



COURT NEWS

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EDITORIAL BOARD

Hon'ble Mr. Justice Ashok Bhushan, Judge, Supreme Court of India
Hon'ble Mr. Justice Sanjay Kishan Kaul, Judge, Supreme Court of India
Hon'ble Mr. Justice K.M. Joseph, Judge, Supreme Court of India

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LIST OF SUPREME COURT JUDGES

(As on 31-03-2019)

S.No.	Name of the Hon'ble Judge	Date of Appointment	Date of Retirement
01	Hon'ble Shri Ranjan Gogoi, Chief Justice of India	23-04-2012 As CJI: 03-10-2018	18-11-2019
02	Hon'ble Mr. Justice Sharad Arvind Bobde	12-04-2013	24-04-2021
03	Hon'ble Mr. Justice N.V. Ramana	17-02-2014	27-08-2022
04	Hon'ble Mr. Justice Arun Misra	07-07-2014	03-09-2020
05	Hon'ble Mr. Justice R.F. Nariman	07-07-2014	13-08-2021
06	Hon'ble Mr. Justice Abhay Manohar Sapre	13-08-2014	28-08-2019
07	Hon'ble Mrs. Justice R. Banumathi	13-08-2014	20-07-2020
08	Hon'ble Mr. Justice Uday Umesh Lalit	13-08-2014	09-11-2022
09	Hon'ble Mr. Justice A.M. Khanwilkar	13-05-2016	30-07-2022
10	Hon'ble Dr. Justice D.Y. Chandrachud	13-05-2016	11-11-2024
11	Hon'ble Mr. Justice Ashok Bhushan	13-05-2016	05-07-2021
12	Hon'ble Mr. Justice L. Nageswara Rao	13-05-2016	08-06-2022
13	Hon'ble Mr. Justice Sanjay Kishan Kaul	17-02-2017	26-12-2023
14	Hon'ble Mr. Justice Mohan M. Shantanagoudar	17-02-2017	05-05-2023
15	Hon'ble Mr. Justice S. Abdul Nazeer	17-02-2017	05-01-2023
16	Hon'ble Mr. Justice Navin Sinha	17-02-2017	19-08-2021
17	Hon'ble Mr. Justice Deepak Gupta	17-02-2017	07-05-2020
18	Hon'ble Ms. Justice Indu Malhotra	27-04-2018	14-03-2021
19	Hon'ble Ms. Justice Indira Banerjee	07-08-2018	24-09-2022
20	Hon'ble Mr. Justice Vineet Saran	07-08-2018	11-05-2022
21	Hon'ble Mr. Justice K.M. Joseph	07-08-2018	17-06-2023
22	Hon'ble Mr. Justice Hemant Gupta	02-11-2018	17-10-2022
23	Hon'ble Mr. Justice R. Subhash Reddy	02-11-2018	05-01-2022
24	Hon'ble Mr. Justice M.R. Shah	02-11-2018	16-05-2023
25	Hon'ble Mr. Justice Ajay Rastogi	02-11-2018	18-06-2023
26	Hon'ble Mr. Justice Dinesh Maheshwari	18-01-2019	15-05-2023
27	Hon'ble Mr. Justice Sanjiv Khanna	18-01-2019	14-05-2025

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This newsletter is intended to provide public access to information on the activities and achievements of the Indian Judiciary in general. While every care has been taken to ensure accuracy and to avoid errors/omissions, information given in the newsletter is merely for reference and must not be taken as having the authority of, or being binding in any way on, the Editorial Board of the newsletter and the officials involved in compilation thereof, who do not owe any responsibility whatsoever for any loss, damage, or distress to any person, whether or not a user of this publication, on account of any action taken or not taken on the basis of the information given in this newsletter.

**APPOINTMENTS AND RETIREMENTS IN THE
SUPREME COURT OF INDIA
(FROM 01-01-2019 TO 31-03-2019)**

APPOINTMENTS

S.No.	Name of the Hon'ble Judge	Date of Appointment
1	Hon'ble Mr. Justice Dinesh Maheshwari	18-01-2019
2	Hon'ble Mr. Justice Sanjiv Khanna	18-01-2019

RETIREMENT

Name of the Hon'ble Judge	Date of Retirement
Hon'ble Mr. Justice A.K. Sikri	07-03-2019

APPOINTMENTS IN THE HIGH COURTS (FROM 01-01-2019 TO 31-03-2019)

