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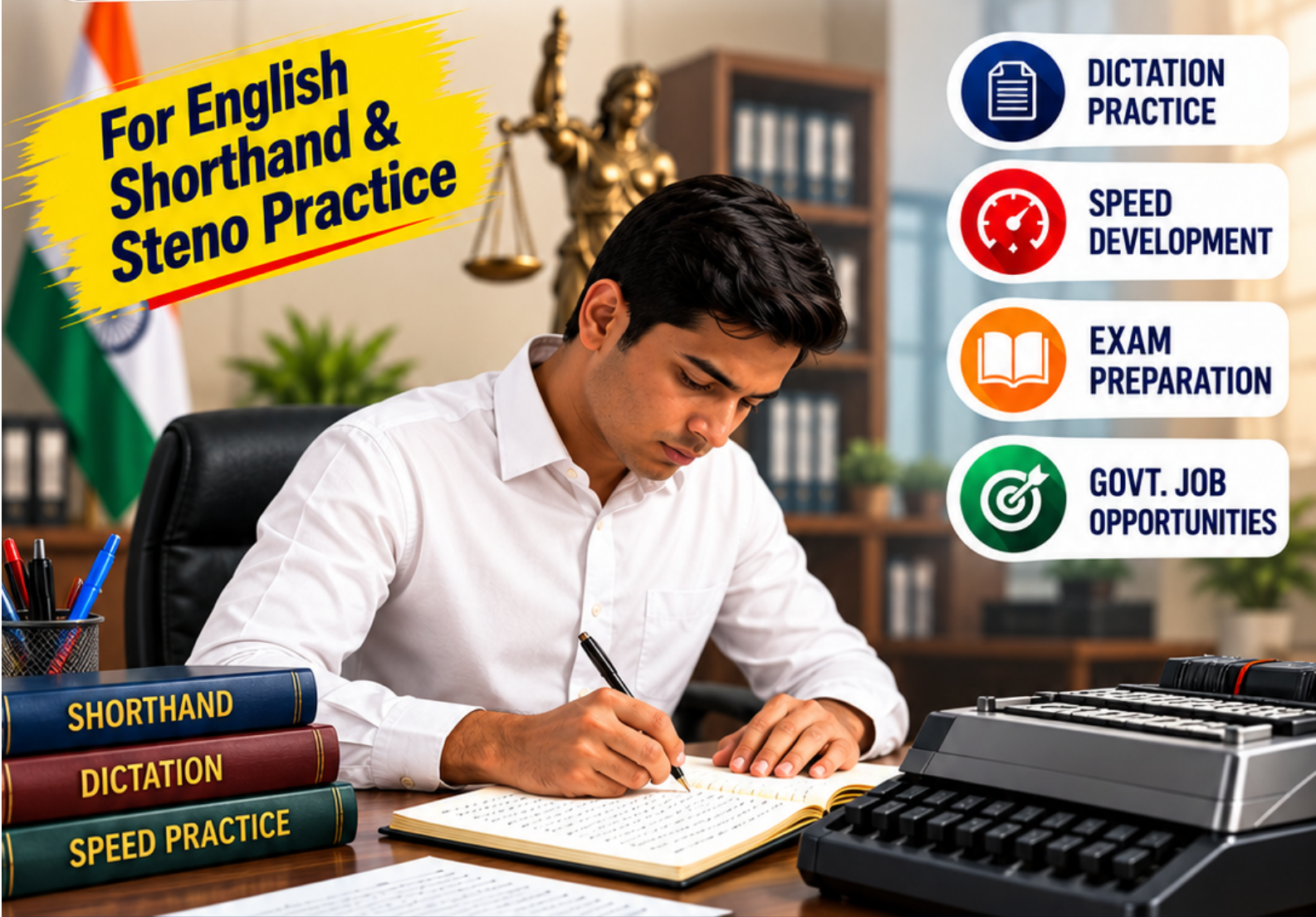
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In a strong rebuke to arbitrary administrative actions, the Punjab and Haryana High Court has imposed a cost of Rs.10,000 on an Inspector General of Prisons for rejecting a parole application without proper application of mind. Justice Deepak Sibal and Justice Subhas Mehla observed that the DM Bhagalpur by forwarding to the IG, report of the CPO had made favourable recommendation for granting parole to the petitioner. However, a perusal of the impugned order passed by the IG reveals that the petitioner's prayer for parole was rejected by the IG by relying on the report of the DM, Bhagalpur. The plea was filed by a rape convict who was convicted under Section 376(3) IPC and Section 4 of the POCSO Act and sentenced to undergo rigorous imprisonment for 20 years. While undergoing the sentence in the year 2023, the petitioner made an application for the grant of parole to the respondent authorities under Section 3 of the Punjab Good Conduct Prisoners (Temporary Release) Act, 1962 (for short the Act). Since the petitioner was the original resident of District Bhagalpur, Bihar the respondent authorities sought comments on the petitioner's application for parole from the District Magistrate (DM) Bhagalpur, Bihar. Through a communication dated 15.04.2025 the DM Bhagalpur forwarded to the Assistant Inspector General of Police Prisons, Chandigarh a copy of the letter dated 07.03.2025 from the Chief Probation Officer, Home Department (Prisons and Rehabilitation Services) as per which the CPO had recommended the grant of parole to the petitioner. In spite of the same through the impugned order dated 25.04.2025, the IG rejected the petitioner's prayer for parole. After hearing the submissions, the Court noted that at the time of his conviction, the petitioner was about 21 years old. He does not have any other criminal antecedents. As on date he has undergone actual custody of 04 years, 03 months and 05 days. It also remains undisputed that while in custody his conduct has been good. Consequently, the impugned order was set aside, since there was no other reason brought on record by the respondents as to why the petitioner should be denied parole in the light of the recommendations made by the CPO and DM, Bhagalpur. The Court directed the release of the petitioner on parole for a period of 28 days from the date of his release. While disposing of the plea. The petition is allowed in the above terms with costs which are quantified at Rs.10,000 to be borne personally by the officer who passed the impugned order. **421**

The child as a plaintiff has a right to know his **parentage** in the context of denial of relationship by defendant No.1 (man claimed to be the father) in one of the rounds of litigation of defendant No.1 with defendant No.2 (mother). Justice to this child/plaintiff is a factor not to be ignored. Rather, his assertion demands that truth be known when truth has to be established, as it undoubtedly can. **Simultaneously**, the man's right to privacy and dignity also has to be taken into consideration. However, the right of privacy, as such, cannot override the right of the child and vest interest in his favour. The Court further highlighted that the child, who asserted the man to be his father is major and while asserting **paternity**, he is thus very well aware of the consequences of the order which may **downsize** his position and that of his mother in the society. Even mother of the plaintiff is of mature age and she is bound to be well aware of the consequences of the action of her son and his claim qua the paternity issue. They having come forward unhesitatingly has to be considered. In a maintenance case filed under Section 125 of the Code of Criminal Procedure by a minor through his mother. The defendant-man had refused to accept the paternity, leading to filing of a suit for declaration that he is the father. The trial Court allowed the application for conducting of the DNA test of the defendant-man and furthermore, a direction was given to the parties to appear at **Forensic Science Laboratory** for drawing samples of blood with police help, if required and further also, it was observed that in case, the police assistance is found absolutely necessary then a direction is issued to the police to offer help with reasonable care in case resistance is made by the defendant. Challenging the decision, the man argued that since the child was born during the subsistence of his mother's marriage, Section 112 of the Indian Evidence Act would be applicable. As per Section 112, the fact that any person was born during the continuance of a valid marriage between his mother and any man or within two hundred and eighty days after its **dissolution**, the mother remaining unmarried shall be conclusive proof that he is the legitimate son of that man, unless it can be shown that the parties to the marriage had no access to each other at any time when he could have been begotten. **418**

Honourable Members of the bench, today we are gathered to discuss an issue of paramount importance which affects not only the **integrity** of the judiciary but also the rights and liberties of the common citizens. The matter before us pertains to the unauthorized **encroachment** upon Government land by certain private individuals who, despite repeated notices have failed to vacate the said premises. The petitioner has submitted that he is a **law-abiding** citizen who has been facing undue hardship due to the illegal occupation of a public road **adjacent** to his residence. According to the documents submitted, the local administration had marked the land as a public **pathway** in the municipal records. However, the respondents have **erected** permanent structures on that land, thereby obstructing the free flow of traffic and causing inconvenience to the general public. In response, the counsel for the respondents contended that they have been residing on the land in question for over twenty years and that they had no prior knowledge of its **classification** as Government property. They further argued that their possession was peaceful and uninterrupted and therefore entitled them to certain rights under the law of adverse possession. However, it must be clearly stated that no individual can claim ownership of Government land merely by long-term occupation unless explicitly permitted by law. Adverse possession, although recognized cannot be applied against State property unless stringent conditions are met. The Hon'ble Supreme Court, in several landmark judgments, has reiterated that the doctrine of adverse possession must be applied cautiously and only when supported by strong and unequivocal evidence. In light of the above and after carefully perusing the material on record, this Court finds merit in the contention of the petitioner. The encroachment in question is illegal and must be removed in accordance with the law. Accordingly, we direct the district administration to take necessary steps for the removal of the unauthorized structures within a period of thirty days from the date of this order. Let a copy of this order be communicated to the **District Magistrate** and the **Superintendent of Police** for strict compliance. This Court is of the considered view that public officials, **entrusted** with the responsibility of implementing welfare schemes, must discharge their duties with utmost sincerity and **accountability**. It is a matter of grave concern that funds **allocated** for rural development projects are, at times, either misappropriated or remain unutilized due to negligence or administrative **apathy**. 403

