

TAMIL NADU STATE JUDICIAL ACADEMY

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IMPORTANT CASE LAWS



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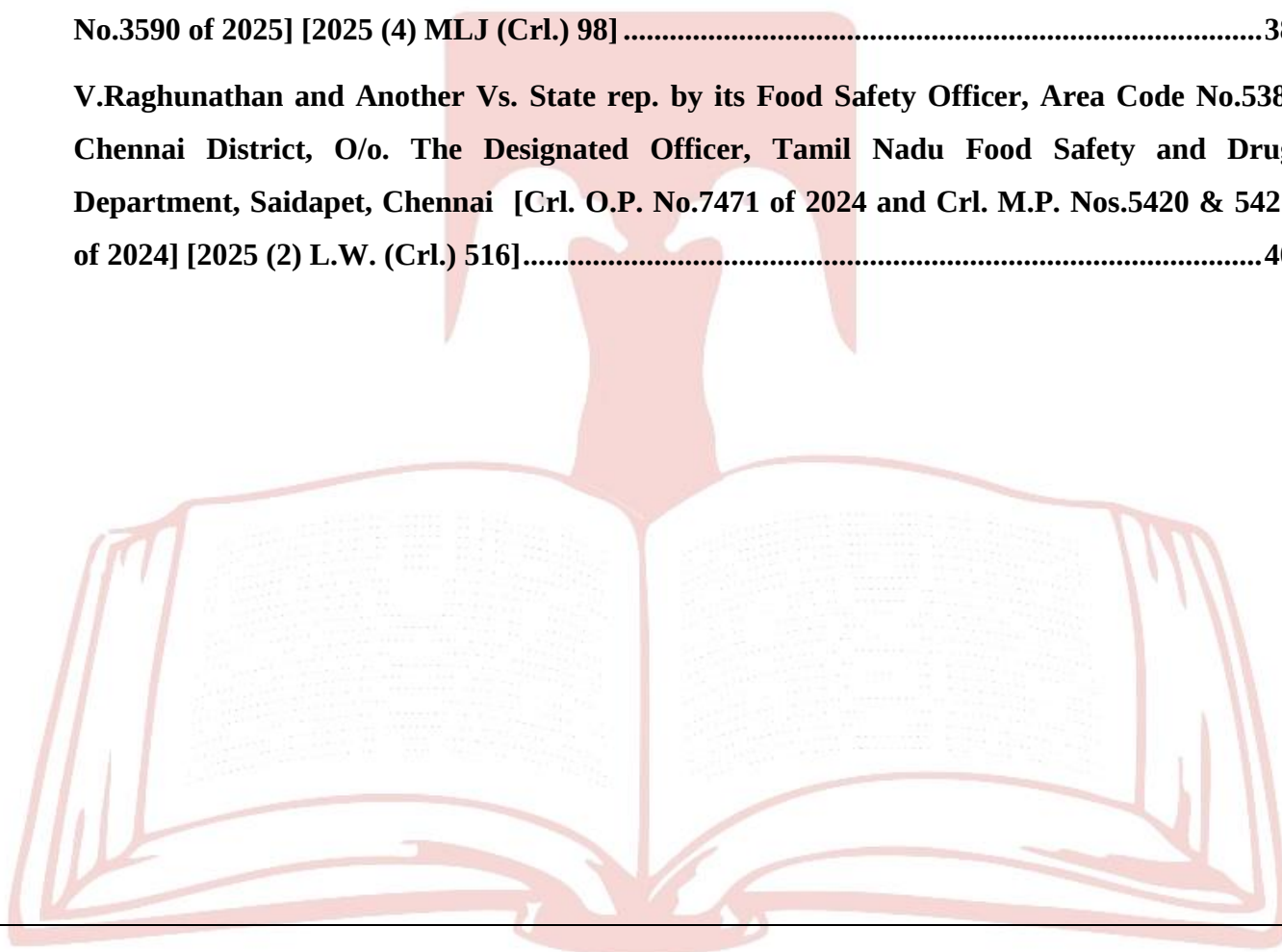
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SUPREME COURT – CIVIL CASES**K. S. Shivappa Vs. Smt. K. Neelamma [Civil Appeal No. 11342 of 2013 (2025 INSC 1195)]****Date of Judgment: 07.10.2025**

Hindu Minority and Guardianship Act, 1956 – Section 8(2) – Limitation Act, 1963 – Article 60 – Property owned by three minor brothers was sold by father, natural guardian without obtaining mandatory prior permission from District Court to one, from whom, the respondent bought property – Surviving minor sons after attaining majority, along with their mother, sold the very same property to the appellant – Suit filed by respondent dismissed – Reversed by First Appellate Court as well as High Court – Held: A minor, upon attaining majority, can repudiate a voidable sale made by their guardian not only by filing a suit but also through unequivocal conduct, such as selling the property to a third party – Appeal allowed restoring the Trial Court's decision.

The civil appeal has been filed by the appellant/defendant (K.S. Shivappa) challenging the High Court judgment, which affirmed the First Appellate Court's decision to reverse the Trial Court's decree.

The brief facts of the case are that one Rudrappa purchased plots in the name of his three minor sons, making them joint owners. Rudrappa, as the natural guardian, subsequently sold Plot No. 57 on 13.12.1971 to one Krishnoji Rao without obtaining court permission. Krishnoji Rao later transferred the property to the respondent/plaintiff (Smt. K. Neelamma) in 1993. However, upon attaining majority, the minors repudiated their father's transaction by selling the same Plot No. 57 to the appellant (K.S. Shivappa). The respondent/plaintiff filed a suit for declaration and possession, which the Trial Court dismissed, holding that the minors had validly repudiated the earlier voidable sale by selling the land to the appellant. However, the High Court and First Appellate Court ruled against the appellant, holding that the minors failed to file a suit to cancel the earlier sale deed within the limitation period,

thereby finalizing the first sale. Aggrieved by this judgment of High Court, the appellant preferred the present appeal before the Supreme Court.

The Hon'ble Supreme Court clarified that, in accordance with Section 8(2) and Section 8(3) of the Act, a "voidable" transaction does not strictly require a suit for rescission; it can be repudiated by the minor through "unequivocal conduct," such as transferring the property to a third party after attaining majority. The precedents in *Abdul Rahman Vs. Sukhdayal Singh*, 1905 SCC OnLine All 106; *G. Annamalai Pillai Vs The District Revenue Officer, Cuddalore, Madras*, 1984 SCC OnLine Mad 185; *Chacko Mathew Vs. Ayyappan Kutty*, 1961 SCC OnLine Ker 24; and *Madhegowda Vs. Ankegowda*, (2002) 1 SCC 178, were relied upon to affirm that repudiation need not invariably be effected through court proceedings. The Court further clarified that once a voidable transaction is avoided, whether by suit or by conduct, it becomes void ab initio, relating back to the date of its execution. Such avoidance, if undertaken within the prescribed period of limitation, is legally effective even without judicial intervention.

Additionally, the Court noted that the respondent failed to enter the witness box to prove her title or the validity of her vendor's title, and the testimony provided by her Power of Attorney holder was inadmissible regarding facts within her personal knowledge as per *Janki Vashdeo Bhojwani v. IndusInd Bank Ltd.*, (2005) 2 SCC 217 and *Rajesh Kumar v. Anand Kumar and others*, (2024 SCC OnLine SC 981).

The Court, while allowing the appeal, held that the sale by the minors to the appellant effectively repudiated the earlier unauthorized sale by the father. Consequently, the respondent derived no title from her vendor. The High Court's order was set aside, and the Trial Court's decree dismissing the respondent's suit was restored.

M/S Dhanbad Fuels Private Limited Vs. Union Of India & Anr. [Civil Appeal No. 6846 of 2025 (2025 INSC 696)]

Date of Judgment: 15.05.2025

Commercial Courts Act, 2015 — Section 12A — Pre-Institution Mediation — Mandatory in view of Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd., reported in (2022) 10 SCC 1 — its operation is prospective from 20.08.2022. — Held, in respect of commercial suits instituted prior to 20.08.2022 without compliance of Section 12A, the courts shall stay the proceedings and refer the parties to time-bound mediation if an objection is raised under Order VII Rule 11 of the Code of Civil Procedure, 1908 or if the parties indicate willingness to mediate, except in exceptional cases such as where the plaint has been rejected and not refiled within the limitation period, or where the suit was filed after the jurisdictional High Court had already declared Section 12A mandatory.

