

TAMIL NADU STATE JUDICIAL ACADEMY

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IMPORTANT CASE LAWS



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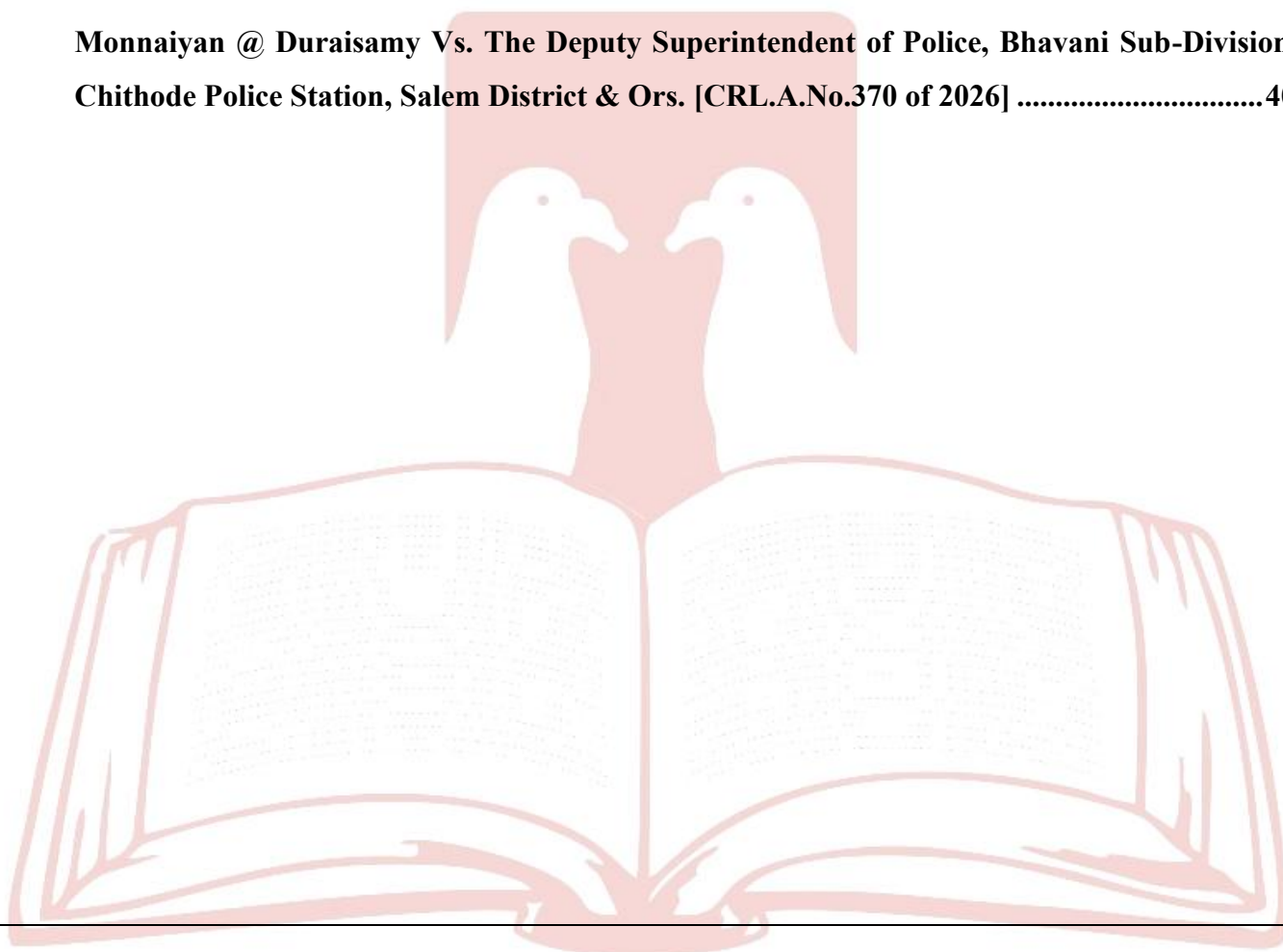
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SUPREME COURT – CIVIL CASES**Sharada Sanghi & Ors. Vs. Asha Agarwal & Ors. [Civil Appeal No. 2609 of 2013 (2026 INSC 292)]****Date of Judgment: 25.03.2026**

Specific Relief Act, 1963 – Code of Civil Procedure, 1908 – Section 11, Order IX Rule 8, Order IX Rule 9, Order XXI Rules 97-101, and Order XXIII Rule 1 – Transfer of Property Act, 1882 – Section 52 – Res Judicata – Abuse of Process – Lis Pendens – Nemo debet bis vexari – Interest reipublicae ut sit finis litium – Appeal against a High Court judgment affirming the dismissal of execution proceedings – Appellants sought specific performance of a 1986 agreement, which was decreed in 1998 – During execution, respondents (not parties to the original suit) filed objections claiming independent title via 1990 sale deeds – Appellants had previously filed two suits to cancel these specific sale deeds, but both were dismissed for default, and restoration attempts failed – Appellate Court held the claim was barred by *res judicata* and the decree was not binding on respondents – Supreme Court held that while dismissal for default does not constitute *res judicata* under Section 11 CPC, the appellants' conduct in abandoning their prior challenges and attempting to re-litigate the same issue in execution was an abuse of the process of the court and contrary to public policy – High Court judgment upheld on different grounds – Appeal dismissed.

The civil appeal has been filed by the appellants challenging the judgment and decree of the High Court, which dismissed their second appeal and affirmed the first appellate court's direction that the appellants must seek their remedies against the respondents through a separate civil suit.

The appellants instituted a suit for specific performance in 1988 regarding a property in Hyderabad, which was eventually decreed in 1998. During execution in 1999, the respondents filed an objection under Order XXI Rules 99 to 101 CPC,

asserting independent title and possession based on registered sale deeds from 1990. Crucially, the appellants had previously filed two independent suits in 1990 specifically to cancel these sale deeds, but both suits were dismissed for default in 1996 and 1998. Applications to restore these suits also failed and the orders attained finality. The Appellate Court and High Court ruled that the appellants were required to file a fresh suit to establish rights against the respondents, as the previous dismissals operated as *res judicata*.

The appellants contended that the respondents' sale deeds were hit by the doctrine of lis pendens and that the executing court, under Order XXI Rule 101 CPC, was required to adjudicate all questions of title rather than directing a fresh suit. They further argued that dismissal for default does not operate as *res judicata* as the suits were not decided on merits. The respondents argued that the appellants, having allowed their previous challenges to the sale deeds to lapse, were barred by Order IX Rule 9 CPC from re-agitating the same cause of action. They characterized the execution proceedings as an attempt to obtain orders behind their backs through suppression of material facts.

The Hon'ble Supreme Court disagreed with the lower courts that dismissal for default constitutes *res judicata*, as Section 11 CPC requires a matter to be "heard and finally decided". However, the Court held that the appellants' conduct attracted the principle of *nemo debet bis vexari pro una et eadem causa* (no one should be twice troubled for the same cause). The Court found that by abandoning the 1990 suits and then attempting to challenge the same sale deeds in execution, the appellants were playing "fast and loose" with the judicial process. Such "re-litigation" was held to be an abuse of process and contrary to the public policy found in Order XXIII Rule 1 CPC, which prevents litigants from repeatedly invoking jurisdiction on the same cause of action after abandonment. The Court upheld the ultimate conclusion of the High Court and Appellate Court, though for different reasons. Consequently, the appeal was dismissed, and the parties were ordered to bear their own costs.

