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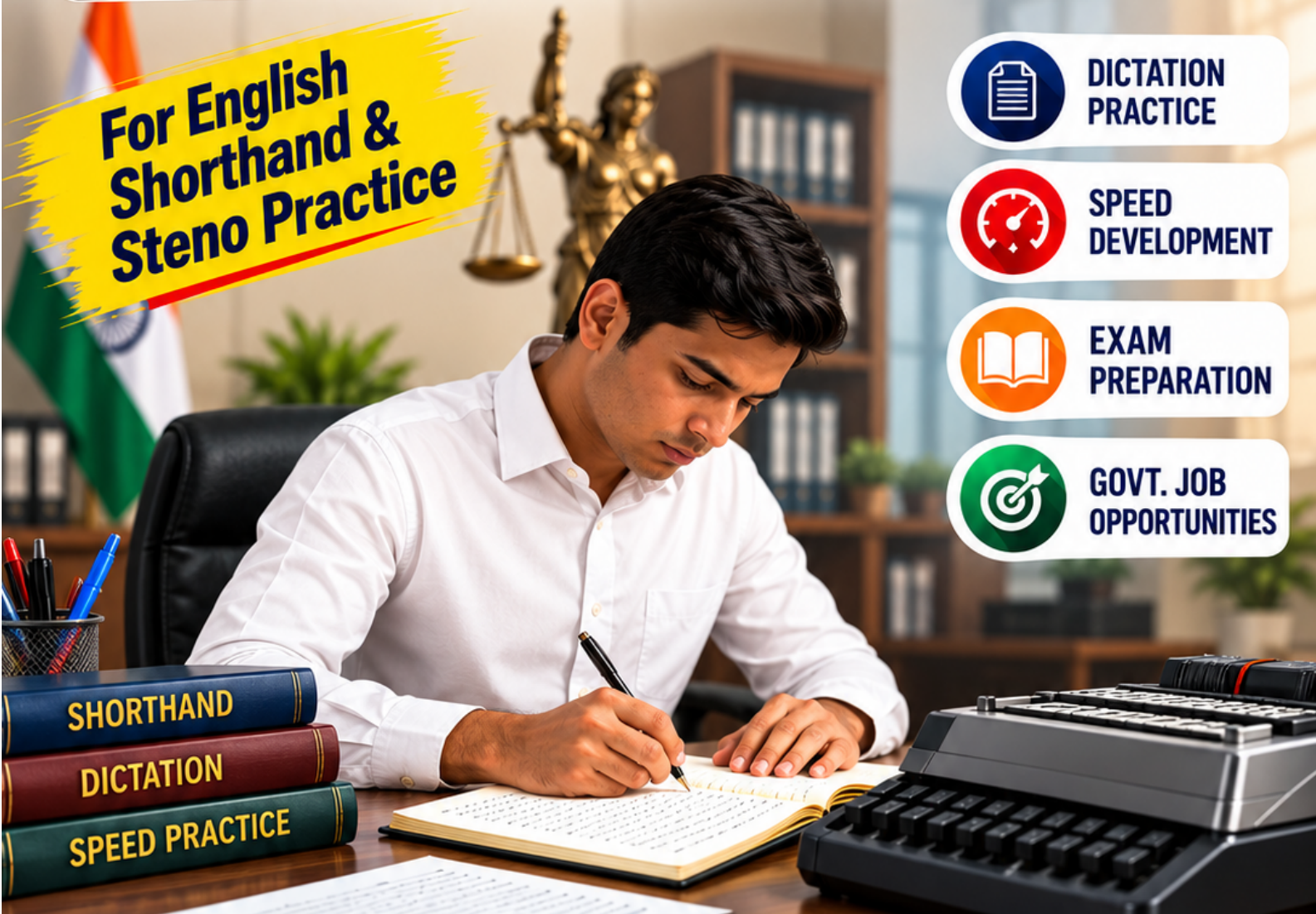
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In the administration of justice, every conduct of the officers of the Court is required to be above board and any unbecoming act on their part reflects poorly on the legal profession. Thereupon, it becomes the duty of the Courts to remind the Attorneys, Pleaders and practitioners about their responsibility to maintain the highest standards of professional etiquette. The law is not merely a set of rigid rules but also a means to secure fairness and compassion towards those who seek justice. Often, disputes arise out of contractual obligations and the Courts are approached for resolution of such matters. While interpreting these contracts, the Courts remain inclined to protect the rights of both parties in accordance with the Constitution of India and the statutory framework. The Indian Penal Code provides punishments for offences but at the same time, the Constitution ensures that every accused has the right to a fair trial. In several matters, a senior counsel is engaged to argue before the Bench and their submissions are expected to be made candidly without misleading the Court. At times, when public interest is involved the Court may permit intervention by a third party, particularly when such intervention assists the Court in arriving at a just decision. With a view to ensuring that justice is delivered, the judiciary exercises powers not only under the Constitution but also under various legislations such as the Negotiable Instruments Act which deals with dishonour of cheques. Cases involving dishonour of cheques often lead to the filing of a Special Leave Petition before the Supreme Court when parties are dissatisfied with the decision of the High Court. The remedy of special leave is extraordinary in nature and is to be invoked only when substantial questions of law are involved. On the criminal side, the menace of rash and negligent driving has given rise to several instances of the so-called hit and run case. In such unfortunate incidents, victims or their families approach the Court not only for criminal prosecution of the offenders but also for compensation. The judiciary, while interpreting statutory provisions always attempts to balance the scales of justice giving due regard to the rights of the accused as well as the plight of the victims. In the legal profession every word and every action of the lawyers count. Practitioners are therefore expected to uphold the dignity of the professional and any lapse may be considered an unbecoming act. 404

A recent exposure by a journalist revealed a major racket operating in connivance with the local authorities. The report suggested that certain unscrupulous officials instead of discharging their duties honestly were aiding private contractors in siphoning off public money. The matter assumed serious proportions when the name of a former Home Minister was linked with the scandal based on a hidden camera sting operation. The entire scandal was widely splashed across newspapers and television channels leading to immense public outrage. At his instance, a group of lawyers moved the High Court by filing a Public Interest Litigation contending that the alleged fraud involved misuse of Government funds which were meant for public welfare schemes. The Court exercising its suo motu powers issued notices to the concerned departments. During the preliminary hearing, the Court observed that such irregularities could not be brushed aside as they struck at the very root of governance and accountability. The petitioners assisted by an amicus curiae pointed out that the piece of legislation governing municipal works required strict compliance with financial regulations. They argued that the modus operandi of the officials revealed deliberate manipulation of tender processes. The Court also noted the presence of mens rea, since the fraudulent intention was apparent from the documents on record. In response, the Government filed a counter-affidavit stating that an inquiry was already ordered. However, the Judges felt that the explanation was cryptic and did not inspire confidence. They remarked in a dictum that transparency in public life is a non-negotiable element of democracy. Meanwhile, another petition came up involving defective electricals supplied to Government schools. The consignee of the goods alleged that the manufacturer had delivered substandard materials causing safety hazards. The trial Court dismissed the case but a revision petition was filed before the High Court. At the hearing, the counsel for the petitioner requested the Court to reproduce earlier findings where consumer safety was held to be paramount. The Bench decided to hear both matters de novo, since the issues were interconnected with questions of public trust. At this stage, the Court directed that all records be produced including purchase orders, inspection reports and compliance certificates. Interestingly, one of the reports mentioned usage of Nerolac paints in Government housing projects but the quantity shown did not match the number of buckets actually delivered. This mismatch was cited as another

imposition of undue burden on the taxpayers on the part of the officials concerned. 419

The final order emphasized that the judiciary cannot remain a silent spectator when institutions fail to perform their duty. Courts, while not interfering in policy matters, are duty-bound to intervene when arbitrariness, corruption or illegality is brought to their notice. The matters were adjourned for further hearing with directions to the Vigilance Department to file a detailed status report. In the previous financial year several irregularities were detected in the accounts of a leading company. The promoter of the said company in his statement denied any wrongdoing. However, the investigation revealed that the above-mentioned transactions were deliberately routed through multiple shell entities. The Income Tax Department reported that the company had suppressed vital information and had deliberately misrepresented figures in its statutory filings. The evidence further showed that large sums of money were borne by non-existent firms which had no genuine business operations. A statutory audit was ordered and it was discovered that funds were transferred overseas to bank accounts maintained in Dubai, Hongkong and Singapore. Such transfers were carried out through dubious warehousing and trading arrangements. The Directorate of Enforcement found that documents had been forged and fabricated to mislead the authorities. These forged papers were used to obtain licences and benefits thereby causing serious loss to the public exchequer. Some payments were even made using the hawala system which is outside the regulated banking channel. It was further alleged that certain shareholders were nothing but accomplices of the promoters acting only to mask the real ownership. During the hearings, the Government counsel submitted that these transactions amounted to clear money-laundering. According to the prosecution, bogus companies were floated with the sole object of diverting public funds. The Court observed that the graphic details of the money trail demonstrated a systematic plan to defraud the system. The defence, on the other hand, argued that the mentioned above allegations were politically motivated and that the promoters had complied with all statutory requirements. They contended that the overseas transactions were legitimate and supported by commercial documents. Nevertheless, the Court noted that the chain of events supported by WhatsApp chats and seized emails indicated that the accused had deliberately created layers of shell entities to conceal the real beneficiaries. The forged agreements and fabricated invoices could not be explained satisfactorily. Finally, the

concerned directorate with power to seize records and question all accomplices. 402

The matter was adjourned, with strict directions that no coercive steps be taken against innocent shareholders until the role of each individual was clearly established. In recent years, financial crimes have become more complex due to the use of modern technology and international transactions. Authorities investigating such crimes have often come across techniques like layering and concealment which make it difficult to trace the original source of funds. In many cases, shell companies have been instrumental in transferring assets under the guise of legitimate business. Parcels of land, movable goods and even digital assets are frequently purchased to disguise the true nature of huge sums of money. Investigative agencies reported that in some corporations, irregularities were discovered in the shareholding pattern after sudden acquisitions were made without proper disclosure. The role of associates and even inventors of certain projects came under suspicion when supplementary agreements were produced that did not align with the official records. An auditor is expected to bring transparency but in certain cases, deliberate suppression of material facts was noticed. The Court has repeatedly held that deliberate misrepresentation cannot be excused as a mere oversight. Funds were diverted from welfare schemes to personal accounts and the officials responsible tried to defend their actions by citing technical loopholes. Prima facie, the evidence suggested criminal intent and the judiciary observed that financial accountability cannot be diluted under any circumstances. The rigour of statutory compliance must be applied equally to public as well as private entities. As a result of the growing number of corporate disputes, parties often resort to a Memorandum of Understanding to settle differences outside Court. While such agreements are legally valid their misuse has been reported especially when weaker parties are coerced into signing terms that are unfair. Editorial writers have expressed concern that business ethics are increasingly being compromised and the larger public interest is frequently overlooked. From a broader perspective transparency in governance and responsibility in private dealings are both essential for a healthy democracy. Laws alone cannot ensure fairness unless supported by ethical conduct. Courts, therefore, act not merely as adjudicators but also as guardians of accountability ensuring that neither power nor wealth can escape the scrutiny of justice. Thus, it becomes the collective duty of lawmakers, administrators, auditors and citizens to ensure that transparency prevails