S.No.	Name of the High Court	Name of the Hon'ble Judge	Date of Appointment
1	Gujarat	V.P. Patel	16-01-19
2	Gauhati	Manish Choudhury	18-01-19
3	Calcutta	Md. Nizamuddin	12-02-19
		Tirthankar Ghosh	12-02-19
		Saugata Bhattacharyya	12-02-19
		Hiranmay Bhattacharyya	12-02-19
		Manojit Mandal	12-02-19
4	Bombay	P.V.Ganediwala	13-02-19
5	Jharkhand	Sanjay Kumar Dwivedi	18-02-19
		Deepak Roshan	18-02-19
6	Madras	Senthilkumar Ramamoorthy	22-02-19
7	Gujarat	Bhargav Dhirenbai Karia	05-03-19
		Sangeeta Kamalsingh Vishen	05-03-19

**TRANSFERS BETWEEN THE HIGH COURTS
(FROM 01-01-2019 TO 31-03-2019)**

S. No.	From (Name of concerned High Court)	To (Name of concerned High Court)	Name of the Hon'ble Judge	Date of Transfer
1	Madhya Pradesh	Allahabad	P.K. Jaiswal	06-02-19
2	Jharkhand	Orissa	Pramath Patnaik	08-02-19
3	Kerala	Bombay	D.S. Naidu	13-03-19
4	Rajasthan	Allahabad	Munishwar Nath Bhandari	15-03-19
5	Madras	Manipur	M.V. Muralidaran	18-03-19
6	Andhra Pradesh	Kerala	S.Venkatanarayana	19-03-19

VACANCIES IN THE COURTS

A) SUPREME COURT OF INDIA (As on 31-03-2019)

Sanctioned Strength	Working strength	Vacancies
31	27	04

B) HIGH COURTS (As on 31-03-2019)

S.No.	Name of the High Court	Sanctioned Strength	Working Strength	Vacancies
1	Allahabad	160	109	51
2	Andhra Pradesh	37	11	26
3	Telangana	24	13	11
4	Bombay	94	71	23
5	Calcutta	72	41	31
6	Chhattisgarh	22	14	8
7	Delhi	60	37	23
8	Gujarat	52	28	24
9	Gauhati	24	20	4
10	Himachal Pradesh	13	8	5
11	Jammu & Kashmir	17	9	8
12	Jharkhand	25	20	5
13	Karnataka	62	31	31
14	Kerala	47	36	11
15	Madhya Pradesh	53	33	20
16	Madras	75	59	16
17	Manipur	5	4	1
18	Meghalaya	4	2	2
19	Orissa	27	15	12
20	Patna	53	27	26
21	Punjab & Haryana	85	53	32
22	Rajasthan	50	24	26
23	Sikkim	3	3	0
24	Tripura	4	3	1
25	Uttarakhand	11	9	2
Total		1079	680	399

* Above statement is compiled on the basis of figures received from the High Courts.

C) DISTRICT & SUBORDINATE COURTS (As on 31-03-2019)

S.No.	State/ Union Territory	Sanctioned Strength	Working Strength	Vacancies
1	Uttar Pradesh	3306	1998	1308
2	Andhra Pradesh	574	544	30
3	Telangana	413	345	68
4(a)	Maharashtra	2304	2256	48
4(b)	Goa	57	48	9
4(c)	Diu and Daman	4	3	1
4(d)	Silvasa	3	3	0
5	West Bengal and Andaman & Nicobar	1014	944	70
6	Chhattisgarh	468	397	71
7	Delhi	799	540	259
8	Gujarat	1506	1138	368
9(a)	Assam	430	344	86
9(b)	Nagaland	33	26	7
9(c)	Mizoram	64	46	18
9(d)	Arunachal Pradesh	32	26	6
10	Himachal Pradesh	167	153	14
11	Jammu & Kashmir	310	233	77
12	Jharkhand	676	454	222
13	Karnataka	1307	1108	199
14(a)	Kerala	537	465	72
14(b)	Lakshadweep	3	3	0
15	Madhya Pradesh	2021	1427	594
16	Manipur	55	40	15
17	Meghalaya	97	39	58
18(a)	Tamil Nadu	1164	892	272
18(b)	Puducherry	26	11	15
19	Odisha	913	743	170
20	Bihar	1847	1185	662
21(a)	Punjab	675	589	86
21(b)	Haryana	658	485	173
21(c)	Chandigarh	30	30	0
22	Rajasthan	1337	1134	203
23	Sikkim	23	19	4
24	Tripura	120	88	32
25	Uttarakhand	293	230	63
TOTAL		23266	17986	5280

* Above statement is compiled on the basis of figures received from the High Courts.