Justice Sudeepti Sharma in the present case noted that after eight years decree-holder was forced to approach the High Court for directions to the Executing Court to execute the decree which is in favour of the decree-holder that is the petitioners. Since 2015 till 2025 that is almost a decade the Executing Court is not able to perform its duty. This amounts to contempt of judgment passed by the Hon'ble Supreme Court in Rahul Shah's case (supra). Rather not only the judicial officers who are exercising the powers of Executing Court but the officers of the Punjab who are trying to delay are also causing disobedience of the judgment passed by the Hon'ble Supreme Court in Rahul Shah's case (supra) which if continued, would attract the consequences of willful disobedience as contemplated under law. Justice Sharma said that the Executing Court was bound to conclude the execution application within six months of its filing. Yet, nearly a decade has elapsed since the initiation of execution in 2015 and no effective enforcement order has been passed. This prolonged pendency persists despite the binding mandate of Rahul Shah's case delivered in 2021, requiring strict adherence to the six month disposal period. The case pertains to an execution petition filed in 2015 at Punjab, which remains pending to date. The Executing Court had sought at least five extensions between September 2023 and February 2025, citing reasons such as the non-appearance of Government counsel, awaiting police assistance and even seeking a legal opinion from the District Attorney. The High Court found these excuses legally untenable, noting that they reflected a casual approach and even incompetency. Such reasoning does not justify delay, it constitutes a calculated attempt to prolong execution and gain time. Observing that as such latitude is legally impermissible, Section 51 of the CPC confers wide powers upon the Court to enforce execution. Part II of the CPC is devoted to execution, and Order 21 prescribes the procedure for execution of decrees and orders. This delay refers to circumstances attributable to the Executing Court itself such as unavoidable procedural impediments or circumstances beyond its control. The said judgment does not contemplate nor permit delay on account of dilatory tactics or non-cooperation or deliberate obstructions by judgment-debtors. The Court directed to send the copy of the order to all District and Sessions Judges of States of Punjab, Haryana and the Union Territory, Chandigarh who shall ensure strict compliance of directions issued by the Supreme Court in Rahul Shah's case. **415**

Petitioner's husband an employee of UHBVN suffered a non-fatal electric accident in 1983 resulting in disability of 90% his services were terminated the same year for being inefficient without being granted any pension. The petitioner later sought invalid pension for her late husband up to 1998, following which family pension was granted in 2014. However, the benefit was abruptly withdrawn in 2018. Justice Harpreet Singh Brar referring to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act's Sections 47 and 72 said that even a bare perusal of the abovementioned provisions would make it abundantly clear that the law explicitly prohibits the approach adopted by the respondent-department. It is regrettable that the respondent-department has chosen to equate disability sustained by the husband of the petitioner in an accident with inefficiency as this perspective is not only expressly illegal but also terribly apathetic. The Court said that the hypertechnical and insensitive approach taken by the respondent-department is contrary to not only the applicable rules but also the principles of equity. Equity often comes into play when mechanical adherence to the statutory law leads to an unfair and unconscionable outcome. At times, when statutory law is silent on certain aspects or even ambiguous regarding a situation, the gap ought to be filled by relying on principles of equity as it allows the justice dispensation mechanism to ensure that legal rights are not abused to meet unjust ends. Furthermore, the Court said that the respondent-department ought to have the service record of the deceased so as to ascertain if he was working on 06.10.1980, when the accident occurred. Perusing an office order it found that official records are unavailable and untraceable as they were ruined during the flood that occurred in Shahbad in the year 1997. It is curious as to how the respondent-department can place the burden on the petitioner to prove that her husband sustained injuries while on duty. It observed that the absurdity of it is not just rooted in the fact that the document sought from the petitioner is about forty years old but also, notably, that the respondent-department, admittedly, is not in possession of the attendance record, in spite of being the primary and the only official custodian of all departmental records. The Judge opined that the petitioner and her husband cannot be expected to produce the duty record of the husband of the petitioner, especially post his death while there is a reasonable expectation for the respondent-department to possess the same as all service records are in its exclusive custody, the callousness displayed by

the respondent-department is inherently unjustifiable and does not deserve any condonation. **442**

Traffic rules has always been an important subject of discussion in our society. In this dictation passage, we will try to understand the relevance of traffic rules from different perspectives. It plays a vital role not only in the daily life of individuals but also in the progress of a nation. The younger generation must be made aware of its value so that they can participate actively in building a better society. Whenever we talk about traffic rules, we also recall the traditions, practices and modern changes that have influenced it over time. History teaches us that every society which gave proper importance to traffic rules achieved greater success and stability. On the other hand, negligence in this matter often resulted in decline and disorder. In the present age, when rapid transformation is taking place in almost every field, the role of traffic rules has become even more significant. Policies of the Government, decisions of the judiciary and awareness among the citizens must all be directed towards preserving its positive values. The story of development in India is incomplete without recognizing the role of traffic rules. It connects our cultural roots with our modern aspirations. At the same time, we must remain alert to challenges that threaten its essence. Globalization, modernization and changing lifestyle bring opportunities as well as difficulties. It is, therefore, the duty of every responsible person to strike a balance between tradition and progress. In classrooms, in offices, in Courts, and in homes, the principles related to traffic rules should guide our actions. In this way, the passage on traffic rules is not merely an exercise for dictation practice, but also a reminder of the higher ideals that we should strive to achieve. Thus, traffic rules stands as a symbol of continuity, discipline and human aspiration. Traffic rules has always been an important subject of discussion in our society. In this dictation passage, we will try to understand the relevance of traffic rules from different perspectives. It plays a vital role not only in the daily life of individuals but also in the progress of a traffic rules has always been an important subject of discussion in our society. In this dictation passage, we will try to understand the relevance of traffic rules from different perspectives. It plays a vital role not only in the daily life of individuals but also in the progress of a traffic. **400**

In the Court of the Chief Judicial Magistrate at New Delhi, the matter before this Hon'ble Court pertains to an application for bail filed under Section 439 of the Code of Criminal Procedure. The applicant-accused, namely Mr. Rajesh Kumar has been arrested in connection with crime No.148 of 2024, registered under Sections 420, 467 and 468 of the Indian Penal Code alleging commission of cheating and forgery. The learned counsel appearing for the applicant submitted that the accused has been falsely implicated in the present case due to business rivalry and personal enmity. It was contended that the accused has deep roots in society, owns immovable property within the jurisdiction and is not likely to abscond or tamper with evidence. Counsel further submitted that the accused has been in judicial custody for more than 40 days and that further detention would amount to pre-trial punishment, which is impermissible in law. Reliance was placed upon the principle that bail is the rule and jail is the exception, as held by the Hon'ble Supreme Court in various judgments. On the other hand, the learned Public Prosecutor opposed the bail application arguing that the allegations are serious in nature and involve large-scale financial fraud. It was contended that custodial interrogation is still required to unearth the conspiracy and to recover incriminating documents. The prosecution expressed apprehension that, if released on bail the accused may influence key witnesses who are former employees of his company. After hearing both parties and perusing the case diary this Court is of the considered opinion that the investigation is substantially complete and the charge-sheet is likely to be filed within a short time. The Court observes that continued incarceration of the accused may not serve any further purpose. However, to balance the interest of justice, strict conditions must be imposed to ensure fair trial. Accordingly, the bail application is allowed. The applicant is ordered to be released on bail on furnishing a personal bond of Rs.50,000 with two sureties of like amount to the satisfaction of the trial Court. The accused shall not leave the country without prior permission shall appear before the Investigating Officer as and when required and shall not directly or indirectly influence any witness. Any violation of these conditions shall entail cancellation of bail.

