

## CONTENTS

Abdul Rehman & Anr. v. Mohd. Ruldu & Ors.	....	922
Ajay Kumar Parmar v. State of Rajasthan	....	970
Ajay Kumar Tyagi; State of N.C.T. of Delhi v.	....	208
Amitbhai Anil Chandra Shah and Another; Central Bureau of Investigation v.	....	945
Arvind Gupta v. Union of India and Ors.	....	1058
Baba Tek Singh v. Union of India & Ors.	....	724
Baliya @ Bal Kishan v. State of M.P.	....	1154
Bhalla (S.N.) & Ors.; Rattan Lal (since deceased) Through His Legal Representatives v.	....	100
Canara Bank and Others; Prabhakar (M.R.) and Others v.	....	1072
Gen. Information Commr. & Ors.; Girish Ramchandra Deshpande v.	....	1097
Central Bureau of Investigation v. Amitbhai Anil Chandra Shah and Another	....	945
Chairman & CEO, NOIDA & Anr. v. Mange Ram Sharma (D) Thr. LRs & Anr.	....	719
Cicily Kallarackal v. Vehicle Factory	....	95
Commissioner of Income Tax, Kolkata-I and Anr.; Price Waterhouse Coopers Pvt. Ltd. v.	....	849

(i)

(ii)

Commissioner of Income Tax-II v. M/s. Krishi Utpadan Mandi Samiti	....	934
Dahari & Ors. v. State of U. P.	....	1219
Delhi Administration & Ors.; Environment & Consumer Protection Foundation v.	....	1060
Delhi Race Club Ltd. v. Union of India and Ors.	....	1
Director General, ICAR & Ors.; Hukum Chand Gupta v.	....	831
Environment & Consumer Protection Foundation v. Delhi Administration & Ors.	....	1060
Gaytri Bajaj v. Jiten Bhalla	....	1142
Ghanshyam Dass Gupta v. Makhan Lal	....	153
Gian Singh v. State of Punjab & Anr.	....	753
Girish Ramchandra Deshpande v. Cen. Information Commr. & Ors.	....	1097
Govt. of Goa & Ors.; M/s. Real Estate Agencies v.	....	278
Govt. of Pondicherry; M/s New Horizon Sugar Mills Ltd. v.	....	874
Gurgaon Gramin Bank v. Smt. Khazani & Anr.	....	225
Guru Basavaraj @ Beene Settappa v. State of Karnataka	....	189
Hemlatha (G.) and Others; Registrar (The), Rajiv Gandhi University of Health Sciences, Bangalore v.	....	157

(iii)			(iv)		
Hotel Torrento Limited & Ors. (M/s.); M/s. Micro Hotel P. Ltd. v.	....	233	Mehmood Nayyar Azam (Dr.) v. State of Chattisgarh and Ors.	....	651
Hukum Chand Gupta v. Director General, ICAR & ORS.	....	831	Michigan Rubber (India) Ltd. (M/s.) v. The State of Karnataka & Ors.	....	128
Ibrahim Uddin & Anr.; Union of India v.	....	35	Micro Hotel P. Ltd. (M/s.) v. M/s. Hotel Torrento Limited & Ors.	....	233
Iqbal Abdul Samiya Malek v. State of Gujarat	....	1012	Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra	....	295
Jai Prakash Asso. Ltd.; Tehri Hydro Dev. Corpn. Ltd. & Anr. v.	....	813	Mohan Singh & Ors.; State of Uttarakhand (Previously State of Uttar Pradesh) v.	....	686
Jiten Bhalla; Gaytri Bajaj v.	....	1142	Narayan Manikrao Salgar v. State of Maharashtra	....	170
Kanpur Development Authority Thr. Vice Chairman v. Sheo Prakash Gupta & Anr.	....	163	New Horizon Sugar Mills Ltd. (M/s) v. Govt. of Pondicherry	....	874
Khazani (Smt.) & Anr.; Gurgaon Gramin Bank v.	....	225	Prabhakar (M.R.) and Others v. Canara Bank and Others	....	1072
Krishi Utpadan Mandi Samiti (M/s.); Commissioner of Income Tax-II v.	....	934	Praveen Pradhan v. State of Uttaranchal & Anr.	....	1129
Kunal Majumdar v. State of Rajasthan	....	706	Price Waterhouse Coopers Pvt. Ltd. v. Commissioner of Income Tax, Kolkata-I and Anr.	....	849
Laxman v. The State of Maharashtra	....	910	Pudhu Raja & Anr. v. State, Rep. by Inspector of Police	....	740
Makhan Lal; Ghanshyam Dass Gupta v.	....	153	Punjab Urban Planning & Dev. Authority & Ors. v. Raghu Nath Gupta & Ors.	....	118
Mange Ram Sharma (D) Thr. LRs & Anr.; Chairman & CEO, NOIDA & Anr. v.	....	719	Pushpanjali Sahu v. State of Orissa & Anr.	....	727
Manharibhai Muljibhai Kakadia & Anr. v. Shaileshbhai Mohanbhai Patel & Ors.	....	1015			
Manubhai Ratilal Patel Tr. Ushaben v. State of Gujarat & Ors.	....	993			

(v)		
Raghu Nath Gupta & Ors.; Punjab Urban Planning & Dev. Authority & Ors. v. ....	118	
Raj Paul Singh & Anr. v. State through P.S. Musheerabad, Hyderabad ....	1203	
Rattan Lal (since deceased) Through His Legal Representatives v. S.N. Bhalla & Ors....	100	
Real Estate Agencies (M/s.) v. Govt. of Goa & Ors. ....	278	
Registrar (The), Rajiv Gandhi University of Health Sciences, Bangalore v. G. Hemlatha and Others. ....	157	
Ruldu (Mohd.) & Ors.; Abdul Rehman & Anr. v. ....	922	
Sahabuddin (Md.) & Anr. v. State of Assam ....	1193	
Shahejadjkhan Maheebukhan Pathan v. State of Gujarat ....	1177	
Shaileshbhai Mohanbhai Patel & Ors.; Manharibhai Muljibhai Kakadia & Anr. v. ....	1015	
Sheo Prakash Gupta & Anr.; Kanpur Development Authority Thr. Vice Chairman v. .	163	
Shyam Babu v. State of U.P. ....	255	
State of Assam; Sahabuddin (Md.) & Anr. v. ....	1193	
State of Chattisgarh and Ors.; Mehmood Nayyar Azam (Dr.) v. ....	651	
State of Goa & Ors.; Vinod Kapoor v. ....	1089	

(vi)		
State of Gujarat & Ors.; Manubhai Ratilal Patel Tr. Ushaben v. ....	993	
State of Gujarat; Iqbal Abdul Samiya Malek v. ....	1012	
State of Gujarat; Shahejadjkhan Maheebukhan Pathan v. ....	1177	
State of Karnataka (The) & Ors.; M/s.Michigan Rubber (India) Ltd. v. ....	128	
State of Karnataka; Guru Basavaraj @ Beene Settappa v. ....	189	
State of M. P.; Baliya @ Bal Kishan v.. ....	1154	
State of Madhya Pradesh v. Surendra Kori ....	858	
State of Maharashtra & Ors.; Vilas Pandurang Pawar & Anr. v. ....	270	
State of Maharashtra (The); Laxman v. ....	910	
State of Maharashtra; Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. ....	295	
State of Maharashtra; Narayan Manikrao Salgar v. ....	170	
State of Maharashtra; Sudhakar v. ....	1169	
State of N.C.T. of Delhi v. Ajay Kumar Tyagi ....	208	
State of Orissa & Anr.; Pushpanjali Sahu v. ....	727	
State of Punjab & Anr.; Gian Singh v. ....	753	
State of Rajasthan; Ajay Kumar Parmar v. ....	970	

(vii)			(viii)		
State of Rajasthan; Kunal Majumdar v.	....	706	Union of India v. Ibrahim Uddin & Anr.	....	35
State of U.P.; Dahari & Ors. v.	....	1219	Vehicle Factory; Cicily Kallarackal v.	....	95
State of U.P; Shyam Babu v..	....	255	Vilas Pandurang Pawar & Anr. v. State of Maharashtra & Ors.	....	270
State of Uttarakhand (Previously State of Uttar Pradesh) v. Mohan Singh & Ors.	....	686	Vinod Kapoor v. State of Goa & Ors.	....	1089
State of Uttaranchal & Anr.; Praveen Pradhan v.	....	1129	Winston Tan & Anr. v. Union of India & Anr.	....	1107
State through P.S. Musheerabad, Hyderabad; Raj Paul Singh & Anr. v.	....	1203			
State, Rep. by Inspector of Police; Pudhu Raja & Anr. v.	....	740			
Sudhakar v. State of Maharashtra	....	1169			
Surendra Kori; State of Madhya Pradesh v.	....	858			
Syed Abdul Quader & Ors.; Tamil Nadu Wakf Board v.	....	1211			
Tamil Nadu Wakf Board v. Syed Abdul Quader & Ors.	....	1211			
Tehri Hydro Dev. Corpn. Ltd. & Anr. v. Jai Prakash Asso. Ltd.	....	813			
Union of India & Anr.; Winston Tan & Anr. v.	....	1107			
Union of India & Ors.; Baba Tek Singh v.	....	724			
Union of India and Ors.; Arvind Gupta v.	....	1058			
Union of India and Ors.; Delhi Race Club Ltd. v.	....	1			

**CASES—CITED**

A.P. Paper Mills Limited v. Government of A.P. & Anr (2000) 8 SCC 167	....	8
– relied on	....	
Aamenabai Tayebaly and Others v. Competent Authority 1997 (5) Suppl. SCR 246	....	1109
– relied on	....	
Abasaheb Yadav Honmane v. State of Maharashtra 2008 (2) Mh.L.J. 856	....	758
Abdul Rashid Abdul Rahiman Patel and Ors. v. State of Maharashtra (2007) 9 SCC 1	....	912
– relied on	....	
Abdul Rehman Antulay v. R.S. Nayak 1991 (3) Suppl. SCR 325	....	259
– followed	....	
Abdur Rahman and Ors. v. Athifa Begum and Ors. 1996 (5) Suppl. SCR 391	....	153
– relied on	....	
Abhishek Malviya v. Additional Welfare Commissioner and Another (2008) 3 SCC 108	....	1089
– relied on	....	
ABL International Ltd. & Anr. v. Export Credit Guarantee Corporation of India Ltd. 2004 (3) SCC 553	....	281
– relied on	....	

Adalat Prasad v. Rooplal Jindal and Others (2004) 7 SCC 338	....	1017
– relied on	....	
Adri Dharan Das v. State of West Bengal 2005 (2) SCR 188	....	996
Ajay Aggarwal v. Union of India 1993 (3) SCR 543	....	1157
Alister Anthony Pareira v. State of Maharashtra (2012) 2 SCC 648	....	193
– relied on	....	
Amar Singh v. State of Punjab AIR 1987 SC 826	....	1222
– relied on	....	
Anshulal Aggarwal v. NOIDA (2011) CPJ 63 (SC)	....	95
– relied on	....	
Arif (Mohd.) v. State of Delhi 2011 (8) SCALE 328	....	324
Arjan Singh v. Kartar Singh & Ors. 1951 SCR 258	....	46
– relied on	....	
Arun Ghosh v. State of West Bengal (1970) 3 SCR 288	....	880
– cited	....	
Arun Shankar Shukla v. State of Uttar Pradesh and Ors. 1999 (3) SCR 1060	....	758

(xi)	(xii)
Arvinder Singh Bagga v. State of U.P. and Others 1994 (4) Suppl. SCR 310 – relied on	Baidya Nath Singh v. Muspratt and Others ILR (1886) XIV Cal 141
.... 657	.... 1018
Ashok Sadarangani and Anr. v. Union of India and Others JT 2012 (3) SC 469	Balwantrai Chimanlal Trivedi v. M.N. Nagrashna and Ors. (1961) 1 SCR 113
.... 758	.... 104
Asian Techs Limited v. Union of India and Others 2009 (14) SCR 182	Balwinder Singh v. Asstt. Commr., Customs & Central Excise (2005) 4 SCC 146 – relied on
.... 818	.... 1179
Association of Registration Plates v. Union of India and Ors. 2004 (6) Suppl. SCR 496 – relied on	Bani Singh and Ors. v. State of U.P. 1996 (3) Suppl. SCR 247 – relied on
.... 130	.... 1012
Attorney General for India and Others v. Amratlal Prajivandas and Others 1994 (1) Suppl. SCR 1 – held inapplicable	Basant Singh v. Janki Singh & Ors. 1967 SCR 1 – relied on
.... 1109	.... 42
B.S.E. Brokers' Forum, Bombay & Ors. v. Securities and Exchange Board of India & Ors. (2001) 3 SCC 482	Basayya I. Mathad v. Rudrayya S. Mathad and Ors. 2008 (1) SCR 1155 – relied on
.... 8	.... 44
Bachan Singh v. State of Punjab 1980) 2 SCC 684 – relied on	Baskaran (K.K.) v. State of Tamil Nadu (2011) 3 SCC 793 – relied on
.... 340	.... 877; and 880
Bachhaj Nahar v. Nilima Mandal & Ors. 2008 (14) SCR 621 – relied on	Basu (D.K.) v. State of W.B. AIR 1997 SC 610 : (1997) 1 SCC 416 – relied on
.... 50	.... 655; and 657
Bagavathy (S.) v. State of Tamil Nadu (2007) 1 LW 892 – cited	Basu (D.K.) v. State of West Bengal 1996 (10) Suppl. SCR 284
.... 880	.... 328

(xiii)

Behram Khursheed v. State of Bombay (1955) 1 SCR 613		
– cited	....	333
Bhagwant Singh v. Commissioner of Police and Anr. 1985 (3) SCR 942		
– distinguished	....	975
Bharat Heavy Electrical Ltd. (M/s.) v. State of U.P. & Ors. 2003 (1) Suppl. SCR 625	....	41
Bharat Parikh v. C.B.I. and Anr. 2008 (10) SCR 950		
– relied on	....	974
Bharatha Matha & Anr. v. R. Vijaya Renganathan & Ors. 2010 (7) SCR 154		
– relied on	....	48
Bharathan (O.) v. K. Sudhakaran and Anr. AIR 1996 SC 1140		
– relied on	....	977
Bhim Singh, MLA v. State of J & K (1985) 4 SCC 677		
– relied on	....	657
Bibhabati Devi (Smt.) v. Ramendra Narayan Roy & Ors. AIR 1947 PC 19	....	48
Bilas Kunwar (Mt.) v. Desraj Ranjit Singh AIR 1915 PC 96	....	41
Board of Control for Cricket in India and Another v. Netaji Cricket Club and Others 2005 (1) SCR 173		
– cited	....	1089

(xiv)

Board of Trustees for the Port of Calcutta v. Engineers-De-Space-Age 1995 (6) Suppl. SCR 327	....	818
Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nadkarni and Others 1983 (1) SCR 828		
– relied on	....	657
Bodhisattwa Gautam v. Subhra Chakraborty 1995 (6) Suppl. SCR 731		
– relied on	....	727
Bolani Ores Ltd. v. State of Orissa 1975 (2) SCR 138	....	687
Budhwar (R S) v. UOI 1996 (2) Suppl. SCR 528		
– distinguished	....	344
CBI v. Duncans Agro Industries Limited 1996 (3) Suppl. SCR 360	....	758
Central Board of Secondary Education and Another v. Aditya Bandopadhyay and Others 2011 (11) SCR 1028	....	1098
Central Bureau of Investigation and Others v. Keshub Mahindra and Others 2011 (6) SCR 384	....	760
Central Bureau of Investigation v. A. Ravishankar Prasad and Others (2009) 6 SCC 351	....	760
Central Bureau of Investigation v. V.K. Bhutiani (2009) 10 SCC 674		
– relied on	....	212

(xv)

Central Bureau of Investigation, Special Investigation Cell-I, New Delhi v. Anupam J. Kulkarni 1992 (3) SCR 158	....	995
Century Spg. & Mfg. Co. Ltd. v. Ulhasnagar Municipal Council 1970 (2) SCR 854		
– relied on	....	281
Chandra Deo Singh v. Prokash Chandra Bose and Another 1964 (1) SCR 639		
– relied on	....	1017
Chandrasenan (E.K.) v. State of Kerala 1995 (1) SCR 277	....	1157
Charan Lal Sahu v. Union of India (1990) 1 SCC 613		
– cited	....	881
Charanjit Lal Mehra & Ors v. Kamal Saroj Mahajan & Anr. 2005 (2) SCR 661		
– relied on	....	42
Chari (R.R.) v. The State of Uttar Pradesh (1951) SCR 312		
– relied on	....	1018
Chet Ram Vashist (Pt.) v. Municipal Corporation of Delhi 1994 (5) Suppl. SCR 180		
– relied on	....	283
Chief Executive Officer v. Surendra Kumar Vakil 1999 (2) SCR 118		
– relied on	....	50

