TAMIL NADU STATE JUDICIAL ACADEMY

** VOL. XXI— PART 3 — MARCH 2026**

IMPORTANT CASE LAWS

TAMIL NADU STATE JUDICIAL ACADEMY
HEADQUARTERS, CHENNAI
No.30/95, P.S.K.R. Salai, R.A. Puram, Chennai – 600 028
Phone Nos. 044– 24958595 / 96 / 97 / 98 **Fax:** (044) 24958595
Website: www.tnsja.tn.gov.in**E–Mail:**tnsja.tn@nic.in/tnsja.tn@gmail.com

REGIONAL CENTRE, COIMBATORE
No.251, Scheme Road, Race Course,
COIMBATORE,
Tamil Nadu, India. PIN: 641 018
*Telephone No:***(0422) 2222610, 710**
*E–Mail:***tnsja.rc.cbe@gmail.com**

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

TABLE OF CONTENTS

SUPREME COURT – CIVIL CASES

Kanchana Rai Vs. Geeta Sharma & Ors. [Special Leave Petition (Civil) Nos. 1544-1545 of 2026 (2026 INSC 54)]

Date of Judgment: 13.01.2026

Hindu Adoptions and Maintenance Act, 1956 – Sections 4, 18 to 23 and 21(vii) — Constitution of India – Articles 14 and 21 – Appeals filed against the order of the High Court finding that the petition filed by the widowed daughter-in-law seeking maintenance from the estate of her father-in-law before the Family Court is maintainable – Question relating to right of widowed daughter-in-law in father-in-law's estate – Held : Under Section 21, a "dependant" includes "any widow of his son," which, by plain language, covers all widows of a son regardless of when widowhood occurs – Section 22 obliges heirs to maintain dependants from deceased's estate, including widows of sons, even if they did not inherit – A restrictive interpretation limiting entitlement to widows of pre-deceased sons would be contrary to the statute's clear wording and would violate Articles 14 and 21 by arbitrarily discriminating and denying dignity and sustenance – Section 19 deals with maintenance by a living father-in-law, while Section 22 governs maintenance from estate after father-in-law's death – Therefore, widow of a son is a dependant entitled to maintenance – Daughter-in-law who becomes a widow after her father-in-law's death can claim maintenance from his estate – High Court has rightly held that the petition is maintainable – Appeals dismissed.

The civil appeals were filed challenging a High Court judgment which held that a maintenance petition filed by a daughter-in-law was maintainable, setting aside a Family Court order that had dismissed the petition on the grounds that the claimant was not a widow at the time of her father-in-law's death.

The case involved the estate of late Dr. Mahendra Prasad, who died in 2021. One of his sons, Ranjit Sharma, died in 2023, leaving behind his widow, Geeta Sharma

(Respondent No. 1). Geeta Sharma sought maintenance from the estate of her father-in-law under the Hindu Adoptions and Maintenance Act, 1956. The appellants, including the wife of another deceased son and an alleged partner of the deceased, contended that Respondent No. 1 had no legal right to seek maintenance because she became a widow after the death of the father-in-law and was thus not a "dependant" at the relevant time.

The Supreme Court observed that a daughter-in-law who becomes a widow after the death of her father-in-law is indeed a "dependant" under Section 21(vii) of the Act. Applying the literal rule of interpretation, the Court observed that the statute uses the phrase "any widow of his son" rather than "widow of his predeceased son". Consequently, the timing of her husband's death is immaterial to her status as a dependant. The Court clarified that while Section 19 deals with maintenance during the father-in-law's lifetime, Section 22 creates an obligation for heirs to maintain dependants from the estate after his death. Furthermore, the Court noted that a restrictive interpretation would be arbitrary and violative of Articles 14 and 21 of the Constitution, as it would unfairly deny support to vulnerable women based on a fortuitous timeline of death. Ultimately, the Supreme Court dismissed the appeals, finding no illegality in the order passed by the High Court.

***

Dorairaj Vs. Doraisamy (Dead) Through Lrs. & Ors. [Civil Appeal No(s). 2129-2130 of 2012 (2026 INSC 126)]

Date of Judgment: 05.02.2026

Hindu Law – Suit for partition filed by one of the coparceners in a Joint Hindu family – Trial Court passed preliminary decree declaring that the plaintiff is entitled to 1/4th share in the suit properties, subject to exclusions in the suit properties and certain other properties which are not form part of the plaint schedule – First Appellate Court modified the same by granting 5/16th share in the suit schedule properties – High Court partly allowed the appeals modifying the preliminary decree by granting 5/16th share excluding item Nos.74, 66 and portion of item No.36 – Appeals filed – Held : Once the existence of an ancestral income-yielding property is established, any subsequent acquisition made by the Karta during the subsistence of a Hindu Joint family is presumed to be joint family property – In the absence of any declaration or conduct evidencing an intention to divide, the inference of continued Joint family status was inevitable – Existence of income-yielding ancestral lands shifted burden of proof on the defendant to prove self-acquisition – Unregistered Will relied on by the defendants was allegedly executed barely 72 hours prior to the death and was scribed by close relative – In the absence of challenge to the rejection, the Will had attained finality – The appellant cannot be permitted to approbate and reprobate at different stages of litigation – Finding of the High Court was legally sound and factually supported – Appeals dismissed – Judgment of the High Court upheld.

The civil appeals were filed by the appellant challenging the High Court's judgment and order, which had partly allowed second appeals and modified a preliminary decree for partition.

The dispute arose from a 1987 partition suit involving 79 immovable properties, primarily agricultural lands. The plaintiff, Duraisamy, claimed the properties were joint Hindu family assets derived from ancestral lands (Items 14 and 15) or acquired from joint family income. Conversely, the appellant, Dorairaj, contended that many properties were the self-acquisitions of their father, Sengan, or himself, purchased through independent income. The Trial Court passed preliminary decree declaring that the plaintiff is entitled to 1/4th share in the suit properties, subject to exclusions in the suit properties and certain other properties which are not form part of the plaint schedule. The First Appellate Court modified the same by granting 5/16th share in the suit schedule properties. The High Court partly allowed the second appeals modifying the preliminary decree by granting 5/16th share excluding item Nos.74, 66 and portion of item No.36. Against which, the present appeals have been filed.

The Hon'ble Court observed that the existence of a joint family and the ancestral nature of Item Nos. 14 and 15 were undisputed. The Court noted that while the mere existence of a joint family does not make all property joint, once it is established that ancestral properties yielded income, the burden of proof shifts to the party asserting self-acquisition. In this case, revenue records proved that the ancestral lands were actively cultivated and equipped with wells and pumps, providing sufficient funds for further acquisitions. Regarding the nature of the family status, the Court held that separate enjoyment of portions or individual irrigation facilities do not constitute a legal partition; rather, a clear and unequivocal intention to sever the joint status is required.

Additionally, the Court found the alienations made by the father (Sengan) in favour of the appellant to be largely invalid, ruling that a Karta's transfers to a single coparcener must be backed by proved legal necessity rather than vague or general recitals. Finally, the Court upheld the rejection of the unregistered Will, identifying suspicious circumstances such as the use of a thumb impression by a testator who habitually signed documents, its execution only 72 hours before death, and the involvement of a relative as the scribe. Consequently, the appeals were dismissed, confirming the findings of the High Court.