In the Court of the Civil Judge (Senior Division) at Lucknow, the present suit has been instituted by the plaintiff, Mr. Ramesh Singh against the defendant, Mr. Anil Verma seeking a decree of permanent injunction and declaration of title with respect to the property situated at plot No.145, Sector B Indira Nagar, Lucknow. The plaintiff has averred in the plaint that he is the lawful and absolute owner of the aforesaid property having acquired the same through a duly executed and registered sale deed dated 15th June, 2010. It is further pleaded that ever since the purchase, the plaintiff has been in peaceful and continuous possession paying all municipal taxes and maintaining the premises without obstruction. However, the defendant, who has no right, title or interest in the property attempted to forcibly dispossess the plaintiff and raised illegal construction on the northern boundary. Consequently, the plaintiff was constrained to approach this Hon'ble Court. The defendant in his written statement denied the ownership of the plaintiff and claimed that he has been in possession of the disputed property for more than 12 years, thereby acquiring ownership by way of adverse possession. The defendant further contended that the sale deed relied upon by the plaintiff is fraudulent, fabricated and not binding in law. On these grounds dismissal of the suit was prayed for. After completion of pleadings the Court framed issues with respect to ownership, possession, validity of the sale deed and the alleged adverse possession. The plaintiff in support of his claim produced documentary evidence including certified copies of the sale deed, mutation records and municipal tax receipts. Oral testimony of two independent witnesses was also recorded confirming that the plaintiff has been in possession since the date of purchase. On careful appreciation of the evidence, this Court is of the view that the plaintiff has successfully established his ownership and possession over the disputed property. The plea of adverse possession raised by the defendant cannot be sustained, since no cogent evidence was produced to prove continuous, hostile and uninterrupted possession for the statutory period. The defendant's claim is therefore rejected. Accordingly, the suit is decreed in favour of the plaintiff. The defendant, his agents, servants and representatives are permanently restrained from interfering with the possession of the plaintiff. The illegal construction raised by the defendant on the northern boundary shall be demolished by the defendant within 60 days

failing which the plaintiff shall be entitled to seek execution of this decree through the process of law. **416**

In the High Court of Judicature at Allahabad, the petitioner Mr. Suresh Chandra has filed the present writ petition under Article 226 of the Constitution of India challenging the order dated 10th January, 2025 whereby he has been compulsorily retired from service by the respondent authority, namely the State of Uttar Pradesh, Department of Revenue. The case of the petitioner as pleaded in the writ petition is that he was appointed as a Clerk in the Revenue Department in the year 1998 and had rendered more than 26 years of unblemished service. It is alleged that the impugned order of compulsory retirement has been passed abruptly without conducting any inquiry and without affording him an opportunity of hearing, thereby violating the principles of natural justice. The petitioner has further contended that his service record contains good entries and there are no adverse remarks which could justify compulsory retirement. The learned counsel for the petitioner submitted that the impugned order is arbitrary, discriminatory and violation of Articles 14 and 21 of the Constitution of India. It was urged that compulsory retirement cannot be imposed as a measure of punishment unless due process is followed. Reliance was placed upon judgments of the Hon'ble Supreme Court which hold that premature retirement cannot be ordered in the absence of cogent material reflecting unsatisfactory service. Per contra, the learned Standing Counsel appearing for the respondents submitted that the impugned order was passed after due consideration of the entire service record of the petitioner. It was argued that the right to retire a Government servant compulsorily in public interest is a condition of service and such power can be exercised by the employer in accordance with statutory rules. It was further contended that writ jurisdiction should not be invoked in matters of subjective satisfaction of the Government. After hearing both parties and perusing the record, this Court finds that the impugned order does not disclose any specific material or reasons for invoking compulsory retirement. The absence of objective criteria renders the decision arbitrary and unsustainable in law. This Court is of the considered opinion that the order suffers from non-application of mind and is liable to be set aside. Accordingly the writ petition is allowed. The impugned order dated 10th January, 2025 is hereby quashed. The respondents are directed to reinstate the petitioner forthwith with all

consequential benefits including continuity of service and back wages.
No order as to costs. **404**

In the High Court of Judicature at Patna, this first appeal has been preferred by the appellant Mr. Vinod Kumar against the judgment and decree dated 5th February, 2024 passed by the learned Civil Judge (Senior Division), Patna in title suit No.112 of 2019. Once upon a time in a small district town, there lived a young lawyer named Arvind. He had recently enrolled in the Bar Council and was eager to prove his ability in the Court of the Sub-Divisional Judicial Magistrate. His very first case was that of a poor farmer named Raghunath, who had been falsely implicated in a criminal matter under Sections 420 and 468 of the Indian Penal Code. The allegation was that he had forged documents to grab a piece of land. Arvind studied the records carefully and filed a detailed petition on behalf of Raghunath. In the course of arguments, he submitted that there was no evidence whatsoever against the accused and that the complaint was motivated by personal rivalry. He pointed out that the prosecution witnesses had given contradictory statements and that the documentary evidence relied upon by the complainant was fabricated. The learned counsel for the opposite party, however, argued that the accused must face trial and that the petition was not maintainable. He further contended that the writ jurisdiction of the High Court cannot be invoked at this stage. The Magistrate patiently heard both sides and reserved the order. During this period, Arvind worked day and night, preparing citations from Supreme Court judgments, highlighting the principles of natural justice, fair trial and presumption of innocence. On the day of pronouncement, the Court delivered its judgment, holding that the evidence was insufficient and that the accused could not be forced to undergo unnecessary trial. The order quashing the proceedings brought immense relief to Raghunath, who folded his hands in gratitude before the Court. The story of Arvind's first victory soon spread in the district. People admired his courage, hard work and devotion to justice. He went on to handle civil suits involving property disputes, appeals in service matters and even writ petitions challenging administrative action. Each time, he remembered his first case and the value of truth, fairness and determination. Thus, from a young advocate with no experience, Arvind became a respected counsel, proving that honesty, preparation and respect for law are the true foundations of success in the noble profession of advocacy. **402**

In the Court of the Special Judge constituted under the Narcotic Drugs and Psychotropic Substances Act, 1985 the present matter arises out of crime No.72 of 2024 registered under Sections 8, 20 and 21 of the NDPS Act. The prosecution case in brief is that on 15th April, 2024 the Narcotic Control Bureau received secret information that a consignment of contraband was being transported from Gaya to Patna in a private vehicle. Acting upon the information, a raiding party was constituted and the said vehicle was intercepted near Bihta. Upon search, 15 kilograms of cannabis and 1500 grams of heroin were recovered from concealed compartments of the car. The accused, namely Ramesh Kumar and Sunil Yadav were arrested on the spot and their statements were recorded under Section 67 of the NDPS Act. The seized narcotics were sealed and sent to the Forensic Science Laboratory which confirmed that the substance was indeed cannabis and heroin both classified as prohibited narcotic drugs. The learned Special Public Prosecutor argued that the recovery, seizure and possession of such a huge quantity of narcotics clearly establishes that the accused were engaged in illicit trafficking. It was contended that Section 37 of the NDPS Act imposes strict conditions for grant of bail and that the accused do not deserve any leniency. On the other hand, learned counsel for the accused submitted that mandatory provisions relating to search, seizure and arrest under Sections 42 and 50 of the NDPS Act were not complied with. It was argued that the accused were innocent labourers and had been falsely implicated by the enforcement officials. The counsel contended that in the absence of strict compliance with procedural safeguards, the trial would stand vitiated. After hearing both sides, this Court observed that offences under the NDPS Act are serious in nature, affecting not only individuals but also society at large. The menace of narcotics and psychotropic substances destroys youth and undermines national interest. Therefore, stringent punishment has been provided by the Legislature. However, the Court also noted that procedural safeguards under the NDPS Act are mandatory and any lapse by the enforcement agency can seriously prejudice the rights of the accused. Accordingly, the matter is fixed for framing of charges and the accused are remanded to judicial custody. The functioning of Courts in India reflects the wide variety of disputes that reach the judicial system. **395**

Two important categories are criminal matters which involve offences against society and violations of penal laws and civil disputes which primarily concern property, contracts or private rights between individuals. Both categories require careful adjudication supported by evidence guided by procedure and resolved through reasoned judgments. In a recent criminal case before the Sessions Court, the accused Rajesh Verma was charged under Sections 302 and 307 of the Indian Penal Code for the alleged murder of one person and attempt to murder another during a dispute at a marketplace. The prosecution relied on eyewitness accounts, medical evidence and recovery of the alleged weapon. The defence, on the other hand, claimed false implication citing previous enmity between the parties. During the trial, witnesses were examined at length. The prosecution produced the doctor who conducted the post-mortem, who testified that the fatal injuries were caused by a sharp-edged weapon. Independent witnesses supported the version of the complainant, although minor contradictions appeared in cross-examination. The defence highlighted these contradictions and argued that the benefit of doubt must go to the accused. The Court carefully analyzed the evidence referring to precedents on appreciation of testimony. It noted that minor discrepancies are natural and do not destroy the core of the prosecution case. However, the Court also emphasized that conviction in a criminal case must rest on proof beyond reasonable doubt. Ultimately, after weighing the circumstances, the Court convicted Rajesh Verma for culpable homicide not amounting to murder under Section 304, sentencing him to 10 years' rigorous imprisonment while acquitting him of the charge under Section 307 for lack of sufficient evidence. The judgment reflected the balance between ensuring punishment for crime and safeguarding rights of the accused. Parallel to such criminal trials, civil suits occupy another large portion of judicial work. In the Civil Court at Patna, a dispute arose regarding ownership of ancestral property situated in the heart of the city. The plaintiff Suresh Prasad claimed that the property belonged to his late father and by succession he and his siblings were the rightful owners. The defendant, however, asserted ownership on the basis of an unregistered sale agreement allegedly executed by the father. The plaintiff sought a decree for partition, permanent injunction and mesne profits. The Court framed issues regarding validity of the alleged sale, entitlement to possession and maintainability of the suit. Both parties produced documents, the plaintiff relied on revenue records, tax receipts and family genealogy while the defendant produced the disputed sale agreement. **412**