The civil appeal has been filed by the appellants/defendants challenging the high court order, which, in a revision application, refused to set aside the Commercial Court's rejection of the Order VII Rule 11 application filed by the appellants/defendants. For convenience, the parties are referred to as per their status in the plaint.

The brief facts of the case is that a Money Suit was filed by the plaintiffs on 09.08.2019, seeking the recovery of Rs. 8,73,36,976/- towards differential freight and penalty, and no urgent interim relief was sought. The defendant moved an application under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 read with Section 12A of the Commercial Courts Act, 2015, seeking rejection of the plaint on the grounds that the suit was not maintainable as it was barred by law for non-compliance with the mandatory pre-institution mediation. The Trial Court (Commercial Court) rejected the prayer for rejection of the plaint as "belated" and instead directed post-institution mediation. The Hon'ble High Court upheld the Commercial Court's refusal to reject the plaint, and directed that the suit be kept in

abeyance for 7 months, during which the parties were to approach the District Legal Services Authority for mediation under the 2018 Rules and SOP. Aggrieved by the judgment of High Court, the defendant preferred the present appeal before the Supreme Court.

The defendant contended that Section 12A is mandatory and the suit, filed without pre-institution mediation, must be rejected under Order VII Rule 11 in light of *Patil Automation*. On the other hand, the plaintiff contended that rejection would only cause delay since a fresh suit could be filed under Order VII Rule 13, and that in August 2019 the mediation infrastructure under Section 12A was not yet operational.

The Hon'ble Supreme Court examined Section 12A, and noted that in *Patil Automation Pvt. Ltd. v. Rakheja Engineers Pvt. Ltd., (2022) 10 SCC 1*, Section 12A was declared mandatory, but the ruling was applied prospectively from 20.08.2022. The Court observed that in 2019, when the Union of India filed the suit, mediation infrastructure in West Bengal was incomplete. Applying the maxim *lex non cogit ad impossibilia* (the law does not compel the impossible), the Court held that non-compliance could not defeat the suit. The Court clarified that for suits filed before 20.08.2022, if objections are raised, the proper course is to keep the suit in abeyance and direct mediation, ensuring that settlement is explored before trial. Only suits filed after 20.08.2022 without mediation must face rejection. Thus, for suits filed prior to that date, rejection under Order VII Rule 11 was not automatic. The Hon'ble Supreme Court held that:

- a. The decision in *Patil Automation* lays down the correct position of law, holding Section 12A to be mandatory.
- b. The declaration of Section 12A's mandatory nature relates back to the date of the Amending Act.

- c. Any suit instituted without complying with Section 12A is liable to be rejected under Order VII Rule 11, but this declaration applies only to suits filed on or after 20.08.2022.
- d. Suits seeking urgent interim relief may be filed without prior mediation.
- e. Unlike Section 80(2) CPC, no leave of Court is required before filing a suit without mediation.
- f. The test for “urgent interim relief” depends on whether the relief is reasonably contemplable from the standpoint of the plaintiff.
- g. Courts must guard against plaintiffs citing interim relief as a mere excuse to bypass mediation.
- h. Even if interim relief is ultimately denied, the suit may proceed without mediation if the test of urgency was satisfied.
- i. Suits filed before 20.08.2022 cannot be rejected for want of mediation, unless they fall within the exceptions stated in Patil Automation judgment (Paras 113.2 & 113.3).
- j. For such pre-20.08.2022 suits still pending, the Trial Court must keep them in abeyance and refer parties to time-bound mediation if an objection is raised under Order VII Rule 11, or if either party expresses intent to mediate.

The Court found that the approach adopted by the High Court in keeping the suit in abeyance and referring the parties to mediation strikes a perfect balance between the mandatory nature of Section 12A and the prospective application of the penalty of non-compliance. The Court, while dismissing the appeal, upheld the High Court’s judgment and order directing the suit to be kept in abeyance for compliance mediation.

Santosh Devi Vs. Sunder [Special Leave Petition (Civil) No.12658 Of 2025 (2025 INSC 627)]

Date of Judgment: 02.05.2025

Civil Procedure Code, 1908, Order VII Rule 6 – Limitation Act, 1963, Section 17 – Plaintiff must plead specific grounds for exemption from limitation – Fraud Allegation – Mere allegation of fraud without particulars not sufficient to claim exemption – Fraud relating to transaction itself does not extend limitation unless plaintiff proves being kept out of knowledge of right to sue – Burden of Pleading – Order VII Rule 6 mandates plaintiff to state clearly how exemption is claimed – Fraud in execution alone does not extend limitation unless it conceals the right to sue.

The Special Leave Petition has been filed by the petitioner/plaintiff challenging the High Court judgment and order, which affirmed the concurrent findings of the lower courts dismissing her suit. For convenience, the parties are referred to as per their status in the plaint.

The brief facts of the case are that the plaintiff, filed a suit in 2012 challenging a sale deed dated 26.05.2008 and its mutation in favour of the defendant. She alleged that the deed was fraudulently obtained and sought for declaration, consequential, mandatory and permanent injunctions. The defendant denied fraud and raised the limitation as a bar.

The Trial Court dismissed the suit, holding it to be barred by limitation. It found that the plaintiff who signed the registered sale deed, was present at its execution, and therefore had knowledge of the transaction in 2008 itself and since the suit was filed only in 2012, it was beyond the 3-year period. Both the First Appellate Court and the High Court affirmed the dismissal, upholding the Trial Court's finding that the plaintiff knowingly signed the deed, the fraud plea was untenable, and the suit was barred by limitation. Hence, the present petition has been filed by the plaintiff.

The Supreme Court emphasized the presumption of validity that attaches to a registered document, holding that the initial onus of proving otherwise lies squarely on the party challenging it. Since the plaintiff was a signatory to the registered sale deed and appeared before the Sub-Registrar, the courts below correctly presumed that she had immediate knowledge of the contents and the transfer of a half share to the respondent on that very date.

Crucially, the Court addressed the appellant's attempt to extend the limitation period by pleading fraud under Section 17 of the Limitation Act, which states that limitation begins to run from the date the fraud is discovered. The Court explained that Order VII Rule 6 CPC requires specific pleadings showing how exemption from limitation is claimed, and that mere general allegations of fraud are insufficient; the plaintiff must set forth specific particulars of the fraud alleged. The Court found that the fraud alleged related only to the transaction itself, which was insufficient to save the limitation period, as the plaintiff was aware of the document since its execution. The suit filed in 2012 was definitively barred by limitation. The Court, while dismissing the appeal, upheld the concurrent finding of the courts below that the suit was time-barred.

Dhannalal Alias Dhanraj (Dead) Thr. LRs. Vs. Nasir Khan and Ors. [Civil Appeal No.2159 of 2024 (2025 INSC 1177)]

Date of Judgment: 26.09.2025

Section 166(5) of Motor Vehicles Act, 1988, as amended by 2019 amendment Act – The claimant was injured in a motor accident in 2013 and suffered 100% permanent disability – He filed a compensation claim before the Motor Accidents Claims Tribunal – During the pendency of the appeal before the Supreme Court, the claimant died in April 2024 – His legal representatives substituted themselves to continue the case – The Hon’ble Supreme Court permitted the Legal Representatives to continue the appeal.

The civil appeal has been filed by the appellants (Dhannalal Alias Dhanraj (Dead) Thr. LRs.) challenging the High Court order, which had only partially enhanced the compensation awarded by the Motor Accidents Claims Tribunal. The brief facts of the case is that a claim petition was filed by the original claimant, seeking compensation for injuries that resulted in 100% permanent disability, rendering him unable to work or generate any income. The tribunal initially fixed monthly income at ₹8,000/– but later reduced it to ₹4,030/– without proper basis. The Hon'ble High Court slightly modified and enhanced the award to about ₹5.52 lakhs under heads of medical, pain, suffering, attendant, etc. and restricted interest period. Hence, the present appeal has been filed. The claimant lived in a vegetative state for 11 years after the accident but unfortunately died during the pendency of this appeal. The appellants/Legal Representatives moved the Supreme Court seeking enhancement of compensation and the rectification of the incorrect restriction of interest imposed by the High Court.

