the decree in its terms and tenor.

**M/s. Marg Limited Vs. Susil Lalwani and Ors. [Special Leave Petition (Civil)
No. 25132 of 2025 (2026 INSC 402)]**

Date of Judgment: 21.04.2026

Civil Procedure Code, 1908 – Order VII, Rule 11, R.11(b) and 11(c) – Tamil Nadu Court Fees and Suits Valuation Act, 1955 – Section 27(c) – Suit filed for mandatory injunction to execute the Memorandum of Agreement, in alternative, reconveyance of the subject property and also for permanent injunction – Respondent filed application under Order VII, Rule 11, seeking rejection of plaint on the grounds of non-disclosure of cause of action, undervaluation of the relief claimed and insufficient stamp duty – Dismissed by Trial Court – Reversed by High Court – Appeal filed – Principles governing the exercise of power under Order VII Rule 11 culled out – *Held* : A plain and conjoint reading of clauses (b) and (c) of Order VII Rule 11 of the Code makes it abundantly clear that the power to reject a plaint on the grounds enumerated therein, is not to be exercised in the first instance, without affording an opportunity to the plaintiff – The rejection of a plaint under Order VII Rule 11(b) or (c) is not automatic upon a finding of undervaluation or deficit court fee; rather, it is conditional upon non-compliance with the opportunity so granted by the Court – Paragraph 19 of the plaint delineates the cause of action with sufficient clarity and specificity – It traces the accrual of cause of action to identifiable events, including forwarding of the MoA for execution, failure of the defendants to return the signed MoA, execution of the sale deeds and continued communications and subsequent refusal to honour obligations – The deficiency in valuation or court fee does not, by itself, render the suit non-maintainable at the threshold and it is a defect which is capable of being remedied, and the law expressly provides a mechanism for such

rectification – The High Court, in overlooking this statutory requirement, has effectively denied the appellant an opportunity to cure the defect, thereby defeating the very object underlying clauses (b) and (c) of Order VII Rule 11 – Impugned order set aside – Trial Court is directed to afford an opportunity to the appellant to correct the valuation and to pay the requisite court fees within such time limit as may be fixed by it – Appeal disposed of.

The appellant – plaintiff has filed this appeal against the order passed by the High Court in the revision rejecting the plaint filed for mandatory injunction and some other reliefs.

The appellant – plaintiff filed a suit for mandatory injunction directing the respondents to execute the Memorandum of Agreement (MoA) on the ground that the respondents had failed to fulfil their obligations arising out of commercial arrangement, particularly with regard to execution of MoA and payment of balance consideration linked to refurbishment and leasing of the property, and in the alternative, relief of reconveyance of the subject property and also permanent injunction, are sought. The respondents filed an application under Order VII Rule 11 of the Code, seeking rejection of the plaint, on the grounds of non-disclosure of cause of action, undervaluation of the relief claimed and insufficient stamp duty, which was rejected by the Trial Court. In revision, the High Court finding that the pleadings did not disclose a legally sustainable cause of action and the appellant was required to pay the ad valorem courts fees, allowed the revision and rejected the plaint. Hence, the appeal.

The Hon'ble Supreme Court has culled out the following principles governing the exercise of power under Order VII Rule 11 of the Code:

(i) The object underlying Order VII Rule 11 is to ensure that a litigation which is frivolous or is bound to fail does not occupy the judicial time;

(ii) The test for exercise of power under Order VII Rule 11 is whether the averments made in the plaint are taken in entirety, in conjunction with documents relied upon, would result in a decree being passed. The Court must examine the averments in the plaint in conjunction with the documents relied upon, and the pleas taken in the written statement would be wholly irrelevant. If any of the grounds specified in clauses (a) to (e) are made out, the court is bound to reject the plaint;

(iii) Whether a plaint discloses a cause of action is essentially a question of fact, to be determined on a holistic reading of the plaint itself. It is impermissible to isolate a sentence or a passage and to read it out of context;

(iv) If the averments made in the plaint prima facie show the cause of action, the court cannot embark upon an enquiry as to whether the averments are correct;

(v) The exercise of power under Order VII Rule 11 of the Code is mandatory in nature and the court must ascertain whether the plaint discloses a real cause of action or something merely illusory;

(vi) The power under Order VII Rule 11 of the Code may be exercised at any stage of the suit.

The Hon'ble Supreme Court further observed that a plain and conjoint reading of clauses (b) and (c) of Order VII Rule 11 of the Code makes it abundantly clear that the power to reject a plaint on the grounds enumerated therein, is not to be exercised in the first instance, without affording an opportunity to the plaintiff. The rejection of a plaint under Order VII Rule 11(b) or (c) is not automatic upon a finding of undervaluation or deficit court fee; rather, it is conditional upon non-compliance with the opportunity so granted by the Court. Paragraph 19 of the plaint delineates the cause of action with sufficient clarity and specificity. It traces the accrual of cause of action to identifiable events, including forwarding of the MoA for execution, failure of the defendants to return the signed MoA, execution of the sale deeds and continued communications and subsequent refusal to honour obligations. The requirement to grant an opportunity is not a mere procedural formality, but a substantive safeguard

intended to ensure that a litigant is not non-suited on a curable defect. The deficiency in valuation or court fee does not, by itself, render the suit non-maintainable at the threshold. It is a defect which is capable of being remedied, and the law expressly provides a mechanism for such rectification. The High Court, in overlooking this statutory requirement, has effectively denied the appellant an opportunity to cure the defect, thereby defeating the very object underlying clauses (b) and (c) of Order VII Rule 11. The impugned order, to this extent, therefore, suffers from a manifest error of law. Finding as above, the Hon'ble Supreme Court set aside the impugned order passed by the High Court and also directed the Trial Court to afford an opportunity to the appellant to correct the valuation and to pay the requisite court fees within such time limit as may be fixed by it. Appeal is disposed of.

Reliance Eminent Trading and Commercial Private Limited Vs. Delhi Development Authority [Special Leave Petition (Civil) No. 22100 of 2025 (2026 INSC 436)]

Date of Judgment: 29.04.2026

Civil Procedure Code, 1908 – Order XIII-A Rules 3 and 4 – Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 – Section 24(2) – *Held* : Effectiveness of private arbitration, once seen as a solace cannot be panacea for all disputes – An effective justice system must enable a Judge to adjudicate the issue by ascertaining necessary facts and applying appropriate legal principle in a fair and effective manner – However, such adjudicatory processes cannot be meaningful unless they are accessible – The principle of proportionality requires that procedural mechanisms be tailored to nature, complexity and stakes of litigation; while ensuring optimal use of judicial time and resources – In this context, summary judgment assumes significance as an important procedural tool – It advances access to justice by providing a swift and cost-effective alternative to a full-fledged trial, especially in cases where prolonged adjudication would serve no real purpose – Summary judgment under Order XIII-A cannot be upon inquisition of Court – It is mandatory to serve defendant as elucidated in Rule 2 – Consequences of ‘rejection of plaint’/‘return of plaint’ and ‘summary judgment’ are different – *Res judicata* operates only on latter – Where Court finds that a claim or defence is so weak that it *prima-facie* discloses no reasonable prospect of success, it is neither necessary nor desirable to subject the parties to rigours of a full-fledged trial – Power of summary judgment is to be exercised where it is just and expedient to do so, enabling parties to know their legal position without being compelled to endure a trial – Use of summary judgment will not be against interest of justice if it will lead to a fair and just result – Non-exhaustive guidelines framed for considering an

application for summary judgment – In present case, acquisition stood rendered *void-ab-initio* due to failure of DDA to pay compensation to original landowners, resulting in lapse under Section 24(2) of Fair Compensation Act, 2013 – Appellant is able to discharge his burden in showing a real prospect of success – There is nothing in law or fact to show that possession is *sine qua non* for refund – Even after filing suit, DDA continued to litigate Review Petition, followed by Curative Petition before this Court – Suit for refund filed by appellant cannot be said to be barred by limitation – Suit decreed alongwith 7.5% interest – Appeal allowed.

The appellant has filed this appeal against the dismissal of application seeking summary judgment under Rule 4 of Order XIII-A of CPC by the High Court.

The appellant purchased a commercial plot in Jasola from the respondent – DDA for ₹164.91 crore through public auction, with the conveyance deed registered in 2008. However, the land acquisition was later declared as lapsed by the High Court in 2016, which was upheld by the Supreme Court, but the respondent - DDA failed to re-acquire the land despite being granted time. Thereafter, the appellant filed a commercial suit seeking refund and sought summary judgment under Order XIII-A CPC. The Delhi High Court refused the same holding that trial is required for disputed questions with regard to possession, which necessitated the appellant to file appeal before the Supreme Court.

The Hon'ble Supreme Court held that effectiveness of private arbitration, once seen as a solace cannot be panacea for all disputes. An effective justice system must enable a Judge to adjudicate the issue by ascertaining necessary facts and applying appropriate legal principle in a fair and effective manner. However, such adjudicatory processes cannot be meaningful unless they are accessible. The principle of proportionality requires that procedural mechanisms be tailored to nature, complexity and stakes of litigation; while ensuring optimal use of judicial time and resources. In

this context, summary judgment assumes significance as an important procedural tool. It advances access to justice by providing a swift and cost-effective alternative to a full-fledged trial, especially in cases where prolonged adjudication would serve no real purpose. Summary judgment under Order XIII-A cannot be upon inquisition of Court. It is mandatory to serve defendant as elucidated in Rule 2. Consequences of 'rejection of plaint'/'return of plaint' and 'summary judgment' are different. Res judicata operates only on latter. Where Court finds that a claim or defence is so weak that it prima-facie discloses no reasonable prospect of success, it is neither necessary nor desirable to subject the parties to rigours of a full-fledged trial. Power of summary judgment is to be exercised where it is just and expedient to do so, enabling parties to know their legal position without being compelled to endure a trial. Use of summary judgment will not be against interest of justice if it will lead to a fair and just result. While considering an application for summary judgment under Order XIII-A of the CPC, the following non-exhaustive guidelines have to be complied:

(i) That the procedural mandate under Order XIII-A, CPC be strictly complied.