During trial, the Court examined the legal requirements under the Transfer of Property Act and Registration Act. It held that an unregistered agreement could not transfer ownership of immovable property. Oral evidence to prove title was also insufficient in the face of statutory requirements. The defendant's claim was further weakened by contradictions in testimony of his witnesses. Consequently, the Court decreed the suit in favor of the plaintiff, ordering partition of shares, granting injunction against interference and directing preparation of a final decree. This judgment illustrated the Civil Court's role in maintaining peace and order in society by settling disputes over property, thereby preventing escalation into violence. Appeals were filed in both matters. In the criminal case, the convict appealed before the High Court, challenging the findings of the Sessions Judge and pleading for acquittal. The defence counsel argued that the trial Court erred in convicting without proper appreciation of contradictions. The State, however, opposed the appeal, asserting that the conviction was justified. The High Court, while upholding the conviction reduced the sentence considering the mitigating circumstances. In the civil matter, the defendant preferred a first appeal before the District Judge, challenging the decree of partition. The Appellate Court examined the evidence afresh but concurred with the trial Court that the unregistered agreement had no evidentiary value. The decree in favor of the plaintiff was confirmed although directions were issued for expeditious preparation of the final decree to avoid further delay. These two cases demonstrate how Courts handle entirely different categories of disputes, one involving crime and punishment the other concerning ownership and possession. In criminal trials, liberty of an individual is at stake and therefore proof beyond reasonable doubt is essential. In civil suits, the primary aim is to resolve disputes over rights and obligations, usually decided on balance of probabilities. Both systems rely on principles of natural justice, fair hearing and reasoned orders. At times, both kinds of matters intersect. For instance, a property dispute may lead to violence, resulting in parallel criminal proceedings for assault or trespass. Courts must then ensure that the findings in one jurisdiction do not prejudice fair trial in the other. Similarly, a criminal conviction may affect civil rights such as disqualification from public office. Thus, the boundaries of civil and criminal law though distinct often touch each other in practical reality. Ultimately, whether it is a criminal trial determining guilt and sentence or a civil suit deciding ownership and

injunction, the duty of the Court remains the same to do justice according to law. **422**

By the impugned judgment, the trial Court dismissed the suit of the plaintiff-appellant seeking specific performance of an agreement to sell executed on 15th March, 2018 by the defendant-respondent Mr. Raghunath Prasad in respect of the property situated at plot No.56 Patna. In recent years, the debate on judicial accountability has gained significant momentum across the country. The High Courts and the Supreme Court, while exercising their extraordinary jurisdiction under Articles 226 and 32 of the Constitution have often intervened in matters concerning Fundamental Rights, administrative fairness and public interest. However, questions are frequently raised as to whether judicial power should be subjected to greater checks and balances. An important aspect of this debate is the balance between judicial independence and judicial accountability. Independence of the judiciary is essential to protect citizens against arbitrary executive action. Yet, independence does not mean absence of responsibility. Every Judge, while pronouncing an order, decree or judgment is bound by constitutional limitations, principles of natural justice and the doctrine of precedent. The maxim *ubi jus ibi remedium* reminds us that rights without remedies are meaningless but remedies must be applied within the framework of law. The issue becomes sharper when Courts exercise their contempt jurisdiction. While contempt powers are necessary to uphold the dignity of the Court, they must be exercised sparingly and cautiously. Excessive use of contempt proceedings may create a perception of intolerance towards criticism, thereby weakening public confidence in the institution. Judicial pronouncements have repeatedly emphasized that criticism of a judgment is not contempt unless it obstructs the administration of justice. Another area of concern is the delay in disposal of cases. Pending appeals, writ petitions and civil suits burden the system and sometimes render justice illusory. The rule of law demands that justice must not only be done but must also be seen to be done within a reasonable time. The right to speedy trial has been recognized as a part of Article 21 and Courts themselves must ensure that this right is not denied by procedural delays. The solution lies not in curtailing judicial power but in strengthening institutional mechanisms for accountability. Transparent procedures in appointments, publication of judgments, adherence to ethical standards and timely disposal of cases are vital. Citizens approach Courts with faith and expectation, therefore, judiciary must continuously reinforce that faith through fairness, consistency and integrity. Ultimately, judicial

accountability is not a limitation on independence but an essential condition for preserving it. **407**

The criminal justice system in India functions as the cornerstone of public order and safety. Every trial under the Code of Criminal Procedure is guided by established procedure. Evidence and fairness. Recently, a sensational case of culpable homicide not amounting to murder drew attention in the High Court. The accused charged under Sections 304 and 323 of the Indian Penal Code contended that the incident occurred in sudden heat of passion without premeditation. The prosecution relied on medical evidence, eyewitness accounts and recovery of the alleged weapon. The Sessions Judge after recording statements held that the prosecution had proved the case beyond reasonable doubt. The accused was sentenced to rigorous imprisonment. On appeal, however, the High Court re-examined the evidence and noted material contradictions. The testimony of independent witnesses did not corroborate fully with the medical report. Applying the settled principle that conviction must rest on evidence free from reasonable doubt, the High Court modified the conviction and reduced the sentence. This case illustrates the balance Courts must maintain. On one hand, society demands punishment for offences on the other hand, individual liberty cannot be curtailed except through fair trial. The editorial view emphasizes that police investigation must be scientific, prosecution diligent and judiciary impartial. Only then can justice be achieved. The dictum remains that it is better that ten guilty persons escape than that one innocent suffer. Civil litigation particularly relating to property disputes, occupies a significant portion of Court dockets. In a recent suit for partition and permanent injunction, the plaintiff claimed that ancestral property had been legally/illegally occupied by his cousin who relied upon an unregistered sale agreement. The trial Court examined whether the agreement fulfilled mandatory requirements of the Transfer of Property Act and Registration Act. After detailed appreciation, the Court held that title to immovable property cannot be transferred without registered instrument. The decree was passed in favor of the plaintiff, directing partition and granting injunction against interference. The Appellate Court, while dismissing the appeal observed that revenue records and family genealogy supported the plaintiff. This matter reflects the principle that Civil Courts not only settle rights but also maintain harmony by avoiding escalation of disputes into violence. Editorially, it is important that civil cases are disposed of expeditiously for delayed justice in property matters breed endless enmity and further litigation. The writ jurisdiction of High Courts under Article

226 and the Supreme Court under Article 32 is a shining example of constitutional safeguards. **410**

Recently, a Writ of Habeas Corpus was filed alleging illegal detention of a labourer by private contractors. The High Court ordered immediate production of the person and upon finding detention illegal directed release with compensation. Similarly, in a PIL concerning pollution of a major river, the Court issued continuing mandamus to ensure treatment of industrial effluents. Such matters underline the importance of judicial activism. Editorially, one must appreciate that PIL has widened access to justice for marginalized groups. Issues like bonded labour, child rights, women's safety and environmental protection often reach Courts through PILs. However, misuse of PIL for political motives has been deprecated. The balance lies in encouraging genuine public causes while deterring frivolous petitions. Ultimately, writ jurisdiction remains the most effective remedy to secure Fundamental Rights and maintain rule of law. Cases under the Narcotic Drugs and Psychotropic Substances Act require strict compliance with procedural safeguards. In a recent seizure case, the accused was arrested with alleged possession of 2 kilograms of contraband. The defence argued that mandatory provisions regarding sampling, sealing and independent witnesses were not followed. The trial Court convicted but on appeal, the High Court scrutinized compliance with Sections 42, 50 and 57 of the Act. It held that failure to inform the accused of his right to be searched before a Magistrate vitiated the trial. Accordingly, the conviction was set aside and the accused was acquitted. Editorially, this case shows the tension between the need to curb drug trafficking and the duty to uphold fair procedure. The NDPS Act is stringent, but Courts have consistently ruled that greater the severity of punishment, stricter that compliance with procedure. This ensures that enforcement agencies act responsible/responsibly and liberties are not sacrificed at the altar of expediency. Service jurisprudence often reaches Courts in the form of writ petitions alleging wrongful dismissal, denial of promotion or arbitrary transfer. In one case, an employee was dismissed without departmental inquiry. The High Court quashed the order, holding it violative of principles of natural justice. The Court directed reinstatement with back wages. Non-compliance by the authority led to contempt proceedings. The Court reiterated that orders of the judiciary must be obeyed in letter and spirit. Editorially, such cases remind us that Government employees, though subject to discipline are also entitled to constitutional safeguards. Natural justice is not a mere formality but an essential part of fairness in administration. **397**

At the same time, the dignity of Courts is maintained through contempt jurisdiction which enforces obedience of judgments. Rule of law would collapse if Court orders remain on paper. Therefore, timely compliance is essential to sustain public faith in justice.