(xvi)

Chitresh Kumar Chopra v. State (Government of NCT of Delhi) 2009 (13) SCR 230		
– relied on	....	1130
Chunilal V. Mehta (Sir) & Sons Ltd. v. Century Spinning and Manufacturing Co. Ltd. 1962 Suppl. SCR 549		
– relied on	....	47
Commissioner (The), Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Sri Shirur Mutt 1954 SCR 1005	....	6
Competent Authority v. Parvathi Bai (2011) 6 MLJ 537		
– approved	....	1109
Cooper (R.C.) v. Union of India (1970) 3 SCR 530		
– cited	....	880
Corporation of Calcutta & Anr. v. Liberty Cinema 1965 SCR 477	....	4; and 8
Council of Scientific and Industrial Research & Anr. v. K.G.S. Bhatt & Anr. (1989) 4 SCC 635	....	835
Dalbir Singh v. State of Haryana 2000 (3) SCR 1000		
– relied on	....	193
Darbara Singh v. State of Punjab JT 2012 (8) SC 530	....	1222



(xvii)	(xviii)
Darshan Singh Ram Kishan v. State of Maharashtra 1972 (1) SCR 571	Dilip Premnarayan Tiwari v. State of Maharashtra 2009 (16) SCR 322
– relied on .... 1018	– distinguished .... 343
Dayal Singh and Ors. v. State of Uttaranchal 2012 (7) SCALE 165	Dinesh Kumar v. Yusuf Ali 2010 (7) SCR 222
– relied on .... 258	– relied on .... 48
Delhi Cloth & General Mills Co. Ltd. (The) v. The Chief Commissioner, Delhi & Ors. 1970 (2) SCR 348	Directorate of Revenue Intelligence v. Jugal Kishore Samra 2011 (7) SCR 889
– cited .... 9	.... 328
Delhi Cloth & General Mills Co. Ltd. v. The Chief Commissioner, Delhi (1969) 3 SCC 925	Eicher Tractors Ltd. v. Harihar Singh (2006) 12 SCC 763
– relied on .... 8	– relied on .... 859
Delhi Cloth and General Mills v. Union of India (1983) 4 SCC 166	Emperor v. J.A. Finan AIR (1931) Bom 524
– cited .... 880	.... 1018
Delhi Judicial Services Association v. State of Gujarat 1991 (3) SCR 936	Emperor v. Khwaja Nazir Ahmed (1945) 47 Bom. L.R. 245
– relied on .... 657	.... 760
Devendra and Others v. State of Uttar Pradesh and Another 2009 (7) SCR 872	Executive Engineer, Dhenkalal Minor Irrigation Division, Orissa and Others v. N.C. Budhraj (deceased) By Irs. And Others 2001 (1) SCR 264
.... 760	– relied on .... 818
Devi Das Gopal Krishnan & Ors. v. State of Punjab & Ors. 1967 (3) SCR 557	Executive Eningeer (Irrigation), Balimela and Others v. Abhaduta Jena and Others 1988 (1) SCR 253
.... 4	.... 818
Dharampal & Ors. v. Ramshri (Smt.) and Others 1993 CrI. L.J. 1049	Fakhruddin v. State of Madhya Pradesh AIR 1967 SC 1326
.... 758	– relied on .... 976
	Farooq Abdul Gafur (Mohd.) v. State of Maharashtra (2009) 11 SCALE 327
	– distinguished .... 343

(xix)	(xx)
Francis Coralie Mullin v. Administrator, Union Territory of Delhi and Others 1981 (2) SCR 516	Gurdeep Singh v. State of Haryana ILR 2001 (2) P & H 388
– relied on .... 657	– overruled .... 1022
Gadakh Yashwantrao Kankarrao v. E.V. alias Balasaheb Vikhe Patil & Ors. AIR 1994 SC 678: 1994 (1) SCC 682 .... 48	Gurpreet Singh v. State of Punjab 2005 (5) Suppl. SCR 90 .... 1222
Ganesan (S.) v. Rama Raghuraman and Ors. 2011 (1) SCR 27 .... 1222	Gwalior Rayon Silk Mfg. (Wvg.) Co. Ltd. v. The Assistant Commissioner of Sales Tax & Ors. 1974 (2) SCR 879
Gangadhara Palo v. Revenue Divisional Officer and Another 2011 (3) SCR 746	– cited .... 5
– cited .... 1089	Haider (M.N.) and Others v. Kendriya Vidyalaya Sangathan and Others (2004) 13 SCC 677
Gaurav Nagpal v. Sumedha Nagpal 2009 (1) SCC 142	– relied on .... 1090
– relied on .... 1144	Haji Mohammed Ishaq Wd. S.K. Mohammed & Ors. v. Mohamed Iqbal and Mohamed Ali and Co. 1978 (3) SCR 571
Gian Kaur v. Raghubir Singh 2011 (2) SCR 486	– relied on .... 44
– relied on .... 47	Hamlet @ Sasi and Ors. v. State of Kerala AIR 2003 SC 682 .... 1222
Gopal Krishnaji Ketkar v. Mohamed Haji Latif & Ors. 1968 SCR 862 .... 41	Hardeep Singh v. State of Madhya Pradesh (2012) 1 SCC 748
Greater Bombay Co-op Bank v. United Yarn (2007) 6 SCC 236	– relied on .... 660
– cited .... 880	Haryana Financial Corporation and Anr. v. Jagdamba Oil Mills and Anr. 2002 (1) SCR 621
Gunwant Kaur (Smt.) & Ors. v. Municipal Committee, Bhatinda & Ors, 1969 (3) SCC 769	– relied on .... 236
– relied on .... 281	Himanshu v. State (NCT of Delhi) 2011 (1) SCR 48
	– relied on .... 1221

(xxi)

Hingir Rampur Coal Co. Ltd. v. State of Orissa 1961 (2) SCR 537		
– relied on	....	6
Hiralal & Ors. v. Badkulal & Ors. 1953 SCR 758	....	41
Hussainara Khatoon (IV) v. Home Secretary, State of Bihar 1979 (3) SCR 532		
– relied on	....	330
In re. Delhi Laws Act, 1912 1951 SCR 747	....	5
Indian Oil Corporation Ltd. v. Amritsar Gas service and Others 1990 (3) Suppl. SCR 196		
– cited	....	818
Indira Kaur (Smt.) & Ors. v. Shri Sheo Lal Kapoor AIR 1988 SC 1074		
– relied on	....	41
Indirajit Pratab Sahi v. Amar Singh AIR 1928 P.C. 128	....	46
Ishwar Dutt v. Land Acquisition Collector & Anr. 2005 (1) Suppl. SCR 903	....	50
Ishwar Singh v. State of Madhya Pradesh 2008 (14) SCR 574	....	758
Ishwari Prasad Misra v. Mohammad Isa 1963 SCR 722		
– relied on	....	976
Ishwarlal v. State of M.P. (2008) 15 SCC 671	....	760

(xxii)

Jagdish Mandal v. State of Orissa and Ors. 2006 (10) Suppl. SCR 606		
– relied on	....	130
Jagdish Singh v. Nathu Singh 1991 (2) Suppl. SCR 567		
– relied on	....	48
Jagjit Singh v. State of Haryana and Ors. 2006 (10) Suppl. SCR 521		
– relied on	....	977
Jai Singh v. Shakuntala 2002 (2) SCR 431		
– relied on	....	48
Jambu Prasad v. Mohammad Nawab Aftab Ali Khan AIR 1941 PC 16	....	859
Jamuna Singh and Others v. Bhadai Sah (1964) 5 SCR 37		
– relied on	....	1018
Janata Dal v. H.S. Chowdhary 1992 (1) Suppl. SCR 226	....	758
Jashubha Bharatsinh Gohil and Ors. v. State of Gujarat (1994) 4 SCC 353		
– relied on	....	193
Jayachandra (A.) v. Aneel Kaur 2004 (6) Suppl. SCR 599		
– relied on	....	41

(xxiii)

Jayendra Vishnu Thakur v. State of Maharashtra 2009 (8) SCR 591		
– cited	....	333
Jayrajsinh Digvijaysinh Rana v. State of Gujarat and Another JT 2012 (6) SC 504	....	758
Jespar I. Slong v. State of Meghalaya and Ors. (2004) 11 SCC 485		
– relied on	....	130
Jetha Ram v. State of Rajasthan (2006) 9 SCC 255	....	760
Jivan Lal and Ors. v. State of M.P. 1996 (9) Suppl. SCR 537	....	1222
Jogendra Nahak and Ors. v. State of Orissa and Ors. 1999 (1) Suppl. SCR 39		
– relied on	....	972
Joginder Kumar v. State of U.P. (1994) 4 SCC 260		
– relied on	....	656
Joshi (B.S.) and Others v. State of Haryana and Another 2003 (2) SCR 1104		
– upheld	....	757
Kalyan Singh Chouhan v. C.P. Joshi 2011 (2) SCR 216		
– relied on	....	50
Kamma Otukunta Ram Naidu v. Chereddy Pedda Subba Reddy & Ors. AIR 2003 SC 3342		
– relied on	....	40

(xxiv)

Kannadasan (P.) v. State of T.N. 1996 (4) Suppl. SCR 92	....	8
Kanniyan (T.M.) v. I.T.O. Pondicherry (1968) 2 SCR 103		
– cited	....	880
Kanu Sanyal v. Dist. Magistrate, Darjeeling and Others 1974 (3) SCR 279	....	994
Kanu Sanyal v. District Magistrate, Darjeeling and Others 1974 (1) SCR 621	....	995
Kartar Singh v. State of Punjab 1994 (2) SCR 375	....	328
– followed	....	259
Kashmir Singh v. Harnam Singh & Anr. 2008 (3) SCR 763		
– relied on	....	48
Kehar Singh & Ors. v. State (Delhi Administration) 1988 (2) Suppl. SCR 24	....	1157
Kerala Financial Corporation v. Vincent Paul and Anr. 2011 (3) SCR 862	....	236
Kewal Krishan Puri v. State of Punjab 1979 (3) SCR 1217	....	8
Kharak Singh v. State of U.P. (1964) 1 SCR 332		
– relied on	....	657
Khatri (II) v. State of Bihar 1981 (2) SCR 408		
– relied on	....	330

(xxv)	(xxvi)
Khatri Hotels Pvt. Ltd. & Anr. v. Union of India & Anr. (2011) 9 SCC 126	Lala Jairam Das & Ors. v. Emperor AIR 1945 PC 94
.... 41	.... 760
Khushi Ram v. Hashim and Others AIR 1959 SC 542	Lalit Popli v. Canara Bank and Ors. AIR 2003 SC 1795
.... 760	.... 977
Kikar Singh v. State of Rajasthan 1993 (3) SCR 696	– relied on
.... 1204	Land Acquisition Officer (The), City Improvement Trust Board, Bangalore v. H. Narayanaiah etc. etc. 1977 (1) SCR 178
– relied on	.... 44
Kiran Bedi (Smt.) v. Committee of Inquiry and Another 1989 (1) SCR 20	– relied on
.... 657	M.M.T.C. Ltd. & Anr. v. Medchl Chemicals & Pharma (P) Ltd. & Anr. 2001 (5) Suppl. SCR 265
– relied on	.... 859
Kishori Lal v. State of M.P. 2007 (7) SCR 1051	– relied on
.... 1131	M.P. v. Ghanshyam Singh 2003 (3) Suppl. SCR 618
– relied on	.... 727
Kishun Singh and Others v. State of Bihar 1993 (1) SCR 31	– relied on
.... 1018	Machhi Singh v. State of Punjab 1983 (3) SCR 413
– relied on	.... 340
Kuldip Singh, Legal Assistant, Punjab Financial Corporation v. The State of Punjab and Ors. (1997) 117 PLR 1	– relied on
.... 158	Madan Mohan Abbot v. State of Punjab 2008 (5) SCR 526
– relied on	.... 760
Kulwinder Singh and Others v. State of Punjab and Another (2007) 4 CTC 769	– relied on
.... 758	Madan Mohan Singh v. State of Gujarat and Anr. 2010 (10) SCR 351
– relied on	.... 1132
Kunhayammed and Others v. State of Kerala and Another 2000 (1) Suppl. SCR 538	– distinguished
.... 1089	Madan Singh Shekhawat v. Union of India and Ors. (1996) 6 SCC 459
– cited	.... 1073
L.I.C of India & Anr v. Ram Pal Singh Bisen 2010 (3) SCR 438	
.... 42	
– relied on	

(xxvii)

Madhu Limaye v. The State of Maharashtra 1978 (1) SCR 749	....	760
Madnani Construction Corporation Private Limited v. Union of India and Others 2009 (16) SCR 216	....	818
Mahabir Singh v. State of Haryana 2001 (1) Suppl. SCR 37		
– relied on	....	973
Mahant Shri Srinivas Ramanuj Das v. Surjanarayan Das & Anr. 1966 SCR 436		
– relied on	....	40
Mahendra L. Jain & Ors. v. Indore Development Authority & Ors. 2004 (6) Suppl. SCR 242		
– relied on	....	41
Mahesh Chand & Another v. State of Rajasthan 1990 (Supp) SCC 681	....	760
Mahesh Chandra v. Regional Manager, U.P. Financial Corporation and Ors. 1992 (1) SCR 616	....	236
Mahindra and Mahindra Ltd. v. Union of India and Anr. 1979 (2) SCR 1038	....	686
Manager, R.B.I., Bangalore v. S. Mani & Ors. 2005 (2) SCR 797		
– relied on	....	41
Mannan (Mohd.) v. State of Bihar 2011 (5) SCR 518		
– distinguished	....	343

(xxviii)

Mano Dutt and Anr. v. State of Uttar Pradesh (2012) 4 SCC 79		
– relied on	....	258
Manoj Sharma v. State and Others 2008 (14) SCR 539		
– upheld	....	757
Messrs. Trojan & Co. v. RM.N.N. Nagappa Chettiar 1953 SCR 780	....	50
Minu Kumari and Anr. v. State of Bihar and Ors. 2006 (3) SCR 1086		
– distinguished	....	975
Miranda v. Arizona 384 US 436 (1966)		
– held inapplicable	....	326
Mishra (R.S.) v. State of Orissa and Ors. 2011 (2) SCR 338		
– relied on	....	974
Mohammad Swalleh and Ors. v. Illrd All. District Judge, Meerut and Anr. 1988 (1) SCR 840	....	95
Mohammed Ankoos and Ors. v. Public Prosecutor, High Court of Andhra Pradesh, Hyderabad 2009 (15) SCR 616		
– relied on	....	1222
Mohinder Kaur v. Kusam Anand 2000 (2) SCR 594		
– relied on	....	40

(xxix)

Molar Mal (dead) through Lrs. v. M/s. Kay Iron Works Pvt. Ltd. AIR 2000 SC 1261: 2000 (4) SCC 285		
– relied on	....	48
Mousmi Moitra Ganguli v. Jayant Ganguli 2008 (8) SCR 260		
– relied on	....	1144
Mulla and Another v. State of Uttar Pradesh 2010 (2) SCR 633		
– distinguished	....	343
Municipal Corporation of Delhi (The) v. Birla Cotton, Spinning and Weaving Mills, Delhi & Anr. 1968 SCR 251	....	5
Municipal Corporation of Greater Bombay (The) v. Lala Pancham & Ors. 1965 SCR 542		
– relied on	....	44
Municipal Corporation, Chandigarh and Ors. v. Shantikunj Investment (P) Ltd. 2006 (2) SCR 768		
– relied on	....	119
Municipal Corporation, Faridabad v. Siri Niwas 2004 (4) Suppl. SCR 145		
– relied on	....	40
Murari Lal v. State of Madhya Pradesh AIR 1981 SC 363		
– relied on	....	976

(xxx)