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE SUPREME COURT [01-01-2019 to 31-03-2019]

i) Table I

						Pendency (At the end of 31-12-2018)		
						Admission matters	Regular matters	Total matters
						36,447	20,899	57,346
Institution (01-01-2019 to 31-03-2019)			Disposal (01-01-2019 to 31-03-2019)			Pendency (At the end of 31-03-2019)		
Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters	Admission matters	Regular matters	Total matters
9,470	2,398	11,868	8,919	2,223	11,142	36,998	21,074	58,072

Note:

1. Out of the 58,072 pending matters as on 31-03-2019, if connected matters are excluded, the pendency is only of 34,954 matters as on 31-03-2019.
2. Out of the said 58,072 pending matters as on 31-03-2019, 2,878 matters are upto one year old and thus arrears (i.e. cases pending more than a year) are only of 55,194 matters as on 31-03-2019.

ii) Table II

	OPENING BALANCE AS ON 01-01-19	INSTITUTION FROM 01-01-19 TO 31-03-19	DISPOSAL FROM 01-01- 19 TO 31-03-19	PENDENCY AT THE END OF 31-03-19
CIVIL CASES	46,690	8,604	7,613	47,681
CRIMINAL CASES	10,656	3,264	3,529	10,391
ALL CASES (TOTAL)	57,346	11,868	11,142	58,072

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE HIGH COURTS (FROM 01-01-2019 TO 31-03-2019)

Srl. No.	Name of the High Court	Cases brought forward from the previous Year (Nos.) (Civil/Crl.) As on 01/01/2019			Freshly instituted Cases during the First Quarter (Jan- Mar 2019) Nos. (Civil/Crl.)			Disposed of Cases during the First Quarter (Jan- Mar 2019) Nos. (Civil/Crl.)			Pending Cases at the end of the First Quarter (Jan -Mar 2019) Nos. (Civil/Crl.) (As on 31/03/2019)			% of Institution of Cases w.r.t Opening Balance as on 01/01/19	% of Disposal of Cases w.r.t Opening Balance as on 01/01/19	% Increase / Decrease in Pendency w.r.t Opening Balance as on 01/01/19
		CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)			
1	Allahabad	538651	400824	939475	35811	46589	82400	37765	41254	79019	536697	406159	942856	8.77	8.41	0.36
2	Andhra Pradesh #	146875	25601	172476	6631	2708	9339	2159	1358	3517	151347	26951	178298	5.41	2.04	3.38
3	Telangana #	160698	26657	187355	10230	2426	12656	6133	1597	7730	164795	27486	192281	6.76	4.13	2.63
4	Bombay	229210	58654	287864	21686	8192	29878	18341	6719	25060	232555	60127	292682	10.38	8.71	1.67
5	Calcutta	190778	40798	231576	11653	4849	16502	12560	7058	19618	189871	38589	228460	7.13	8.47	-1.35
6	Chhatisgarh	38430	25144	63574	6704	4932	11636	6253	5106	11359	38881	24970	63851	18.30	17.87	0.44
7	Delhi	54290	20246	74536	7627	4594	12221	6639	3997	10636	55278	20843	76121	16.40	14.27	2.13
8	Gujarat	76990	37972	114962	10336	11194	21530	6958	9994	16952	80368	39172	119540	18.73	14.75	3.98
9	Gauhati	27226	6219	33445	3503	700	4203	3346	504	3850	27383	6415	33798	12.57	11.51	1.06
10	Himachal Pradesh	29820	6357	36177	4296	1292	5588	3148	1108	4256	30968	6541	37509	15.45	11.76	3.68
11	Jammu & Kashmir	57921	6121	64042	4883	979	5862	2002	438	2440	60802	6662	67464	9.15	3.81	5.34
12	Jharkhand	43807	45125	88932	2709	7328	10037	3891	7253	11144	42625	45200	87825	11.29	12.53	-1.24
13	Karnataka	323463	34141	357604	36899	5050	41949	36514	5642	42156	323848	33549	357397	11.73	11.79	-0.06
14	Kerala	149859	42895	192754	17671	6499	24170	19663	6932	26595	147867	42462	190329	12.54	13.80	-1.26
15	Madhya Pradesh	206197	125191	331388	16192	18439	34631	11452	16322	27774	210937	127308	338245	10.45	8.38	2.07
16	Madras	261297	31707	293004	26981	15558	42539	30605	17258	47863	257673	30007	287680	14.52	16.34	-1.82
17	Manipur	2892	170	3062	389	27	416	617	14	631	2664	183	2847	13.59	20.61	-7.02
18	Meghalaya	743	39	782	140	17	157	141	17	158	742	39	781	20.08	20.20	-0.13
19	Orissa*	118905	42348	161253	10741	10884	21625	16396	11023	27419	113250	42209	155459	13.41	17.00	-3.59
20	Patna	86669	66817	153486	9200	22675	31875	7426	21895	29321	88443	67597	156040	20.77	19.10	1.66
21	Punjab & Haryana	231789	105442	337231	18285	18873	37158	18491	16450	34941	231583	107865	339448	11.02	10.36	0.66
22	Rajasthan	212943	72069	285012	16990	14798	31788	9085	12526	21611	220848	74341	295189	11.15	7.58	3.57
23	Sikkim	175	77	252	22	18	40	19	6	25	178	89	267	15.87	9.92	5.95
24	Tripura	2530	447	2977	814	123	937	749	131	880	2595	439	3034	31.47	29.56	1.91
25	Uttarakhand	21344	12705	34049	3231	2198	5429	2508	2225	4733	22067	12678	34745	15.94	13.90	2.04
	TOTAL	3213502	1233766	4447268	283624	210942	494566	262861	196827	459688	3234265	1247881	4482146	11.12	10.34	0.78