The respondent/ The insurer raised a preliminary objection that the personal-injury compensation claim could not be continued by the deceased claimant’s legal representatives under Section 306 of the Indian Succession Act, relying on *Bhagwati Bai v. Bablu and Saroj Sharma v. State of U.P.*.

The Hon'ble Supreme Court rejected this, holding that the 2019 amendment inserting Section 161(5) MV Act allows legal representatives to continue such claims, irrespective of whether death was related to the injuries or not. Hon'ble Supreme Court fixed monthly income at ₹9,000/–, with 25% addition for future prospects, since disability was 100%. Tribunal and Hon'ble High Court used multiplier 14 (age 45), but since claimant lived only 11 years post-accident in a vegetative state, Hon'ble Supreme Court applied multiplier of 11, considering actual life span and estate loss. Court recalculated loss of income = ₹14.85 lakhs. Adding other heads (medical, pain, attendant, etc.), total award fixed at ₹20.37 lakhs with 9% interest from filing till realization. The Court, while allowing the appeal, set aside the High Court's restriction on interest and enhanced the compensation.

Dr. Anita Vs. Indresh Gopal Kohli (SLP (CIVIL) NO. 24920 OF 2019)**Date of Judgment: 14.11.2025**

Hindu Marriage Act, 1955 – Section 13– Wife (Appellant) challenges High Court order granting divorce to Husband (Respondent) – Husband's divorce petition on grounds of desertion/cruelty was dismissed by Trial Court but reversed by High Court – High Court granted divorce based on husband's oral narratives of mental cruelty, but failed to address wife's plea that she was thrown out of the matrimonial home and not a voluntary deserter – Held: Before concluding that a marriage is irretrievably broken, it is imperative upon the Court to deeply analyze the evidence, consider social circumstances, and determine who is responsible for breaking the marital tie and forcing the other to live separately.

The civil appeal has been filed by the appellant (wife) challenging the judgment passed by the High Court, which allowed the respondent's (husband) appeal and dissolved the marriage by a decree of divorce on the ground of cruelty. The respondent's divorce petition was filed under Section 13 (1)(i)(b) of the Hindu Marriage Act, 1955. The brief facts of the case are that the parties married in 2009 and had a son in 2010. Due to marital discord, the respondent first filed a divorce suit in 2010 which he withdrew, followed by a second suit in 2013 on the grounds of desertion. The Trial Court dismissed the petition in 2018, but the High Court subsequently reversed this decision and granted divorce. The appellant contended that the High Court ignored her specific plea that she was thrown out of the matrimonial home and forced to live separately, rather than voluntarily deserting the respondent. On the other hand, the respondent relied on oral narratives accepted by the High Court to establish mental cruelty and the breakdown of the marriage.

The Court noted that the High Court granted divorce based primarily on the respondent's oral narratives regarding alleged mental cruelty, without considering the appellant's specific plea that she was forced to live separately. The Court further

observed that while courts often conclude that a marriage has broken down irretrievably because the parties are living separately, they must first determine who is responsible for breaking the marital tie and forcing the other to live separately. The court cautioned that such a finding, without cogent evidence for willful desertion or refusal to cohabit, can have devastating effects, especially on the children. The Supreme Court highlighted that the Courts must undertake the necessary exercise to deeply analyze the evidence, social circumstances, and background of the parties.

The Court, while allowing the appeal in part, set aside the impugned High Court judgment and remitted the matter back for fresh consideration in accordance with law.

SUPREME COURT – CRIMINAL CASES**Nazim & Ors Vs. The State of Uttarakhand [Criminal Appeal No. 715 of 2018 (2025 INSC 1184)]****Date of Judgment: 06.10.2025**

Indian Penal Code, 1860 – Sections 302, 201 and 120-B – Unnatural death of a young boy – The appellants and other accused were implicated based on subsequent investigation – Trial Court convicted the appellants based on circumstantial evidence – Confirmed by High Court – Appeal against conviction – Conviction based on circumstantial evidence must satisfy five golden principles – Involvement of accused established by the testimony connected closely to the circumstantial evidence – However, the prosecution failed to provide an unbroken chain of evidence linking the accused to the crime – The absence of crucial evidence supported the conclusion of reasonable doubt, warrants acquittal.

The criminal appeal has been filed by the Appellants, challenging the judgment of the High Court, which had upheld their conviction for the unnatural death of a ten-year-old boy, Muntiyaz Ali. The brief facts of the case were that Muntiyaz went missing on June 5, 2007, from his family's mango orchard and was found dead the next morning with a rope around his neck, hands tied, and an axe nearby. His father lodged an FIR naming six co-villagers, but the Appellants/ Nazim and Aftab were not named initially. The police later implicated them and filed a charge-sheet under Sections 302, 201, 377, and 120-B IPC. The Trial Court acquitted five accused but convicted Nazim, Aftab, and Arman Ali based on the testimony of three witnesses, namely P.W.2, the scribe of the FIR, P.W.3, the last seen witness and P.W.4, corroborating witness, which was confirmed by the High Court, against which, the appellants preferred the present appeal.

The Appellants contended that the case relied solely on weak circumstantial evidence, that their names were absent from the FIR, PW-2's testimony was unreliable, and the 'last seen' identification was doubtful due to the absence of a

Test Identification Parade (TIP). The Appellants also pointed to inconclusive forensic results. On the other hand, the respondent defended the conviction, claiming the witnesses were credible and the chain of circumstances was complete.

The Supreme Court observed that the prosecution had failed to establish, beyond reasonable doubt, a complete and unbroken chain of circumstances. The Court relied on the "five golden principles" of circumstantial evidence, which were laid down in its earlier decision in *Sharad Birdhichand Sarda v. State of Maharashtra*, [(1984) 4 SCC 116], noting that the facts must be consistent with the hypothesis of guilt. The Court found that the omission of Nazim and Aftab's names in the FIR cast a serious shadow on the subsequent attempt to implicate them. The testimony of PW-2 was rendered unreliable due to his unexplained silence at crucial stages and the inherent improbability of a grave conspiracy being discussed loudly at a feast. The Court further concluded that the 'last-seen' evidence was weak because no "Test Identification Parade" was conducted for the witnesses, and the interval between the alleged sightings and the discovery of the corpse was too wide to exclude the possibility of intervention by others. The Court highlighted that the inconclusive forensic report was akin to the situation in *Padman Bibhar v. State of Odisha*, 2025 SCC OnLine SC 1190, and held that where scientific evidence is neutral, it is impermissible to uphold a conviction solely on doubtful eyewitness testimony. In its conclusion, the Supreme Court stated that the circumstances on record were not consistent with the hypothesis of guilt and failed to exclude every other reasonable hypothesis, including their innocence. The Court, while allowing the appeal, acquitted the appellants of the charges.

Nilesh Baburao Gitte Vs. State of Maharashtra [Criminal Appeal No.1471 of 2013 (2025 INSC 1191)]

Date of Judgment: 07.10.2025

Indian Penal Code, 1860 – Section 302 – Indian Evidence Act, 1872 – Sections 106, 27 and 8 – Offence of matricide for killing his own mother – Trial Court convicted the appellant primarily on circumstantial evidence and sentenced him to undergo life imprisonment – Medical evidence casted doubt on the homicidal nature of death – The Autopsy report indicated that the injuries and signs could be consistent with hanging or suicide, especially noting the absence of ligature marks on the back of the neck – Medical opinion was given stating that certain injuries could be caused by self-harm or other factors, creating ambiguity about whether the death was homicidal – The chain of evidence was found to be incomplete including the objects recovered. The motives alleged was found to be incomplete and not linked to the appellant's guilt – Appellant acquitted of all the charges framed against him.

The criminal appeal has been filed by the Appellant, challenging the judgment of the High Court, which had upheld his conviction for matricide.

The brief facts of the case were that the deceased, Sunanda, died under suspicious circumstances on July 22, 2010, in Talani village, where police, upon receiving information about a suspicious death, reached the spot and found her last rites being rushed. On inspection, they noted a strangulation mark and a skull injury, leading to an FIR and ultimately the Appellant's conviction under Section 302 IPC by the trial court, based entirely on circumstantial evidence. The High Court acquitted the co-accused but maintained the Appellant's life sentence. Hence, the appellant preferred the present appeal.