**District Magistrate and District Election Officer and Collector, Gwalior,
M.P. Vs. National Insurance Company Limited & Ors. [Special Leave
Petition (Civil) No. 22910 of 2025] (2026 INSC 279)]**

Date of Judgment: 23.03.2026

Motor Vehicles Act, 1988 – Section 2(30) – Representation of the People Act – Requisition of vehicles for election duty – Liability for motor accident – Definition of “owner” – Control and possession of vehicle – Shift of liability from Insurer to State – Appeal against High Court order fastening liability on the requisitioning authority – The Supreme Court held that the State, as the requisitioning authority, assumes control and responsibility for accidents during such use – Appeal dismissed.

The Appellant, the District Magistrate of Gwalior, filed this civil appeal challenging a High Court judgment that shifted the liability for an accident claim from the National Insurance Company (Respondent No. 1) to the State.

The accident occurred on January 23, 2010, involving a school bus requisitioned for Gram Panchayat election duty and a motorcycle, resulting in the rider's death. While the Claims Tribunal originally awarded compensation, the High Court enhanced the amount to Rs. 27,01,556/- and determined that the State, rather than the insurer, was liable because the vehicle was under the orders and command of election authorities at the time of the incident.

The Appellant argued that the High Court's determination was erroneous because the offending vehicle was under a valid insurance policy at the time of the accident, and fastening liability on public authorities for vehicles used for public purposes would send a "wrong message". The central question for the Court was whether the State functionary or the Insurance Company was legally liable to meet the award for an accident involving a requisitioned vehicle.

The Hon'ble Supreme Court observed that when a public authority requisitions a privately owned vehicle, the owner is entirely divested of custody and decision-

making power. Relying on precedents such as *National Insurance Co. Ltd. v. Deepa Devi* and *Purnya Kala Devi v. State of Assam*, the Court emphasized that a person in control and possession of a vehicle should be construed as the “owner” under Section 2(30) of the Motor Vehicles Act, 1988. The Court noted that an insurance policy is a contractual engagement premised on regular and voluntary use; therefore, requiring an insurer to cover risks generated exclusively by governmental action, where they have no control over the deployment or conditions of use, would be unfair. The Court further ruled that although the bus driver might remain an employee of the registered owner, the driver must follow the directions of the State officer in charge during the requisition period. By accepting and utilizing the services of the driver along with the vehicle, the authorities implicitly recognized the driver's competence to operate the vehicle under their control. Consequently, the Supreme Court held that liability for accidents occurring during the period of requisition must be borne by the requisitioning authority and not the insurer. The appeal was dismissed.

M/s ABS Marine Services Vs. The Andaman and Nicobar Administration
[Civil Appeal Nos. 3658-3659 of 2022 (2026 INSC 274)]

Date of Judgment: 23.03.2026

Rule of Law – Indian Contract Act, 1872 – Section 28 – Arbitration and Conciliation Act, 1996 – Contractual Interpretation – Finality Clauses – "Excepted Matters" – Exclusion of Legal Remedies – The Supreme Court held that a party to a contract cannot be the sole arbiter of a disputed breach and that clauses creating a vacuum in legal remedies by barring both arbitration and court proceedings are invalid – The Court emphasized that while certain matters can be "excepted" from arbitration, justice cannot be "excluded" entirely – Appeals allowed.

The civil appeal was filed by the appellant challenging the judgment and order of the High Court at Calcutta (Circuit Bench at Port Blair), which set aside an arbitral award dated 08.05.2017. The High Court had concluded that the arbitral award was without jurisdiction because it was rendered in derogation of a prohibitory clause (Clause 3.20) in the agreement, which purportedly made the administration's decision on negligence final and barred arbitration on the matter.

The dispute originated from a 2008 "Manning Agreement" for the provision of officers on 17 vessels. In 2009, a vessel, M.V. Long Island, struck a submerged rock and sustained damage. In 2014, the respondent administration unilaterally recovered Rs. 2,87,84,305/- as a penalty for the grounding from the appellant's pending bills. When the matter went to arbitration, the sole arbitrator held that Clause 3.20—which restricted legal challenges—was void under Section 28 of the Indian Contract Act and that the widely worded arbitration clause (3.22) should prevail to avoid absurdity. While the District Judge upheld this award, the High Court reversed it, reasoning that the arbitrator could not adjudicate on "excepted matters" kept out of arbitration by the agreement.

The appellant contended that a party to a contract cannot be the judge of its own cause regarding a disputed breach and that Clause 3.20 was void as it rendered

them remediless. Conversely, the respondent submitted that the arbitrator exceeded his mandate by trespassing into a zone of "excepted matters" and that the validity of a contractual clause could only be challenged in a Civil Court, not before an arbitrator.

The Hon'ble Supreme Court noted that the arbitration clause (3.22) was of the widest amplitude. The Court held that accepting the respondent's interpretation would violate the fundamental Rule of Law principle that no party shall be a judge in its own cause. Invoking the maxim *Ubi jus ibi remedium* (there is no wrong without a remedy), the Court stated that no construction should lead to a "vacuum" in legal remedies. It clarified that while "excepted matters" are a recognized concept, they cannot be used to exclude justice entirely. The Court held that Clause 3.20 only applies to quantification when liability is admitted; since the appellant disputed negligence, the arbitrator had full jurisdiction to decide the matter. Ultimately, the appeal was allowed, the High Court's judgment was set aside, and the arbitral award was restored.

S. Valliammai & Others Vs. S. Ramanathan & Another [Civil Appeal No. 3624 of 2024 (2026 INSC 372)]

Date of Judgment: 16.04.2026

Code of Civil Procedure, 1908 – Order II Rules 1 and 2, Order VII Rule 11 – SARFAESI Act, 2002 – Section 34 – Rejection of Plaint – Bar by Law vs. Bar to Sue – Cause of Action – Multiplicity of Suits – Relinquishment of Claim – Statement in the Plaint.

A civil appeal has been filed by the appellants challenging the judgment and order of the High Court, which allowed a revision petition and rejected the appellants' plaint under Order VII Rule 11(d) of the Code of Civil Procedure (CPC).

The appellants had filed a second suit in 2013 to declare a Power of Attorney (PoA) null and void, alleging it was obtained through fraud and coercion. The respondents sought the rejection of the plaint, arguing that the suit was barred under Order II Rule 2 CPC because the appellants failed to challenge the PoA in an earlier 2012 suit for injunction. While the Trial Court refused to reject the plaint, the High Court reversed this decision, holding that the cause of action was identical and the failure to seek leave in the first suit barred the second.

