TAMIL NADU STATE JUDICIAL ACADEMY

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IMPORTANT CASE LAWS

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SUPREME COURT – CIVIL CASES

Shanti Devi (Since Deceased) Through Lrs. Goran Vs. Jagan Devi And Others [Civil Appeal No. 11795 of 2025 (2025 INSC 1105)]

Date of Judgment: 12.09.2025

Article 59 and Article 65 of the Limitation Act, 1963 – The dispute in this case concerned agricultural land measuring 31 kanals and 4 marlas in Gurgaon – The plaintiffs asserted ownership over one-third share in the property and challenged a 1973 sale deed as fraudulent and void – The central issue before the Court was whether the plaintiffs' suit, filed in 1984, was barred by limitation and whether the impugned sale deed was void ab initio or merely voidable – The Hon'ble Supreme Court concluded that Since no consideration was received the transaction was fraudulent and void ab initio – Limitation for void transactions fall under Article 65 of the Limitation Act, 1963.

The civil appeal has been filed by the appellant (original defendant) challenging the judgment and order of the High Court, which dismissed the defendant's Second Appeal and affirmed the decree of the First Appellate Court granting joint possession and declaring the sale deed void in favour of the Respondent No. 1 (Plaintiff). For convenience, the parties are referred to as per their status in the plaint.

The brief facts of the case is that the suit property was agricultural land, and the plaintiffs filed the suit in 1984 seeking injunction or joint possession and a declaration that the 1973 sale deed was fraudulent, concocted, and void because it was executed via impersonation and non-receipt of sale consideration. On the other hand, the Defendant claimed she was the purchaser of the land, along with the Plaintiff's brother, on the basis of a registered Sale Deed dated 14.06.1973 for a consideration of Rs. 15,000/. The Trial Court initially dismissed the suit. However, the First Appellate Court reversed the decision, declaring the transaction void and granting joint possession to the plaintiffs, holding that Article 65 (twelve years' limitation) applied. The High Court, in 2018, dismissed the defendant's second appeal, affirming the plaintiffs' claim, but took the view that Article 59 was applicable, leading to the present civil appeal before the Supreme Court.

The defendant contended that the suit, having been filed more than 11 years after the sale deed, was barred by limitation and that the burden was on the Plaintiff to rebut the presumption of valid execution of the registered sale deed. The appeal was primarily confined to the question of limitation.

The Supreme Court held that since the sale deed was found to be a fraudulent transaction by impersonation, it was void *ab initio* and did not affect the Plaintiff's title. Consequently, the Plaintiff was not obligated to sue for its cancellation under Article 59 of the Limitation Act. The Court further emphasized that a sale without valid consideration is no sale in the eyes of law under Section 54 of the Transfer of Property Act. As the plaintiffs never received consideration and the defendant failed to prove otherwise, the sale deed was void. Thus, the plaintiffs' right to joint possession remained intact, and the suit, filed within twelve years of the 1973 deed, was within limitation.

The Supreme Court, while dismissing the appeal, clarified that the High Court erred in applying Article 59 instead of Article 65, and concluded that the suit was filed on 28.02.1984, which was within the 12-year period from the date of the void sale deed (14.06.1973), and the Plaintiff's 1/3rd share in the property was affirmed.

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Karam Singh Vs. Amarjit Singh & Ors. [SLP (C) Nos. 3560-3561/2023 (2025 INSC 1238)]

Date of Judgment: 15.10.2025

The civil appeal has been filed by the appellant /original plaintiff challenging two orders of the High Court, which allowed the defendants' revision and rejected the plaintiff's plaint under Order 7 Rule 11(d) of CPC, holding the suit to be barred by limitation.

For convenience, the parties are referred to as per their status in the plaint. The brief facts of the case is that the suit property originally belonged to one Ronak Singh alias Ronaki, who died intestate in 1924, leaving behind his widow Kartar Kaur. The plaintiff claimed ownership of the property through natural succession to the estate of Kartar Kaur (through Ronak Singh's sisters, who were the plaintiffs' predecessors-in-interest). The suit sought a declaration that the plaintiffs were owners, a declaration that the Will dated 15.12.1976 set up by the defendants was illegal, null and void, and an act of fraud, along with recovery for possession, damages/mesne profits, and injunction. The defendants, on the other hand, set up the Will allegedly executed by Kartar Kaur in their favour and had contested mutation proceedings based on this Will since 1983. The Trial Court rejected the defendants' application under Order 7 Rule 11 CPC, but the High Court allowed the defendants' revision and rejected the plaint as time-barred, leading to the present civil appeal before the Supreme Court.

The plaintiff contended that the High Court erred in holding that the suit was filed after 36 years and was time-barred. They claimed the mutation proceedings concluded only on 20.07.2017, and the suit was filed within three years. On the other hand, the defendant maintained the suit was time-barred, as the plaintiffs knew of the registered Will since 1983, and the relief for declaration had a three-year limit. They also argued the suit was barred by Order 2 Rule 2 CPC due to a prior suit that did not challenge the Will.

The Supreme Court held that when considering the rejection of a plaint under Order 7 Rule 11(d) CPC, the court must look only at the averments made in the plaint. The Court clarified that since the suit sought possession based on title, the limitation period is 12 years from the date the defendant's possession becomes adverse (Article 65 of the Limitation Act), and the issue of adverse possession is a mixed question of law and fact that cannot be decided at the threshold. The Court further held that mutation entries do not confer title, and more importantly, where several reliefs are sought, if any one of the reliefs (like possession based on title) is within the period of limitation, the plaint cannot be rejected entirely as barred by law. Additionally, the bar under Order 2 Rule 2 CPC did not apply since the previous suit was rejected under Order 7 Rule 11 CPC and was never tried.

The Supreme Court, allowed the appeal and restored the order of the Trial Court rejecting the prayer to reject the plaint under Order 7 Rule 11 CPC.

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Zoharbee & Anr. Vs. Imam Khan (D) Thr. Lrs. & Ors. [Civil Appeal Nos. 4516-4517 of 2023 (2025 INSC 1245)]

Date of Judgment: 16.10.2025

The civil appeal has been filed by the appellants /the original Defendant No. 1 and her vendees challenging the judgment and order of the High Court, which dismissed the defendant’s Second Appeal and affirmed the findings of the First Appellate Court that the property was subject to division as matruka property.

For convenience, the parties are referred to as per their status in the plaint. The brief facts of the case is that the suit property originally belonged to one Chand Khan, husband of the defendant no. 1 (Zoharbee) and brother of the plaintiff (Imam Khan). The plaintiff claimed that Chand Khan died issueless and all property left behind was matruka property. As per Mohammedan Law, the plaintiff (the brother) would be entitled to 3/4th of the total property, with the remaining 1/4th falling to the defendant no. 1 (the spouse). The defendant no. 1, on the other hand, contended that one piece of land (Gut No. 126) was transferred to third parties (Defendant No. 2 and 3) during Chand Khan's lifetime by an Agreement to Sell in 1999. Another part was sold to a fourth defendant with part consideration received in Chand Khan's life, and the remaining after his death. The Trial Court (Civil Court) had partly decreed the suit, accepting the contention that the property covered by the Agreement to Sell was excluded from the estate. The First Appellate Court reversed this finding, holding that the Agreement to Sell conferred no rights. The High court dismissed the second appeal finding no substantial question of law, leading to the present civil appeal before the Supreme Court.