In today's world, uncertainty dominates many aspects of life whether it is the economy, environment or technology. Governments often try to banish such doubts by adopting quicker and more conventional policies. Yet, the contours of global development are changing every day and it is difficult to fix a single pathway for progress. Experts frequently attempt to delineate the future of nations but history shows that outdated systems have been abolished when they no longer served the people. At times, international organizations act as a proxy for collective action while local leaders attempt to shift towards renewable resources and sustainable growth. However, progress can sometimes slow down due to challenges like population pressure, low productivity or conflict. When economists measure per capita growth, they observe that different countries hold different ranks in the global index. Some nations remain at a lowly position despite having natural wealth. This is where effective strategy becomes essential. If per capita income rises steadily, it reflects better living standards. On the other hand, an aggregate decline indicates deeper structural problems. In times of crisis, such as recession, Governments focus on recovery and achieving steady headway becomes a national goal. The aim is to eliminate poverty, reduce lower levels of education and promote social equality. Reports tellingly highlight that nations which illustrated better health care and education policies moved ahead faster. The spread of smartphones has also nicely connected people, creating new opportunities for trade, education and innovation. Economic indicators now include access to digital platforms, life expectancy and quality of services for every infant born in a society. When fertility rates are high, development requires larger investment in housing, schools and hospitals. When rates fall, the working population stabilizes and growth patterns alter. In this regard, planning must recognize that uncertainty will always remain a part of human life. To banish fear and instill confidence leaders must act with transparency. Decision-making cannot be left to a proxy authority without accountability. Nations must shift policies towards clean energy and renewable technologies. Economies that slow down cannot rely only on temporary measures they must adopt a long-term strategy. A rise in per capita income and aggregate savings will strengthen the path of recovery. Gradual but steady headway in these sectors will eliminate inequality and uplift lower levels of society. Reports have illustrated that countries using smartphones and digital infrastructure

improved infant mortality reduced and balanced fertility rates contributed to healthier families. 412

Thus, the contours of growth are not fixed but flexible, always ready to adapt. In conclusion, with proper strategy, determination, and innovative policies, societies can overcome challenges, achieve prosperity, and secure a better future for generations to come. Due to the inflationary pressure in the economy, many citizens no longer feel better-off despite rising incomes. Recent amendments in the Passport Act have had a consequential impact on the application process. Therefrom, stricter guidelines were introduced requiring applicants to be nominated by a verified authority. Only those who have fully complied with the updated rules are being considered. The changes elicited a range of responses from the public and officials. Among the departments there was internal agreement or inter se on the need for tighter controls. As a sequel to this decision, a circular was issued showing that all departments were ad idem on the subject. Some civil rights groups, however, raised concerns over coercion claiming that people were being forced to comply. They demanded the quashing of certain clauses in the act that they believed promoted compulsion. Activists argued that such laws could lead to moral vices in governance if not kept in check. In some cases, individuals claimed they acted under duress and such claims were considered valid inasmuch as the circumstances proved pressure. In matters involving non-compoundable offences, Courts refused to allow private settlements making legal resolution mandatory. Officials gave an affirmative response to media queries denying any attempts at concealing facts. The passport office clarified that all changes were made in line with the national mandate. Although the tone of the policy was severe it was designed to protect national interests. It was obviously necessary to balance security and privacy. Some argued that the changes were de hors the statutory authority but legal experts disagreed. They said the rules did not compound the problem but instead brought clarity. Applicants who declared themselves unmarried were asked to provide further proof if previously in wedlock. Critics argued this allowed the State to unfold personal histories unnecessarily. However, officials defended the practice as a safeguard against concealment of identity. Overall, while the policy has raised debates, it emphasizes the need for compliance, clarity and national responsibility. Under the Passport Act, the Passport Office issued a mandate that, therefrom, nominated applicants who complied with rules whether unmarried in wedlock, or under duress or coercion avoid

As affirmative inflationary severe actions may follow being consequential obviously legal though some argue *de hors*, citing vices a sequel not agreed *ad idem* but *inter se* may still unfold a better-off compound debate inasmuch as it elicited mixed views. In recent years, the focus on maternal and child health has intensified with a marked decline in mortality rates across various regions. However, issues like stunting among children under five continue to raise concern. Government reports suggest that India is doing better than many developing nations in some areas though there is still a long way to go before achieving complete parity in health outcomes. In terms of the broader development agenda, women's empowerment has become a central theme. A buoyant economy contributes significantly to this but social and political factors are equally important. While the economy remains robust, policymakers caution that in the short run some volatility may arise due to global uncertainties. Currently, States like Kerala and Tamil Nadu are leading the charts in health indicators. They have the quickest response systems and access to quality healthcare in urban areas. These successes are often attributed to strong institutional creators and inclusive public policies. To ensure equal access various schemes have been implemented and their success is being monitored robustly. Resultant effects of these interventions include better nutrition levels, lower disease incidence, and improved learning outcomes in schools. Despite these achievements, several episodes of malnutrition especially in tribal and remote areas continue to highlight the need for targeted policies. Destitution in such regions often forces families to rely on unsafe drinking water and poor sanitation. Even basic protein sources like beef are inaccessible or unaffordable to many. Somewhere between economic policy and social welfare lies the challenge of finding balance. The current fiscal outlook remains cautious, with Governments focusing on tightening expenditures while ensuring the needy receive support. Populist measures like freebies and subsidies are frequently debated. While some argue they are essential to bridge inequality, others say they create dependency. Items ranging from goodies in school bags to subsidized food are part of the state's welfare initiatives. Every citizen is entitled to a basic minimum standard of living and it is the duty of those at the Centre to uphold this commitment. In a recent address, the Finance Minister unveils a detailed action plan to uplift vulnerable sections of society. From time to time, reports arrive with a bagful of data, reflecting

In many cases, the imposition of strict penalties has been considered necessary to preserve social order and prevent heinous offences such as dacoity, kidnapping, treason and other acts of moral turpitude. The Courts have repeatedly observed that misappropriation of public money is not merely a breach of trust but a grave delinquency the repercussions of which extend to the very fabric of societal integrity. It is futile to contend that such offences can be overlooked for the sight of corruption at high places weakens the strength of institutions and destroys the confidence of common citizens. The principle of deterrence must, therefore, be inbuilt into the justice system. Exemplary punishments are sometimes awarded not out of vengeance but to serve as a string of warnings to potential offenders. Having regard to the matrix of facts in each case, the judiciary has to ensure that penalties imposed are not only result-wise just but also strengthen the moral fibre of the nation. Seasoned criminals, if left unchecked may influence others and create an atmosphere where crime thrives unchecked. It has been crucial for Courts to emphasize that certain offences per se strike at the root of democratic governance. Misappropriation of funds, bribery and corruption are not individual wrongs but societal menaces, affecting development in the long run. The judiciary has referred to several precedents where strict sentences were upheld to reinforce the rule of law. As well as the immediate impact on victims such offences have long-term consequences for the community at large. In this context, extracted principles from earlier judgments show that deterrence, coupled with fairness is the cornerstone of sentencing policy. The system must remain vigilant to ensure that those who attempt to misuse authority are brought to book. At the same time, the law must not be blind to human considerations and punishment should never exceed what is necessary for justice. Finally, the granting of freebies or undue concessions to offenders would amount to undermining the very objective of criminal jurisprudence. The Courts must balance compassion with firmness ensuring that justice remains both effective and exemplary. The imposition of penalties is crucial to maintain social order. Offences like dacoity, kidnapping and misappropriation of public money cause serious repercussions. In many cases, deterrence must be exemplary having regard to the matrix of facts. Misuse of power per se reflects moral turpitude. Extracted principles show that freebies or undue concessions weaken strengthened societal values. 402

In the present case, it has transpired during investigation that the accused attempted to claim that he was immune from prosecution but the evidence adduced by the complainant clearly demonstrated otherwise. The prosecution sought to proclaim that the defence was precluded from raising contradictory pleas, particularly when the facts relating to the relationship between the husband and wife had already been admitted. The spouses, inter se were conceding certain aspects in their statements, yet the conclusive findings of the Court were to be based on reliable testimony. The complainant solemnized the marriage in accordance with law, but it later came to light that certain acts had been carried out clandestinely to defeat the rights of the petitioner. The property was retained unlawfully and such conduct was incongruous with the duties imposed upon a guardian of trust. It was further revealed that miscarriage of justice occurred when material evidence was flouted by the investigating agency. The prosecution demonstrates, by producing documentary records, that the travesty of procedure should not be allowed to continue. The issuance of forged certificates and the screening of relevant facts were all part of a calculated attempt to defeat justice. It ought to be noted that on behalf of the State, certification of the documents was verified, and clear guidelines were laid down for proper compliance. However, despite the issuance of directions the unrestricted misuse of discretionary powers resulted in further irregularities. The Court emphasized that it is necessary to exercise caution while dealing with such sensitive matters, where the liberty of an individual is at stake. The guardian of law, being the judiciary cannot permit the exhibition of fraudulent practices in judicial proceedings. Therefore, the Court observed that the evidence adduced was not only conclusive but also sufficient to establish guilt beyond reasonable doubt. The arguments advanced by the defence suggesting immunity were rejected. The solemnized relationship between husband and wife cannot be clandestinely disregarded and any attempt to retain property without authority amounts to a miscarriage of justice. Accordingly, the Court proclaimed that the accused had flouted the law, and by demonstrating such conduct had invited strict punishment. The travesty of procedure, issuance of false records, and unlawful screening were noted with disapproval. The Court concluded that it is necessary in the interest of justice to lay down cautionary guidelines, so that unrestricted powers may

