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Kumari Chitra Ghosh and Anr. v. Union of India and Ors. 1970 (1) SCR 413		
– followed	515
Lakshman Exports Ltd. v. Collector of Central Excise (2005) 10 SCC 634		
– relied on	1001
Lallan Rai and Ors. v. State of Bihar 2002 (4) Suppl. SCR 188		
– relied on	110

Lata Wadhwa and Ors. v. State of Bihar and Ors. 2001 (1) Suppl. SCR 578		
– distinguished	....	864
Leela Hotels Limited v. Housing and Urban Development Corporation Limited 2011 (13) SCR 156	....	710
Leelawanti and Ors. v. State of Haryana and Ors. (2012) 1 SCC 66	....	610
Lt. Governor of Himachal Pradesh and Anr. v. Shri Avinash Sharma 1971 (1) SCR 413		
– relied on	....	609
M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu 1999 (3) SCR 1066		
– relied on	....	759
Machander v. State of Hyderabad (1955) 2 SCR 524	....	484
Madan Gopal Kakad v. Naval Dubey & Anr. (1992) 2 SCR 921		
– relied on	....	168
Madhuri Patil (Km.) v. Addl. Commissioner, Tribal Development, 1994 (3) Suppl. SCR 50	....	1004
Mahant Dhangir & Anr. v. Madan Mohan & Ors. (1987) Suppl. SCC 528	....	677
Mahavir and Anr. v. Rural Institute, Amravati and Anr. 1995 (2) Suppl. SCR 421		
– relied on	....	606
Mahendra Saree Emporium (II) v. G.V. Srinivasa Murthy 2004 (3) Suppl. SCR 931	....	737

Mahesh Chandra Gupta v. Union of India 2009 (10) SCR 921		
– cited	....	888
Majotra (V.K.) & Ors. v. Union of India & Ors. 2003 (3) Suppl. SCR 483	....	822
Malkiat Singh v. State of Punjab 1991 (2) SCR 256		
– relied on	....	75
Manju Bhatia v. New Delhi Municipal Council 1997 (1) Suppl. SCR 156		
– relied on	....	759
Manjusree (K.) v. State of Andhra Pradesh & Anr., 2008 (2) SCR 1025		
– relied on	....	1000
Mano Dutt & Anr. v. State of UP 2012 (3) SCALE 219		
– relied on	....	163
Manohar Joshi v. State of Maharashtra & Ors., (2012) 3 SCC 619	....	1000
Manu Sao v. State of Bihar (2010) 12 SCC 310		
– relied on	....	648
Manzoor v. State of Uttar Pradesh 1982 (2) SCC 72		
– cited	....	279
Maria Margarida Sequeria Fernandes and Ors. v. Erasmo Jack de Sequeria (dead) (2012) 5 SCC 370		
– relied on	613

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Marudanal Augusti v. State of Kerala (1980) 4 SCC 425	5
Maruti Rama Naik v. State of Maharashtra (2003) 10 SCC 670	103
Masalti v. State of U.P. 1964 (8) SCR 133 – relied on	....	7
Mayawati v. Markandeya Chand & Ors. 1998 (2) Suppl. SCR 204	....	677
Medical Council of India v. State of Karnataka 1998 (3) SCR 740	....	210
Meenglas Tea Estate v. Workmen, 1964 SCR 165 – relied on	....	1001
Meera Sahni v. Lieutenant Governor of Delhi and Ors. 2008 (10) SCR 1012 – relied on	....	606
Mizaji and Anr. v. State of U.P. 1959 Suppl. SCR 940 – relied on	....	798
Mohan Mali and Anr. v. State of Madhya Pradesh (2010) 6 SCC 669	....	547
Mohanlal Gangaram Gehani v. State of Maharashtra 1982 (3) SCR 277 – held inapplicable	281
Mohans (P. K.) Ram v. B.N. Ananthachary and Others 2010 (3) SCR 401 – cited	1100

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Mor Modern Coop. Transport Coop. Transport Society Ltd. v. Govt. of Haryana 2002 (1) Suppl. SCR 87 – relied on	887
Mousam Singha Roy and Ors. v. State of W.B. (2003) 12 SCC 377	....	99
Mridul Dhar (Minor) and Anr. v. Union of India and Ors. 2005 (1) SCR 380	....	210; and 518
Mrinal Das and Ors. v. State of Tripura 2011 (14) SCR 411 – relied on	....	953
Mulla and Anr. v. State of Uttar Pradesh 2010 (2) SCR 633	....	237
Mumbai International Airport (P) Ltd. v. Regency Convention Centre and Hotels (P) Ltd. 2010 (7) SCR 790 – relied on	....	311
Muniappan (C.) v. State of Tamil Nadu 2010 (10) SCR 262 – relied on	....	103; and 163
Muniappan v. State of Tamil Nadu 1981 (3) SCR 270 – relied on	....	75
Municipal Corporation of Delhi v. Association of Victims of Uphaar Tragedy and Ors. 2011 SCR 1 – relied on	863

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Munshi Singh Gautam v. State of M.P. 2004 (5) Suppl. SCR 1092	108
Muzaffar Husain v. Sharafat Hussain AIR 1933 Oudh 562	737
Myladimmal Surendran and Ors. v. State of Kerala 2010 (10) SCR 916		
– relied on	....	237
Nageshwar Shri Krishna Ghobe v. State of Maharashtra 1973 (2) SCR 377		
– relied on	....	237
Nageshwaramma (N.M.) v. State of A.P. 1986 Supp SCC 166		
– relied on	....	924
Nagubai Ammal v. B Shama Rao 1956 SCR 451	....	313
Namit Sharma v. Union of India JT 2012 (9) SC 166		
– relied on	....	820
Nand Kishore v. State of Madhya Pradesh 2011 (7) SCR 1152		
– relied on	....	110; and 579
Narayan Chetanram Chaudhary and Anr. v. State of Maharashtra 2000 (3) Suppl. SCR 104		
– relied on	....	574
Narayan Govind Gavate & Ors. v. State of Maharashtra & Ors., 1977 (1) SCR 763	1005
Narayanan (M.) Nambiar v. State of Kerala (1963) Supp. (2) SCR 724		
– relied on	1081

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Naresh Giri v. State of M.P. 2007 (11) SCR 987	235
Nathuni Ram & Ors. v. Smt. Khira Devi & Ors. 1981 BBCJ 413	737
National Human Rights Commission v. State of Gujarat 2009 (7) SCR 236		
– relied on	....	167
National Insurance Co. Ltd. v. Baljit Kaur & Ors. 2004 (1) SCR 274	....	977
Needle Industries (India) Ltd. & Ors. v. N.I.N.I.H. Ltd. & Ors., 1981 (3) SCR 698	....	1003
Neelima Priyadarshini (Mrs.) v. State of Bihar, AIR 1987 SC 2021	....	998
Neetu v. State of Punjab & Ors., 2007 (1) SCR 223	....	999
New India Assurance Co. Ltd. v. Asha Rani & Ors. 2002 (4) Suppl. SCR 543	....	977
New India Assurance Company Ltd. v. Nusli Neville Wadia and Anr., 2007 (13) SCR 598		
– relied on	....	1001
Niladri Narayan Chandradhurja v. State of West Bengal AIR 2002 SC 2532	....	609
Nooruddin v. (Dr.) K.L. Anand (1995) 1 SCC 242		
– relied on	....	612
Northern Indian Glass Industries v. Jaswant Singh and Ors. 2002 (3) Suppl. SCR 534	....	609
Offshore Holdings Pvt. Ltd. v. Bangalore Development Authority & Ors. 2011 (1) SCR 453	977