***

The Deputy Commissioner and Special Land Acquisition Officer Vs. M/s.S.V.Global Mill Ltd., [Special Leave Petition (Civil) Nos. 215-216 of 2023 (2026 INSC 138)]

Date of Judgment: 09.02.2026

Land Acquisition Act, 1984 – Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 ("the 2013 Act") – Sections 74 and 103 – Limitation Act, 1963 ("the 1963 Act") – Sections 5 and 29(2) – Acquisitions proceedings initiated under the Land Acquisition Act, 1894 – Awards were passed after the commencement of the 2013 Act – Appellants challenged the Awards before the High Courts – Dismissed as barred by limitation – Held : There is no express exclusion of the Limitation Act, 1963 under the 2013 Act, and therefore, by virtue of Section 29(2) of the Limitation Act, 1963, the power to condone delay under Section 5 continues to apply – Section 74 of the 2013 Act does not bar the application of Section 5 of the 1963 Act – A liberal approach has to be adopted, both, when dealing with a case coming under the proviso or on an application of Section 5 of the 1963 Act – Impugned Judgments are set aside insofar as the issue of application of Section 5 of the 1963 Act is concerned – All the applications seeking condonation of delay in preferring the first appeals before the High Courts under Section 74 of the 2013 Act stand allowed – Appeals disposed of.

These batch of appeals have been filed by the appellants challenging various High Court judgments which dismissed first appeals filed under Section 74 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (the "2013 Act"). The High Courts had dismissed these appeals on the grounds that they were barred by limitation, leading to a primary legal dispute regarding the interplay between Section 74 of the 2013 Act and Sections 5 and 29(2) of the Limitation Act, 1963.

The matters involved land acquisition proceedings where awards were passed after the commencement of the 2013 Act. The High Courts had ruled that the proviso to Section 74 constituted a strict timeline that excluded the application of general limitation rules. The appellants sought a liberal interpretation of the statute to allow for the condonation of delay in filing their appeals.

The appellants contended that Section 74 of the 2013 Act does not contain an express exclusion of the Limitation Act. Conversely, the respondents submitted that the 2013 Act is a self-contained code designed for speedy disposal, and the specific timelines provided in Section 74 necessarily imply an exclusion of the power to condone delay under Section 5 of the Limitation Act.

The Hon'ble Supreme Court noted that the 2013 Act is a beneficial and welfare legislation intended to protect the rights of landowners. The Court observed that under Section 29(2) of the Limitation Act, the provisions of Sections 4 to 24 apply to special or local laws unless they are expressly excluded, and Section 74 of the 2013 Act contains no such manifest exclusion. The Court emphasized that Section 103 of the 2013 Act facilitates "adequate borrowing" from other enactments like the Limitation Act. It was held that the proviso to Section 74 does not extend limitation but merely brings a delayed filing within the ambit of the main provision.

By setting aside the impugned Judgments and also condoning the delay, the Hon'ble Supreme Court allowed the appeals on the following terms:

(i) Section 24 (1) (a) of the 2013 Act is applicable to all those cases where awards are passed after the commencement of the 2013 Act.

(ii) For passing the award under Section 24 (1) (a), the provisions of the 2013 Act alone will have to be followed, except for the rehabilitation and resettlement entitlements.

(iii) The first appeals before the High Courts should be treated as ones under Section 74 of the 2013 Act and not under Section 54 of the 1894 Act.

(iv) Section 74 of the 2013 Act does not bar the application of Section 5 of the 1963 Act.

(v) The respective State Governments will have to take necessary measures and issue appropriate directions to the officers dealing with the appeals under Section 74 of the 2013 Act against the awards passed after the commencement of the 2013 Act to ensure that the appeals are filed as provided under of the 2013 Act.

(vi) Courts shall avoid a pedantic approach as against a pragmatic one in dealing with the applications seeking condonation of delay.

***

Tharammel Peethambaran & Anr. Vs. T.Ushakrishnan & Anr. [Special Leave Petition (Civil) No. 11868 of 2024 (2026 INSC 134)]

Date of Judgment: 06.02.2026

Civil Procedure Code, 1908 – Section 100 - Registration Act, 1908 – Sections 33, 17 and 28 – Indian Evidence Act, 1872 – Sections 66, 85 and 63 – Power of Attorney – Validity of sale deeds executed based on allegedly forged PoA – Defendant alienated properties on the strength of the Power of Attorney executed by plaintiff – Plaintiff denied stating that the defendant was authorised to manage the property and filed suit for declaration, perpetual and mandatory injunction and damages – Trial Court granted decree except the relief of damages for use and occupation – First appellate Court allowed the appeal, dismissing the suit – High Court allowed the second appeal restoring the Trial Court's decree – First and second defendants filed appeal – Held : Legality of a finding of fact, when challenged on the ground of perversity, itself constitutes a question of law and may give rise to a substantial question of law under Section 100 of CPC - Before secondary evidence can be admitted, the party, who rely on it, must lay a factual foundation and the secondary evidence is inadmissible until non-production of original is accounted for – Photocopy of a document is no evidence, unless the same is proved by following the procedures set out – Appeal dismissed.

The civil appeal was filed by the appellants (1st and 2nd Defendants) challenging the High Court's judgment which restored the Trial Court's decree in a suit for declaration, perpetual injunction, and damages. The dispute involved a Power of Attorney (PoA) executed by the Plaintiff in favor of her brother (1st Defendant) in 1998. While the Plaintiff asserted the PoA granted only limited management powers, the 1st Defendant used a notarized photocopy of the PoA (Exh. B-2) to sell the suit property to the 2nd and 3rd Defendants in 2007. The Trial Court decreed the suit except the relief of damages for use and occupation but the First Appellate Court reversed this, relying on the photocopy as secondary evidence. The High Court subsequently set aside the appellate judgment, leading to this appeal.

The appellants argued that the High Court exceeded its jurisdiction under Section 100 CPC by reappreciating facts and failing to apply legal presumptions to the notarized document.

The Hon'ble Supreme Court noted that while findings of fact are generally binding in a second appeal, the High Court may interfere if such findings are perverse or based on inadmissible evidence. The Court emphasized that a photocopy is secondary evidence under Section 63 of the Indian Evidence Act, and a party must lay a factual foundation under Section 65 proving the original's existence and a valid reason for its non-production before such evidence is admissible. The Court held that the 1st Defendant failed to follow this procedure, rendering Exh. B-2 inadmissible. Consequently, statutory presumptions under Section 85 of the Evidence Act and Section 33 of the Registration Act could not be invoked. The Supreme Court dismissed the appeal, confirming that the High Court rightly corrected the lower appellate court's reliance on no evidence.