The defendant no. 1 contended that the Agreement to Sell, being duly proved by witnesses, meant that the property covered by it was excluded from the matruka property of the deceased Chand Khan and should not be subject to partition. The plaintiff (respondent) contended that the First Appellate Court correctly held that an Agreement to Sell does not confer any right or title, and since the sale deed was executed only after Chand Khan's death, the property was still vested in him at the time of demise and was subject to distribution as matruka property.

The Supreme Court held that an Agreement to Sell does not confer any rights nor does it vest any interest in the proposed buyer, as per the well-established position in law and Section 54 of the Transfer of Property Act. The Court reiterated that a transfer of immovable property by sale can only be by a duly stamped and registered deed of conveyance (sale deed). An Agreement to Sell, even with possession, is not a conveyance. The Supreme Court while dismissing the appeal, affirmed that the First Appellate Court and the High Court took the correct view, and further observed that Defendant No. 1, in executing the subsequent sale deed, had the right to do so only in respect of her 1/4th share (as the spouse where there is no child) and not the entire property, applying the maxim *nemo dat quod non habet* and concluded that the property agreed to be sold was still the property of Chand Khan at the time of his death and therefore formed part of the 'matruka' property subject to division under Mohammedan Law.

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Hitesh Nagjibhai Patel Vs. Bababhai Nagjibhai Rabari & Anr. [Civil Appeal No. 10278 of 2025 (2025 INSC 1070)]

Date of Judgment: 08.08.2025

Motor Vehicles Act, 1988 – Section 166: In cases of minors suffering death or disability in accidents, compensation cannot be assessed as for a non-earning individual; minimum wages of a skilled worker must be taken as notional income – Compensation Principles: Future prospects (40%) to be added as per *the National Insurance Co. Ltd. v. Pranay Sethi, reported in (2017) 16 SCC 680 (Para 42 and 59);* multiplier method to be applied - Tribunals' Duty: MACT and High Courts must stay updated with SC law *(Kajal v. Jagdish Chand and others, reported in (2020) 4 SCC 413),* else claimants are forced into prolonged appeals – Direction to Insurance Companies: If income proof is not furnished, insurers must provide minimum wage data for calculation before MACT.

The civil appeal has been filed by the appellant (claimant) challenging the judgment and order of the High Court, which had enhanced the compensation awarded by the Motor Accident Claims Tribunal but allegedly failed to grant just compensation.

The brief facts of the case is that on 14.10.2012, the minor appellant, aged 8 years, suffered grievous injuries and permanent disability after being hit by a rashly driven vehicle. He filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of ₹10,00,000/-. The Tribunal awarded ₹3,90,000/- with 9% interest, assessing 30% disability. On appeal, the High Court enhanced the compensation to ₹8,65,000/-, taking overall disability as 90%. Dissatisfied, the appellant approached the Supreme Court seeking further enhancement.

The Supreme Court emphasized that while assessing compensation for a minor who suffers permanent disability, the Courts must not treat the child as a non-earning person. Instead, the minimum wages for a skilled worker in the relevant State and year should be taken as the basis for determining loss of future earnings. Referring to *Kajal v. Jagdish Chand* (2020) 4 SCC 413 and *Baby Sakshi Greola v. Manzoor Ahmad Simon* (2024 SCC OnLine SC 3692), the Court recalculated compensation based on a monthly income of ₹6,836/-, added 40% towards future prospects, applied a multiplier of 18, and fixed 90% functional disability. The total compensation was determined at ₹35,90,489/- under various heads, including pain and suffering, medical expenses, loss of amenities, loss of marriage prospects, and cost of artificial limb. The Court directed payment of interest at 9% per annum from the date of filing of the claim petition.

The Supreme Court observed that both the Tribunal and the High Court had failed to follow settled principles laid down in *Kajal* (supra) and held that in all cases involving child victims, loss of income must be calculated on the basis of minimum wages applicable to skilled workers. The Supreme Court, while allowing the appeal, directed all Motor Accident Claims Tribunals to ensure that, where income details are not provided, insurance companies must furnish the applicable minimum wage schedule to aid proper computation.

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Ramesh Chand (D) Thr.Lrs. Vs. Suresh Chand and Anr. [Civil Appeal No. 6377 of 2012 (2025 INSC 1059)]

Date of Judgment: 01.09.2025

Transfer of Property Act, 1882 – Section 54: Agreement to Sell, GPA, affidavit, and receipt do not amount to a valid transfer of title; only a registered sale deed conveys ownership – Power of Attorney: A GPA does not confer ownership rights; it only creates an agency relationship – Will under Succession Act: A Will must be proved in accordance with Section 63 of the Indian Succession Act and Section 68 of the Evidence Act; registration alone does not validate it - Section 53A of the Transfer of Property Act – Part Performance: Protection available only if transferee is in possession; if possession not proved, no benefit can be claimed – Succession: Upon death of Kundan Lal, property devolved on all Class I heirs equally; plaintiff's claim to exclusive ownership failed.

The civil appeal has been filed by the appellant (defendant no. 1) challenging the judgment and order of the High Court, which dismissed the defendant no. 1's Appeal and affirmed the decree of the Trial Court granting possession, mesne profits, declaration, and injunction in favour of the Respondent No. 1 (plaintiff).

For convenience, the parties are referred to as per their status in the plaint. The brief facts of the case is that the suit property originally belonged to one Kundan Lal, father of both the defendant no. 1 and the plaintiff. The plaintiff claimed ownership of the property on the basis of a General Power of Attorney, Agreement to Sell, Affidavit, Receipt, and a registered Will dated 16.05.1996 executed by his father. He alleged that after purchasing the property, the defendant no. 1 continued to occupy it as a trespasser and even sold half of it to a third-party purchaser (defendant no. 2). The defendant no. 1, on the other hand, contended that his father had orally transferred the property to him in 1973, and that the alleged documents were fabricated. The Trial Court decreed the suit in favour of the plaintiff, rejecting the defendant no.1's counterclaim. The High Court dismissed the defendant no. 1's appeal, leading to the present civil appeal before the Supreme Court.

The defendant no. 1 contended that documents such as GPA, Agreement to Sell, Affidavit, Receipt, and Will could not convey valid ownership without a registered sale deed. He also argued that the Will was not proved as per law, and that he had been in continuous possession since 1973. The plaintiff had been set ex-parte, and defendant No. 2 sought protection of his bona fide rights.

The Supreme Court held that an *Agreement to Sell*, *GPA*, *Affidavit*, or *Receipt* does not confer ownership under Section 54 of the Transfer of Property Act, and at best entitles the holder to seek specific performance. The *Power of Attorney* merely creates an agency and does not transfer title. The *Will* relied upon by the plaintiff was not proved according to law, as no attesting witness was examined, and it was surrounded by suspicious circumstances—particularly the exclusion of three of Kundan Lal's other children without explanation. The Court further held that the plaintiff could not invoke protection under Section 53A (doctrine of part performance) as he was not in possession of the property when the suit was filed.