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Om Prakash v. State of Haryana 2006 (1) SCR 423		
– cited	5
Om Prakash v. Union of India and Ors. AIR 2010 SC 2430		
– relied on	....	608
Onkar Nath Mishra and Ors. v. State (NCT of Delhi) and Anr. 2007 (13) SCR 716		
– relied on	....	1036
Padma (C.) and Ors. v. Deputy Secretary to the Government of Tamil Nadu and Ors. 1996 (9) Suppl. SCR 158	....	609
Pallawi Resources Ltd. v. Protos Engineering Company Pvt. Ltd. 2010 (3) SCR 847	....	977
Pandit Leela Ram v. Union of India 1976 (1) SCR 341		
– relied on	....	606
Pandurangam (A.) Rao v. State of Andhra Pradesh and Others 1976 (1) SCR 620	relied on	.... 890
Paras Yadav v. State of Bihar 1999 (1) SCR 55		
– relied on	....	167
Phoolan Devi v. State of M.P. and Ors. 1996 (9) Suppl. SCR 233	....	484
Pleasant Stay Hotel v. Palani Hills Conservation Council 1995 (3) Suppl. SCR 588		
– relied on	759
Popatlal Shah v. State of Madras 1953 SCR 677	889

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Post Graduate Institute of Medical Education and Research v. Faculty Association 1998 (2) SCR 845		
– distinguished	....	518
Poulose (M.S.) (Rev. Fr.) v. Varghese and Others 1995 (3) SCR 126	....	1103
Prabha Shankar Dubey v. State of M.P., 2003 (6) Suppl. SCR 444		
– stood disapproved	....	1159
Pramod Mandal v. State of Bihar 2004 (4) Suppl. SCR 479		
– cited	....	279
Pratap Singh v. State of Jharkhand 2005 (1) SCR 1019	....	547
Pratap v. State of Rajasthan 1996 (2) SCR 1088	....	610
Pratibha Coop. Housing Society Ltd. v. State of Maharashtra 1991 (2) SCR 745		
– relied on	....	759
Pravin v. State of Madhya Pradesh 2008 (5) SCR 367		
– cited	....	279
Preeti Gupta and Anr. v. State of Jharkhand & Anr. 2010 (9) SCR 1168		
– cited	....	1036
Prem Nath Kapur and Another v. National Fertilizers Corporation of India Ltd. and Others 1995 (5) Suppl. SCR 790	710
Printers Mysore Ltd. v. M.A. Rasheed and Ors. 2004 (3) SCR 799	610

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Priyanka Estates International Pvt. Ltd. v. State of Assam 2009 (16) SCR 80		
– relied on	759
Punjab State Electricity Board & Anr. v. Ashwani Kumar, 2010 (7) SCR 1158	....	1005
Punjab State Electricity Board Ltd. v. Zora Singh and Ors. 2005 (2) Suppl. SCR 524		
– cited	....	393
Puran & Ors. v. Gram Panchayat, Faridabad (2006) 2 SCC 433		
– distinguished	....	978
Puran v. Rambilas and Anr. 2001 (3) SCR 432		
– relied on	....	850
Rabindra Kumar Pal @ Dara Singh v. Republic of India (2011) 2 SCC 44		
– relied on	....	101
Rachakonda Venkat Rao And Others v. R. Satya Bai (D) by L.R. And Another 2003 (3) Suppl. SCR 629	....	737
Rachpal Singh & Ors. v. Gurmit Singh & Ors., AIR 2009 SC 2448		
– relied on	....	1001
Raghubir Sahu v. Ajodhya Sahu AIR 1945 Pat 482	....	737
Raghubir Singh and Ors. v. State of Bihar 1986 (3) SCR 802	484
Raj Deo Sharma (I) v. State of Bihar 1998 (2) Suppl. SCR 130	484

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Raj Deo Sharma (II) v. State of Bihar 1999 (3) Suppl. SCR 124	484
Raja Mahto and Another v. Mangal Mahto and Others 1982 PLJR 392		
– approved	....	737
Raja Soap Factory v. V. Shantharaj & Ors. 1965 (2) SCR 800	....	677
Rajasthan Housing Board and Ors. v. Shri Kishan and Ors. 1993 (1) SCR 269		
– relied on	....	609
Rajender Singh and Ors. v. Santa Singh and Ors. 1974 (1) SCR 381	....	315
Rajendra Prasad Bose and Anr. v. Gopal Prasad Sen AIR 1930 PC 242	....	1104
Rajendra Singh Rana v. Swami Prasad Maurya 2007 (2) SCR 591	....	677
Rajendra Singh v. State of Madhya Pradesh, 1996 (4) Suppl. SCR 393	....	998
Rajes Kanta Roy v. Shanti Debi and Another 1957 SCR 77		
– cited	....	1100
Rajesh Kumar v. State through Government of NCT of Delhi (2011) 13 SCC 706		
– relied on	....	75
Rajiv Arora v. Union of India & Ors., AIR 2009 SC 1100	....	1002
Raju @ Rajendra v. State of Maharashtra 1998 (1) SCC 169		
– held inapplicable	281

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Raju Ramsingh Vasave v. Mahesh Deorao Bhiavapurkar & Ors., 2008 (12) SCR 992	1000
Ram Adhar Singh v. Ramroop Singh and Others 1968 SCR 95	....	737
Ram Bali v. State of Uttar Pradesh 2004 (1) Suppl. SCR 195		
– relied on	....	167
Ram Bihari Yadav and Others v. State of Bihar & Ors. 1995 (3) Suppl. SCR 197		
– relied on	....	166
Ramachandra (P.) Rao v. State of Karnataka (2002) 4 SCC 578	....	485
Ramachandran (R.) Nair v. Deputy Superintendent, Vigilance Police 2011 (3) SCR 1054	....	1005
Ramadas (K.) Shenoy v. Chief Officers, Town Municipal Council 1975 (1) SCR 780		
– relied on	....	759
Ramalinga (M.) Thevar v. State of Tamil Nadu and Ors. 2000 (3) SCR 167		
– relied on	....	608
Ramesh Hirachand Kundanmal v. Municipal Corporation of Greater Bombay 1992 (2) SCR 1		
– relied on	....	311
Ramesh Kumar v. Kesho Ram, AIR 1992 SC 700	....	1003
Ramjas Foundation (The) and Ors. v. Union of India and Ors. 1992 (2) Suppl. SCR 426		
– relied on	612

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Ramniklal N. Bhutta and Anr. v. State of Maharashtra and Ors. 1996 (8) Suppl. SCR 787		
– relied on	....	612
Ramrameshwari Devi v. Nirmala Devi 2011 (8) SCR 992		
– relied on	....	613
Ramrao & Anr. v. Narayan & Anr. 1969 (3) SCR 185		
– relied on	....	820
Range Forest Officer v. S.T. Hadimani, 2002 (1) SCR 1080	....	1003
Ratan Chandra Sammanta and Ors. v. Union of India and Ors. 1993 (3) SCR 751		
– relied on	....	608
Ravi Yashwant Bhoir v. District Collector, Raigad & Ors., (2012) 4 SCC 407		
– relied on	....	1000
Renu Devi v. Mahendra Singh and Others 2003 (1) SCR 820	....	737
Retd. Armed Forces Medical Association and Others v. Union of India and Others (2006) 11 SCC 731 (I)	....	889
Rishbud (H.N.) & Anr. v. State of Delhi 1955 SCR 1150		
– relied on	....	279
Ritesh Tewari and Anr. v. State of Uttar Pradesh and Ors. 2010 (11) SCR 589		
– relied on	613