***

The Kerala Water Authority & Ors. Vs. T.I. Raju & Ors. [Special Leave Petition (Civil) No. 17823 of 2023]

Date of Judgment: 09.02.2026

Interest Act, 1978 – Sections 3(1) and 3(3) – Civil Procedure Code, 1908 – Section 34 – Interest for belated payment for contract work – Respondent filed suit seeking interest @ 14% per annum for the delayed payment for construction of a sewage treatment plant after execution – Trial Court decreed the suit – High Court partly allowed the appeal reducing the interest to 9% - Held : The object of the Interest Act, 1978 is to mandate the payment of interest to the parties in the absence of, or any vacuum in the agreement, or where the interest so fixed is contrary to law, being in the nature of an exorbitant charge – Section 34 CPC merely speaks about the rate of interest to be applied and, therefore, sub-section (5) cannot be interpreted to have an overriding effect on Section 3(3) of the Interest Act, 1978 – Appeal filed by the Government Authority allowed and the appeal filed by the Contractor dismissed.

These civil appeals were filed challenging a High Court judgment which had modified a trial court decree by granting interest at a reduced rate of 9% for delayed contractual payments. The dispute arose from a 2013 contract between a government contractor and the Kerala Water Authority for the construction of a Sewage Treatment Plant. The contractor filed a suit seeking 14% interest for the delay in payment between 2014 and 2016. While the trial court decreed the suit, the High Court partially modified it by reducing the interest rate, leading both parties to approach the Supreme Court.

The Hon'ble Supreme Court noted that the contractor was conscious of Clause (5) of the preliminary agreement, which explicitly stated that no claims or interest for damages would be made for the belated settlement of bills, when quoting for the public project. The Court observed that while the High Court considered Section 3(1) of the Interest Act, 1978, it ignored the exception under Section 3(3), which specifies that the Act's mandate for interest does not override express contractual agreements between parties. The Court held that Section 34 of the CPC regarding interest rates cannot be interpreted to override the Interest Act's exceptions. Ultimately, the Supreme Court set aside the High Court orders, allowing the appeal of the Kerala Water Authority and dismissing the contractor's appeal.

***

SUPREME COURT – CRIMINAL CASES

Pramod Kumar & Ors. Vs. State of Uttar Pradesh & Ors. [Special Leave Petition (Criminal) No. 350 of 2024 (2026 INSC 120)]

Date of Judgment: 04.02.2026

Bharatiya Nagarik Suraksha Sanhita, 2023 – Sections 193(3) and 193(9) (Corresponding to Sections 173(2) and 173(8) of Criminal Procedure Code, 1973) – Indian Penal Code, 1860 – Sections 376D, 352, 504 and 506 – FIR was registered against seven accused persons for the offences of rape and criminal intimidation – Final Report was filed stating that no offence was made out and accepted by the Court – After 3 years, the original complainant filed Criminal Revision Petition against the same – Thereafter, the Government directed to appoint an Investigation Officer for further investigation – Investigation Officer filed application seeking permission to conduct further investigation before the Court – Police ought to follow the procedure of seeking permission from the Court to conduct "further investigation" and file supplementary charge sheet – Practice of seeking leave of the Court will have to be read into provisions of Section 173(8) and it is essentially a pre-requisite for directing further investigation – Power to direct further investigation in a case rests solely at the discretion of Magistrate/Court concerned.

The present appeal has been filed by the appellants challenging the dismissal of the writ petition seeking to quash the order of further investigation. The appellants and other accused have been charged for the offence of rape and criminal intimidation. First Information Report (FIR) was registered and the Final Report was filed stating that no offence was made out, which was accepted by the Court. After a period of three years, the original complainant had filed Criminal Revision Petition against the same. Thereafter, as per the order of the National Human Rights Commission, the Government directed to appoint an Investigation Officer for further investigation. The Investigation Officer filed application seeking permission to conduct further investigation before the Court. Aggrieved over the same, the appellants filed a writ petition before the High Court, which was dismissed. Hence, the present appeal.

The Hon'ble Supreme Court has observed that in light of the legal position settled in the earlier Judgments, power to direct further investigation in a case rests solely at the discretion of the Magistrate/Court concerned. In that event, if the police/ investigation agency is of the opinion that further investigation is necessary in any particular case to cull out complete facts and truth in the case, it is binding upon them to file an appropriate application before the Magistrate/Court, without directing an order for further investigation by Investigation Agency itself. Once such an application is filed by the investigation agency, the Magistrate/Court would apply its judicial mind, in light of the facts and circumstances of the particular case and the reasons demonstrated by the investigating agency, in order to exercise its discretion for exercise of its power to decide whether or not further investigation is to be ordered under the purview of Section 173(8) CrPC. In the case on hand, the Under Secretary had directed that the investigation in the matter would be conducted by the CBCID and also recommended for further investigation under Section 173(8) CrPC. The IO sought permission before the Court for further investigation. However, the Court did not pass any order to the extent of requisitioning the Investigating Officer to conduct further investigation. Thus, it is explicit that the Superintendent of Police acted in complete defiance of the procedure laid down under the law while passing orders directing further investigation without seeking leave of the Court. It is an unbecoming conduct from the officer of such a rank to exercise unfettered powers, in excess of its jurisdiction, thereby undermining the authority vested in the Court of law. Appeal allowed. In result, the impugned Judgment was set aside and the communications and orders directing further investigation were quashed.

***

Rakesh Mittal Vs. Ajay Pal Gupta, Alias Sonu Chaudhary [Special Leave to Appeal (Criminal) No. 19708 of 2025 (2026 INSC 161)]

Date of Judgment: 17.02.2026

Criminal Procedure Code, 1973 – Section 439(2) [Bharatiya Nagarik Suraksha Sanhita, 2023 – Section 483(3)] – Appeal against the order granting bail to the accused who is charged for the offence under Sections 406, 419, 420, 467, 468, 471 and 506 IPC – In cases of cancellation of bail, power to do so is not just limited to occurrence of supervening circumstances as Court has inherent power and discretion to cancel bail of accused even in the absence of supervening circumstances – One of the grounds is where past criminal record and conduct of accused are completely ignored while granting bail – Value of life and liberty of members of society is not limited only to their 'person' but would also extend to quality of their life, including their economic well-being – The liberty of individuals must be balanced against societal interests, particularly in cases involving habitual offenders and serious offences, and that bail decisions must be made with careful consideration of all relevant factors – Impugned order set aside – Appeal allowed.

The criminal appeal was filed by the complainant challenging the High Court's order, which granted bail to the first respondent-accused in connection with FIR No. 0568 involving charged for the offence under Sections 406, 419, 420, 467, 468, 471 and 506 of IPC. The appellant alleged that the first respondent, acting as the mastermind in a conspiracy, cheated him of over ₹6.5 crores in a foodgrain supply transaction by using forged identification documents and multiple aliases. Although the first respondent had been a fugitive for 20 months and was only apprehended after a reward was declared, the High Court granted bail based on parity with co-accused and the assumption that the offences were triable by a Magistrate.

The State and the appellant contended that the first respondent is a habitual offender who utilized 8 to 10 aliases and forged Aadhaar cards to evade detection and verify his criminal antecedents. They argued that the High Court ignored his extensive criminal history, including three other FIRs, and his prior conduct of absconding while on bail in a separate 2017 case.