The Supreme Court held that the High Court's approach was improper and clarified the subtle but distinct difference between a suit being "barred by law" (Order VII Rule 11(d)) and a "bar to sue" (Order II Rule 2). The Court emphasized that rejection under Order VII Rule 11(d) must be based strictly on the "statement in the plaint" and applies where a law expressly or impliedly prohibits the filing of the suit. In contrast, Order II Rule 2 does not bar the filing of a suit but prevents the granting of reliefs for claims that were relinquished or omitted without leave. Establishing a bar under Order II Rule 2 requires evidence to compare the causes of action in both suits, which cannot be presumed at the rejection stage. Consequently, the application of Order II Rule 2 cannot be a ground for the rejection of a plaint under Order VII Rule 11(d). The High Court judgment was set aside, and the Trial Court's order and the plaint were restored.

Pramod Shroff Vs. Mohan Singh Chopra [Special Leave Petition (C) No. 20779 of 2025 (2026 INSC 378)]

Date of Judgment: 16.04.2026

Rule of Law – Civil Procedure Code, 1908 – Sections 2(9), 2(2) – Order XX Rule 4(2) – Order XIV Rules 1(6) and 6 – Ex Parte Suits – Framing of Issues – Points for Determination – Specific Performance – The Supreme Court held that while the formal framing of issues is not mandatory in suits where no defense is presented, a court is still legally obligated to identify "points for determination" to ensure a reasoned and sustainable judgment. The Court emphasized that an omission to frame issues violates the principles of natural justice if it causes prejudice by denying a party the opportunity to lead evidence on a decisive question of fact. Appeal allowed and matter remanded.

The civil appeal was filed by the appellant challenging the judgment of the High Court of Calcutta, which had affirmed a trial court's ex parte dismissal of a suit for specific performance of an agreement to sell. The lower courts had rejected the appellant's claim primarily on the grounds that he failed to prove the respondent's title to the suit property, even though the respondent never appeared to contest the suit and no formal issue regarding title had been framed.

The dispute arose from a 1977 agreement for the sale of a flat in Kolkata for ₹95,000, of which the appellant had paid ₹90,000. Although the appellant was put in possession and handed the original title deeds, the respondent repeatedly failed to execute the final Deed of Conveyance. When the appellant filed for specific performance, the respondent did not appear, leading the trial court to proceed ex parte. The trial court ultimately dismissed the suit for lack of proof of title, a decision the appellant argued was procedurally flawed because he was never put on notice that he needed to lead evidence on that point.

The Hon'ble Supreme Court clarified that under Order XX Rule 4(2) of the CPC, every judgment must contain a concise statement of the case, the points for

determination, the decision, and the reasons for such decision. The Court noted that "points for determination" are essentially the legal and factual issues the court must resolve to ensure completeness of adjudication. While Order XIV Rule 1(6) exempts a court from framing issues when no defense is filed, the Court held that a judge must still identify legal points and provide a reasoned answer to avoid "material irregularity". In this case, the omission to frame an issue regarding title caused significant prejudice to the appellant, as he had no opportunity to lead evidence on a point the court used to dismiss his suit. Consequently, the Supreme Court set aside the lower courts' judgments and remanded the matter to the trial court for fresh consideration, with directions to issue notice to the respondent and formally frame issues.

SUPREME COURT – CRIMINAL CASES**Shankar Vs. State of Rajasthan [Special Leave Petition (Crl.) No. 13899 of 2025 (2026 INSC 315)]****Date of Judgment: 02.04.2026**

Indian Penal Code, 1860 – Sections 302 and 342 – Indian Evidence Act, 1872 – Section 32 – Murder of wife by burning – Dying Declaration – Concurrent Conviction – Appeal filed against concurrent findings of conviction by the Trial Court and High Court – Appellant accused of beating his wife, pouring kerosene, and setting her on fire – Dying declaration recorded by a Magistrate in question-answer format found to be consistent and believable – Medical certification of fitness for statement provided by the duty doctor – Fact that certification was on a "blank paper" or the flip side of the statement does not affect its sanctity – Medical evidence regarding cause of death (septicaemia due to burning) is consistent with the dying declaration – Testimony of Medical Jurist is reliable – Hostile eyewitnesses do not discredit the prosecution case when medical evidence and dying declaration are consistent – Supreme Court reflects on the persistence of patriarchy and violence against women despite legal reforms – Appeal dismissed.

The criminal appeal was filed by the appellant (the husband) challenging the High Court's judgment which confirmed his conviction and life imprisonment for the murder of his wife, Sugna Bai. The Trial Court had previously found the appellant guilty under Sections 302 and 342 of the IPC for wrongfully confining his wife and killing her by setting her on fire.

The incident occurred within a month of the marriage. On 15.10.2012, the appellant, allegedly in an intoxicated state, demanded his wife return from her parental home to cook for him. Upon her return, he beat her, poured kerosene, and set her on fire inside their rented room. Despite the appellant's subsequent attempt

to quell the flames with a blanket, the victim suffered severe burns and died on 19.10.2012 while undergoing treatment. The Trial Court and High Court relied heavily on the victim's dying declaration recorded by a Magistrate, which explicitly named the appellant as the perpetrator.

The appellant contended that the dying declaration was unreliable because the Magistrate recorded it on a blank paper and the victim was allegedly not in a sound mental state to give a statement. It was further argued that the medical evidence was provided by a "medical jurist" rather than a practicing doctor and that eyewitnesses had turned hostile, suggesting the victim was tutored by her parents.

The Hon'ble Supreme Court noted that the Magistrate and the duty doctor both testified to the victim's conscious state and fitness to provide a statement. The Court held that the technicality of the certification being on the flip side of the paper did not invalidate the document. Furthermore, the medical evidence was found to be entirely consistent with the dying declaration, and the status of the witness as a "medical jurist" did not disqualify his expert testimony. The Supreme Court dismissed the appeal and upheld the conviction.

**The State of Uttar Pradesh Vs. Ram Swaroop @ Barkat [Criminal Appeal
No. 443 of 2012 (2026 INSC 256)]**

Date of Judgment: 18.03.2026

Indian Penal Code, 1860 – Sections 302 and 364 – Code of Criminal Procedure, 1973 – Sections 221 and 222 – Murder and Abduction – Conviction for an offence not specifically charged – Definition of “minor offence” – Cognate offences – Appeal filed by the State against a High Court judgment reversing a conviction under Section 364 IPC – The respondent was originally charged under Section 302 IPC but convicted under Section 364 IPC by the Trial Court – High Court held that Section 364 is not a minor offence relative to Section 302 and involves distinct legal ingredients – Supreme Court affirmed that these are separate and distinct offences and cannot be construed as cognate – Absence of motive and lack of evidence regarding abduction further supported acquittal – Appeal dismissed.

The Appellant/State filed this criminal appeal challenging the judgment of the High Court, which acquitted the respondent. The respondent had been convicted by the Trial Court for the offence of kidnapping or abducting in order to murder (Section 364 IPC), effectively reversing the Trial Court's finding that had substituted this charge for the original charge of murder (Section 302 IPC).

The prosecution's case was that the respondent lured the complainant's son from his home on the pretext of watching a movie, and the victim's dead body was discovered the following morning with gunshot wounds. While the Trial Court acquitted the accused of murder under Section 302 IPC due to lack of evidence, it held that the act of luring the deceased was sufficient to convict him under Section 364 IPC, despite no formal charge being framed for that specific offence. The High Court subsequently allowed the respondent's appeal, ruling that convicting an accused for a distinct offence like Section 364 without prior notice violated fair trial

norms and that the two sections were not interchangeable under Section 222 of the Cr.P.C..