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Rizan and Anr. v. State of Chhattisgarh 2003 (1) SCR 457		
– cited	9
Rudra Kumar Sain and Others v. Union of India & Others 2000 (2) Suppl. SCR 573		
– cited	....	361
Rumi Dhar (Smt.) v. State of West Bengal & Anr. 2009 (5) SCR 553		
– relied on	....	1036
Sadhanantham (P.S.R.) v. Arunachalam & Anr., 2009 (16) SCR 111	....	999
Saghir Ahmad & Anr. v. State of U.P., 1955 SCR 707	....	998
Sahakari Sakhar Karkhana Ltd. v. Collector of Central Excise, Pune 2003 (2) SCR 310	....	977
Sajjan Kumar v. Central Bureau of Investigation 2010 (11) SCR 669		
– cited	....	1036
Sampath (S.P.) Kumar v. Union of India AIR 1987 SC 346	....	822
Sanatan Naskar and another v. State of West Bengal (2010) 8 SCC 249		
– cited	....	646
Sangeeta Singh v. Union of India and Others 2005 (2) Suppl. SCR 823	....	889
Sanjay Gupta v. Kalawati and Ors. (1992) 53 DRJ 653	315
Santa Singh v. State of Punjab 1977 (1) SCR 229		
– relied on	75

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Sarvinder Singh v. Dalip Singh 1996 (4) Suppl. SCR 271		
– relied on	312
Satbir Singh & Ors. v. State of Uttar Pradesh 2009 (3) SCR 406		
– relied on	....	163
Satendra Prasad Jain v. State of U.P. and Ors. 1993 (2) Suppl. SCR 336		
– relied on	....	609
Sathi Prasad v. The State of U.P. (1972) 3 SCC 613		
– relied on	....	167
Sathya Narayanan v. State Rep. by Inspector of Police J.T. 2012 (11) SC 57		
– relied on	....	1138
Satish Narayan Sawant v. State of Goa 2009 (14) SCR 464		
– relied on	....	279
Satyajit Banerjee and Ors v. State of West Bengal and Ors. 2004 (6) Suppl. SCR 294	....	483
Satyanarayan Prasad Sah and Others v. State of Bihar (1980) Supp SCC 474	....	737
Savitri Devi v. DJ, Gorakhpur 1999(1) SCR 725		
– relied on	....	311
Sayed Darain Ahsan alias Darain v. State of West Bengal & Anr. 2012 (4) SCC 352		
– cited	....	279

Shah Nawaz v. State of Uttar Pradesh and Anr. 2011 (9) SCR 859	
– relied on	.... 547
Shahabuddin (Mohd.) v. State of Bihar, 2010 (3) SCR 911	.... 1005
Shakson Belthissor v. State of Kerala and Anr. (2009) 14 SCC 466	
– cited	.... 1036
Shamdasani (P.D.) v. Central Bank of India 1952 SCR 391	
– followed	.... 863
Shamrao (K.) & Ors. v. Assistant Charity Commissioner 2003 (2) SCR 523	
– relied on	.... 820
Shanmugan (M.K.) v. U.O.I. (2000 (3) SCR 554	.... 360
Shanti Kumar R. Chanji v. Home Insurance Co. of New York, 1975 (1) SCR 550	.... 998
Shanti Sports Club v. Union of India 2009 (13) SCR 710	
– relied on	.... 759
Sharad Birdhichand Sardar v. State of Maharashtra 1985 (1) SCR 88	
– relied on	.... 952; and 1138
Sheikh Ishaque and Ors. v. State of Bihar 1995 (2) SCR 692	
– relied on	.... 4

Sheo Shankar Singh v. State of Jharkhand and Anr. 2011 (4) SCR 312	.... 108
– relied on	.... 103
Shivlal and Anr. v. State of Chhattisgarh 2011 (11) SCR 429	
– relied on	.... 574
Shri Balaganesan Metal v. M.N. Shanmugham Chetty & Ors. 1987 (2) SCR 1173	.... 977
Shri Kumar Padma Prasad v. Union of India & Ors. 1992 (2) SCR 109	
– relied on	.... 822
Shri Morvi Sarvajani Kelavni Mandal Sachalit MSKM BEd College v. National Council for Teachers' Education and Ors. 2011 (13) SCR 555	.... 924
Shyamal Ghosh v. State of West Bengal 2012 (6) SCALE 381	
– relied on	.... 237; and 579
Sidhartha Vashisht alias Manu Sharma v. State (NCT) of Delhi 2010 (4) SCR 103	
– relied on	.... 646
– cited	.... 279
Sikandar Singh and Ors. v. State of Bihar 2010 (8) SCR 373	
– cited 9
Simon & Ors. v. State of Karnataka 2004 (1) SCR 1164	
– relied on 281

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Simranjit Singh Mann v. Union of India, 1992 Suppl. SCR 592	998
Sita Ram v. State of Madhya Pradesh 1962 Suppl. SCR 21	977
Sneh Prabha v. State of Uttar Pradesh 1995 (5) Suppl. SCR 264		
– relied on	....	606
Snehelata Patnaik (Dr.) & Ors. v. State of Orissa & Ors. 1992 (1) SCR 335	....	209
Sreenivasa (A.) Pai and Anr. v. Saraswathi Ammal alias G. Kamala Bai 1985 (2) Suppl. SCR 122		
– relied on	....	1104
Sri Ram Saha v. State of West Bengal 2004 (5) Suppl. SCR 459	....	977
Sri Vedagiri Lakshmi Narasimha Swami Temple v. Induru Pattabhirami Reddi 1967 SCR 280	....	977
Srinibas Jena & Ors. v. Janardan Jena & Ors. AIR 1981 Orissa 1 (F.B.)		
– distinguished	....	737
Srinivasa (B.) Reddy v. Karnataka Urban Water Supply & Drainage Board Employees Association 2006 (5) Suppl. SCR 462		
– relied on	....	887
St. John's Teachers Training Institute (for Women) v. State of T.N. 1993 (3) SCR		
– relied on	924

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Standard Chartered Bank v. Andhra Bank Financial Services Ltd. & Ors., 2006 (2) Suppl. SCR 1	1003
Star Wire (India) Ltd. v. State of Haryana and Ors. 1996 (7) Suppl. SCR 6	....	606
State Bank of India v. Rajendra Kumar Singh and Ors. 1969 SCR 216		
– relied on	....	611
State Bank of Travancore v. Mohammadv 1982 (1) SCR 338		
– relied on	....	888
State of Haryana v. Haryana Veterinary & AHTS Association and another 2000 (3) Suppl. SCR 322	....	360
State of Haryana v. Shakuntala and Ors. 2012 (4) SCALE 526		
– relied on	....	240
State of Himachal Pradesh & Ors. v. Raja Mahendra Pal & Anr. 1999 (2) SCR 323		
– relied on	....	820
State of Karnataka and Ors. v. S.M. Kotrayya and Ors. 1996 (5) Suppl. SCR 426		
– relied on	....	608
State of Karnataka v. K. Yarappa Reddy 2000 SCC (Cri.) 61		
– relied on	167
State of Karnataka v. L. Muniswamy 1977 Cri. LJ 1125		
– relied on	1036