In this case, the Court was called upon to decide as to whether the endorsement made on the disputed document could be treated as authentic evidence. Having regard to the excisions made from the original record and the foregoing precedents of law, it was necessary to determine the admissibility of the material produced. The parties thereto placed reliance on several rulings, but in this behalf the Court was of the view that only advisory observations could be drawn. As the case may be, the exhibitor of the document sought to justify the inclusion of certain paragraphs, but the opposite party alleged that such material contained obscenity and could not be relied upon in respect of judicial proceedings. A set-off was claimed in the account, but consecutively two contradictory versions were placed on record. Detention of the accused it was urged, is required for ensuring fair investigation. The matter was placed before a Constitution Bench and in other words, the Court had to reconcile the overlapping legal provisions which concurrently operated in this field. The Court proceeded to illustrate by reference to previous decisions how assuming facts without evidence may lead to injustice. Certain amounts were subtracted from the liability shown in the accounts and the usage of technical terms was questioned by the parties. The Court held that the plurality of opinions within earlier benches denotes the necessity of laying down authoritative principles. The consecutive interpretation of statutes cannot be said to be contradictory if harmonized properly. The intent of the Legislature, once ascertained cannot be allowed to lose its meaning by strained construction. The judgment observed that endorsement of documents must be tested strictly having regard to excisions and omissions. The foregoing legal position as laid down by higher Courts was applicable thereto and in this behalf the advisory opinions were of little consequence. As the case may be, the exhibitor of disputed records has a duty to ensure that no obscenity or irrelevant material forms part of judicial evidence. In respect of the plea for set-off, the Court held that consecutively placed documents established no valid claim. Detention of the accused, if required, must always be supported by cogent reasons. The Constitution Bench clarified that in other words concurrent and overlapping provisions must be read together. The Court illustrated, by assuming certain facts and subtracting irrelevant considerations, how the usage of legal doctrines leads to clarity. Ultimately, the plurality of judicial views denotes the strength of jurisprudence. 409

The facts borne out from the record clearly establish that the prosecution with regard to the occurrence in question has placed credible material before the Court. The Bench was inclined to observe that the chain of circumstances is indisputably linked to the involvement of the accused. Having due regard to the Constitution of India and the rights guaranteed therein, the Court proceeded with caution but found that the evidence justified enhancement of the sentence already imposed. The victim was murdered in broad daylight and the manner in which the accused were implicated left little scope for doubt. The gunshot injuries as reflected in the medical deposition, corroborated the testimony of the eye-witness. The conspiracy was carefully planned and the occurrence took place when the assailants had already taken strategic paces near the residence of the deceased. At the time of the assault, two independent witnesses entrusted with local duties rushed to the spot and recorded the sequence of events. At this stage of the trial, the defence attempted to argue that the accused were falsely implicated, inheriting the long-standing enmity between the families. However, the testimony of the prosecution witnesses remained consistent and credible. The Court was inclined to reiterate that motive, though relevant, is not always a sine qua non when direct evidence is available. The depositions of the eye-witnesses were carefully examined. Their accounts were borne out by medical evidence, ballistic reports and circumstantial details. The Court noted that interested testimony cannot be discarded merely because the witnesses were acquainted with the deceased what is required is whether such testimony inspires confidence. In this case, the testimony was not only credible but also consistent with the occurrence as narrated. The prosecution further established that the conspiracy was executed in a calculated manner. The enhancement of penalty, therefore, was justified as the accused had acted with brutal intent. The defence plea that the accused were elsewhere at the time of occurrence was contradicted by multiple depositions. The gunshot injuries were traced scientifically to the weapon entrusted to one of the accused. In conclusion, the Court reiterated that at this stage of proceedings, the cumulative effect of the testimony corroborated by scientific and medical reports left no room for doubt. The motive was strong the conspiracy evident and the occurrence firmly established. Thus, the conviction and sentence were borne out by credible evidence and sustained in accordance with law. 399

The Court observed that the potential for misuse of law must always be assessed in relation to the harm caused to the reputation of an individual. It cannot be considered fair to initiate proceedings without proper basis, particularly when the accused is a public servant entrusted with official duties. Such cases mark a milestone in shaping principles under the Criminal Procedure Code where frivolous complaints have often been repudiated from the very inception. The constitutionality of a provision must be tested through sound interpretation and Courts must apply it purposively so as to interpret the true intent of the Legislature. Any ruling must be consistent with the constitutional framework and in consonance with the principles of justice. By shedding rigid technicalities and avoiding a static approach, Courts have ensured flexibility. Keeping in mind the rights of both complainant and accused it is important to dismiss unregistered and unreliable claims unless supported by evidence of the alleged occurrence. A logical assessment is essential, especially in cases involving a juvenile offender, where the question of whether the accused is truly guilty must be approached with caution before awarding a sentence. In earlier cases, Courts have recognized that only credible evidence can justify conviction. The potential injustice arising from misuse of provisions cannot be ignored. The Court noted that harm to the reputation of individuals due to false allegations cannot be considered a trivial issue. Even where a public servant is concerned, strict adherence to procedure under the Criminal Procedure Code is mandatory. This case, in fact, is a milestone in clarifying how unsubstantiated allegations may be repudiated and how principles laid down since the inception of constitutional democracy must guide us. The constitutionality of such measures rests on their interpretation and the Court must purposively interpret them to reflect legislative intent. Rulings must be consistent with the rule of law and in consonance with the doctrine of fairness while shedding unnecessary rigidity and avoiding static reasoning. Thus, by keeping in mind the rights of all parties discarding unregistered claims verifying the actual occurrence and adopting a logical and balanced approach justice is served. Where a juvenile is held guilty, the sentence must still be reformatory and based only on credible evidence. Thus, by keeping in mind the rights of all parties discarding unregistered claims verifying the actual occurrence and adopting a logical and balanced approach, justice is served effectively and without compromise. 400

The present appeal has been filed before this lower Appellate Court challenging the order of the learned trial Court passed within a period of six months from the date of decree. The appellant has perused the entire record and has contended that the findings recorded by the trial Court are not based on proper appreciation of evidence and that the Court below has failed to consider the ancestral property dispute in its correct perspective. The background of the case reveals that due to migration of certain family members the property left behind by their forefathers was sought to be alienated without proper partition. Several signatures appearing on the sale deed were disputed and were later reduced into evidence before the trial Court. The trial Court held that a prudent man could rely upon such documents, however, the credibility of the attesting witnesses remained doubtful. In the appeal, learned counsel for the appellant has argued that the findings are implicative and that the First Information Report lodged in relation to the forged documents was not considered distinctly. It was further urged that crucial facts were discovered during investigation, but the trial Court brushed them aside as vague and incomplete. The material relating to concealment of documents and attempts to infer collusion were not properly interpreted. Certain records were deliberately concealed and relevant evidence was discarded without lawful justification. The statements allegedly uttered by the accused during panchanama proceedings were inconsistent and contradictory. The prosecution also produced articles that were bloodstained, yet the Court failed to assess their evidentiary value in the context of overall consistency of the case. The defence argued that contradictions were fatal to the prosecution story and that the main witness turned hostile thereby rendering the entire case unreliable. Upon careful consideration of the submissions and material placed on record this Court finds that the findings of the trial Court cannot be sustained. The appeal is accordingly allowed and the impugned judgment is set aside. The Court further observes that the credibility of witnesses must be judged carefully, especially when signatures are disputed and documents appear concealed or deliberately discarded. A prudent approach requires assessing the evidentiary value of each statement and material, whether bloodstained articles or partition deeds of ancestral property. Failure to evaluate such facts may lead to the fatal consequences, leaving findings vague, uncertain and open to challenge in the lower Appellate Court. 398

The present case brings forth a tragic story narrated through several testimonies which have been examined consistently by the trial Court as well as by this Court. The fundamental principle remains that justice must be guided by the rule of law and not by sympathy alone. The prosecution alleged that the victim, a young woman had not survived the ordeal inflicted upon her by her husband and wife relationship turning bitter under the influence of her in-laws. The genesis of the dispute related to continuous harassment on account of dowry demands and domestic discord. It has been brought on record as to what transpired on the fateful evening when the deceased was allegedly forced to consume a poisonous substance and when that did not succeed, kerosene oil was poured upon her setting her body ablaze. She later succumbed to the injuries and was declared deceased in the hospital. Before her death, however, she remained conscious for a short period and made statements before the magistrate which were later treated as dying declarations. The defence, on the other hand, argued that the accused were falsely implicated and deserved to be exonerated. It was contended that the dying declaration lacked prudence and could not be relied upon due to the doubtful authenticity of the recording officer. Furthermore, questions were raised regarding the admissibility of certain documents and the probative worth of oral statements narrated by interested witnesses. The former inconsistencies in evidence were highlighted to impeach the prosecution case. The Court has carefully considered the impact of these contradictions. It is well-settled that for a dying declaration to be accepted its authenticity must be unimpeachable and it should be free from tutoring or coercion. Several witnesses have testified that the deceased was in a fit mental state and voluntarily gave her statement. This lends weight to the prosecution version notwithstanding minor discrepancies. At the same time, the defence plea of defamation and defamatory imputations being levelled against the family has also been examined. The Court finds no substance in this contention, since the ingredient of imputation with mala fide intention is not proved. What emerges is that the cruelty and harassment suffered by the victim cannot be brushed aside. Thereafter, upon appreciation of the entire material this Court concludes that the conviction is justified. The appeal is accordingly dismissed, affirming the sentence imposed by the trial Court. Rule of law survives prudence. 400

In modern jurisprudence, the misuse of public money is treated as a serious offence. It is not merely financial irregularity but may amount to treason when it undermines the sovereignty of the nation. Such conduct reflects moral turpitude, disentitling the wrongdoer from holding positions of trust. Even slight delinquency by public servants can have grave repercussions. No officer can escape the sight of law. The principle of per se illegality applies where the act itself is prohibited by statute, irrespective of intent. Punishments must be exemplary to deter future misconduct. Result-wise, strict measures have proven effective in the long run. When misconduct acquires a societal dimension, it shakes confidence in institutions and demands firm response. A string of judgments from the Supreme Court stresses the role of deterrence over retribution. The faith of citizens in the judiciary is inbuilt in the constitutional scheme, making the Court the ultimate beneficiary of public confidence. Where rights or property are transferred, the law protects the consent of the assignee, enforceable thereunder. Courts may issue a decree to secure compliance. At the time of trial, it is examined whether the accused acted along with conspirators. An affidavit must always be truthful as falsehood invites prosecution. Drafting often employs terms like hereinafter and in that behalf for precision. Judicial discretion is wide but must be exercised with diligence. No right can be procured through fraud or coercion. Agreements are usually embodied in a memorandum setting out obligations. Evidence may be produced by exhibition of documents assessed having regard to the Evidence Act. Courts may order excisions of invalid contractual portions while preserving the remainder. Thus, the handling of public money demands accountability. Any betrayal of trust verges on treason against democratic values. Acts of moral turpitude erode governance and delinquency cannot be condoned. The repercussions of misconduct extend beyond individuals damaging society. Judicial vigilance, exemplary sanctions and regard for societal interests ensure justice in its true sense. Misuse of public money may amount to treason involving moral turpitude, official delinquency and grave repercussions. Courts keep every act in sight of law, treating some as per se illegal requiring exemplary action. Result-wise, integrity strengthens in the long run for societal trust. A string of rulings emphasizes deterrence, an inbuilt safeguard. The beneficiary, assignee rights thereunder decree, affidavit, memorandum, exhibition or partial excisions, must having regard to the law be handled