The Hon'ble Supreme Court observed that the High Court's reliance on the "triable by Magistrate" ground was premature, as charges under Sections 409 and 467 IPC could carry a sentence of life imprisonment. Relying on precedents like Neeru Yadav vs. State of Uttar Pradesh and Sudha Singh vs. State of Uttar Pradesh, the Court reiterated that while individual liberty is a priceless treasure, it is not absolute and must be balanced against the safety and economic well-being of society. The Court further held that the principle of parity should not be blindly extended without considering the distinctive features and past conduct of the specific accused. Consequently, the appeal was allowed, and the High Court's order granting bail was set aside

***

Shobha Namdev Sonavane Vs. Samadhan Bajirao Sonvane [Special Leave Petition (Criminal) Nos. 12440 of 2023 (2026 INSC 181)]

Date of Judgment: 23.02.2026

Criminal Procedure Code, 1973 – Section 439(2) [Bharatiya Nagarik Suraksha Sanhita, 2023 – Section 483(3)] – Case of murder – Appeal against the order granting bail to the respondents 1 and 2, who have been charged for the offence punishable under Sections 302, 354, 294, 326, 324, 323, 504, 506, 509, 143, 144, 147, 148, 149, 427 of Indian Penal Code, 1860 and under Sections 3(1)(r), 3(1)(s), 3(2)(5), 3(2)(v-a), 3(1)(w), 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 – At the stage of considering a bail application, a detailed appreciation of the evidence is impermissible – The order granting bail can be interfered by the superior Court considering the nature and gravity of the offences if the order granting bail ignores the relevant material available on record or that the same is based on extraneous considerations – High Court has noted the multiple injuries on the body of the deceased with the injury causing deep rooted cerebral damage and polytrauma - Impugned order set aside – Appeal allowed.

The criminal appeal was filed by the original complainant challenging the High Court's order which granted bail to the respondents 1 and 2, who are charged for the offence under Sections 302, 354, 294, 326, 324, 323, 504, 506, 509, 143, 144, 147, 148, 149, 427 of Indian Penal Code, 1860 and under Sections 3(1)(r), 3(1)(s), 3(2)(5), 3(2)(v-a), 3(1)(w), 3(1)(g) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The dispute originated from a long-standing civil dispute regarding a right of way over agricultural land. On August 19, 2022, the respondents, as part of an unlawful assembly, allegedly assaulted the complainant's husband with iron rods and sticks, leading to his death from cerebral damage and polytrauma. The High Court had granted bail on the grounds that individual roles in causing the fatal head injury could not be ascertained and that there was a time gap between the assault and the victim's death.

The appellant and the State contended that the High Court granted bail based on extraneous considerations, such as the faulty assumption that the witness could not specify which body part was targeted by specific weapons. They argued that the pending civil litigation was the motive for the murder rather than a ground for bail. Conversely, the respondents submitted that the gap between the incident and the death created doubt regarding the cause of death and that the civil dispute suggested a motive for false implication. They further argued that cancellation of bail is a "rarest of rare" remedy reserved for instances of misconduct like evidence tampering.

The Hon'ble Supreme Court set aside the High Court's order, clarifying the distinction between cancellation of bail for misconduct and the reversal of a bail order that ignores relevant material or is based on extraneous considerations. The Court held that the High Court's requirement to indicate individual roles was erroneous, as the accused were part of an unlawful assembly under Sections 143-149 IPC, where every member is equally responsible for acts committed in furtherance of the common object. Furthermore, the Court observed that the pending civil litigation actually served as a motive for the attack rather than a ground for granting bail. The Court while allowing the appeal, concluded that the multiple injuries and the gravity of the offence made the grant of bail unjustifiable; consequently, the bail was cancelled, and the respondents were directed to surrender within four weeks.

***

Balmukund Singh Gautam Vs. State of Madhya Pradesh [Special Leave Petition (Criminal) No. 15349 of 2024 (2026 INSC 157)]

Date of Judgment: 13.02.2026

Criminal Procedure Code, 1973 – Section 438 (Bharatiya Nagarik Suraksha Sanhita, 2023 – Section 482) – Indian Penal Code, 1860 – Sections 427, 294, 323, 147, 148 and 149 – Criminal Procedure Code, 1973 – Accused is charged for the allegation of mob violence and absconding all along – Trial Court dismissed the anticipatory bail application – High Court initially dismissed two petitions for anticipatory bail – In the third petition for anticipatory bail, High Court directed him to surrender before the Trial Court and move for regular bail, which shall be granted on the same day after imposing adequate conditions – Post-bail conduct is never a valid consideration while dealing with appeal against grant of bail, and such conduct is only relevant in application for cancellation of bail – Acquittal or conviction of co-accused cannot have any bearing on absconding accused – Accused has not only absconded from investigation but has also threatened to kill injured victim – Accusations against accused have not been tried yet and are required to be independently examined and decided in course of separate trial – No such exceptional case is made out in favour of the absconding accused as per documents on record – High Court has not rightly exercised discretion to grant anticipatory bail – Accused is directed to surrender before the Court concerned within a period of four weeks – Appeal allowed accordingly.

The criminal appeal has been filed by the appellant (original complainant) challenging the High Court's order which disposed of a third anticipatory bail application by directing the Accused to surrender and ordering the trial court to grant him bail on the same day.

The dispute originated from a 2017 incident of political rivalry involving three FIRs, including a "Subject FIR" where one individual died from firearm injuries and another was seriously injured. The Accused remained a fugitive since the incident, leading to rewards for his arrest and the rejection of several previous anticipatory bail applications. While the Accused was still absconding, the trial court acquitted the other named co-accused in the Subject FIR due to a lack of evidence. On the strength of this acquittal, the Accused filed his third anticipatory bail application, which the High Court allowed, observing that the prosecution had failed to produce evidence against the named accused persons. The appellant contended that the High Court’s direction was perfunctory and ignored the fact that the Accused had been absconding for over six years.

The Hon’ble Supreme Court noted that an absconder is generally not entitled to anticipatory bail unless the accusations appear prima facie false, which was not established here. The Court observed that the High Court’s reliance on the acquittal of co-accused was "completely erroneous and perverse," as the prosecution is not required to adduce evidence against an absconding party during the trial of others. Furthermore, the Court noted the Accused’s criminal antecedents and credible allegations that he had threatened a witness while at large. The Court further held that post-bail conduct is irrelevant in an appeal against the grant of bail, as such considerations belong in a cancellation application. While allowing the appeal, the Supreme Court set aside the High Court's order and directed the Accused to surrender within four weeks.

