

## Important Judgment 2023

<p><b>Mere unnatural death of wife in matrimonial home within 7 years of marriage not enough to convict husband for dowry death: Supreme Court</b></p>	<p><b>Charan Singh V State of uttarakhand</b></p> <p>⇒ A DB of justice Abhay S Oka and Rajesh Bindal ruled that the Mere fact that a wife died under unnatural circumstances in her matrimonial home within seven years of marriage will not by itself be sufficient to convict the husband for dowry death.</p> <p>⇒ The Court noted that to establish an offence of dowry death, the deceased has to be subjected to cruelty or harassment soon before the death. However, while analysing the statement of the father of the deceased in this case, the Court noted that apart from instances of dowry demands in the initial months of marriage, there was nothing in the statement to show that any such demand was raised immediately before the woman's death</p>
<p><b>Unstamped arbitration agreement not legally valid: Constitution Bench of Supreme Court holds by 3:2 majority</b></p>	<p>Title: <b>NN Global Mercantile Private Limited v. Indo Unique Flame Limited and Others</b></p> <p>A Constitution Bench of Justices <b>KM Joseph, Ajay Rastogi, Aniruddha Bose, Hrishikesh Roy</b> and <b>CT Ravikumar</b> held by a 3:2 majority that unstamped arbitration agreements are not valid in law.</p> <p>"If the original of the instrument is produced and it is unstamped, the Court, acting under Section 139, is duty-bound to act under Section 33 of the Stamp Act. Provisions of Sections 33 and the bar under Section 35 of the Stamp Act, applicable to instruments chargeable to stamp duty under Section 3 read with the Schedule to the Stamp Act, <b>would render the Arbitration Agreement contained in such instrument as being non-existent in law unless the instrument is validated under the Stamp Act,</b>" the majority opinion penned by Justice Joseph held.</p> <p>Summing up his dissenting opinion, Justice Rastogi stated, "The existence of a copy/certified copy of an arbitration agreement whether unstamped/insufficiently stamped at the pre-referral stage is an enforceable document for the purposes of appointment of an Arbitrator under Section 11(6A) of the Act, 1996 where the judicial intervention shall be minimal confined only to the prima facie examination of "existence of an arbitration agreement" alone</p>
<p><b>Chargesheet should not be filed before completing probe to scuttle scope for default bail: Supreme Court</b></p>	<p>Title: <b>Ritu Chhabaria v. Union of India</b></p> <p>A Division Bench of Justices <b>Krishna Murari</b> and <b>CT Ravikumar</b> extolled the importance of the right to default bail under the Criminal Procedure Code (CrPC), saying the same cannot be scuttled by filing chargesheets before the probe is</p>

	<p>complete.</p> <p>The Court stressed that the right of default bail was not merely a statutory right but a fundamental one that flows from Article 21 of the Constitution.</p> <p>It held the following:</p> <ul style="list-style-type: none"> <li>⇒ Without completing the investigation in a case, a chargesheet or prosecution complaint cannot be filed by an investigating agency only to deprive an arrested accused of his right to default bail under Section 167(2) of the CrPC.</li> <li>⇒ Such a chargesheet, if filed by an investigating authority without first completing the investigation, would not extinguish the right to default bail under Section 167(2) CrPC.</li> <li>⇒ The trial court, in such cases, cannot continue to remand an arrested person beyond the maximum stipulated time without offering the arrested person default bail.</li> </ul>
<p><b>Wholesale quotas frustrate purpose of reservation: Supreme Court asks Madhya Pradesh to review 75% domicile quota in B.Ed colleges</b></p>	<p><b>Title: Veena Vadini Teachers Training Institute v. State of Madhya Pradesh and Others</b></p> <p><b>Bench-</b> A Division Bench of Justices <b>Aniruddha Bose</b> and <b>Sudhanshu Dhulia</b> held that states should not indulge in wholesale reservation in educational institutes, as the same has been held to be unconstitutional and violative of the right to equality.</p> <p>The Court made the observation while hearing petitions challenging the mandated 75 per cent domicile quota for B.Ed colleges in Madhya Pradesh, a figure it noted was 'too high' and did not serve any purpose.</p> <p>The top court thus requested the State government to examine relevant data to come to 'a realistic finding' as to the extent of such a quota, within two months.</p>
<p><b>Irretrievably broken down marriage can be dissolved on ground of cruelty: Supreme Court</b></p>	<p><b>Title: Shri Rakesh Raman v. Smt Kavita</b></p> <p><b>Bench-</b> Division Bench of Justices <b>Sudhanshu Dhulia</b> and <b>JB Pardiwala</b></p> <ul style="list-style-type: none"> <li>⇒ SC held that an irretrievably broken down marriage spells cruelty in itself, and can be a ground for dissolution of marriage under Section 13(1)(ia) of the Hindu Marriage Act, 1955.</li> <li>⇒ The Court was of the view that even though irretrievable breakdown of marriage may not be a ground for dissolution of marriage under the Act, the same can be read as 'cruelty', in terms of a ground for divorce.</li> <li>⇒ "A marriage which has broken down irretrievably, in our opinion spells cruelty to both the parties, as in such a relationship each party is treating the other</li> </ul>
<p><b>Ayurveda doctors</b></p>	<p><b>Title:- State of Gujarat and Others v. Dr PA Bhatt and</b></p>