Above statement is compiled on the basis of figures received from the High Courts

New opening balance due to bifurcation of A.P. High Court and Telangana High Court.

* Opening balance modified by High Court concerned.

INSTITUTION, DISPOSAL AND PENDENCY OF CASES IN THE DISTRICT & SUBORDINATE COURTS (FROM 01-01-2019 TO 31-03-2019)

Srl. No	Name of the State/UT	Cases brought forward from the previous Year (Nos.) (Civil/Crl.) As on 01/01/2019			Freshly instituted Cases (Nos.) during the First Quarter (Jan-Mar 2019) (Civil/Crl.)			Disposed of Cases (Nos.) during the First Quarter (Jan-Mar 2019) (Civil/Crl.)			Pending Cases (Nos.) at the end of the First Quarter (Jan-Mar 2019) (Civil/Crl.) (As on 31/03/2019)			% of Institution of Cases w.r.t Opening Balance as on 01/01/2019	% of Disposal of Cases w.r.t Opening Balance as on 01/01/2019	% Increase or Decrease in Pendency w.r.t Opening Balance as on 01/01/2019
		CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)	CIVIL	CRL.	(Civ+Crl.)			
1	Uttar Pradesh	1656944	5330473	6987417	147216	925712	1072928	130357	809745	940102	1673803	5446440	7120243	15.36	13.45	1.90
2	Andhra Pradesh#	302259	235761	538020	39923	53458	93381	39165	49779	88944	303017	239440	542457	17.36	16.53	0.82
3	Telangana*	227168	303212	530380	26482	63362	89844	23192	59616	82808	230458	306958	537416	16.94	15.61	1.33
4(a)	Maharashtra	1185586	2345839	3531425	121462	506455	627917	111824	451653	563477	1195224	2400641	3595865	17.78	15.96	1.82
4(b)	Goa	21499	21284	42783	2492	8181	10673	2565	6453	9018	21426	23012	44438	24.95	21.08	3.87
4(c)	Diu and Daman	1097	1042	2139	222	382	604	224	397	621	1095	1027	2122	28.24	29.03	-0.79
4(d)	Silvassa	1474	1855	3329	128	298	426	210	430	640	1392	1723	3115	12.80	19.22	-6.43
5(a)	West Bengal	493021	1457471	1950492	39610	183791	223401	37603	141640	179243	495028	1499622	1994650	11.45	9.19	2.26
5(b)	Andaman & Nicobar	3769	6460	10229	257	1678	1935	265	2036	2301	3761	6102	9863	18.92	22.49	-3.58
6	Chhattisgarh	55924	211505	267429	13546	49187	62733	10052	50866	60918	59418	209826	269244	23.46	22.78	0.68
7	Delhi	187733	647080	834813	38088	191619	229707	36526	161482	198008	189295	677217	866512	27.52	23.72	3.80
8	Gujarat	466855	980604	1447459	50334	286649	336983	68534	292329	360863	448655	974924	1423579	23.28	24.93	-1.65
9(a)	Assam	67993	223967	291960	9997	49081	59078	8612	47204	55816	69378	225844	295222	20.23	19.12	1.12
9(b)	Nagaland	2379	2615	4994	215	727	942	575	966	1541	2019	2376	4395	18.86	30.86	-11.99
9(c)	Mizoram	3021	3133	6154	1320	2150	3470	1340	1831	3171	3001	3452	6453	56.39	51.53	4.86