In the present matter, the Court is called upon to examine whether the requisite legal specifications have been duly complied with by the authorities while passing the impugned order. The learned counsel for the petitioner has pointed out several flaws in the reasoning of the trial Court and contended that the benefit of set-off ought to have been granted. Reliance has been placed upon decisions of the Constitution Bench which have categorically held that a convict is entitled to have the period of detention undergone during investigation and trial adjusted against the substantive sentence. We are unable to agree with the submissions advanced on behalf of the State that such period must be ignored. To agree with the contention of the prosecution would virtually render the statutory mandate otiose. The detention period undergone by an accused is not to be disregarded but rather has to be counted concurrently with the sentence awarded. In other words, the principle of justice requires that overlapping punishment be avoided and liberty cannot be curtailed beyond the limits prescribed by law. To further illustrate, if a person has remained in custody for a substantial time such period must be subtracted from the final punishment. This is not merely as required under the Code but is also in consonance with fair trial jurisprudence. The usage of such provisions demonstrates legislative intent to balance the rights of the individual with the need to maintain social order. The State has argued that in cases of multiple offences especially involving plurality of charges, the benefit of set-off cannot be consecutively extended. However, such argument cannot be said to be well-founded. The statute itself denotes a clear legislative policy that punishment should not exceed what is just and proper. A seasoned understanding of criminal law requires a purposive interpretation. The Court cannot lose sight of the fact that indiscriminate imposition of punishment may result in grave injustice. In many cases, especially involving serious charges like dacoity, kidnapping or misappropriation deterrence is necessary. However, deterrence must not degenerate into oppression. To deny set-off altogether would be a futile exercise and contrary to constitutional guarantees. Having given anxious consideration to the rival submissions, we hold that the impugned order suffers from legal infirmities. The sentence imposed upon the petitioner requires modification. Accordingly, the appeal is partly allowed and it is directed that the period of detention already undergone shall be given full effect by way of set-off against the substantive sentence imposed. 410

This Court has carefully considered the submissions advanced by both parties in the present civil suit, which arises from a dispute regarding lease money and alleged dispossession of the plaintiff. The petitioner has averred that despite fulfilling the terms and conditions of the agreement he has been illegally threatened with eviction and thereby rendered bereft of his lawful rights. He has further contended that the conduct of the defendants, if allowed to continue, would result in grave hardship, culminating in the loss of livelihood. On the other hand, the respondents have asserted that the plaintiff has failed to comply with the stipulated obligations under the lease and therefore cannot seek equitable relief. They maintain that the abovesaid allegations are unfounded. Moreover, they have buttressed their case by producing documentary evidence to show non-payment of dues. I have heard the learned counsel for the parties at length and have also perused the record. It is to be noted that the plaintiff had earlier filed certain revision petitions which were dismissed. The issue, however, still survives qua the enforceability of the agreement and the right of possession. The plea of the plaintiff is that unless an injunction is granted he will suffer irreparable injury. The Court must therefore ascertain whether the balance of convenience lies in his favour. In legal parlance, the word injunction has been judicially construed to mean a preventive order restraining unlawful action. The question as to whether such relief can be granted depends upon the intent and nomenclature of the document executed between the parties. The defendants have argued that the document in question cannot be construed as a valid lease but is merely a licence. However, this argument does not appear convincing. The evidence on record clearly establishes an intended relationship of lessor and lessee. Throughout the proceedings, both parties have used the expressions lease and licence almost interchangeably yet the substance must prevail over form. The Court is mindful of the eventuality that in case of non-interference the plaintiff may be unlawfully ousted. Yet another aspect is that the defendants have failed to demonstrate bona fide need for possession. Hence, the plea for restraining the defendants deserves consideration. In the result, the Court finds that the plaintiff has established a prima facie case. The balance of convenience also tilts in his favour. Accordingly, the defendants are hereby restrained from dispossessing the plaintiff except in accordance with law, until final adjudication of the matter. 407

In the present case, the prosecution has alleged that the accused persons by preparing fictitious documents managed to secure a travel document from the Passport Office. The matter came to light when the Security Branch conducted a routine verification and found that the address furnished was bogus and the supporting documents were forged. During the course of interrogation, the accused initially denied the allegations but subsequently made a partial disclosure admitting that certain papers had been procured unlawfully. It has further been revealed that an agent nominated by the accused had sought assistance from officials to expedite the issuance of the passport. The evidentiary material collected so far shows that the signatures were not genuine and the photograph affixed was not identical to the one in the Government record. In the present case, the ratio of facts clearly demonstrates complicity at multiple levels. The Investigating Officer has placed reliance upon the challan supported by statements recorded under Section 161 Cr.P.C., to show that the accused was directly involved. The defence, however, maintains that the accused has been falsely implicated and kept in illegal custody ever since his arrest. Learned counsel has argued that no proper verification was carried out and that the allegations have transpired only on the basis of suspicion. This Court has carefully perused the record. It appears that pursuant to complaints received the matter was entrusted to the Security Branch. After thorough inquiry it has been verified that the residential proof was indeed forged. The defence contention that no evidentiary value attaches to such verification cannot be accepted. In the present case, sufficient material exists to connect the accused with the crime. The Court cannot ignore that offences of this nature have wider ramifications. Forging official documents and obtaining passports through fictitious means not only endangers national security but also undermines public trust. If such conduct is tolerated, it would encourage others to act in complicity and exploit systemic loopholes. Nevertheless, it has also been concluded that prolonged detention without trial would serve no fruitful purpose. The accused has already remained in custody for several months and continued incarceration may only consume valuable judicial time. The proper course is to proceed with trial expeditiously so that guilt or innocence may be finally determined. Accordingly, while rejecting the plea for discharge the Court directs that the trial shall be conducted on day-to-day basis. The prosecution shall ensure the presence of witnesses and the defence shall

In the foregoing circumstances, it becomes imperative for the Court to determine whether the petitioner who has approached this forum thereto has established a genuine cause of action or has merely relied upon unsubstantiated allegations. The respondents in their written statement denied every allegation and emphasized that the petitioner while averring certain facts has deliberately indulged in concealment of material particulars. It has further been argued that the documents relied upon are either forged or fabricated, and therefore, no reliance can be placed upon such records. The petitioner, on the other hand, while asserting his rights has placed reliance upon the aforementioned decisions of the Supreme Court and prayed that his legal status be duly recognized. It is well-settled that the burden lies on the party who comes by way of a petition to establish his stand by placing true and correct facts. Any attempt at obscenity, misrepresentation or alienate conduct of material property rights cannot be condoned. The Sub-Registrar, at whose behest the impugned entries were made acted merely at the instance of the private respondents and such action cannot attain legal sanctity. The Court must take note of the advisory issued by the competent authority that every claim must be scrutinized with fairness. It is also argued that the petitioner has no locus standi to raise the plea for he was never a competent party to the transaction nor a component of the ancestral chain of title. The plea of ancestral property is wholly untenable as no evidence has been placed on record. Further, the submissions made under the guise of assertions are nothing but hollow pleas incapable of standing judicial scrutiny. Even if such pleas are accepted the respondents contend that the petitioner cannot derive any benefit in this behalf, as the doctrine of factum established by precedents bars such claims. The process of replications and controverting the allegations has already been exhausted and nothing survives for adjudication. In these circumstances, when the case is examined along with the settled principles of law, it becomes apparent that the petitioner's version does not inspire confidence. The attempt to set up a false narrative and set forth imaginary rights is a clear abuse of process. The Court must, therefore, while applying judicial conscience dismiss such claims for they have been raised simultaneously in multiple proceedings to harass the respondents. Hence, the petition fails and stands rejected. 397

In the present case, the trial Court was called upon to decide whether the sentence imposed upon the accused should run concurrently or consecutively. The defence counsel took a deep breath before making submissions and stated that apparently the prosecution had failed to establish the necessary ingredients of the offence. It was further argued that the charge pertains to an incident that occurred several years ago and the rationale behind granting leniency was that the accused had already undergone a substantial part of the punishment. The period that remains unserved should, therefore, not be considered in isolation. The learned counsel for the State, however, submitted that any plea taken at this stage was premature, as the accused had not exhausted all available remedies for remissions and possible commutation of the sentence. Thereafter, the Court was to examine the wider dimension of justice, keeping in mind not only the rights of the accused but also the interests of the victims. Keeping in view the submissions, the Court observed that on behalf of the complainant strong objections were raised regarding any form of relaxation. The Court categorically noted that the evidence was unquestionable and the conviction had been recorded legitimately. The punishment imposed was, therefore, legitimate and proportionate to the offence. At this tune, the Court had to converse with the principles of sentencing policy and to imply that no undue benefit should accrue to the convict. It was emphasized that there is no question of interference unless compelling reasons were shown. The defence then suggested an alternation of the sentence structure by placing the matter before a Regular Bench arguing that the Single Judge had not given due consideration to mitigating circumstances. Having regard to the precedents of the Supreme Court, the Court drew an inference that the legislature had clearly intended to create a balance between punishment and rehabilitation. The accused, therefore, carried an obligation to demonstrate genuine remorse and willingness to reform. The Court further observed that granting liberty in cases of heinous crimes may send a disturbing signal to society and weaken public faith in the administration of justice. However, it was equally recognized that prisoners cannot be omitted from the scope of constitutional protections including the right to life and dignity. In conclusion, the Court held that while sentences may run concurrently in certain circumstances, in cases involving multiple victims or grave offences, they must be served consecutively. 401