***

M/S SBS Biotech & Ors. Vs. State Of Himachal Pradesh [Special Leave Petition (Criminal) No. 9281 of 2025 (2026 INSC 171)]

Date of Judgment: 20.02.2026

Criminal Procedure Code, 1973 – Sections 468, 469 and 482 – Drugs and Cosmetics Act, 1940 – Sections 18(a)(vi), 23(5)(b), 23(6), 27(d), 28(a), 32(2), 36(a) and 36(a)(b) – Drugs and Cosmetics Rules, 1945 – Rules 18(b), 22(1)(cca) and 74 – The appellants filed quash petition against the cognizance order of the complaint alleging contravention of Section 18(a)(vi) read with Rule 74, Section 22(1)(cca) and Section 18-B of the Drugs and Cosmetics Act, 1940, punishable under Sections 27(d) and 28-A as well as the committal order of the case to the Court of Special Judge which was dismissed by High Court – Every person holding license is required to keep and maintain such records, register and other documents as may be prescribed and shall furnish to the officer or authority exercising power under the Act – When allegations are leveled for commission of offence punishable under Section 18(a)(vi) of the Act, the same is punishable under Section 27(d) of the Act – Offences under Chapter IV of the Act are triable only by the Sessions Court, not Magistrate – High Court rightly dismissed the quash petition – Appeal dismissed.

The criminal appeal was filed by the appellants challenging the judgment and order of the High Court, which dismissed their petition seeking the quashing of Complaint No. 36/3 of 2017. The appellants were prosecuted for contravening Section 18(a)(vi) read with Rule 74 and 22(l)(cca) and 18-B, punishable under Section 27(d) and 28-A of the Drugs and Cosmetics Act, 1940, specifically concerning the non-maintenance and tampering of records required under Schedule-M and Schedule-U of the Drugs and Cosmetics Rules, 1945.

The dispute arose following inspections of the firm's premises in July and August 2014, where drug inspectors found inadequate consumption records for the drug Pseudoephedrine and alleged that manufacturing records had been tampered with using fluid. Following a prosecution sanction in 2016, a complaint was filed in 2017. The Judicial Magistrate took cognizance and subsequently committed the case to the Special Judge, finding the offence was exclusively triable by that Court. They filed petition seeking to quash the cognizance order as well as committal order before the High Court, which was dismissed. Hence, the appeal.

The appellants contended that the prosecution was barred by limitation under Section 468 of the Cr.P.C., asserting that the alleged offence was merely a minor record-keeping violation (Section 28-A) carrying a one-year limitation period. They further argued that the case should have been tried summarily by a Magistrate under Section 36-A rather than being committed to a Special Judge. Conversely, the State argued that the total non-maintenance of raw material registers and lack of accountability rendered the appellants liable under Section 27(d) for violation of Section 18(a)(vi), which carries a longer limitation and requires trial by a Special court.

The Hon'ble Supreme Court observed that while the appellants characterized the offence as a minor record-keeping violation, the allegations actually pertained to Section 18(a)(vi) of the Act, which is punishable under Section 27(d). The Court noted that Section 27(d) provides for imprisonment of up to two years, which places the limitation period at three years under Section 468 Cr.P.C.; therefore, the complaint filed approximately two and a half years after the inspection was not time-barred. Regarding jurisdiction, the Court held that Section 32(2) of the Act explicitly mandates that no court inferior to a Court of Session shall try offences under Chapter IV. The Court clarified that the summary trial provisions of Section 36-A specifically exclude offences triable by a Court of Sessions. Consequently, the Supreme Court found no illegality in the committal order and dismissed the appeal.

***

HIGH COURT – CIVIL CASES

M.Premkumar & Ors. Vs. P.Murugan & Ors. [AS(MD) No.177 of 2018 and CMP(MD) Nos.10806 & 10807 of 2018] [2025 (4) TLNJ 413 (CIVIL)]

Date of Judgment: 25.11.2025

Hindu Succession Act, 1956, Section 8.

The First Appeal was filed by the appellants/plaintiff and defendants 2 and 3 against the judgment and decree of the Trial Court which dismissed the suit for partition of 3/4th share in the suit properties.

The plaintiff claimed that the suit properties are ancestral properties in joint possession and that the 1st defendant had sold the property to the 4th defendant under a sham and nominal document which would not bind his share. The 4th defendant contended that the properties were originally self-acquired by the plaintiff's grandfather under a sale deed, and after his death, were orally partitioned among his sons, whereby the suit properties fell to the share of the 1st defendant, making them his absolute properties. It was further contended that the 4th defendant is in possession pursuant to a valid sale, and the suit is bad for partial partition and improper court fee.

The Trial Court held that the properties were self-acquired by the grandfather and devolved upon the 1st defendant under Section 8 of the Hindu Succession Act, thereby becoming his absolute property. Consequently, the plaintiff had no right by birth and the 1st defendant was competent to alienate the property. The suit was also held bad for partial partition and improper valuation, leading to its dismissal.

On appeal, the appellants argued that even if the property was allotted to the 1st defendant, it would revive as coparcenary property upon the birth of the plaintiff, and the alienation would not bind his share. The respondents maintained that succession under Section 8 confers absolute ownership, excluding any birthright claim.

The Court observed that the suit properties were purchased by the grandfather and no material was placed to establish that they were ancestral in nature. It further observed that after his death, the properties were inherited by the 1st defendant as a Class-I heir and merely because there was an oral partition among the sons, the nature of the property would not change. The Court, relying on the settled position of law, observed that when succession opens under Section 8 of the Hindu Succession Act, the property devolves as absolute property and does not retain the character of coparcenary property, and therefore, no right by birth would accrue to the plaintiff to question the alienation.

While dismissing the appeal, the Court held that the suit properties, having devolved upon the 1st defendant under Section 8 of the Hindu Succession Act, are his absolute properties, and the plaintiff has no right by birth to claim partition or challenge the alienation, and therefore the judgment and decree of the Trial Court was confirmed.

***

G.Ramesh Vs. E.Tamil Thendral [S.A. No.672 of 2021 and C.M.P. No.13496 of 2021] [2025 (4) TLNJ 356 (Civil)]

Date of Judgment: 14.11.2025

Indian Evidence Act, 1872, Section 116.

The Second Appeal was filed by the defendant as against the concurrent judgments of the Subordinate Court confirming the decree of permanent injunction granted in favour of the plaintiff restraining the defendant from putting up construction over the suit property without permission by the District Munsif Court.

The plaintiff's case was that he purchased the suit property and became the landlord, under whom the defendant continued as a tenant, and that the defendant demolished a portion of the wall and attempted new construction without consent. The defendant denied the landlord–tenant relationship, questioned the validity of the plaintiff's title under the sale deed alleging suppression of superstructure to evade stamp duty, and contended that the Civil Court lacked jurisdiction and that the plaintiff ought to have approached the Rent Control Court.

The Trial court, on appreciation of oral and documentary evidence, decreed the suit, which was confirmed by the first appellate court. Before the Court, the defendant argued that the plaintiff failed to establish the jural relationship and that the sale deed was inadmissible and a sham transaction, and further that the grant of injunction despite findings regarding suppression of superstructure was erroneous. The plaintiff maintained that the purchase and possession were proved and that the defendant, as tenant, had no authority to alter the property.

The Court observed that though the sale deed did not mention the superstructure, the existence of the building was not denied by the defendant. It further noted that the defendant had admitted the earlier landlord–tenant relationship and had been directed to pay rent to the plaintiff, thereby recognizing the plaintiff's status. The Court held that the defendant had no locus standi to question the sale transaction between the previous owner and the plaintiff. It relied on the principle that a tenant is estopped from denying the landlord’s title during tenancy and that the tenancy continues under the new owner by operation of law.