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State of Kerala and Ors. v. M. Bhaskaran Pillai and Anr. 1997 (1) Suppl. SCR 87	610
– relied on	609
State of M.P. & Ors. v. Gopal D. Tirthani & Ors. 2003 (1) Suppl. SCR 797	....	209
State of M.P. v. Bhooraji and Ors. 2001 (2) Suppl. SCR 128		
– relied on	....	483
State of M.P. v. Chintaman Sadashiva Vaishampayan, AIR 1961 SC 1623		
– relied on	....	1001
State of M.P. v. Mansingh and Ors. 2003 (2) Suppl. SCR 460		
– relied on	....	5
State of M.P. v. Mohanlal Soni 2000 Cri.LJ 3504		
– relied on	....	1036
State of Madhya Pradesh v. V.P. Sharma 1966 SCR 557		
– relied on	....	609
State of Maharashtra & Ors. v. Som Nath Thapa and Ors. 1996 Cri.LJ 2448		
– relied on	....	1036
State of Maharashtra v. Vikas Sahebrao Roundale 1992 (3) SCR 792		
– relied on	924
State of Orissa v. Brahmananda Nanda (1976) 4 SCC 288	103

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State of Orissa v. Debendra Nath Pandhi 2004 (6) Suppl. SCR 460		
– relied on	1036
State of Orissa v. Madan Gopal Rungta, 1952 SCR 28	998
State of Punjab & Ors. v. Ram Singh Ex. Constable 1992 (3) SCR 634		
– relied on	....	166
State of Punjab and Others v. Renuka Singla and Others 1993 (3) Suppl. SCR 866	....	210
State of Punjab v. Ajaib Singh 1995 (1) SCR 496	....	484
State of Punjab v. Baldev Singh, 1999 (3) SCR 977		
– relied on	....	1158
State of Punjab v. Parveen Kumar (2005) 9 SCC 769		
– held inapplicable	....	578
State of Punjab v. Surjit Kaur (Dead) through LRs. JT (2001) 10 SC 42		
– relied on	....	611
State of Rajasthan & Ors. v. Union of India & Ors., 1978 (1) SCR 1	....	998
State of Rajasthan v. Kashi Ram 2006 (8) Suppl. SCR 501		
– relied on	954
State of T.N. v. St. Joseph Teachers Training Institute 1991 (2) SCR 231	924

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State of U.P. and Others. v. Pradip Tandon and Others 1975 (2) SCR 761	209
State of U.P. v. Banne and Anr. (2009) 4 SCC 271		
– relied on	....	240
State of U.P. v. Satish 2005 (2) SCR 1132		
– relied on	....	105
State of Uttar Pradesh v. Abdul Karim & Ors. 2007 (8) SCR 540		
– cited	....	279
State of Uttar Pradesh v. Bhagwant Kishore Joshi 1964 SCR 71		
– relied on	....	279
State of Uttar Pradesh v. Saroj Kumar Sinha, 2010 (2) SCR 326		
– relied on	....	1001
State of Uttaranchal v. Balwant Singh Chauhal & Ors., 2010 (1) SCR 678	....	999
State of West Bengal v. Aghore Nath 1993 (2) SCR 919	....	360
State through Central Bureau of Investigation v. Mahender Singh Dahiya 2011 (1) SCR 1104	....	100
State v. Saravanan and Anr. 2008 (14) SCR 405		
– relied on	....	236
Statesman (Private) Ltd. v. H.R. Deb & Ors. 1968 SCR 614		
– followed	822
Subhash Babu v. State of A. P. 2011 (9) SCR 453	998

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Subhash Ramkumar Bind Alias Vakil and Another v. State of Maharashtra 2002 (4) Suppl. SCR 65		
– cited	....	421
Subhash Sharma & Ors. v. UOI 1990 (2) Suppl. SCR 433		
– relied on	....	825
Subhash v. State of Haryana 2010 (15) SCR 452		
– relied on	....	107
Sudha Devi v. M.P. Narayanan & Ors., 1988 (3) SCR 756	....	1003
Sudhir Kumar & Ors. v. Baldev Krishna Thapar & Ors. 1969 (3) SCC 611		
– cited	....	392
Suhrid Singh v. Randhir Singh and Others (2010) 12 SCC 12		
– held inapplicable	....	1126
Sukhchain Singh v. State of Haryana and Ors. 2002 (3) SCR 408		
– relied on	....	574
Sumyan (S.) and others v. Limi Niri & Others 2010 (4) SCR 829		
– cited	....	361
Sunil Batra (II) v. Delhi Administration, 1980 (2) SCR 557	....	998
Sunil Kumar Sambhudayal Gupta (Dr.) v. State of Maharashtra (2010) 13 SCC 657		
– relied on	107

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Sunil Kumar Sambhudayal Gupta v. State of Maharashtra 2010 (15) SCR 452		
– relied on	236
Sunil Kumar v. State Govt. of NCT of Delhi 2003 (4) Suppl. SCR 767		
– relied on	....	575; and 577
Surjit Singh v. Harbans Singh (1995) 6 SCC 50		
– relied on	....	313
Surjit Singh v. Harbans Singh 1995 (3) Suppl. SCR 354		
– relied on	....	312
T.M.A. Pai Foundation and Ors. v. State of Karnataka and Ors. 2002 (3) Suppl. SCR 587	....	515
Tamilnad Mercantile Bank Shareholders Welfare Association (2) v. S.C. Sekar & Ors. 2008 (17) SCR 85	....	998
Tata Teleservices Ltd. v. Commissioner of Customs 2006 (1) SCC 746		
– cited	....	1067
Tej Mohammed Hussainkhan Pathan v. V.J. Raghuvanshi & Anr. AIR 1993 SC 365: 1993 (2) Suppl. SCC 493	....	977
Tej Prakash v. The State of Haryana JT 1995 (7) SC 561		
– relied on	793
Thakur Singh v. State of Punjab (2003) 9 SCC 208		
– relied on	235