Murugesam Pillai v. Gnana Sambandha Pandara Sannadhi AIR 1917 PC 6	....	41
Murugesan v. Ganapathy Velar (2001) 10 SCC 504	....	760
Musauddin Ahmed v. State of Assam AIR 2010 SC 3813	....	41
Musheer Khan v. State of Madhya Pradesh 2010 (2) SCR 119	....	741
Mysore State Road Transport Corporation v. Mirja Khasim Ali Beg & Anr. 1977 (2) SCR 282		
– relied on	....	48
Nagabhushanam (B.) v. State of Karnataka 2008 (8) SCR 444	....	193
Nagamalleswara Rao (K.) and Ors. v. State of Andhra Pradesh 1991 (1) SCR 875		
– relied on	....	1222
Nagappa (T.) v. Y.R. Muralidhar 2008 (6) SCR 959		
– cited	....	333
Nagawwa (Smt.) v. Veeranna Shivalingappa Konjalgi and Others 1976 Suppl. SCR 123		
– relied on	....	1017
Nagubai Ammal & Ors. v. B. Shama Rao & Ors. 1956 SCR 451		
– relied on	....	42

(xxxi)

Nahar Singh Yadav and Another v. Union of India and Others 2010 (13) SCR 851		
– relied on	....	951
Nandini Satpathy v. P.L. Dani 1978 (3) SCR 608	....	328
– relied on	....	657
Naranjan Singh v. State of Punjab 1952 SCR 395	....	994
Narayan Bhagwantrao Gosavi Balajiwale v. Gopal Vinayak Gosavi & Ors. 1960 SCR 773		
– relied on	....	42
Narayanan Nair Raghavan Nair v. The State of Travancore - Cochin AIR 1956 SC 99		
– relied on	....	1204
Narayandas Bhagwandas Madhavdas v. The State of West Bengal 1960 SCR 93		
– relied on	....	1018
Natha Singh & Ors. v. The Financial Commissioner, Taxation, Punjab & Ors. 1976 (3) SCR 620		
– relied on	....	46
Naveen Chandra v. State of Uttranchal 2006 (9) Suppl. SCR 668		
– relied on	....	1204
Neelalohithadasan Nadar v. George Mascrene and Ors. 1994 Supp. (2) SCC 619		
– relied on	....	976

(xxxii)

Nethala Pothuraju and Ors. v. State of Andhra Pradesh 1991 (1) Suppl. SCR 4	....	1222
New Delhi Municipal Council v. State of Punjab & Others (1997) 7 SC 339		
– cited	....	880
NHRC v. State of Gujarat (2008) 16 SCC 497		
– cited	....	333
Nikhil Merchant v. Central Bureau of Investigation and Another 2008 (12) SCR 236		
– upheld	....	757
Nilabati Behera v. State or Orissa 1993 (2) SCR 581		
– relied on	....	660
Niranjan Singh v. State of Uttar Pradesh 1956 SCR 734	....	996
Noor Aga v. State of Punjab 2008 (10) SCR 379		
– cited	....	333
Olga Tellis v. Bombay Municipal Corp. 1985 (2) Suppl. SCR 51		
– cited	....	333
Om Prakash Gupta v. Ranbir B. Goyal 2002 (1) SCR 359	....	50
Onkar and Anr. v. State of Uttar Pradesh (2012) 2 SCC 273		
– relied on	....	1221



(xxxiii)

Oriental Investment Company Ltd. v. Commissioner of Income Tax, Bombay 1958 SCR 49	....	48
Orissa Public Service Commission and Anr. v. Rupashree Chowdhary and Anr. 2011 (9) SCR 748		
– relied on	....	158
Padam Singh v. State of U.P. 1999 (5) Suppl. SCR 59		
– relied on	....	1012
Pampathy v. State of Mysore 1966 (Suppl) SCR 477	....	760
Panatar Arvindbhai Ratilal v. State of Gujarat and Others 1991 (1) Vol. 32 GLR 451		
– overruled	....	1022
Pankaja and Anr. v. Yellapa (Dead) By Lrs. and Ors. AIR 2004 SC 4102 = (2004) 6 SCC 415		
– relied on	....	924
Parmanand Brahmachari v. Emperor AIR (1930) Patna 30	....	1017
Parsotim Thakur & Ors. v. Lal Mohar Thakur & Ors. AIR 1931 PC 143	....	46
Poolpandi v. Superintendent, Central Excise 1992 (3) SCR 247	....	328
Pratap Singh & Anr. v. State of M.P. 2005 (5) Suppl. SCR 439		
– relied on	....	41

(xxxiv)

Prativa Devi (Smt.) v. T.V. Krishnan (1996) 5 SCC 353		
– relied on	....	48
Puri (A.S.) v. K.L. Ahuja AIR 1970 Delhi 214	....	1022
Pushpa (S.) and Others v. Sivachanmugavelu and Others (2005) 3 SCC 1		
– cited	....	880
Radha Kishun Sao v. S.K. Misra and Anr. AIR (1949) Patna 36	....	1017
Ragavendra Kumar v. Firm Prem Machinery & Co. 2000 (1) SCR 77		
– relied on	....	48
Raghavamma (A.) & Anr. v. A. Chenchamma & Anr. 1964 SCR 933	....	41
Raghu Raj Singh Rousha v. Shivam Sundaram Promoters Private Limited and Another 2008 (17) SCR 833		
– upheld	....	1021
Raj Kapoor and Others v. State and Others 1980 (1) SCR 1081	....	760
Rajagopal (S.) v. C.M. Armugam & Ors. 1969 SCR 254		
– relied on	....	44
Rajeshwari v. Puran Indoria 2005 (2) Suppl. SCR 1016		
– relied on	....	48

(xxxv)

Rajiv Saxena and Others v. State (NCT of Delhi) and Another (2012) 5 SCC 627	....	758
Rajya (P.S.) v. State of Bihar 1996 (2) Suppl. SCR 631		
– distinguished	....	212
Ram Chandra and Anr. v. State of Uttar Pradesh AIR 1957 SC 381		
– relied on	....	976
Ram Lal and Anr. v. State of J & K 1999 (1) SCR 230	....	758
Ram Manohar Lohia (1991) 1 SCR 709		
– cited	....	880
Ram Narayan Singh v. State of Delhi 1953 SCR 652	....	995
Ram Saran & Anr. v. Smt. Ganga Devi AIR 1972 SC 2685: 1973 (2) SCC 60		
– relied on	....	47
Rama Narang v. Ramesh Narang and Ors. 1995 (1) SCR 456		
– relied on	....	191
Ramachandra (B.) Rao (Col.) (Dr.) v. The State of Orissa and Others AIR 1971 SC 2197	....	994
Ramachandra (P.) Rao v. State of Karnataka (2002) 4 SCC 578		
– followed	....	259

(xxxvi)

Ramesh Kumar v. State of Chhattisgarh 2001 (4) Suppl. SCR 247		
– relied on	....	1130
Ramesh Prasad Bhanja and Ors. v. State of Orissa 1996 Cri. L.J. 2743	....	271
Rameshbhai Chandubhai Rathod (2) v. State of Gujarat 2011 (1) SCR 829		
– distinguished	....	343
Rameshbhai Chandubhai Rathod v. State of Gujarat (2009) 5 SCC 740		
– distinguished	....	343
Rameshkumar Agarwal v. Rajmala Exports Pvt. Ltd. and Ors. (2012) 5 SCC 337		
– relied on	....	924
Ramji and Others v. State of U.P. & Others (1956) SCR 393		
– cited	....	880
Ramkisto Sahu v. The State of Bihar AIR (1952) Patna 125	....	1018
Ramrati Kuer v. Dwarika Prasad Singh & Ors. 1967 SCR 153		
– relied on	....	41
Ramswarup v. Munshi and Ors. (1963) 3 SCR 858	....	687

Ranchod Mathur Wasawa v. State of Gujarat 1974 (2) SCR 72		
– cited	....	334
Ranjit Singh v. State of M.P. 2010 (14) SCR 133		
– relied on	....	1221
Ranjit Singh v. The State of Pepsu (now Punjab) 1959 Suppl. SCR 727	....	995
Ratanlal Soni v. Kailash Narayan Arjariya 1998 (2) MPLJ 321		
– overruled	....	1022
Rattiram and Ors. v. State of M.P. Through Inspector of Police AIR 2012 SCW 1772		
– relied on	....	193
Raunaq International Ltd. v. I.V.R. Construction Ltd. and Ors. 1998 (3) Suppl. SCR 421		
– relied on	....	130
Ravi Yashwant Bhoir v. District Collector, Raigad & Ors. AIR 2012 SC 1339		
– relied on	....	41
Ravindra Pal Singh v. Santosh Kumar Jaiswal and Other 2011 (3) SCR 970		
– relied on	....	951
Re. Madhu Limaye and Others 1969 (3) SCR 154	....	995

Reliance Airport Developers (P) Ltd. v. Airports Authority of India and Ors. 2006 (8) Suppl. SCR 398		
– relied on	....	130
Rishbud (H.N.) and Another v. State of Delhi 1955 SCR 1150	....	996
Romesh Thapar v. State of Madras (1950) SCR 594		
– cited	....	880
Rosy Jacob v. Jacob A. Chakramakkat 1973 (3) SCR 918		
– relied on	....	1144
Rubabbuddin Sheikh v. State of Gujarat & Others 2010 (1) SCR 991	....	948
Rukmini Narvekar v. Vijaya Satardekar and Ors. 2008 (14) SCR 271		
– relied on	....	974
Rumi Dhar (Smt.) v. State of West Bengal and Another 2009 (5) SCR 553	....	758
S.M.S. Pharmaceuticals Ltd. v. Neeta Bhalla and Anr. 2005 (3) Suppl. SCR 371		
– relied on	....	974
Sagar (G.) Suri and Another v. State of U.P. and Others 2000 (1) SCR 417	....	760
Samuel (J.) and Ors. v. Gattu Mahesh and Ors. (2012) 2 SCC 300		
– relied on	....	924

Sangwan (R.K.) (Dr.) and Anr. v. State 2009 (112) DRJ 473(DB)	....	271
Sanichar Sahni v. State of Bihar 2009 (10) SCR 112	....	1222
Sanjay Dutt v. State through C.B.I., Bombay (II) 1994 (3) Suppl. SCR 263	....	994
Sanjay Gandhi v. Union of India 1978 (2) SCR 861		
– relied on	....	973
Sanju @ Sanjay Singh Sengar v. State of M.P. 2002 (3) SCR 668		
– distinguished	....	1132
Sant Lal Gupta & Ors. v. Modern Cooperative Group Housing Society Limited & Ors. 2010 (13) SCR 621		
– relied on	....	44
Santhanam (A. N.) v. K. Elangovan 2011 (2) JCC 720 (SC)		
– upheld	....	1022
Santosh Kumar Satishbhusan Bariyar v. State of Maharashtra 2009 (9) SCR 90		
– distinguished	....	343
Sarasvati Bai Shripad Ved v. Shripad VasANJI Ved AIR 1941 (Bom.) 103	....	1144
Sarwan Singh v. State of Punjab 1957 SCR 953	....	326

Satya Gupta (Smt.) @ Madhu Gupta v. Brijesh Kumar 1998 (3) SCR 1183		
– relied on	....	48
Sayeed Ahmed & Co. v. State of Uttar Pradesh & Ors. 2009 (10) SCR 841		
– relied on	....	818
Secretary & Curator (The), Victoria Memorial Hall v. Howrah Ganatantrik Nagrik Samity & Ors. 2010 (3) SCR 190		
– relied on	....	44
Secretary of State of India in Council v. Hindustan Co-operative Insurance Society Ltd. 58 I.A. 259	....	687
Secretary, Irrigation Department, Government of Orissa and others v. G.C. Roy and Anr. 1991 (3) Suppl. SCR 417		
– relied on	....	818
Secunderabad Hyderabad Hotel Owners' Association & Ors. v. Hyderabad Municipal Corporation, Hyderabad & Anr. 1999 (1) SCR 143		
– relied on	....	8
Selvi (Smt.) and Others v. State of Karnataka 2010 (5) SCR 381		
– relied on	....	657
– cited	....	333

(xli)		
Sevaka Perumal and Anr. v. State of Tamil Nadu 1991 (2) SCR 711		
– relied on	....	193
Shanker Motiram Nale v. Shiolalsing Gannusing Rajput (1994) 2 SCC 753		
– relied on	....	1090
Shannon v. Lower Mainland Dairy Products Board AIR 1939 PC 36	....	8
Shantilal v. State of M.P. 2007 (10) SCR 727		
– relied on	....	1180
Sharma (S.N.) v. Bipen Kumar Tiwari 1970 (3) SCR 946	....	996
Shashi Kumar Banerjee and Ors. v. Subodh Kumar Banerjee AIR 1964 SC 529		
– relied on	....	976
Sheelkumar Jain v. New India Assurance Company Limited and Ors. 2011 (9) SCR 574		
– distinguished	....	1073
Sheila B. Das v. P.R. Sugasree 2006 (2) SCR 342		
– relied on	....	1144
Shiji alias Pappu and Others v. Radhika and Another 2011 (13) SCR 135		
– upheld	....	757
Simrikhia v. Dolley Mukherjee and Chhabi Mukherjee and Another 1990 (1) SCR 788	....	758

(xlii)		
Siriya alias Shri Lal v. State of M.P. AIR 2008 SC 2314		
– relied on	....	193
Sita Ram Bhau Patil v. Ramchandra Nago Patil 1977 (2) SCR 671		
– relied on	....	42
Society for Unaided Private Schools of Rajasthan v. Union of India and Anr. (2012) 2 SCR 715	....	1061
Someshwar (G.) Rao v. Samineni Nageshwar Rao 2009 (11) SCR 676		
– relied on	....	977
– cited	....	333
Sonti Rama Krishna v. Sonti Shanti Sree 2008 (16) SCR 743		
– relied on	....	1131
Soonda Ram & Anr. v. Rameshwarlal & Anr. 1975 (3) SCR 146		
– relied on	....	44
Sree Kamatchi Amman Constructions v. Divisional, Railway manager (Works), Palghat and Others 2010 (10) SCR 487		
– relied on	....	818
Sree Meenakshi Mills Ltd., Madurai v. Commissioner of Income Tax, Madras 1956 SCR 691	....	48

(xliii)

Sreenivasa General Traders and Ors. v. State of Andhra Pradesh and Ors. 1983 (3) SCR 843	....	8
Stainislaus (Rev.) v. State of M.P. (1977) 2 SCR 611		
– cited	....	880
State (NCT of Delhi) v. Navjot Sandhu 2005 (2) Suppl. SCR 79		
– relied on	....	324
State Bank of India & Ors. v. S.N. Goyal 2008 (7) SCR 631		
– relied on	....	47
State of Bihar v. J.A.C. Saldanha and Others 1980 (2) SCR 16	....	996
State of Bihar v. P.P. Sharma 1991 (2) SCR 1	....	758
State of Bombay v. Kathi Kalu Oghad [1962] 3 SCR 10		
– cited	....	333
State of H.P. v. Shree Kant Shekari 2004 (4) Suppl. SCR 380		
– relied on	....	727
State of Haryana v. Bhajan Lal 1990 (3) Suppl. SCR 259	....	758; and 212
State of Karnataka and Another v. Pastor P. Raju 2006 (4) Suppl. SCR 269		
– relied on	....	1018

(xliv)

State of Karnataka v. Krishna alias Raju 1987 (1) SCR 1103		
– relied on	....	193
State of Karnataka v. L. Muniswamy and Others 1977 (3) SCR 113	....	760
State of Karnataka v. M. Devendrappa and Another 2002 (1) SCR 275	....	760
State of Karnataka v. Sharanappa Basanagouda Aregoudar 2002 (2) SCR 692		
– relied on	....	193
State of M.P. v. Babbu Barkare 2005 (1) Suppl. SCR 381		
– relied on	....	727
State of M.P. v. Munna Choubey 2005 (1) SCR 781		
– relied on	....	727
State of M.P. v. Saleem alias Chamaru and Anr. 2005 (1) Suppl. SCR 562		
– relied on	....	193
State of Madhya Pradesh v. Pappu 2008 (11) SCR 793		
– relied on.	....	727
State of Madhya Pradesh v. Rameshwar and Others 2009 (5) SCR 510	....	760

(xlv)

