

IMPORTANT DECISIONS

Abetment of suicide - Dying declaration - No mens rea on part of accused to commit the offence - Accused acquitted. (Telangana) 120

SC Abetment of suicide - Shouting at deceased that she is a call girl - There was no goading or solicitation or insinuation by any of the respondents to the victim to commit suicide - Accused rightly discharged. (S.C.) 844

Abetment of suicide - 'Go and die' - Mere utterance of word by accused towards deceased in a quarrel or on spur of moment cannot be considered as an instigation by accused for deceased to commit suicide - Accused acquitted.

(Karnataka) 201

Accident - Injuries caused while boarding - Conductor not an accused - Duty of driver is to concentrate on the road and not on the passengers - Primary duty to keep an eye on passengers is of the conductor - Conductor not an accused in the case - Finding of acquittal do not suffer from any infirmity. (H.P.) 773

Age determination - Radiological examination - Margin of error is two years on either side - Benefit of age determination by ossification test goes to accused. (Delhi) 652

SC Appeal against conviction - Disposal of appeal filed by accused without record of trial Court, which was lost during pendency of appeal is not sustainable. (S.C.) 739

SC Attempt to commit an offence - Attempt to commit an offence begins when accused commences to do an act with necessary intention. (S.C.) 857

SC Attempt to murder - Compromise during pendency of appeal - Sentence reduced to already undergone - Fine amount of Rs.50,000/- set aside. (S.C.) 621

SC Bail - Accused arrested after four years of lodging FIR - Investigating agencies themselves had not arrested accused at an earlier point - Not a circumstance to deny bail. (S.C.) 399

Bail - Law as to : (a) Normal rule is bail and not jail; (b) Object of bail is to secure the presence of accused in the trial; (c) Court has to keep in mind nature of accusations, nature of evidence in support thereof, severity of the punishment, which conviction will entail, character of the accused, circumstances which are peculiar to the accused involved in that crime; (d) Gravity alone not a decisive ground to deny bail - Competing factors are required to be balanced by Court while exercising its discretion; (e) Object of bail is neither punitive nor preventative; (f) Investigation complete and challan filed - Nothing remains to be recovered - Bail granted. (H.P.) 799

SC Bail - Withdrawal of bail application filed in High Court - Accused can subsequently file bail application before Sessions Court. (S.C.) 063

Bigamy - Second marriage during subsistence of first marriage by a Muslim - Provision of S.494 IPC not attracted - Order taking cognizance set aside. (M.P.) 556

Charge - Production of documents seized but not relied upon in the final report - Can be ordered to be produced. (H.P.) 135

SC Cheating and criminal conspiracy - Contract of civil nature - If there is element of cheating and fraud it is always open for a party in a contract to prosecute the other side for the offences alleged. (S.C.) 698

Cheating - Dishonest intention - Subsequent conduct is also relevant.
 (Kerala) 445

Cheating - Taking cash loan and issuing a cheque - Cheque dishonoured - Fraudulent inducement to part with the money specifically alleged in the complaint - No ground to quash complaint.
 (Kerala) 445

Cheating - Taking cash loan and issuing a cheque - Cheque dishonoured - Fraudulent inducement to part with the money - Even if complaint u/s 138 NI Act is filed, he can be subsequently tried for an offence punishable u/s 420 IPC.
 (Kerala) 445

Complaint - Charge framed placing reliance solely on pre summoning evidence without recording pre-charge evidence - Charge framed not sustainable. (Delhi) 128

SC Complaint u/s 498-A IPC and Ss.3, 4 Dowry P.A. - Settlement between parties - Criminal complaint quashed.
 (S.C.) 781

SC Contraband - If at any stage, accused is able to create a reasonable doubt, as a part of his defence, to rebut the presumption of his guilt, the benefit naturally goes to him.
 (S.C.) 001

SC Contraband - Accused is presumed to be guilty consequent to recovery of contraband and it is for accused to establish his innocence - But it does not absolve prosecution from establishing a prima facie case only whereafter burden shifts to accused.
 (S.C.) 001

SC Contraband - Doubtful identity of sample seized and that produced in Court - FSL report loses much of its significance and accused is entitled to the benefit of doubt.
 (S.C.) 001

SC Contraband - If seizure is otherwise not in doubt, there is no requirement that entire material ought to be produced before Court.
 (S.C.) 194