The Court also observed that the dispute was limited to unauthorized construction by the defendant and that the evidence, including commissioner’s report and photographs, established that the defendant had put up construction without permission. It rejected the contention regarding jurisdiction, holding that relief of injunction restraining construction falls within the jurisdiction of the Civil Court. It found that the courts below had properly appreciated the facts and law.

While dismissing the Appeal, the Court held that the judgments and decrees of the courts below granting permanent injunction in favour of the plaintiff were valid, that the defendant could not challenge the plaintiff’s title or the sale deed, and that no interference was warranted.

***

V.Sigaravelu S/o Late Velu Naicker, Coimbatore Vs. Sri Karivaradaraja Perumal Temple, Rep. by its Executive Officer, Coimbatore [SA No.76 of 2015 & 35 of 2017 and MP No.1 of 2015 & MP No.497 of 2017] [2026 (1) TLNJ 193 (CIVIL)]

Date of Judgment: 21.01.2026

Transfer of Property Act, 1882, Sections 106(1) & 106(3).

The second appeal was filed to set aside the concurrent judgments of the Trial Court and the First Appellate Court, which had ordered the eviction of the appellants. The original suits were initiated by the Respondent / Temple, seeking recovery of possession of the properties and payment of arrears of rent. The respondent / temple argued that the appellants, who were tenants of the temple property, had committed default by failing to pay the "fair rent" fixed by the Hindu Religious and Charitable Endowments (HR&CE) Department. Both lower courts had previously decreed the suits in favor of the temple, granting time for eviction.

The facts of the case reveal that the suit property belongs to the plaintiff temple, which is governed by the HR&CE Department. Originally, the tenancy was held by the appellants' father, Velu Naicker, and subsequently by their mother, Lakshmiammal. In 1991, the tenancy was transferred to the sons (the appellants and their siblings) after they made a joint representation to the temple to divide the property into individual units for their respective businesses. The monthly rent was initially Rs. 500, then increased to Rs. 625 in 1994. Later, a Fair-Rent Committee of the HR&CE Department fixed the rent at Rs. 2,455 per month effective from November 2001. Although the defendants sent a consent letter offering to pay Rs. 1,250 per month, they did not pay the committee-fixed fair rent, leading the temple to declare them in default and initiate eviction proceedings after adjusting their advance payments against the arrears.

The appellants contended that since they were running manufacturing units, they were entitled to six months' notice under Section 106 of the Transfer of Property Act, rather than the 15 days provided. However, the court noted that the Trial Court had fixed the rent at Rs. 1,250 and the First Appellate Court had upheld the validity of the notice under Section 106(3), which states a notice is not invalid simply because the period falls short if the suit is filed after the statutory period has expired. Furthermore, the court examined a substantial question of law regarding whether the Executive Officer could represent the temple in light of the Supreme Court's ruling in Dr. Subramanian Swamy v. State of Tamil Nadu. The High Court distinguished that case, observing it applied to private temples with hereditary trustees and was not applicable to the present circumstances.

The Court observed a fundamental flaw in the maintainability of the suits related to the Executive Officer's authority. Drawing on the law established in Sri *Arthanareeswarar of Tiruchengode v. T.M. Muthuswamy Padayachi*, the Court held that an Executive Officer cannot file a suit on behalf of a temple without express authorization from the Chairman or the Commissioner of the HR&CE Department. The Court found that the plaintiff temple failed to produce any evidence or records showing that the Executive Officer was authorized to file these specific suits. Therefore, the Court concluded that the filing of the suits was not in accordance with law, which rendered the previous decrees for recovery of possession unsustainable despite the concurrent findings of the lower courts on the facts of the tenancy.

Thus the Court while allowing the second appeals, set aside the judgments for eviction passed by the Trial Court and the First Appellate Court. While the eviction orders were overturned due to the procedural lack of authorization, the court directed the appellants to pay the entire arrears of rent as calculated by the temple, along with 9% interest. The respondent temple was directed to provide the particulars of the arrears within one month, and the appellants were given two months to settle the amount.

***

Mr. G.Sridharan (died) & Ors. Vs. M/s. Gokul Builder and Estates (Madras) Ltd, rep. by its Managing Director, Alwarpet, Chennai [S.A. No.872 of 2014 and MP No.1 of 2014] [2026 (1) TLNJ 1 (CIVIL)]

Date of Judgment: 08.12.2025

The second appeal was filed by the defendants as against the judgment and decree of the lower Appellate Court seeking to set aside the same and to restore the order of the Trial Court which rejected the plaint.

The plaintiff filed the suit seeking declaration that the agreement of sale dated 15.07.2012 and the General Power of Attorney executed by the defendants are valid, subsisting and binding, along with consequential permanent injunction restraining the defendants from alienating the property. The property originally belonged to the defendants' predecessor, who had mortgaged it as guarantor for a loan, leading to proceedings before the Debts Recovery Tribunal and a recovery certificate. To discharge this liability, the defendants entered into the agreement with the plaintiff and received advance, but later cancelled the agreement and Power of Attorney, leading to the suit. The defendants sought rejection of the plaint under Order VII Rule 11 CPC on the ground that the suit was barred under Section 34 of the SARFAESI Act. The Trial Court accepted this and rejected the plaint, but the lower appellate court reversed the same.

The defendants contended that in view of Section 34 of the SARFAESI Act and the proceedings before the DRT, the civil court had no jurisdiction. The plaintiff contended that the suit was based purely on contractual rights arising from the agreement of sale and Power of Attorney, and did not challenge the DRT proceedings or any action of the secured creditor. The Court observed that the bar under Section 34 applies only to matters which the DRT is empowered to determine, particularly measures taken under Section 13(4) of the Act. On a reading of the plaint, the Court found that there was no challenge to the loan transaction, mortgage, DRT order, recovery certificate, or any action taken under SARFAESI.

The Court further observed that the suit is confined to enforcement of contractual obligations between private parties and does not arise out of any SARFAESI measures. The reliance placed on the Supreme Court decision was found distinguishable, as that case involved challenge to SARFAESI proceedings, unlike the present case. It was reiterated that while deciding an application under Order VII Rule 11 CPC, only the plaint averments must be considered, and no statutory bar was disclosed from the plaint. The rejection of the plaint by the Trial Court was therefore unsustainable, and the appellate court had rightly reversed it. The Court also found that no substantial question of law arose for consideration in the second appeal.

While dismissing the Second Appeal, the Court held that the civil suit is not barred under Section 34 of the SARFAESI Act as it is based purely on contractual rights and does not involve any challenge to proceedings under the Act, and consequently set aside the order of the Trial Court rejecting the plaint and restored the suit for disposal in accordance with law.

***

K.N.Subramani @ K.N.Subramanian Vs S.Rathnakumar (died) & Ors. [A.S.(MD) No.98 of 2019 and CMP(MD) No.5188 of 2019] [2025 (5) L.W.471]

Date of Judgment: 31.10.2025

The appeal suit was filed by the defendant against the judgment of Additional District Court seeking to set aside the decree passed in a suit for recovery of money based on a promissory note.