9(d)	Arunachal Pradesh	1921	7731	9652	424	1000	1424	466	1185	1651	1879	7546	9425	14.75	17.11	-2.35
10	Himachal Pradesh	116269	140371	256640	20084	87517	107601	18561	70677	89238	117792	157211	275003	41.93	34.77	7.16
11	Jammu & Kashmir*	55908	107347	163255	5478	16249	21727	5280	17844	23124	56106	105752	161858	13.31	14.16	-0.86
12	Jharkhand*	62074	271525	333599	7019	47486	54505	6789	49151	55940	62304	269860	332164	16.34	16.77	-0.43
13	Karnataka	726513	768095	1494608	101270	241198	342468	94829	231792	326621	732954	777501	1510455	22.91	21.85	1.06
14(a)	Kerala	421358	1231151	1652509	62151	185488	247639	64003	182458	246461	419506	1234181	1653687	14.99	14.91	0.07
14(b)	Lakshadweep	133	231	364	23	49	72	10	50	60	146	230	376	19.78	16.48	3.30
15	Madhya Pradesh	309147	1045455	1354602	62139	255529	317668	57936	247735	305671	313350	1053249	1366599	23.45	22.57	0.89
16	Manipur	3417	2799	6216	549	585	1134	502	557	1059	3464	2827	6291	18.24	17.04	1.21
17	Meghalaya	3157	10427	13584	263	1168	1431	239	1058	1297	3181	10537	13718	10.53	9.55	0.99
18(a)	Tamil Nadu	616179	468107	1084286	89582	138983	228565	86267	134086	220353	619494	473004	1092498	21.08	20.32	0.76
18(b)	Puducherry	12633	14528	27161	2610	1308	3918	2225	928	3153	13018	14908	27926	14.43	11.61	2.82
19	Odisha*	306506	1012229	1318735	19224	95844	115068	17003	66814	83817	307610	1047378	1354988	8.73	6.36	2.37
20	Bihar	366915	2135289	2502204	20518	123571	144089	15652	82881	98533	371781	2175979	2547760	5.76	3.94	1.82
21(a)	Punjab	256779	345235	602014	62974	129115	192089	60112	123094	183206	259641	351256	610897	31.91	30.43	1.48
21(b)	Haryana	277973	450124	728097	49782	144977	194759	42931	120787	163718	284824	474314	759138	26.75	22.49	4.26
21(c)	Chandigarh	17203	39154	56357	3034	35129	38163	2741	35776	38517	17496	38507	56003	67.72	68.34	-0.63
22	Rajasthan*	469742	1262566	1732308	57769	342214	399983	71339	334463	405802	456139	1270349	1726488	23.09	23.43	-0.34
23	Sikkim	387	821	1208	105	244	349	124	253	377	368	812	1180	28.89	31.21	-2.32
24	Tripura	8971	49290	58261	2141	15827	17968	2656	42572	45228	8456	22545	31001	30.84	77.63	-46.79
25	Uttarakhand	34038	198300	232338	6763	87246	94009	7111	96638	103749	33690	188908	222598	40.46	44.65	-4.19
	TOTAL	8743945	21333076	30077021	1065194	4273457	5338651	1027820	3917226	4945046	8780169	21695458	30475627	17.75	16.44	1.33

Above statement is compiled on the basis of information received from the High Courts

New opening balance due to bifurcation of A.P. High Court and Telangana High Court.

* Opening / closing balance modified by the High Court concerned.