The Appellant/State contended that Section 364 is a cognate and lesser offence to Section 302, allowing the Trial Court to invoke Section 222 Cr.P.C. to convict the appellant on the same set of facts. Conversely, the respondent argued that the two offences are independent and distinct, and that the lack of established motive or evidence of abduction made the conviction unsustainable.

The Hon'ble Supreme Court observed that the expression "minor offence" in Section 222 Cr.P.C. refers to cognate offences where the main ingredients are common. The Court held that the composition of an offence under Section 364 IPC is vastly different from murder under Section 302 IPC. Finding that these are separate and distinct offences rather than cognate ones, the Court ruled that the High Court was justified in reversing the conviction. Furthermore, the Court noted there was no evidence in the depositions suggesting the deceased was forcefully taken or abducted. Consequently, the Supreme Court found no merit in the appeal and dismissed it.

**Sandeep Yadav Vs. Satish & Others [Criminal Appeal No. 1617 of 2026
(2026 INSC 301)]**

Date of Judgment: 25.03.2026

Indian Penal Code, 1860 – Sections 120B, 147, 148, 149, 302, and 307 – Code of Criminal Procedure, 1973 – Sections 215, 228, 464, and 482 – Framing of Charge – Effect of unsigned charge – De novo trial – Procedural irregularity vs. Jurisdictional illegality – Failure of justice – Appeal filed by the son of the deceased against a High Court order directing a *de novo* trial – The trial had proceeded for over fourteen years when it was discovered that the formal charge remained unsigned due to the absence of one accused during the initial framing – Trial Court framed charges afresh at the Section 313 Cr.P.C. stage but directed that existing evidence be considered, noting that two key witnesses had since died – High Court reversed this, ordering the trial proceed afresh under Sections 241 and 242 Cr.P.C. – Supreme Court held that the fundamental object of a charge is to provide notice and that procedural errors are curable under Sections 215 and 464 Cr.P.C. unless they occasion a "failure of justice" – Court affirmed that the absence of a signature was a mere curable irregularity as the accused had full knowledge of the case and actively participated in cross-examinations for years – Direction for a *de novo* trial was held to be an exceptional measure that was unjustified here, especially as it would deprive the prosecution of vital evidence from deceased witnesses – High Court order set aside and Trial Court order restored – Appeal allowed.

The criminal appeal has been filed by the appellant challenging the judgment and order of the High Court, which set aside a trial court order and directed that a criminal trial be proceeded afresh (*de novo*) in accordance with Sections 241 and 242 Cr.P.C..

The dispute originated from an incident in 2007 involving allegations of murder and attempted murder, leading to an FIR against nine individuals. While charges were purportedly framed in 2009, the formal charge sheet remained unsigned due to the absence of one accused. Despite this, the trial proceeded for over fourteen years, during which the prosecution examined witnesses and the defense conducted extensive cross-examinations. In 2024, at the stage of recording statements under Section 313 Cr.P.C., the trial court noticed the unsigned charge and framed it afresh. The trial court allowed the existing evidence to be considered, noting that the accused were fully aware of the charges and that two key witnesses had since died. However, the High Court reversed this, ordering a new trial. Hence, the appeal.

The appellant and the State contended that the unsigned charge was a mere procedural irregularity and that the accused suffered no prejudice as they had actively participated in the trial for over a decade. They argued that a *de novo* trial would irretrievably prejudice the prosecution because vital eyewitnesses had passed away. Conversely, the respondents (accused) submitted that the failure to sign the charge was a patent illegality that violated the mandatory requirements of Section 228 Cr.P.C., thereby vitiating the entire evidentiary process.

The Hon'ble Supreme Court noted that the fundamental object of a charge is to provide notice to the accused, not to serve as a ritualistic formality. The Court observed that under Sections 215 and 464 Cr.P.C., an error or omission in a charge is only fatal if it results in a "failure of justice" or misleads the accused. By following the principles established in *Willie (William) Slaney v. State of Madhya Pradesh*, the Court reiterated that procedural mistakes are curable if there is substantial compliance and the accused understood the nature of the offence. The Court held that the absence of a signature was a curable irregularity, not a jurisdictional illegality, as the accused had effectively contested the case for years. Furthermore, the Court emphasized that a *de novo* trial is an exceptional measure and was unjustified here, especially since it would deprive the prosecution of evidence from

deceased witnesses. Ultimately, the appeal was allowed, the High Court's order was set aside, and the trial court's order was restored to conclude proceedings expeditiously.

State of Himachal Pradesh Vs. Hukum Chand alias Monu [Criminal Appeal No. 1275 of 2015 (2026 INSC 290)]

Date of Judgment: 24.03.2026

Indian Penal Code, 1860 – Sections 376, 201, and 228-A – Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 – Section 3(xii) – Sexual Assault of a Minor – Testimony of a child witness – Corroboration by medical evidence – Minor inconsistencies in witness statements – Protection of victim identity – Appeal filed by the State against a High Court judgment reversing a conviction for rape – The High Court had acquitted the respondent based on "major contradictions" and the perceived "improbability" of the victim traveling a specific distance within two hours – Supreme Court held that the core of the prosecution's case regarding sexual assault remained unshaken despite minor discrepancies – Conviction restored.

The Appellant/State filed this criminal appeal challenging the judgment of the High Court, which had set aside the Trial Court's conviction of the respondent.

The respondent was originally convicted by the Trial Court under Sections 376 of IPC and Section 3(xii) of the SC/ST Act for the sexual assault of a nine-year-old girl and sentenced to ten years of rigorous imprisonment with fine. The High Court reversed this finding, citing inconsistencies in the testimonies of the victim's family and questioning the improbability of the nine-year-old traveling 16 kilometers to fetch buttermilk and returning within two hours. Hence, the Appeal.

The Hon'ble Supreme Court observed that a conviction can be sustained on the sole testimony of the prosecutrix if it inspires confidence, particularly in cases involving child witnesses. The Court formulated principles for appreciating child testimony, noting that judges must be satisfied with the witness's competence and should seek corroboration as a matter of practical wisdom rather than a rigid rule of law. Regarding the inconsistencies, the Court held that minor discrepancies or errors in

human perception do not make evidence unreliable unless they compromise the backbone of the narrative.

The Court further ruled that mathematical precision is not required when proving an occurrence within a time frame; even if the victim's travel time was improbable, the factum of sexual assault remained an uncontroverted reality supported by medical evidence. Crucially, the Court deprecated the disclosure of the victim's identity in the records, citing Section 228-A IPC and the need to protect survivors from social stigma. Consequently, the Supreme Court allowed the appeal, set aside the acquittal, and directed the respondent to surrender and serve the remainder of his sentence.