The Supreme Court, while allowing the appeal, set aside the impugned judgment of the High Court and concluded that the property originally belonged to Kundan Lal, and upon his death, the succession opened to all his Class I heirs. The Will being unproved, all legal heirs were entitled to their respective shares. The rights of the defendant No. 2 were protected to the extent of the defendant no. 1's share.

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SUPREME COURT - CRIMINAL CASES

Vinod Kumar Pandey & Anr. Vs. Seesh Ram Saini & Ors. [Special Leave Petition (Civil) No. 7900 of 2019 (2025 INSC 1095)]

Date of Judgment: 10.09.2025

Criminal Procedure Code, 1973 – Section 154 – It is the duty of the police to register FIR if a prima facie cognizable offence is made out – Genuineness or credibility of information is not the condition precedent for registration of FIR – Constitutional Court has exercised its discretion in entertaining petitions and directing for registration of FIR against two officers on satisfying prima facie case is made out against them.

The Civil Appeals have been filed by the appellants challenging the judgment and orders of the High Court. The core challenge involved the scope of the investigation and the appellants' application for protection against coercive measures.

The brief facts of the case is that two writ petitions were filed under Article 226 of Constitution of India read with Section 482 of Code of Criminal Procedure, 1973, seeking direction for registration of FIR against the two officers on deputation to CBI, for committing offences under Sections 506, 341, 342 and 166, and Sections 218, 463, 465, 469, 166 and 120-B of the Indian Penal Code, 1860, as alleged in the writ petitions respectively and the same were partly allowed with a direction to register the FIR with the finding that prima facie case is made out for investigation against the appellant-officers. The Letters Patent Appeals filed against the same were also dismissed as not maintainable. Against the orders passed in the writ petitions as well as in Letters Patent Appeals, these appeals were filed.

The Hon'ble Supreme Court observed that it is the duty of the police to register an FIR if a prima facie cognizable offence is made out and the police is not required to go into the genuineness and credibility of said information. Genuineness or credibility of information is not the condition precedent for registration of FIR. Since Constitutional Court has exercised its discretion in entertaining petitions and directing for registration of FIR against two officers, on being satisfied that commission of a cognizable offence is prima facie made out against them, no good reason is available to interfere with such discretion. The appellants are directed to join investigation and to cooperate with the Investigation Officer. The Apex Court also directed the IO not to take any coercive steps against them during investigation. The Hon'ble Supreme Court partly allowed the appeals against Letters Patent Appeals, modifying the orders of the High Court, and disposed of the appeals against the orders passed in writ petitions.

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Rakesh Dutt Sharma Vs. State of Uttarakhand [Criminal Appeal No. 1461 of 2012]

Date of Judgment: 28.08.2025

Indian Penal Code, 1860 – Section 302 @ 304 Part I – Right of private defence – Appellant was charged for offence under Section 302 IPC alleging that when the deceased shot him with pistol, he snatched the pistol and shot him down – The deceased was the aggressor – Right of private defence cannot be brushed aside and cannot be weighed in a golden scale – The approach of the Court shall not be pedantic in such a case – Considering the situation, there is no way, the accused person would apply his rational mind in exercising his right of private defence Appeal allowed – Appellant acquitted.

The criminal appeal has been filed by the appellant challenging the judgment and order of the High Court, which dismissed the appellant's appeal and affirmed the Trial Court's conviction under Section 304 Part I of the IPC and a sentence of life imprisonment.

The brief facts of the case is that the appellant is a medical practitioner. The appellant was charged for the offence under Section 302 IPC alleging that due to enmity over a money transaction, the deceased armed with a pistol, went to the clinic of the appellant and shot the appellant and the appellant snatched the pistol and shot him down. The trial Court convicted him under Section 304 Part I and sentenced him to undergo life imprisonment and the High Court dismissed the appellant's appeal, leading to the present criminal appeal before the Supreme Court.

The appellant contended that the case is only one of exercise of the right of private defence and that the right of private defence cannot be calculated with arithmetical precision. The respondent contended that the evidence showed the appellant exceeded the right of private defence by shooting the deceased on vital parts , a fact duly noted by both lower courts.

The Supreme Court held that the right of private defence cannot be weighed in a golden scale and the Court's approach should not be pedantic but must be seen from the point of view of a common and reasonable person. The Court observed that when an accused is attacked by a person who is armed with a pistol and shoots him, the accused cannot be expected to apply his rational mind in exercising his right of private defence. Reiterating the principle that a person in imminent and reasonable danger of losing his life or limb may, in the exercise of self-defence, inflict any harm even extending to death on his assailant, provided the assault is attempted or directly threatened.

The Supreme Court, while allowing the appeal , set aside the judgments of the Trial Court and the High Court and concluded that the plea of private defence raised by the appellant must be accepted. Accordingly, the appellant was acquitted of all charges.

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dfH.S.Oberoi Buildtech Pvt. Ltd. & Ors. Vs. M/S.MSN Woodtech [Special Leave Petition (Criminal) No. 2002 of 2025]

Date of Judgment: 09.09.2025

Negotiable Instruments Act, 1881 – Section 142 – Petition filed beyond the limitation period of 30 days from the date of cause of action – Summons served – Where facts are admitted that the complaint was filed beyond the time prescribed under the statute, there cannot be an automatic or presumed condonation of delay – Requirements for condoning the delay – An application accompanying the complaint with sufficient reason.

The criminal appeal has been filed by the appellant/accused challenging the judgment and order passed by the High Court, which dismissed the appellants' petition and affirmed the order of the trial court summoning the appellants in a case filed under Section 138 of the Negotiable Instruments Act, 1881 ('the Act').

The brief facts of the case is that the respondent/complainant filed a complaint under Section 138 NI act against the appellants. The petition filed by the respondent was admittedly five days beyond the maximum 30-day limitation period from the cause of action. Despite this admitted delay, the Trial Court proceeded to issue summons to the appellants, without a proper application for condonation of delay. The Trial Court proceeded on the erroneous presumption that the complaint was filed within the limitation period. The High Court upheld the summoning order, leading to the present criminal appeal before the Supreme Court.

The appellants contended that the complaint was filed beyond the mandatory time limit, and the Court issued summons without considering or allowing any application for condonation of delay. The respondent, on the other hand, argued that the delay was only five days and it was well within the capacity of the Court to condone and that the necessary affidavit for condonation was prepared but not attached due to mere inadvertence.

The Supreme Court held that where facts are admitted that the complaint was filed beyond the prescribed time, there cannot be an automatic or presumed condonation of delay. The Supreme Court observed that while Section 142 of the Act allows the Court to condone delay, the Court must first acknowledge the delay, then assess whether the reasons given by the complainant justify condonation. Only if satisfied can the Court take cognizance and issue summons. Since the statute sets a mandatory time limit for filing a complaint, deviation is allowed only if an application seeking condonation, with valid reasons, is filed. The Court must then independently evaluate these reasons and reach a judicious decision. As this process was not followed, the order is unsustainable.

The Supreme Court, while allowing the appeal, set aside the impugned order of the High Court and concluded that since the mandatory procedure of condonation of delay was absolutely not done, the order issuing summons cannot be sustained.