State of Madhya Pradesh v. Sheikh Shahid 2009 (5) SCR 1038		
– relied on	....	727
State of Maharashtra v. Bharat Chaganlal Raghani 2001 (3) SCR 840		
– distinguished	....	344
State of Maharashtra v. M/s. Hindustan Construction Company Ltd. 2010 (4) SCR 46	....	51
State of Maharashtra v. Sukhdeo Singh and Anr. 1992 (3) SCR 480		
– relied on	....	976
State of Maharashtra v. Suresh 1983 (3) SCR 729	....	741
State of Orissa and Another v. Saroj Kumar Sahoo 2005 (5) Suppl. SCR 548		
– relied on	....	859
State of Orissa v. B.N. Agarwalla 1997 (1) SCR 704		
– relied on	....	818
State of Orissa v. Debendra Nath Padhi 2004 (6) Suppl. SCR 460		
– relied on	....	974
State of Orissa v. Debendra Nath Padhi AIR 2003 SC 1512		
– relied on	....	974

(xlvi)

State of Orissa v. Dhaniram Luhar 2004 (2) SCR 68		
– relied on	....	44
State of Punjab v. Balwinder Singh and Ors. (2012) 2 SCC 182		
– relied on	....	193
State of Punjab v. Iqbal Singh 1991 (2) SCR 790		
– relied on	....	1130
State of Punjab v. Surjit Singh 2009 (12) SCR 394		
– relied on	....	837
State of Tripura & Ors. v. K.K. Roy 2003 (6) Suppl. SCR 781	....	835
State of Tripura v. Sudhir Ranjan Nath 1997 (2) SCR 29	....	8
State of U.P. v. Manbodhan Lal Srivastava 1958 SCR 533		
– relied on	....	44
State of Uttar Pradesh. v. Mohammad Naim 1964 SCR 363	....	760
State of Uttaranchal & Anr. v. Sunil Kumar Singh Negi 2008 (4) SCR 804		
– relied on	....	44

(xlvii)

State of W.B. v. Kesoram Industries Ltd. & Ors. 2004 (1) SCR 564		
– relied on	....	6
State of West Bengal and Another v. Mohd. Khalid and Others 1994 (6) Suppl. SCR 16		
– relied on	....	1019
State of West Bengal v. Anwar Ali Sarkar 1952 SCR 284		
– relied on	....	328
State Tr. P.S. Lodhi Colony, New Delhi v. Sanjeev Nanda 2012 (7) SCALE 120		
– relied on	....	193
State v. M. Krishna Mohan 2007 (11) SCR 570	....	211
State v. Nalini 1999 (3) SCR 1		
– distinguished	....	314
State v. Saravamam 2008 (14) SCR 405		
– relied on	....	741
Sube Singh v. State of Haryana 2006 (2) SCR 67		
– relied on	....	660
Suk Das v. UT of Arunachal Pradesh 1986 (1) SCR 590		
– relied on	....	331
Sundarrajan (P.) and Others v. R. Vidhya Sekar (2004) 13 SCC 472		
– upheld	....	1021

(xlviii)

Sunil Gupta and Others v. State of Madhya Pradesh and Others 1990 (2) SCR 871		
– relied on	....	657
Supdt. of Police (C.B.I.) v. Deepak Chowdhary 1995 (2) Suppl. SCR 818		
– relied on	....	211
Surender v. State of Haryana 2006 (9) Suppl. SCR 296		
– relied on	....	1130
Suresh (Y.) Babu v. State of A.P. (2005) 1 SCC 347		
	....	758
Suseel Finance & Leasing Co. v. M. Lata and Others (2004) 13 SCC 675		
– relied on	....	1090
Sushil Kumar v. Rakesh Kumar 2003 (4) Suppl. SCR 802		
– relied on	....	42
Sushil Suri v. Central Bureau of Investigation and Another 2011 (8) SCR 1		
	....	760
Suwalal Chhogalal v. Commissioner of Income Tax (1949) 17 ITR 269		
	....	48
Swamy Prahaladdas v. State of M.P. and Anr. (1995) Supp (3) SCC 438		
– distinguished	....	1132
Swamy Shraddananda v. State of Karnataka 2008 (11) SCR 93		
– distinguished	....	343



(xlix)			(l)	
Syed Abdul Khader v. Rami Reddy & Ors. AIR 1979 SC 553			UCO Bank and Others v. Sanwar Mal 2004 (2) SCR 1125	
– relied on	....	44	– relied on	.... 1073
Takhaji Hiraji v. Thakore Kubersing Chamansing & Ors. AIR 2001 SC 2328			Udham Singh v. Ram Singh & Anr. (2007) 15 SCC 529	
– relied on	....	40	– relied on	.... 42
Talib Hussain v. State of Jammu and Kashmir AIR 1971 SC 62	....	994	Ummu Sabeena v. State of Kerala and Others 2011 (13) SCR 185	.... 995
Tata Cellular v. Union of India 1994 (2) Suppl. SCR 122			Union of India & Ors. v. Kamla Verma (2010) 13 SCC 511	
– relied on	....	130	– relied on	.... 50
Tejas Constructions and Infrastructure Pvt. Ltd. v. Municipal Council, Sendhwa and Anr. (2012) 6 SCC 464			Union of India (The) v. Mahadeolal Prabhu Dayal 1965 SCR 145	.... 41
– relied on	....	130	Union of India and Anr. v. International Trading Co. and Anr. 2003 (1) Suppl. SCR 55	
Thirty Hoshie dolikuka v. Hoshiam Shavdaksha Dolikuka 1983 (1) SCR 49			– relied on	.... 130
– relied on	....	1144	Union of India v. Krafters Engineers and Leasing Private Limited 2011 (8) SCR 196	
Thiruvengada Pillai v. Navaneethammal 2008 (3) SCR 23			– relied on	.... 818
– relied on	....	977	Union of India v. P.V. Hariharan & Anr. 1997 (2) SCR 1050	.... 834
Transport Commissioner (The), A.P. Hyderabad and Anr. v. Sardar Ali and Ors. AIR 1983 SC 1225	....	741	United Indian Insurance Co Ltd. v. Samir Chandra Choudhary 2005 (1) Suppl. SCR 613	
U.P. Avas Evam Vikas Parishad v. Jainul Islam and Anr. 1998 (1) SCR 254	....	686	– relied on	.... 42

(li)

UT Chandigarh Administration and Anr. v. Amerjeet Singh and Ors. 2009 (4) SCR 541		
– relied on	....	119
Vadilal Panchal v. Dattatraya Dulaji Ghadigaonker and Another (1961) 1 SCR 1		
– relied on	....	1017
Vam Organic Chemicals Ltd. & Anr. v. State of U.P. & Ors. 1997 (1) SCR 403	....	8
Vani Pati Tripathi v. Director General, Medical Education and Training and Ors. AIR 2003 All 164	....	158
Venkataramiah (K.) v. A. Seetharama Reddy & Ors. 1964 SCR 35		
– relied on	....	44
Vijay C. Puljal v. State of Maharashtra (2005) 4 CTC 705		
– stood reversed	....	877; and 880
Vijay Kumar Talwar v. Commissioner of Income Tax, New Delhi 2010 (14) SCR 499		
– relied on	....	47
Vijayan (P.) v. State of Kerala and Anr. 2010 (2) SCR 78		
– relied on	....	974
Vinay Krishna v. Keshav Chandra & Anr. AIR 1993 SC 957		
– relied on	....	47

(lii)

Vishwanath S/o Sitaram Agrawal v. Sau. Sarla Vishwanath Agrawal 2012 (6) SCALE 190		
– relied on	....	657
Willie (William) Slaney v. State of M.P. 1955 SCR 1140	....	1222
Yash Pal Mittal v. State of Punjab 1978 (1) SCR 781	....	1157
Yellatti (R.M.) v. Assistant Executive Engineer 2005 (4) Suppl. SCR 1010		
– relied on	....	41
Yousuf (Mohd.) v. Afaq Jahan (Smt.) and Another (2006) 1 SCC 627		
– relied on	....	1017
Zahira Habibullah Sheikh (5) v. State of Gujarat 2006 (2) SCR 1081		
– cited	....	333

(lii)

(liv)

(iv)

(vi)





(lxi)

(lxii)













(lxxiii)

(lxxiv)



(lxxvii)

(lxxviii)

(lxxix)

(lxxx)



(lxxxi)

(lxxxii)

(lxxxiii)

(lxxxiv)

(lxxxv)

(lxxxvi)















































































1209

1210

























1231

1232

## SUBJECT-INDEX

1234

### ADMINISTRATION OF JUSTICE:

Criminal justice.

(See under: Constitution of India, 1950) .... 295

### ADMINISTRATIVE LAW:

(1) Delegated legislation.

(See under: Constitution of India, 1950) .... 1

(2) Judicial review.

(See under: Contract) .... 128

### AGRICULTURAL PRODUCE MARKET

COMMITTEES:

(See under: Uttar Pradesh Krishi  
Utpadan Mandi Adhiniyam, 1964) .... 934

### APPEAL:

(1) Appeal against acquittal - Held: Appellate court would interfere with acquittal order only on being satisfied that the view taken by trial court was perverse and unreasonable resulting in miscarriage of justice.

*Shyam Babu v. State of U.P.* .... 255

(2) Appeal against acquittal - Power of appellate court - Held: Appellate court can interfere with the order of acquittal only in exceptional cases, when found to be perverse.

*Pudhu Raja & Anr. v. State, Rep. by Inspector of Police* .... 740

(3) Criminal Appeal.

(See under: Code of Criminal Procedure, 1973) .... 1012

### ARBITRATION:

(i) Second round of arbitration proceedings -

Maintainability - Works contract - Grievance of respondent-contractor that though the works had been completed, final bill was not prepared - Arbitration proceedings initiated, in course of which, final bill prepared and placed before arbitrators by appellant-corporation - Subsequently, another process of arbitration initiated for the specific claims of respondent-contractor - Maintainability of - Held: The entitlement of respondent-contractor was not the subject matter of earlier proceedings before arbitrators - Claim of respondent-contractor got crystallized once the final bill was prepared and placed before arbitrators - It is these specific claims, after quantification, that were referred to arbitrators in subsequent arbitration proceedings - Thus, it cannot be said that the arbitration proceeding in respect of the specific claims of respondent-contractor stood barred in view of earlier arbitration proceedings between the parties.

(ii) Arbitral award - Challenge to - Power of court - Claim of respondent-contractor for refund of security deposit not adjudicated upon by arbitrators on the ground that it was not arbitrable - Held: In such a situation, it was clearly beyond the power of trial court to decree the claim - High Court was justified in setting aside the claim, however, it erred in directing adjudication of the claim by an arbitrator nominated by it - The issue should have been left for determination in accordance with the procedure agreed upon by the parties.

(iii) Arbitration - Arbitral award - Grant of interest pendente lite - Held: Not justified, in view of the

express bar contained in the contract between the parties.

(iv) Arbitration - Arbitral award - Grant of interest for the post-award period - Held: Justified.

*Tehri Hydro Dev. Corpn. Ltd. & Anr. v. Jai Prakash Asso. Ltd.* .... 813

#### BAIL:

(1) Anticipatory bail.

(See under: Code of Criminal Procedure, 1973) .... 270

(2) Cancellation of bail.

(See under: Code of Criminal Procedure, 1973) .... 945

(3) (See under: Narcotic Drugs and Psychotropic Substances Act, 1985) .... 1193

#### BANKING REGULATION ACT, 1949:

s.15.

(See under: Pondicherry Protection of Interest of Depositors in Financial Establishments Act, 2004) .... 874

#### CANARA BANK (EMPLOYEES') PENSION

REGULATIONS, 1995:

Regulations 22 and 29.

(See under: Service Law) .... 1072

#### CHILD AND FAMILY WELFARE:

Custody of children - Held: An order of custody of minor children is required to be made by court treating the interest and welfare of minor to be of paramount importance - It is not the better right of either of the parent, to custody, but the desire, interest and welfare of minor which is crucial and ultimate consideration that must guide determination required to be made by court - In

the instant case, the children having expressed their reluctance to go with mother, even for a short duration of time or to meet her, any visitation right to mother would be adverse to the interest of children - In the circumstances, visitation cannot be made possible by an order of court - Children would continue to remain in the custody of their father until they attain age of majority - Hindu Marriage Act, 1955 - s.13-B - Code of Civil Procedure, 1908 - s.151 - Guardians and Wards Act, 1890 - Hindu Minority and Guardianship Act, 1956.

*Gaytri Bajaj v. Jiten Bhalla* .... 1142

#### CIRCULARS / GOVERNMENT ORDERS / NOTIFICATIONS:

(1) Central Government Notifications bearing S.O.826(E) dated 14.11.1985 and G.S.R.40(E) published on 29.1.1993.

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) .... 1193

(2) Government Notification No. SO.1055 (E) dated 19.10.2001.

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) .... 1177

#### CODE OF CIVIL PROCEDURE, 1908:

(1) s.100.

(See under: Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1951) .... 686

(2) s.151.

(See under: Child and Family Welfare) .... 1142

(3) O. 6 r. 17 r/w. s. 151 - Amendment of plaint - Two sale deeds in favour of appellants as well as respondents by different members of a family in respect of suit property - Appellants filing suit for

permanent injunction restraining respondent Nos. 1 to 3 - Subsequent application for amendment of plaint to add relief of declaration of title - Application dismissed by courts below - Held: The application for amendment is allowed - Amendments necessary for the purpose of determining the real question in controversy should be allowed, if it does not change the basic nature of the suit - A change in nature of relief cannot be considered as change in nature of the suit - The challenge to the sale deed in favour of respondents was implicit in the factual matrix in the un-amended plaint, and hence relief of declaration of title does not change the nature of the suit - Relief claimed is not barred in law and the amendment would not prejudice the respondents.

*Abdul Rehman & Anr. v. Mohd. Ruldu & Ors.* .... 922

(4) O. 11.  
(See under: Evidence Act, 1872) .... 35

(5) O. 41, r. 17 (1) Explanation - Scope of - Dismissal of appeal on merit by High Court, when there was no appearance on behalf of appellant - Held: In view of the explicit language of Explanation to r. 17(1), O. 41 of High Court could not have gone into the merits of the case, if there was no appearance on behalf of appellant - Direction to High Court to dispose of the appeal in accordance with law.

*Ghanshyam Dass Gupta v. Makhan Lal* .... 153

(6) O. 47, r. 7.

(See under: Constitution of India, 1950) .... 1089

(7) (i) Title suit - Burden of proof - Suit for declaration of title of ownership of property against Union of India - Dismissed by trial court - Held: First appellate court as well as High Court committed grave error in shifting the burden of proof on defendant-Union of India, though it was exclusively on plaintiff to prove his case, which he failed to do - Appellate courts decided the appeals in unwarranted manner in complete derogation of statutory requirements and in flagrant violation of provisions of CPC and Evidence Act - Decree of trial court restored.

(ii) O. 12 - Admission - Evidentiary value of - Held: Admission made by a party though not conclusive, is a decisive factor in a case unless the other party successfully withdraws the same or proves it to be erroneous - Even if the admission is not conclusive it may operate as an estoppel - Failure of a party to prove its defence does not amount to admission, nor can it reverse or discharge the burden of proof of plaintiff.

(iii) O. 41, r. 27 - Additional evidence at appellate stage - Admissibility of - Recording of reasons, if required - Held: The matter is entirely within the discretion of appellate court - The discretion is to be exercised judicially - Whenever appellate court admits additional evidence it should record its reasons for doing so - Omission to record reasons must be treated as a serious defect - But this provision is only directory and not mandatory, if reception of such evidence can be justified under the rule.

(iv) O. 41, r. 27 - Application for production of additional evidence in appellate court - Stage of consideration - Held: Application is to be considered at the time of hearing of appeal on merits so as to find whether the documents and/or the evidence sought to be adduced have any relevance/bearing on the issues involved - Such an application, even if filed during pendency of appeal, is to be heard at the time of final hearing of the appeal - In case, such application has been considered and allowed prior to the hearing of the appeal, the order being a product of total and complete non-application of mind, as to whether such evidence is required to be taken on record to pronounce the judgment or not, remains inconsequential/ inexecutable and is liable to be ignored.

(v) s.100 - Interference in second appeal - Scope - Substantial question of law - Held: Generally, a second appeal does not lie on question of facts or of law - However, there may be exceptional circumstances where High Court is compelled to interfere, notwithstanding the limitation imposed by the wording of s.100 - In second appeal, High Court frames substantial question of law at the time of admission of appeal - There is no prohibition in law to frame additional substantial question of law if the need so arises at the time of final hearing of the appeal.

*Union of India v. Ibrahim Uddin & Anr.* .... 35

CODE OF CRIMINAL PROCEDURE, 1973:

(1) s.2(h) - 'Investigation' - Explained.

(Also see under: Constitution of India, 1950).

*Manubhai Ratilal Patel Tr. Ushaben v. State of Gujarat & Ors.* .... 993

(2) s.30.