(ii) The Court should consider:

- a) Whether Plaintiff has no real prospect of succeeding on the claim or issue.
- b) Whether the defendant has no real prospect of successfully defending the claim or issue.

(iii) The Court should also consider whether there is no other reason why the case or issue(s) should be allowed to go to trial.

(iv) While ascertaining above, the Court does not have to take everything on the face value, but it must also not conduct a mini trial at the same time.

(v) That the Court has to differentiate between a cause of action/defence respectively, which is real as opposed to fanciful prospect.

(vi) That the Court ought to grasp the nettle, when dealing with the summary judgment applications to decide short points of law and interpretations.

(vii) The Court must take into account not only the evidence before it but also the evidence that can reasonably be expected to be led/available at the trial.

(viii) That the Court's usage of power under Order XIII-A, CPC is exceptional as it cuts short the process of trial and ought to be exercised where oral evidence and full trial is not required.

(ix) In order to ascertain the need for full trial over summary judgment, the Court has to see whether, in the interest of justice, it is more suited to conduct trial to:

(a) Weigh the evidence.

(b) Evaluate the credibility of a deponents.

(c) Draw reasonable inferences from the evidence.

In the present case, acquisition stood rendered void-ab-initio due to failure of DDA to pay compensation to original landowners, resulting in lapse under Section 24(2) of Fair Compensation Act, 2013. The appellant is able to discharge his burden in showing a real prospect of success. There is nothing in law or fact to show that possession is sine qua non for refund. Even after filing suit, DDA continued to litigate Review Petition, followed by Curative Petition before this Court. Therefore, the suit for refund filed by the appellant cannot be said to be barred by limitation. Suit decreed along-with 7.5% interest. Conveyance Deed is set aside. Appeal Allowed.

R. Savithri Naidu Vs. M/S. The Cotton Corporation of India Ltd. and Anr.
[Special Leave Petition (Civil) No. 19779 of 2024 (2026 INSC 150)]

Date of Judgment: 12.02.2026

Civil Procedure Code, 1908 ('CPC') – Order XXI Rule 102 – Arbitration and Conciliation Act, 1996 – Sections 34 and 36 – Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 ('SARFAESI Act') – Arbitral Award passed on the dispute raised by the first respondent for recovery of money against second respondent in the year 2001 – Executing Court ordered conditional attachment on schedule property – Appellant-third party, in whose favor, sale deed was executed in a recovery proceeding initiated against the second respondent by a bank in the year 2015, challenged the attachment – Dismissed – *Held* : A judgment debtor cannot defeat a decree by alienating property after decree is passed but before decree is realized – Steps taken defeat very fruits of money decree – Recovery proceedings under SARFAESI Act are independent and does not give any shield of protection to other claims against Judgment Debtor/Borrower in default – Goal of the legal system should not just be to dispose of cases, but to ensure that litigant enjoys reliefs – Provisions in CPC must be employed to secure actual relief, not just a formal decree – Ensure that legal process results in justice not just appearing to be done, but justice actually being done – Appellant is a purchaser post-arbitral award for recovery of amount – Execution proceeding was pending when sale deed was entered into between second respondent and appellant – Appellant failed to discharge onus on sale being without notice of existing claim – Arbitral award remains unrealized till date – Claim petition of Appellant rightly dismissed by Courts below – Civil Appeal dismissed.

The appellant – a third-party purchaser of schedule property through a sale deed, has filed this Special Leave Petition against the dismissal of application seeking removal of attachment over the schedule property in execution proceedings initiated in continuation of an arbitral award.

The first respondent raised an arbitral dispute on account of recovery of the sale price of cotton bales supplied under a sale agreement entered with the second respondent in the year 1998 and the award was passed for a sum of Rs.26,00,572.90 with future interest on 11.06.2001. The AOP filed before the Principal District Court was dismissed on 21.02.2013. The first respondent filed execution petition for the arbitral award, in which, the Executing Court ordered the conditional attachment of schedule property.

In consequence of a recovery proceedings initiated by ICICI Bank under the SARFAESI Act against the second respondent for the default of payment of the sum borrowed from this bank, sale has been undergone and these properties brought up for auction which included the suit properties brought up for auction which included the suit property was purchased by the appellant. Thereafter the appellant challenged the conditional attachment made by the execution court by way of a claim petition and the same was dismissed. the Hon'ble high court had also had confirmed the said order hence the appeal.

The Hon'ble Supreme Court observed that a judgment debtor cannot defeat a decree by alienating the property after the decree is passed but before the decree is realized. In other words, the steps taken defeat the very fruits of the money decree. The recovery proceedings under SARFAESI Act are independent and does not give any shield of protection to other claims against the Judgment Debtor/Borrower in default. The goal of the legal system should not just be to dispose of cases, but to ensure that the litigant enjoys the reliefs. The provisions in the CPC must be employed to secure actual relief, not just a formal decree. It must be ensured that the legal process results in justice not just appearing to be done, but justice actually being done. The Appellant is a purchaser post-arbitral award for recovery of the amount. The execution proceeding was pending when the sale deed was entered into between second respondent and the appellant. Moreover, the appellant failed to discharge the onus on the sale being without notice of the existing claim. The arbitral award remains unrealized till date. The claim petition of the appellant is rightly dismissed by the courts below. The civil appeal is dismissed.

Parmila & Ors. Vs. Rajender & Ors. [(Diary No. 27743 of 2022) (2026 INSC 420)]

Date of Judgment : 23.04.2026

Motor Vehicles Act, 1988 – Head-on collision between a car and a Haryana Roadways bus – Motor accident claims petitions filed for death compensation and damage to the vehicle – Tribunal dismissed the claim petitions attributing accident solely to the negligence of car driver without contributory negligence on bus driver – Affirmed by High Court – *Held* : In cases arising out of motor accidents, the determination of negligence must be founded upon a balanced and objective assessment of the conduct of all parties involved, particularly where the circumstances suggest a possible sharing of responsibility – The complete exclusion of contributory negligence on the part of one driver, especially in a head-on collision, ordinarily warrants a careful scrutiny of the surrounding circumstances, including the manner of driving, the point of impact and other attendant factors – The absence of a reasoned and comparative analysis of the respective actions of both drivers renders the conclusions susceptible to doubt and necessitates a closer re-examination of the matter – Once an issue is framed, it is incumbent upon the adjudicating forum to record a finding thereon, supported by reasons, particularly when the same has a bearing on the rights and liabilities of the parties – Tribunal though having framed a specific issue as to whether the first respondent was possessed of a valid and effective driving licence at the relevant time, failed to return any categorical finding thereon – The question as to whether the driver possessed a valid and effective driving licence is not only relevant for determining the inter se liability between the insurer and the insured but also has a material bearing on the overall adjudicatory exercise – The impugned findings, however, do not reflect such an exercise having been undertaken – Such non-adjudication undermines the completeness and legality of the findings recorded by the Tribunal – Impugned judgments are

set aside – Matter remanded for fresh consideration to the concerned Tribunal and also for returning clear findings on all issues framed – Special Leave Petition is disposed of on above terms.

The petitioners, who are the legal heirs of the deceased Hari Om – driver of the car involved in a head-on collision with a Haryana Roadways bus driven by the first respondent - Rajender, have filed this special leave petition against the dismissal of their claim petition by the Tribunal attributing sole negligence to the deceased Hari Om – driver of the car and exonerating the bus driver, which was upheld by the High Court.

The petitioners are the legal heirs of the deceased Hari Om – driver of the car that collided head-on with a Haryana Roadways bus driven by the first respondent - Rajender. Hari Om was driving the car, with Sher Singh as a passenger. Three separate claim petitions were filed before the Tribunal for the death of deceased Hari Om and Sher Singh and also damage to the car. The Tribunal dismissed all the three claim petitions holding that the accident in question and the resultant fatalities were attributable to the negligence and lack of due care on the part of the deceased-Hari Om (driver of the car) and not to any rash or negligent act on the part of the first respondent, which was affirmed by the High Court. Hence, the Special Leave Petition has been filed by the petitioners - claimants (legal heirs of deceased Hari Om).

The Hon'ble Supreme Court held that the absence of a reasoned and comparative analysis of the respective actions of both drivers renders the conclusions susceptible to doubt and necessitates a closer re-examination of the matter. Once an issue is framed, it is incumbent upon the adjudicating forum to record a finding thereon, supported by reasons, particularly when the same has a bearing on the rights and liabilities of the parties. The Tribunal though having framed a specific issue as to whether the first respondent - Rajender was possessed of a valid and effective driving licence at the relevant time, failed to return any categorical finding thereon. The question as to whether the driver possessed a valid and effective driving licence is not only relevant for determining the inter se liability between the insurer and the insured

but also has a material bearing on the overall adjudicatory exercise. Such non-adjudication undermines the completeness and legality of the findings recorded by the Tribunal. The question relating to the competence, authorisation and validity of the driving licence of first respondent -Rajender, as well as his independent capacity to operate the vehicle, was not merely ancillary, but went to the root of the matter. It, therefore, warranted a clear and categorical determination by both the Tribunal as well as the High Court, having a direct bearing on the adjudication of liability. Thus, the matter warrants reconsideration by the Tribunal. Impugned judgments are set aside and the claim petitions filed for death compensation are remanded for fresh consideration to the concerned Tribunal and also for returning clear findings on all issues framed. Special Leave Petition is disposed of accordingly.

SUPREME COURT – CRIMINAL CASES**The State of Tripura Vs. Panna Ahmed [Criminal Appeal No. 2848 of 2026
(2026 INSC 584)]****Date of Judgment: 26.05.2026**

Section 311 of Code of Criminal Procedure, 1973 – Recall and re-examination of witness- Power under Section 311 CrPC is wide but is required to be exercised with great caution, sparingly and for strong and valid reasons – and not to be used arbitrarily or merely to fill up a lacuna in the defence case – where the prosecutrix has already been subjected to detailed and extensive cross examination on more than one occasion and the recall application is filed after an inordinate and unexplained delay – the application is liable to be rejected – Recall would inflict further and unjustifiable hardship on the victim of heinous offence.