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Maniklal Sahu Vs. State Of Chhattisgarh [Criminal Appeal No. 5578 of 2024 (2025 INSC 1107)]

Date of Judgment: 12.09.2025

Indian Penal Code, 1860 – Sections 302 and 307 – Trial Court found the appellant guilty under Section 302 – High Court altered from murder to attempt to murder finding that the death resulted from complications after injuries – Held : The nature of the injuries, the intention to cause such injuries and their sufficiency under ordinary circumstances to cause death were crucial in determining culpability under the IPC – If the original injury itself is of a fatal nature, it makes no difference that death is actually caused by a complication naturally flowing from the injury and not the injury itself, since causal connection is proximate.

The criminal appeal has been filed by the appellant/accused challenging the judgment and order of the High Court of Chhattisgarh, which altered the conviction of the appellant from Section 302 to Section 307 of the IPC.

The brief facts of the case is that the appellant along with three co-accused were put on trial for the murder of one Rekhchand Verma. The prosecution alleged that the accused trespassed into the deceased's house, flung him down from the terrace, and then assaulted him with sticks and fisticuffs. The victim survived for about nine months before dying on November 8, 2022, due to septicemia and pneumonia. The Trial Court convicted the appellant and the three co-accused. The High Court, however, altered the conviction to attempt to murder, leading to the present criminal appeal before the Supreme Court.

The appellant contended that the cause of death had no nexus with the injuries suffered, as the deceased died nine months after the incident. The State (Respondent) contended that the High Court committed a serious error in altering the conviction under Section 302 IPC to Section 307 IPC. However, the State fairly submitted that since it had not preferred any acquittal appeal in this regard, the conviction of the appellant for the offence punishable under Section 307 of the IPC should be maintained.

The Supreme Court held that the High Court was erroneous in altering the conviction from murder to attempted murder on the ground that the victim died after a delay. The Court relied on Explanation 2 to Section 299 of the IPC, which states that a person who causes bodily injury that leads to death is deemed to have caused the death, even if proper medical treatment might have prevented it. The Supreme Court, in its conclusion, outlined key principles for determining culpability in cases where death occurs after a delay due to complications from an injury. The Court stated that the crucial factors are the nature of the injuries, the intention to cause such injuries, and their sufficiency under ordinary circumstances to cause death. When death is delayed, courts should examine if the complications or developments are a natural, probable, or necessary consequence of the injury, and if it was reasonably contemplated as a result of the injury. If the chain of consequences is broken or if there is an unexpected complication, the causal connection is not established, or is too remote. Conversely, if the original injury is of a fatal nature, the causal connection is considered proximate, and it makes no difference that death was caused by a complication naturally flowing from the injury, rather than the injury itself. The Supreme Court, while dismissing the appeal, concluded that the medical evidence in this case established a direct link between the injuries and the eventual death due to complications.

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Nagamma @ Nagarathna & Ors Vs. The State of Karnataka [Criminal Appeal No. 425 of 2014 (2025 INSC 1135)]

Date of Judgment: 22.09.2025

Section 27 – Indian Evidence Act – The expression 'fact discovered' includes not only the physical object produced – Also the place from which it is produced and the knowledge of the accused about the concealment – Circumstantial Evidence – Proved only when there is a complete chain of circumstances, comprising cogent and reliable material.

The criminal appeal has been filed by the appellant challenging the judgment and order of the High Court, which dismissed the accused's Appeal and affirmed the Trial Court's judgment, awarding a conviction and sentence for the offence of murder.

The prosecution's case was that the murder arose from the default in repayment of a loan. The victim (deceased), a driver of a Superintendent of Police, had lent money to A1 (a policeman) and made persistent demands for repayment. The deceased was called to A2's (A1's wife) house on the night of 10.03.2006 on the pretext of repaying the debt. There, the victim was made immobile by throwing chili powder on his face and then hacked to death with two choppers wielded by the accused, at the instigation of A1. A2 then went to the police station and confessed to the SHO about the crime and apprised him of the presence of the dead body in her house. The High Court affirmed the findings of the Trial Court in an appeal by A2 to A4, holding that; the motive and the culpability of the accused was established based on circumstances, like extra judicial confessions, recovery of a chopper under Section 27, IEA, the crime scene being the house of A1&2 and the absence of explanation for the dead body being at the house of the accused, under Section 106.

The appellant contended before the Supreme Court that since Section 302 is charged against four accused read with Section 34, when one of the accused is acquitted, it should inure to the benefit of the others also.

The Supreme Court observed that disclosure statements taken from one or more persons in police custody do not go out of the purview of Section 27 altogether. While asserting that a joint or simultaneous disclosure would per se not be inadmissible under Section 27, it was observed that it is very difficult to place reliance on such an utterance in chorus; which was also held to be, in fact, a myth. The Courts must evaluate the reliability of such disclosures based on the evidence. If made at different times, it is unclear who disclosed first. The term "fact discovered" includes the object, its location, and the accused’s knowledge of its concealment. The exact spot in which the concealment was made as stated in the disclosure statement has also not been deposed to by the I.O. the case is one of circumstantial evidence which is treated as proved only when there is a complete chain of circumstances, comprising cogent and reliable material, providing an unbreakable link, leading only to the culpability of the accused and bringing forth the hypothesis only of guilt and not leading to any reasonable doubt as to the guilt or otherwise of the accused. The motive projected and the crime itself has not at all been proved and there is no circumstance leading to the culpability of the accused. The presence of the dead body in the house of the accused, even if accepted, could not by itself bring home a conviction in the absence of a proper explanation.

The Supreme Court, while allowing the appeal, set aside the impugned judgment of the High Court and concluded that the conviction cannot be sustained. The conviction was set aside, and the accused were acquitted of all charges.

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HIGH COURT - CIVIL CASES

M. Gagan Bothra & ors. V. Mrs.Balamanian, Alwarpet, Chennai [C.R.P. (NPD) No.2294 of 2025 and C.M.P. No.13290 of 2025]

Date of Judgment: 10.10.2025

This Civil Revision Petition had been filed as against the judgment and decree of the learned XX Additional Judge, City Civil Court, which confirmed the judgment and decree of the XII Small Causes Court, Chennai, and had prayed for fresh consideration of the R.L.T.O.P. No.345 of 2019.

The petitioner had sought repossession of the tenanted premises under Section 4(2) read with Section 21(2)(a) of the Tamil Nadu Regulation of Rights and Responsibilities of Landlords and Tenants Act, 2017. The jural relationship between the parties as landlady and tenants stood admitted. The petitioner contended that no tenancy agreement was executed after commencement of the TNRRLT Act, hence the tenants were liable for eviction. The respondents asserted that a ten-year agreement was entered into on 08.04.2019 with the petitioner's deceased husband, for a sum of Rs.6 crores, and that the same was digitally registered under Section 4 of the Act.

The petitioner denied the existence of a valid lease, alleging that the document was forged and neither properly stamped nor registered under the Stamp Act and Registration Act. She relied on a verification report from the Tamil Nadu Housing Board dated 26.10.2023, which confirmed that no registration bearing the alleged number existed, and on a forensic report opining that her signature had been forged. She cited *Satish Chand Makhan v. Govardhan Das Byas (1984) 1 SCC 369*, to contend that an unregistered lease is inadmissible.