Contraband - Independent witnesses available but not joined - Accused acquitted.
 (P&H) 560

Contraband - Independent witnesses turned hostile - Material contradictions in statements of police witnesses and I.O - Accused acquitted. (Chhattisgarh) 598

Contraband - Modus operandi to send drugs by courier - Managing Director, Directors of courier companies, owners of the firms, servants and agents of the companies and firms involved in courier business shall also be liable to be dealt with under NDPS Act - Directions issued.
 (P&H) 582

Contraband - Once police party comes to know about possession of contraband by accused then it is incumbent and mandatory on the part of police party to carry out inter se search first among its own members.
 (Allahabad) 453

Contraband - Recovery of 11 kg poppy husk - First offence of accused - Sentence reduced to already undergone.
 (Rajasthan) 782

Contraband - Recovery when dubious then entire case goes.(Allahabad) 453

Contraband - Sample drawn by Judicial Magistrate not sent for chemical examination - Accused acquitted.
 (P&H) 623

Contraband - Search option that accused can be searched by I.O. in presence of gazetted officer or Magistrate - It amounts to giving third choice to accused - There is violation of S.50 of NDPS Act - Accused acquitted.
 (P&H) 560

Contraband - Weighing not done at spot - Police party is expected to carry weighing scale, while proceedings on patrolling duty - Weighing not done at spot as police party was not possessing weighing scale - Weighing and other documents prepared at CID Sub Unit - Makes the prosecution case doubtful - Accused acquitted.
 (H.P.) 570

Criminal proceedings - Pendency of civil suit has no bearing over the criminal proceedings. (Madras) 515

Criminal trial - An accused has right to remain silent and such silence cannot be held to be admission of any charge brought against him. (Calcutta) 162

Criminal trial - Material contradictions and inconsistencies in the statement of prosecution witness - Conviction cannot be based upon the same. (H.P.) 756

Criminal trial - Motive alone is not sufficient to convict accused in absence of any other circumstantial evidence. (Madras) 777

Criminal trial - Variable picture qua occurrence portrayed by eye witnesses of occurrence - Acquittal calls for no interference. (H.P.) 374

SC Criminal trial - Voice sample for purpose of investigation - Such power is conferred on Magistrate by Supreme Court in exercise of jurisdiction vested in Supreme Court under Article 142 of the Constitution of India. (S.C.) 244

Cross-examination - Opportunity given but no cross examination done - Case under POCSO Act - Prosecutrix is a child - Child not to be called repeatedly - No justification whatsoever to call back prosecutrix. (Rajasthan) 310

SC Cruelty - Complaint by father of victim/wife u/s 498-A IPC is maintainable. (S.C.) 178

Cruelty - Dowry demand - Compromise - Proceedings quashed. (Allahabad) 668

Cruelty - Mere demand of money or property, unaccompanied by any harassment does not fall within mischief of S.498-A IPC. (Bombay) 233

Date of occurrence wrongly recorded in the statement of complainant - Subordinate Court is not powerless in making correction of a typographical error. (Rajasthan) 091

Defamation - Defamatory interviews telecast on various TV channels - None of editors and publishers arrayed as accused - Other than complainant no other person cited as witness in complaint nor anything showing that imputation in estimation of others, lowers moral or intellectual character considering as disgraceful - Proceedings quashed. (Madras) 404

Defamation - Legal notice - It was stated that complainant prepared the forged documents and are trying to grab the whole property - Act of accused does not come under derogatory or defamatory act. (M.P.) 316

Default bail - Oral prayer for default bail - Petitioner granted default bail. (Delhi) 252

Dishonour of cheque - Company not impleaded as a party - Complainant an illiterate lady and rustic villager - Liberty granted to file application u/s 14 Limitation Act seeking exclusion of period during which he was prosecuting complaint against accused alone while filing a fresh complaint, if so advised (Rajasthan) 860

SC Dishonour of cheque - Debt not to be proved as in a civil suit. (S.C.) 637

Dishonour of cheque - Hire purchaser agreement - Accused filed consumer complaint against manufacturer as vehicle was defective - Not a ground to quash complaint instituted by financier for dishonour of cheque. (Gauhati) 558