The concise facts of the case is that, based on a complaint lodged by the Prosecutrix, FIR No.216 WAW 052, was registered against the respondent/ accused, under Sections 342, 376(1) and 506 of the Indian Penal Code, 1860, on 27.06.2016. During the course of trial, the prosecutrix (PW-1) was first examined in chief and subsequently was cross-examined on 04.06.2018, followed by further cross-examination on 10.07.2018. Thereafter, the prosecution had filed an application under Section 311 Cr.P.C. seeking to recall and re-examine the prosecutrix. Since the application was dismissed by the Trial Court, the prosecution had approached the High Court of Tripura and thereon the High Court had set aside the order passed by the Trial Court and permitted the re-examination of the prosecutrix. In pursuance of the said order, the prosecutrix was further examined and re-cross examined. Thereafter, the Respondent had filed an application under Section 311 Cr.P.C. seeking recall of the Prosecutrix (PW-1) for further cross-examination. The said application was rejected by the Trial Court and aggrieved by the said order the Respondent had preferred an appeal before the High Court and thereon the High Court had directed

that an opportunity be granted to the Respondent for cross-examination of PW-1, with reference to the Call Detail Records [In short 'CDR']. Aggrieved by the said order, the Appellant has approached the Hon'ble Supreme Court.

On careful consideration of the arguments advanced on both sides and the circumstances of the case, the Hon'ble Supreme Court has adumbrated that, the power conferred under Section 311 Cr.P.C. should be invoked by the Court only to meet the ends of justice and it can be exercised only for strong and valid reasons and it should be exercised with great caution and circumspection. It has been emphasized that, the Court has wide power under this Section to even recall witnesses for re-examination or further examination, necessary in the interest of justice, but the same has to be exercised after taking into consideration the facts and circumstances of each case, and that, the power under this provision shall not be exercised if the Court is of the view that the application has been filed as an abuse of the process of law. At this juncture, the well-settled proposition of law in respect of re-call and re-examination of a witness as laid down in ***Swapan Kumar Chatterjee Vs. Central Bureau of Investigation, (2019) 14 SCC 328***, has been reiterated, by holding that the power under Section 311 Cr.P.C. is to be exercised with great caution and only for strong and valid reasons. The Hon'ble Supreme Court has clearly and categorically held that the power conferred under Section 311 Cr.P.C is undoubtedly wide. However, such power is required to be exercised sparingly and in judicious manner, and not arbitrarily. In the case on hand, the prosecutrix was subjected to detailed and extensive cross-examination by the defence across several hearings spread over a considerable period of time and the Respondent was given ample opportunity to examine the prosecutrix and to test the veracity of her deposition. It has been further observed that, the application under Section 311 Cr.P.C. came to be filed after an inordinate lapse of nearly four years from the completion of the cross-examination of the prosecutrix and approximately seven years after the registration of the FIR in respect of which no satisfactory explanation has been provided by the defence.

Furthermore, the Hon'ble Supreme Court observed that, in the present case, it is an admitted position that the said CDRs were filed by the prosecution along with the charge sheet and formed part of the record throughout the course of the trial and as the defence was well aware of the said material and had adequate opportunity to examine the prosecutrix in that regard, at this juncture, the prosecutrix cannot be recalled as the power under Section 311 Cr.P.C. cannot be exercised merely to fill up lacunae in the defence case. Before parting with the order, the Hon'ble Supreme Court has impressed upon the plight of victims of heinous crimes by observing that, the prosecutrix has already been subjected to the ordeal of deposition and cross examination on four separate occasions before the Trial Court, in addition to having her statement recorded during investigation and before the learned Magistrate under Section 164 Cr.P.C., and that, directing to re-call would inflict further and unjustifiable hardship upon the prosecutrix which can result in undue hardship. In result, the application stands allowed.

Roshan Lal Vs. The State of Haryana and Anr. [Criminal Appeal No. 2207 of 2011 (2026 INSC 524)]

Date of Judgment: 22.05.2026

Indian Penal Code, 1860 – Section 307 read with section 34 (attempt to murder with common intention) and section 506 IPC (criminal intimidation) –Appeal against concurrent conviction and sentence by Trial Court and High Court – Three accused convicted for attacking the injured informant with lathis on the head causing grievous injuries – Whether the prosecution established the requisite of *mens rea* – conviction under section 307 requires proof of both mens rea and actus rea –gravity or nature of the injury alone is not determinative: intention may be inferred from the weapon used, words spoken, motive, the part of the body targeted and the manner of assault – absence of material showing prior planning, preparation or concerted intention to cause death – Held, no prior enmity or premeditation shown; assault arose spontaneously when informant intervened in an unrelated altercation – Conviction altered to Section 325 (voluntarily causing grievous hurt) read with Section 34 IPC – Sentence reduced to period already undergone with Fine – Appeals partly allowed.

The present appeal challenged the judgment of the Punjab and Haryana High Court affirming the conviction of the appellants under Sections 307 and 506 of the IPC, read with Section 34 of the IPC, for assaulting the injured informant with lathis, causing head injuries which were subsequently declared dangerous to life.

The concise facts of the case were that the injured informant while performing night watchman duty in the village, witnessed the accused assaulting another person and was attacked with lathis when he intervened.

FIR No. 116 dated 06.06.2000, was registered against the Appellant and other accused persons initially under Sections 323,325 and 506 IPC, with Section 307 IPC added later on to the FIR. The Trial Court convicted the accused persons under Section 307. The High Court affirmed the conviction. Hence, the present appeal has been

filed. The principal issue before the Supreme Court was whether the essential ingredients of Section 307 IPC were made out on the basis of the material on record, particularly when the injury sustained by the victim had merely been described as "serious." The Court was called upon to determine whether such characterization, by itself, was sufficient to attract Section 307 IPC, which requires proof that the act was committed with the requisite intention or knowledge and under circumstances indicating that, if death had ensued, the offence would have amounted to murder.

The Supreme Court relying upon the cases of ***State of M.P. v. Saleem @ Chamaru (2005) 5 SCC 554*** and ***Bipin Bihari v. State of M.P. (2006) 8 SCC 799***, held that for an offence under Section 307 IPC, the decisive factor is the accused's intention or knowledge, and not the nature or gravity of the injury caused. It was further held that conviction under Section 307 IPC does not require the infliction of an injury capable of causing death. The Court must examine whether the act was committed with the requisite intention or knowledge under circumstances attracting Section 307 IPC. An attempt becomes punishable when there is a clear intention coupled with an overt act towards its execution, irrespective of the actual result of the act. The Court reiterated that concurrent findings would not ordinarily be disturbed unless shown to be perverse or legally erroneous as held in ***Dalbir Kaur & Ors. v. State of Punjab (1976) 4 SCC 158***.

On careful consideration of the arguments advanced on both sides and the facts and circumstances of the case, the Hon'ble Supreme Court has elucidated that in order to constitute an offence under Section 307 IPC, two elements are essential to be established. Firstly, the intention or knowledge to commit murder. Secondly, the actual act of trying to commit the murder. Thus, it must have both the necessary mens rea and actus reus. Hence, to sustain a conviction under Section 307 IPC, it is necessary to establish that had the accused succeeded in his attempt and had the victim met his death because of such an act, the offence of murder punishable under Section 302 IPC would be established. On the other hand, an accused charged under Section 307 IPC cannot be acquitted merely because the injuries inflicted on the victim

were in the nature of simple hurt, as the determinative factor is the intention or knowledge and not in the nature of an injury. Applying the settled principle in the case on hand, it becomes clear beyond any iota of doubt that, the prosecution has also failed to bring on record any material suggesting prior planning, preparation or concerted intention on the part of the appellants to cause death. The prosecution failed to establish the necessary mens rea for Section 307 IPC.

The court observed that *"The assault, therefore, appears to have arisen in the heat of the moment and as a spontaneous reaction to such intervention, rather than pursuant to any pre-conceived intention to eliminate the complainant"*. The Court held that the gravity of the injuries, however serious, cannot by itself be treated as proof of an intention to murder. The use of ordinary lathis and the absence of a sustained or ferocious assault showed no clear intention to cause death, making the seriousness of the injuries alone insufficient to establish an attempt to murder. Since the parietal bones near the midline, accompanied by neurological complications and prolonged hospitalization clearly fell within Clauses Seventhly and Eighthly of Section 320 IPC, the offence of voluntarily causing grievous hurt in furtherance of common intention under Section 325 read with Section 34 IPC was fully made out.

**V.K. Singh Vs. Central Bureau of Investigation and Anr. [Special Leave
Petition (Criminal) No. 19493-19494 of 2025 (2026 INSC 614)]**

Date of Judgment: 18.05.2026

Section 207 of the Criminal Procedure Code, 1973 – Section 14 of the Official Secrets Act, 1923 – Documents forming part of the charge sheet and being used against the accused ought to be supplied free of cost under section 207 – Restriction imposed by Section 14 (Exclusion of public from proceedings) of the Official Secrets Act, 1923- Held documents cannot be denied to the appellants merely on the ground that provisions of the Official Secrets Act, 1923 have been invoked – where documents are sensitive, courts may direct supply subject to protective conditions – Appeal has been disposed with direction to supply copy of the documents with a condition as to not to make it public.

The concise facts of the case is that, the Appellant wrote and published a book titled “India’s External Intelligence-Secrets of Research and Analysis Wing (RAW)” wherein he published various classified secret information including the names of various officials and their designations, functions, station codes, various technical projects, functioning of telecom division and signals intelligence, including that of SPGs in complete violation of the Official Secrets Act, 1923. It was further alleged that by publishing this book, appellant has enabled general public, foreigners/foreign countries to know the classified secrets of the State that has endangered security as well as sovereignty of India. Along with the Appellant, one Vivek Garg was also arrayed as an accused, being the publisher of the said book. In this connection, FIR No. RC 5(S)/2007/SCU.V dated 20.09.2007, was registered under Sections 3, 5 of the Official Secrets Act, 1923 and Sections 409,120B of the Indian 2 Penal Code, 1860.