The respondent, contended that digital registration under Section 4(3) of the TNRRLT Act dispensed with the requirements of the Stamp and Registration Acts and alleged that he was denied a fair opportunity to defend. He sought remand to mark the impounded rental agreement and relied on various precedents including *K. Valarmathi v. Kumaresan* (SLP No.21466 of 2024), *Mohana v. Rameesa Beevi* (C.R.P. No.708 of 2022), and *V.S. Mohan v. Sarath Naseera* (C.R.P. (PD) No.782 of 2023).

The Court observed that the tenancy agreement was never marked as an exhibit before any court as it remained unregistered and insufficiently stamped. It had been impounded, and the tenants had failed to pay the duty and penalty. Ex.P4 communication from TNHB categorically disproved the alleged registration, establishing that the tenancy agreement was not registered under Section 4(3) of the Act. The Court held that reliance on the cited judgments was misplaced since the facts were distinguishable.

It was held that under Section 35 of the Stamp Act, an unstamped document is inadmissible in evidence, and since the tenants failed to prove a valid tenancy agreement, it is deemed that no such agreement existed under Section 4 of the TNRRLT Act. The eviction orders of the courts below were found to be in accordance with law. The Court further noted that forensic examination of an unmarked and insufficiently stamped document was futile and reiterated that the Stamp Act, being a fiscal statute, must be applied strictly.

The Court concluded that the foundational document being inadmissible, no further interpretative issue under the TNRRLT Act required consideration. Thus, the Civil Revision Petition stood dismissed, confirming the eviction orders passed by the courts below.

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M.N.Sarojini Ammal (deceased) & Ors. Vs. B.Subash Chandran [A.S.No.677 of 2014 and M.P.No.1 of 2014]

Date of Judgment: 10.10.2025

This First Appeal had been filed under Section 96 read with Order 41 Rule 1 CPC as against the judgment passed by the III Additional District Court, whereby the suit for partition and permanent injunction was decreed in favour of the plaintiffs. This Appeal Suit had been filed by the defendants 2 to 5 and 8, who had suffered a decree for partition and injunction. The respondents 1 to 7/plaintiffs filed the suit seeking partition of 2602 sq.ft. out of 7104 sq.ft. and for a permanent injunction restraining the appellants from construction over the suit property.

The case originated from a Joint Venture Agreement dated 28.10.2002 between the defendants 2 to 5 and 8, who were landowners, and the 8th respondent/6th defendant for developing the property, under which 47% of the built-up area was reserved for the appellants. A Power of Attorney was executed in favour of the 6th defendant to sell proportionate undivided shares. Acting under this power, the 6th defendant sold several undivided portions to the plaintiffs between 2002 and 2004 through registered sale deeds. When the 6th defendant failed to construct the flats and defendants 2 to 5 and 8 revoked the power, the plaintiffs, whose shares had already been sold, filed the suit seeking partition and injunction.

The defendants 2 to 5 and 8 contended that the 6th defendant had no right in the property, colluded with the plaintiffs, and fraudulently executed sale deeds. They admitted executing the Power Deed but claimed that it was cancelled on 22.06.2005, and since the 8th respondent failed to perform his obligations, the sales were invalid. They also contended that only constructed portions could be sold under the Construction Agreement and that the consideration was never received.

The plaintiffs/respondents argued that the sales were made during the subsistence of the valid Power of Attorney, and subsequent cancellation could not affect their rights under Section 204 of the Indian Contract Act, 1872. They denied any collusion and pointed out that the allegation was an afterthought not raised in pre-suit notices.

The Court observed that the Power of Attorney (Ex.A3) expressly authorised the 8th respondent to sell 3281 sq.ft. of undivided share and deliver vacant possession, with no restriction limiting sales to built-up portions. Hence, the clauses in the registered Power Deed prevailed over the unregistered Construction Agreement. The Court found that the appellants, in their pre-suit notice (Ex.A21/B9), had admitted receipt of ₹15,00,000/- as sale consideration by their Power Agent, and thus could not deny consideration. The acts of the agent, done within authority, bound the principal.

The Court further held that no objection regarding proof of the sale deeds had been raised at trial, and hence it could not be questioned in appeal, relying on R.V.E. Venkatachala Gounder v. Arulmigu Viswesaraswami (2003) 8 SCC 752 and Smt. Dayamathi Bai v. K.M. Shaffi (2004) 4 CTC 226. The respondents 1 to 7 were therefore held to have acquired valid title over 2602 sq.ft. of the property.

The Court found the plea of collusion raised by the appellants to be unsubstantiated and an afterthought, as even the appellants had not taken any legal action against the 8th respondent for breach of agreement. Having not sought cancellation of the registered sale deeds, the appellants were not entitled to resist partition.

Regarding the injunction, the Court observed that while the plaintiffs were entitled to protection over their undivided share, the Trial Court's blanket injunction was too broad. It modified the decree by restraining the appellants from putting up any construction only till the partition of 2602 sq.ft. by metes and bounds, after which the appellants could build on their remaining portion. The Court dismissed the Appeal, confirmed the decree for partition and modified the injunction to operate only until partition.

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M/s.State Industries Promotion Corporation of Tamil Nadu Ltd.,Egmore, Chennai Vs. M/s.RPP Infra Projects Limited (Formerly Known As RPP Construction (P) Ltd.), Erode

Date of Judgment: 06.10.2025

This Original Petition under Section 34 of the Arbitration and Conciliation Act, 1996 had been filed by the *petitioner* as against the *respondent* seeking to set aside the arbitral award and to allow the counterclaims raised by the petitioner. The dispute arose from a contract for the construction of a concrete retaining wall at SIPCOT Information Technology Park, Siruseri. The petitioner accepted the respondent's tender for ₹7,78,35,171/- and executed the agreement on 09.03.2010, fixing six months as the completion period, making time the essence of the contract. The respondent contended that the work was delayed due to heavy rains, water stagnation, third-party occupation of the site, shortage of materials, delayed payments, and inclusion of extra works beyond the original agreement. Only about 2030 metres out of 13,600 metres were completed. The petitioner, after refusing to extend time beyond 30.05.2011, terminated the contract on 12.02.2015.

The respondent invoked the arbitration clause under Clause 9(a) of the agreement and sought payment for work done, refund of Earnest Money Deposit and Security Deposit, withheld amounts, compensation for wrongful termination, declaration of illegality of termination, and interest at 18% per annum. The petitioner filed a statement of defence denying all claims, alleging abandonment of work, and raised a counterclaim of ₹4.03 crores for losses caused to the public exchequer.

The learned sole Arbitrator framed issues on the legality of termination and the entitlement of both sides. Upon examining the materials, the Arbitrator found that the tender estimate had not been prepared as per the site requirements, and the petitioner had introduced new items of work outside the original scope. Relying on documents and site reports, the Arbitrator held that the petitioner's delay in approval and administrative lapses were the real cause for the prolonged project and that termination was unjustified. The Arbitrator awarded ₹9,49,171.87 for work done, ₹65,59,000/- towards loss of profit, refund of deposits, and interest at 10% up to the date of award and 12% thereafter.

The petitioner challenged the award, contending that the Arbitrator erred in granting loss of profit without proof, ignored evidence of financial loss to the State, and violated Section 34(2)(b)(ii) of the Act. Reliance was placed on *Hindustan Zinc Ltd. v. Friends Coal Carbonisation (2006)*, *Delhi Airport Metro Express Pvt. Ltd. v. DMRC (2022)*, and *Unibros v. All India Radio (2023)*. The respondent's counsel conferred that the award was reasoned, fact-based, and free from perversity or patent illegality.