The Constitution of India guarantees Fundamental Rights to every citizen and for their enforcement the higher judiciary is empowered to use/issue writs. Article 32 of the Constitution gives the Supreme Court original jurisdiction to enforce Fundamental Rights, while Article 226 confers similar powers upon High Courts not only for Fundamental Rights but also for other legal rights. This writ jurisdiction has developed as a powerful weapon to protect liberty, prevent arbitrariness and secure justice. Among the writs, *habeas corpus* occupies a special place. It literally means to have the body. Whenever a person is unlawfully detained, the Court may direct the authority to produce such person and justify the detention. If no valid grounds exist, the Court orders immediate release. Habeas corpus has been described as the great writ of liberty. During emergencies and preventive detention cases, the judiciary has repeatedly emphasized that liberty cannot be curtailed except in accordance with law. Another important writ is *mandamus* meaning we command. It is issued to compel a public authority to perform a statutory duty. For instance, if a municipal corporation fails to provide licences despite fulfilling all requirements, the aggrieved party may approach the High Court for a Writ of Mandamus. This writ ensures accountability of administrative bodies. The Writ of *Certiorari* is corrective in nature. It is issued to quash an order passed without jurisdiction or in violation of principles of natural justice. For example, if a disciplinary authority punishes an employee without giving opportunity of hearing, the High Court may quash such order by issuing certiorari. Similarly, the Writ of *Prohibition* restrains inferior Courts or Tribunals from exceeding jurisdiction. Together, these writs preserve the rule of law and prevent abuse of power. In addition to writ petitions filed by individuals for personal grievances, the higher judiciary also entertains Public Interest Litigations commonly known as PILs. The concept of PIL, developed by the Supreme Court in the late seventies and early eighties expanded access to justice. Earlier, only an aggrieved person with locus standi could approach the Court. However, in PILs

for enforcement of rights of disadvantaged sections or for protection of collective interests. **403**

The scope of PIL has grown tremendously. Environmental protection is one significant area. For example, in a case concerning pollution of the Ganga river, the Supreme Court issued comprehensive directions for treatment of industrial effluents, regulation of tanneries and creation of monitoring bodies. Similarly, in matters relating to vehicular pollution in metropolitan cities, the Court directed conversion of public transport to cleaner fuels. These orders illustrate how PILs function as tools of social engineering. Another area is the right to education and health. Through various PILs, the judiciary has directed Government to provide mid-day meals in schools, improve infrastructure, ensure appointment of teachers and make health facilities accessible. In a case concerning child labour, the Court directed strict enforcement of prohibitions and provided for rehabilitation schemes. In another matter concerning bonded labour, the Court recognized that economic compulsion amounts to forced labour under Article 32. The judiciary has also intervened in cases of custodial violence, prison reforms and protection of undertrial prisoners. By entertaining letters, postcards and even newspaper reports, the Court converted them into writ petitions, thereby expanding the scope of justice delivery. This flexible approach has been hailed as judicial activism and has brought relief to countless voiceless citizens. However, the Courts have simultaneously cautioned against misuse of PIL jurisdiction. Frivolous petitions motivated by personal or political interests burden the Courts and divert attention from genuine causes. Therefore, the Supreme Court has laid down guidelines that only matters involving public interest, Fundamental Rights of disadvantaged sections or constitutional importance shall be entertained as PILs. Costs may be imposed on petitioners who misuse this jurisdiction. The interplay between writ jurisdiction and PIL can be seen in several landmark cases. In one instance, a writ petition under Article 226 was filed seeking mandamus to implement welfare schemes for widows and orphans. The High Court treated it as PIL and directed the State to file compliance reports every quarter. In another matter, habeas corpus petitions were filed for missing children, the Court monitored investigations and ensured recovery and rehabilitation. Thus, writs and PILs together serve as instruments for social justice. At the same time, writ jurisdiction maintains balance by ensuring fairness in governance. For example, if a Government employee is dismissed arbitrarily he can approach the High Court under Article 226 for certiorari to quash the dismissal. If a student is wrongly denied

admission despite merit, a Writ of Mandamus may compel the university to admit him. **406**

The modern era of commerce has led to a significant rise in disputes arising out of business contracts. Arbitration has been encouraged by the Arbitration and Conciliation Act, 1996 to provide speedy resolution outside regular Courts. Recently, a dispute arose between two multinational companies regarding supply of machinery. The arbitration clause in the agreement required reference to a sole Arbitrator appointed by mutual consent. However, one party delayed and obstructed appointment. Consequently, the aggrieved party approached the High Court under Section 11 of the Arbitration Act, seeking appointment of an Arbitrator. The Court appointed a retired Judge as sole Arbitrator, observing that arbitration is based on party autonomous/autonomy but cannot be frustrated by delay. During proceedings, issues of limitation, breach of contract and liquidated damages were considered. The Arbitrator passed an award granting compensation with interest. On challenge under Section 34, the losing party alleged violation of natural justice. The Court, however, held that arbitral awards are not to be interfered with unless they are patently illegal or contrary to fundamental policy of Indian law. Editorially, this case demonstrates that arbitration is vital for commercial certainty, but must be conducted fairly and efficiently. Courts must strike a balance between minimum interference and ensuring justice. The Insolvency and Bankruptcy Code, 2016 has transformed corporate law in India. In one recent case, a financial creditor filed application under Section 7 of the Code against a defaulting company for non-payment of loans exceeding fifty crore rupees. The National Company Law Tribunal admitted the petition declared moratorium and appointed an Interim Resolution Professional. The directors challenged admission on the ground that minor disputes existed. However, the Appellate Tribunal upheld the order reiterating that once default is proved admission is mandatory. The resolution process invited prospective bidders but no viable plan emerged. Consequently, the company was ordered to undergo liquidation. Thousands of workers faced unemployment, though statutory duties were directed to be paid from liquidation proceeds. Editorially, insolvency law ensures timely resolution of stressed assets but its human cost cannot be ignored. Balancing interests of creditors, employees and economy remains a challenge. Courts play a critical role in interpreting the Code to ensure fairness and transparency. Election petitions are special proceedings governed by the Representation of the People Act, 1951. Recently a candidate challenged the election of a rival from a legislative constituency alleging corrupt practices booth capturing and

bribery. The petition sought declaration of the election as void under Section 100 of the Act. **410**

Family Courts frequently handle sensitive issues of marriage, divorce, custody and maintenance. In one case, a wife filed petition under Section 13 of the Hindu Marriage Act seeking divorce on grounds of cruelty and desertion. She alleged physical assault, abusive behavior and neglect by the husband. The husband denied allegations and sought restitution of conjugal rights under Section 9. The Family Court recorded statements of both sides, considered medical records and evaluated testimony of neighbours. It found evidence of consistent cruelty and granted divorce. The Court also ordered monthly maintenance for the wife and custody of minor daughter. On appeal, the High Court upheld the judgment, observing that cruelty may be physical or mental and no person can be compelled to endure degrading treatment. The Constitution of India is a living document and Parliament has power to amend it under Article 368. However, judicial review ensures that the basic structure remains intact. Recently, a constitutional amendment introducing changes in reservation policy was challenged. Petitioners argued that it violated the principle of equality and **disturbed** the basic structure. The Attorney General defended the amendment as legislative wisdom. The Supreme Court while upholding the amendment, reiterated that Parliament may amend but cannot destroy fundamental features such as democracy, secularism or judicial independence. The Court relied on the Kesavananda Bharati precedent and clarified that reservations, if reasonable, form part of social justice. However, it cautioned against excessive reservation which may dilute merit. Environmental protection has emerged as one of the most vital concerns of modern jurisprudence. In a landmark case, the Supreme Court dealt with rampant illegal mining in forest areas, causing deforestation and ecological imbalance. A **Public Interest Litigation** was filed alleging violation of Articles 21 and 48A of the Constitution. The Court appointed an Expert Committee to assess environmental damage and recommend restoration measures. The committee reported large-scale destruction of flora and fauna, depletion of groundwater and displacement of local communities. The Court invoked the precautionary principle and polluter-pays principle, directing closure of illegal mines, recovery of damages and afforestation. It also mandated creation of a special fund for ecological restoration. The digital revolution has created new challenges in the field of law. Cybercrime, data theft and online fraud are **increasing** rapidly. Recently, a High Court dealt with a case of phishing attack where a company lost large sums due to fraudulent online transactions. The

accused was traced using digital footprints, IP addresses and forensic examination of electronic devices. **408**