Dishonour of cheque - Once signatures admitted in the cheque, there is presumption that cheque was made or drawn for consideration on the date which cheque bears - Such presumption is however rebuttable. (P&H) 828

Dishonour of cheque - Accused can be summoned on the basis of affidavit of complainant. (Allahabad) 151

SC Dishonour of cheque - Conviction - Death of accused - Legal heirs have right to challenge conviction of their predecessor for the purpose that he was not guilty of any offence - Legal heirs in such a case are neither liable to pay fine or to undergo imprisonment. (S.C.) 216

SC Dishonour of cheque - Cross examination of prosecution witnesses is not sufficient to rebut the presumption of consideration. (S.C.) 637

Dishonour of cheque - Date of cheque drawn - It is drawn with reference to date mentioned in column in cheque and not the date on which it was signed. (P&H) 483

Dishonour of cheque - Defence evidence by accused by way of evidence - Not permissible. (P&H) 761

Dishonour of cheque - Existing liability - Provisions of the Act does not lay down that cheque is required to be of existing liability - Word 'existing' is not used in the statute. (P&H) 483

SC Dishonour of cheque - Issuance of cheque towards sale consideration - No document or evidence as to execution of conveyance - There was no existing debt or liability against which cheque was given - Accused acquitted. (S.C.) 807

Dishonour of cheque - Loan stated to be advanced in the month of April but date on which loan advanced not stated - Issuance of cheque to discharge legally recoverable debt cannot be accepted. (Karnataka) 538

SC Dishonour of cheque - Mere discrepancies in the statement in respect of cartons, trays or the packing material or the rate charged will not rebut the statutory presumption. (S.C.) 637

Dishonour of cheque - Part payment made - Same does not wash away the offence - Such part payment may be taken into consideration at the time of imposing sentence. (Calcutta) 191

SC Dishonour of cheque - Security cheque - Handing over of cheques by way of security per se do not extricate accused from discharge of liability arising from such cheques. (S.C.) 130

Dishonour of cheque - 'Stop payment' - Nothing to indicate that there was insufficiency of funds - If cheque is dishonoured for 'stop payment' even then offence punishable u/s 138 of the Act gets attracted. (Delhi) 740

Dishonour of cheques - Four cheques - Single complaint is maintainable if it relate to the same transaction - In case it does not relate to same transaction then an opportunity be provided to complainant to choose three cheques. (Allahabad) 151

SC Dishonour of four cheques - Four cheques - No provision to consolidate all the four complaints - All four complaints directed to be fixed on one date. (S.C.) 119

SC DNA test during investigation - Not permissible without carrying out substantial investigation. (S.C.) 133

Domestic violence - Complaint not filed within one year of the incident - Proceedings quashed. (Madras) 011

Domestic Violence - Interim maintenance - Qualification of wife and capacity to earn cannot be a ground to deny interim maintenance to wife. (Delhi) 109

Domestic Violence - Interim maintenance - Rationale for grant of maintenance u/s 125 Cr.P.C. applies on all fours to the grant of maintenance under DV Act. (Delhi) 225

SC Domestic Violence - Maintenance declined - Magistrate cannot grant

maintenance u/s 125 Cr.P.C. which was not pending before him - Grant of maintenance wholly unjustified. (S.C.) 303

SC Domestic violence - Parties not living together in shared household - Vague allegation that respondents are family members but they appear to be neighbours - Ingredients of domestic violence wholly absent - Petition rightly dismissed. (S.C.) 544

Domestic Violence - Wife residing with her parents at place 'B'- Court at place 'B' is competent to grant protection order and other orders under the Act. (Karnataka) 662

SC FIR - Second FIR - For an offence or different offences committed in course of same transaction - Not permissible and is violative of Art.21 of the Constitution. (S.C.) 285

SC FIR - Suppression of earlier FIR - FIR in hand cannot be considered as FIR - At the most it can be considered as statement recorded u/s 161 Cr.P.C. (S.C.) 220

SC Food Adulteration - Furnishing report of Analyst to accused - Report despatched by registered post but no evidence that it was actually delivered to accused - Mere despatch of report is not sufficient - Accused cannot be held guilty - Accused acquitted. (S.C.) 689

SC Food Adulteration - Milk - Independent witness not supporting prosecution case - Uncorroborated testimony of PW-1 Food Inspector cannot be relied upon to sustain conviction - Accused acquitted. (S.C.) 689