<p>don't do complex surgeries; not entitled to equal pay as MBBS doctors: Supreme Court</p>	<p><b>Others</b></p> <p>Bench- A Division Bench of Justices <b>V Ramasubramanian</b> and <b>Pankaj Mithal</b></p> <ul style="list-style-type: none"> <li>⇒ SC set aside a Gujarat High Court order that had held that Ayurveda practitioners are at par with MBBS doctors in terms of pay benefits.</li> <li>⇒ The Court stated that it cannot be oblivious of the fact that both categories do not perform equal work to be entitled to equal pay.</li> <li>⇒ Allopathy doctors are required to perform emergency duties and to provide trauma care. By the very nature of the science that they practice and with the advancement of science and modern medical technology, the emergency duty that Allopathy doctors are capable of performing and the trauma care that they are capable of providing, cannot be performed by Ayurveda doctors. It is also not possible for Ayurveda doctors to assist surgeons performing complicated surgeries, while MBBS doctors can assist," the order said.</li> </ul>
<p>Supreme Court asks High Courts to ensure all criminal trial, civil suit records are digitised by district courts</p>	<p>Title: <b>Jitendra Kumar Rode v. Union of India</b></p> <p>A Division Bench of Justices Krishna Murari and Sanjay Karol issued directions to all High Courts towards ensuring digitisation of lower court records.</p> <p>The Court stressed that proper and regular digitisation of records is necessary for a smooth judicial process.</p> <p>It issued the following directions in this regard:</p> <ul style="list-style-type: none"> <li>⇒ The Registrar General of the High Courts shall ensure that in all cases of criminal trial, as well as civil suits, the digitization of records must be duly undertaken with promptitude at all District Courts, preferably within the time prescribed for filing an appeal within the laws of procedure.</li> <li>⇒ The concerned District Judge, once the system of digitization along with the system of authentication of the digitized records is in place in their judgeship, to ensure that the records so digitized are verified as expeditiously as possible.</li> <li>⇒ A continually updated record of register of records digitized shall be maintained with periodic reports being sent to the concerned High Courts for suitable directions.</li> </ul>
<p>Unnecessary litigation by DISCOMs resulting in huge cost of electricity for consumers: Supreme Court</p>	<p>Title: <b>GMR Warora Energy Limited v. Central Electricity Regulatory Commission (CERC) and Others</b></p> <p>Bench- Division Bench of Justices <b>BR Gavai</b> and <b>Vikram Nath</b></p> <ul style="list-style-type: none"> <li>⇒ SC took exception to power distribution companies (DISCOMs) and power generating companies pursuing</li> </ul>

	<p>unnecessary and unwarranted litigation under the Electricity Act, 2003 against orders passed by the Central Electricity Regulatory Commissions (CERC) and the Appellate Tribunal for Electricity (APTEL).</p> <p>⇒ The Court noted that the even reasoned orders passed by the CERC and APTEL were being challenged by DISCOMs.</p> <p>⇒ "Unwarranted litigation, which wastes the time of the Court as well as adds to the ultimate cost of electricity consumed by the end consumer, ought to be avoided. Ultimately, the huge cost of litigation on the part of DISCOMS as well as the Generators adds to the cost of electricity that is supplied to the end consumers," the Court observed.</p> <p>⇒ It, therefore, urged the Central Government's Ministry of Power (MOP), to consider evolving a mechanism so as to ensure that unnecessary and unwarranted litigation under the Electricity Act 2003, on the part of DISCOMs as well as the other power generators, is curbed.</p>
<p><b>Supreme Court upholds conviction of accused whose confessional statement taken in Malayalam, translated to Tamil and typed out in Kannada</b></p>	<p>Title:- <b>Siju Kurian v State of Karnataka</b>                  Bench- Division Bench of Justices <b>Surya Kant</b> and <b>Aravind Kumar</b></p> <p>⇒ SC upheld the conviction of a murder accused whose confessional statement was taken in Malayalam, translated to Tamil and then typed out by the police in Kannada.</p> <p>⇒ The Court opined that the ultimate test would be whether the statement was noted down as told by the accused.</p> <p>⇒ "Merely because the translation was made from Malayalam to Tamil and written down in Kannada would not suggest that such statement be held to be either not being voluntary or the said statement having been recorded improperly," the top court held.</p>
<p><b>It takes time to settle down in marriage: Supreme Court refuses to use Article 142 powers to dissolve 40-day union</b></p>	<p>Title: <b>Delma Lubna Coelho v. Edmond Clint Fernandes</b>                  Bench- Division Bench of Justices <b>Rajesh Bindal</b> and <b>Aravind Kumar</b></p> <p>⇒ SC refused to use its plenary powers under Article 142 of the Constitution to quash a marriage where the parties had only resided together for 40 days before separating.</p>