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Thaman Kumar v. State of Union Territory of Chandigarh 2003 (3) SCR 1190		
– distinguished	282
Tika Ram v. State of Madhya Pradesh (2007) 15 SCC 760		
– relied on	....	105
Tika Ram v. State of U.P. 2009 (14) SCR 905	....	606
Tika Ramji v. State of U.P. 1956 SCR 393		
– cited	....	421
Trans Mediterranean Airways v. Universal Exports 2011 (14) SCR 47		
– relied on	....	820
Transmission Corpn. of A.P. Ltd. v. Sri Rama Krishna Rice Mill, AIR 2006 SC 1445	....	1002
Tripathi (K.L.) v. State Bank of India & Ors., AIR 1984 SC 273	....	1001
Trustees of the Port of Bombay (The) v. The Premier Automobiles Ltd. 1981 (1) SCR 532	....	977
Tyron Nazareth v. State of Goa 1994 Supp (3) SCC 321		
– relied on	....	483
U.P. Jal Nigam v. M/s. Kalra Properties Pvt. Ltd. 1996 (1) SCR 683		
– relied on	606; and 608
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Union of India v. Prafulla Kumar Samal and Anr. 1979 (2) SCR 229		Vinod Seth v. Devinder Bajaj 2010 (7) SCR 424	
– relied on 1036	– relied on 311
Union of India v. Ramesh Ram and Ors. 2010 (6) SCR 698		Vinoy Kumar v. State of U.P., 2001 (2) SCR 1196	
– distinguished 518	– relied on 1000
Union of India v. Shri Shiv Kumar Bhargava and Ors. 1995 (1) SCR 354		Virender Gaur v. State of Haryana 1994 (6) Suppl. SCR 78	
– relied on 606	– relied on 759
Union of India v. T.R. Varma, 1958 SCR 499		Virendra Singh v. State of Madhya Pradesh 2010 (9) SCR 772	
– relied on 1001	– cited 9
University of Mysore (The) v. C.D. Govinda Rao and Another 1964 SCR 575 888	Virindar Kumar Satyawadi v. The State of Punjab, 1955 SCR 1013	
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– relied on 825	– relied on 100
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Uttar Pradesh Power Corporation Limited v. National Thermal Power Corporation Limited and Others (2011) 12 SCC 400 889	– relied on 483
Vijaysinh Chandubha Jadeja v. State of Gujarat 2010 (13) SCR 255		Zahira Habibullah Sheikh & Anr. v. State of Gujarat & Ors. 2006 (2) SCR 494	
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(2) TIP - Nature of - Failure to hold - Effect of - Held: Identification Parade is a tool of investigation - It is only a relevant consideration which may be examined by court in view of other attendant circumstances and corroborative evidence - Its purpose is to test and strengthen trustworthiness of evidence - This rule of prudence is subject to exceptions - Failure to hold TIP does not by itself render evidence of identification in court inadmissible or unacceptable. (Also see under: Penal Code, 1860) <i>Shyamal Ghosh v. State of West Bengal</i>	95

(3) Necessity to hold TIP - Held: Necessity depends on facts and circumstances of the case - Court identification is as good identification in the eyes of law - It is not always necessary that it must be preceded by TI Parade.

(Also see under: Penal Code, 1860)

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INTERIM ORDERS:

Interim orders in suits filed by purchasers against developer - In respect of the flat of appellant, which was not subject matter of the suit - Notice of Motion by appellant - Interim order recalled - Division Bench of High Court staying operation of order of Single Judge - Held: Division Bench of High Court while deciding Notice of Motion has exceeded its power and jurisdiction in commenting on conduct of appellant stating that she approached the court on the basis of false and fabricated documents - When main suits are pending, particularly, appellant is a stranger in pending suits, such observation is not warranted and, as such, is deleted - Trial court directed to decide the suits on merits - Administration of justice - Strictures.

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(1) Abduction and wrongful confinement followed by murder - Procedure followed by Investigating Officer - Held: Was perfectly in order.

(Also see under: Penal Code, 1860)

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(2) (i) Defective / improper investigation - Dereliction of duty and acts of omission - By Investigating officer and government medical officer, who prepared post mortem report - Held: In the case at hand where one person had died allegedly due to lathi blows, report prepared by medical officer was a deliberate attempt to disguise the investigation - He created a serious doubt as to the very cause of death of deceased - Similarly, IO also failed in performing his duty in accordance with law - There was clear callousness and irresponsibility on the part of medical officer and IO - Lapses on their part were a deliberate attempt to prepare reports and documents in a designedly defective manner to misdirect the investigation to favour the accused - Directions issued to authorities concerned to take appropriate action against them, irrespective of the fact whether they are in service or have retired.

(ii) Defective/improper investigation - Effect of - Held: Merely because Investigating Officer and Government Medical Officer failed to perform their duties and there was some defect in investigation, it will not be to the benefit of accused - Prosecution proved its case beyond reasonable

doubt - Lower courts rightly ignored the deliberate lapses of IO and the doctor.

(Also see under: Criminal trial; and Penal Code, 1860)

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(3) Defects in investigation, by itself cannot be a ground for acquittal.

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(4) Power and duty of Investigating Officer - Held: A duty is cast on IO to evaluate the two sets of documents and materials collected i.e. those in favour of accused and those in support of prosecution - However, it is not impossible to visualize a situation where IO ignores part of the seized documents which favour accused and forwards to court only those documents which support the prosecution.

(Also see under: Code of Criminal Procedure, 1973)

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JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000:

s. 7A r/w. r. 12 of Juvenile Justice Rules, 2007 - Inquiry under - Nature, scope and ambit of - Claim of juvenility - Procedure to be followed - For determination of age - Held: Age determination inquiry is contemplated u/s. 7A r/w r. 12 - Therefore, such inquiry is an inquiry under the Act and to be conducted following the procedure u/r. 12 and not following the procedure under Cr.P.C. - Document produced to prove the date of birth was not refuted

or rebutted by opposite party - Rule 12(3)(a)(i)(ii) is complied with - Court wrongly ordered for medial opinion disbelieving the documents in support of date of birth of juvenile - Juvenile Justice (Care and Protection of Children) Rules, 2007 - r. 12 - Code of Criminal Procedure, 1973.

(Also see under: Penal Code, 1860)

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JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) RULES, 2007:

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KOLKATA MUNICIPAL CORPORATION ACT, 1980:

ss. 396.

(See under: Kolkata Municipal Corporation Building Rules, 1990) 757

KOLKATA MUNICIPAL CORPORATION BUILDING RULES, 1990:

r.25(2) - Unauthorised construction of building - Held: Since construction in violation of sanctioned plan not disputed and the demolition order was passed by Municipal Corporation, builder cannot take advantage of r.25 for regularization of unauthorized construction - Builder is also guilty of cheating those who purchased portions of unauthorized construction - Direction to builder to compensate purchasers by refunding the cost of flat with interest, and to pay cost of Rs. 25,00,000/- for violation of sanctioned plan despite stop work notice - Kolkata Municipal Corporation Act, 1980 - ss. 396.

Dipak Kumar Mukherjee v. Kolkata Municipal Corporation and Ors. 757

LAND ACQUISITION ACT, 1894:

ss. 4 and 6 - Compensation accepted - Possession of land given to authority concerned - Original tenure-holder selling the land - Writ petitions by vendees seeking to quash Notification u/s. 4 and in another petition seeking direction to re-convey the land in their favour - Held: The person who purchases the land subsequent to issuance of notification u/s. 4, is not competent to challenge validity of acquisition proceedings because sale deed does not confer upon him any title - The person interested, if does not raise any objection u/s. 5A, accepts the compensation and does not challenge acquisition proceedings, cannot be permitted to challenge the proceeding after about 3 decades - Quashing of the declaration in some other case, would not enure any benefit to such person - Once possession of land was taken by State and land got vested in it free from all encumbrances, it cannot be divested and restored to person interested - Vendees have also not approached the court with clean hands as they have played fraud upon authorities and used forged document - Therefore, not entitled to any equitable relief either - Cost of Rs. 25 lacs Imposed.