The Court observed that the findings were supported by evidence and represented a possible view, not subject to reappraisal under Section 34. It distinguished between *loss of profit* and *loss of profitability*, holding that the Arbitrator's adoption of 10% of the balance work value as compensation was consistent with precedents such as *A.T. Brij Paul Singh v. State of Gujarat (1984)* and *Dwaraka Das v. State of M.P. (1999)*. The Court emphasized that a reasonable expectation of profit is inherent in works contracts and may be compensated through broad evaluation when breach is proved.

Further, the Court held that as the Arbitrator was an engineer, not a legally trained person, the reasoning should be viewed with leniency as per *Konkan Railway Corporation Ltd. v. Chenab Bridge Project Undertaking (2023)*. The award was found to satisfy the tests laid down in *Dyna Technologies Pvt. Ltd. v. Crompton Greaves Ltd. (2019)*, being a possible and just view based on evidence. The rejection of the petitioner's counterclaims was held to be well-reasoned and free from perversity or illegality.

Accordingly, the Court dismissed the petition, upholding the arbitral award as valid and within the parameters of Section 34 of the Arbitration and Conciliation Act, 1996, and directed the petitioner to pay costs of ₹2.5 lakhs to the respondent.

V.Shree Gandhi & Anr. Vs. Kalamani & Ors.; Appeal Suit No.944 OF 2015 and M.P.NO.1 OF 2015; Dated: 23 / 10 / 2025

This Appeal Suit under Section 96 CPC challenges the judgment and decree of the Additional District Judge allowing the plaintiff's suit for partition.

The plaintiff had instituted the suit seeking partition and separate possession of her alleged 1/12th share in the ancestral and joint family properties of her late father. She claimed that no valid partition had taken place and that she continued in joint possession and enjoyment. The defendants 1 and 2, her brothers, resisted the suit contending that under a registered Partition Deed dated 25.09.1981, executed among all family members, the plaintiff and their mother had relinquished their respective shares in favour of the defendants, and the "B" Schedule properties were allotted to them as their absolute properties. They also relied on subsequent Partition Deeds dated 23.06.1983 and 19.02.1986 and various sale deeds to establish separate possession and ownership.

The Trial Court, holding that the plaintiff had not relinquished her share but only postponed its allotment, decreed the suit declaring her 1/12th share. Aggrieved, the defendants 1 and 2 preferred this appeal. They conferred that Deed was a valid and binding family arrangement, duly registered, and that the plaintiff's husband, having attested a Sale Deed dated 09.03.1983 executed by them, had acknowledged their exclusive title. It was further argued that the plaintiff's claim was barred by limitation and estoppel by deed, and that the Trial Court misread the evidence.

The respondent/plaintiff contended that Partition Deed dealt only with maternal properties and contained no clause of relinquishment, and that under Section 6 of the Hindu Succession Act, 1956 read with Vineeta Sharma v. Rakesh Sharma [(2020) 9 SCC 1], she was entitled to a coparcenary share.

The High Court held that both paternal and maternal properties were included under Partition Deed, and the plaintiff and her mother had expressly relinquished their shares in favour of defendants 1 and 2. The Court found that Partition Deed was a composite document of partition and relinquishment, duly registered and legally valid, and that the plaintiff's plea of ignorance was untenable. Referring to Section 36 of the Indian Stamp Act, 1899, it held that once the document was admitted, its admissibility could not be questioned.

Thus, the Court allowed the Appeal, set aside the Judgment and Decree of the Trial Court, and dismissed the Original Suit, holding that the plaintiff had no subsisting right or share in the suit properties. Considering the close familial relationship between the parties, no order as to costs was passed.

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E.Bharatheedasan, Secretary of Mamallan Nagar, Residence Association, Kancheepuram District Vs. Jayachandran [died] & Ors. [S.A.No.167 of 2015]

Date of Judgment: 23.10.2025

This Second Appeal was filed against the judgment and decree passed by the I Appellate Court which upheld the dismissal of O.S.No.12 of 2004 by the Trial Court. The appellant, who was the Secretary of Mamallan Nagar Residents Association, had originally filed the suit seeking recovery of possession and removal of huts and structures allegedly put up by the defendants on the Association's land.

The case of the appellant/plaintiff was that the suit property, situated in Town Survey Nos.2871 and 2873, had been allotted to the Association through an allotment order dated 03.04.1986 for the purpose of constructing an office building. On the northern side, a Government poramboke land in T.S.No.2872 existed, and the defendants, while encroaching the said poramboke land, had further trespassed into the plaintiff's property. Earlier, in O.S.No.787 of 1986, some of the defendants had filed a suit against the Association. The same had been dismissed and the Court had held that they were trespassers. Despite demand, the defendants refused to vacate; hence, the plaintiff sought recovery of possession.

The defendants, in their written statement, denied the allegations, contending that they had been in possession of about three cents each in the Government poramboke land for over thirty years, had constructed houses with brick walls, paid property tax, and obtained electricity service connections. They further pleaded that the earlier judgment in O.S.No.787 of 1986 was not binding on them, as all of them were not parties to that suit, and that the plaintiff's claim without a prayer for declaration of title was not maintainable.

The trial court, after examining P.Ws.1 and 2 and marking Exhibits A1 to A17, dismissed the suit on the ground that the plaintiff failed to identify the specific encroached portion and its extent. The first appellate court, concurring with the findings of the trial court, dismissed the appeal. Hence, this Second Appeal was filed under Section 100 CPC, raising substantial questions of law relating to failure to appreciate the earlier judgment, the admission of encroachment by the defendants, and alleged perversity in appreciation of evidence.

The Court, upon considering the arguments, observed that although the appellant/plaintiff had purchased the property through a registered sale deed dated 03.04.1986, the respondents/defendants had only encroached the Government poramboke land and not the appellant’s patta land. The Court noted that while a suit for possession without a prayer for declaration is maintainable in cases where there is no serious cloud over title, the appellant herein had failed to identify the encroached portion, specify the extent, or seek a mandatory injunction for its removal. Further, no Commissioner had been appointed to ascertain the extent of encroachment, and the plaint lacked particulars identifying which defendant occupied which portion of land.

The Court also found that the earlier judgment in O.S.No.787 of 1986 pertained to the property of Mamallan Co-operative Housing Society in T.S.No.2872 and not the appellant’s property in T.S.Nos.2871 and 2873, and hence, that decree had no bearing on the present suit. It was further held that the respondents had admitted only their encroachment upon Government poramboke land and not the suit property, and that the plaintiff failed to substantiate its claim of encroachment with adequate evidence.

The Court concluded that the trial court and I appellate court had properly appreciated the oral and documentary evidence, that their findings could not be termed perverse, and that the appellant had failed to establish the identity, extent, and particulars of encroachment. Accordingly, the Court dismissed the Second Appeal, holding that the appellant/plaintiff was not entitled to any relief.