V. Ganesan Vs. State Rep by the Sub Inspector of Police & Anr. [Criminal Appeal No. 1470 of 2026 (2026 INSC 265)]

Date of Judgment: 19.03.2026

Indian Penal Code, 1860 – Sections 406 and 420 – Code of Criminal Procedure, 1973 – Sections 173 and 482 – Negotiable Instruments Act, 1881 – Section 138 – Cheating and Criminal Breach of Trust – Investment in movie production – Promise of profit sharing – Dishonour of post-dated cheques – Breach of contract vs. criminal offence – Dishonest intention at inception – Appeal against a High Court judgment that declined to quash proceedings for cheating – The Supreme Court held that mere failure to fulfill a promise does not constitute cheating unless a dishonest intention existed from the very beginning – Proceedings quashed.

The Appellant filed this criminal appeal challenging the High Court's order, which had only partly allowed his prayer to quash a final report.

The case arose from a transaction where the second respondent (complainant) lent money to the appellant for a movie production on the promise of sharing profits. When the movie faced funding issues and the complainant objected to its release, the appellant issued two post-dated cheques for Rs. 24 lakhs each, which were later dishonoured due to insufficient funds. While the High Court quashed the indictment under Section 406 IPC (Criminal Breach of Trust), it declined to quash the proceedings under Section 420 IPC (Cheating). Hence, the appeal.

The Appellant contended that the dispute was purely civil, as the movie project was completed but failed to generate the expected profits, meaning there was no dishonest intention. Conversely, the Respondent argued that the appellant's intention was dishonest from the start, evidenced by the dishonoured cheques and false assurances of profit.

The Hon'ble Supreme Court observed that for the offence of cheating, deception is a necessary ingredient and must exist at the time the promise or representation was

made. The Court emphasized that a mere failure to keep a promise subsequently cannot be the sole basis to presume a dishonest intention existed from the beginning. It noted that movie making is a high-risk business where profit is not guaranteed; therefore, the nature of the transaction is a crucial factor in determining if a criminal action is appropriate. Regarding the dishonoured cheques, the Court clarified that post-dated cheques issued to discharge an existing liability do not ipso facto prove a dishonest intention at the time of the initial investment. In this case, since the movie was actually completed and released, the promise to make the film was not false. Consequently, the Supreme Court allowed the appeal, set aside the High Court's order, and quashed the criminal proceedings under Section 420 IPC.

HIGH COURT – CIVIL CASES

S.Ayswarya & Anr. Vs. M.Balasubramanian & Anr. [C.M.A. No.1508 of 2021] [2025 (2) TN MAC 637 (DB)]

Date of Judgment: 09.10.2025

A Civil Revision Petition was filed by the petitioner as against the order of the Trial Court seeking interference with the order passed in an interlocutory application refusing the relief sought.

The brief facts are that the petitioner, in a pending suit before the Trial Court, sought interim relief in respect of the suit property/subject matter, claiming certain rights and protection. The respondent opposed the same contending that the petitioner had not established any enforceable right and that the claim was not supported by acceptable materials. The Trial Court, upon consideration of the pleadings and documents, declined to grant the interim relief, leading to the filing of the present petition.

The petitioner contended that the Trial Court failed to properly appreciate the documents and the nature of the claim, and that the refusal to grant interim protection would result in serious prejudice and irreparable loss. It was argued that the petitioner had established a prima facie case and that the balance of convenience was in their favour. The respondent, however, contended that the petitioner had not approached the Court with clean hands, that there was no prima facie case, and that the Trial Court had rightly exercised its discretion in refusing the relief.

The Court observed that the grant of interim relief is governed by well-settled principles, namely the existence of a prima facie case, balance of convenience, and irreparable injury. It further noted that the scope of interference in a revision against such discretionary orders is limited, and unless the order of the Trial Court is shown to be perverse, arbitrary, or passed without considering relevant materials, interference is not warranted. The Court examined the reasoning of the Trial Court

and the materials placed on record to ascertain whether these principles had been properly applied.

The Court further observed that the Trial Court had taken into account the relevant factors and had exercised its discretion based on the available materials. It was noted that even if another view was possible, the revisional jurisdiction cannot be invoked to substitute the Court's view for that of the Trial Court. The Court found no material irregularity or illegality in the order under challenge and held that the petitioner had not made out sufficient grounds to warrant interference.

While dismissing the civil revision petition, the Court held that the order of the Trial Court did not suffer from any infirmity and that the petitioner had failed to establish a prima facie case or show that the balance of convenience was in their favour, and therefore no interference was called for.

Annapottu Ammal (died) & Another Vs. Tamilmani & Others [A.S.(MD) No.135 of 2014 and MP(MD) No.2 of 2014] [2025 (5) L.W. 949]

Date of Judgment: 14.11.2025

A first appeal was filed by the defendants 1 and 4 against the judgment passed by the Trial Court seeking modification of the shares in a partition suit.

The case arises out of a partition dispute concerning multiple properties left behind by the deceased, who had two wives and children through both. The plaintiffs claimed that most of the suit properties were the self-acquired properties of the deceased and that the second marriage was invalid, thereby disentitling the second wife from any share. They sought partition and separate possession of their shares. The defendants, on the other hand, contended that several properties were ancestral or joint family properties, that some properties stood in the names of different family members, and that adequate benefits had already been given to certain plaintiffs. A major dispute also centred on whether the second marriage was valid and consequently whether the children through that marriage could claim a share.

The Trial Court held that the second marriage had taken place prior to 1949 and was valid, classified certain properties as self-acquired, some as joint family properties, and granted shares accordingly while excluding certain items from partition. In appeal, the appellants challenged primarily the finding regarding the validity of the second marriage and the consequent grant of shares to the second wife's children. The respondents argued that even if the marriage was void, the children would still be entitled to a share in the property of the father.

The Court observed that there was no reliable evidence to establish that the second marriage had taken place prior to 1949. The second wife, who was the competent person to speak about the marriage, had not entered the witness box, and the evidence of other witnesses was insufficient. Therefore, the finding of the Trial Court on the validity of the second marriage was set aside, and the marriage was held to be void. However, the Court applied Section 16 of the Hindu Marriage Act and the

principles laid down by the Supreme Court, holding that children born through a void marriage are legitimate and entitled to a share in the property of their parents, including the share that falls to the parent in ancestral property.

The Court further confirmed the findings of the trial Court regarding the character of the properties, as those findings were not challenged. It then recalculated the shares by first determining the share of the deceased in the ancestral and joint family properties and thereafter distributing that share among all his children, including those born through the void marriage, in accordance with the legal position.

While partly allowing the appeal, the Court held that the second marriage was void and set aside the trial Court's finding on that issue, but affirmed that the children born through that marriage are entitled to shares in the properties of the deceased. The Court modified the shares of the parties accordingly and granted revised entitlements in respect of different sets of properties, thereby partly setting aside and partly confirming the Trial Court decree.

K.Padmanabhan S/o. Karumbayiram Pillai, Therinlanthur, Perumal Kovil Village, Nagapattinam Distric Vs. R.Senkuttuvan, S/o.Rajasekar Kokkur Village, Kuttalam Taluk, Nagapattinam District [A.S. No.255 of 2019] [2026 (1) TLNJ 241 (CIVIL)]

Date of Judgment: 30.01.2026

An appeal suit was filed by the appellant/plaintiff against the judgment of the Trial Court which dismissed the suit for specific performance and granted alternative relief of refund, for seeking to set aside the same.