The suit had been filed by the plaintiff seeking recovery of Rs.26,25,280/- with interest on the basis of a promissory note, under which the defendant was stated to have borrowed Rs.16,00,000/- for business purposes. The defendant denied the transaction in entirety, including the execution of the promissory note, the passing of consideration, and even acquaintance with the plaintiff, further alleging that the document was forged with the aid of a third party. The Trial Court, on appreciation of oral and documentary evidence, held that the promissory note was proved, not forged, and supported by consideration, and decreed the suit. During pendency, the original plaintiff died and his legal representatives were brought on record.

The defendant in appeal, contended that the legal representatives could not continue or obtain a decree without producing a succession certificate under Section 214 of the Indian Succession Act, 1925, and also questioned the manner in which his signature was obtained during cross-examination and the proof of consideration. The respondents, on the other hand, contended that there was no requirement to produce such certificate for continuation of a pending suit and that execution of the promissory note stood proved, raising a presumption of consideration.

The Court, on the issue of execution and consideration, observed that the original promissory note had been produced, the attesting witness supported its execution, and the defendant himself admitted his signature. It further noted the defendant's conduct in not replying to the notice and his failure to seek any forensic examination, and also took into account that even his own witness identified his signature. The Court held that once execution is proved, presumption of consideration arises and the defendant had failed to rebut it.

On the issue of Section 214 of the Indian Succession Act, the Court observed that the provision is intended to protect debtors from multiple claims and applies in cases where recovery is sought independently by legal representatives. It held that where a suit had already been instituted by the original plaintiff and legal representatives were brought on record without objection, they are entitled to continue the proceedings without producing a succession certificate. Such requirement may arise at the stage of execution, but not for continuation or decree in the suit.

While dismissing the appeal, the Court held that the execution of the promissory note and passing of consideration had been proved, the defence of forgery was not established, and Section 214 of the Indian Succession Act, 1925, does not bar continuation of the suit by legal representatives, and therefore the judgment and decree of the Trial Court were to be upheld.

***

HIGH COURT – CRIMINAL CASES

Suman Vs. The Inspector of Police, Amathur Police Station, Virudhunagar District [CRL A(MD). No.418 of 2023]

Date of Judgment: 06.03.2026

The Criminal Appeal was filed by the appellant/accused against the judgment of the Additional District and Sessions Judge seeking to set aside the conviction and sentence imposed under Section 302 I.P.C.

The prosecution case in brief is that the deceased, a resident of a refugee camp, used to receive money from his children abroad and had saved the same. When the money went missing, he suspected the accused and spread word about it in the camp. On the date of occurrence, the daughter of the deceased along with others found the accused sitting on the chest of the deceased and pressing his neck. On seeing them, the accused fled. The deceased was taken to a private hospital and then to the Government Hospital where he was declared dead. Based on the complaint, a case under Section 302 I.P.C. was registered and after investigation, the accused was charged and convicted by the Trial Court.

The appellant contended that the deceased was alive when taken to the private hospital and the non-examination of that doctor warranted adverse inference. It was further argued that the post-mortem showed the hyoid bone was intact and hence it could not be a case of murder. It was also suggested that there was a quarrel and the incident did not amount to murder. The prosecution, relying on the evidence of the eyewitnesses and medical evidence, contended that the act of strangulation was clearly proved and the conviction under Section 302 I.P.C. was justified.

The Court observed that the evidence of the eyewitnesses was consistent and corroborated by medical evidence, including the presence of nail marks on the neck, clearly establishing that the accused caused the death. It confirmed that the accused was the sole cause of death and found no reason to interfere with the finding of guilt recorded by the trial Court.

However, on the nature of the offence, the Court examined the circumstances leading to the act, including the sustained provocation arising from the deceased repeatedly accusing the accused of theft and spreading such allegations. The Court analysed the distinction between culpable homicide and murder under Sections 299 and 300 I.P.C. and held that the case falls under Exception I to Section 300 I.P.C., as the act was committed under provocation and without premeditation. The Court further noted absence of evidence to establish intention amounting to murder and held that the offence would fall under Section 304 Part I I.P.C.

While partly allowing the appeal, the Court held that the conviction under Section 302 I.P.C. is modified to one under Section 304 Part I I.P.C. and the sentence of life imprisonment is reduced to seven years rigorous imprisonment, with enhancement of fine, and the appellant is entitled to set off under Section 428 Cr.P.C.

***

Kadhiravan Vs. The State rep by, Inspector of Police, Indur Police Station, Papparapatti Circle, Dharmapuri District [Crl.A.No.40 of 2022]

Date of Judgment: 04.03.2026

The Criminal Appeal was filed by the appellant/accused against the judgment of the Additional District and Sessions Judge seeking to set aside the conviction under Section 335 IPC and to acquit him from all charges. The prosecution case is that due to a dispute over repayment of Rs.500/-, there arose enmity between the accused and the deceased, and on 03.11.2013 at a tea shop, during a quarrel, the accused assaulted the deceased, who later succumbed to injuries. Initially, the case was registered under Section 307 IPC and later altered to Section 302 IPC upon death. The trial court, however, held that the charge under Section 302 IPC was not made out, but convicted the accused under Section 335 IPC based mainly on the evidence of PW1 and the postmortem report.

The appellant contended that the occurrence itself was not proved, as most witnesses turned hostile and the case rested solely on PW1, whose evidence contained discrepancies. It was further argued that there was delay in lodging the complaint and registering the FIR, non-production of vital medical records like Accident Register and discharge summary, and non-examination of treating doctors, which created serious doubt. The prosecution argued that the evidence of PW1, supported by the postmortem certificate and Doctor's evidence, was sufficient to sustain the conviction under Section 335 IPC, despite hostile witnesses.

The Court observed that except PW1, all other alleged eye-witnesses turned hostile and even PW1's evidence was inconsistent regarding the quarrel, time, presence of persons, and subsequent events. The delay in taking the deceased to the hospital and in lodging the complaint and registering the FIR remained unexplained. The Court also noted contradictions between the complaint and oral evidence of PW1, creating doubt about the very occurrence and her presence at the scene.

The Court further observed that the prosecution failed to produce crucial medical records such as the Accident Register and discharge summary from both hospitals and did not examine the doctors who treated the deceased, though the deceased was under treatment for several days. The arrest of the accused prior to registration of FIR and the doubtful nature of the confession statement also weakened the prosecution case. The postmortem evidence alone, without proof of the occurrence and nexus to the accused, was held insufficient to sustain conviction.

While allowing the appeal, the Court held that the prosecution failed to prove beyond reasonable doubt the occurrence and that the accused caused the injuries to the deceased, and therefore, the conviction under Section 335 IPC was perverse and unsustainable, resulting in acquittal of the appellant from all charges.