The rationale is to ensure that punishment reflects the gravity of the act and serves as a deterrent. At the same time, the Court stressed that the power of remissions and commutation vested in the executive must be exercised fairly, keeping in view the principle that justice should not only be done but should manifestly appear to have been done. In the present trial, the Court was confronted with several testimonies that were required to be examined carefully. It was argued that the witnesses had spoken consistently and in harmony with the principles of the rule of law, thereby strengthening the prosecution's case. The victim had survived the initial attack and exercising ordinary prudence made a dying declaration that the accused had administered a poisonous substance. The relationship between husband and wife was examined in detail and though the victim briefly survived her statement formed the very genesis of the prosecution story. The Court had to decide as to what extent the statements of the in-laws could be relied upon given that the deceased had also made remarks implicating them. Thereafter, the Judge examined whether the victim was fully conscious when she alleged that the accused had poured kerosene oil upon her, setting her body ablaze. The defence argued that the accused must be exonerated because the medical evidence was not sufficiently probative. Several witnesses narrated different versions and a former statement of one witness created doubt about the admissibility of the declaration. To impeach the credibility of the prosecution witnesses the defence emphasized inconsistencies that could have an impact on the case. The Court, however, stressed that the authenticity of the statement was supported by independent witnesses who had testified in open Court. The allegation of defamation raised by the defence was rejected as the remarks made by the victim were not defamatory but part of her last statement. The Court further elaborated on the essential ingredient of culpable homicide, noting that the presence of motive and direct evidence of setting the victim on fire were sufficient to draw an inference. The prosecution pointed out that false imputation against the deceased's family had no bearing on the merits of the case. Instead, the consistency of testimonies and corroboration from the medical report proved fatal to the defence. The Judge reiterated that under the rule of law, Courts must strike a balance between protecting the rights of the accused and ensuring justice for victims. While minor contradictions may occur when witnesses have spoken consistently their statements cannot be brushed aside. Finally, the

enough to convict the accused and the plea to exonerate him was rejected. The case demonstrated how the impact of reliable evidence when assessed with prudence ensures that justice prevails and the rule of law is maintained. Finally, the Court held that the authenticity and admissibility of the dying declaration were established beyond reasonable doubt. The evidence was probative enough to convict the accused, and the plea to exonerate him was rejected. 514

In the present civil dispute, the Court was required to determine the rights of the parties within a period of six months as directed by the higher forum. The record of the lower Appellate Court was carefully perused and the evidence was thoroughly scrutinized to ascertain whether the claim over the ancestral property was sustainable in law. The appellants argued that due to migration of their family during earlier times the land that once belonged to their forefathers could not be lawfully transferred. They contended that the respondents had attempted to alienate the property without consent and sought a partition decree. The Court noted that the signatures on the documents appeared to have been reduced in size, thereby raising suspicion. A prudent approach was adopted to assess the credibility of the witnesses, as the oral evidence had an implicatory effect. The First Information Report lodged by one of the parties was read distinctly and it was discovered that the allegations were vague in nature. The Court also observed a deliberate concealment of material facts by one of the litigants. From this, the Court could safely infer that certain statements had been wrongly interpreted and that vital facts were concealed with an intention to mislead. Some documents were accordingly discarded as the words uttered therein were inconsistent with the pleadings. The panchnama prepared at the site indicated the presence of blood stained clothes which were produced as exhibits. The Court evaluated their evidentiary value and concluded that only such evidence that shows consistency can be relied upon. The omission of material details was regarded as fatal to the case of the plaintiff. The defence counsel argued that one of the key witnesses had turned hostile which weakened the prosecution's version. However, the Court clarified that even hostile testimony could be accepted in part if it finds corroboration from other reliable evidence. The Court further emphasized that when there is deliberate concealment, the entire testimony may be liable to be discarded. In conclusion, the Court observed that disputes relating to ancestral property often involve complex questions of succession, partition and migration. Therefore, Courts must remain prudent and cautious while assessing credibility. In the present case, after considering the signatures, the documentary record and the oral depositions it was interpreted that the plaintiffs had failed to establish ownership beyond doubt. Consequently, the appeal was dismissed, and the findings of the lower Appellate Court were affirmed thereby ensuring that the principles

In every society, law plays a significant role in protecting individuals from potential injustice and harm. A person's reputation is considered one of the most valuable rights and any allegation which cannot be considered fair or truthful has the capacity to damage that reputation beyond repair. The Courts, therefore, while intending to safeguard liberty also ensure that the dignity of every public servant and citizen is preserved. The enactment of the Criminal Procedure Code was a great milestone in legal history. It provided a framework that could not be easily repudiated because from its very inception, it aimed to balance the powers of the State with the rights of individuals. Courts are often called upon to examine the constitutionality of provisions and apply principles of interpretation in a manner that furthers justice. Sometimes Judges act purposively, choosing to interpret the law not merely in its literal sense but in line with the underlying intent of the Legislature. Such an approach must always remain consistent with the spirit of the Constitution and in consonance with the broader principles of equality and fairness. While shedding light on the duties of Courts, the Supreme Court has emphasized that law is not static rather it must evolve with changing times. Keeping in mind social realities, legislations are read in a manner that addresses new challenges without undermining established rights. In a recent matter, the Court examined an unregistered agreement relating to property. The occurrence of disputes in such cases is common but the Court stressed that only a logical interpretation could resolve the conflict. It was noted that the contract bore the signatures of a juvenile and since he was not competent to contract the agreement was void. The party attempting to enforce it was, therefore, held guilty of misleading the Court. The sentence imposed was lenient, as the accused admitted fault early and showed remorse. Yet the Court highlighted that every decision must appear credible in the eyes of the public, otherwise faith in the justice system would diminish. Beyond property disputes the judiciary frequently encounters criminal matters involving serious harm to individuals. In such cases, the potential consequences of error are grave. The Courts, therefore, adopt a logical and evidence-based approach relying only on material that is trustworthy. Any witness who appears credible strengthens the prosecution's case, while evidence found vague or doubtful is repudiated. From the inception of legal systems, societies have understood that justice is not merely about punishing the guilty but also about

Rights. When laws are interpreted purposively they acquire vitality and relevance. For instance, when dealing with matters involving a juvenile, the Court exercises compassion while remaining firm where needed. The judiciary's role as a guardian of rights has often been described as a milestone in democratic governance. Through careful interpretation, Judges ensure that every public servant acts within the boundaries of law. The occurrence of arbitrary actions is checked and citizens are given remedies that are both fair and credible. 514

In conclusion, law is not static but dynamic shaped by events and guided by principles. Courts, while keeping in mind both social good and individual freedom must strive to deliver judgments that cannot be considered biased. Only then can justice be seen as fair, balanced and truly consistent with the ideals of democracy. The prosecution's case is borne out from the statements of multiple witnesses and documentary evidence. With regard to the chain of events, the Court observed that the Investigating Officer was inclined to rely heavily on the testimony of the complainant. The facts, however, remain indisputably connected to the constitutional mandate under the Constitution of India, which requires that no person shall be deprived of life or liberty except in accordance with procedure established by law. The Court further noted that the crime was grave involving the murdered victim who had sustained a fatal gunshot injury. The accused were implicated on the basis of circumstantial evidence pointing towards a conspiracy. The occurrence took place in broad daylight and several assailants were seen fleeing from the scene. During the trial, the deposition of the eye-witness was recorded. He stated that at the time of the incident he saw the accused moving across the street in hurried paces. His account was later entrusted to the Court as part of formal evidence. At this stage, the Court had to decide whether such testimony was sufficient for conviction. The defence argued that the witnesses were interested and not credible but the Court rejected this claim. It held that even though minor contradictions existed, the testimony of the eye-witness could not be discarded altogether. The Court also remarked that while inheriting minor discrepancies is natural in oral accounts, the overall statement must be assessed for consistency and truth. The prosecution emphasized the motive pointing out financial disputes between the accused and the deceased. The Court agreed that motive strengthens the case though it is not always essential. The Court decided to reiterate that motive when coupled with direct or circumstantial evidence lends strong support to the prosecution. The judgment recorded that the recovery of the weapon and corroboration of ballistic reports provided sufficient grounds for the enhancement of charges. The Court concluded that the prosecution had successfully established guilt beyond reasonable doubt. The accused were therefore held liable for murder and conspiracy and the sentence was pronounced accordingly, ensuring justice in line with constitutional principles. 402

In recent times, Courts have been confronted with the important issue as to whether mere endorsement of a particular view without independent reasoning can constitute a valid precedent. Having regard to the constitutional scheme judicial pronouncements are expected to contain detailed reasoning free from unnecessary excisions. The foregoing discussion must be read thereto and not in isolation for judgments are binding only in this behalf. It was further observed that in several sensitive cases, the role of the Court is not merely advisory. As the case may be, the Court must act firmly when constitutional morality is in question. When an exhibitor of certain documents is cross-examined, the question of obscenity or relevance arises. In respect of such documents the trial Court is bound to apply statutory safeguards. The question of set-off and adjustment of sentences has also been debated. Whether sentences shall run consecutively or concurrently depends upon judicial discretion. In cases of preventive detention, strict scrutiny is required for liberty cannot be curtailed lightly. A Constitution Bench of the Supreme Court has consistently emphasized that liberty is a Fundamental Right and in other words, no authority can restrain a citizen without the authority of law. When two or more sentences are directed to run concurrently, it ensures proportionality but if imposed consecutively the punitive element is stronger. Sometimes, confusion arises due to overlapping statutory provisions. To illustrate, Section 427 of the Criminal Procedure Code provides clarity. However, assuming ambiguity persists Courts resort to constitutional interpretation. The calculation of remission requires that the period already undergone be subtracted from the maximum sentence. Improper usage of remission powers may lead to injustice. The principle of plurality of opinions in judicial decisions denotes that democracy survives through diversity of views. Still, a consecutive majority opinion binds the system while dissent enriches jurisprudence. It cannot be said to be lawful when authorities act without jurisdiction. The intent of the Legislature must guide interpretation. If Courts fail to uphold rights, citizens may lose confidence in the justice system. Thus, Constitutional Courts act as guardians of liberty, balancing power with accountability. Another vital issue concerns the endorsement of executive policies. Judicial review prevents arbitrary governance ensuring transparency. Having regard to the doctrine of checks and balances the judiciary cannot permit excessive delegation. Any excisions from the constitutional

never be disproportionate. Thereto, the principle of fairness requires equal opportunity to the accused. In preventive detention, for example, material facts must be disclosed to the detainee else the order cannot be said to be valid. To illustrate, in a case involving multiple life sentences, the Court clarified that unless directed otherwise the sentences would run concurrently. However, in heinous crimes they may be imposed consecutively. The Court further warned against overlapping interpretations that cause uncertainty. Ultimately, the judiciary's role is both corrective and advisory ensuring justice prevails in this behalf. The Constitution being supreme demands, adherence and Courts must act with prudence, clarity and firmness, protecting both liberty and order. 513