V. Chandrasekaran & Anr. v. The Administrative Officer & Ors. 603

LAND LAWS AND AGRICULTURAL TENANCY:

(1) (See under: Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956) 732

(2) (See under: Punjab Tenancy Act, 1887) 974

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(See under: Town planning) 388

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Licence - Renewal of.
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(See under: Constitution of India, 1950) 862

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(1) Party - "Person aggrieved".
(See under: Constitution of India, 1950) 994

(2) (See under: Constitution of India, 1950) 883

MADHYA PRADESH KRISHI UPAJ MANDI

ADHINIYAM, 1972:

ss.19, 31 r/w s.32 and 36 - Transactions involving purchase of sugarcane by sugar factories operating in market areas - Levy of market fee - Held: Not justified - The entire field of sale and purchase of sugarcane is covered by Sugarcane Act and the Sugarcane Control Order, which are special legislations - Even though Mandi Adhinyam is a subsequent legislation, the general provisions contained in the said Adhinyam cannot be invoked for compelling the occupier of a factory engaged in manufacture of sugar to take licence u/s.31 r/w s.32 and pay market fee in terms of s.19 because the same are in direct conflict with provisions contained in Sugarcane Act and Sugarcane Control Order - Madhya Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1958 - ss. 12,15,16, 19,20,21 and 22 - Sugarcane (Control) Order - Clauses 3,4,5,5A and 6 - Essential Commodities Act, 1955 - s.3.

Krishi Upaj Mandi Samiti, Narsinghpur v. M/s. Shiv Shakti Khansari Udyog and Ors. 416

MADHYA PRADESH SUGARCANE (REGULATION OF SUPPLY AND PURCHASE) ACT, 1958: ss. 12,15,16,19,20,21 and 22. (See under: Madhya Pradesh Krishi Upaj Mandi Adhiniyam,1972)	....	416
MAHARASHTRA SCHEDULED CASTES, SCHEDULED TRIBES, DE-NOTIFIED TRIBES, (VIMUKTA JATIS), NOMADIC TRIBES, OTHER BACKWARD CATEGORY (REGULATION OF ISSUANCE AND VERIFICATION OF) CASTE CERTIFICATE ACT, 2000: Caste certificate - Held: Caste certificates issued by holding proper enquiry, in accordance with duly prescribed procedure, would not require any further verification by Scrutiny Committee - However, as Scrutiny Committee has already conducted an inquiry it is directed that before submission of any report by Scrutiny Committee, application of appellant for calling witnesses for cross-examination must be disposed of, and he must be given a fair opportunity to cross-examine witnesses, who have been examined before the Committee - Further, as respondent no. 5 has not been pursuing the matter in a bonafide manner, and has not raised any public interest, rather he abused the process of court only to harass the appellant, he is liable to pay costs to the tune of Rs. one lakh - Evidence Act, 1872 - s.114, illustration (e) - Maxim " <i>Omnia praesumuntur rite esse acta</i> ". (Also see under: Constitution of India, 1950) <i>Ayaaubkhan Noorkhan Pathan v. The State of Maharashtra & Ors.</i>	994
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MAXIMS: (i) (i) ' <i>Nemo dat quod non habet</i> ' - Applicability of. (ii) ' <i>Jure naturae aequum est neminem cum alterius detrimento et injuria fieri locupletiozem</i> ' - Meaning and applicability of. <i>V. Chandrasekaran & Anr. v. The Administrative Officer & Ors.</i>	603
(2) " <i>Omnia praesumuntur rite esse acta</i> ". (See under: Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000)	....	994
MEDICAL COUNCIL OF INDIA REGULATIONS ON GRADUATE MEDICAL EDUCATION, 1997: Regulation 5. (See under: Education/Educational Institutions)	....	512
MERCHANT SHIPPING (RECRUITMENT AND PLACEMENT OF SEAFARERS) RULES, 2005: (See under: Constitution of India, 1950)	....	862
MOTOR VEHICLES ACT, 1988: s. 133 - Non-serving of notice - Held: On facts, no prejudice caused to accused. (Also see under: Penal Code, 1860) <i>Ravi Kapur v. State of Rajasthan</i>	....	229
NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985: s. 50, r/w ss. 8 and 18 - Search of person of suspect - Procedure to be followed - Held: Sub-s. (1) of s.50 makes it imperative for empowered officer to "inform" the suspect of his right that if he		

so requires, he shall be searched before a gazetted officer or a Magistrate - Failure to do so would vitiate conviction and sentence where conviction has been recorded only on the basis of recovery of contraband from person of accused - The provision is mandatory and requires strict compliance - In the instant case, merely consent of appellants was sought for search of their person by police party - Therefore, recovery of opium from them is unsustainable for non-compliance of provisions of s.50(1) - If, the quantity recovered from vehicle is excluded, the remaining would not come within the mischief of 'commercial quantity' for imposing of such conviction and sentence - Sentence imposed set aside.

Suresh & Ors. v. State of Madhya Pradesh 1157

NATIONAL COUNCIL FOR TEACHER EDUCATION ACT, 1993:
s. 14.

(See under: Educational Institution) 919

NATIONAL COUNCIL FOR TEACHER EDUCATION (RECOGNITION, NORMS AND PROCEDURE) REGULATIONS, 2009:

Regulations 5(5), 7(9), 7(11), 8(1) and 8(12).

(See under: Educational Institution) 919

NATURAL JUSTICE:

Cross-examination - Held: Is part of principles of natural justice - Not only should the opportunity of cross-examination be made available, but it should be one of effective cross-examination, so as to meet the requirement of principles of natural justice.

(Also see under: Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other

Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000)

Ayaubkhan Noorkhan Pathan v. The State of Maharashtra & Ors. 994

NEGLIGENCE:

Determination of - Held: Determination of existence of negligence per se or whether the course of conduct amounts to negligence, would depend upon the attendant and surrounding facts - While determining question of negligence and contributory negligence, court to adopt parameter of 'reasonable care'.

(Also see under: Penal Code, 1860)

Ravi Kapur v. State of Rajasthan 229

PARTY:

'Necessary party' and 'proper party'.

(See under: Code of Civil Procedure, 1908) 307

PENAL CODE, 1860:

(1) (i) s.120B r/w s.302, ss.342, 364, 504 r/w s.34 - Wrongful confinement and abduction followed by murder - Held: Overwhelming evidence on record that appellant shared common intention alongwith other accused - Witnesses made specific reference to the overt act played by appellant in the assault on deceased with a talwar - Complicity of appellant in commission of crime fully established.

(ii) ss.342 and 364 r/w s.34 - Conviction - Held: Justified - Examining the conduct of appellant along with other accused in wrongfully restraining the victim, inflicting severe injuries on his body in which process victim lost his consciousness, thereafter shifting him to a different place, where

he was killed by hanging, offence u/ss.342 and 364 with the aid of s.34, clearly made out.

Subhash Krishnan v. State of Goa 271

(2) (i) ss. 147, 302/149, 307/149 and 302/109 - Unlawful assembly - In funeral procession of political leader who was murdered by unknown criminals - Murder of District Magistrate - By brother of the deceased leader, at the instigation of appellant - Held: Prosecution case against appellant supported by witnesses - High Court rightly acquitted other accused rejecting the prosecution case that there was unlawful assembly with the object of killing the deceased - Majority of prosecution witnesses supported the case that appellant exhorted the shooter - Appellant rightly convicted u/s. 302/109 - Since appellant was not the assailant himself, RI for life is appropriate - Code of Criminal Procedure, 1973 - s. 313 - Evidence Act, 1872 - s. 103.

(ii) s. 109.