The Appellant contended that it was uncertain whether the death was homicidal, citing the doctor's testimony that hanging could also produce similar marks and noting the deceased's schizophrenia, which could drive suicidal behaviour. The

Appellant further stressed that he lived separately from his mother, so no burden of explanation lay on him. On the other hand, the respondent /State contended that the Appellant's attempt to hurriedly cremate the body and failure to inform authorities indicated guilt, and relied on the recovery of an iron pipe, blood-stained clothes, FSL findings, and a motive related to property.

The Court found that the medical evidence was ambiguous, concluding that a "serious doubt arises as to whether at all the deceased died a homicidal death" and that "death by suicide, cannot be said to be completely ruled out". The Court also rejected the application of the Trimukh Maroti Kirkan principle (burden to explain) because the Investigation Officer's evidence established that the Appellant was not residing with the deceased. Furthermore, the Court discredited the recovery evidence (PW-2) due to material contradictions by the witness and the fact that the co-accused was acquitted despite the same recovery evidence against him. The testimony of the motive witness (PW-3) was also discounted due to his personal property dispute and the 50 days delayed recording of his statement. The Supreme Court, while allowing the appeal, concluded that the courts below fell into a serious error in convicting the Appellant, as the circumstances did not satisfy the tests laid down in *Sharad Birdhichand Sarda v. State of Maharashtra*. The conviction was set aside, and the Appellant was acquitted of all charges.

Zainul Vs. The State of Bihar [Criminal Appeal No. 1187 of 2014 (2025 INSC 1192)]

Date of Judgment: 07.10.2025

Criminal Procedure Code, 1973 – Sections 154, 161(3), 313 and 161 – Indian Penal Code, 1860 – Sections 141, 142, 143, 148, 149, 302 and 307 – Trial Court convicted the appellants based on the evidence of eyewitness, medical evidence and police investigation and sentenced them to undergo life imprisonment – Appeal filed before the High Court was dismissed – Doctrine of constructive liability under S.149 IPC requires that the offence committed by any member of an unlawful assembly must be in prosecution of the common object of that assembly, or the members must have known that such offence was likely to be committed – Inconsistencies and contradictions must be scrutinized with caution when dealing with large assembly and that the testimony of injured witnesses is to be given due credence unless substantially discredited by material contradictions or improbabilities – Standard of proof beyond reasonable doubt must be strictly met and in cases where evidence is inconsistent, partisan or riddled with contradictions, the prosecution's case cannot be said to have been proved beyond reasonable doubt, leading to acquittals or reversals of convictions – Appellants acquitted.

The criminal appeal has been filed by the Appellants challenging the judgment of the High Court, which had upheld their conviction for the offence of murder punishable under Section 302 read with Section 149 of the IPC, by the trial court. The case arose from a land dispute over government-allotted agricultural land. On 20 November 1988, the informant Jagdish Mahato (PW-20) and his brother Meghu Mahato were attacked by a mob of 400–500 armed persons, including Zainul Sarkar/Appellant. Meghu Mahato and villager Sarjug Mahato were shot dead, and several others were injured. The Trial Court convicted 21 accused. 19 appealed; the

High Court upheld the conviction of 12 and acquitted 7 accused. These 12 Appellants have approached the Apex Court with the present appeal.

The Appellants argued that the investigation was defective because PW-20's injured statement was wrongly treated as the FIR despite prior police knowledge, making it only a delayed Section 161 Cr.P.C. statement. They claimed that vague, omnibus allegations against a large mob suggested false implication, and that the eyewitness accounts conflicted with medical evidence. On the other hand, the respondent/State maintained that the Appellants were active participants sharing the unlawful assembly's common object.

The Supreme Court observed that the prosecution failed to prove its case beyond reasonable doubt. The Court found that the police had prior information of the offence, which made the later statement of PW 20 an unreliable FIR. Applying the rule of prudence in cases under Section 149 of the IPC, the Court observed that in large mob situations where the grain and the chaff are inextricably mixed, it becomes impossible to separate the guilty from the innocent without reconstructing the case entirely. The Court reiterated that constructive liability under Section 149 requires proof that the offence was committed in prosecution of the common object of the unlawful assembly or that the members knew such offence was likely. Therefore, contradictions and inconsistencies must be carefully examined. In this case, the evidence, including that of the injured witnesses, contained material contradictions in relation to identification, sequence of events and specific overt acts, which undermined its reliability and failed to establish participation of the accused. The apex court allowed the appeal and acquitted the appellants.

Shivkumar @ Baleshwar Yadav Vs. The State of Chhattisgarh [Criminal Appeal No. 4502 of 2025 (2025 INSC 1231)]

Date of Judgment: 14.10.2025

Section 154 of the Indian Evidence Act, 1872. (Section 157 of the Bharatiya Sakshya Adhiniyam, 2023) – The discretion to permit the person who calls a witness to put any question to him which might be put in cross-examination by the adverse party must be judiciously and properly exercised in the interests of justice – Court has to be satisfied that the statement of the witness exhibits an element of hostility or that the witness has resiled from a material statement which was made before an earlier authority or where the court is satisfied that the witness is not speaking the truth and it may be necessary to cross-examine in order to elicit the truth.

The criminal appeal has been filed by the Appellant, challenging the judgment of the High Court, which had upheld his conviction by the trial court for offences punishable under Sections 363, 366, 506 and 376 of the Indian Penal Code, 1860, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The brief facts of the case were that the victim (P.W.1), a minor girl, was lured by the appellant with a promise of marriage and taken to the forest where he forcibly subjected her to sexual intercourse. The Appellant then took the victim to her maternal uncle's house and later returned to take her back, at which point the police intervened. The Appellant was convicted by the Trial Court for offences punishable under Sections 363, 366, 506 and 376 of the Indian Penal Code, 1860, Section 4 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Trial Court's judgment was affirmed by the High Court, leading to the present appeal before the Supreme Court.

The Supreme Court meticulously examined the evidence and found the victim's testimony to be credible and trustworthy. The Court noted that the prosecutor unusually sought to treat the complainant (P.W.1) as hostile. It reiterated that a witness may be declared hostile only when there is material showing the witness is not telling the truth or is displaying hostility toward the party that called them. The Court's discretion under Section 154 of the Evidence Act, 1872 (Section 157 of the BSA, 2023) must be exercised sparingly and based on the specific facts of each case. Cross-examining one's own witness is an exceptional measure and should not be allowed for minor omissions or merely because the witness makes statements unfavourable to the prosecution.

The Court must carefully assess whether the witness truly shows adverse intent or hostile animus. To determine this, it may consider the witness's prior statements to the Investigating Officer or other authorities to see if there are material inconsistencies. Critically, concerning the SC/ST Act, the Court relied on the consistent testimonies of the victim and her grandfather (P.W.4), which established that the Appellant knew the victim's caste prior to the incident. The Court stated that the requisite knowledge of the victim's Scheduled Caste status, coupled with the commission of the offence of rape and kidnapping, was sufficient to attract the presumption under Section 3(2)(v) of the SC/ST Act, as the offence was committed knowing the victim was a Scheduled Caste member. The Court, in its conclusion, found that the evidence established that the victim was kidnapped for illicit intercourse, was subjected to forcible intercourse, and all this was done with the knowledge of her caste. The Supreme Court, while dismissing the appeal, affirmed the conviction and sentence of the Appellant for all the offences.

Rajendra Singh And Ors. Vs. State Of Uttaranchal Etc. [Criminal Appeal No. 476-477 of 2013 (2025 INSC 1193)]

Date of Judgment: 07.10.2025

Section 27 of the Indian Evidence Act, 1872 – Recovery of weapon used in the commission of crime – Admissibility – So much of the information as relates distinctly to the fact thereby discovered is admissible and the rest of the information stands excluded – The information leading to the recovery of the weapons of crime is admissible, but not the information that the crime was actually committed by the said weapon.