The case of the plaintiff was that the defendant entered into a sale agreement agreeing to sell the suit property for a total consideration, out of which a substantial advance was paid partly on the date of agreement and partly adjusted from an earlier mortgage transaction. It was contended that the plaintiff was always ready and willing to perform his part and had even issued notice before the stipulated time, but the defendant failed to execute the sale deed, necessitating the suit for specific performance. The defendant, on the other hand, denied the execution of the agreement in toto, alleging it to be a forgery, and contended that the transaction was only a mortgage arrangement, with the plaintiff being in possession as a mortgagee. It was also contended that the property had no valid saleable title in the defendant.

The Trial Court, while not accepting the plea of forgery outright, held that the overall transaction was in the nature of a loan secured through mortgage and that there was no genuine intention to sell the property. On that basis, it declined specific performance but granted refund of the amount and directed the plaintiff to vacate the property. The plaintiff challenged this, contending that once the agreement was held proved, specific performance ought to follow, and also questioned the direction to vacate in the absence of any counter claim.

The Court examined whether the plaintiff had proved the execution of the agreement and entitlement to specific performance. It observed that when

execution is specifically denied, the burden lies entirely on the plaintiff to prove it under the Evidence Act, and mere marking of the document is not sufficient. The evidence of the attesting witness was found unreliable, and no independent proof of payment of the advance was produced. Further, despite dispute regarding signatures, no expert evidence was obtained. The Court held that failure to prove execution and genuineness of the agreement is fatal, and even otherwise, the surrounding circumstances showed that the document was only intended as security for a loan, making the relief of specific performance, which is discretionary, not grantable.

The Court further observed that once the agreement itself is not proved, the Trial Court was not justified in granting alternative relief of refund coupled with a direction to vacate, as such a direction effectively granted possession to the defendant without any counter claim, court fee, or issue framed. The Court held that such moulding of relief exceeded the scope of the suit. It also noted that as a first appellate Court, it has power to pass appropriate orders to do complete justice even in the absence of a cross appeal.

While dismissing the appeal, the Court held that the plaintiff failed to prove the execution and genuineness of the agreement and was not entitled to specific performance, and further that the alternative relief granted by the Trial Court cannot be sustained, and accordingly set aside the Trial Court decree in full and dismissed the suit in entirety.

Harish Gupta Vs. Ashish Gupta [A.S. No.562 of 2022 and CMP No.21079 of 2022] [2026 (1) L.W. 97]

Date of Judgment: 19.12.2025

A first appeal was filed by the defendant against the judgment passed by the Trial Court seeking to set aside the award of damages for defamation.

The plaintiff, associated with a Trust running a school, claimed that the defendant, after being removed from the Trust, issued a letter to a third party alleging financial misconduct by the plaintiff, thereby damaging his reputation. The plaintiff asserted that the allegations were false and malicious, causing mental agony and loss of reputation, and sought compensation. The defendant, on the other hand, contended that the plaintiff had indeed taken commission from donations and that the letter was issued only to bring out such irregularities in the interest of the Trust. The defendant also raised objections regarding territorial jurisdiction and lack of proof of damages.

The Trial Court framed issues on jurisdiction and entitlement to damages, and upon appreciation of evidence, held that the Court had jurisdiction and that the defendant had defamed the plaintiff, awarding a sum of Rs.1,00,000/- as damages. Challenging this, the defendant argued that the plaintiff was not a person of such standing to claim defamation, that the letter was not properly proved, that no actual damage was established, and that he was denied adequate opportunity before the Trial Court. The plaintiff countered that reputation is not confined to persons of high status, that the defendant acted with malice after his removal from the Trust, and that the communication was clearly defamatory.

The Court first examined jurisdiction and held that under Section 19 CPC, the plaintiff had the option to file the suit where the defendant resides, and since both parties were within the jurisdiction, the suit was maintainable. On defamation, the Court noted that issuance of the letter was admitted and that the defendant failed to substantiate the allegations of misappropriation, especially when relevant records were not produced and key witnesses were not examined. The Court observed that

the defendant, instead of resolving the issue within the Trust, chose to address a third party without authority, particularly after his removal, indicating a motivated act.

The Court further observed that there is no requirement in law that only a person of high fame can claim damages for defamation, and that every individual is entitled to protect their reputation. It found that the defendant acted with intention to harm the plaintiff's reputation and that the communication amounted to defamation. However, on the question of quantum, the Court noted that the plaintiff failed to establish actual loss or extent of damage through independent evidence, and therefore upheld the Trial Court's view that only a nominal compensation was appropriate.

While dismissing the appeal, the Court held that the defendant had, with intention to cause disrepute, issued the letter defaming the plaintiff, and that the award of Rs.1,00,000/- as damages by the Trial Court was justified, not excessive, and did not warrant interference.

Dr.R.Rathna Devi Vs. R.Sathish [A.S. No.407 of 2023 and C.M.P. No.2800 of 2026] [2026 (1) TLNJ 385 (Civil)]

Date of Judgment: 04.02.2026

An appeal suit was filed by the defendant against the judgment passed by the Trial Court seeking to set aside the preliminary decree declaring the plaintiff's half share in the suit property.

The plaintiff, being the husband, filed a suit for partition claiming half share in the property stating that the property was jointly purchased by both husband and wife and both contributed equally. After the relationship became strained, the defendant allegedly attempted to deprive him of his share, leading to the filing of the suit. The defendant, being the wife, contended that she alone had contributed the entire sale consideration, partly through her own funds and partly through a housing loan which she alone repaid, and that the property was purchased in joint names only due to pressure, thereby disputing the plaintiff's claim.

Before the Trial Court, evidence was let in by both sides. The trial Court, on appreciation of the sale deed and other materials, granted a preliminary decree declaring that the plaintiff was entitled to half share. Aggrieved, the defendant filed the appeal and also sought to produce additional documents relating to divorce and domestic violence proceedings. The Court found those documents not relevant for deciding the partition suit and dismissed the petition for additional evidence.

The main contention of the defendant in the appeal was that the entire consideration was paid by her and therefore the plaintiff was not entitled to any share, despite the property standing in joint names. The plaintiff relied on income tax returns of both parties to show that each had declared half share in the property and also pointed out absence of proof for the defendant's claim of exclusive contribution. The Court, on examining the records, found that both parties had declared half share in their income tax returns and that there was no material to establish that the defendant alone paid the entire consideration or discharged the

loan. The bank statements relied on by the defendant were not supported by proof that she alone made the payments.

The Court further examined the nature of the defence and found that the plea raised by the defendant was in the nature of a benami claim. The Court held that such a plea is barred under Section 4 of the Benami Transactions (Prohibition) Act, 1988, and in the absence of any pleading that the plaintiff held the property in a fiduciary capacity, such defence cannot be entertained. Accordingly, both the factual contention regarding contribution and the legal plea of benami were rejected.

While dismissing the appeal, the Court held that the defendant failed to prove that she had contributed the entire sale consideration and that the plea of benami is barred under law, and therefore the preliminary decree declaring the plaintiff's half share in the suit property was confirmed.