In the present case before this Hon'ble Court, the plaintiff has instituted a civil suit seeking declaration, permanent injunction and consequential relief against the defendant. The brief facts of the case as set out in the plaint are that the plaintiff is the lawful owner and in peaceful possession of the schedule property situated within the territorial limits of this Court. It is submitted that the plaintiff acquired the said property by way of a registered sale deed executed nearly 20 years ago and ever since that date, he has been in open, continuous and uninterrupted possession thereof. The plaintiff has further contended that the defendant who has no manner of right, title or interest in the property has been attempting to interfere with his possession. On several occasions the defendant unlawfully tried to enter upon the suit property and attempted to raise unauthorized construction. The plaintiff, therefore, lodged a complaint before the local police authorities. However, no effective action was taken compelling the plaintiff to approach this Hon'ble Court for appropriate relief. The defendant entered appearance and filed his written statement. In his defence, the defendant has denied the title of the plaintiff and claimed that the land is ancestral property belonging to his family. It is further pleaded that no valid sale deed was ever executed in favour of the plaintiff and the alleged document relied upon by the plaintiff is fabricated and void ab initio. The plaintiff filed his replication, specifically denying the averments contained in the written statement. He has relied upon certified copies of revenue records, municipal tax receipt and electricity bills all of which demonstrate his lawful possession and enjoyment of the property. The plaintiff submits that the defendant's claim is a mere afterthought, concocted only to harass and dispossess him unlawfully. During trial, the plaintiff examined himself as PW1 and produced documentary evidence including the original registered sale deed and revenue records. The defendant examined himself as DW1 and relied upon oral evidence to support his claim. After hearing arguments, it is the duty of this Court to carefully appreciate the evidence on record and arrive at a just conclusion in accordance with law. This Hon'ble Court after carefully perusing the pleadings, oral and documentary evidence and upon hearing the submissions advanced on behalf of both the parties shall now proceed to record its findings on the issues framed and deliver judgment in accordance with law. **403**

In the instant matter before this Hon'ble Court, the plaintiff has instituted the present suit seeking a decree of possession, recovery of mesne profits and permanent injunction against the defendant. The case of the plaintiff as pleaded in the plaint is that he is the absolute owner of the suit property which is a residential house situated within the municipal limits of this city. It is submitted that the plaintiff purchased the said property under a registered sale deed executed in his favour about 15 years ago and ever since that date, he has been the rightful owner thereof. The plaintiff has further averred that due to his cordial relationship with the defendant he had permitted the defendant to occupy one portion of the suit property as a licensee, on the clear understanding that the defendant would vacate the same whenever required. However, despite repeated oral requests and even a legal notice, the defendant has failed to vacate the premises and is now wrongfully asserting rights over the property. It is contended that the licence has already been terminated and the defendant has no legal right to continue in possession. The defendant, on the other hand, has entered appearance and filed his written statement. In his defence, he has denied the title of the plaintiff and claimed that the property in question originally belonged to his late father. According to the defendant, the plaintiff has obtained the sale deed in collusion with certain revenue officials, and therefore, the same is not binding upon him. The defendant has also contended that he is in adverse possession of the property for more than 12 years, and therefore, he has become the owner thereof by operation of law. The plaintiff has filed a replication, denying each and every allegation of the defendant and reiterating that the property was legally purchased for valuable consideration. He has produced documentary evidence such as the original registered sale deed, house tax receipts, electricity bills and municipal records to prove his ownership and continuous possession. The plaintiff has further asserted that the plea of adverse possession is wholly untenable, as the defendant was only a permissive occupant and cannot claim hostile possession against the true owner. During trial, the plaintiff examined himself and produced documentary evidence in support of his claim, whereas the defendant adduced only oral testimony without producing any documentary proof of his ownership. After hearing both parties, it is for this Hon'ble Court to carefully appreciate the evidence on record and decide the matter strictly in accordance with law. **424**

In the present case, the prosecution has instituted criminal proceedings against the accused for offences punishable under Sections 420, 468 and 471 of the Indian Penal Code. The case of the prosecution, as set out in the charge-sheet is that the accused with dishonest intention induced the complainant to invest a large sum of money in a fictitious business venture by making false promises of high returns. It is alleged that the accused prepared forged documents including partnership deeds and receipts to create a false impression of legality and to gain the trust of the complainant. The complainant believing the representations of the accused paid a sum of Rs.10 lakhs in instalments. However, after receiving the said amount, the accused neither returned the money nor commenced any business activity. The complainant on realizing the fraud, lodged a written complaint before the local police station upon which an FIR was duly registered. After completion of investigation, the police filed a charge-sheet before this Hon'ble Court. The accused was summoned and has pleaded not guilty to the charges. In his statement, the accused has contended that he has been falsely implicated in this case due to personal enmity and that no forged documents were ever created by him. It is his defence that the transaction between the parties was purely civil in nature, arising out of certain financial dealings and that the complainant has converted a civil dispute into a criminal prosecution with an intention to harass him. The prosecution, in order to prove its case examined the complainant as PW1, who categorically supported the allegations in the FIR. The prosecution also examined bank officials, handwriting experts and independent witnesses to establish that the signatures on the partnership deed and receipts were forged. Several documents including the forged receipts, bank statements and expert reports were exhibited during the course of trial. The defence, on the other hand, cross-examined the witnesses and attempted to show that there was no fraudulent intention on the part of the accused at the inception of the transaction. It was argued that at best the matter is one of breach of contract, which gives rise to a civil liability but does not constitute a criminal offence. The accused examined himself as DW1 and produced certain private correspondence to demonstrate that he had genuine intentions to start the business but could not do so due to financial constraints. **399**

In the present writ petition filed under Article 226 of the Constitution of India, the petitioner has approached this Hon'ble Court seeking issuance of a Writ of Certiorari for quashing the order of dismissal passed against him and further seeking a Writ of Mandamus directing the respondents to reinstate him in service with all consequential benefits. The case of the petitioner as pleaded in the writ petition is that he was appointed as a Clerk in the office of the District Education Officer in the year 2005 after being duly selected through a regular recruitment process. The petitioner rendered unblemished service for nearly 12 years and had earned appreciation from his superiors. However, in the year 2017, he was served with a charge-sheet alleging misconduct on the ground that he had remained absent from duty for a period of three months without prior permission. It is the grievance of the petitioner that the departmental inquiry conducted against him was wholly arbitrary, in violation of the principles of natural justice and that the findings recorded by the Inquiry Officer are perverse. The petitioner has submitted that despite his repeated requests, he was not supplied with relevant documents nor was he given an opportunity to examine his defence witnesses. He contends that his absence from duty was due to medical reasons, which were duly supported by medical certificates, but the same were ignored by the disciplinary authority. Ultimately, an order of dismissal from service was passed against him, which has been upheld by the Appellate Authority. The respondents, in their written statement have opposed the petition. It is their case that the petitioner remained absent without sanctioned leave and that such conduct amounts to gross indiscipline. It is contended that a proper departmental inquiry was conducted strictly in accordance with the statutory rules and that ample opportunity was given to the petitioner to defend himself. The respondents have further submitted that the misconduct proved against the petitioner is of a serious nature and, therefore, the penalty of dismissal is justified. The petitioner has filed a rejoinder, reiterating that the action taken against him is highly disproportionate to the alleged misconduct and is liable to be set aside. He has placed reliance upon several judgments of the Hon'ble Supreme Court and High Courts to argue that punishment must always be proportionate to the gravity of misconduct and in the present case, dismissal from service for absence due to medical reasons is shockingly excessive. **410**

In the present Public Interest Litigation filed under Article 226 of the Constitution of India, the petitioner who is a social activist has approached this Hon'ble Court seeking directions to the State Government and municipal authorities to take immediate steps for prevention and control of environmental pollution being caused by unregulated industrial units operating within the city limits. The case of the petitioner as pleaded in the writ petition is that several small and medium scale industries have been functioning without obtaining requisite clearances from the Pollution Control Board and other statutory authorities. These units discharge untreated chemical effluents directly into the nearby river thereby contaminating the water and causing serious health hazards to the local population. It is also alleged that thick smoke emitted from these factories has increased the level of air pollution resulting in respiratory problems, especially among children and elderly persons residing in the vicinity. The petitioner has further submitted that despite repeated complaints and representations made to the concerned authorities no effective remedial action has been taken. On the contrary, the officials have turned a blind eye to the violations thereby permitting the polluting industries to continue their unlawful operations with impunity. The petitioner, therefore, prays that this Hon'ble Court may issue appropriate writs and directions to ensure strict enforcement of environmental laws and to safeguard the Fundamental Right to Life guaranteed under Article 21 of the Constitution. In response, the State Government has filed a counter-affidavit contending that regular inspections are being carried out and that necessary steps have been initiated to check pollution. It is further submitted that notices have already been issued to defaulting units and that action under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 is being taken. The State has also pleaded that closure of such industries will adversely affect the livelihood of hundreds of workers and may cause economic hardship. The petitioner in his rejoinder has denied the stand of the State and pointed out that the assurances given in the counter-affidavit are merely on paper and not implemented in reality. It is contended that the right to clean environment is part of the Fundamental Right to Life and that the authorities cannot shirk their constitutional obligation under Article 48A and Article 51A(g) of the Constitution of India. The matter is now reserved for orders and this Hon'ble Court shall pronounce judgment keeping in view the larger public interest and constitutional mandate. **415**