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HIGH COURT – CRIMINAL CASES

C.Chandrashekar & Ors. Vs. State represented by, Inspector of Police, CBI/ACB/Chennai [Crl.A.Nos.31, 61, 49, 57, 43 and 48 of 2014]

Date of Judgment: 15.10.2025

This Criminal Appeal was filed to set aside the conviction and sentence imposed under Sections 120B r/w 420 IPC and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. The case arose from two CBI cases registered on a complaint alleging that between April 1997 and July 1999, officials of the Telecom Department conspired with private transporters to raise false indents, obtain telecom goods such as cables and poles, and divert consignments valued at nearly ₹1 crore to private scrap dealers, instead of the Mysore and Bangalore Telecom circles.

A common final report was filed against twelve accused, out of whom three died pending trial, two were acquitted, and six appellants - A1, A5, A7, A8, A9, and A12 were convicted. The trial court held that the accused had misused their official positions, diverted materials to Tiruvannamalai scrap dealers, and thereby cheated the department. All the accused were sentenced to two years' rigorous imprisonment with fines.

Before the High Court, the appellants argued that the sanction orders were invalid, issued by incompetent authorities, and that the prosecution failed to establish any conspiracy, pecuniary gain, or dishonest intent. They contended that the handwriting expert's reports were inconclusive, key witnesses like transporters and scrap dealers were not examined, and the investigation was defective and incomplete.

The CBI maintained that the appellants had knowingly issued or acted upon false indents without proper verification, causing substantial loss to the department.

The High Court found serious procedural defects upon scrutiny, including invalid sanction, incomplete chain of evidence, and absence of proof of conspiracy or benefit. The Court held that the trial court's findings were based on presumption and conjecture, not substantive proof. Thus, the Court set aside the conviction and sentence and acquitted all appellants of all charges.

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Pandeeswari, W/o.Saravanan, Srivillilputhur Taluk, Virudhunagar District Vs. B.Ramkumar, S/o.Balasubramanian, Ramakrishnapuram, Virudhunagar District [CRL.R.C.(MD)No.1325 of 2025 and Crl.M.P.(MD)Nos.14271 and 14272 of 2025]

Date of Judgment: 10.10.2025

This Criminal Revision Case had been filed as against the order passed by the Principal District and Sessions Court, which had confirmed the conviction and sentence imposed by the Judicial Magistrate under Section 138 of the Negotiable Instruments Act, 1881. The Petitioner/Accused had filed this Revision seeking to set aside the conviction and sentence, as both the courts below had found her guilty for dishonour of cheque and sentenced her to six months simple imprisonment with a compensation of Rs.1,00,000/-, in default of which she was to undergo further two months' simple imprisonment.

The case had been filed originally because the cheque issued by the petitioner towards discharge of liability was dishonoured, leading the Respondent/Complainant to institute a complaint under Section 138 of the NI Act before the Trial Court, which culminated in conviction and confirmation in appeal. During the pendency of this Revision, both parties entered into a Memorandum of Compromise dated 08.10.2025, wherein the petitioner had paid the entire cheque amount of Rs.1,00,000/- in cash to the respondent. The respondent acknowledged full satisfaction of dues and stated that no further amount was payable, declaring that he had no subsisting grievance or complaint against the petitioner.

The learned counsel for the petitioner conferred that the offence under Section 138 being primarily compensatory and not punitive, the Court may exercise its powers under Section 147 of the NI Act, 1881, to compound the offence even at the revision stage. He relied upon various precedents including Damodar S. Prabhu v. Sayed Babalal H [(2010) 2 SCC (Cri) 1328], M/s Meters and Instruments Pvt. Ltd. v. Kanchan Mehta [2017 (7) SCC 558], Kripal Singh Pratap Singh Ori v. Salvinder Kaur Hardip Singh [2004 Crl.L.J. 3786 (Guj.)], and Vinay Devanna Nayak v. Ryot Seva

Sahkari Bank Ltd. [AIR 2008 SC 716], wherein the Hon'ble Apex Court and various High Courts had observed that compounding of offence under Section 138 could be permitted at any stage to secure the ends of justice. The learned Government Advocate opposed the plea on the ground that the conviction had already attained finality through appellate confirmation; however, the Court examined the legal position and held that the High Court could invoke its inherent powers under Sections 359 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and Section 147 of the NI Act, to compound offences in the interest of justice.

Upon perusal of the records, the Court observed that the settlement had been voluntarily and lawfully entered into without coercion or undue influence, and that the payment of the cheque amount had been made in full. Referring to its earlier judgment in Crl.R.C.(MD) No.875 of 2025 (K. Balachenniappan v. Jeyakrishnan), the Court found the present case identical in circumstances and held that it was just and proper to permit compounding.

Thus, the Court allowed the Criminal Revision Case in terms of the Memorandum of Compromise dated 08.10.2025, modified the judgments of the courts below, and annulled the conviction and sentence passed under Section 138 of the Negotiable Instruments Act. The Court treated the Revision Petitioner as acquitted on account of compounding of the offence with the respondent and directed the Superintendent of Special Prison for Women, Madurai, to release the petitioner forthwith without any condition. No order was made as to costs, and the connected miscellaneous petitions were closed.

Murugesan @ Murugesh Vs. The State rep by its Inspector of Police, All Women Police Station, Denkanikottai, Krishnagiri & Ors. [Crl.A.No.822 of 2018]

Date of Judgment: 10.10.2025

This Criminal Appeal had been filed as against the order of conviction and sentence imposed by the Sessions Judge under Sections 366 IPC, 5(l) r/w 6 of the POCSO Act, 2012, and 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989. The appellant had been sentenced to 10 years' rigorous imprisonment with fine under Section 366 IPC, 12 years' rigorous imprisonment with fine under the POCSO Act, and life imprisonment with fine under the SC/ST Act.

The prosecution case was that the *victim (PW1)*, a minor girl belonging to a *Scheduled Caste*, was a classmate of the accused's daughter (PW4). During Dussehra holidays, PW1 stayed at PW4's residence, where the accused forcibly had sexual intercourse with her and continued the same on subsequent occasions. The victim became pregnant, and when the incident came to light, the accused kidnapped and confined her at Coimbatore. A complaint was lodged, leading to registration of a case under *Crime No.12 of 2016* at the All Women Police Station, Denkanikottai. After investigation, a charge sheet was filed.

The prosecution examined twenty witnesses and marked twenty-two documents. PW1 (victim), PW2 and PW3 (her parents), PW4 (accused's daughter), and PW8–PW10 (Doctors) supported the prosecution version. The defence contended that the victim was a major at the time of the alleged occurrence, that the complaint was foisted by the accused's wife whose brother was in the Police Department, and that the age of the victim had not been properly proved through admissible evidence. It was argued that the relationship was consensual and that the trial court had erred in convicting the appellant solely on medical and documentary evidence.

The Additional Public Prosecutor and the Legal Aid Counsel for the victim contended that the victim was 16 years old and that the appellant, aged about 35, had committed sexual assault on a child, attracting Sections 5(l) and 6 of the POCSO Act. They relied on the evidence of PW1, PW4, and Ex.P7—the school certificate—to establish the victim's age, and asserted that the accused's knowledge of the victim's caste attracted Section 3(2)(v) of the SC/ST Act.