The Appellant had moved an application under Section 207 Cr.P.C praying before the Trial Court that prosecution may be directed to supply the documents. This direction was subject to the condition that the documents so supplied, shall remain in personal

custody of the defence counsel representing the Appellant in the Court and that circulation of these documents was prohibited in any manner whatsoever. The prosecution had challenged the order of the Trial Court before the Delhi High Court and the High Court had modified the order of the Trial Court with a direction that the Appellant is permitted to inspect the documents lying with the Trial Court in order to enable the Appellant to effectively defend himself in the trial. Aggrieved by the judgment of the High Court, the present appeals have been filed.

The issue before the Hon'ble supreme court was, can an accused be denied copies of documents forming part of the charge sheet merely because they are classified and the prosecution is under the Official Secrets Act? On careful consideration of the averments raised and giving close scrutiny to the ambit of Section 207 Cr.P.C. the Hon'ble Supreme Court has observed that in the letter and spirit of Section 207 Cr.P.C. the documents being part of the charge sheet and being used against the accused ought to be supplied to the Appellant. It bears mentioning here that, Section 207 Cr.P.C. mandates that when criminal proceedings are instituted based on a police report, the Magistrate must provide the accused, free of charge, with copies of any document or relevant extract thereof including the police report, the FIR, witness statements recorded under Section 161 of Cr.P.C, excluding any portions withheld on reasonable police request, confessions or statements recorded under Section 164 Cr.P.C and any other documents forwarded along with the charge sheet. Nonetheless, this comes with a caveat that if any such document is voluminous, the accused may be allowed to inspect it in Court rather than receiving a physical copy. The only objection taken by the prosecution is that the said documents are highly confidential for the purpose of national security and if copies of such documents are supplied to the Appellant, there are chances that those documents may come out in the public domain.

In the light of the well settled principle of law with regard to furnishing copies to the Accused under Sec.207 Cr.P.C. in order to ensure free and fair trial, the Hon'ble Supreme Court has enunciated that notwithstanding the restriction imposed by

Section 14 of the Official Secrets Act, 1923 the supply of documents cannot be denied to the Appellants merely on the ground that provisions of the Official Secrets Act have been invoked. On emphasizing the personal liberty guaranteed and the sovereignty and public interest at large, the Hon'ble Supreme Court held that the prosecution shall supply a typed copy of those documents filed along with the charge sheet but with a condition that the Appellant may use those documents only for the purpose of Court proceedings and the documents shall not be circulated by him in any manner whatsoever, particularly in electronic or print media or through the social media platforms and with a further condition that, after supply of those documents, the Appellant himself and/or through his counsel is permitted to inspect those documents before the Trial Court during hearing. In result, the appeal has been disposed of with the above directions.

Gopi Chand @ Pappu Vs. State (NCT of Delhi) [Criminal Appeal Nos. 847 & 848 of 2014 (2026 INSC 598)]

Date of Judgment: 29.05.2026

Section 133 of the Indian Evidence Act, 1872 – Testimony of an approver – Whether corroboration is required to rely upon – Corroboration from direct or circumstantial evidence in material particulars – Court may convict an accused even on an uncorroborated testimony of the approver provided it is satisfied, and record reasons for its satisfaction.

The concise facts of the case is that, the five accused persons including one Ashok Kumar, who later became an approver, hatched a plan to steal a truck. In furtherance of that plan, they hired a truck for carrying pumpkin. In execution of the plan, the driver and cleaner were killed and the truck was stolen. The testimony of the said Ashok Kumar (PW1) was the sheet anchor of the prosecution case. He was arrested on 06.08.1984. On 09.08.1984, he moved an application to make his statement before the Magistrate concerned. After granting him two weeks' time to ruminate and ponder, on 23.08.1984, his confessional statement was recorded under Section 164 Cr.P.C. Subsequently, PW1 had sought pardon and had offered to turn as an approver and his prayer was accepted. Thereafter, a charge-sheet was filed. However, since the Magistrate concerned had committed the case without holding an enquiry as contemplated under Section 306 Cr.P.C, the Court of Session had remitted the matter to the Committal Magistrate for recording statement of PW1. Later the Trial Court had convicted the accused persons for two counts of murder. The point that arises for consideration is whether the legal principles on the probative value of an approver's testimony can be taken into account for conviction.

The Hon'ble Supreme Court had shed light on the purview of Section 133 of the Indian Evidence Act, 1872 which envisages that, an accomplice is a competent witness against an accused person, and that, a conviction is not illegal merely because it is based upon the uncorroborated testimony of an accomplice. The testimony of an approver may be accepted in evidence for recording conviction of an accused person

provided it receives corroboration from direct or circumstantial evidence in material particulars. Delving further, it has been observed that, the requirement of corroboration of the testimony of an approver is only a rule of prudence. On the question whether conviction could be based on the uncorroborated testimony of an accomplice, it has held that the same depends upon the Court's view as to the credibility of evidence tendered by an accomplice. It is not an inviolable rule of law that testimony of an approver must be independently corroborated in material particulars before it could form the basis of conviction. It has been further enunciated that the requirement of corroboration is not mandated by law, but is a rule of prudence. Therefore, the Court may convict an accused even on an uncorroborated testimony of the approver, provided if it is satisfied and reasons for satisfaction to accept the testimony has been recorded and thereupon it will be safe to rely upon such testimony even in the absence of corroboration.

Further, the Hon'ble Supreme Court has went on to observe that, one of the indispensable and necessary test in considering the testimony of an accused is that his testimony must be inculpatory and not exculpatory. However, if his testimony is not entirely exculpatory and makes a full and complete disclosure of the events and commission of the crime, which inspires confidence and appears truthful in the context of proven circumstances, his testimony cannot be discarded as lacking credibility merely because the approver does not implicate himself to the extent he implicates the other co-accused. In result, the Hon'ble Supreme Court on giving anxious consideration to the facts, circumstances of the case and the ratio laid down in this regard, has held that, the prosecution with the aid of the testimony of PW-1 has succeeded in establishing that there was a prior meeting of mind between the five partners to the crime to commit an act of stealing the truck and in furtherance thereof they hired the truck and caused the death of two persons. Appeals are partly allowed.

Pulkit @ Monu Vs. The State of Madhya Pradesh [Criminal Appeal Nos. 1818 of 2022 (2026 INSC 543)]

Date of Judgment: 20.05.2026

Section 120B – Indian Penal Code, 1860 – Criminal Conspiracy – Circumstantial evidence – circumstances from which the conclusion of guilt is to be drawn must or should be fully established – The circumstances should exclude every possible hypothesis except the one to be proved and there must be a complete chain of circumstances – Conviction set aside.

The present appeal has been filed against the Judgment passed by the High Court of Madhya Pradesh against the Judgment passed by the trial court. The concise facts leading to the present appeal is that, for the offence of murdering one Ashok Bakdiya, four accused persons were charged under sections 302 and 120B of the Indian Penal Code 1860 (IPC) and thereon by relying upon the circumstantial evidence, the Trial Court had convicted the accused which had further been confirmed by the High Court. Amongst the four accused persons charges against one of the accused had abated. At this Juncture, the present appeal has been filed by the Appellant. The point that arises for consideration is whether the charge of criminal conspiracy against the Appellant has been proven beyond reasonable doubt with the aid of circumstantial evidence.

In the present case, the Hon'ble Supreme Court has observed unequivocally that in order to bring home the charge of conspiracy, the prosecution must prove, either by direct evidence or circumstantial, that the accused had been privy to an agreement to do or cause to be done an illegal act or an act which is not illegal by illegal means. In the case on hand, it has been found that there is no direct reliable evidence to indicate that the accused persons, namely the perpetrator and conspirator had met each other at any place, prior to the occurrence. The circumstances from which the conclusion of guilt is to be drawn must or should be, and not merely may be, fully established. The facts established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other

hypothesis except that the accused is guilty. In addition, these circumstances should be of a conclusive nature and tendency.

The first circumstance aligns with motive. Although motive may be relevant for investigation of the case, by itself, motive alone cannot sustain a conviction. It is nothing more than a link to the chain of incriminating circumstances. On its own, it cannot form the basis of conviction. Thus, in absence of any evidence of prior agreement, bits and pieces of unreliable evidence, which have no evidentiary value, cannot sustain conviction of the appellant on the charge of conspiracy.

The second circumstance point towards the testimony of the chance witness, who had disclosed that there were talks about the deceased, but did not disclose about the context of the conversation. Therefore, not much importance can be attached to the said circumstance as it is not of conclusive nature and tendency in pointing towards the guilt of the accused-appellant.

The relevancy of mobile, depends on the probative value of the call detail record (CDR) of that mobile because it is not a case of there being any incriminating audio or video recording. In addition to the doubt regarding its admissibility for want of certificate under Section 65B of the Evidence Act, there is no evidence that the other mobile, which was contacted after the occurrence from the mobile of the appellant, was in the name of any of the co-accused. And, most importantly, there is no evidence that there was a mobile contact with the perpetrators of crime prior to the incident. The seizure of mobile and its CDR had little or no evidentiary value to link the appellant to the crime.

On careful consideration of the facts and circumstances of the case and applying the well-settled proposition of law with regard to circumstantial evidence, the Hon'ble Supreme Court has rendered a verdict that the conviction of the appellant is not sustainable since neither the circumstances are proved beyond reasonable doubt nor they are of conclusive nature, and that, the chain of circumstances leading to the

implication of the appellant in the said offences are not complete as to rule out all hypotheses. In result, the conviction of the Appellant has been set aside.