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) .... 1177

(3) s.164 - Confessional statement - Held: In the instant case, the confession made by the appellant was voluntary - Magistrate gave sufficient time to appellant to reflect and reconsider the matter, and cautioned him of the consequences; and after satisfying herself that the appellant was making the statement on his own free will and volition, proceeded to record his statement u/s 164 - The statement was recorded in accordance with the procedure prescribed and there was no violation of any constitutional or legal right of the appellant in recording the confession - There is no reason for not taking the confession into consideration to judge the charges against the appellant - Investigation.

(Also see under: Constitution of India, 1950)

*Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra* .... 295

(4) ss. 207 to 209 and s. 164 - Power of Magistrate - FIR alleging commission of rape - Thereafter prosecutrix approaching the Chief Judicial Magistrate and getting her statement recorded u/s. 164 Cr.P.C and exonerating the accused of allegations - Police filing charge-sheet - Judicial Magistrate, in view of statement of prosecutrix u/s. 164, discharging the accused - Held: Statement u/s. 164 was not recorded

correctly as the prosecutrix was not produced before Magistrate by police and her statement was recorded without identifying her - Signature of prosecutrix on papers before CJM and Judicial Magistrate also did not tally with signatures on FIR and Medical Report, which creates suspicion - Order of discharge was a nullity without jurisdiction as the matter was cognizable by Court of Session - Magistrate had no jurisdiction to probe into the matter - It was also not permissible to examine weight of evidence at that stage - Order of discharge rightly set aside.

*Ajay Kumar Parmar v. State of Rajasthan* .... 970

(5) s.313.

(See under: Evidence) .... 740

(6) s. 357(3).

(See under: Compensation) .... 189

(7) s. 386 - Criminal appeal - Disposal of - Procedure for - High Court disposing of criminal appeal without adverting to all the materials - Held: Procedure followed by High Court in disposal of appeal not acceptable - Procedure prescribed u/s. 386 is required to be followed - It is the duty of appellate court to look into the evidence adduced to arrive at an independent conclusion - Appeal - Criminal Appeal.

*Iqbal Abdul Samiya Malek v. State of Gujarat* .... 1012

(8) (i) ss. 397 and 401(2) r/w ss. 202 and 203 - Revision against order u/s 203 dismissing the complaint - Right of accused / suspect to be heard - Held: In proceedings u/s. 202, accused/suspect

is not entitled to be heard on the question whether process should be issued against him or not - However, in a revision petition preferred by complainant before High Court or Sessions Judge challenging an order of Magistrate dismissing the complaint u/s. 203 at the stage u/s. 200 or after following the process contemplated u/s.202, accused/suspect is entitled to hearing by revisional court - The stage is not important whether it is pre-process stage or post-process stage - If the revisional court overturns the order of Magistrate dismissing the complaint and restoring it to the file of Magistrate for fresh consideration, the persons who are alleged in the complaint to have committed the crime have, however, no right to participate in the proceedings nor are they entitled to any hearing of any sort whatsoever by the Magistrate until the consideration of the matter for issuance of process.

(ii) ss. 200, 202 and 203 - Criminal complaint - Expression 'taking cognizance of an offence' - Connotation of - Explained - Held: In the context of ss. 200, 202 and 203, the expression 'taking cognizance' embraces within itself all powers and authority in exercise of jurisdiction and taking of authoritative notice of complaint or first information report on application of judicial mind - It does not necessarily mean issuance of process - In the instant case, from the order of Chief Judicial Magistrate directing an inquiry to be made by police, it becomes apparent that he had applied judicial mind on the complaint and had taken cognizance that day, although he postponed issue of process by directing an investigation to be made

by Police Officer - Therefore, it cannot be said that the CJM had not taken cognizance in the matter and complaint was dismissed u/s. 203 at pre-cognizance stage.

*Manharibhai Muljibhai Kakadia & Anr. v. Shaileshbhai Mohanbhai Patel & Ors.* .... 1015

(9) (i) s.406 - Petition for transfer of a murder case and for cancellation of bail - Allegation that the killing was orchestrated by senior officers in the State police and at the behest of the then Home Minister in the State - Criminal proceedings against the said Minister - Held: Bail granted to accused by High Court not cancelled on ground that it would deprive him of the privilege granted by High Court two years ago - However, accused to give an undertaking in writing to trial court as directed - Taking into account the manner in which the strong case has been made out for transferring the trial outside the State, case transferred - Bail - Cancellation of.

(ii) s.406 - Transfer of trial - Broad factors to be kept in mind while considering an application for transfer of trial - Re-stated.

*Central Bureau of Investigation v. Amitbhai Anil Chandra Shah and Anr.* .... 945

(10) s. 438 - Anticipatory bail - Offences punishable under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Held: s. 18 of the Act creates a bar invoking s. 438 - When an offence is registered under provisions of the Act, no court shall entertain anticipatory bail, unless it prima facie finds that such an offence is not made out - In view of the

averments in the complaint, s. 18 is applicable - Therefore, accused not entitled to anticipatory bail - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 - ss. 3(1) and 18 - Penal Code, 1860 - Bail.

*Vilas Pandurang Pawar & Anr. v. State of Maharashtra & Ors.* .... 270

(11) (i) s. 482 - Charge u/s. 306 IPC - Alleging constant humiliation and insult to the deceased, driving him to commit suicide - Petition for quashing of criminal proceedings - Dismissed by High Court - Held: The allegations in FIR supported by suicide note and statements of family members of the deceased - In view of facts and circumstances of the case, criminal proceedings cannot be quashed.

(ii) ss. 482 and 228 - Application for quashing of proceedings - Held: While dealing with such application, court cannot form a firm opinion, but a tentative view evoking presumption u/s. 228. (Also see under: Penal Code, 1860).

*Praveen Pradhan v. State of Uttaranchal & Anr.* .... 1129

(12) s. 482 - Criminal proceedings against accused under Prevention of Corruption Act for demand and acceptance of illegal gratification - Disciplinary proceedings kept in abeyance due to pendency of criminal case - High Court quashed the criminal proceedings - Held: Criminal proceedings were quashed erroneously by High Court because the accused cannot be said to have been exonerated in departmental proceedings as the report of the enquiry officer



was yet to be decided by the disciplinary authority - Further, exoneration in departmental proceeding ipso facto would not lead to quashing of a criminal prosecution - Prevention of Corruption Act, 1988 - ss. 7/13 - Service Law - Disciplinary Proceedings.

*State of N.C.T. of Delhi v. Ajay Kumar Tyagi* ....

208

(13) (i) s.482 - Exercise of inherent power by High Court - Explained.

(ii) s.482 - Petition seeking to quash FIR for offences punishable u/ss.420, 467, 468, 471 r/w ss.34 and 120B IPC and ss.34 and 81 of Registration Act - Allegations of registration of fake sale deeds on fictitious documents to avail of the Special Rehabilitation Package meant for oustees of Sardar Sarovar Project - FIR quashed by High Court - Held: Respondent was functioning as Deputy Registrar during the relevant period when more than 102 sale deeds relating to the same transaction were executed and all those documents were prima facie found to be forged so as to get the benefit of the Package which was meant for Project affected persons / oustees - Respondent was alleged, to have registered various documents relating to the Project without verifying the credentials of purchasers and sellers and without examining that the land covered by sale deeds was in existence or not or the lands belonged to State Government - High Court, in such circumstances, was not justified in quashing all the First Information Reports and the charge-sheets in exercise of its powers u/s. 482 - Judgments of High Court set aside.

*State of Madhya Pradesh v. Surendra Kori* .... 858

(14) (i) ss. 482 and 320 - Quashing of criminal proceedings in a non-compoundable case where offender has settled his dispute with the victim of crime - Ambit and scope of ss. 482 and 302 - Explained - Held: Power of compounding of offences given to a court u/s 320 is materially different from the quashing of criminal proceedings by High Court in exercise of its inherent jurisdiction - High Court may quash criminal proceedings or FIR or complaint in exercise of its inherent power u/s 482, and s. 320 does not limit or affect the powers of High Court u/s 482 - Principles emerging from various decisions culled out.

(ii) s.482 - Inherent power of High Court - Quashing of criminal proceedings - Held: Before exercise of the power, High Court must have due regard to the nature and gravity of the crime - Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute - Similarly, any compromise in relation to the offences under special statutes like Prevention of Corruption Act cannot provide any basis for quashing criminal proceedings involving such offences - But, criminal cases having overwhelmingly and pre-dominantly civil flavour stand on different footing for the purposes of quashing.

*Gian Singh v. State of Punjab & Another* .... 753

COMPANIES ACT, 1956:

ss.58A, 58AA and 58AAA.

(See under: Pondicherry Protection of Interest of Depositors In Financial Establishments Act, 2004 (Act of 2005) .... 874

## COMPENSATION:

Grant of compensation u/s. 357(3) Cr.P.C. - Held: Such compensation not to be regarded as a substitute for adequate sentence - Code of Criminal Procedure, 1973 - s. 357(3) - Sentence/Sentencing.

*Guru Basavaraj @ Beene Settappa v. State of Karnataka* ....

189

## COMPTROLLER AND AUDITOR GENERAL (DUTIES, POWERS AND CONDITIONS OF SERVICES) ACT, 1971:

s.16 - Power of Comptroller and Auditor General of India (CAG) to give performance audit report - Regulations framed under the Act empowering CAG to conduct performance audit - If violative of the Constitution - Held: CAG's function to carry out examinations into economy, efficiency and effectiveness with which Government has used its resources is inbuilt in the Act - Performance audit reports prepared under Regulations have to be viewed accordingly - No unconstitutionality in Regulations - More-over, Audit reports submitted by CAG are subject to scrutiny by Parliament or Legislature of the State, as the case may be - Constitution of India, 1950 - Arts.149 and 151 - Regulations on Audit and Accounts, 2007.

*Arvind Gupta v. Union of India and Ors.* .... 1058

## CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES ACT, 1974:

(See under: Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976) ....

1107

## CONSTITUTION OF INDIA, 1950:

(1) Arts. 14, 16 and 39D.

(See under: Service Law) ....

831

(2)(i) Arts. 20(3), 21; and s.164, CrPC - Right against self-incrimination - Voluntary confession - Held: Right against self-incrimination under Art.20(3) has been statutorily incorporated in the provisions of ss.161, 162, 163 and 164 CrPC and Evidence Act, as manifestations of enforceable due process, and thus compliance with statutory provision is also compliance with constitutional requirements - Right against self-incrimination under Art. 20(3) does not proscribe voluntary statements made in exercise of free will and volition - Code of Criminal Procedure, 1973 - ss.161, 162, 163 and 164 - Evidence Act, 1872 - ss.25, 26 and 32.

(ii) Arts. 21, 22(1), 39-A; and ss. 303 and 304 CrPC - Right to consult and be defended by a legal practitioner - Held: Right of an accused to access to legal aid, to consult and to be defended by a legal practitioner arises when the accused arrested in connection with a cognizable offence is first produced before a magistrate - Right to consult and be defended by a legal practitioner is not to be construed as sanctioning or permitting the presence of a lawyer during police interrogation - Accused would need a lawyer to resist remand to police or judicial custody and for granting of bail; to clearly explain to him the legal consequences in case he intended to make a confessional statement in terms of s.164 CrPC, to represent him when the court examines the charge-sheet and decides upon the future course

of proceedings and at the stage of the framing of charges; and, for the trial - In the instant case, there has been no violation of any of the rights of appellant under the Constitution - He was offered services of a lawyer at the time of his arrest, and at all relevant stages in subsequent proceedings - The absence of a lawyer at pre-trial stage was not only as per the wishes of the appellant himself, but this absence also did not cause him any prejudice in the trial - Code of Criminal Procedure, 1973 - ss. 303 and 304.

(iii) Arts. 21, 22(1); and ss. 303 and 304 CrPC - Right of accused to consult and be defended by a legal practitioner - Duty of Magistrate concerned - Held: The provisions of CrPC and Evidence Act fully incorporate the Constitutional guarantees, and the statutory framework for the criminal process in India affords fullest protection to personal liberty and dignity of an individual, but the Court takes judicial notice that there is a great hiatus between what the law stipulates and the realities in the enforcement of the law - It is the duty and obligation of the magistrate to make the accused fully aware that it is his right to consult and be defended by a legal practitioner and, in case he has no means to engage a lawyer of his choice, that one would be provided to him from legal aid at the expense of the State - The right flows from Arts. 21 and 22(1) of the Constitution and needs to be strictly enforced - The Court, accordingly, directs all Magistrates in the country to faithfully discharge the said duty and obligation and any failure to fully discharge the duty would amount to dereliction in duty and would make the Magistrate concerned

liable to departmental proceedings - Administration of criminal justice - Judicial notice.

(Also see under: Media)

*Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra* .... 295

(3) (i) Art. 21 - Right to life - Custodial torture - Compensation for - Held: The precious right guaranteed by Art. 21 cannot be denied to convicts, undertrials, detenus and other prisoners in custody, except according to the procedure established by law by placing such reasonable restrictions as permitted by law - On facts, appellant underwent mental torture at the hands of insensible police officials and was subjected to social humiliation - Appellant entitled to Rs.5 lakhs as compensation - Respondent-State directed to grant such amount and recover it from the salary of erring officials - Human Rights - Universal Declaration of Human Rights, 1948 - Article 5 - Police - Duty of police authorities.

(ii) Arts. 32 and 226 - Writ proceedings seeking enforcement or protection of fundamental rights - Grant of 'compensation' in such proceedings - Nature of - Held: When the court moulds the relief by granting 'compensation' in proceedings under Art. 32 or 226, it does so under the public law by way of penalizing the wrongdoer and fixing the liability for the public wrong on the State which has failed in its public duty to protect the fundamental rights of the citizen - The compensation is in the nature of 'exemplary damages' awarded against the wrongdoer for the breach of its public law duty and is independent

of the rights available to the aggrieved party to claim compensation under the private law in an action based on tort, through a suit instituted in a court of competent jurisdiction or/and prosecute the offender under the penal law - Public Law remedy.

*Pudhu Raja & Anr. v. State, Rep. by Inspector of Police* .... 651

(4) Arts.21A and 32.

(See under: Education/Educational Institutions) .... 1060

(5) Art. 32 - Writ petition - Maintainability - Petitioner filing petition u/Art. 226 alleging threat to his life and personal liberty - Withdrawing the same - Subsequently filing petition under Art. 32 for the same remedies - Held: The petition u/Art. 32 is not maintainable - The action of the petitioner in withdrawing the petition pending before High Court simply to file the petition under Art. 32 is not acceptable - High Courts have wide powers and possess as much authority as Supreme Court to protect and safeguard the constitutional rights - Since the matter relates to the right to life and personal liberty and since the allegations prima facie do not appear to be unfounded and baseless, petitioner is not left remediless - High Court requested to restore the petition u/Art. 226 to its original file and to proceed further in the matter in accordance with law.

*Baba Tek Singh v. Union of India & Ors.* .... 724

(6) Art. 136 - Special Leave Petition - Power under - To interfere with concurrent findings of facts - Held: Court not to interfere with concurrent findings

of fact save in exceptional circumstances - Interference permissible only when High Court is found to have acted perversely or disregarded any vital piece of evidence which would shake the very foundation of prosecution case.

*Narayan Manikrao Salgar v. State of Maharashtra* .... 170

(7) (i) Art. 136 - Successive SLPs - Held: Not maintainable - As the appellant had withdrawn the SLP against the order of High Court with permission to pursue his remedy by way of review and had not taken liberty from Supreme Court to challenge the said order afresh by way of special leave in case he did not get relief in the review application, he was precluded from challenging the said order way of fresh SLP under Art. 136.

(ii) Appeal by way of special leave under Art. 136 against the order of High Court rejecting an application for review - Held: Not maintainable - The order rejecting the application for review is not appealable by virtue of principle in O. 47, r. 7 CPC - Code of Civil Procedure, 1908 - O. 47, r.7.

*Vinod Kapoor v. State of Goa & Ors.* .... 1089

(8) Arts. 149 and 151.

(See under: Comptroller and Auditor General (Duties, Powers and Conditions of Services) Act, 1971) .... 1058

(9) Art.226 - Petition for writ of habeas corpus challenging the order of remand - Held: A writ of habeas corpus is not to be entertained when a person is committed to judicial custody or police custody by the competent court unless the order is without jurisdiction or passed in an absolutely

mechanical manner or is wholly illegal - The effect of order of High Court regarding stay of investigation could only have bearing on the action of investigating agency - Investigation is neither an inquiry nor a trial - It is within the exclusive domain of police to investigate and is independent of any control by the Magistrate - There is no error in the order passed by High Court refusing to grant a writ of habeas corpus.