Anand Mohan v. State of Bihar 1

(3) ss. 279, 337, 338 and 304A - Motor accident - Resulting in many deaths and injuries to several others - Acquittal by trial court - Conviction by High Court - Held: Evidence of witnesses are consistent and supported by unchallenged documentary evidence - Minor variations in statements of witnesses are not material - Applying the principle of *res ipsa loquitur*, it can be inferred that it was a serious accident causing many deaths - Conviction justified.

Ravi Kapur v. State of Rajasthan 229

(4) s.302 - Allegation that appellant had murdered his wife while she was sleeping and had run away - Circumstantial evidence - Conviction by courts below - Held: Justified - Prosecution established beyond all reasonable doubt that it was appellant alone and nobody else who had committed the offence.

Vadlakonda Lenin v. State of Andhra Pradesh 1135

(5) s. 320 r/w s.27 of Arms Act - Conviction and sentence of life imprisonment by trial court - Appeal pending before High Court - In an application u/ ss. 6 and 7 of Juvenile Justice Act, Supreme Court holding that the accused was a juvenile - Sentence set aside - Direction to High Court to place the records before Juvenile Justice Board for awarding sentence in accordance with the Act of 2000 - Juvenile Justice (Care and Protection of Children) Act, 2000 - Arms Act, 1959 - s. 27. (Also see under: Juvenile Justice (Care and Protection of Children) Act, 2000).

Ashwani Kumar Saxena v. State of M.P. 540

(6) s.302 r/w s.34 - Murder - Conviction - Held: Justified - Accused persons had gone together armed with lathis with a common intention to kill the deceased and they brought their intention into effect by simultaneously assaulting the deceased - They had no provocation - Thus, the intention to kill is apparent - It is not a case which would squarely fall u/s.304 (Part II).

(Also see under: Criminal Trial)

Dayal Singh & Ors. v. State of Uttaranchal 157

(7) ss. 302/149 and 201 - Murder - Circumstantial evidence - Deceased last seen together with accused - Held: Conviction justified - The circumstances complete the chain and establish that in all probability the act must have been done by accused - As deceased was last seen with accused, burden to prove as to what happened to him was on them, which they failed to discharge - Case cannot be rejected on the ground of delay in lodging FIR as the same has been explained - Reliance placed on certain statements of hostile witnesses by courts below is acceptable - Delay in lodging FIR - Motive.

Sathya Narayanan v. State Rep. by Inspector of Police 950

(8) (i) ss. 302, 201, 379, 411 r/w. s. 34 - Murder - Dead body disposed of after cutting it, in gunny bags - Circumstantial evidence as well as eye-witnesses to different events - Trial court convicting all the eight accused and sentencing them to death - High Court affirming conviction except u/s. 379 and commuting the sentence to life imprisonment - Held: Order of High Court affirmed - Prosecution has also proved the chain of events - Code of Criminal Procedure, 1973 - s. 313.

(ii) s. 34 - Common intention - Applicability and nature of - Held: On facts, ingredients of presence of more than two persons, existence of common intention and commission of an overt act stand established.

Shyamal Ghosh v. State of West Bengal 95

(9) ss. 302, 325, 326, 148 and 149 - Murder -

Common object - Conviction - Held: Justified - The whole edifice of the crime related to a land dispute - When appellants proceeded towards land in dispute with arms, it amply disclosed their mindset - It was a clear case of pre-meditation and there was common object - Offence found proved against appellants squarely fell u/s.302 - Punishment imposed on them upheld.

Avtar Singh v. State of Haryana 790

(10) (i) ss. 302 and 364 r/w s. 34 - Held: Eye witness account is fully supported by statement of Investigating Officer, inquest report, post mortem report and the recoveries - There was also motive for accused to kill the deceased - Prosecution has been able to prove its case beyond reasonable doubt - Conviction upheld.

(ii) s. 34 - Applicability - Ingredients - Explained - Held: The provision is applicable in cases where it is not possible to attribute a specific role to a particular accused.

(iii) s. 34 - Nature of - Held: The provision is a rule of evidence and does not create a substantive offence.

Kuria & Anr. v. State of Rajasthan 570

(11) ss. 419, 420, 302, 307, 397, 342 and 328 - Cheating, Murder and attempt to murder - High Court enhancing the life sentence to death - Held: Order of High court is without following the procedure u/s. 235(2) CrPC and without taking into consideration relevant factors - Death sentence set aside and matter remitted to High Court to decide the sentence by following s. 235(2)

- Code of Criminal Procedure, 1973 - s. 235(2) - Sentence.

Ajay Pandit @ Jagdish Dayabhai Patel & Anr. v. State of Maharashtra 70

(12) s. 493 - Conviction - Held: There is sufficient evidence to show that accused deceived complainant which resulted in belief in her mind that she was lawfully married to accused, and made her cohabit with him - Thus, ingredients of s. 493 have been fully established.

Ram Chandra Bhagat v. State of Jharkhand 1050

POSTGRADUATE MEDICAL EDUCATION REGULATIONS, 2000:

Clause 9(2)(d), third proviso.
(See under: Education) 204

PREVENTION OF CORRUPTION ACT, 1988:

ss. 13 (1) (d) and 13 (2) - Criminal proceedings against appellant on allegation that while he was holding office of Minister, he compelled approval of journey of four persons to London in connection with his medical treatment - Held: Record indicates that said persons while in London had assisted appellant in performing certain tasks connected with discharge of his duties as a Minister - Action of Minister cannot be said to have been actuated by a dishonest intention to obtain an undue pecuniary advantage - There is no reason to allow prosecution to continue against appellant - Criminal proceedings quashed - Constitution of India, 1950 - Art. 226 - Code of Criminal Procedure, 1973 - s. 482.

C.K. Jaffer Sharief v. State (through CBI) 1079

PUBLIC INTEREST LITIGATION:

(See under: Constitution of India, 1950) 994

PUNJAB EDUCATIONAL SERVICE (CLASS III), SCHOOL CADRE RULES, 1955:

rr. 3, 8 and 9.
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PUNJAB TENANCY ACT, 1887:

ss.5, 8 and 10 - Suit for declaration of occupancy rights in relation to suit land - Plaintiffs-appellants and their ancestors were hissedars/joint owners/co-sharers in shamilat deh - Held: s.10 puts a complete embargo on a hissedar/joint-owner to claim occupancy rights - There was no agreement between appellants and Gram Panchayat creating any tenancy in their favour - Granting relief to appellants would amount to ignoring the existence of s.10 itself and it would be against all norms of interpretation - Punjab Village Common Lands (Regulation) Act, 1961 - ss. 4(3)(ii) and 7.