Gang rape - Mere consent of a woman to accompany a man to market in no way is sufficient to infer that she was a consenting party to perform sexual intercourse. (Rajasthan) 422

Ganja - In order to constitute ganja, it should be flowering or fruiting tops of cannabis plant - Merely seeds and leaves when not accompanied by tops would not constitute definition of ganja. (Karnataka) 413

Injuries on the person of accused - Non explanation - Accused rightly acquitted. (H.P.) 702

Interim maintenance u/s 125 Cr.P.C. - Filing of an application not a pre condition for grant of interim maintenance. (Delhi) 811

Interim maintenance u/s 125 Cr.P.C. - Wife alleged to be living in adultery - Matter remitted for ascertaining if there is material available on record to show that wife is prima facie living in adultery and thus disentitled to interim maintenance, and if not, assessing the quantum of interim maintenance, to be paid by husband to wife pending fixation of final maintenance. (Delhi) 811

Juvenile - Not entitled to move application for anticipatory bail. (M.P.) 013

Limitation - Magistrate after expiry of period of limitation cannot take cognizance especially in absence of explanation u/s 473 Cr.P.C. (Bombay) 628

Maintenance - Amount of maintenance granted u/s 125 Cr.P.C is adjustable with pendente lite maintenance awarded u/s 24 of Hindu Marriage Act. (Calcutta) 312

SC Maintenance - Sufficient income of wife - Husband to lead evidence as to what is the income of wife - In the absence of any such evidence no presumption can be raised that wife is earning sufficient amount to support herself. (S.C.) 355

SC Maintenance - Wife working lady with sufficient salary - Not entitled to maintenance. (S.C.) 510

SC Murder - Prosecution version that incident happened inside the house of

complainant - PWs stated that occurrence took place outside the house - Prosecution failed to prove its case beyond reasonable doubt - Accused rightly acquitted.

(S.C.) 220

Offence u/s 498-A IPC - Proof of valid marriage is not a sine qua non for proving offence u/s 498-A IPC. (P&H) 304

Offence u/s 498-A IPC - Validity of marriage - When parties resided and cohabited together as husband and wife, then fact that they were not validly married, does not ipso facto, exonerate husband from the rigors of S.498-A IPC. (P&H) 304

SC Original document - Carbon copy prepared in the same process as original document and signed by both the parties - It assumes the character of original document. (S.C.) 772

SC Private counsel engaged by victim to assist public prosecutor - Cannot make oral argument/cross examine witnesses. (S.C.) 784

Quashing of proceedings - High Court has inherent power to quash proceedings even in those cases which are not compoundable. (H.P.) 495

Quashing of proceedings - Trial Court can quash proceedings at the stage of taking cognizance or at the stage of framing charge by applying parameters applicable to quash proceedings u/s 482 Cr.P.C. (H.P.) 135

Reduction of sentence - Nothing on record to show that accused is incapable of being reformed - Every convict is entitled for the advantage of reformative and corrective jurisprudence - Sentence of accused reduced from 10 years R.I to 8 years R.I. (Allahabad) 587

Release of attached property - No formal application is required to be filed for getting attachment lifted. (Kerala) 160

Release of attached property - Once purpose of issuing attachment is achieved, Magistrate to withdraw attachment and restore the property. (Kerala) 160

Sanction for prosecution - Beating by police personnel, taking money of One lakh and not entering the same in recovery memo - Act not in discharge of official duty - Sanction for prosecution not required. (Rajasthan) 613

SCST - Compensation - Caste of a person has to be determined only based on birth and it cannot be changed by virtue of marriage. (Madras) 595

SC Seizure of property during investigation - Limited to movable property. (S.C.) 524

Sessions trial - Engaging private counsel by victim - Though victim with permission of Court may engage an Advocate, but only to assist prosecution and not to conduct prosecution. (Calcutta) 837

Summoning of additional accused - Dowry death - Mediator of marriage - Merely because mediator asked to give rupees five lakh to accused to end the trouble cannot bring him in the category of associate offender nor can make out a case against him - Rejection of application calls for no interference. (Allahabad) 680

Withdrawal from prosecution - Cannot be allowed merely on the ground that witnesses may not support prosecution. (Kerala) 319