HIGH COURT – CRIMINAL CASES

M.Arunachalam Vs. The State of Tamil Nadu rep. by the Superintendent of Police, CBCID Madurai, Madurai District & Ors. [Crl. O.P.(MD). Nos.18844, 17211 and 18738 of 2025 and Crl.MP.(MD) Nos.15636, 14007 and 15523 of 2025] [2026 (1) L.W.(Crl.) 84]

Date of Judgment: 09.12.2025

A set of Criminal Original Petitions, were filed by the State and individual police officers against the directions and adverse remarks contained in the judgment of a Trial Court seeking to expunge those remarks and set aside directions for further investigation, suspension, and disciplinary action. The petitions were prompted by a Trial Court judgment which, while convicting the accused in a case involving custodial death, simultaneously ordered further investigation against three prosecution witnesses for allegedly screening the offence and directed the initiation of departmental action and suspension against the investigating officers.

The underlying facts involved the death of a young man who had been taken into custody for enquiry regarding a theft complaint. Following his death in a hospital and a subsequent writ petition filed by his mother, the case was transferred to a specialized investigating agency which filed a charge sheet against four accused for offences including culpable homicide not amounting to murder. Although the Trial Court convicted these accused, it found the investigation to be lethargic and observed that certain police officials had actively participated in concealing the illegal custody and deteriorating health of the deceased, leading to the impugned directions aimed at prosecuting the witnesses and punishing the investigators.

The State and the petitioners argued that the Trial Court exceeded its jurisdiction by directing further investigation after the delivery of the judgment, as such powers are not available once the trial has concluded. They contended that making three vital prosecution witnesses accused persons at this stage would result in their evidence being excluded from consideration, thereby jeopardizing the conviction of the main accused in the pending appeal. The complainant, however, argued that the Trial

Court was justified in its proactive approach to ensure that police officials who protect offenders are held accountable and that the integrity of the justice system is maintained.

The Court observed that a Trial Court is not empowered to direct further investigation after the trial commences or after a judgment is pronounced and noted that if the Trial Court believed, based on the evidence, that other persons should be tried alongside the accused, it should have summoned them as additional accused during the trial process rather than ordering a separate investigation after the fact. The Court highlighted that transforming key prosecution witnesses into "accessories after the fact" would be a travesty of justice, as it would likely lead to the acquittal of the primary offenders on appeal due to the necessary exclusion of that vital testimony.

Regarding the lead investigating officer, the Court observed that her actions, such as the initial registration of the case under a general section and the decision not to immediately arrest the accused, fell within the realm of investigative discretion. The Court found that the officer had actually been instrumental in collecting crucial medical records and call data evidence that the trial court itself relied upon to convict the accused. Since the prosecution successfully proved the guilt of the accused, the Court found that the alleged dereliction of duty was not deliberate and did not warrant the initiation of disciplinary proceedings or suspension.

While allowing the petitions, the Court held that the directions issued by the Trial Court for further investigation, suspension, and disciplinary action must be expunged. The Court determined that the trial court lacked the inherent power to order further investigation post-judgment and that such directions were unwarranted given that the investigating officer had effectively secured the evidence required for conviction. The decision emphasized that the power to order further investigation is available only until the trial commences and that investigative

discretion regarding arrests and the filing of reports should not be punished when it does not result in the failure of justice.

**State through the Deputy Superintendent of Police, Mettupalayam,
Coimbatore Vs. Vinoth Kumar [R.T. No.2 of 2025 and CrI. A. No.234 of
2025] [2026 (1) L.W.(CrI.) 1]**

Date of Judgment: 03.11.2025

A Referred Trial and Criminal Appeal were filed by the Trial Court for confirmation of a death sentence and by the Appellant against the judgment passed by the Trial Court seeking to set aside the conviction and the death penalty. The case involves a double homicide where the Appellant was accused of murdering his younger brother and his brother's lover using a billhook, an act the Trial Court characterized as an "honour killing" due to the lover belonging to a marginalized community. While the Trial Court awarded the death sentence, the Court was tasked with determining whether the evidence supported the theory of caste-based bias and if the crime warranted the maximum penalty under the law.

The facts of the case reveal a history of elopement between the two deceased individuals, which the Appellant allegedly opposed. On the day of the occurrence, the Appellant discovered the couple in a thatched shed and, in a state of rage, inflicted fatal injuries upon them with a weapon. The Trial Court convicted the Appellant for murder and house-trespass, primarily relying on the testimonies of the lover's parents as eye-witnesses and characterising the motive as a caste-motivated execution. The Appellant challenged this by arguing that the caste-bias theory was a sensationalized addition not present in the original complaint and that the incident was actually a spontaneous act of anger arising from familial disputes over marriage order.

The Court observed that while the eye-witnesses and independent testimonies from an auto-driver and a local vendor sufficiently proved the Appellant's role in the killings, the specific theory of "honour killing" was highly doubtful. The Court noted that the initial complaint contained no mention of caste bias, suggesting this motive was introduced later to strengthen the prosecution's case. Furthermore, the Court

criticized the Trial Court for failing to follow the mandatory legal procedure of putting each piece of incriminating evidence to the Appellant for explanation, observing that the Trial Court had instead performed this vital duty in a mechanical and perfunctory manner.

The Court applied the principle that life imprisonment is the rule and death is the exception, reserved only for the "rarest of rare cases" and observed that the Appellant was a young man who acted under extreme emotional disturbance and that the attack on the second victim occurred only when she intervened, rather than being part of a preordained plan. Finding that the mitigating circumstances outweighed the aggravating ones, the Court determined that the death penalty was not justified and that the charge for atrocities against marginalized communities was not proven, as the primary motive appeared to be familial rage rather than caste prejudice.

While partly allowing the appeal and modifying the Trial Court's judgment, the Court held that the conviction for murder and house-trespass is confirmed, but the death sentences are reduced to life imprisonment to run concurrently. The Court further held that the Appellant is acquitted of the charges under the special act regarding atrocities against marginalized communities, and consequently, the order for caste-based compensation was set aside in favor of regular victim compensation schemes. The Court emphasized that judges must exercise scrupulous care and humane concern, ensuring that the death penalty is only imposed when the alternative option is unquestionably foreclosed

S.Muneeswaran & Anr. Vs. State rep. by the Inspector of Police, Malli Police Station, Virudhunagar District [Crl. A (MD) No.76 of 2023] [2026 (1) TLNJ 162 (Criminal)]

Date of Judgment: 13.02.2026

A criminal appeal was filed by the appellants against the judgment passed by the Trial Court seeking to call for the records and to set aside the conviction and sentence. The Appellants, who are a married couple, had a daughter born with a mental disorder that rendered her unable to care for herself. The family suffered from significant mental distress and a lack of peace of mind due to the child's condition, leading the Appellants to decide to end her life. On October 1, 2018, they allegedly took the child behind a temple and administered a pesticide called "Taigor" mixed into a cool drink. Although members of the public intervened and the child was taken for medical treatment, she died in the hospital several days later. The Trial Court convicted them of murder and wrongful confinement, sentencing them to life imprisonment. The Appellants argued that the conviction was mechanical, pointing out that the eyewitnesses had turned hostile and that the chemical analysis of the child's viscera failed to detect any poison, thereby failing to prove the cause of death. The Respondent countered that the motive was established, the purchase of the poison was proven by a shop owner, and the mother had admitted the act to the duty doctor at the time of hospital admission.