The criminal appeal has been filed by the Appellants, challenging the judgment of the High Court, which had reversed their acquittal by the Trial Court and convicted them for the offence under Section 302 of the IPC. The brief facts of the case is that an altercation occurred between the Appellants, and the deceased's family while the Appellants were digging one Diler Singh's field. The deceased fled into PW-7 Amarjeet Kaur's house, where the Appellants followed and fatally attacked him with swords and a kanta. The incident was reportedly witnessed by the deceased's father, Diler Singh (P.W.1), who lodged the FIR.

The Trial Court acquitted the Appellants on the grounds that the ocular evidence was inconsistent and contradictory, and that the alleged recovery of the weapons of crime was not established. However, the High Court reversed the acquittal and convicted them under Section 302 IPC, sentencing them to life imprisonment and a fine of ₹10,000 each.

The Appellants contended that there was no reliable evidence identifying them as the assailants; witness statements contained major contradictions; and the alleged recovery of weapons was false and irrelevant to prove their involvement. On the other hand, the State (Respondent) maintained that all the three accused were seen chasing and assaulting the deceased, a fact witnessed by PW-7. The blood-stained clothes were seized and confirmed by FSL analysis. The weapons were recovered

based on the appellants' disclosures, and they admitted using them. This evidence clearly established the appellants' guilt.

The Supreme Court observed that the Trial Court's assessment that the prosecution's case was not established beyond reasonable doubt due to the glaring contradictions between the oral and medical evidence, was a plausible view. The Court stated that it is safer and more appropriate to rely upon the findings of the Trial Court which has seen the demeanor of the witnesses. The Court noted that although the weapons were recovered at the Appellants' instance, no effort was made to match the blood on them with that of the deceased, and no forensic report was produced to show the weapons were used in the murder. The Court explained that while Sections 25 and 26 of the Evidence Act bar confessions to police, Section 27 permits only that part of an accused's disclosure which directly leads to a discovery. Thus, information like "I will produce a knife concealed in the roof of my house" is admissible only to prove recovery of the knife, not that it was used in the crime. Any additional words amounting to a confession remain inadmissible. In its conclusion, the Supreme Court held that the High Court manifestly erred in interfering with the findings of acquittal. The Court, while allowing the appeal, set aside the conviction and acquitted the appellants of the alleged offence by granting them the benefit of doubt.

HIGH COURT – CIVIL CASES

J.Sujatha @ July Vs. M.Sathya (deceased) & others [C.R.P. PD. No.1852 of 2019 and C.M.P. No.12250 of 2019] [2025 (4) L.W. 33]

Date of Judgment: 14.07.2025

The Civil Revision Petition has been filed by the Petitioner/5th defendant, challenging the Trial Court's order, which recorded a joint compromise memo entered into between the 2nd plaintiff and defendants 1 to 4 in the partition suit. For convenience, the parties are referred to as per their status in the plaint.

The plaintiff's case was that the suit was for partition of joint family property. The 1st plaintiff died, and the 2nd plaintiff proceeded to enter into the compromise with defendants 1 to 4, resolving the claims over some suit items but specifically leaving Item 2 of the suit property for separate trial. The 5th defendant challenged the Trial Court's order recording the compromise.

The 5th defendant contended that the compromise constituted an impermissible partial partition in law, as a partition decree must include the whole joint family property and all co-sharers, and that the compromise was unworkable and was unlawful under Order 23 Rule 3 of the CPC as it dealt with rights of non-consenting parties.

The High Court observed that the 5th defendant was only claiming a right in respect of Item 2 of the suit property based on a prior family arrangement in 1970. The Court held that a conjoint perusal of the facts showed the compromise memo entered into between the 2nd plaintiff and defendants 1 to 4 did not affect Item 2 of the suit property; rather, the compromise expressly stipulated that the claims regarding Item 2 would be decided independently at the time of trial. The Court relied on *Muthusamy Gounder v. Janaki Raman*, (1991) 2 MLJ 516, that permitted a partial compromise regarding specific items in a partition suit, provided the shares of the non-compromising parties were not affected. While dismissing the Civil Revision Petition, the court found that since the 5th defendant's claim was solely restricted to

Item 2 and that property was excluded from the compromise and preserved for trial, the appellant was not prejudiced, and therefore, the Trial Court's order recording the compromise between the 2nd plaintiff and defendants 1 to 4 was held to be without any infirmity.

The Branch Manager, United India Insurance Co., Ltd., No.50-A, Pallivasal Street, Perambalur Taluk and District Vs. Sundarambal and others [C.M.A. Nos.2843, 2826, 2824, 2825, 2828, 2840, 2842, 2844, 2852, 2853, 2859, 2861, 2864, 2865, 2874, 2881, 2882, 2893 & 2750 of 2022 & C.M.P. Nos.22133, 22052, 22049, 22050, 22062, 22124, 22129, 22134, 22191, 22192, 22214, 22216, 22227, 22231, 22287, 22322, 22325, 22375 & 21511 of 2022] [2025 (2) TNMAC 363]

Date of Judgment:02.06.2025

Motor Vehicles (Driving) Regulations, 2017, Rule 22(2)(b) – Code of Civil Procedure, 1908, Order 41, Rule 33 – Motor Vehicles Act, 1988, Section 173.

The batch of Civil Miscellaneous Appeals have been filed by the Appellant/insurer of the first respondent's lorry, challenging the award of the Tribunal, which granted compensation to the claimants. For convenience, the parties are referred to as per their status before the Tribunal.

The case of the claimants (wife and children of the deceased) was that the deceased Ganesan, along with other injured persons, were travelling in a van from Chennai to Trichy when it collided with the first respondent's lorry, which had been parked on the left side of the road without any signal. Due to the accident, Ganesan died and the others sustained injuries. The lorry was insured with the second respondent, and compensation claims were filed. The first respondent remained ex parte. The insurer therefore sought dismissal of the claim petitions. The Tribunal, after enquiry, allowed the claims, leading to the present appeals.

The insurer/second respondent contended that more than 27 persons travelled in the van, far exceeding the permitted capacity of 13 passengers, which allegedly hampered the van driver and caused the accident. It was further asserted that the lorry had been parked on the extreme left with rear parking lights on, and that the van driver negligently collided with the parked vehicle. On the other hand the respondents / claimant submitted that in composite negligence the claimant may proceed against any one tort-feasor, and that based on Rule 22(2)(b) of the Motor

Vehicles (Driving) Regulations 2017, that road-side parking is prohibited and the lorry driver's improper parking primarily caused the accident.

The High Court observed that, under Rule 22(2)(b) of the Motor Vehicles (Driving) Regulations, 2017, parking on a main road or a road with a notified speed limit of 50 kmph is prohibited. Since the lorry was parked on the Chennai–Trichy National Highway which is a road with designated parking bays, the lorry driver had violated the rule. The Court held that the improper parking on the road, particularly during early morning hours without adequate precautions, primarily contributed to the accident. The submission that the accident occurred due to the van driver's fatigue was rejected.

The High Court further noted that in cases of composite negligence, apportionment of negligence can be undertaken only when both tort-feasors are impleaded and evidence is available. Where a claim is filed against only one tort-feasor, the claimant is entitled to recover full compensation from the impleaded party, leaving it open to that party to seek contribution from the other tort-feasor in separate proceedings. Since the van's driver and owner were not parties to the proceedings, the extent of inter se negligence could not be determined. The lorry's owner and insurer were granted liberty to pursue independent proceedings for contribution. The Court declined to invoke its power under Order XLI Rule 33 CPC, as the claimants had not appealed regarding the fixation of notional income. Finding no grounds to interfere with the Tribunal's findings, the High Court dismissed all the appeals.

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R.Chandrakumari Vs. B.Muthuraman [A.S. No. 621 of 2016] [2025 (4) L.W. 264]

Date of Judgment:11.08.2025

The Appeal Suit has been filed by the appellant/plaintiff challenging the Judgment and Decree, passed by the Trial Court, which partly decreed the original suit, granting the plaintiff the relief of declaration of title over the entire Suit 'A' Schedule Property but dismissing the relief of recovery of possession concerning Suit 'B' Schedule Property. For convenience, the parties are referred to as per their status in the plaint.