HIGH COURT – CIVIL CASES

M/s. Coimbatore Capital Limited, A Public Limited Company, Having its office at Stock Exchange Building, Coimbatore – 641 005 through its Executive Director T.Balakrishnan Vs. M.Ramasamy (died) & Another [A.S. No.129 of 2017] [2026 (1) LW 957]

Date of Judgment: 12.02.2026

C.P.C., Section 2(11) 'legal representative', Order 8 Rule 10, Order 9 Rule 6, Order 9 Rule 13, Order 14 Rule 1 & Registration Act - suit filed seeking recovery of a sum based on guarantee deeds executed by the respondents - an exparte decree was passed in the suit and only the 2nd defendant had filed an application under Order 9 Rule 13 and the exparte decree was set aside only against the 2nd defendant but decree stood against the 1st defendant - whether valid - cryptic judgment cannot be considered as valid – 2nd defendant filed a written statement denying execution of the mortgage deed and the deed of guarantee - necessary issues would have to be framed under Order 14 Rule 1 and answered by the Trial Court - execution of the guarantee had not been proved - deposit of title deeds was not by registered documents - plaintiff can never place reliance on the preliminary decree – 1st defendant died leaving behind other legal representatives apart from the 2nd defendant, but they have not been impleaded as parties to the suit – they are necessary parties to the suit – **Appeal dismissed.**

The appeal was filed by the plaintiff. The case of the plaintiff is that the 1st defendant is the father of the 2nd defendant and the 1st defendant died during the pendency of the suit and the plaintiff is a Trading Member of National Stock Exchange of India Limited (hereafter called as NSE) and the Ankal Finance Ltd (hereinafter referred to as Ankal), a Public Limited Company which is a constituent of the plaintiff vide Member Constituent Agreement, and a Securities Lending and Borrowing Agreement was entered into on 25.05.2000 consequent to which Ankal was permitted to trade on the NSE through the plaintiff and the 1st and 2nd defendants had executed the Deeds of

Guarantee and the 1st defendant had also mortgaged the suit properties by deposit of Title Deeds with the plaintiff and during the course of the transaction done by Ankal, a sum of Rs.64,52,758/- remained unpaid to the plaintiff and since there was an arbitration agreement between the plaintiff and the Ankal, the plaintiff instituted arbitration proceedings and after due enquiry, an award was passed directing Ankal to pay a sum of Rs.62,99,170.02/- together with interest and the defendants were not parties in the arbitration proceedings and since the said Ankal not paid the amount, the plaintiff filed the suit for recovery of money and for sale of mortgaged properties for the said amount. Previously, the suit was decreed by the Trial Court as *exparte* and subsequently the same was set aside by the said Court as per the order passed in the petition filed by the 2nd defendant. The case of the 2nd defendant is that the defendants had not executed the alleged guarantee agreements and had not created the equitable mortgage and the title deeds were shown to the plaintiff to determine the solvency of the defendants and the defendants were not liable to any portion of the suit claim and since the Ankal is a Limited Company, there was no personal responsibility for the defendants to discharge the suit claim and the defendants are not guarantors and he prayed to dismiss the suit. After the trial, the suit was dismissed by the Trial Court. Challenging the said findings, the present appeal had been filed by the plaintiff.

The Hon'ble High Court observed that the cryptic judgment cannot be considered as valid in the eye of law and merely because the defendant is absent would not create a presumption that the case of the plaintiff is true and even if the defendant is set *exparte*, the plaintiff has to prove all facts and relevant facts which would entitle him to a decree and in the present suit, the execution of the guarantee had not been proved and the deposit of title deeds was not by registered documents and the Guarantee Agreement (Ex.A5) requires registration under the Registration Act and the plaintiff had failed to prove the execution of Exs.A5 and A7 (photocopy of the guarantee agreement) by not calling upon the attesting witnesses to prove its execution and the defendants can never be mulcted with a personal decree only

because the 2nd defendant was a Director of Ankal Finance Ltd and all the Legal Representatives of the 1st defendant, except 2nd defendant, have not been impleaded as parties to the suit, even though an application to implead them had been allowed by the Court and if the legal representatives should have been brought on record in the suit and failed to do so, the suit has to be dismissed and in the present suit, all the Legal Heirs of the 1st defendant are not impleaded in the suit. From the above, the Hon'ble High Court held that there is no reason to interfere with the judgment and decree of the Trial Court.

In the result, this Appeal is dismissed.

S.Rangaswami, S/o R.Sriraman, Rangai St, Gugai, Salem Vs. U.Paruvaraj, S/o Veeramalai, Technical Trade Asst, O/o Divisional Engineer Maintenance Keeraboyan Street, Now At Swarnapuri Salem [S.A. No.557 of 2013] [2026 (1) TNLJ 503 (CIVIL)]

Date of Judgment: 27.02.2026

Civil Procedure Code - Order VIII Rule 5 - Suit for specific performance - Trial Court refused the relief of specific performance, but granted the alternative relief of repayment of advance amount - First Appeal -dismissed - 2nd appeal – Agreement (Ex.A 1) fixed three months time - plaintiff not took any steps until issued Ex.A2 (notice) - Plaintiff blamed defendant for not measuring land and not providing a pathway - In plaint, he stated that land already measured only noticed a deviation and absence of a road - Ex.A1 does not make completion of sale dependent on the defendant first rectifying these issues - delay not properly explained - Order VIII Rule 5 CPC does not help the plaintiff - Even if some pleadings not specifically denied, the plaintiff still has to prove readiness and willingness - A lack of specific denial cannot remove legal requirement of proving continuous readiness and willingness - Second Appeal dismissed.

This Second Appeal has been filed by the Appellant/ Plaintiff against the judgment and decree passed by the First Appellate Court, which confirmed the judgment and decree of the Trial Court. The plaintiff's case is that the defendant agreed to sell the suit property at Rs.75 per sq.ft., and executed a sale agreement after receiving an advance of Rs.10,000 and the defendant undertook to execute the sale deed within three months and after measurement, the Plaintiff noticed some deviation and that there was no proper access road, which the defendant promised to rectify, and the plaintiff was willing to buy the property "as is", and since the defendant allegedly avoided executing the sale deed, the plaintiff issued a legal notice and then filed the suit for specific performance or, alternatively, for refund of the advance amount with interest. Per contra, the case of the defendant is that the suit agreement was forged and fabricated, that there was no intention to sell the property, and that the plaintiff

had misused papers signed by him and he did not receive any advance amount, hence, he prays to dismiss the suit.

The Hon'ble High Court observed that the Trial Court rightly held that the suit agreement was not a forged document and the said document was proved through the evidence of attesting witness (PW2), so the plea of forgery was rejected by the Trial Court. The Hon'ble High Court further observed that the Plaintiff blamed the defendant for not measuring the land and not providing a pathway, but in the plaint, he stated that the land had already been measured in the defendant's presence and only then he noticed a deviation and the absence of a road, and Ex.A1 (suit agreement) does not make completion of the sale dependent on the defendant first rectifying these issues and Ex.A2 (Notice) did not show that the plaintiff had taken effective steps to complete the sale.

The Hon'ble High Court held that in a suit for specific performance, the plaintiff is bound to plead in the plaint and also prove in evidence that he has always been ready and willing to do his part of the contract from the date of the agreement to the date of the decree as mandated by Section 16(c) of the Specific Relief Act and it is not a mere formality and it is a substantiative statutory requirement and in the present case, Ex.A1 fixed three months for completing the sale and the plaintiff admittedly did not take any effective steps to complete the transaction within that time and he remained silent for almost three years and such long inaction is not consistent with the conduct of a person who is truly ready and willing to perform his part of the contract and the delay of almost three years has not been properly explained and the readiness and willingness are proved not only by what is pleaded, but also by the plaintiff's conduct and the plaintiff's long silence and failure to take steps to complete the sale within a reasonable time, disqualify him from getting the equitable relief of specific performance and under such circumstances, Order VIII Rule 5 CPC does not help the Plaintiff, and even if some pleadings were not specifically denied, the plaintiff still has to prove readiness and willingness and a lack of specific denial cannot remove the legal requirement of proving continuous readiness and willingness, so, the plea of

the plaintiff that the defendant admitted the readiness and willingness as he have not specifically denied the same, is not accepted. From the above, the Hon'ble High Court finds that there is no need to interfere with the judgment and decree of the First Appellate Court.

In the result, this Second Appeal is dismissed.

S.Hepziba Kasthuri Bai (died) & Another Vs. A.S.A.Balachandran & others
[A.S.(MD) No.285 of 2023 and C.M.P.(MD) No.15321 of 2023] [2026 (1)
TLNJ 448 (CIVIL)]

Date of Judgment: 27.02.2026

Registration Act, 1908, Section 21(1) – Suit for partition by daughter against her brothers and sisters – dismissed – appeal – defendants contended that after release deed, parties acted in terms of release deed, therefore plaintiff estopped from questioning validity of release deed – in case of documents do not reveal identification of property or nature of the property and an omnibus expression like ‘my family property’ mentioned in recital, then such document is to be held as void – when son or daughter convey property of their father, it is a single source capable of identification even universal release deed will be valid, if immovable properties referred in deed is identifiable without complete description – properties of father can be ascertained from documents, which confers title and right – identification of an immovable property not solely depends on its full and complete description – for registration of a deed, description adequate to identify is sufficient – if any of party to such document, after due registration, pleads that there was no consensus ad idem in respect of identification of properties, he should take the said plea at the earliest point of time after he realizes lack of consensus ad idem – in an universal release deed, if description of property is sufficient to identify, such deeds are valid – Sub Registrar cannot refuse registration quoting his power under Section 21(1).

In view of the conflicting judgments regarding the interpretation of Section 21(1) of the Registration Act, this appeal is referred by the Hon’ble Division Bench. The case of the plaintiff is that the plaintiff filed the suit for partition against her brothers and sisters questioning the validity of the release deed executed by her as void, since it is vague and illegal. Per contra, the respondents submitted that there is no uncertainty or illegality in the release deed and the parties have understood the recitals and acted

upon the release deed and they are enjoying the properties as per the deed and the suit was filed after 24 years, so it is barred by limitation and also bad for partial partition, hence they prayed to dismiss the suit. After the trial, the suit was dismissed by the Trial Court. Aggrieved by the said judgment and decree, the plaintiff filed the present appeal.

The Hon'ble High Court framed the following question for reference:

"Whether the registration of a universal release deed, which does not contain any description of property is void for not being in conformity with Section 21(1) of the Registration Act?"