Tara Chand & Ors. v. Gram Panchayat Jhupa Kkhurd & Ors. 974

PUNJAB VILLAGE COMMON LANDS (REGULATION) ACT, 1961:

ss. 4(3)(ii) and 7.
(See under: Punjab Tenancy Act, 1887) 974

RECOVERY OF DEBTS DUE TO BANKS AND FINANCIAL INSTITUTIONS ACT, 1993:

ss. 25 and 29.
(See under: Constitution of India, 1950) 38

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SENTENCE/SENTENCING:	
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SERVICE LAW:	
(1) Seniority - Ad-hoc appointment of respondents as Masters in different subjects/Physical Training Instructor / Hindi Teacher - Subsequently regularized - Claim that period of ad-hoc service be counted towards seniority - Held: Not justified - Respondents were appointed on purely ad hoc basis without following the procedure prescribed for regular appointment - Their seniority could not be fixed by counting their service from the date of their initial ad hoc appointments - Punjab Educational Service (Class III), School Cadre Rules, 1955 - rr. 3, 8 and 9 - Haryana State Education School Cadre (Group-C) Service Rules, 1998 - r.11.	
<i>State of Haryana and Ors. v. Vijay Singh and Ors.</i>	356
(2) (See under: Constitution of India, 1950)	994
(3) (See under: Words and Phrases)	157
SHIPPING ACT, 2004 (OF SAINT VINCENT AND GRENADINES):	
ss. 332, 333, 334 and 335.	
(See under: Constitution of India, 1950)	862
SOCIAL STATUS CERTIFICATE:	
(See under: Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000)	994
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TAXATION:	
Service Tax - On works contract - Amendment of s. 65 (105) of Finance Act, 1994, w.e.f. 1.6.2007 introducing clause (zzzza) - Works Contracts Rules, 2007 introduced giving an option for Composition Scheme @ 2% of the gross amount charged on works contract - Circular No. 98/1/2008-ST dated 4.1.2008 providing that assessee who had already paid tax under old provisions i.e. prior to 1.6.2007, was not entitled to the Scheme under 2007 Rules - Validity - Held: High Court rightly upheld validity of Circular, which merely explains r. 3(3) of 2007 Rules, so as to provide guidelines - Sub-r.(3) of r. 3 provides that in order to avail benefit of r. 3, assessee must opt for it, before payment of service tax - Assessee having already paid service tax and opting for benefit under r. 3 thereafter, not entitled for benefit - Circular is neither contrary to Finance Act nor to rules made thereunder - Circular or r. 3(3) also cannot be said to be discriminatory - Finance Act, 1994 - s. 65(105) (zzd), (zzq), (zzzh) and (zzzza) - Works Contracts (Composition Scheme for Payment of Service Tax) Rules, 2007 - r. 3(3) - Circular No. 98/1/2008-ST dated 4.1.2008.	
<i>M/s. Nagarjuna Constn. Co. Ltd. v. Government of India & Anr.</i>	1064

TOWN PLANNING:

Town planning scheme - Allotment of land - To appellants for establishment of Children's Amusement Park - State Government's decision changing the land-use from 'commercial' to 'regional park' and directing the Development Authority to invite tenders afresh for re-allotment of land - Challenged - Held: Allotment document was a license, and not a lease - License had come to an end by efflux of time and thus cannot be renewed - Doctrine of promissory estoppel cannot be invoked in such a background - In absence of factual basis, court is precluded from going into the plea of malafides.

Mangal Amusement Park (P) Ltd. & Anr. v. State of Madhya Pradesh & Others 388

TRANSFER OF PROPERTY ACT, 1882:

(1) s.105 - Lease and license - Distinction between - Held: Lease is not a mere contract but envisages and transfers an interest in the demised property creating a right in favour of the lessee in rem - As against that a license only makes an action lawful which without it would be unlawful, but does not transfer any interest in favour of licensee in respect of the property - Easements Act, 1882 - s.52.

Mangal Amusement Park (P) Ltd. & Anr. v. State of Madhya Pradesh & Others 388

(2) s.122 - Gift - Meaning of.

Mathai Damuel and Ors. v. Eapen Eapen (Dead) by Lrs. and Ors. 1098

TRIBUNALS:

(i) Gujarat Revenue Tribunal - Appointment of President - Consultation with High Court - Held: The Tribunal is akin to a court and performs similar

functions - Consequently, consultation/concurrence of High Court required in appointment of President of the Tribunal - Consultation must be conscious, effective, meaningful and purposeful and not empty formality - Bombay Revenue Tribunal Act, 1957 - s.3(2) - Gujarat Revenue Tribunal Rules, 1982 - r.3(1)(iii)(a) - Constitution of India, 1950 - Art. 234.

(ii) Tribunal - Creation of - Purpose - Tests to determine whether a tribunal is a court or not - Discussed.

State of Gujarat and Anr. v. Gujarat Revenue Tribunal Bar Association and Anr. 816

URBAN DEVELOPMENT:

Unauthorized construction - Held: Such construction not only violates municipal laws and concept of planned development, but also affects various fundamental and constitutional rights of other persons.

(Also see under: Kolkata Municipal Corporation Building Rules, 1990)

Dipak Kumar Mukherjee v. Kolkata Municipal Corporation and Ors. 757

UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION (APPOINTMENT AND CONDITIONS OF SERVICE OF THE CHAIRPERSON AND MEMBERS) RULES, 1999:

r.3(3).

(See under: Constitution of India, 1950) 883

WILL:

(i) Essentials of will - Discussed.

(ii) Will - Interpretation of - Held: In interpretation of will, regard must be had to rules of law and

construction contained in Part VI of Succession Act and not rules of Interpretation of Statutes - Succession Act, 1925 - s.2(h) and Part VI.

Mathai Damuel and Ors. v. Eapen Eapen (Dead) by Lrs. and Ors. 1098

WITNESSES:

(1) (i) Hostile witness - Held: Statement of hostile witness can also be relied upon, to the extent it supports prosecution case.

(ii) Related witness - Mechanical rejection of evidence of witness related to deceased would relate to failure of justice - However, court has to be careful in evaluating such evidence.

(Also see under: Penal Code, 1860)

Shyamal Ghosh v. State of West Bengal 95

(2) Hostile witness - Evidentiary value of his testimony - Held: Evidence of hostile witness cannot be rejected in toto - It can be relied upon to the extent it supports prosecution case.

(Also see under: Penal Code, 1860)

Sathya Narayanan v. State Rep. by Inspector of Police 950

(3) Interested witness - Testimony of - Held: An eye-witness version cannot be discarded merely on the ground that such eye-witness happened to be a relation or friend of deceased - Where presence of eye-witnesses is proved to be natural and their statements are truthful disclosure of actual facts, it will not be permissible for court to discard statements of such related or friendly witnesses.

Dayal Singh & Ors. v. State of Uttaranchal 157

(4) Number of witnesses - All witnesses need not be examined - Held: Where there were several persons stated to have witnessed the incident and prosecution examined those witnesses who were able to depose the nature of offence committed more accurately, it would be wholly irrelevant and unnecessary to multiply the number of witnesses to repeat the same version.

(Also see under: Penal Code, 1860)

Avtar Singh v. State of Haryana 790

(5) (i) Sole-eye witness - Evidentiary value of his testimony - Held: Court can act on testimony of sole eye-witness, provided he is wholly reliable, and can base conviction relying on such witness.

(ii) Related witness - Evidentiary value of his testimony - Held: If testimony of an eye-witness found truthful, it cannot be discarded merely on the ground that the witness was relative of deceased.

(Also see under: Penal Code, 1860).

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(4) 'Deceit' - Meaning of, in the context of s.493, IPC.

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(5) "Dereliction of duty" and "misconduct" - Difference between - Explained - Held: Dereliction of duty or carelessness is an abuse of discretion under a definite law and misconduct is a violation of indefinite law - Misconduct is a forbidden act whereas dereliction of duty is forbidden quality of an act - One is a transgression of some established and definite rule of action, with least element of discretion, while the other is primarily an abuse of discretion - Service Law.

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(From 10.07.2012 to 22.11.2012)

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