The plaintiff's case is that the Suit Properties belonged to L.M. Dhakshinamoorthy and devolved solely upon his wife, Sivakamasundari, who allegedly executed an unregistered Will dated 08.03.2005 (Ex-A4) in favour of the plaintiff's husband. Based on this, the plaintiff's husband later executed a registered Gift Settlement Deed (Ex-A1) in her favour. The defendant, the younger brother of the plaintiff's husband, was allegedly a permissive occupant of the Suit 'B' Schedule Property (the ground floor) who refused to vacate. The defendant denied the validity of Ex-A4, asserting it was forged, and relied instead on a prior registered Will dated 17.06.2004 (Ex-B5), which divided the properties equally between him and the plaintiff's husband. The defendant highlighted suspicious circumstances surrounding Ex-A4, including the non-examination of the notary public. The Trial Court held Ex-A4 to be forged, accepted Ex-B5, and found the defendant in lawful possession, partly decreeing the suit. Aggrieved with the said judgment and decree, the plaintiff filed the present Appeal suit.

The High Court observed that the Trial Court's Judgment and Decree were inconsistent, contradictory, and not in consonance with the CPC. The High Court highlighted that the Trial Judge had clubbed the first nine issues together, resulting in a "chaotic and incoherent blend of pleadings, bare narration of evidence and the submissions" that was unintelligible. The Court reiterated that a judgment must be well-reasoned, contain reasons and rationale (the "heartbeat of a Judgment") as per

Section 2(9) of CPC, and provide findings on all issues as mandated by Order XX Rules 4 and 5 of CPC. The High Court found the operative portion of the judgment suffered from "self-contradictory defects," as the grant of declaration over the entirety of Suit 'A' Schedule Property was irreconcilable with the denial of possession and declaration over Suit 'B' Schedule Property, which is a part of Suit 'A' Schedule. Furthermore, the Trial Court granted declaration regarding Suit 'A' Schedule Property without a specific finding on the validity of the critical unregistered Will (Ex-A.4). Consequently, the High Court held that the Trial Court's Judgment was legally a nullity. The High Court while allowing the Appeal Suit, set aside the Trial Court's Judgment and Decree, and remanded the matter to the Trial Court for re-adjudication under Order XLI Rule 23 of CPC.

**Tamilselvi Vs. Ramasamy & Another [A.S. (MD) No.276 of 2022 and
C.M.P.(MD) No.12638 of 2022] [2025 (3) L.W. 886]**

Date of Judgment: 10.06.2025

Specific Relief Act, Section 16.

The Appeal Suit has been filed by the appellant/1st defendant challenging the Trial Court's judgment and decree, which directed the execution of a sale deed. For convenience, the parties are referred to as per their status in the plaint.

The plaintiff's case is that the 1st defendant who owned the suit property, executed a sale agreement after receiving ₹5,10,000/- as advance, and agreed to have the property measured due to a seven feet encroachment in the common pathway and the plaintiff is ready to purchase the property and he is also ready to pay the balance sale consideration, but the first defendant refused to execute the sale deed. The plaintiff issued a legal notice which did not evoke any response and therefore filed the suit for specific performance.

The 1st defendant contended that the plaintiff failed to perform his obligations within time, that the agreement had no clause for measurement, and that when 1st defendant had attempted to refund the advance, but the plaintiff refused. The second defendant, the Sub-Registrar, remained ex parte. After trial, the suit was decreed in favour of the plaintiff. Aggrieved with the said judgment, the 1st defendant filed the present Appeal.

The High Court observed that the both the parties have admitted the execution of the sale agreement and the plaintiff has to prove his readiness and willingness to entitle the relief of specific performance as per Section 16 of the Specific Relief Act. The Court held that a conjoint perusal of evidence of D.W.1 along with particulars of schedule of property mentioned in the sale agreement and in the plaint, it is found that the averment of the plaintiff that the first defendant agreed to measure the suit property with the assistance of surveyor has some force and it cannot be brushed

aside, and any delay in issuing the order for depositing the balance sale consideration by the concerned court office cannot affect a litigant.

The Hon'ble High Court placed reliance on the judgment reported in *(2017) 4 Supreme Court Cases 654 (A. Kanthamani Vs Nasreen Ahmed)*, and reiterated that it is not necessary for the plaintiff to produce money or vouch a concluded scheme for financing the transaction to prove his readiness and willingness, much less that the purchaser needs to prove possession of sufficient money for financing the transaction during the stipulated period. The Court also held that time is generally not the essence of contract involving immovable property unless evidence shows otherwise, and each case must be decided on its own record. While dismissing the appeal, the Court found that the plaintiff had issued the legal notice within the stipulated time and that the first defendant had taken no steps to terminate the agreement before its expiry, and therefore, no interference with the trial Court's judgment was warranted.

Dr.A.Sundaram and Others Vs. V.Shanmugam and Others [C.R.P. No.711 of 2024 and C.M.P. No.3597 of 2024] [2025 (4) MLJ 510]

Date of Judgment: 11.06.2025

Limitation Act, 1963, Article 136 – General Clauses Act, 1897, Section 9.

The civil revision petition has been filed by the revision petitioners/ judgment debtors/ defendants challenging the order of the Executing Court directing them to execute the sale deed in respect of the undivided 4/9 share of the suit property. For convenience, the parties are referred to as per their status in the plaint. The brief facts of the case are that the suit property belonged to Annamalai Maniyakar, who died leaving his wife and eight children. The defendants 1 to 4 (his sons) executed an agreement of sale, leading to O.S.No.131/1994, a suit for specific performance filed by the Plaintiff, which was decreed in plaintiff's favour.

Meanwhile, one of the sisters of the defendants filed O.S.No.91/1992 seeking partition. The plaintiff in O.S.No.131/1994 was not a party to that suit. A preliminary decree granting 1/9 share was passed, modified in first appeal, and then challenged in second appeal.

The first execution petition in O.S.No.131 of 1994 was filed in 1999 and dismissed on 10.12.2007, following which the plaintiff /decree holder in O.S.No.131/1994 filed a second execution petition on 22.08.2008. The defendants objected, arguing that a second execution petition was not maintainable and that execution could not proceed while the second appeal in respect of the partition suit was pending.

The second appeal was later partly allowed, confirming the Trial Court's decree. After enquiry, the Execution Court ordered sale of the defendants' undivided 4/9 share to the plaintiff and directed him to seek possession separately as per law. The present Revision Petition challenges this order.

The defendants contended that the second execution petition was time-barred, claiming that limitation ran from the date of the decree and that the petition filed on 22.08.2008 was filed one day late. They also contended that the agreement for sale

was executed only by four male heirs, yet the decree holder sought execution against all ten co-sharers, rendering the petition defective. On the other hand, the plaintiff submitted that the petition was within time because, under Section 9 of the General Clauses Act, the decree date must be excluded while computing limitation. The plaintiff further maintained that the specific performance decree had attained finality, and the Execution Court had rightly limited execution to the 4/9 share of the contracting parties while safeguarding the rights of the female heirs.

The High Court, relying on Section 9 of the General Clauses Act and the Supreme Court decision in *Tarun Prasad Chatterjee v. Dinanath Sharma*, [(2000) 8 SCC 649], reiterated the principle that the first day must be excluded when computing limitation. The High Court held that the date of the decree must therefore be excluded, making the second execution petition, filed on 22.08.2008, well within the 12-year period prescribed under Article 136 of the Limitation Act. In this case, the trial court had directed execution of the sale deed within two months. Since the judgment debtors failed to comply within that time, the limitation period began to run from the date of default. Applying these principles, the Court concluded that the execution petition was not barred by limitation. On the issue of maintainability, the Court held that although not all co-owners were parties to the agreement for sale, the Execution Court had correctly restricted the order to 4/9th share of the four male heirs who executed the agreement, while preserving the rights of the daughters as determined in the partition suit. The Court rejected the defendants' allegations of fraud, noting that the defendants themselves had executed an agreement asserting absolute ownership and had never challenged the decree for specific performance. The High Court held that the Execution Court's order suffered from no infirmity, observing that the defendants could not defeat a long-final decree by raising belated and untenable objections. Accordingly, the High Court dismissed the civil revision petition, upheld the execution of the sale deed for the undivided 4/9th share, and left it open to the plaintiff to pursue possession through appropriate legal proceedings.