The Hon'ble High Court observed that the scheme of the Registration Act is that any immovable property worth about more than Rs.100 has to be registered compulsorily as contemplated u/s 17 of the Act and the Sub Registrar within whose jurisdiction, whole or some of the properties is situated, can receive the document for registration and the litmus test for Sub Registrar to accept non-testamentary document in respect of immovable property, is description of the property sufficient to identify and Sections 64 and 65 of the Act lay down procedure for registration of the documents in one Sub-Registration District, which covers the lands situated in several Sub-Districts and Districts and if there is any lapse in the procedure contemplated under Sections 64 and 65 of the Act, the same is curable under Section 87 of the Act and the object of registration of the document is to give notice to the world that such document has been executed and is in force and it is settled law that the person executing the document, who is capable of understanding the document, is bound by the recitals of the document, unless it is proved that the same was obtained by fraud or force or misrepresentation.

The Hon'ble High Court further observed that in view of Section 87 of the Act, if there is any violation of the procedure contemplated under Sections 64, 65 and 66 of the Act, that will not vitiate the legality of the document and it is necessary to examine whether a document presented for registration suffers inherent defects of non-disclosure of the identity of the property or any procedural lapse and in case of former,

the defect is incurable and registration is invalid and in case of latter, the registration is valid and curable. After considering the various judgments, the Hon'ble High Court held that not only the universal release deed, but any release deed which fails to contain description of the property sufficient to identify, will suffer breach of Section 21(1) of the Act and the description of the property need not be a complete description mentioned separately under scheduled or to be expressly mentioned in the recital with all details and the difficulty for the Registrar to enter transaction in Index No.2 against any specific Survey number, in case of omission to mention survey numbers of the property, is at the most, only a procedural lapse, which is curable u/s 87 of the Act, for that reason, the validity of the registration cannot be questioned.

The Hon'ble High Court further observed that as per Section 21(1) of the Act, the non-testamentary document relating to immovable property is accepted for registration without certainty and insufficient to identify and if it is certain and sufficient to identify, Section 21(1) of the Act is not applicable and Section 29 of the Indian Contracts Act illustrates what is certainty and what is uncertainty and the universal release deed will be valid, if immovable properties referred in the deed is identifiable without complete description and in the present case, Ex.A3 (release deed) speaks about the right in the properties of the father, who died intestate and it also says that describing all the properties in detail is not practicable and hence the categories of properties alone have been referred, so the description is neither uncertain nor incapable of identification and the properties of the father can be ascertained from the documents, which confers title and right to the father and in case of any dispute regarding his right or share in the properties arises, the same are question of facts, which has to be decided in the Court of law and the identification of an immovable property not solely depends on its full and complete description, but by circumstantial narration and for registration of a deed, description it is sufficient for identify and identification of the properties mentioned in the deed is to be tested from the parties' view (*consensus ad idem*) and if any party pleads that there was no *consensus ad idem*, he should take the said plea at the earliest point of time after he realises the lack of *consensus ad idem*. So, in an universal release deed, if description of the property is

sufficient to identify, such deeds are valid and the Sub Registrar cannot refuse registration quoting his power under Section 21(1) of the Act. From the above, the question of reference is answered accordingly and the Appeal is remitted back to the Division Bench to decide other questions of law and facts.

Murugalakshmi & others Vs. Palanikumar & others [C.M.A.(MD) No.429 of 2012] [2026 (1) TLNJ 553 (Civil)]

Date of Judgment: 10.03.2026

Motor Vehicles Act, 1988, Section 173 – Accident when deceased loading food grain bag in a halted lorry parked at the private godown – claim under Motor Vehicle Act – Tribunal held that accident not taken place due to negligence of the driver of lorry and petitioners not proved that they are the wife and children of deceased – claim petition dismissed – appeal – petitioners have to claim compensation before the appropriate Forum under Workmen’s Compensation Act – incident took place inside a private godown during course of loading bags and no accident took place on a traffic road, Court cannot award compensation under the Workmen’s Compensation Act – CMA dismissed.

This Civil Miscellaneous Appeal was filed by the appellants / petitioners against the order passed by the Motor Accidents Claims Tribunal. The case of the petitioners is that the deceased Murugan was engaged as a loadman for loading grain bags in a lorry and on the date of occurrence, the deceased and two other loadmen were loading grain bags into a halted lorry and a suddenly loaded bag slipped out from its place and fell on the deceased from the top of the lorry and due to the said impact, the deceased sustained multiple injuries and subsequently died and the petitioners are the legal heirs of the deceased and the deceased was earning Rs.300/- per day and the said lorry was insured with the second respondent Insurance Company, hence they filed the claim petition claiming a compensation of Rs.10,00,000/-. Per contra, the case of the second respondent Insurance Company is that the mishap took place while the deceased was discharging his work as loadman; the deceased and two others were working under one Kasi Reddiar and the incident had occurred while loading the grain bags; the accident had not occurred by any negligence on the part of the first respondent’s driver, so the police dropped the action and sent the final report and there was an employer - employee relationship between the said Kasi Reddiar and the deceased; the employer alone is liable to pay the compensation; the

employer was not added as a party; the petitioners are not the legal heirs and dependents of the deceased and the petitioners have chosen the wrong forum, hence they prayed to dismiss the petition. After the enquiry, the claim petition was dismissed by the Tribunal. Challenging the said order, the petitioners have come up with the present appeal.

The Hon'ble High Court finds that the petitioners have not denied that the incident took place in a private godown and the cause of death of the deceased is due to sudden fall of the foodgrain bag from the halted lorry and the petitioners have not established that there was no employer-employee relationship between the said Kasi Reddiar and the deceased, and the petitioners have not added the said Kasi Reddiar in the claim petition despite specific objection raised in the counter filed by the second respondent and as per Ex.P1 and the evidence of R.W.1, it is found that the accident had not occurred on a road, but inside a private godown and when there is a specific denial that the petitioners are not the legal heirs and the dependants of the deceased, they ought to have filed a Legal Heirship Certificate, but they failed to do so and the petitioners cannot take advantage of the fact that the respondents 3 to 5 remained ex-parte and the petitioners have to claim compensation before the appropriate Forum under the Workmen's Compensation Act and since the incident took place inside a private godown during the course of loading bags and no accident took place on a traffic road, this Court cannot award compensation under the Workmen's Compensation Act and hence, there is no need to interfere with the order of the Tribunal.

In the result, the Civil Miscellaneous Appeal is dismissed.

**Thangavelu Vs. Kandaswami Gounder S/o Chinna Gounder, Nimili
Konampalayam, Coimbatore TK and others [S.A. No. 175 of 1994] [2026
(2) MLJ 327]**

Date of Judgment: 20.02.2026

CPC – Indian Evidence Act - Hindu Law – Sale by Kartha – Legal necessity – Mere pleadings and recitals in documents are insufficient to prove a plea of legal necessity - It is settled law that the burden of proof is on the alienee to show that the sale made by the Kartha of a joint family was for legal necessity – The purchaser should also show that he had made proper and bonafide enquiries into the existence of such a necessity and that, he had reasonably satisfied himself that such debts existed before the purchase – Legal necessity does not mean actual compulsion, but serious and sufficient pressure on the joint family which justifies the sale – None of the documents produced make out a case of legal necessity – Pleadings do not constitute proof – A mere pleading is insufficient to discharge the burden cast on the alienee – As a plea of legal necessity has not been established, the sale deed executed by the Kartha is valid only to the extent of his share – Appeal allowed.

This second appeal was filed by the appellant / plaintiff against the decree and judgment of the 1st Appellate Court, which partly allowed the suit. The case of the plaintiff is that the plaintiff, defendants 2 & 3 are the children of the 1st defendant and one Marathal, and by way of a partition between the 1st defendant and his brother, a house and lands were allotted to the 1st defendant, and the 1st defendant sold that property and from and out of the sale proceeds, the 1st defendant purchased the suit second schedule property, and the said Marathal's father owned the properties described in the suit third schedule and after his death, his four daughters divided the property amongst themselves and the said Marathal got 1/4th share and the remaining 3/4th share was purchased by the 1st defendant and from and out of the joint family funds and the defendants 1 & 2 executed a release deed in favour of the plaintiff, after that the plaintiff became the absolute owner of the same and on account of the

misunderstanding that arose between the daughter-in-law (wife of the plaintiff) and the 1st defendant, the 1st defendant alienated the suit second schedule property in favour of the 4th defendant and the said sale is sham and nominal and the fourth schedule property had been purchased by the first defendant from the joint family income and the plaintiff issued the notices to the defendants for partition and the same was denied by the defendants, hence, he filed the suit for partition. Per contra, the case of the 1st defendant is that he was a mill worker and out of income, he purchased the suit third schedule property and there is a family arrangement, whereunder the plaintiff was to retain the house property and the landed properties were to be enjoyed by defendants 1 to 3, but the plaintiff did not act as per the said family arrangement and the plaintiff did not have any independent source of income and the properties mentioned in the written statement would also have to be taken into consideration while dividing the entire properties and the suit second schedule property was sold to the 4th defendant for the family necessities such as marriage expenses of the plaintiff and 2nd defendant, and for repairing the old house and the suit is bad for partial partition. The case of the 4th defendant is that he is a bonafide purchaser as he purchased from the Kartha (1st defendant) of the joint family and the said sale proceeds were used for the family benefit of the 1st defendant and the suit was filed to defeat the rights of the 4th defendant and in case the suit is decreed, the share allotted to that of the 1st defendant may be allotted to him. The 2nd defendant died pending the litigation without leaving any issues. After the trial, the suit was dismissed by the Trial Court. Aggrieved with the said decision, the plaintiff preferred the first appeal, in which the suit was partly decreed by the First Appellate Court and the preliminary decree for partition of suit 3 and 4 schedule was passed. Challenging the said decree and judgment, the present second appeal is filed by the plaintiff.

The Hon'ble High Court held that the decision of the First Appellate Court regarding the suit third and fourth schedule properties becomes final as the defendants have not filed any cross objections and this appeal is related only to the suit second schedule property and it is a settled position of law that the burden of proof is on the

purchaser to demonstrate that the sale made by a Kartha of a joint Hindu Family was for legal necessity and the purchaser should also show that he had made proper and bonafide enquiries into the existence of such a necessity, and the legal necessity does not mean actual compulsion, but serious and sufficient pressure on the joint family which justifies the sale, and the recitals in the sale deed are not sufficient to prove the claims of legal necessity and such recitals require corroboration and this enquiry of the purchaser should not be strained to such an extent that an alienee is required to prove how the Kartha applied each and every part of the sale consideration and if the purchaser fails to discharge this burden of proof, the alienation so made would be valid only to the extent of the share of the Kartha and in the present case, the defendants have not produced any evidence to prove the alienation by the Kartha for the benefit of legal necessity and it is settled law that there cannot be any evidence without pleading, it is equally true that mere pleading alone is insufficient for the defendants to succeed, when not bolstered by any oral or documentary evidence and in the present case, the plea that the amounts were spent by the first defendant towards renovation of the house in anticipation of the marriage expenses, without any evidence to that effect, cannot persuade a Court of law to conclude that there existed a legal necessity for alienation.