SOME SUPREME COURT JUDGMENTS / ORDERS OF PUBLIC IMPORTANCE (01-01-2019 TO 31-03-2019)

1. On 3rd January, 2019, in the case of *Satishchandra Ratanlal Shah v. State of Gujarat and Another* [Criminal Appeal No.9 of 2019], while considering a dispute arising out of a loan transaction between the appellant and respondent no.2-complainant (Director of money lending company), the Supreme Court came to examine the charge under Section 415 IPC punishable under Section 420 IPC. It was held that, on facts, “the mere inability of the appellant to return the loan amount cannot give rise to a criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction, as it is this *mens rea* which is the crux of the offence.”

The Court held that “in the context of contracts, the distinction between mere breach of contract and cheating would depend upon the fraudulent inducement and *mens rea*” and in the case at hand, even if all the facts in the complaint and material were “taken on their face value, no such dishonest representation or inducement could be found or inferred.”

It was held that “the legislature intended to criminalize only those breaches which are accompanied by fraudulent, dishonest or deceptive inducements, which resulted in involuntary and in-efficient transfers, under Section 415 of IPC.” Accordingly, the application filed by the appellant under Section 482 of Cr.P.C. was allowed and the proceedings initiated based on the FIR instituted at the instance of respondent no. 2 were quashed.

2. On 7th January, 2019, in the case of *Sushil Thomas Abraham v. M/s Skyline Build. Thr, its Partner & Ors.* [Civil Appeal No. 117 of 2019], the question for consideration was whether in light of the earlier rejection of the appellant’s (plaintiff’s) prayer to file a suit as an “indigent person” under Order 33 Rule 1 of CPC by the Trial Court and the same having been upheld by the High Court in appeal, the plaintiff was not entitled to file an application/appeal under Order 44 Rule 1 of CPC against the decree of the trial court as an “indigent person”. In other words, the issue was whether the plaintiff (appellant) has to file a regular first appeal under Section 96 of the Code against the decree of the trial court on payment of *ad valorem* court fees on the memorandum of appeal.

The Supreme Court held that “dismissal of application made under Order 33 Rule 1 of the Code by the Trial Court in the earlier round of litigation is not a bar against the plaintiff to file an application/appeal under Order 44 Rule 1 of the Code before the Appellate Court.” It was held that the “grant and rejection of such prayer by the Trial Court is confined only up to the disposal of the suit” which is “clear from the reading of Rule 3(1) and 3(2) of Order 44, which contemplate holding of inquiry again into the question at the appellate stage as to whether the applicant is an indigent person or not since the date from the decree appealed from.”

Accordingly, the case at hand was “remanded to the Appellate Court for holding an inquiry as contemplated under Order 44 Rule 3 (2) of the Code or by the Trial Court, if directed by the Appellate Court to the concerned Trial Court to do so and depending upon the case made out by the applicant/appellant in the inquiry, the Appellate Court was directed to “pass appropriate orders accordingly.” It was held that “if the appellant is able to prove in the inquiry with the aid of evidence that he is or has become an indigent person since the date of decree appealed from and is therefore unable to pay the *ad valorem* court fees on memorandum of appeal, his application will be allowed else dismissed.”

3. On 8th January, 2019, in the case of *Alok Kumar Verma v. Union of India & Anr.* [Writ Petition (Civil) No. 1309 of 2018], the primary issue for consideration before a three Judge Bench was whether the Central Vigilance Commission (CVC) and the Government of India were competent to divest the Director, CBI of all his powers, functions, duties, supervisory role, etc. without obtaining the prior consent of the Committee constituted under Section 4A(1) of the Delhi Special Police Establishment Act, 1946 (DSPE Act) to make recommendations for appointment of the Director, CBI.

The Bench observed that “the institution of the CBI has been perceived to be necessarily kept away from all kinds of extraneous influences so that it can perform its role as the premier investigating and prosecuting agency without any fear and favour and in the best public interest. The head of the institution, namely, the Director, naturally, therefore, has to be the role model of independence and integrity which can only be ensured by freedom from all kinds of control and interference except to the extent that Parliament may have intended.” Such intendment, in the considered view of the Bench “would require all Authorities to keep away from intermingling or interfering in the functioning of the Director.”

The Bench held that “in a situation where such interference may at all be called for, public interest must be writ large against the backdrop of the necessity.” It was held that “the relevance and adequacy of the reasons giving rise to such a compelling necessity can only be tested by the opinion of the Committee constituted under Section 4A(1) of the DSPE Act in whom the power to make recommendations for appointment of the Director has been vested by Parliament. This alone can provide an adequate safeguard to ensure the independence of the office keeping in view the legislative intent.”