HIGH COURT – CRIMINAL CASES

R.Kiruthiga Vs. The Inspector of Police, Srirangam All Women's Police Station, Trichy and others [Crl. R.C.(MD) No.771 of 2025 and Crl. M.P.(MD) No.9500 of 2025] [2025 (4) MLJ(Crl.) 177]

Date of Judgment: 25.08.2025

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, Sections 175, 193 & 239 – Bharatiya Nyaya Sanhita, 2023, Section 69.

The Criminal Revision Petition has been filed by the petitioner, challenging the order, passed by the trial court, which dismissed the petitioner's application for alteration of penal provisions to Section 69 of the Bharatiya Nyaya Sanhita, 2023 (BNS).

The brief facts of the case is that the petitioner and the accused began a romantic relationship via social media in November 2023, and repeated acts of sexual intimacy occurred in November 2023, January 2024, and May 2024, allegedly based on the accused's false promise of marriage. The petitioner conceived on 10.06.2024, and the pregnancy was allegedly aborted at the insistence of the accused. The accused allegedly refused marriage outrightly on 30.08.2024. A complaint was filed, initially under Sections 417 and 420 IPC, later altered to Sections 417, 376(2)(n), and 313 IPC, leading to the filing of a final report (charge-sheet). The Magistrate dismissed the petitioner's petition u/s. 175(3) of BNSS, which sought the alteration of penal provisions to Section 69 of BNS (sexual intercourse by deceitful means) and monitoring of the investigation, holding that the complainant cannot insist on alteration of sections via Section 175(3) of BNSS, 2023, after a charge-sheet is filed. Aggrieved with the said dismissal, the petitioner filed the present Criminal Revision Petition.

The petitioner contended that Section 69 BNS should apply, because the refusal to marry on 30.08.2024 occurred after the new code commenced, claiming the deceit was continuous and invoking Section 518 BNSS. The petitioner maintained that the

Magistrate has wide powers under Section 175(3) BNSS to ensure proper investigation, including correcting sections. On the other hand, the respondent submitted that all sexual acts pre-dated 01.07.2024, hence offences must be governed by the IPC under Article 20(1) of the Constitution and Section 6 of the General Clauses Act. The respondent further argued that any correction of charges lies with the trial court under Section 239 BNSS after investigation, and that refusal to marry is not a continuing offence.

The High Court observed that while Section 175(3) BNSS empowers a Magistrate to direct proper investigation, once the investigation is complete and charge-sheet is filed, the petition under Section 175(3) of BNSS is not maintainable. The Court also confirmed that because the alleged sexual acts occurred prior to 01.07.2024, the substantive penal law is governed by the IPC, not Section 69 of BNS, 2023. Furthermore, referring to "State of Bihar v. Deokaran Nenshi, (1972) 2 SCC 890," the Court determined that sexual intercourse induced by a false promise is complete when the act occurs, and the subsequent refusal to marry does not convert it into a "continuing offence". The Court reiterated the distinction that for the offense of rape/deception to be established, the promise to marry must have been false from the inception, given in bad faith and with no intention of fulfillment. The Court held that the petitioner's substantive liability remains governed by IPC provisions, and the doctrine of continuing offence does not apply.

The High Court, while acknowledging that the Magistrate rightly dismissed the application under Section 175(3) of BNSS, as it was not maintainable after the charge-sheet was filed, dismissed the Criminal Revision Petition. However, the Court granted the petitioner liberty to seek appropriate reliefs before the trial court, specifically requesting the alteration or addition of charges pursuant to Section 239 of BNSS, or further investigation under Section 193(9) of BNSS.

Mohammed Iqbal, S/o.Raja, Atappanvayal, Pudukottai District Vs. S.Manonmanian, W/o.Palaniyappan, Virachilai, Thirumayam Taluk, Pudukottai District [Crl. R.C. (MD) No.662 of 2025 and Crl. M.P.(MD) No.7911 of 2025] [2025 (2) L.W. (Crl.) 565]

Date of Judgment: 16.09.2025

Negotiable Instruments Act, Sections 138 & 147 – Indian Evidence Act, Sections 62, 63, 64 & 65.

The Criminal Revision Case has been filed by the Petitioner, challenging the order passed by the trial court, which rejected the Petitioner's petition to admit the xerox copy of the original cheque as secondary evidence.

The brief facts of the case are that the Respondent borrowed a sum of Rs. 5,50,000/- from the Petitioner on 01.02.2014, and provided a cheque dated 28.05.2014 as security. This cheque was presented for encashment on 29.05.2015 but was returned on 30.05.2014 with the endorsement "Funds Insufficient". Consequently, the Petitioner filed a complaint under Sections 138 and 147 of the Negotiable Instruments Act, and after recording the sworn statement of the petitioner and after comparing the original cheque with its photocopy, the said complaint was taken on file. During the trial, the Petitioner filed a petition seeking to accept the xerox copy of the cheque as secondary evidence under Section 63(a) of the Indian Evidence Act, claiming the original cheque was lost as his erstwhile Advocate had misplaced it. The Trial Court dismissed this petition, on the sole ground that there was no evidence to prove the original cheque was lost by the advocate. Aggrieved with the said dismissal, the petitioner filed the present Criminal Revision Case.

The Petitioner contended that he had produced the original cheque when filing the complaint, and the Trial Court recorded his sworn statement on 15.07.2014, verified the original, retained xerox copies, and returned the original with an endorsement. Since the original was later lost, the xerox copy should be admitted as secondary

evidence according to Sections 63(2), 63(3), and 65(c) of the Indian Evidence Act, and rejecting it would result in huge monetary loss.

On the other hand, the Respondent contended that the Trial Court rightly dismissed the petition, as the Petitioner failed to provide evidence of the loss or examine the former counsel who allegedly lost it, noting that a xerox copy can only be marked after comparison with the original.

The High Court observed that Section 64 requires documents to be proved by primary evidence, but Section 65 provides exceptions, specifically Section 65(c), which allows secondary evidence when the original is lost or destroyed. The Court noted that the Trial Court itself gave findings confirming that the Petitioner had received back the original cheque on 15.07.2014, meaning the Trial Court had already received, verified, and satisfied itself with the original before retaining the xerox copy, thereby meeting the requirements of Sections 63(2) and 63(3). The Court held that given these facts and the satisfaction of Section 65(c) due to the loss of the original, the Trial Court ought to have received the xerox copy as secondary evidence, and its failure to do so resulted in a "great miscarriage of justice". The Court relied on a Coordinate Bench judgment and order dated 16.10.2019, in CrI.RC(MD)No.161 of 2014, that had allowed secondary evidence in similar situations where the Judicial Magistrate had verified and endorsed photocopies before returning the originals.

The High Court, allowed the Criminal Revision Case, set aside the impugned order, and concluded that the Trial Court's order, refusing the xerox copy solely due to lack of proof of loss without adhering to Sections 63(2), 63(3), and 65 of the Indian Evidence Act, could not be sustained.

Amutha Vs. State through Station House Officer, Seidunganallur Police Station, Tirunelveli District [Crl. R.C.(MD) Nos.212 of 2023, 1004, 1117, 1130, 1195, 1234, 1291, 1301, 1365 of 2024 and 150, 171, 176, 196, 201, 219, 285, 312, 334, 340, 351, 394, 439, 467, 504, 512, 518 and 536 of 2025 and Crl. M.P.(MD) No.1557 of 2025] [2025 (3) MLJ (Crl.) 399]

Date of Judgment: 04.08.2025

Code of Criminal Procedure, 1973 – BNSS, 2023 Sections 497, 451 and 457 – NDPS Act – NDPS (Seizure, Storage, Sampling and Disposal) Rules, 2022, Rules 19 & 23(5)(e).

The Criminal Revision Case has been filed by the petitioner, seeking to set aside the order passed by the trial court. This Revision Case was part of a common order dealing with a batch of Criminal Revision Cases directed against orders that dismissed petitions for interim custody of seized property and conveyance.

The underlying cases involved property, specifically vehicles and cell phones, seized in connection with offenses registered under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act). The petitioners had filed applications seeking the interim custody of this seized property under Section 497 B.N.S.S. (which corresponds to Sections 451 r/w 457 Cr.P.C.). The trial court orders rejected these claims, leading to the present revision before the High Court.