The Hon'ble High Court further observed that a transferee pendente lite is bound by the final decree in the suit, irrespective of whether he / she had notice of the pending litigation and the said transfer is not void, but only makes it subservient to the decree to be passed in the Court and a lis pendens purchaser cannot take a plea of a bonafide purchaser and in the present case, if the 5th defendant (lis pendens purchaser) would be bound by the decree passed in the suit, the same logic would equally apply to a purchaser from the 5th defendant pending the second appeal. From the above, the Hon'ble High Court held that the defendants 1 and 4 have failed to prove the legal necessity for the purpose of alienation and the sale deed executed by the first defendant in favour of the 4th defendant is valid only with respect to the share of the 1st defendant and it will not bind the share of the other coparcenors, and the

respondents 13 to 18 (the lis pendens purchasers) can obviously seek allotment of the share which their vendor would have possessed, in their favour in the final decree proceedings and the Trial Court is directed to follow the guidelines issued by the Hon'ble Supreme Court in Kattukandi Edathil Krishnan and another Vs. Kattukandi Edathil Valsan and other [(2022) SCC OnLine SC 737] with regard to final decree proceedings.

In the result, the Second Appeal is allowed.

HIGH COURT – CRIMINAL CASES

**V.Muruganantham Vs. The State rep. by The Inspector of Police,
Keeramangalam Police Station, Pudukottai District and another
[Crl. OP(MD) No.4089 of 2024 and Crl. MP(MD) No.3235 of 2024] [2026
(1) TLNJ 310 (CRL.)]**

Date of Judgment: 24.03.2026

Indian Penal Code, 1860, Section 420, 406 & 507 – Amount borrowed by accused not returned and threatened the complainant through mobile phone with dire consequences – Criminal breach of trust – mere non-repayment of loan not attract criminal offence u/s. 420 – without filing a civil suit for recovery of money, complainant cannot seek help of police to recover money – no allegation in complaint that dishonest intention was existing from inception of transaction – ingredients of Section 420 not made out – As far as Section 406, there should be an entrustment of property at the hands of accused – A normal transaction of sale or exchange of money / consideration does not amount to entrustment – Section 406 not attracted – cannot result in an offence of cheating – unless criminal intimidation by anonymous communication or abode of person from whom threat comes, an offence u/s. 507 not made out – even accused said to have called from his mobile number, complainant not able to identify caller – Crl. O.P. allowed.

This petition was filed by the petitioner / accused to quash the F.I.R. The case of the prosecution is that the accused is said to have borrowed Rs.60,00,000/- from the defacto complainant in the year 2017 for running a business and he had not returned the same and committed the breach of trust and on 07.12.2022, the accused had threatened the defacto complainant through mobile phone with dire consequences, hence the accused committed the offences u/s.420, 406 and 507 of I.P.C.

After considering the various decisions of the Hon'ble Supreme Court, the Hon'ble High Court observed that mere non-repayment of the loan amount would not attract

the criminal offence u/s. 420 of I.P.C. and without filing a civil suit for recovery of money before the competent Civil Court, the defacto complainant cannot seek help of the police to recover money from the accused and in the present case, there is no allegation in the complaint that dishonest intention was existing from the inception of the transaction, so the ingredients of Section 420 of I.P.C have not been made out in this case and for the offence u/s. 406 of I.P.C., the first and foremost ingredient is that there should be an entrustment of property at the hands of the accused and a normal transaction of sale or exchange of money/consideration does not amount to entrustment and the same act cannot result in an offence of cheating or criminal breach of trust, so Section 406 of I.P.C is also not attracted.

The Hon'ble High Court further observed that as far as the offence u/s. 507 of I.P.C. is concerned, unless the criminal intimidation by way of anonymous communication or having taken precaution to conceal the name or abode of the person from whom the threat comes, an offence u/s. 507 of I.P.C. is not made out and in the present case, even as per the allegation in the complaint, the accused is said to have called from his mobile number and there is no allegation whatsoever that he had screened his number or the defacto complainant was not able to identify the caller, so the ingredients of 507 of I.P.C. have not been made out. Since the ingredients of offences u/s. 406, 420 and 507 of I.P.C. have not been made out, the Hon'ble High Court finds that the continuation of the criminal proceedings would be nothing but an abuse of the process of law.

In the result, this petition is allowed.

**Hasan Mohamed Vs. The State rep. by the Inspector of Police,
Thirukkokarnam Police Station, Pudukkottai District [Crl. A(MD) No.189 of
2023] [2026 (1)TLNJ 333 (Crl.)]**

Date of Judgment: 23.03.2026

Indian Penal Code, 1860, Section 393 and 302 – Indian Evidence Act, Section 8 - Neighbour of deceased when trying to commit robbery with knife point, when victim resisted, he stabbed her – conduct of accused immediately after occurrence spoken by PW3 that he saw deceased lying in a pool of blood with injuries and also saw accused in adjoining lane with blood-stained clothes and injuries – PW3 turned hostile, during cross, but admitted that accused committed offence and attempted to commit suicide in order to escape from the clutches of law – subsequent conduct of the accused, after offence highly relevant – Accused confessed about crime on same day before police – during course of investigation, material objects recovered from accused – chemical analysis tally with blood-stained on earth from place of occurrence – though IO failed to send clothes of deceased for chemical analysis, it reflects negligence, such lapse not fatal to prosecution – accused did not deny his presence at place of occurrence but stated that deceased was attacked by an unknown and he attempted to prevent the attack, during which he sustained injuries – same not proved – if an unknown person attacked deceased, accused would have lodged a complaint or may inform husband of deceased – based on eyewitness testimony and chain of circumstances, clearly established that accused alone committed crime – non recovery of gold chain by IO not fatal to prosecution since accused not committed robbery, but had only attempted to commit robbery – appeal dismissed.

This Criminal Appeal is filed against the judgment of conviction and sentence passed by the Trial Court. The case of the prosecution is that when the accused, who is a neighbour of the deceased, attempted for robbery, he stabbed the deceased with a knife and due to the said act, the deceased died, so the accused committed the

offences u/s. 393 and 302 of I.P.C. After the trial, the accused was convicted by the Trial Court. Challenging the said conviction, the accused filed the present appeal.

The Hon'ble High Court held that P.W.1 (husband of the deceased) did not mention the presence of P.W.2 (sister of the deceased) in his complaint and had only stated that one Alagu informed him that his wife was lying with injuries and P.W.2 has explained that soon after witnessing the occurrence, she became unconscious and therefore, it was not possible for her to inform the same to P.W.1, at that time, and P.W.1 also admitted that he did not mention the presence of P.W.2 in the complaint since she had become unconscious and had not informed him about the incident at the time of lodging the complaint and the evidence of PW2 has clearly spoken about the incident, so the non-mentioning of presence of PW 2 in the complaint by PW1 is not fatal to the prosecution case.

Further, the Hon'ble High Court held that the conduct of the accused immediately after the occurrence was spoken by PW3, who stated that he saw the deceased lying in a pool of blood with injuries and he also saw the accused in the adjoining lane with blood-stained clothes and injuries on his neck and though PW3 turned hostile, as he was a friend of accused, but during cross-examination by the prosecution, he admitted that during the course of investigation it was revealed that the accused had committed the offence and had also attempted to commit suicide in order to escape from the clutches of law and u/s. 8 of the Indian Evidence Act, the subsequent conduct of the accused, immediately after the commission of the offence is highly relevant and in the present case, the accused had also confessed about the crime on the same day before the respondent police and during the course of investigation, the material objects were recovered from the accused, namely the blood-stained knife and his T-shirt, under recovery mahazar (Ex.P5) and these objects were sent for chemical analysis and the bloodstains were found to tally with the bloodstained earth recovered from the place of occurrence and though the Investigating Officer failed to send the clothes of the deceased for chemical analysis, which certainly reflects negligence and lack of effective investigation, such lapse on the part of the Investigating Officer is not fatal

to the prosecution case and P.W.4, a resident of the apartment complex where both the accused and the deceased were residing, categorically stated that the residents of the complex informed that the accused alone committed the offence and he also spoken about the recovery of material objects from the place of occurrence, which was not denied by the accused and the accused admitted that he was present at the place of occurrence and stated that the deceased was attacked by an unknown person and that he attempted to prevent the attack, during which he himself sustained injuries, but this explanation has been proved to be false as the accused had informed the doctor that he was attacked by a known person, which is evident from Ex.D2 (the accident register produced by the defence) and if it were true that an unknown person had attacked the deceased, the accused would have lodged a complaint, but no such complaint was filed by him and he also failed to inform P.W.1 about the alleged attack by an unknown person, on the contrary, it has been proved that soon after the occurrence the accused attempted to commit suicide, and the non-recovery of the gold chain is not fatal to the prosecution case since the accused had not committed robbery, but had only attempted to commit robbery. From the above, the prosecution has successfully proved the guilt of the accused beyond all reasonable doubt, hence there is no perversity in the order of the Trial Court.

In the result, this Criminal Appeal is dismissed.

M.Senthilmurugan Vs. The Inspector of Police, Sattur Town Police Station
[CrI. A(MD) No.638 of 2023] [2026 (1) TLNJ 343 (CrI.)]