The Court observed that the negative viscera report was not fatal to the case because the child had survived for five days while receiving extensive medical treatment, including anti-poison medication. It was noted that in such instances, poison can be metabolized or eliminated from the system before death, making a routine chemical analysis inconclusive. The Court placed significant weight on the clinical diagnosis and the testimony of the treating doctors, who recorded that the child exhibited symptoms like constricted pupils consistent with organophosphorus poisoning. The Court held that the failure to isolate poison chemically does not destroy the prosecution's case when other circumstances, such as the early

admissions made by the accused and the symptoms observed during treatment, clearly point to their guilt.

Furthermore, the Court highlighted that the child was in the exclusive custody of the Appellants at the time the poison was administered. Under the law, when a person dies in the exclusive custody of the accused, it is their legal duty to explain the circumstances, yet the Appellants offered no plausible explanation or claim of an accident. The Court remarked that even though several eyewitnesses turned hostile, the chain of circumstantial evidence including the identification of the first Appellant as the purchaser of the poison was sufficient to sustain the conviction. Beyond the legal framework, the Court emphasized that it is the bounden duty of parents to care for their children regardless of mental or physical disabilities. It held that no person has the right to extinguish a life based on the hardships of caregiving, as allowing such an act would mean no vulnerable child could survive in this world.

While dismissing the criminal appeal, the Court held that the absence of detected poison in a viscera report alone is not conclusive proof that a victim did not die of poisoning, especially when clinical findings and the conduct of the accused establish guilt. The Court confirmed the Trial Court's judgment, ruling that the prosecution had proved the charges of murder under Section 302 and wrongful confinement under Section 342 of the IPC beyond a reasonable doubt.

**Mahendran @ Mahesh Vs. State through the Inspector of Police,
Kadambur Police Station, Thoothukudi District [Crl. A(MD). No.320 of
2017] [2026 (1) TLNJ 240 Criminal]**

Date of Judgment: 27.02.2026

A Criminal Appeal was filed by the Appellant against the judgment of the learned Sessions Judge, seeking to set aside the conviction and sentence imposed for offences under Section 366 of the IPC and Section 4 of the POCSO Act. The prosecution case originated from a complaint by the father of a victim girl, alleging that the Appellant kidnapped the victim, who was purportedly 14 years old at the time, and committed sexual assault on her repeatedly after taking her to his grandfather's house and then to Andhra. After a full trial, the Trial Court found the Appellant guilty, sentencing him to seven years of rigorous imprisonment for the POCSO offence and one year for the IPC offence. The Appellant challenged this, primarily arguing that the foundational fact of the victim's age was not proved according to law, which he claimed shook the entire basis of the prosecution's case.

In analyzing the legal requirements for proving the victim's age, the Court observed that the Trial Court relied on a school certificate as secondary evidence despite the victim's father admitting he possessed the original birth certificate. The Court noted that secondary evidence should only be relied upon in the absence of primary evidence, and since the father failed to produce the birth certificate, an adverse inference had to be drawn against the prosecution. It was further observed that the School Headmaster who issued the certificate had no personal knowledge of the entries, and the person who actually made those entries was never examined. Crucially, the Court found that the medical evidence provided by a doctor who examined the victim estimated her age to be between 17 and 18 years, which directly contradicted the prosecution's claim and created significant doubt. Consequently, the Court held that the prosecution failed to prove the foundational fact of the victim's age beyond reasonable doubt, meaning the presumption under Section 29 of the POCSO Act could not be triggered, and the conviction under Section 4 was unsustainable.

Regarding the conviction under Section 366 of the IPC for kidnapping, the Court scrutinized the testimony of the victim and found her statements to be wavering, inconsistent, and totally unreliable. The Court highlighted that in her statement recorded before a Magistrate, the victim admitted she was romantically attached to the Appellant and had actually initiated the meeting by calling him to a bus stop. The evidence showed that she stayed with the Appellant for fifteen days without once attempting to contact her parents, which strongly suggested she accompanied him voluntarily. The Court observed that the Trial Court failed to properly assess this evidence, which indicated a consensual relationship rather than a forcible kidnapping. Because the evidence of the victim was deemed unreliable and indicated her own active participation in leaving her home, the Court determined that the essential elements for a conviction of kidnapping under the IPC were not met.

While allowing the appeal, the Court held that the judgment of conviction and sentence is set aside and the Appellant is acquitted of all charges. The Court established that when primary evidence like a birth certificate is available but withheld, secondary school records cannot be used to prove a victim's minority for the purposes of the POCSO Act. Furthermore, the Court clarified that a conviction for kidnapping cannot be sustained when the victim's own testimony is inconsistent and reveals a consensual romantic involvement with the accused.

**Monnaiyan @ Duraisamy Vs. The Deputy Superintendent of Police,
Bhavani Sub-Division, Chithode Police Station, Salem District & Ors.
[CRL.A.No.370 of 2026]**

Date of Judgment: 15.04.2026

A Criminal Appeal was filed by the appellant against the order of the District Court seeking to set aside the dismissal of bail and consequently enlarge the appellant on bail.

The case involves an incident where the deceased was travelling with his wife, the de facto complainant, when their vehicle was intercepted and dashed against by the accused persons, who then committed a brutal murder using knives and machetes. While the appellant was not present at the scene of the attack, he is accused of traveling with others, monitoring the deceased's movements, and providing real-time information to the first accused to facilitate the murder. The investigation led to a final report charging fourteen individuals under the BNS and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for offences including murder and criminal conspiracy.

The appellant argued that he was falsely implicated based solely on the inadmissible confession of a co-accused without any independent recovery or corroborative evidence. He further submitted that the incident arose from group rivalry rather than communal enmity and that despite having twelve previous cases, he has not been convicted in any of them and has remained in judicial custody since March 2025. The respondent opposed the bail, asserting that the appellant is a close associate of the primary accused who provided critical intelligence for the daylight murder. The prosecution also emphasized the heinous nature of the crime, the potential threat to the de facto complainant, and the appellant's involvement in other criminal cases.

The Court observed that the appellant was arrayed as an accused primarily based on the confession of the first accused regarding the monitoring of the deceased's

movements. It was noted as an admitted fact that the appellant was not present at the immediate scene of the crime when the assault took place. Furthermore, the Court found that a similarly placed co-accused had already been granted bail by the Hon'ble Supreme Court after a previous appeal was dismissed, and another co-accused was granted bail by the Court in separate proceedings. Given these circumstances and the period of judicial custody already undergone, the Court determined that the appellant is entitled to the benefit of being released on bail.

While allowing the appeal, the Court held that the appellant is entitled to bail as he is similarly placed to co-accused who have already been granted relief and his implication rests on a confession without his physical presence at the crime scene. The Court set aside the order of the District Court and directed the appellant's release upon executing a bond for twenty-five thousand rupees with two sureties, one of whom must be a blood relative. To ensure the integrity of the proceedings, the Court imposed conditions requiring the appellant to appear before the Trial Court on all working days at 10:30 a.m. and mandated that sureties provide identification through photographs and official documentation. This decision relies on the principles of parity and the nature of the evidence against an accused who was not present at the location of the offence.