The petitioners contended that in the absence of any specific bar under the NDPS Act, the courts possess the general power under Sections 451 and 457 of the Cr.P.C. (now 497 B.N.S.S.) to order the return of seized vehicles pending the final decision of the case. Further, they argued that the Drug Disposal Committee (DDC) is not conferred with specific powers to grant interim custody. Conversely, the respondent /State submitted that the special provisions of the NDPS Act and the subsequent NDPS (Seizure, Storage, Sampling and Disposal) Rules, 2022, which include conveyances under Section 52A since the 2014 amendment, provide a complete and specific mechanism for disposal that prevails over general criminal procedure.

The High Court observed that the NDPS Act operates as a special law which, by virtue of Section 5 Cr.P.C. and Section 51 of the NDPS Act, takes precedence over the general framework set out in Section 497 B.N.S.S.. The 2022 Rules introduced a specific, time-bound mechanism for the disposal of seized conveyances irrespective of the pending trial. The Court emphasized that since the Drug Disposal Committee (DDC) is the competent authority empowered to decide the final disposal of the property, the DDC must be deemed to have the necessary implied power and jurisdiction to consider requests for interim custody as well. The Court concluded that granting interim custody under the general provisions (Section 497 B.N.S.S.) is impliedly barred when dealing with conveyances seized under the NDPS Act, due to the existence of the special law. The Criminal Revision Case CrI.R.C.(MD)No.212 of 2023, along with several other companion cases regarding seized vehicles, was dismissed. The Court ruled that the impugned orders rejecting the claims for interim custody were legal. However, the petitioners were granted the liberty to submit representations to the Drug Disposal Committee seeking final orders regarding the seized property, and the DDC was directed to consider these representations on merits and in accordance with law within six weeks from the date of receipt.

Jayasudha and Another Vs. T.Jaisudha and Others [Crl. RC. No.362 of 2025 and Crl. M.P. No.3590 of 2025] [2025 (4) MLJ (Crl.) 98]

Date of Judgment: 21.08.2025

Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, Sections 175(3) and 175(4).

The Criminal Revision Petition has been filed by the petitioners/ 1st and 2nd accused challenging the order passed by the learned Magistrate, which directed the 3rd respondent to investigate the case under Section 175(3) of BNSS. The case involves a property dispute where the father of the 1st respondent purchased 11 cents of property via a registered sale deed in January 2001. After the 1st respondent and her father moved out of India, the petitioners allegedly forged documents and registered the property in favour of the 2nd petitioner using a settlement deed. The 2nd petitioner subsequently mortgaged this property to obtain a loan. Following a complaint lodged by the 1st respondent, the 3rd respondent (Inspector of Police) issued a CSR but failed to register an FIR. Consequently, the 1st respondent filed a petition under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking a direction to investigate. By order dated January 31, 2025, the learned Magistrate directed the 3rd respondent to investigate. Pursuant to this order, FIR Crime No. 4 of 2025 was registered under sections 468, 471, 419, and 420 of the IPC against the petitioners and others, including public servants like the Inspector of Police (who issued a non-traceable certificate) and the Sub Registrar (who registered the settlement deed). Aggrieved with the said order, the petitioners filed the present Criminal Revision Petition.

The petitioners contended that the 1st respondent violated Section 175(3) BNSS by approaching the Magistrate immediately after receiving the CSR, without first making a representation to her superior officer, and that the Magistrate mechanically ordered investigation without following Section 175(4). The petitioners further contended that the disputed property was reconveyed to the 1st respondent after the FIR. On the other hand, the 1st respondent contended that the petitioners,

as accused, lacked locus to challenge the Magistrate's order and that the revision was infructuous since the FIR had already been registered. The 1st respondent maintained that she had complied with Section 175(3) by filing a complaint with the Commissioner of Police, which was forwarded. The Government Advocate submitted that the petitioners had no right to be heard at the Section 175(3) stage and that even procedural lapses would not invalidate the Magistrate's order if the complaint disclosed a cognizable offence.

The High Court observed that the 1st respondent failed to meet the mandatory requirement under Section 175(3) of BNSS to approach a superior officer by way of representation after the police failed to act. Admittedly, the learned Magistrate failed to issue any notice to the Superior Officers of the 3rd respondent and also did not receive any reports with regard to the facts and circumstances of the allegations. Therefore, the learned Magistrate failed to follow the mandatory procedures as contemplated under section 175(3) and 175(4) of BNSS. Since the complaint included allegations against public servants (the Inspector of Police and the Sub Registrar) arising in the course of their official duties, the Magistrate was also bound by Section 175(4) of BNSS to receive a report containing the facts and circumstances from the public servants' superior officer and consider their assertions. The Magistrate failed to follow these mandatory procedures under both Section 175(3) and Section 175(4) of BNSS. The High Court held that the directions issued by the Magistrate under Section 175(3) of BNSS are vitiated and must be set aside. Consequently, when the direction to investigate is not sustainable, the consequential registration of FIR cannot be sustained and becomes non est in the eye of law. The High Court while allowing the Criminal Revision Petition, set aside the Magistrate's order, and granted liberty to the 1st respondent to avail remedies under Section 175 of BNSS in accordance with law.

V.Raghunathan and Another Vs. State rep. by its Food Safety Officer, Area Code No.538, Chennai District, O/o. The Designated Officer, Tamil Nadu Food Safety and Drug Department, Saidapet, Chennai [Crl. O.P. No.7471 of 2024 and Crl. M.P. Nos.5420 & 5421 of 2024] [2025 (2) L.W. (Crl.) 516]

Date of Judgment: 12.09.2025

Food Safety and Standards Act, 2006, Sections 42(2), 42(3), 43(1), 46, 47(1)(c), 59(i).

This Criminal Original Petition has been filed by the Petitioners/ 3rd and 4th Accused to quash the complaint dated 13.02.2019 and the proceedings pending on the file of the trial court. Earlier, the original complaint had been quashed for the trial court's mechanical "rubber-stamp" cognizance; after fresh cognizance was taken, the petitioners have filed the present quash petition on new grounds.

The case stems from a complaint that a baby developed vomiting and diarrhoea after consuming unsafe food purchased from the seller/ 1st Accused. Acting on this complaint, the respondent/ Food Safety Officer purchased the sample on 23.08.2018, sent it for analysis, and the Food Analyst's report dated 16.10.2018 declared it "unsafe food." After obtaining sanction from the Designated Officer, respondent filed a complaint u/s. 59(i) of Food Safety and Standards Act (hereafter called as 'the Act') before the Magistrate, leading to prosecution of the seller (A1), distributor (A2), marketing agent (A3), and manufacturer (A4) under Section 59(i) of the Food Safety and Standards Act, 2006. The Petitioners/A3 and A4 have challenged the same through the present Criminal Original Petition.

The Petitioners Contended that mandatory procedures under the FSSA were violated, namely, the Food Analyst's failure to submit the report within 14 days (Section 42(2)), the Designated Officer's delay in forwarding sanction (Section 42(3)), loss of the Petitioner's right to seek re-analysis due to lack of proof of sample preservation (Section 47), and the use of a non-NABL-accredited lab contrary to Section 43. On the other hand, the Respondent Submitted that Section 42 is not mandatory, that the Food Analyst explained the administrative delay, and

that the laboratory was later duly notified by the FSSAI through a Gazette Notification dated 08.10.2021.

The High Court observed that under Section 42(2) of the Act, the Food Analyst must analyse the food and send the report to the Designated Officer within 14 days, but in this case, the report was submitted late without reasons. Under Section 42(3), the Designated Officer must forward the recommendation for prosecution within 14 days of receiving the report, but this was also delayed. As per Section 47(1)(c), the Food Safety Officer must divide the sample into four parts and send two parts to the Designated Officer for safe custody, but the complaint was silent on this, infringing the petitioners' right to re-test. Further, Section 43 requires analysis only in a laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories (NABL) or equivalent and notified by the Food Authority, whereas the sample was tested in a laboratory not notified u/s. 43(1) of the Act at the time of analysis, which violates Section 43(1) of the Act. The High Court while allowing the petition, quashed the proceedings, and held that mandatory statutory procedures must be strictly followed before launching penal action, and the lapses in this case infringed the accused's rights, making continuation of the prosecution a futile exercise and an abuse of process.