It is a **maxim** of law that justice must not only be done but must also be seen to be done and in the present case the witness who deposed before the Court has disregarded the true spirit of the rule of law. The accused claimed that the so-called police encounter in **Dehradun** was a **blooded** incident staged merely to cover up the use of an **unlicensed revolver** and it was further alleged that **disguise** was used for **camouflage**, **blackening** the faces of facts and eliminating the chances of a fair trial. The complainant submitted that he had performed the last rites of his brother even before the investigation could properly exert its independent strength and the prosecution alleged that there was a planned **dacoity** and robbery under a conspiracy **hatched** by the accused and his companions but the **police patrol** claimed that an altercation took place, the weapon was snatched and at that stage a passerby was injured by a licensed arm. The defence argued that the **impartiality** of the case was doubtful since the matter was later transferred to another jurisdiction which has been strongly **controverted**, further contending that weapons were wielded **recklessly** and the police report was only illustrating a fictitious narrative. The defence raised the issue of occupational hazard of policing, but the complainant insisted that the Development Officer of insurance being the sister-in-law of the deceased had influenced the nomination of policies and if it transpires that undue influence was used then compensation as ordered by the District Forum was wrongly deprived **to** the heirs. The counsel referred to financial terms such as per annum, per capita, per month, per hour, per year and even **per mensem** while producing a subsequent letter showing that as a result of the incident the family business stopped **booming** requiring adequate recompense and the appellant argued that one cannot impede justice by technicalities admitting that he had erred but still the punishment was not proportionate, while the child born was begotten out of wedlock raising questions of paternity and inheritance. The respondents argued that concurrently claims of parentage and rights emanating from property cannot stand unless **intrinsically** connected with lawful succession, pressing the principle of **res judicata** that the matter had been settled before, yet the Court observed that the claim for damages was approximately fair though the child's status must be held legitimate and further the matter of insurance liability was heard simultaneously with a similar case and though similarly situated it was clarified by the Bench that every claim must be judged on its own. **428**

During **mediation** it was disclosed that the claimant had not filed **income-tax returns** though the opposite side had been exploring the records and had even encountered **discrepancies**, whereupon the Bench stated that **we are of the considered opinion** that although **we have heard** all parties certain allegations remain unfounded and since the case is **sensitive** and the families are **nervous** about the outcome an intensive inquiry is required to avoid another **scuffle** and **as a consequence** the parties were directed to refrain from public comments to prevent unnecessary **repercussions**. The witness must again depose and evidence of the **predecessor-in-interest** must also be examined and while some arguments were lengthy and **engrossing** the principle of justice had to be upheld for unless supported by credible evidence suspicion alone cannot sustain a conviction. Hence, the hearing was adjourned until further notice. One counsel cited **obiter dicta** while another insisted that the precedent was not **germane**, several propositions were advanced and **on the other hand**, the defence contended that liability should be limited **to the extent** of the contract, the Court noted that the word qua liability must be carefully understood and considering the limitation period the claim was found within time and finally it was recorded that in view of the fact that the agreement was executed on plain stamp paper though irregularly the substance of justice must **outweigh** the form and thus the matter shall proceed accordingly. The Court further remarked that the principle of equity demands that technical infirmities or irregularities in the form of the document cannot be permitted to overshadow the substantive rights of the parties, and therefore, it is **incumbent** upon the adjudicating authority to examine the material evidence in its proper perspective. It was emphasized that in **criminal jurisprudence** the standard of proof must always be beyond reasonable doubt, whereas in civil liability matters the yardstick is preponderance of probabilities and confusion between the two standards would cause a grave miscarriage of justice. Counsel for the petitioner urged that delay in filing of the complaint was sufficiently explained as the complainant was under severe mental trauma and financial hardship, which condition must be treated as a mitigating factor. The respondents countered that the lapse of time had materially prejudiced their defence, but the Court clarified that mere passage of time without demonstration of actual prejudice cannot by itself extinguish a legitimate claim. The Bench also adverted to the doctrine of natural justice, reiterating that no person shall be condemned unheard and if opportunity of hearing is denied, the entire proceedings are vitiated. 426

The present case arises out of a demand of dowry made by the in-laws of the complainant which ultimately resulted in a series of criminal allegations including that the complainant was assaulted, subjected to self-inflicted injuries under pressure and forced to send a telegram to the local police station reporting the presence of **goondas** trespassing into her house. The Chief Minister of the State directed that in the **totality** of the circumstances, protection should be given to the **orphan** complainant as she had no family support. The final report filed by the **Investigating Officer**, however, termed the allegations as baseless but the matrimonial dispute continued with repeated **outbursts** and **quarrels**. At times, the complainant alleged that constant harassment **embitters** her married life. The complainant further stated that she was subjected to **indecent** behavior amounting to sexual **titillation** and mental torture in violation of the spirit of prohibition laws which safeguard human dignity. The defence counsel argued that the allegations of **obscenity**, degradation and impact on her reputation were exaggerated and that in a square society the freedom of speech is guaranteed under the Article of the Constitution, subject to reasonable restrictions. Nevertheless, the material contained in the final report revealed that the accused used **obscene** language against her in contemporary times of dispute. The question of legitimacy of the marriage was also raised, as the complainant pleaded that she was compelled to uproot her life due to constant torture by her husband and wife relationship turning hostile. The counsel emphasized that the conclusiveness of evidence must not be watered down merely on account of delayed complaint. After a long period of harassment, the complainant sought a **quietus** by filing for divorce stating that continuous surgeries of her emotional state had broken her life. The issue of extra-marital affair was also raised and the Court of law directed the Munsiff to examine whether the allegations were substantiated. The matrimonial relationship had subsisted for more than five years but the husband denied cruelty, citing the Indian Evidence Act to argue that no **biological** proof of injury was produced. The Judge observed that it is pertinent to note that the backdrop of this case shows systematic denial of access to her parental home. The Court allowed access to documents and examined the case on a prima facie basis. After an in-depth analysis, the Court held that the conclusiveness of the charges depends upon evidence adduced by spouses, stakeholders and witnesses. **407**

The complainant insisted on adducing more evidence and prayed for **restitution of conjugal rights** under the Hindu Marriage Act but the husband argued that **insofar as** cruelty is concerned, the complainant is **precluded** from making fresh allegations, since a **simultaneous** divorce petition was already pending. The Court further noted that she was highly **susceptible** to harassment in a **male-dominated** society and that her statements could not be treated as a mere **pamphlet** written for the purposes of **blackmail**. The husband argued that her complaint was **prurient** and **lascivious** intended to deprave his character, while she maintained that her pain was deeply **embodied** in the narrative of her marriage. The defence counsel claimed that her complaint **exaggerated** incidents and presented a **magnificent** but false picture of cruelty. The Judge reminded that the **adage** justice must not only be done but also seen to be done is relevant. The case law on doctrine of matrimonial cruelty and its enforcement was cited including precedents where acquittals were granted in similar matters. The Court held that acquittal or conviction depends on whether the enforcement of law protects human dignity. During hearings, the complainant stated that her husband once **swung** a stick at her, leaving her **lacerated** arms and multiple **contusions**. The doctor's report noted injuries but also cautioned against the tendency to exaggerate facts. The complainant deposed that she was dragged near the **tubewell** of her house and beaten **mercilessly**. Thus, the Court must carefully **weigh** the totality of circumstances, keeping in mind freedom of speech as well as prohibition of cruelty and obscenity under the Penal Code. Whether the allegations are **substantiated** under the Indian Evidence Act and whether the complainant is entitled to remedies under the Hindu Marriage Act are issues that will determine the final report and judgment. Ultimately, the Court held that justice requires balancing of rights, avoidance of baseless litigation and recognition of genuine matrimonial suffering in contemporary society. In continuation, the Court observed that matrimonial disputes are often coloured with emotions, exaggerations and counter-allegations and hence, judicial discretion must be exercised with utmost care. The Bench reiterated that while protecting the **sanctity** of marriage, it is equally important to **shield** an aggrieved spouse from persistent cruelty and **indignity**. It was further emphasized that the law must not become a tool for **vengeance** nor should it **trivialize** genuine grievances. Therefore, the matter was directed for detailed trial with **opportunities** to both parties to adduce evidence, cross-examine

witnesses, and establish their stand so that truth may ultimately prevail.