*Manubhai Ratilal Patel Tr. Ushaben v. State of Gujarat & Ors.* .... 993

(10) (i) Art. 226 - Writ petition seeking interference of High Court in proposed developmental work at the instance of State Government and Municipal Corporation on the land claimed by petitioner - Dismissed by High Court on the ground of alternative efficacious remedy, i.e. a suit for injunction - Held: Writ Court exercising jurisdiction under Art. 226 is fully empowered to interdict the State or its instrumentalities from embarking upon a course of action that is detriment of the rights of the citizens, though, in the exercise of jurisdiction in the domain of public law such a restraint order may not be issued against a private individual - In the instant case, order of High Court does not contain any reference to the relevant circumstances in which it had passed the impugned order nor does it contain any reasons why the petitioner was relegated to the remedy of initiating a civil action - The manner of reaching the decision and the reasons therefor are sacrosanct to the judicial proceedings - Judgments/Orders.

(ii) Art. 226 - Writ petition involving title to the subject land - Held: There is no universal rule or principle of law which debars the Writ Court from entertaining adjudications involving disputed questions of fact - In the instant case, petitioner, claimed title to the land in question on the basis of the deed of Indenture, the orders of the High Court in a civil suit and the LPA as well as the proceedings of acquisition in respect of an area acquired out of the land in question - State Government did not claim any title to the land - High Court ought not to have disposed of the writ petition at the stage and in the manner it had so done and, instead, ought to have satisfied itself that there was actually a serious dispute between the parties on the question of ownership or title - Alternative remedy.

*M/s. Real Estate Agencies v. Govt. of Goa & Ors.* .... 278

(11) (i) Art. 226 - Writ jurisdiction - Challenge to the order of National Consumer Disputes Redressal Commission - Maintainability of - Held: Order of the Commission are incapable of being questioned under the writ jurisdiction of High Court, because a statutory appeal in terms of s. 27A(1)(c) of the Consumer Protection Act lies to Supreme Court - Consumer Protection Act, 1986 - s. 27A (1)(c).

(ii) Art. 136.

(Also see under: Limitation)

*Cicily Kallarackal v. Vehicle Factory* .... 95

(12) (i) Art. 254 (2), Seventh Schedule, List-II - Entries 1, 30 and 32 read with List I, Entries 43, 44, 45 and 97, and List III, Entries 1, 8, 13 and 21

- Validity of Pondicherry Protection of Interests of Depositors in Financial Establishments Act, 2004 - Held: The power to enact the Pondicherry Act, the Tamil Nadu Act, and the Maharashtra Act is relatable to Entries 1, 30 and 32 of the State List, which involve the business of unincorporated trading and money-lending - Since the objects of Tamil Nadu Act, Maharashtra Act and Pondicherry Act are same and/or similar in nature, and the validity of Tamil Nadu Act and Maharashtra Act having been upheld by Supreme Court, validity of Pondicherry Act must also be affirmed - Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 - Maharashtra Protection of Interests of Depositors (in Financial Establishments) Act, 2005.

(ii) Art. 254(2) - Rule of repugnancy - Exception - Held: Clause (2) provides that in a given situation where a law of a State is in conflict with the law made by Parliament, the law so made by the State Legislature shall, if it has received the assent of the President, prevail in that State - In the instant case, the Pondicherry Act had received the assent of the President attracting the provisions of Art. 254(2).

(Also see under: Pondicherry Protection of Interests of Depositors in Financial Establishments Act, 2004)

*M/s New Horizon Sugar Mills Ltd. v. Govt. of Pondicherry* .... 874

(13) Delegation of legislative power - For fixation of rate of tax - Scope - Held: While delegating the power of fixation of rate of tax, there must be in

existence, inter-alia, some guidance, control, safeguards and checks in the Act concerned - Taxation.

(Also see under: Mysore Race Courses Licensing Act, 1952 (as extended to Delhi in 1984)

*Delhi Race Club Ltd. v. Union of India and Ors.* .... 1

#### COMPENSATION:

Recovery of amount of compensation from erring officials.

(See under: Constitution of India, 1950) .... 651

#### CONSUMER PROTECTION ACT, 1986:

s. 27A (1)(c).

(See under: Constitution of India, 1950) .... 95

#### CONTRACT:

Tender by State Road Transport Corporation - For procuring tyres, tubes and flaps - Tender specifying pre-qualification criteria - The criteria challenged by appellant-company (manufacturer and supplier of the goods) in writ petition - Held: Government and Public Undertakings must have free hand in setting terms of the tender - Court can interfere only if they are arbitrary discriminatory, mala fide or actuated by bias - The impugned conditions cannot be classified as arbitrary, discriminatory and mala fide - Judicial Review.

*M/s. Michigan Rubber (India) Ltd. v. The State of Karnataka & Ors.* .... 128

#### COSTS:

(See under: Specific performance) .... 100

#### CRIMES AGAINST WOMEN:

(1) (See under: Code of Criminal Procedure, 1973) .... 970

- (2) (See under: Penal Code, 1860) .... 727;  
740; and  
1129

## CRIMINAL LAW:

- (1) Conviction and sentence - Distinction between.

*Guru Basavaraj @ Beene Settappa v. State of Karnataka* .... 189

- (2) Motive.

(See under: Evidence; and Penal Code, 1860) .... 740

## CRIMINAL TRIAL:

- (1) Proceedings before trial court - Held: The manner in which the trial Judge conducted the trial proceedings and maintained the record, is exemplary - The Court seriously recommends that the trial court records of this case be included in the curriculum of the National Judicial Authority and the Judicial Authorities of the States as a model for criminal trial proceedings.

*Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra* .... 295

- (2) (See under: Evidence) .... 740

## DELAY/LACHES:

- (See under: Limitation) .... 95

## DELHI RACE COURSE LICENSING (AMENDMENT) RULES, 2001:

(See under: Delhi Race Course Licensing Rules, 1985; and Mysore Race Courses Licensing Act, 1952 (as extended to Delhi in 1984) .... 1

## DELHI RACE COURSE LICENSING RULES, 1985:

- (i) r.6. - Horse racing - Licence fee leviable in terms of the 1985 Rules framed u/s.11 of the 1952

Act - Nature of the impost - Tax or fee - Held: The true test to determine the character of a levy, is the primary object of the levy and the essential purpose intended to be achieved - In the instant case, the levy involved is a 'fee' and not 'tax' - Mysore Race Courses Licensing Act, 1952 (as extended to the Union Territory of Delhi in 1984) - s.11 - Delhi Race Course Licensing (Amendment) Rules, 2001.

(ii) r.6 - Horse racing - Licence fee leviable in terms of the 1985 Rules (as amended in 2001) challenged on the ground that it lacked any element of 'quid pro quo' - Held: The licence fee imposed in the instant case is a regulatory fee and is, thus, not conditioned by the fact that there must be a quid pro quo for the services rendered - If there is a broad correlation between the expenditure which the State incurs and the fees charged, the fees can be sustained as reasonable - Taxation - 'Quid pro quo' - Delhi Race Course Licensing Rules, 1985.

(iii) r.6 - Licence fee prescribed in the 1985 Rules framed u/s.11 of the 1952 Act - Ten-fold enhancement of the licence fee in view of amendment in terms of the 2011 Rules - Propriety - Validity of the 2001 Rules and of the charging section i.e. s.11(2) of the 1952 Act - Challenge to - Held: The challenge to validity of s.11(2) of the 1952 Act was raised after almost 15 years of the commencement of the 1952 Act - The appellant Race Course had been regularly paying the licence fee - The increase was reasonable keeping in view the fact that the expenditure incurred by the Government in carrying out the

regulatory activities for attaining the object of the 1952 Act would have proportionately increased - The licence fee has a broad co-relation with the object and purpose for which the 1952 Act and the 2001 Rules have been enacted - Both s.11(2) of the 1952 Act as well as the 2001 Rules do not suffer from any legal infirmity - Mysore Race Courses Licensing Act, 1952 (as extended to the Union Territory of Delhi in 1984) - s.11 - Delhi Race Course Licensing (Amendment) Rules, 2001.

(Also see under: Mysore Race Courses Licensing Act, 1952 (as extended to the Union Territory of Delhi in 1984)

*Delhi Race Club Ltd. v. Union of India and Ors.* .... 1

DRUGS AND COSMETICS ACT, 1940:  
s.27.

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) .... 1193

DRUGS AND COSMETICS RULES, 1945:  
rr. 65, 97, 61(1) and 61(2).

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) .... 1193

EDUCATION/EDUCATIONAL INSTITUTIONS:

(1) PG course - Admission - Qualifying examination - Eligibility criteria - Whether can be relaxed by rounding-off the marks - Held: Eligibility criteria should be strictly adhered to, when rounding-off is not permitted by any statute or rules - On facts, High Court erred in rounding-off the marks so as to make the candidate eligible for admission to PG course - However, since the candidate already completed the course, the

judgment not to have adverse impact on the candidate.

*The Registrar, Rajiv Gandhi University of Health Sciences, Bangalore v. G. Hemlatha and Others* .... 157

(2) Schools - Infrastructure facilities - Held: States to give effect to various directions already issued by the Court for providing toilet facilities for boys and girls, drinking water facilities, sufficient classrooms, appointment of teaching and non-teaching staff etc. - The directions are applicable to all schools: i.e. Government, aided, unaided, minority and non-minority schools - Further, the statutory authorities u/s. 31 of RTE Act will examine and review the safeguards for the child's right and recommend measures for their effective implementation - Right of Children to Free and Compulsory Education Act, 2009 - s.31 - Constitution of India, 1950 - Arts.21A and 32.

*Environment & Consumer Protection Foundation v. Delhi Administration & Ors.* .... 1060

EVIDENCE:

(1) Circumstantial evidence - Appreciation of - Held: In a case of circumstantial evidence, prosecution must establish each instance of incriminating circumstance by clinching evidence - Circumstances so proved must form a complete chain of events on the basis of which, no conclusion other than one of guilt of accused can be reached - Court can take note of explanation u/s. 313 Cr.P.C. in a case of circumstantial evidence in order to decide whether the chain of circumstances is complete - Suspicion, however grave cannot be treated as substitute for proof - Motive assumes



great significance in a case of circumstantial evidence - Code of Criminal Procedure, 1973 - s. 313 - Motive.

*Pudhu Raja & Anr. v. State, Rep. by Inspector of Police* .... 740

(2) Circumstantial evidence.

(See under: Penal Code, 1860) .... 1154

(3) Contradictions and omissions in evidence - Held: Minor contradictions, inconsistencies, embellishments or improvements, which do not affect the core of the prosecution case, must not be made ground for rejection of evidence in its entirety.

*Pudhu Raja & Anr. v. State, Rep. by Inspector of Police* .... 740

#### EVIDENCE ACT, 1872:

(1) s.10.

(See under: Penal Code, 1860) .... 295

(2) ss.25, 26 and 32.

(See under: Constitution of India, 1950) .... 295

(3) s. 73 - Comparison of signature/writing by court - Held: There is no legal bar to prevent the court from such comparison - But the court as a matter of prudence and caution should be slow to base its findings solely upon the comparison made by it - Court can apply its observation on the expert opinion or that of any other witness.

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

*Ajay Kumar Parmar v. State of Rajasthan* .... 970

(4) s.114(g) - Presumption under - Adverse inference u/s.114(g) - Relevant factors to be taken

into consideration - Held: The issue of drawing adverse inference is required to be decided by the court taking into consideration the pleadings of parties and by deciding whether any document/evidence, withheld, has any relevance at all or omission of its production would directly establish the case of the other side - In case one party has asked the court to direct the other side to produce the document and other side failed to comply with court's order, court may be justified in drawing the adverse inference - Code of Civil Procedure, 1908 - O. 11.

*Union of India v. Ibrahim Uddin & Anr.* .... 35

#### GUARDIANS AND WARDS ACT, 1890:

(See under: Child and Family Welfare) .... 1142

#### HINDU MARRIAGE ACT, 1955:

s.13-B.

(See under: Child and Family Welfare) .... 1142

#### HINDU MINORITY AND GUARDIANSHIP ACT, 1956:

(See under: Child and Family Welfare) .... 1142

#### HUMAN RIGHTS:

(See under: Constitution of India, 1950) .... 651

#### INCOME TAX ACT, 1961:

(1) (i) ss.11(1)(a) and 2(15) - Assessee-Market Committee - Transfer of funds by it to Mandi Parishad - Whether would constitute application of income for charitable purpose within meaning of s. 11(1)(a) - Held: The Adhinyam was enacted for advancement of the object of general public utility in terms of s. 2(15) of 1961 Act - The transfer by assessee would constitute application of its income for charitable purpose (which includes advancement of object of general public utility) u/

s.11(1)(a) - Uttar Pradesh Krishi Utpadan Mandi Adhinyam, 1964 - ss. 12.

(ii) s.12(1) - Transfer of funds by Mandi Samiti (assessee) to Mandi Parishad - Whether constitutes application of income u/s. 11(1)(a) of 1961 Act - Assessing Officer holding that assessee not entitled to claim exemption u/s. 12(1) because the contribution by the assessee to the Parishad was not voluntary but was a statutory requirement - Held: Assessing Officer erred in invoking s.12(1) - ss. 12(1) and 11(1)(d) deal with voluntary contribution while the issue in the instant case pertained to transfer of amount to Mandi Parishad u/s. 11(1)(a).

*Commissioner of Income Tax-II v. M/s. Krishi Utpadan Mandi Samiti* .... 934

(2) s.271(1)(c) r/w s.40A(7) - Penalty proceedings - Computation error - Provision for payment of gratuity - Not added to total income - Held: Contents of Tax Audit Report filed along with the return stating that the provision for payment was not allowable u/s 40A(7) suggest that it was a bona fide and inadvertent computation error, as the assessee while submitting its return, failed to add the provision for gratuity to its total income - It cannot be said that the assessee is guilty of either furnishing inaccurate particulars or attempting to conceal its income - In view of the peculiar facts of the case, imposition of penalty on assessee being not justified, set aside.

*Price Waterhouse Coopers Pvt. Ltd. v. Commissioner of Income Tax, Kolkata-I and Anr.* .... 849

#### INSURANCE:

Purchase of buffalo after taking loan from Bank - Insurance of buffalo for Rs. 15000/- through Bank - Insurance claim not heeded to - Complaint before District Consumer Forum - Allowed with cost - Bank unsuccessfully approaching State Commission - and National Commission - Held: Courts jurisdiction not to be invoked for trivial matters unless serious questions of law of general importance or a question which affects large number of persons arise or the stakes are very high - In the instant case no important question of law is to be decided - The Gamin Bank should stand for the benefit of the gramins and not to drag them to various litigative forums - Appeal dismissed - Cost imposed on the Bank to be paid to the claimant.

*Gurgaon Gramin Bank v. Smt. Khazani & Anr.* .... 225

#### INTERNATIONAL CONVENTIONS/TREATIES:

Universal declaration of human rights, 1948 - Article 5 - Police - Duty of police authorities. (See under: Constitution of India, 1950) .... 651

#### INTERNATIONAL LAW:

(See under: Penal Code, 1860) .... 295

#### INVESTIGATION:

(See under: Code of Criminal Procedure, 1973) .... 295

#### JUDICIAL NOTICE:

(See under: Constitution of India, 1950; and Media) .... 295

#### JUDICIAL PROPRIETY:

(See under: State Financial Corporation Act, 1951) .... 233

## JUDICIAL REVIEW:

(See under: Contract) .... 128

## JURISPRUDENCE:

Ownership - Petitioner developer after developing a residential colony, stated to have been transferred the open land to be developed as "open space" - Developer failed to develop the land as "open space" - Held: Land in question being earmarked as "open space" the normal attributes of legal ownership of the land have ceased insofar as petitioner is concerned who is holding the land as a trustee on behalf of residents and other members of public - In the circumstances, respondents are permitted to complete the remaining work on the land with liberty to petitioner to raise and establish a claim before appropriate forum for such loss and compensation, if any, to which it may be entitled in law.