The incident that transpired on the evening of March 15th, 2023 raised several concerns that required immediate legal screening and review. The complainant Mr. Ajay Verma retained legal counsel to file a formal complaint against the accused parties who he alleged had clandestinely entered his property and flouted multiple guidelines issued under the Housing Regulation Act. In his statement, the complainant proclaimed that the acts committed were not only incongruous with societal norms but also a travesty of justice. While the defendants maintained that they were immune from liability citing permissions granted earlier, the documents adduced during the preliminary hearing clearly precluded such a defence. The legal proceedings involved multiple issuances of summons to witnesses and the testimony of a key observer was said to be conclusive in nature. However, the defence counsel attempted to demonstrate that procedural errors had occurred in the issuance of notices and the screening process was flawed. The Court taking into account the arguments on behalf of both parties stated that it was necessary to examine the guidelines laid down under relevant law. The Judge noted that any action taken on behalf of the complainant should follow due process and that the authority must act within its certification powers. Further, the relationship between the husband and wife who were also named as co-defendants, brought in questions regarding whether spousal privilege applied. The Court held that communications inter se between spouses were protected unless solemnized under fraudulent circumstances. An important issue raised during the trial was whether the accused were acting unrestricted or under delegated authority. Upon review, it was revealed that the accused had failed to provide proper documentation thereby weakening their defence. The Judge conceded that while the motive may not have been criminal the miscarriage of legal procedure warranted intervention. The ruling emphasized that no individual or group should be allowed to act outside the purview of law especially in matters involving public interest. The Court also directed the exhibition of key documents in open Court for transparency and caution. The guardian of the minor involved in the matter was advised to ensure compliance with legal safeguards as failure to do so could lead to further action. Finally, the Court demonstrated that swift, fair justice must be the cornerstone of any democratic society. Additionally, the Judge instructed Court staff to prepare transcripts and record official statements, notify the registrar and

In many cases before the Patna High Court the issue of misappropriation of public money has taken center stage. Recently, a petition was filed alleging serious financial irregularities by a seasoned public servant who despite years of service was accused of embezzling large sums of Government funds meant for welfare schemes. The alleged acts amounted to not only delinquency but also moral turpitude raising concerns across administrative levels. The prosecution argued that such exemplary cases should not be taken lightly as they set a precedent for others in service. The repercussions of overlooking financial crimes within the system could be societal and long-lasting. Therefore, deterrence must be inbuilt into the justice system. The Court, having regard to the matrix of facts placed on record sought an explanation from the concerned officer and department heads. The petitioner further contended that the accused's actions went against the very concept of social order and public accountability. When the sight of duty is lost, and public servants prioritize freebies or personal gain over public service, it weakens the trust in Government institutions. The Court emphasized that result-wise such conduct could strengthen the demand for tighter regulations and stricter enforcement mechanisms. In its interim observations, the Hon'ble Bench stated that corruption if not addressed swiftly becomes a string of continuing violations and emboldens others. In the long run, it causes erosion of faith in constitutional governance. The Judge highlighted that offenses like dacoity, kidnapping, treason and white-collar crimes such as misappropriation must be addressed on equal footing in terms of punishment when they violate the sanctity of law. Citing relevant precedents, the learned counsel referred to multiple decisions by Constitutional Courts both within India and abroad where public functionaries were held personally liable. It was futile he argued to defend blatant misuse of funds under procedural technicalities. The Court took this submission seriously and directed the Vigilance Department to submit a preliminary report within ten working days. The Additional Advocate General, appearing on behalf of the State submitted that the administration had already initiated disciplinary proceedings and was committed to cooperating with the ongoing judicial process. The Judge noted that such responses must not only be procedural but crucial in ensuring that justice is done and also seen to be done. The Bench in its concluding remarks clarified that while every accused has a right to a fair trial, the Court must

economic or ethical betrayal. Finally, the Court warned that any further delay in submitting official records and data would be treated seriously. Officials failing to comply would be held accountable and further orders may be extracted against them in due course. The Court further emphasized that public institutions must operate within the constitutional framework. Any deliberate delay, suppression of evidence, or non-compliance with judicial directions would attract strict action including personal liability of officials involved in obstructing the process of justice. 504

The Punjab and Haryana High Court has held that an inadvertent mistake in mentioning marital status or a spouse's name in a passport application does not by itself justify impounding or revoking the passport under Section 10(3)(b) of the Passports Act, 1967. It clarified that such unintentional errors or lapses whether by the applicant or someone filling the form on their behalf do not amount to mischief under the law and cannot attract penalty of impounding of the passport. Briefly put, the petitioner was earlier married to Siddharth Narula and they got divorced in the year, 2011. In the 2015, when the petitioner applied for renewal of the passport through some travel agent, the column of spouse name was mistakenly filled as Siddharth Narula. Accordingly, the petitioner was issued a fresh passport with spouse name Siddharth Narula. Thereafter, the petitioner got remarried to Sh. Neeraj Kumar in the year 2023 and on account of some matrimonial issue, Neeraj Kumar submitted a complaint against the petitioner to the passport authorities stating that she had obtained her passport by mentioning spouse name as Siddharth Narula. On that basis, proceedings were initiated against the petitioner and her passport was revoked under Section 10(3)(b) of the 1967 Act. Petitioner claimed that the name of Siddharth Narula was mentioned in the passport application by mistake as she had applied for renewal of passport through an unknown travel agent. After hearing the submissions, the Court opined that there is no material on record that the petitioner has either misused or gained any undue benefit on account of mentioning name of the previous spouse in the passport application more so, when her previous husband has also submitted a statement clarifying that the mention of his name in the 2015 passport of the petitioner was only a bona fide oversight. Perusing Section 10(3)(b) of the Passport Act, the Court said that the power vested in the passport authority to impound or revoke a passport or a travel document is discretionary in nature as the term employed therein. Further, while exercising the said power the passport authority is obligated to record a brief statement of reasons for making such order as enjoined upon him in terms of Section 10(5) of the Act. Justice Bunker highlighted that bare reading of Section 10(3)(b) and Section 12(1)(b) of the Passport Act reflects that the suppression of material information or giving wrong/false information has to be with a view to obtain the passport. 410

Supreme Court Judge Justice Vikram Nath recently said that the future will test the balance between truthful information, media influence and fairness in a technologically driven justice system. If the past century belonged to the struggle for free speech, perhaps the coming one will belong to the struggle for true speech information that is accurate, ethical and respectful of dignity. If the past century grappled with access to justice the coming one may grapple with fairness in technologically driven justice. And if the past century debated the power of the press, the coming one will debate the power of algorithms. Stressing that justice requires empathy and conscience. Law is not merely about efficiency, it is about justice, equity and conscience. A Judge is not an algorithm, a Judge is a human being guided by constitutional morality, empathy and lived experience. A machine cannot understand the anguish of a victim, the remorse of an accused, or the complexities of social context. Justice is not a product, it is a process and in that process dignity is non-negotiable. The question then arises, what should be the role of AI in the legal system? In my respectful view, the answer lies in treating AI as an aid not as an arbiter. AI can support Judges, lawyers and litigants by enhancing access, reducing delays and assisting in research. But the ultimate act of adjudication must remain a human function guided by conscience and constitutional values. Speaking at a Seminar on Media, AI and Law organized by the Supreme Court Bar Association (SCBA) and the Orissa High Court Bar Association in Cuttack, Justice Nath noted that artificial intelligence has already aided Courts in areas such as e-filing, transcription and translation of judgments but flagged concerns of algorithmic bias, lack of transparency and accountability and privacy violations in AI use. A machine may be efficient, but it is not immune to prejudice. A judgment without reasons is not a judgment at all. Justice Nath noted that the European Union is working on an AI Act, UNESCO has issued ethical guidelines and the United States has resisted predictive sentencing tools and said India must develop its own safeguards rooted in constitutional values. He called for transparency requirements audits to check bias, liability rules for AI generated errors and robust data protection. On the role of media, he emphasized that freedom of the press flows from Article 19(1)(a) but is subject to restrictions under Article 19(2). He stressed that the media is a watchdog but cannot become a Judge. He warned that in the age of 24x7 television and social media,

Courts move deliberately in the pace in which they do, because justice demands reflection, balance and fairness. Media and AI, on the other hand, operate in real time often without pause for accuracy or accountability. We must not forget that criticism must be informed, constructive and respectful of the boundaries of judicial independence. A line is crossed when commentary tends to scandalize or lower the authority of the Courts.

518

It has been brought to our notice that the respondent No.2 declined to accept the notice issued by this Court. The Supreme Court laid down the steps to be considered by the High Court while hearing quashing petitions under Section 482 Cr.P.C. (now Section 528 BNSS). The following steps should ordinarily determine the veracity of a prayer for quashing raised by an accused by invoking the power vested in the High Court under Section 482 of the Cr.P.C. If the answer to all the steps is in the affirmative, judicial conscience of the High Court should persuade it to quash such criminal proceedings, in exercise of power vested in it under Section 482 of the Cr.P.C. Such exercise of power, besides doing justice to the accused would save precious Court time which would otherwise be wasted in holding such a trial (as well as proceedings arising therefrom) specially when, it is clear that the same would not conclude in the conviction of the accused. The Bench comprising Justice JB Pardiwala and Justice Sandeep Mehta heard the case arising out of the Allahabad High Court's decision which refused to quash the summons issued by the Magistrate to the appellant for the offence of rape on false pretext of marriage on a complaint filed by the complainant. Before the Supreme Court, the appellant-accused submitted that he was in a consensual relationship with the complainant and when something went wrong they decided to part ways. He disputed the veracity of the complaint as it was filed only after a period of four years in 2014. Setting aside the High Court's decision, the Court allowed the appeal and quashed the summons issued by the Magistrate in a complaint case. We are of the view that the Additional Chief Judicial Magistrate committed an error in passing the summoning order. The High Court too overlooked the relevant aspects of the matter while rejecting the Section 482 application. It is very apparent on a plain reading of the complaint, more particularly considering the nature of the allegations that the same does not inspire any confidence. There is no good explanation offered, why it took four years for the respondent No.2 to file a complaint. It was in this context that the Court laid down the aforesaid steps to be borne in mind by the High Courts to make the process simpler for them while deciding quashing petitions. 400