Date of Judgment: 10.03.2026

Section 302, Indian Penal Code – Sections 27 and 106, Indian Evidence Act – Murder of wife by husband – Trial Court relying on recovery of MO1 & MO3 – Investigating Officer and Prosecution failed to examine the child of the deceased – last seen theory not established – In a case of circumstantial evidence, it is the prosecution which has to prove each circumstance that forms a chain so as to completely exclude every hypothesis other than the guilt of the accused – burden lies upon the accused to explain what happened inside the house, failing which, adverse inference can be gathered – strained relationship between accused and deceased cannot lead to presumption that only the accused person committed the offence – a strong suspicion cannot be a substitute for proving case beyond reasonable doubts – involving circumstantial evidence, two views are possible – accused will also be entitled for benefit of doubt on which is favourable to him – appeal allowed.

This criminal appeal was filed by the petitioner / accused against the conviction judgment of the Trial Court. The case of the prosecution is that the accused and the deceased were husband and wife and they were blessed with children. The accused was addicted to alcohol and due to a quarrel with the deceased, the accused murdered her. After the trial, the accused was convicted for the offence u/s. 302 of IPC and sentenced to life imprisonment by the Trial Court. Aggrieved by the same, the present Criminal Appeal has been filed by the accused.

The Hon'ble High Court has observed that the conviction by the Trial court is based on circumstantial evidence. The conduct of the deceased before and after the incident, motive, recovery of MO1 and MO3 and medical evidence have been relied upon by the Trial court. The Hon'ble High Court highlighted the failure of the Investigation Officer and the Prosecution to examine the child of the deceased and the accused,

who had been established as the only witness who witnessed the incident, but has neither been included in the witness list nor examined by the prosecution.

In a case of circumstantial evidence, the prosecution has to prove each circumstance that forms a chain so as to completely exclude every hypothesis other than the guilt of the accused. In the case on hand, the chain of circumstances got snapped when the prosecution failed to examine even a single witness to substantiate the last seen theory and committed the fatal mistake of not examining the child of the deceased, who could have spoken about the incident. In a case involving circumstantial evidence, when two views are possible, the accused will also be entitled for benefit of doubt on the one which is favourable to him. Reference was placed upon the judgement of the Apex Court in ***Baiju Kumar Soni and Another v. State of Jharkhand, 2019 (3) MLJ (Crl.) 585.***

As a result of the aforesaid observations the Hon'ble High Court allowed the appeal on the ground that the prosecution has failed to prove the case against the accused person beyond reasonable doubt and set aside the judgment passed by the Trial Court.

The Deputy Director, Directorate of Enforcement, Chennai Zonal Office, Nungambakkam, Chennai Vs. The Deputy Superintendent of Police, Central Bureau of Investigation, Anti Corruption Bureau, Chennai and others [Crl. OP No.8776 of 2025 and Crl. MP No.5762 of 2025] [2026 (1) L.W.(Crl.) 368]

Date of Judgment: 05.03.2026

Prevention of Money-Laundering Act, 2002, Sections 3 and 44(1)(c) – Prevention of Corruption Act, 1988, Sections 13(2) and 13(1)(e) – First respondent registered a criminal case against respondent 2 and 3 for offences u/s. 13(2) r/w Section 13(1)(3) of PC Act – petitioner filed a complaint u/s. 44(1) for the offence of money laundering – it is stated that trial of the predicate offence is well behind the trial of the offence of money laundering - petitioner filed an application before the CBI Court dealing the scheduled offence to transfer the scheduled offence case to the designated Special Court – CBI Court dismissed the application – challenge to that – CBI Court is mandated and left with no other option than to transfer the scheduled offence case to the designated Special Court under the PMLA – Trial of the scheduled offence, in so far as the question of territorial jurisdiction is concerned, should follow the trial of the offence of money laundering and not vice versa – case on the file under PMLA, transferred to the Special Court, which is trying the predicate scheduled offence under the Prevention of Corruption Act.

This criminal miscellaneous petition has been filed by the petitioner/petitioner. The case of the petitioner is that the petitioner is the investigating agency, which, inter alia, enforces the Prevention of Money-Laundering Act, 2002 [the PMLA] and the respondent Nos.2 and 3 are facing trial in C.C. No.37 of 2015 before the Special Court for PMLA cases for the offence u/s. 3 r/w 4 of the PMLA and the first respondent had registered a criminal case against respondent Nos.2 and 3 and the same is producing before the Principal Special Judge for CBI Cases, Chennai, for the offences punishable u/s. 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 [the PC Act], and

the same is taken on file as C.C. No.19 of 2014 and the offences under the PC Act are the scheduled offences and since a prima facie case of money laundering having been made out, the petitioner registered an enforcement case and upon investigation, a provisional attachment order was issued by the petitioner and a complaint was filed u/s. 5(5) of PMLA before the Adjudicating Authority (PMLA) and the same was confirmed holding that the properties attached were proceeds of crime which were involved in money laundering and the trial of the predicate offence is well behind the trial of the offence of money laundering and several documents that have been examined in C.C.No.19 of 2014 are relevant to the case in C.C.No.37 of 2015 and should be led as evidence, hence the petitioner filed an application before the CBI Court to transfer the scheduled offence case to the designated Special Court under the PMLA by virtue of Section 44(1)(c) of the PMLA, but the said application was dismissed by the Court, hence the present petition was filed by the petitioner to set aside the said order.

The Hon'ble High Court held that a Special Court is constituted u/s. 43(1) of the PMLA primarily for the purpose of trying an offence punishable u/s. 4 of the PMLA, and Section 43(2) of the PMLA confers additional jurisdiction upon such Special Court to try any other offence with which the accused may be charged at the same trial and as per Section 44(1) of the PMLA, an offence punishable u/s. 4 of the PMLA and any scheduled offence connected to the offence under that section shall be triable by the Special Court constituted for the area in which the offence has been committed, and as per Section 44(1)(c) of the PMLA, if the court which has taken cognizance of the scheduled offence is other than the Special Court, which has taken cognizance of the complaint of the offence of money-laundering under sub-clause (b), it shall, on an application by the authority authorized to file a complaint under this Act, commit the case relating to the scheduled offence to the Special Court, and the Special Court shall, on receipt of such case, proceed to deal with it from the stage at which it is committed, and the trial of the scheduled offence should take place in the Special Court which has taken cognizance of the offence of money laundering and the trial of the scheduled offence should follow the trial of the offence of money laundering and

not vice versa. After considering the decision of the Hon'ble Supreme Court, the Hon'ble High Court further held that the Special Court trying the predicate scheduled offence under the PC Act, is also a designated Special Court under the PMLA, which is competent to try both cases, whereas the Special Court under the PMLA is not a designated Special Court under the PC Act.

From the above, when an application is filed before the CBI Court dealing with the scheduled offence, seeking to transfer the scheduled offence to the designated Special Court u/s. 44(1)(c) of the PMLA, the CBI Court is mandated and left with no other option than to transfer the scheduled offence case to the designated Special Court under the PMLA, but in the present case, the concerned Court failed to do so, hence the impugned order of the Trial Court cannot be sustained.

In the result this petition is allowed.

**Nandhini Vs. The State rep. by the Inspector of Police, Athanakkottai
Police Station, Pudukottai District [Crl. A(MD) No.467 of 2023] [2026 (1)
MWN (Cr.) 386 (DB)]**

Date of Judgment: 05.03.2026

Criminal Trial – Appreciation of Evidence – circumstantial evidence – identity of deceased – whether established – body discovered from Well identified by mother of deceased on basis of slippers and mobile phone found in Well – body completely decomposed and unidentifiable – no DNA analysis conducted – Trial Court conclusion that identity established, on mere assumption, since defence not disputed identity – it is not for defence to accept or deny identity, it is for Court to satisfy itself as to identity of deceased – Trial Court ought to have ordered DNA test – Investigating Officer also failed to send samples collected by doctor and handed over to Police for DNA analysis – without establishing identity, going into other circumstances projected by prosecution, inconsequential - appeal is allowed.

This criminal appeal has been filed by the appellant / accused against the judgment of conviction passed by the Trial Court. The case of the prosecution is that the deceased and accused are the husband and wife and the accused was not interested in marrying the deceased and due to the family dispute, the accused caused serious injuries to the deceased, as a result the deceased died and accused thrown the body of deceased into a nearby Well, so the accused committed the offences u/s. 302 and 201 of I.P.C. After the trial, the accused was convicted for the said offences by the Trial Court. Aggrieved with the said conviction, the accused filed the present appeal.

The Hon'ble High Court finds that the deceased was identified by his mother based on the slippers and mobile phone which were taken from the Well and as per Ex.P16 (photographs), the entire body was completely decomposed and a lump of flesh without any features were only available and there was not a single identity available to establish that the corpse that was taken from the Well is that of the deceased and

P.W.11 (doctor) deposed that the entire body was completely decomposed and the death would have taken place 2 to 4 weeks before the postmortem, under such circumstances, the only manner in which the identity of the deceased could have been established is by sending the alleged corpse for DNA analysis with DNA of the father and mother of the deceased, but even though the samples were taken, the Police failed to send it for DNA analysis and in a case of homicidal death, the primary fact that has to be established by the prosecution is as to the identity of the deceased and only if the identity is fixed, the Court can go into the other factors touching upon the materials relied upon by the prosecution to prove the case beyond reasonable doubts.

The Hon'ble High Court observed that it is not for the defence to accept or deny the identity and it is for the Court to satisfy itself as to whether the corpse that was identified is that of the corpse of the appellant's husband and the Trial Judge ought to have physically verified the photographs to satisfy himself as to whether PW1 could have identified the corpse as her son and if only the Investigating Officer or at least the Trial Judge had ordered for DNA analysis, in no time it could have been established whether the corpse was actually that of the deceased or it was the corpse of someone else and the discovery of a dead body is a rule of caution and there can be a conviction even in the absence of dead body, if there are strong direct or circumstantial evidence, however, that ratio will not apply in a case where a corpse is identified and the problem was such identity did not clinch the fact that it was the corpse of the deceased and as per the judgment of the Hon'ble Supreme Court in Jarnail Singh and others vs. State of Punjab (2009 (9) SCC 719), the DNA test to identify the deceased would be required where the body is fully decomposed. From the above, the Hon'ble High Court held that in the present case, the prosecution failed to identify the deceased and without establishing identity, going into other circumstances projected by prosecution is inconsequential.

In the result, this Criminal Appeal is allowed.