	<p>⇒ <i>The Court hoped that good sense prevails over the parties.</i></p> <p>"We do not find this to be a fit case for exercise of power under Article 142 of the Constitution of India as good sense may prevail on the parties. They had lived together only for 40 days. It takes time to settle down in marriage," <i>the Court noted.</i></p>
<p><b>High Court has no power under Article 226 to alter or amend registered lease deed: Supreme Court</b></p>	<p>Title: <b><i>Gwalior Development Authority and Another v. Bhanu Pratap Singh</i></b></p> <p>Bench- A Division Bench of Justices <b>Ajay Rastogi</b> and <b>Bela M Trivedi</b></p> <p>⇒ SC observed that the High Court in exercise of its jurisdiction under Article 226 of the Constitution, cannot alter or amend the lease deed compulsorily registered under Section 17 of the Registration Act 1908.</p> <p>⇒ The Court was of the view that when the lease deed has already been executed without demur and the transaction also stood concluded, it shall not be open for the High Court to alter or amend the same.</p>
<p><b>"Not a person with criminal mind-set": Supreme Court commutes death penalty of man convicted for murdering sister and her lover</b></p>	<p>Title: <b><i>Digambar v. State of Maharashtra</i></b></p> <p>Bench- A three-judge Bench of Justices <b>BR Gavai</b>, <b>Vikram Nath</b> and <b>Sanjay Karol</b></p> <p>⇒ SC commuted the death sentence awarded to a man who was found guilty of murdering his married sister and her lover in 2017.</p> <p>⇒ The Court said that the convict was not a person with criminal mind set or criminal records.</p> <p>⇒ "Appellant-Digambar has been found to be well-behaved, helping and a person with leadership qualities. He is not a person with criminal mind-set and criminal records," the Court observed.</p> <p>⇒ The Court, therefore, upheld the conviction but set aside the death penalty and commuted it to life imprisonment. It was of the view that the present case will not fall under the 'rarest of rare case' category.</p>
<p><b>In matters pertaining to citizens' liberty, courts should act promptly; avoid detailed deliberation of evidence in bail pleas: Supreme Court</b></p>	<p>Title:- <b><i>Sumit Subhas chandra Gangwal v. State of Maharashtra</i></b></p> <p>Bench-A three-judge Bench of Justices <b>BR Gavai</b>, <b>Vikram Nath</b> and <b>Sanjay Karol</b></p> <p>⇒ observed that inordinate delay in passing an order pertaining to liberty of a citizen is not in tune with the constitutional mandate.</p>

<p>Not everything said by a judge while pronouncing judgment constitutes precedent: Supreme Court</p>	<p>Title- <b>Career Institute Educational Society v. Om Shree Thakurji Educational Society</b> Bench- Division Bench of Justices <b>Sanjiv Khanna</b> and <b>MM Sundresh</b> ⇒ "It is not everything said by a judge when giving judgment that constitutes a precedent." ⇒ The only thing in a judge's decision binding as a legal precedent is the principle upon which the case is decided, and for this reason, it is important to analyse a decision and isolate from it the obiter dicta."</p>
<p>Supreme Court quashes cheating and forgery case against former Punjab CM Parkash Singh Badal, son Sukhbir Singh Badal</p>	<p>Case Title:- <b>Sukhbir Singh Badal v. Balwant Khera and Others</b> A Division Bench of Justices <b>MR Shah</b> and <b>CT Ravi kumar</b> quashed a a cheating and forgery case against former Chief Minister of Punjab Parkash Singh Badal and his son and Shiromani Akali Dal (SAD) President Sukhbir Singh Badal. The apex court noted that the Badals had been summoned to face the trial but none of the ingredients of the offences were made out against them. The Court determined that the Punjab &amp; Haryana High Court ought to have quashed proceedings that would have been an abuse of the process of law.</p>