*M/s. Real Estate Agencies v. Govt. of Goa & Ors.* .... 278

## LAND LAWS AND AGRICULTURAL TENANCY:

(See under: Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1951) .... 686

## LIMITATION:

Special Leave Petition - Delay in filing - Condonation of the delay - Held: On facts there was inordinate unexplained delay in filing the SLP - Condonation of such delay would amount to substituting the period of limitation prescribed by the legislature for filing SLP - Petition dismissed on the ground of delay - Constitution of India, 1950 - Art. 136.

*Cicily Kallarackal v. Vehicle Factory* .... 95

## MADRAS CITY TENANTS' PROTECTION ACT, 1921:

ss.9 and 11 - Proceedings initiated by tenant-respondents under s.9 in respect of land owned by appellant-Wakf Board and pending before the court - Effect of coming into force of 1994 Amendment Act - Held: In view of s.3 of 1994 Amendment Act, application made u/s.9 abated by operation of law and tenant-respondents ceased to have any enforceable rights in respect of such land - Madras City Tenants' Protection (Amendment) Act, 1994 - s.3.

*Tamil Nadu Wakf Board v. Syed Abdul Quader & Ors.* .... 1211

## MADRAS CITY TENANTS' PROTECTION

(AMENDMENT) ACT, 1994:

s.3.

(See under: Madras City Tenants' Protection Act, 1921) .... 1211

## MAHARASHTRA PROTECTION OF INTERESTS OF

DEPOSITORS (IN FINANCIAL ESTABLISHMENTS) ACT, 2005:

(See under: Constitution of India, 1950) .... 874

## MAXIMS:

*Quando lex aliquid alicui concedit, conceditur et id sine qua res ipsa esse non potest* - Explained.

*Gian Singh v. State of Punjab & Another* .... 753

## MEDIA:

Incidents relating to national security, and safety of public and security forces - 26/11 (2008) terrorists' attack on Mumbai - Security forces fighting terrorists - Live telecast by T.V. Channels - Held: Court can take judicial notice of the fact that terrorists' attacks at all the places, in the goriest details, were shown live on the Indian TV

from beginning to end almost non-stop, making the task of the security forces not only exceedingly difficult but also dangerous and risky - Any attempt to justify the conduct of TV channels by citing the right to freedom of speech and expression would be totally wrong and unacceptable in such a situation - The freedom of expression, like all other freedoms under Art.19, is subject to reasonable restrictions - An action tending to violate another person's right to life guaranteed under Art. 21 or putting the national security in jeopardy can never be justified by taking the plea of freedom of speech and expression - It must, therefore, be held that by covering live the terrorists attack on Mumbai in the way it was done, Indian TV channels were not serving any national interest or social cause - On the contrary, they were acting in their own commercial interests putting the national security in jeopardy - Constitution of India, 1950 - Arts. 19 and 21 - Judicial notice.

(Also see under: Constitution of India, 1950)

*Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra* .... 295

MOTOR VEHICLES ACT, 1988:

s. 187.

(See under: Penal Code, 1860) .... 189

MYSORE RACE COURSES LICENSING ACT, 1952 (AS EXTENDED TO THE UNION TERRITORY OF DELHI IN 1984):

(i) s.11 - Horse racing - Licence fee leviable in terms of the 1985 Rules framed u/s.11 of the 1952 Act - Delegation of legislative power u/s.11 of the 1952 Act - Challenged - Held: Delegation of non-essential legislative function of fixation of rate of imposts is a necessity to meet the multifarious

demands of a welfare state - Such delegation is permissible as long as legislative policy is defined in clear terms, which provides guidance to the delegate - In the instant case, since the levy involved is a fee and not tax, and the scheme of the 1952 Act clearly spells out the object, policy and the intention with which it has been enacted, the 1952 Act does not warrant any interference as being an instance of excessive delegation - Constitution of India, 1950 - Delegation of legislative power - Delegation of non-essential legislative function.

(Also see under: Delhi Race Course Licensing Rules, 1985)

*Delhi Race Club Ltd. v. Union of India and Ors.* ....

1

NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985:

(1) (i) ss.8(c), 21 and 29 - Appellants convicted by courts below for carrying commercial quantity of brown sugar and sentenced to RI for 15 years - Prayer before Supreme Court for reduction of sentence - Held: Appellants were first time offenders and there was no past antecedent about their involvement in offence of like nature - Sentence reduced to 10 years - Government Notification No. SO.1055 (E) dated 19.10.2001 - Sentence / Sentencing.

(ii) ss. 8(c), 21 and 29 - Conviction - Sentence of imprisonment and fine - Default sentence - Held: When default sentence is imposed, a person is required to undergo imprisonment either because he is unable to pay the amount of fine or refuses to pay such amount - It is the duty of court to keep in view the nature of offence, circumstances in

which it was committed, position of offender and other relevant considerations before imposing the default sentence - In the instant case, considering the circumstances, ends of justice would be met if it is ordered that in default of payment of fine of Rs.1.5 lakhs, appellants are directed to undergo RI for 6 months instead of 3 years as ordered by trial court and confirmed by High Court - Government Notification No. SO.1055 (E) dated 19.10.2001 - Code of Criminal Procedure, 1973 - s.30 - Penal Code, 1860 - ss. 63 to 70 - Sentence / Sentencing - Default sentence.

*Shahejadkhan Maheubkhan Pathan v. State of Gujarat* .... 1177

(2) Transportation of huge quantity of cough syrup without valid documents - Cough syrup containing narcotic substance of codeine phosphate beyond the prescribed limit - Bail application of appellants - Rejected - Held: Since the appellants had no documents in their possession to disclose as to for what purpose such a huge quantity of Schedule 'H' drug containing narcotic substance was being transported and that too stealthily, it could not be simply presumed that such transportation was for therapeutic practice as mentioned in Notifications dated 14.11.1985 and 29.1.1993 - Drugs and Cosmetics Act - s.27 - Drugs and Cosmetics Rules - Rules 65, 97, 61(1) and 61(2) - Central Government Notifications bearing S.O.826(E) dated 14.11.1985 and G.S.R.40(E) published on 29.1.1993 - Bail.

*Md. Sahabuddin & Anr. v. State of Assam* .... 1193

## NOTICE:

Service of - Held: there is nothing on record to suggest that notice was issued by State Commission on appellant-Authority - Matter remitted to National Commission for deciding whether notice issued by State Commission was properly served on appellant-Authority and then to decide the appeal on merits.

*Kanpur Development Authority Thr. Vice Chairman v. Sheo Prakash Gupta & Anr.* .... 163

## PENAL CODE, 1860:

(1) ss. 63 to 70.

(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) .... 1177

(2) ss. 148, 307 and 302 r/w 149 - Five deaths and injury to one - Caused by fire-shots from 7 accused - Conviction by High Court - Held: In view of the evidence of the three eye-witnesses (one of whom was injured); medical evidence and FSL report, prosecution established its case - Accused liable to be convicted - The sole accused cannot be exonerated from conviction because the other accused died due to natural death and because there was delay of 25 years in disposal of appeal by High Court.

*Shyam Babu v. State of U.P.* .... 255

(3) ss. 279, 337, 338 and 304-A IPC and s. 187 of Motor Vehicles Act - Motor accident - Causing simple injuries to many, grievous injuries to two and death of one - Conviction of driver of offences under IPC with sentence of SI for six months - Held: Conviction justified - Prosecution proved that the accident occurred due to rash and negligent

driving - The sentence awarded by courts below also does not warrant any interference - Sentence/ Sentencing - Motor Vehicles Act, 1988 - s. 187.

*Guru Basavaraj @ Beene Settappa v. State of Karnataka* .... 189

(4) s.302 r/w 34 - Murder - Common intention - Eleven accused - Trial court convicted six accused u/s.302 r/w s.149 and sentenced them to life imprisonment - High Court confirmed conviction and life sentence of three of the accused - Held: Merely because PWs were related to the family of the victim, their testimonies cannot be eschewed - They not only witnessed the occurrence but also specified the overt acts of each accused - On facts, the delay in lodging of FIR cannot affect the prosecution case - Non-recording of dying declaration is inconsequential since the victim remained unconscious all throughout till his death - Injuries sustained by some accused being minor in nature, even in absence of proper explanation by prosecution, its case cannot be disbelieved - It is established that head injury was at the instance of one of the three convicts and other injuries all over the body were at the instance of two appellants by means of axe and sticks respectively - The three had assaulted the victim and shared common intention - Conviction of appellants sustained.

*Laxman v. The State of Maharashtra* .... 910

(5) s. 302/34 - Murder - Prosecution of 7 accused u/s. 302/149 - Eye-witnesses to the incident - FIR lodged within time - Enmity between complainant and accused party - High Court confirming

conviction of 4 accused while acquitting 3 - Held: In the facts of the case, conviction of appellants altered to one u/s. 304/34.

*Dahari & Ors. v. State of U.P.* .... 1219

(6) ss. 302 r/w. s. 34, 304-B and 201 - Death of a woman caused by her husband and mother-in-law - By putting her on fire - Circumstantial evidence - Demand of dowry by accused alleged as motive - Acquittal by trial court - Conviction by High Court - Upheld - There was sufficient evidence to indicate possibility of dowry harassment and death - Theory of suicide negated by medical evidence - Delay in lodging FIR would not materially affect prosecution case - Discrepancies were not material and did not go to the root of the case.

*Pudhu Raja & Anr. v. State, Rep. by Inspector of Police* .... 740

(7) ss. 302/34 and 300, Exception 4 - Prosecution u/s. 302/34 - Conviction by courts below - On the basis of evidence of two eye-witnesses - Held: Conviction u/s. 302/34 was correct - The case does not fall under Exception 4 to s. 300 because accused have taken undue advantage and have acted in cruel and unusual manner.

*Raj Paul Singh & Anr. v. State through P.S. Musheerabad, Hyderabad* .... 1203

(8) (i) ss. 302 and 120-B - Murder - Circumstantial evidence - Held: In the absence of credible ocular evidence, prosecution in order to succeed has to establish circumstances adverse to accused from which an inference guilt can reasonably follow - In

the instant case, one of the two eye-witnesses has been declared hostile and the evidence of the other has not been found credible - Prosecution has not been able to prove the ingredients of 'criminal conspiracy' -Further, there is serious discrepancy in the statements of prosecution witnesses about deceased last seen in the company of accused - Therefore, conviction of accused not being sustainable, they are acquitted - Circumstantial evidence.

(ii) ss. 120-A - 'Criminal conspiracy' - Ingredients - Explained - Held: In the instant case, though it has been established that one of the accused asked the other two to do away with the deceased, but what is conspicuous by its absence is the essential meeting of minds amongst the accused to commit the murder - In the absence of any material to establish the said fact, vital chain or link with regard to an agreement or meeting of minds amongst the accused to commit the murder is lacking.

*Baliya @ Bal Kishan v. State of M.P.* .... 1154

(9) (i) ss. 302, 302 r/w s.34 and s.302 r/w ss.109, 120-B,121, 121-A and 122 IPC and s.16 of Unlawful Activities (Prevention) Act - 26/11 (2008) terrorists' attack on Mumbai at targeted places by appellant along with 9 other terrorists (dead accused), in furtherance of a conspiracy to wage war against Government of India - 166 people killed and 238 injured - Trial court holding the appellant guilty of the offences charged and awarding him five death sentences - Convictions and sentences confirmed by High Court - Held:

On the basis of ocular evidence alone, the appellant personally and jointly with deceased accused-1 is directly responsible for killing 72 persons and causing injuries of various kinds to 130 persons - He was also found guilty along with other dead accused as a co-conspirator - Conviction and sentences awarded by trial court and confirmed by High Court are affirmed - As regards A-2 and A-3, when the attack on Mumbai took place, they were in custody in connection with a different terrorist attack - Both the courts have rightly acquitted them of all the charges - Unlawful Activities (Prevention) Act, 1967 - s.16.

(ii) ss. 120-B, 121, 121-A and 302 - Criminal conspiracy and conspiracy to wage war against Government of India - Terrorists' attack in furtherance of conspiracy to wage war against Government of India - 10 terrorists attacking at targeted places in Mumbai - Plea that appellant's case should be considered only with respect to the incidents in which he was personally involved - Held: In view of the incidents at the venues of terrorists' attack and the conspirators across the border being in constant contact with terrorists, it is obvious that all the ten terrorists were bound together and each team was acting in execution of a common conspiracy - In view of the enormous evidence of all possible kinds including the recoveries made, it is clear that the terrorists' attack on Mumbai was in pursuance of a larger conspiracy of which the appellant was as much part as the 9 dead accused and other wanted accused persons - Evidence Act, 1872 - s.10.

(iii) ss.121, 121-A and 122 - "Waging war against the Government of India" - Conspiracy - Terrorists' attack on Mumbai - Expressions "offences against the State" and "in like manner and by like means as a foreign enemy would do" - Connotation of - Held: Appellant has been rightly held guilty of waging war against Government of India and rightly convicted u/ss 121, 121-A and 122 - Death penalty for offence u/s 121, upheld - International Law.

*Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra* .... 295

(10) ss. 302/149, 326/149, 148, 341/149 and 323/149 - Conviction by courts below - Held: Prosecution evidence leads to the conclusion, beyond reasonable doubt that the deceased was victim of premeditated assault by accused - However, in view of the nature of weapons and injuries, accused cannot be said to have shared common object of causing the murder - Since the injuries were grievous in nature, conviction u/s. 302 altered to one under s. 326 r/w s. 149 - Conviction on other counts maintained.

*Narayan Manikrao Salgar v. State of Maharashtra* .... 170

(11) s. 304 (Part-I) - Prosecution of accused u/s. 302 - For killing his own son - Conviction - Held: Offence against the accused is conclusively proved - There is nothing to suggest that there was premeditation in the mind of the accused to cause death - Behavior of the deceased under influence of liquor created heat of passion in the accused - Therefore, conviction altered to one u/

s. 304 (Part-I) - Sentence of life Imprisonment altered to period already undergone i.e. 8 years.

*Sudhakar v. State of Maharashtra* .... 1169

(12) s.306 - Abetment of suicide - Held: Offence of abetment by instigation depends upon the intention of abettor and not on his act - Instigation has to be gathered from circumstances of the case - In absence of direct evidence as regards instigation, it is to be inferred from circumstances. (Also see under: Code of Criminal Procedure, 1973) .... 1129

(13) s. 376 - Rape - Conviction and sentence of seven years R I - In revision, High Court confirming the conviction, but reducing the sentence to the period already undergone i.e. one year - Held: Under s. 376, court can award imprisonment for not less than seven years and reduction thereof to be on giving appropriate reasons - Reasons assigned by High Court in reducing the sentence not convincing - Accused liable to be convicted and sentenced to 7 years imprisonment - Sentence/Sentencing - Reduction of Sentence.

*Pushpanjali Sahu v. State of Orissa & Anr.* .... 727

(14) (See under: Code of Criminal Procedure, 1973) .... 270

PONDICHERY PROTECTION OF INTERESTS OF DEPOSITORS IN FINANCIAL ESTABLISHMENTS ACT, 2004 (ACT OF 2005):

(i) s.2(d) - 'Financial establishment' - Held: The expression 'any person' in s.2(d) would also include a company incorporated under the Companies Act, 1956 and, consequently, would also include a company such as the appellant Mill, which



accepts deposits from investors, not as shareholders of such company, but merely as investors for the purpose of making profit - Accordingly, the expression 'person' in the Act includes both incorporated as well as unincorporated companies - Companies Act, 1956 - ss.58A, 58AA and 58AAA - Banking Regulation Act, 1949 - s.15.

(ii) Constitutional validity of the Act - Upheld.  
(Also see under: Constitution of India, 1950)

*M/s New Horizon Sugar Mills Ltd. v. Govt. of Pondicherry* .... 874

PREVENTION OF CORRUPTION ACT, 1988:  
ss. 7/13.

(See under: Code of Criminal Procedure, 1973) .... 208

REMEDY:

(1) Alternative remedy.  
(See under: Constitution of India, 1950) .... 278

(2) Public law remedy.  
(See under: Constitution of India, 1950) .... 651

(3) (See under: Constitution of India, 1950) .... 724

REGULATIONS ON AUDIT AND ACCOUNTS, 2007":  
Constitutionality of Regulations.

(See under: Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1971) .... 1058

RIGHT OF CHILDREN TO FREE AND  
COMPULSORY EDUCATION ACT, 2009:  
s.31.