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In our view, the outcome of every policy depends not only on the legal **framework** but also on the capacity of the system to work within its **ceiling** and to avoid **impinging** upon the autonomy of individuals. The **Reserve Bank of India**, while issuing any licence for financial institutions must be cautious in construing the provisions of law so that creditors and clients are not adversely affected. For the purpose of clarity, it is essential that **calendars** and schedules be maintained in a phased manner without affording unnecessary discretion to subordinate officers who may otherwise misuse their powers. In no way should the authority **complementing** the staff be seen as compromising the independence of the institution and in any way the generality of provisions must be read **harmoniously** with specific clauses. The monitoring of hazards, whether related to **tobacco** consumption, child labour or industrial accidents should be maintained in **day-to-day** administration because **biscuits**, food items and other **consumables** are often debited against the accounts of **vulnerable** populations particularly **adolescents** and their **sibling** dependents. It is maintainable in law that imprisonment must be ordered only after careful consideration because detention without trial or sentence in violation of **habeas corpus** can never be justified. The discretion of Courts must be guided by precedents and **inhibition** must not prevent them from exercising powers where justice demands. Other than routine cases special attention should be given to **seismology** and **seismological observatory** reports because the **seismic** activity in certain regions requires installed network systems **for** monitoring. Fisheries and related communities often suffer due to environmental hazards and **liaison** with local authorities is crucial for affording relief. For this purpose, the acceleration of programmes both at the **generality** level and in particular schemes, must be construed in connection with the connotation of constitutional rights, where autonomy of local bodies is respected. The outcome of any case involving adolescents must be read with the doctrine of **ejusdem generis** and preceding judgments of higher Courts must guide subordinate Courts. In connection with the **connotation** of constitutional principles, imprisonment or sentence must always be proportionate and discretion should not impinge upon the **Fundamental Rights** of the accused. The ceiling on punishment as well as the phased approach to rehabilitation should always be considered maintainable in law. Compliments are due to institutions that take **proactive** steps to curb child labour, provide day-to-day supervision, and ensure that staff are not only affording service but also complementing the objectives of the State. **410**

The Reserve Bank of India, while **monitoring** credit networks must ensure that **seismology** of financial markets is studied with the same seriousness as seismic activity in **geology** because hazards in banking may lead to detention of clients under debt **imprisonment** which in modern society is unacceptable. Installed mechanisms of supervision, monitoring of data and liaison with subordinate units create a network that functions in and around the Reserve Bank of India ensuring that affording financial stability remains its core outcome. In our view, the acceleration of reforms must not impinge upon the discretion of Parliament but at the same time, it should not **inhibit** the judiciary from construing laws in the light of constitutional **morality**. Biscuits, calendars and even day-to-day expenses may appear trivial, but they hold **symbolic** value in showing how creditors and debtors interact under a licence **regime**. In no way should tobacco companies be allowed to misuse the autonomy they claim because hazards of consumption are evident and in any way the Government must phase out advertisements that compliment such industries. Detention of offenders, particularly adolescents must be maintainable only under strict supervision and imprisonment should be phased with rehabilitation, so that siblings and families are not unduly punished. Staff at observatories monitoring seismic acceleration must be complimented for their day-to-day vigilance, as in no way can society afford to ignore the hazards of natural disasters. The outcome of ignoring such warnings may impinge upon the autonomy of entire communities and inhibition in **decision-making** may result in **irreversible** damage. For the purpose of legal interpretation, **ejusdem generis** helps in construing whether general words following specific terms should be limited in meaning and preceding judgments always guide Courts in applying discretion. Child labour laws must be construed strictly because affording **excuses** to employers under the ceiling of poverty cannot be justified. Compliment is due to Legislatures for enacting laws but creditors of justice, that is, the public must see the results in day-to-day governance. The Reserve Bank of India has installed monitoring systems not only for credit but also for preventing hazards of **money-laundering** and in our view, liaison with international networks is crucial. Fisheries departments, seismological observatories and generality of scientific institutions all require autonomy, because in no way should their discretion be curtailed by subordinate administrative officers. In any way, acceleration of reforms must go hand in hand with caution for the purpose of ensuring that staff,

clients, creditors, adolescents and even siblings of workers are protected.
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In this view, it becomes essential to understand how the **criminal justice system** functions from the very beginning of an investigation until the conclusion of trial. The **First Information Report** is the **cardinal** document that sets the law into motion and every piece of evidence collected thereafter must be scrutinized under the Evidence Act. It is often reiterated that eye-witnesses play a critical role in establishing the truth, yet **jurisprudence** has also recognized the principle that **falsus in uno falsus in omnibus** cannot be applied rigidly because even reliable witnesses may falter on minor details. The post-mortem report indicating **haemorrhage** in the **lungs** or a **punctured organ**, becomes an **indicative** piece of evidence to corroborate oral testimony. Inasmuch as the prosecution relies upon medical opinion, the defence may attempt to discredit it by pointing out circumstances in which unconscious assumptions were made. In the circumstances of **grappling** during an assault, it is not unusual for injuries to appear inconsistent with the main narrative, and therefore Courts must exercise caution before branding an accused as a murderer solely on medical opinion. **Chillum** and **hookka** often feature in cases involving **provocation** particularly where intoxication leads to destructive conduct and transportation of illicit substances further complicates the evidentiary matrix. Jurisprudence has time and again reiterated that miscarriage of justice occurs when Courts fail to evaluate evidence with a balanced mind for the outcome in criminal cases affects not only the accused but also the **disconsolate** families of victims. It is **perilously** dangerous to rely upon a solitary piece of evidence without testing its credibility in the light of surrounding circumstances. Grappling accounts by eye-witnesses, **paces** taken by the assailant or the **sect** of the community to which parties belong may all be relevant but not decisive. In the circumstances of communal tensions, provocation can escalate rapidly and an assault that begins as a quarrel may **tragically** end in **homicide**. The Courts, therefore, must carefully evaluate whether such provocation was grave and sudden or whether the accused acted with deliberate and destructive intent. In this view, the judiciary is duty-bound to ensure that no **miscarriage of justice** takes place whether by wrongful conviction or unwarranted acquittal. The jurisprudence of criminal law demands that every piece of evidence be considered in harmony, without placing undue reliance on any one factor. The testimony of eye-witnesses must be weighed against medical findings the First Information Report must be examined for consistency and the

conduct of parties before and after the incident must be taken into account.
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In this view, the jurisprudence developed over decades requires Courts to analyze not only the content of the First Information Report but also the manner in which it was recorded. If the FIR is delayed without sufficient cause, it may be indicative of false implication. Eye-witnesses must be examined with care because unconscious **exaggerations** or **discrepancies** are common in human observation. Yet, jurisprudence has clarified that unless such **contradictions** strike at the **root** of the case they should not result in miscarriage of justice. The post-mortem report describing **haemorrhage**, punctured **lungs** or other internal injuries often provides **cardinal** support to the prosecution case. Still, inasmuch as medical evidence is only opinion, it cannot by itself conclusively prove the guilt of the accused. **Transportation** of the injured to the hospital, the grappling described by witnesses and the **paces** covered by the assailant are all **peripherally** important but the ultimate question is whether the accused acted as a murderer or under provocation. Indicative circumstances such as possession of a **chillum** or **hookka** may reveal intoxication but they cannot by themselves establish **homicidal** intent. The Courts must reiterate the principle that **disconsolate** relatives of victims may be **prone** to exaggeration and their evidence though **heartfelt** must be tested against objective circumstances. Destructive tendencies in youth, **sectarian** animosity or **perilously** misleading evidence can never be the sole basis of conviction. The doctrine of **falsus in uno falsus in omnibus** must be applied with great caution for rejecting the entire testimony of a witness because of minor **falsehoods** would itself cause miscarriage of justice. Inasmuch as jurisprudence emphasizes fairness, it becomes the duty of the judiciary to safeguard not only society but also the rights of the accused. The provocation defence often invoked in cases of sudden fights has to be carefully balanced for in the circumstances of grave provocation the law may reduce the offence from murder to culpable homicide not amounting to murder. Cardinal principles of evidence law require that corroboration be sought from independent sources whether medical, scientific or circumstantial. Transportation of weapons, concealment of facts or unconscious contradictions may weaken the chain, but they do not always break it. Ultimately, the indicative test remains whether the prosecution has proved its case beyond reasonable doubt. Reiterating this standard ensures that destructive consequences of wrongful conviction are avoided. The jurisprudence of criminal law, therefore, is not merely **punitive** but corrective aiming to balance **deterrence** with justice. 403