The Court was hearing a plea challenging the cancellation of bail in a fraud case under Section 420, 406, 467, 468, 471, 120-B of IPC. Counsel for the petitioner contended that the accused-petitioner was released on bail and being a resident of Mumbai he had earlier moved applications seeking exemption which were allowed. On next hearing, petitioner was present and case was adjourned for filing of a reply to the application under Section 239 Cr.P.C. moved by the petitioner. However, an application for exemption was moved on his behalf which was rejected and the trial Court observed that out of six hearings, the petitioner had remained absent on three dates and he habitually seeks exemption. Consequently, the request for exemption was declined and his bail was cancelled. After hearing the submissions, the High Court noted a Coordinate Bench judgment in Sahib Singh alias Saab Singh versus State of Punjab where it was held that issuance of non-bailable warrants should not be exercised in a mechanical manner and must be adopted sparingly only upon recording cogent reasons reflecting the necessity of such a stringent course. It has been further held that cancellation of bail amounts to unjustifiable restriction on procedural rights of petitioner in the absence of any misconduct or deliberate attempt to evade proceedings and petitioner-accused was directed to appear before the trial Court and to furnish an undertaking to appear on each and every date of hearing and was ordered to be released on bail. Justice Rathor highlighted that in the present case also bail was cancelled on the date when case was fixed for filing of reply to the application under Section 239 Cr.P.C. moved by the petitioner and no substantial proceedings were going to be conducted from which it could be inferred that the petitioner had wilfully absented himself to hamper the trial. Rather, instead of cancelling the bail on account of his non-appearance, the Court ought to have exempted his personal appearance with a direction to appear on the next date when the case was adjourned for arguments on the application under Section 239 Cr.P.C. and the punitive order of cancellation of bail could thus have been avoided. As a result of aforesaid discussion, the impugned order was set aside and it was ordered that petitioner shall be released on bail to the satisfaction of the trial Court on his appearance before the trial Court within 15 days from order. 404

A Division Bench of the Punjab and Haryana High Court comprising Justice Harsimran Singh Sethi and Justice Vikas Suri held that a disability not noted at the time of entry into military service is presumed to be attributable to or aggravated by service and the disability pension must be granted by rounding off the percentage from 20% to 50%. The respondent was enrolled in the Army on 14.12.1984 after being found medically fit. He rendered more than 28 years of service. He was discharged from duty on 31.12.2012. During his service, he developed the disability PIVD L4-5 and L5-S1 which was assessed at 20% by the Medical Board. The Medical Board opined that the disability was neither attributable to nor aggravated by military service. Thereafter the respondent approached the Armed Forces Tribunal. By order dated 02.02.2022, the Tribunal allowed his claim. It granted him disability pension by rounding off the disability element from 20% to 50% for life. Aggrieved by the Tribunal's order, the Union of India filed the writ petition before the Punjab and Haryana High Court challenging the grant of disability pension to the respondent. It was submitted by the petitioners that the Armed Forces Tribunal committed error in granting disability pension to the respondent by rounding off his disability element from 20% to 50%, despite the opinion of the Medical Board that the disability PIVD L4-5 and L5-S1 was neither attributable to nor aggravated by military service. The petitioners further contended that once the Medical Board had given its finding, the respondent was not entitled to any disability pension and the Tribunal failed to appreciate this aspect in its correct perspective. On the other hand, it was submitted by the respondent that at the time of his enrolment in the Army he was medically examined and no disability was recorded in his service documents. He rendered more than 28 years of service during which the disability developed only during the course of duty. Therefore, it is to be presumed as attributable to or aggravated by military service. The respondent further relied upon the judgment of the Supreme Court in *Dharamvir Singh versus Union of India* where it was held that if no disease is noted at the time of entry, any subsequent disability must be connected with service conditions. The case of *Dharamvir Singh versus Union of India* was relied upon by the Court wherein it was held by the Supreme Court that under the Entitlement Rules for Casualty Pensionary Awards, 1982 a member of the armed forces is presumed to be in sound physical and mental health at the time of joining service unless a note of pre-

423(a) clarifies that the nature of posting whether in field or peace area is immaterial. Therefore, in the absence of contrary evidence, the personnel's disability must be deemed to have a connection with military service. 499

A decade ago, if someone mentioned the term net zero, it was most likely in the context of a climate negotiation or buried deep inside a Government report. Today, it has become the language of boardrooms and brand campaigns. Tech giants speak of becoming carbon negative, airlines sell tickets for carbon-neutral flights and fashion companies unveil collections draped in the promise of sustainability. The phrase has moved from policy jargon to advertising slogans almost overnight. To many, this shift looks like the long-awaited moment when business finally decided to take climate responsibility seriously. After all, if corporations that once fueled consumer demand without pause are now pledging to offset their damage, should we not be optimistic? Yet optimism alone cannot answer the more uncomfortable question is this really change or is it simply a rebranding exercise. A closer look reveals that many corporate net zero pledges lean heavily on carbon credits, a mechanism that allows firms to keep emitting while claiming neutrality that reliance complicates the story. Are credits a bridge to a cleaner future or are they little more than a distraction. At its simplest, the idea of net zero works like an accounting exercise. Emit a tonne of carbon dioxide and then balance it out by either cutting a tonne elsewhere or removing it from the atmosphere. The promise is neat, the damage and the remedy cancel each other out. There are two broad ways for corporations to achieve this balance. The first is by reducing emissions directly that could mean switching to renewable energy, redesigning supply chains to cut transport emissions or making factories more efficient. These measures alter how the company functions at its core. The second is through offsets. Here, companies pay for projects outside their walls forest conservation, wind farms, solar projects or carbon capture plants and in exchange, receive credits they can claim against their own emissions. In theory, both paths can work together but in practice, however, offsets often become the easier escape route. For a firm looking at quarterly results and shareholder demands, it is far simpler to purchase credits than to dismantle long-standing operations or invest in disruptive changes and that reliance on the easier option has sparked doubts about how transformative the net zero movement really is. Carbon credits are at their core tradable certificates. One credit equals one tonne of carbon

The idea took shape under the Kyoto Protocol in the late 1990s and was refined in the Paris Agreement. Today, there are two markets where these credits circulate, compliance markets are run under Government regulation where companies must trade within strict caps other is voluntary markets where corporations buy credits beyond what the law requires often to polish their public image or satisfy investor pressure. India has now entered this arena in a structured way in 2023, the Government launched the Carbon Credit Trading Scheme (CCTS), a domestic market meant to encourage both demand and supply of credits. India's potential in renewables, afforestation and carbon capture makes it a strong candidate to supply credits globally not just consume them. This move signals ambition, India aims to use carbon markets to attract climate finance while also advancing its own energy transition. But the effectiveness of this system will depend on credibility whether the credits truly reflect additional reductions and whether they are monitored with rigor but without trust the market risks collapsing under accusations of greenwashing. For all their promise, carbon credits are fraught with controversy. Critics often describe them as a mirage appealing from a distance but hollow upon closer inspection. The most common critique is the charge of greenwashing, a company can loudly declare itself carbon neutral by purchasing credits, while its own operations continue to release significant emissions. An airline, for example, may offer passengers the option of buying a carbon-neutral ticket, but the reality of burning jet fuel at 35,000 feet does not disappear with a financial transaction. There is also the problem of questionable integrity some credits are issued for projects that were already viable without them. A wind farm in Gujarat that would have been built anyway may still generate credits but those credits do not represent genuine additional savings. Similarly, large-scale tree-planting projects often fail to guarantee permanence. If the trees die after a decade what becomes of the offset claim? In such cases, the neutrality is an illusion. The reliance on credits can also act as a delay tactic. Rather than overhaul systems built on coal or fossil fuels, corporations find it easier to write a cheque for offsets. This buys time, satisfies shareholders and creates an appearance of progress but it does little to tackle the structural causes of emissions. Finally, the global imbalance cannot be ignored. Many credits are generated in the Global South India, Kenya, Brazil while the bulk of their consumption happens

unwilling to change their own habits. Yet dismissing carbon credits altogether would be unwise, they can play a useful role when applied responsibly. Consider the financing dimension renewable energy projects in India, whether vast solar farms in Rajasthan or wind projects in Tamil Nadu often require heavy capital. Carbon markets help funnel international finance into these ventures enabling cleaner infrastructure that might otherwise struggle to find funding. Credits also provide breathing room for industries that are central to development yet hard to decarbonize. 518

Observing that habitual delay and outright denial of rightful service benefits to employees, caused by bureaucratic red-tape and administrative indifference is one of the longstanding issues, the Punjab & Haryana High Court issued slew of guidelines for the bureaucrats. In the present case, the Court's conscience was pricked noting that the petitioner moved the Court 9th time seeking regularization of his post despite a favourable order passed by the Court back in 2005. Justice Harpreet Singh Brar said, a widespread problem in public institutions is the habitual administrative negligence, indifference and deliberate delay in implementing Court-mandated relief, particularly in service matters concerning employees. Such conduct undermines public confidence in the justice system and defeats the fundamental purpose of judicial adjudication. The delivery of judgments alone does not guarantee the credibility of the justice system. True justice is realized only when the administration acts promptly and effectively to enforce the decisions of the Courts. The Court issued the following parameters to ensure timely and effective implementation of the decisions of the Courts. Each order must clearly specify the officer responsible for its implementation. In cases of delay, personal accountability should be recorded in the concerned officer's service record. There should be mandatory timelines established for implementing service-related judgments, unless specifically stayed by a higher Court. Failure to comply within this period must automatically trigger accountability mechanisms. Every department should establish a centralized judgment implementation cell tasked with tracking compliance. These cells must submit quarterly reports to department head for his appraisal and necessary action if required.- The implementation status of Court orders should be available on an online portal, providing transparency and allowing employees to monitor the progress of their cases. Further, there should be digitalization of service records to reduce procedural bottlenecks. Internal grievance mechanisms must be developed to allow employees to seek redressal before approaching the Courts for matters already settled in law. This would reduce unnecessary litigation and lessen the burden on judicial bodies. Regular capacity-building initiatives should be conducted to sensitize officers about the constitutional importance of implementing Court orders the rule of law and the serious consequences of administrative indifference. Compliance with judicial directives should form a part of the measurable performance

employees are frequently forced to endure prolonged litigation often having to file multiple cases to obtain the relief they are entitled to. The situation is further aggravated by the routine passing of files from one officer to another without any accountability, resulting in unreasonable delays. Officers rarely comply with the timelines set by rules or Court orders. Instead of addressing the matters on merit, many departments take an adversarial stance by filing unwarranted appeals, sometimes reaching the highest Courts solely to postpone the grant of relief. The Court said that as a result, employees face mental anguish and financial uncertainty during these drawn-out legal proceedings. These observations were made while hearing a petition challenging the order of Haryana Vidyut Prasaran Nigam Ltd. whereby petitioner's claim for regularization of position was rejected. 517