Consequently, the Bench set aside the orders of the CVC and the Central Government divesting the powers, functions, duties, supervisory role, etc. of Shri Alok Kumar Verma as Director, CBI. The issue of divestment of power and authority of the Director, CBI was left “open for consideration by the Committee under Section 4A(1) of the DSPE Act, 1946”, and, it was directed that “the petitioner Shri Alok Kumar Verma, Director, CBI, upon reinstatement, will cease and desist from taking any major policy decisions till the decision of the Committee permitting such actions and decisions becomes available”. It was also made explicit “that the role of the Petitioner Shri Alok Kumar Verma as the Director, CBI during the interregnum” “will be confined only to the exercise of the ongoing routine functions without any fresh initiative, having no major policy or institutional implications.”

4. On 9th January, 2019, in the case of *Regional Transport Officer & Ors. Etc. v. K. Jayachandra & Anr. Etc.* [Civil Appeal Nos. 219-222 of 2019], the extent of permissible alteration in a Motor Vehicle was in issue. The question for consideration was whether alteration is permissible at variance with the manufacturer's specification contained in the prototype test certification.

On a reading of the Section 52 of the Motor Vehicles Act, 1988, and the amendment made therein by virtue of Amendment Act 27/2000, the Supreme Court was of the view that "the object and the clear intent of amended section 52 is that the vehicle cannot be so altered that the particulars contained in the certificate of registration are at variance with those "originally specified by the manufacturer".

It was held that "the vehicle has to comply with the provisions of the Rules contained in Chapter V" of the Central Motor Vehicles Rules, 1989 as provided in Rule 92(1); that "Rule 92(1) has to be read as subservient to the provisions contained in section 52" of the Motor Vehicles Act, 1988 and "what is prohibited therein to allow the same is not the intendment of the rules contained in the Chapter." It was held that "various provisions in Chapter V are additional safeguards to what is prohibited in section 52(1) that is to say, what has been specified originally by the manufacturers and once that has been entered in the particulars in the certificate of registration, cannot be varied. No vehicle can be altered so as to change original specification made by manufacturer. Such particulars cannot be altered which have been specified by the manufacturer for the purpose of entry in the certificate of registration."

The Supreme Court held that "the emphasis of section 52(1) is not to vary the "original specifications by the manufacturer" but "remaining particulars in a certificate of registration can be modified and changed and can be noted in the certificate of registration as provided in section 52(2), (3) and (5) and the Rules." It was held that "the Rules are subservient to the provisions of the Act and particulars in certificate of registration can also be changed except to the extent of the entries made in the same as per the specifications originally made by the manufacturer."

5. On 14th January, 2019, in the case of *Ashish Jain v. Makrand Singh and Ors.* [Criminal Appeal No. 1980 of 2008], the Supreme Court, *inter alia*, re-appraised the fingerprint evidence while examining the impugned judgment of High Court which had acquitted the accused-respondents from charges of murder and robbery.

The Supreme Court did not agree with the conclusion of the High Court that the fingerprint samples of the accused "were illegally obtained, being in contravention of the Identification of Prisoners Act, 1920, inasmuch as they were obtained without a magisterial order." The Court took note of Section 4 of the Act which "refers to the power of a police officer to direct taking of measurements, including fingerprints" and "Section 5 which "provides for the taking of such samples upon an order of a Magistrate, if the Magistrate is satisfied as to its expediency", however, observed that "Section 5 is not mandatory but is directory." Even otherwise, the Court observed that a bare reading of Rules 3, 4 and 5, of the rules framed by

the State government for carrying into effect the provisions of the Act, made “it amply clear that a police officer is permitted to take the photographs and measurements of the accused” and “fingerprints can be taken under the directions of the police officer.”

It was held that although Section 4 of the Act “mentions that the police officer is competent to take measurements of the accused, but to dispel doubts as to its bona fides and to rule out the fabrication of evidence, it is eminently desirable that they were taken before or under the order of a Magistrate.” However, it was also held that this cannot mean that “under Section 4, police officers are not entitled to take fingerprints until the order is taken from a Magistrate.” It was held that “if certain suspicious circumstances do arise from a particular case relating to lifting of fingerprints, in order to dispel or ward off such suspicious circumstances, it would be in the interest of justice to get orders from the Magistrate. Thus there cannot be any hard and fast rule that in every case, there should be a magisterial order for lifting the fingerprints of the accused.”