The Court observed that PW1's evidence, corroborated by PW4, clearly established that the appellant had sexual intercourse with the victim, resulting in pregnancy. The victim's age was proved through Ex.P7, issued by John Britto Higher Secondary School, confirming her date of birth as 20.07.2000. As per Section 94(2)(i) of the Juvenile Justice (Care and Protection of Children) Act, 2015, the school certificate is the primary proof for determining age, and PW14's testimony confirming the same remained unchallenged. Therefore, the victim was only 15 years and 3 months old at the time of the occurrence and fell within the definition of a *"child"* under Section 2(d) of the POCSO Act.

The Court further held that consent by a child is immaterial, and any sexual act with a child constitutes penetrative sexual assault under the POCSO Act. PW4's evidence, being a natural witness, corroborated PW1's version. It was also established that the appellant had taken the victim away from her lawful guardianship to Coimbatore, thereby attracting Sections 361 and 366 IPC. Since the appellant had knowledge that the victim belonged to a Scheduled Caste, Section 3(2)(v) of the SC/ST Act was also rightly invoked. The Court rejected the appellant's reliance on *P. Yuvaprakash v. State (2023 INSC 626)*, noting that in that case the school record was unreliable, whereas in the present case, the date of birth was clearly established.

Invoking Section 29 of the POCSO Act, the Court held that the presumption of guilt applied, and the appellant had failed to rebut it. Hence, there was no reason to interfere with the conviction or sentence imposed by the Trial Court.

The Court, dismissed the criminal appeal and upheld the conviction and sentences under Sections 366 IPC, 5(l) r/w 6 of the POCSO Act, and 3(2)(v) of the SC/ST Act, and directed that the appellant be taken into custody forthwith to undergo the sentence imposed and confirmed by this Court.

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Varaaki @ V.R.Krishna Kumar Vs. State represented by the Inspector of Police, CBCID, Kancheepuram [Crl.O.P.No.26611 of 2025]

Date of Judgment: 06.10.2025

This *Criminal Original Petition* had been filed as against the respondent Police seeking to set aside the remand extension order, passed by the learned Judicial Magistrate, registered for offences under Sections 465, 466, 468, 471, 420, 120-B, 419 r/w.109 IPC. The petitioner, an independent video journalist and whistleblower, claimed to expose corruption through online platforms. He alleged that public officials whose misconduct he revealed became vindictive, resulting in false cases being filed against him. Within two months in 2024, five criminal cases were registered, and he remained in custody for 132 days. He had earlier approached this Court, which on 13.02.2025, transferred the investigations to the CBCID.

Despite the transfer, no progress ensued, leading him to submit a representation on 16.08.2025 to the Director General of Police (Administration). Subsequently, he was summoned for enquiry by CBCID on 08.09.2025, apprehended, and produced before the learned Magistrate at 10.00 p.m. the same day. He contended that the reasons for arrest were never communicated to him, violating Section 50 Cr.P.C. and Article 22(1) of the Constitution, rendering the remand illegal.

In response, the respondent Police stated that the FIR originated from a complaint regarding forgery and impersonation, which led to *Crime No.3 of 2024* being renumbered as *Crime No.1 of 2025*. Based on a co-accused's confession, the petitioner was alleged to have conspired to extract money by filing and withdrawing a protest petition concerning forged documents. It was also contended that eight other cases were pending against him. The prosecution asserted that arrest intimation was sent through SMS to his wife and that the arrest memo contained the grounds of arrest, thus fulfilling procedural requirements.

The petitioner's counsel contended that neither written nor oral communication of arrest grounds was made. Relying on *Prabir Purkayastha v. State (NCT of Delhi)*

(2024) 8 SCC 254, *Vihaan Kumar v. State of Haryana* (2025), and *Ashish Kakkar v. UT of Chandigarh* (2025), it was argued that written communication is mandatory. The Additional Public Prosecutor, relying on *State of Karnataka v. Sri Darshan* (2025 SCC OnLine SC 1702), submitted that substantial compliance suffices unless prejudice is shown.

The Court observed that there was no material to show communication of arrest grounds, either orally or in writing, and sending an SMS to the wife was insufficient. The absence of such proof constituted a violation of the constitutional mandate, warranting bail. As the only material implicating the petitioner was a co-accused's confession, continued custody was unjustified.

The *Criminal Original Petition* was allowed and the remand extension order was set aside, and the petitioner was granted bail on executing a bond for a sum of Rs.20,000/- with two sureties, subject to conditions including daily reporting, non-tampering of evidence, and non-abscondence.

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Arumugam Pillai, S/o.Sangaran Pillai, Anna Nagar, Madurai Vs. P.Chakkaravarthi, S/o.Palanichamy, Prop.S.S.Production, Madurai [CRL.R.C.(MD)No.1311 of 2025 and CRL.M.P.(MD)No.13957 of 2025]

Date of Judgment: 07.10.2025

This Criminal Revision Case had been filed as against the judgment of the *V Additional District and Sessions Judge* which confirmed the conviction and sentence imposed by the *Fast Track Court-I (JM Level),* under Section 138 of the Negotiable Instruments Act.

The Revision Petitioner had been convicted by the Trial Court for the offence under Section 138 N.I. Act and sentenced to undergo *simple imprisonment for one year* and to pay *₹14,00,000/- as compensation* to the Respondent, in default to undergo *further imprisonment for three months*. The conviction was confirmed in appeal, after which this Revision Petition was filed.

During pendency of the Revision, both parties entered into a Joint Memorandum of Compromise dated 18.09.2025, recorded by the Court. Under the terms, the Petitioner agreed to pay ₹5,00,000/- as full and final settlement of all claims, which the Respondent acknowledged to have received through NEFT and Google Pay on 21.08.2025. Both affirmed that the compromise was voluntary and agreed not to initiate any future proceedings. It was also agreed that the conviction and sentence in *S.T.C.No.828/2016* and *C.A.No.17/2023* would not survive.

Learned counsel for the Revision Petitioner conferred that, in view of the compromise, the offence may be compounded under Section 147 of the N.I. Act, which overrides Section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Petitioner be released from jail unconditionally. The Respondent’s counsel also conferred that the full settlement had been received and no objection existed to the Petitioner’s release.

In support, the Petitioner relied on *Damodar S. Prabhu v. Sayed Babalal H (2010)*, *M/s Meters and Instruments Pvt. Ltd. v. Kanchan Mehta (2017)*, *Kripal Singh Pratap*

Singh Ori v. Salvinder Kaur Hardip Singh (2004), and *Vinay Devanna Nayak v. Ryot Seva Sahkari Bank Ltd. (2008)*, which recognised that offences under Section 138 N.I. Act are primarily compensatory and may be compounded at any stage. The learned Government Advocate opposed the plea, contending that once the conviction was confirmed, it could not be nullified through compromise.

The Court, after considering the submissions and precedents, observed that Section 147 of the N.I. Act gives overriding effect for compounding at any stage and that the High Court, in exercise of its inherent powers, may permit such compounding to secure the ends of justice. Although the conviction had been confirmed, the Court held that the compromise between the parties and the compensatory nature of the offence justified intervention to avoid miscarriage of justice.

Accordingly, the Criminal Revision Case was disposed of in terms of the Joint Memorandum of Compromise dated 18.09.2025. The judgment and the conviction and sentence were modified and annulled, and the Revision Petitioner was treated as acquitted on account of the compounding of the offence. The Court directed the Petitioner's release from jail forthwith without any condition, and the connected miscellaneous petition was closed.

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