The Water Act prohibits any person from knowingly causing or permitting the entry of (i) any poisonous, noxious or polluting matter directly or indirectly into any stream or well or sewer or on land or (ii) any other matter into any stream which may tend either directly or in combination with similar matters to impede the proper flow of the water of the stream in a manner leading or likely to lead to a substantial aggravation of pollution due to other causes or of its consequences. The act defines pollution as such contamination of water or such alteration of the physical, chemical or biological properties of water or such discharge of any sewage or trade effluent or of any other liquid, gaseous or solid substance into water (whether directly or indirectly) as may, or is likely to create a nuisance or render such water harmful or injurious to public health or safety or to domestic, commercial, industrial, agricultural or other legitimate uses or to the life and health of animals or plants or of aquatic organisms. The Supreme Court of India has already recognized the right to pollution free environment under Article 21. In the landmark case of Subhash Kumar versus State of Bihar the Court said that the right to live is a Fundamental Right under Article 21 of the Constitution and it includes the right of enjoyment of pollution-free water and air for full enjoyment of life. The idol immersed in water bodies are made up of so harmful chemicals that it contributes in destroying the bio-diversity. Containing chemicals such as plaster of Paris and lead it concludes in severe water pollutions. Plaster of Paris regains its gypsum form making water hard and alkaline. Meanwhile, lead used in paint of idols when immersed in water results in change of concentration and temperature of the water making it difficult and hazardous for the aquatic animals. And these chemicals lead to pollution of water bodies, alibiing the fact that submersion of idols pollutes the water, justifying the definition of pollution under Act. But this process is still not considered as pollution due to various reason such as harming the sentiment of religious people. The peril process of immersing idols is still glorified and it is still not illegal to immerse idols prepared from harmful chemical substances. The State legal body must ensure such practice are made to discontinue, in order to prevent it from contributing to water pollution. 408

The Delhi High Court has observed that Serious Fraud Investigation Office (SFIO) investigation against a company citing public interest is an extremely serious statutory action and an order to that effect must reflect due application of mind. An order under Section 212(1)(c) of the Act, 2013 directing investigation by the SFIO is not a routine administrative measure. It is in the nature of an extremely serious statutory action having grave consequences and repercussions for the subject entities and individuals. It is therefore, imperative that such an order must be issued only after due application of mind after examining all relevant circumstances. Section 212(1)(c) of the Companies Act empowers the Central Government to assign an investigation into a company's affairs to the SFIO in public interest. The Court held that exercise of power under Section 212(1)(c) in a casual or perfunctory manner, seriously undermines the statutory provision itself and the safeguards implicit thereunder. Justice Datta quashed an order issued by the Union Ministry of Corporate Affairs under Section 212(1)(c) of the Companies Act 2013, directing SFIO probe into affairs of Moser Baer India Limited and its subsidiaries including joint venture and associate companies. It was submitted that the impugned order was predicated on a fundamentally flawed assumption that the forensic audit reports of two companies revealed preferential, undervalued, extortionate and fraudulent transactions. It was also contended that the formation of opinion for the purpose of Section 212(1)(c) of the Act was vitiated having been arrived at despite non-existence of any relevant circumstances. Allowing the plea, the Court said that the assertion made in the impugned order regarding identification of PUF transactions was factually inaccurate and inconsistent with the audit reports on which the impugned order was founded. The above strikes at the very root of the validity of the impugned order. While it is true that an order issued by the Central Government under Section 212(1)(c) of the Act, 2013 is predicated on the opinion of the Central Government, the same clearly has no legs to stand on, where the formation of opinion is based on non-existent grounds. It concluded that existence of relevant circumstances is sine qua non as for the purpose of formation of opinion under Section 212(1)(c) of the Act, 2013 and existence of the relevant circumstances has to be demonstrable. The use of boilerplate language and/or extrapolations from third party documents without consideration of all the relevant circumstances reflects a disregard for procedural

The Allahabad High Court recently dismissed a writ petition filed by Messrs Jaharveer Maharaj Agro Private Limited while holding that every One Time Settlement (OTS) scheme is time-bound and a borrower has no vested right to seek an extension beyond the period prescribed under the said scheme. A Bench of Justice Shekhar B Saraf and Justice Praveen Kumar Giri observed that in the instant case, the petitioners had failed to comply with the repayment timeline under the SOTS Scheme 2022-23, which clearly mandated that the maximum repayment period for OTS was 180 days. Briefly, the petitioners defaulted on loan accounts obtained from the Punjab National Bank in 2017. When the accounts were declared non-performing assets, the petitioners applied for OTS. On 10 May 2023, PNB sanctioned the same under the SOTS Scheme 2022-23. However, the petitioners failed to make payments as required, and thus, the OTS was cancelled on 25 April 2024. This was done after the bank wrote to the petitioners on several occasions to complete payment of OTS amount. Subsequent to the cancellation orders of May 2024, the Bank proceeded to auction mortgaged properties in December 2024. One such property was sold on 27 January 2025 with a sale certificate issued on 2 February 2025. Before the Court, the petitioners argued that the OTS remained alive and that the Bank was bound to extend the repayment period. It was also argued that no timeframe was fixed for making the repayment of the same as no timeframe had been provided in the letter granting OTS. Rejecting these submissions, the Bench noted that the letter dated May 10, 2023 granting OTS to the petitioners specifically refers to the SOTS Scheme 2022-23 and the said scheme clearly provided that the maximum repayment period would be 180 days. The Court categorically stated that any OTS is time bound and the petitioners cannot raise the argument that no timeframe was fixed for making the repayment of the same just because timeframe has not been provided in the letter granting OTS. On the case law cited by the petitioners, the Court noted that all such cases were distinguishable on the facts. Furthermore, the Bench observed that the petitioners have not been able to provide any plausible reason for the payment not being made within 180 days as prescribed under Clauses 7.3 to 7.5 of the SOTS Scheme 2022- 23. Owing to the same, the Court added the Bank cannot be faulted for proceeding to cancel the OTS provided to the petitioners and selling the securities in accordance with law to third parties. 428

The Delhi High Court has ruled that the presumption of a valid marriage is not diminished simply because there is no direct or positive proof of the ceremony of Saptapadi having taken place between the parties. A Division Bench comprising Justice Anil Kshetarpal and Justice Harish Vaidyanathan Shankar said that if there is even some evidence showing that the parties went through a form of marriage, the presumption becomes stronger. The Court referred to Section 7(2) of the Hindu Marriage Act and noted that the provision provides that where the rites and ceremonies include Saptapadi taking seven steps by the bridegroom and the bride jointly before the sacred fire, the marriage becomes complete and binding with the seventh step. It said that Section 7(1) of the enactment confers discretion on the parties to solemnize marriage as per the customs and ceremonies of either party without mandating any particular ceremony. Thus, performance of Saptapadi is not an indispensable requirement in every case to establish a valid marriage. Sub-Section (2) only clarifies that where Saptapadi is a part of the customary rites performed, the marriage attains completeness and binding force with the seventh step. The Bench was dealing with an appeal preferred by a husband challenging a Family Court order rejecting his suit seeking to declare the marriage with his wife as null and void on the account that Saptapadi was not performed between them. Dismissing the husband's appeal, the Bench said that it was admitted that the parties were residing together although the date of separation was disputed and a child was born to the parties. It noted that when a child is born to such a couple, there arises a strong presumption that the marriage is legitimate. The Court said that the husband himself admitted that he was residing with the wife as a couple and only ceased cohabitation upon learning that Saptapadi had not been performed between them. The Bench said that the burden of proof being on the husband to establish that no Saptapadi was performed an adverse inference cannot be drawn against the wife for not producing the marriage album to demonstrate the ceremonies. Even assuming such an album were produced it cannot conclusively establish whether Saptapadi was performed. In view of the above discussion, we do not find any reason to interfere with the impugned judgment because the conclusion of the Family Court is plausible and possible. The appeal is dismissed. 405

The Delhi High Court has asked the Delhi Government to consider how the citizens here will know about the availability of beds and doctors in emergency situations through Health Management Information System (HMIS) software. A Division Bench of Justice Prathiba M. Singh and Justice Manmeet Pritam Singh Arora was dealing with a suo motu PIL initiated in 2017 in the wake of rising incidents of violence against doctors. The Court said that one of the fundamental reasons as to why the suo motu action was initiated was due to lack of ICU beds and immediate information to the citizens for availing such ICU beds, OPD services and IPD services. The State Government may, therefore, consider as to the manner in which through HMIS software either through a web-based application or through a handheld device-based application, this information shall be made available to the citizens of Delhi who, in case of emergency and otherwise whenever they need medical care can know as to the availability of beds, doctors and expertise so that they can approach the relevant hospital for obtaining the requisite medical care. It added that the step is very critical in the case of ICU patients where patients are made to move from hospital to hospital looking for an ICU bed. The Health Secretary, GNCTD has assured the Court that with the HMIS software implemented, this issue shall be flagged and some solution shall be placed on record in this regard. The reports provided by Dr. S.K. Sarin Committee including the interim report and the final report shall be considered before suggesting any solutions. The Delhi Government's Health Secretary informed the Court that various recommendations made in Dr. S.K. Sarin Committee report have been considered at the time of development of HMIS software. On this, the Court directed the Director of AIIMS to convene a meeting of all the relevant officials and to present a status report before the Court by the next date of hearing. Further, the Bench directed the Health Secretary to file a status report indicating the total number of modules to be implemented in the HMIS software, actual implemented modules and their status in all the hospitals and the remaining modules to be implemented with a specific timeline. It said that the report must specifically answer the question as to whether whenever a patient in Delhi calls the concerned helpline number and the type of medical emergency is noted down, whether the HMIS software will enable such a patient to be taken to the hospital where the bed and necessary expert staff is available. The said report shall be prepared keeping in mind

especially in the case of critical care and emergency, so that patients do not have to run from pillar to post and are able to be transported to the hospital where there is space and expertise for accommodation and proper treatment. 504