***

Sundar Rao Vs. Union, Rep. by the Intelligence Officer, NCB, Chennai Zonal Unit, Chennai [Crl.O.P.Nos.3329, 4031, 4305, 4349, 2716 and 3430 of 2026] [2026:MHC:1100]

Date of Judgment: 17.03.2026

The Criminal Original Petitions were filed by the petitioners as against the pending criminal proceedings before the Special Courts seeking bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

The petitioners were accused in various cases involving offences under the NDPS Act relating to commercial quantity of contraband. They had been arrested on different dates and several of them had earlier bail applications dismissed. A common contention raised by all the petitioners was that the "grounds of arrest" were not furnished to them at the time of arrest and only an arrest memo was served. Relying on various judgments of the Hon'ble Supreme Court, they contended that non-furnishing of grounds of arrest violates constitutional safeguards and vitiates the arrest, thereby entitling them to bail. The respondents, on the other hand, contended that the petitioners were aware of the basis of arrest from their conduct, that the plea was raised belatedly, and that such procedural lapse would not automatically entitle them to bail, especially in serious NDPS offences involving commercial quantity.

The Court observed that though the constitutional safeguard of informing the grounds of arrest is sacrosanct, the jurisprudence shows that the requirement is to ensure that the accused is able to effectively defend himself and seek appropriate relief. The Court noted that in several decisions, including those considering delay or absence of written grounds, the Hon'ble Supreme Court has applied a test of prejudice and held that mere non-furnishing would not ipso facto render the arrest illegal unless prejudice is demonstrated. The Court further observed that the manner and timing of furnishing grounds of arrest are not rigidly prescribed and must be assessed in the factual context, including situations where immediate written communication may not be practicable.

The Court also observed that the requirement regarding furnishing of written grounds of arrest, as clarified in later judgments, operates prospectively and that in the present cases, all arrests were effected prior to such clarification. It further noted that the petitioners had not raised this plea at the earliest stage, including in earlier bail applications, and that their conduct in transporting commercial quantities of contraband indicated awareness of the basis of arrest. In the absence of any material to show prejudice caused by non-furnishing of grounds of arrest, and considering the stringent conditions under Section 37 of the NDPS Act, the Court found no ground to grant bail.

While dismissing the petitions, the Court held that the non-furnishing of the grounds of arrest, in the facts and circumstances of the case, does not entitle the petitioners to bail, particularly in the absence of demonstrable prejudice and in view of the nature of offences involving commercial quantity under the NDPS Act, and accordingly rejected all the petitions.

***

Selvi W/o.Chellapandi, Kariapatti Taluk, Virudhunagar District Vs. The State rep by the Inspector of Police, Aviyur Police Station, Virudhunagar District [Crl. A. (MD)No.428 of 2023]

Date of Judgment: 04.03.2026

The criminal appeal was filed by the appellant against the judgment of the Additional District and Sessions Judge seeking to set aside the conviction under Section 302 IPC and life imprisonment.

The prosecution case in brief is that the appellant, wife of the deceased, was alleged to have had an illicit relationship with another accused, which led to disputes with the deceased. On the night of 29.09.2017, while the deceased was sleeping, the appellant allegedly caused his death by attacking him with a grinding stone. The case rested entirely on circumstantial evidence including motive, alleged last seen theory, conduct of the appellant, and recovery of material objects. Several key witnesses turned hostile, and the prosecution primarily relied on limited testimonies and forensic materials.

The appellant contended that the trial Court wrongly relied on Section 106 of the Evidence Act without the prosecution first establishing foundational facts, particularly that the appellant and deceased were last seen together. It was argued that no witness proved the presence of the appellant in the house at the time of occurrence. The prosecution, on the other hand, argued that since the occurrence took place inside the house where the appellant lived with the deceased, the burden shifted to her to explain the circumstances, and her failure to do so justified an adverse inference.

The Court observed that the case was purely based on circumstantial evidence and that most witnesses had not supported the prosecution. The evidence only established motive and certain aspects of conduct, but did not establish the crucial link of last seen together. The testimony relied upon by the prosecution did not convincingly prove that the appellant was present in the house at the relevant time.

The recovery of the alleged weapon and forensic report were also found unreliable when considered independently.

The Court further observed that Section 106 of the Evidence Act cannot be invoked to fill gaps in the prosecution case. The prosecution must first establish foundational facts, including last seen theory, before the burden shifts to the accused. Mere marital relationship cannot lead to a presumption of presence. In the absence of proof that the appellant and deceased were last seen together, adverse inference could not be drawn, and reliance on Section 106 was misplaced.

While allowing the appeal, the Court held that the prosecution failed to establish the chain of circumstances necessary to prove guilt beyond reasonable doubt, particularly the last seen theory, and that the Trial Court erred in convicting the appellant solely by invoking Section 106 of the Evidence Act; accordingly, the conviction and sentence were set aside and the appellant was acquitted of all charges.

***

P.Prakash, S/o.Perumal, Pennagaram Taluk, Dharmapuri District Vs. The State rep. by the Inspector of Police, Pennagaram All Women Police Station, Dharmapuri District [Crl.A.No.374 of 2022] [2026:MHC:1031]

Date of Judgment: 12.03.2026

The appellant had filed this criminal appeal against the Trial Court judgment that convicted and sentenced him to 10 years of Rigorous Imprisonment and a fine under Section 6 of the POCSO Act. The case involves a 14-year-old minor girl (PW1) who lived with her grandmother in Dharmapuri while her parents worked as masons in Coimbatore. The appellant, who is the victim's cousin brother, was accused of taking advantage of her parents' absence to engage in forcible sexual intercourse on several occasions starting when she was in the 9th standard. The matter came to light after the victim, fearing she was pregnant following a further assault after the a festival, skipped school and fled to a forest area where she was discovered by an independent witness (PW4).

The appellant's counsel contended that there was an inordinate and fatal delay in lodging the FIR and a further 40-day delay in its registration. They argued the victim's testimony was inconsistent and untrustworthy, specifically noting that she initially claimed to have been kidnapped and raped by four men before retracting that statement. The defense also suggested the victim's non-intact hymen was likely due to riding a bicycle and alleged the entire complaint was fabricated due to a family dispute over water. Conversely, the State argued that the victim provided clear, cogent evidence of repeated assault and that her initial false story regarding kidnap was a result of the accused's instigation and her own fear. The State maintained that once the foundational facts of the assault on a minor were proven, a statutory presumption of guilt applied under Section 29 of the POCSO Act.

The High Court observed that the victim's status as a minor was indisputably established through school records and the testimony of the Head Master. The Court noted that a conviction can be based on the sole testimony of a victim if it is found to be of "sterling quality" and trustworthy. The Court found the victim's evidence regarding the core offense of sexual assault to be consistent and reliable, dismissing her initial inconsistent claims of kidnap as a natural reaction to trauma, shame, and the accused's instructions. The Court emphasized that the accused was a blood relative who should have been a protector but instead exploited the victim's vulnerability while her parents were away.

The Court further observed that the statutory presumption under Section 29 of the POCSO Act placed the burden on the accused to rebut the allegations, which he failed to do through any oral or documentary evidence. It rejected the defense of "previous enmity" as a motive for a false complaint, finding it insufficient to discredit the victim's reliable testimony. Highlighting the "demonic character" of crimes committed by natural guardians or close relatives, the Court stated that leniency in sentencing would be a betrayal of the constitutional duty to protect the vulnerable. Consequently, the High Court found no illegality or perversity in the Trial Court's findings and dismissed the appeal.

***