(See under: Education/Educational Institutions) .... 1060

RIGHT TO INFORMATION ACT, 2005:

s.8(1) - 'Personal information' as defined in clause (j) of s.8(1) - Scope and interpretation - Discussed - Held: The performance of an employee/officer in an organization is primarily a matter between the employee and the employer and normally those aspects are governed by the service rules which fall under the expression "personal information", the disclosure of which has no relationship to any public activity or public interest - The details disclosed by a person in his income tax returns are "personal information" which stand exempted from disclosure under clause (j) of s.8(1), unless involves a larger public interest - Petitioner did not make a bona fide public interest in seeking information - Disclosure of such information would cause unwarranted invasion of privacy of the individual u/s.8(1)(j).

*Girish Ramchandra Deshpande v. Cen. Information Commr. & Ors.* .... 1097

SCHEDULED CASTES AND SCHEDULED TRIBES  
(PREVENTION OF ATROCITIES) ACT, 1989:  
ss. 3(1) and 18:

(See under: Code of Criminal Procedure, 1973) .... 270

SENTENCE / SENTENCING:

(1) Default sentence.  
(See under: Narcotic Drugs and Psychotropic Substances Act, 1985) .... 1177

(2) Proportionality in sentence - In motor accident cases - An appropriate punishment works as an eye-opener for persons who are not careful while driving - It is duty of the court to see that appropriate sentence is imposed taking into regard commission of crime and its impact on

social order.

(Also see under: Penal Code, 1860)

*Guru Basavaraj @ Beene Settappa v. State of Karnataka* .... 189

(3) Reduction of sentence.

(See under: Penal Code, 1860) .... 727

(4) (See under: Penal Code) .... 1169

(5) Terrorists' attack on Mumbai - Trial court sentencing the appellant to death - High Court confirming the sentence - Held: The case has shocked the collective conscience of Indian people - It was a case of waging war against Government of India - The number of persons killed and injured is staggeringly high - The number of policemen and security forces killed and injured in the course of their duty by the appellant and his accomplice and 8 other co-conspirators would hardly find a match in any other cases - The offence committed by the appellant show a degree of cruelty, brutality and depravity as in very few other cases - In terms of loss of life and property and, more importantly in its traumatizing effect, this case stands alone or atleast it is the very rarest of rare to come before the Court since the birth of republic - Therefore, it should also attract the rarest of rare punishment - Appellant never showed any repentance or remorse and there is no possibility of any reformation or rehabilitation - In the facts of the case, death penalty is the only sentence that can be given to the appellant.

(Also see under: Penal Code, 1860)

*Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra* .... 295

(6) (See under: Penal Code, 1860; and Compensation) .... 189

#### SERVICE LAW:

(1) Disciplinary proceedings.

(See under: Code of Criminal Procedure, 1973) .... 208

(2) (i) Pay scale - Revision in - Tribunal rejected appellant's claim for upgradation in pay scale - Held: Proper - Appellant failed to establish that the action of respondents was either discriminatory or beyond the purview of Service Rules.

(ii) Pay scale - Equation of posts / pay scales - Distinction in pay scales between employees working at the Headquarters and those working at the institutional level - Propriety - Held: On facts, employees working at Headquarters and at institutional level were governed by completely different set of rules - Even the hierarchy of posts and channels of promotion were different - Also, merely because any two posts at Headquarters and institutional level had same nomenclature, did not necessarily require that the pay scales on such two posts should also be same - Prescription of two different pay scales would not violate principle of equal pay for equal work - Such action would not be arbitrary nor would it violate Arts. 14, 16 and 39D of the Constitution - Constitution of India, 1950 - Articles 14, 16 and 39D.

(iii) Pay scale - Prescription of - Held: Prescription of pay scales on particular posts is a very complex exercise - It requires assessment of nature and quality of duties performed and responsibilities shouldered by incumbents on different posts -

These matters are to be assessed by expert bodies like the employer or Pay Commission - Neither Central Administrative Tribunal nor a Writ Court would normally venture to substitute its own opinion for that of experts.

(iv) Pay scale - Assured Career Progression Scheme - Object and features of - Discussed.

*Hukum Chand Gupta v. Director General, ICAR & Ors.* .... 831

(3) Pension - In lieu of Contributory Provident Fund - Introduced by Banks, pursuant to Statutory Settlement, Joint Note and Pension Regulations, 1995 - Employees resigning prior to Settlement and Regulations - Held: Not entitled to pension, as they were not covered by the Scheme of pension under the Settlement and the Regulations - They could not establish any pre-existing legal, statutory or fundamental rights to claim benefits of Regulations - Canara Bank (Employees') Pension Regulations, 1995 - Regulations 22 and 29.

*M.R. Prabhakar and Others v. Canara Bank and Others* .... 1072

#### SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) ACT, 1976:

ss.2(2)(b), 2(2)(c), 2(2)(e), 6,7,10 and 11 - Certain transfers to be null and void - Forfeiture of property illegally acquired by detenu and his wife - Challenged by purchasers claiming as transferees in good faith and for adequate consideration - Held: Any transfer of the property referred to in s.6(1) is prohibited - In respect of transfer of property after issuance of notice u/s.6, the holder

cannot set up a plea that he is a transferee in good faith or a bona fide purchaser for adequate consideration - In the instant case, the transaction of sale in favour of purchasers has to be ignored by virtue of s.11 and on passing of the order of forfeiture u/s.7, the sale in their favour has become null and void - Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

*Winston Tan & Anr. v. Union of India & Anr.* .... 1107

#### SPECIFIC PERFORMANCE:

Agreement to sell - Payment of earnest money - Held: Agreement was wrongly terminated - The purchaser was always ready and willing to perform his part of contract - The refund of earnest money was accepted under protest - Vendors were not entitled to determine the agreement having not made positive efforts in procuring the necessary sale permission and clearance certificates - Suit decreed - However, in view of the facts that the agreement was executed 34 years ago, during which period price of real estate has escalated sharply, and that the purchaser has not suffered any material loss, direction to vendors to pay the purchaser the costs of litigation i.e. Rs. 25,00,000-

*Rattan Lal (since deceased) Through His Legal Representatives v. S.N. Bhalla & Ors....* 100

#### SPECIFIC RELIEF ACT, 1963:

s.34 - Suit seeking relief of declaration of title without seeking consequential relief -Held: Not maintainable - Suit barred by the proviso to s.34 of the Act as the plaintiff was not in possession and yet he did not ask for restoration of possession or any other consequential relief.

*Union of India v. Ibrahim Uddin & Anr.* .... 35

## STATE FINANCIAL CORPORATION ACT, 1951:

s. 29 - Hotel project financed by State Financial Corporation and State Industrial Promotion and Investment Corporation - Loan agreement - Default - Division Bench of High Court giving benefit of One Time Settlement to the borrower failing which liberty given to Financial Corporation to take action under the Act - Failure on the part of borrower to comply with the order - Proceedings u/s. 29 - Sale of the property to auction-purchaser - Borrower approaching court - Division Bench of High Court offering afresh One Time Settlement Benefit to borrower and ordering dispossession of the auction-purchaser - Held: High Court wrongly reopened a lis and issued illegal directions, overlooking the facts of the case and the binding judgment of co-ordinate Bench - The manner in which the Division Bench of High Court sat in judgment over the judgment of co-ordinate Bench is disapproved - Judicial propriety.

*M/s. Micro Hotel P. Ltd. v. M/s. Hotel Torrento Limited & Ors.* .... 233

## TAMIL NADU PROTECTION OF INTERESTS OF DEPOSITORS (IN FINANCIAL ESTABLISHMENTS) ACT, 1997:

(See under: Constitution of India, 1950) .... 874

## TAXATION:

(See under: Constitution of India, 1950; and Mysore Race Courses Licensing Act, 1952 (as extended to the Union Territory of Delhi in 1984)) .... 1

## UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967:

s.16.  
(See under: Penal Code, 1860) .... 295

## URBAN DEVELOPMENT:

(1) Allotment of commercial plots in auction by Urban Development Authority - On 'as is where is' basis - Writ petition by allottee seeking direction to the Authority not to charge interest on the instalments till the basic amenities were provided on the site - Allowed by High Court - Held: The allottee having accepted the allotment on 'as is where is' basis, is estopped from seeking basic amenities from the Authority - On facts, there was not much delay in providing the basic amenities by the Authority - Therefore, allottee liable to pay the interest, penal interest and penalty on account of delayed payment of instalments.

*Punjab Urban Planning & Dev. Authority & Ors. v. Raghu Nath Gupta & Ors.* .... 118

(2) Supreme Court order dated 30.7.2012 directing NOIDA to float 'Special Scheme' - Para 4 of the order stating that the allottees of land in previous schemes would not be eligible to the benefit of the 'Special Scheme' - Special Scheme floated as per the order of Supreme Court - Clause 3 thereof making the tenderers eligible to bid for two plots whose turnover exceeds aggregate net worth required for both the plots - Interlocutory application for modification of Para 4 of the order dated 30.7.2012 - Court declined to modify Para 4 - Held: Turnover of a company has no connection with number of plots allotted to an applicant - Clause 3 of Special Scheme is quashed as two plots cannot be allotted under the Scheme - Direction to delete clause 3 with retrospective effect - Any plot, if left unallotted under Special Scheme, relating to nursing homes, NOIDA would be at liberty to formulate a General Scheme for

auctioning such plots - Applicant if eligible in terms of that policy, can participate in auction.

*Chairman & CEO, NOIDA & Anr. v. Mange Ram Sharma (D) Thr. LRs & Anr.* .... 719

UTTAR PRADESH KRISHI UTPADAN MANDI  
ADHINIYAM, 1964:  
ss. 12.

(See under: Income Tax Act, 1961) .... 934

UTTAR PRADESH ZAMINDARI ABOLITION AND  
LAND REFORMS ACT, 1951:

ss. 210 and 331(4) - Suit for declaration as Bhumidhars being in adverse possession of the land - Dismissed on the ground that plaintiff, being a non-tribe person, could not obtain Bhumidhari right, as the land belonged to a tribe - Appeal dismissed - Second appeals u/s. 331(4) allowed and suit decreed by Board of Revenue holding that plaintiffs perfected their title u/s. 210 by continuous possession for 20 years - Writ petition by State dismissed - Plea that order of the Board was illegal as it failed to frame substantial question of law as per s. 331(4) and u/s. 100(4) CPC as amended - Held: The Act was enacted prior to the amendment of s.100 CPC whereby sub-s.(4) was incorporated - Therefore, the unamended s. 100 CPC was incorporated in s. 331(4) - Thus the right of second appeal was limited to the grounds set out in the then existing s. 100 CPC - Board of Revenue has not examined the provisions of the land record, and whether the land belonged to the tribe - Therefore, the matter remanded to Board of Revenue for consideration afresh - Code of Civil Procedure, 1908 - s. 100.

*State of Uttarakhand (Previously State of Uttar Pradesh) v. Mohan Singh & Ors.* .... 686

#### WITNESSES:

(1) Related witness - Evidentiary value of - Held: There is no bar in law on examining related persons as witnesses - If statements of witnesses who are related to the affected parties are credible, reliable, trustworthy and corroborated by other witnesses, court not to reject their evidence.

*Shyam Babu v. State of U.P.* .... 255

(2) Related witness - Reliance on - Held: Where the evidence of related witness has a ring of truth, is cogent, credible and trustworthy, it can be relied upon.

*Dahari & Ors. v. State of U.P.* .... 1219

#### WORDS AND PHRASES:

(1) Expression 'prejudice', 'other person' and 'in his own defence' occurring in s.401(2) CrPC - Connotation of.

*Manharibhai Muljibhai Kakadia & Anr. v. Shaileshbhai Mohanbhai Patel & Ors.* .... 1015

(2) "Harassment" and "torture" - Meaning of.

*Pudhu Raja & Anr. v. State, Rep. by Inspector of Police* .... 651

(3) 'Instigation' - Meaning of, in the context of s. 306 IPC.

*Praveen Pradhan v. State of Uttaranchal & Anr.* .... 1129

(4) "Therapeutic practice" - Meaning.

*Md. Sahabuddin & Anr. v. State of Assam* .... 1193





सत्यमेव जयते

THE  
**SUPREME COURT REPORTS**

*Containing Cases Determined by the Supreme Court of India*

**VOLUME INDEX**  
**[2012] 8 S.C.R.**

**EDITORS**

**RAJENDRA PRASAD, M.A., LL.M.**  
**BIBHUTI BHUSHAN BOSE, B.Sc. (Hons.), M.B.E., LL.B.**

**ASSISTANT EDITORS**

**KALPANA K. TRIPATHY, M.A., LL.B.**  
**NIDHI JAIN, B.A., LL.B., PGD in IPR and ITL.**  
**DEVIKA GUJRAL, B.Com. (Hons.), Grad. C.W.A., LL.B.**

**LIST OF THE MEMBERS OF THE SUPREME COURT  
COUNCIL OF LAW REPORTING**

*CHAIRMAN*

HON'BLE SHRI S.H. KAPADIA  
CHIEF JUSTICE OF INDIA

*MEMBERS*

HON'BLE MR. JUSTICE P. SATHASIVAM

HON'BLE MR. JUSTICE G.S. SINGHVI

MR. G.E. VAHANVATI  
(ATTORNEY GENERAL FOR INDIA)

MR. PRAVIN H. PAREKH  
(NOMINEE OF THE BAR ASSOCIATION)

Secretary

SUNIL THOMAS  
(Registrar)

PUBLISHED UNDER THE AUTHORITY OF THE SUPREME COURT OF INDIA  
BY THE CONTROLLER OF PUBLICATIONS, DELHI  
(Also available on [www.supremecourtindia.nic.in](http://www.supremecourtindia.nic.in))

**ALL RIGHTS RESERVED**

## **JUDGES OF THE SUPREME COURT OF INDIA**

(From 13.07.2012 to 11.10.2012)

1. Hon'ble Shri S.H. Kapadia, Chief Justice of India
2. Hon'ble Mr. Justice Altamas Kabir
3. Hon'ble Mr. Justice D.K. Jain
4. Hon'ble Mr. Justice P. Sathasivam
5. Hon'ble Mr. Justice G.S. Singhvi
6. Hon'ble Mr. Justice Aftab Alam
7. Hon'ble Mr. Justice R.M. Lodha
8. Hon'ble Mr. Justice H.L. Dattu
9. Hon'ble Mr. Justice Deepak Verma  
**(Retired on 27.08.2012)**
10. Hon'ble Dr. Justice B.S. Chauhan
11. Hon'ble Mr. Justice A.K. Patnaik
12. Hon'ble Mr. Justice T.S. Thakur
13. Hon'ble Mr. Justice K.S. Radhakrishnan
14. Hon'ble Mr. Justice Surinder Singh Nijjar
15. Hon'ble Mr. Justice Swatanter Kumar
16. Hon'ble Mr. Justice Chandramauli Kr. Prasad
17. Hon'ble Mr. Justice H.L. Gokhale
18. Hon'ble Mrs. Justice Gyan Sudha Misra
19. Hon'ble Mr. Justice Anil R. Dave
20. Hon'ble Mr. Justice S.J. Mukhopadhaya
21. Hon'ble Mrs. Justice Ranjana Prakash Desai
22. Hon'ble Mr. Justice J.S. Khehar
23. Hon'ble Mr. Justice Dipak Misra
24. Hon'ble Mr. Justice J. Chelameswar
25. Hon'ble Mr. Justice Fakkir Mohamed Ibrahim Kalifulla
26. Hon'ble Mr. Justice Ranjan Gogoi
27. Hon'ble Mr. Justice Madan B. Lokur



**MEMORANDA  
OF  
JUDGES OF THE SUPREME COURT OF INDIA  
(From 13.07.2012 to 11.10.2012)**

1. Hon'ble Mr. Justice G.S. Singhvi, Judge, Supreme Court of India was on leave for 2 (two) days from 27.09.2012 to 28.09.2012, on full allowances.
2. Hon'ble Mr. Justice A.K. Patnaik, Judge, Supreme Court of India was on leave for 2 (two) days from 04.10.2012 to 05.10.2012, on full allowances.

**ERRATA  
VOLUME INDEX 8 (2012)**

<b>Page No.</b>	<b>Line No.</b>	<b>Read for</b>	<b>Read as</b>
128	4 from bottom	pre- <u>condition</u>	pre- <u>qualification</u>
651	5	Civil Appeal <u>Noo.</u>	Civil Appeal <u>No.</u>
724	last line of page	delivered <u>by</u>	delivered
874	12	<u>Interest</u>	<u>Interests</u>
874	8 from bottom	<u>Interest</u>	<u>Interests</u>
875	5	<u>Interest</u>	<u>Interests</u>
876	last line of page	<u>Interest</u>	<u>Interests</u>