Accordingly, the Supreme Court said that on facts, “it cannot be held that the fingerprint evidence was illegally obtained merely due to the absence of a magisterial order authorizing the same.”

However, at the same time, the Supreme Court found that “in the current facts and circumstances, the absence of a magisterial order casts doubts on the credibility of the fingerprint evidence, especially with respect to the packing and sealing of the tumblers on which the fingerprints were allegedly found, given that the attesting witnesses were not independent witnesses, being the family members of the deceased.” The Supreme Court said that it “cannot rule out the possibility of tampering and post-facto addition of fingerprints”, and concurred “with the High Court in discarding the fingerprint evidence.” The Supreme Court did “not find any glaring infirmity in the acquittal granted by the High Court”; rather found “it well-reasoned, and thus, “the judgment and order of acquittal of the High Court” was “maintained.”

6. On 17th January 2019, in the case of *Indian Hotel and Restaurant Association (AHAR) & Anr. v. The State of Maharashtra & Ors.* [Writ Petition (Civil) No. 576 of 2016], having examined the challenges to certain provisions of the Maharashtra Prohibition of Obscene Dance in Hotels, Restaurant and Bar Rooms and Protection of Dignity of Women (Working therein) Act, 2016, the Supreme Court held that “even when the impugned Act appears to be regulatory in nature, the real consequences and effect is to prohibit such dance bars. The State, thereby, is aiming to achieve something indirectly which it could not do directly. Such a situation is beyond comprehension and cannot be countenanced”.

Quashing such offending provisions of the said Act as well as of the Rules framed thereunder, the Court observed that “it cannot be denied that dance performances, in dignified forms, are socially acceptable and nobody takes exceptions to the same. On the other hand, obscenity is treated as immoral. Therefore, obscene dance performance may not be acceptable and the State can pass a law prohibiting obscene dances. However, a practice which may not be immoral by societal standards cannot be thrust upon the society

as immoral by the State with its own notion of morality and thereby exercise 'social control'."

It was observed that "the present legislation is given a cloak of bringing regulatory regime to regulate the places where there are dance performances. For this purpose, the impugned Act does not permit dance performances without obtaining licence under Section 3 of the Act. Further, it makes obscene dances as penal offence. No quarrel on this. However, at the same time, many conditions are stipulated for obtaining the licence, which are virtually impossible to perform. It is this reason that not a single establishment has been issued licence under the impugned Act even when it was passed in the year 2014."

The Supreme Court said that it has "quashed those provisions of the Act and the Rules which" it "found as unreasonable and unconstitutional" with the hope "that applications for grant of licence shall now be considered more objectively and with open mind so that there is no complete ban on staging dance performances at designated places prescribed in the Act."

7. On 22nd January, 2019, in the case of *Mohammed Salim Through Lrs. & Ors. v. Shamsudeen (D) Through Lrs. & Ors* [Civil Appeal No. 5158 of 2013], the question for consideration was whether plaintiff-respondent, a boy child born out of wedlock of a Muslim man (Mohammed Ilias), and a Hindu woman (Valliamma) who did not convert to Islam at the time of marriage, was entitled to any share in the property of the said Mohammed Ilias subsequent to his death.

The Supreme Court held that "the marriage of a Muslim man with an idolater or fireworshipper is neither a valid (sahih) nor a void (batil) marriage, but is merely an irregular (fasid) marriage" and "any child born out of such wedlock (fasid marriage) is entitled to claim a share in his father's property." The Court emphasised that "since Hindus are idol worshippers, which includes worship of physical images/statues through offering of flowers, adornment, etc., it is clear that the marriage of a Hindu female with a Muslim male is not a regular or valid (sahih) marriage, but merely an irregular (fasid) marriage."

It was held that "irrespective of the word used, the legal effect of a *fasid* marriage is that in case of consummation, though the wife is entitled to get dower, she is not entitled to inherit the properties of the husband. But the child born in that marriage is legitimate just like in the case of a valid marriage, and is entitled to inherit the property of the father."

In this view of the matter, it was held that "the trial Court and the High Court were justified in concluding" that the plaintiff-respondent "is the legitimate son of Mohammed Ilias and Valliamma, and is entitled to his share in the property as per law."

8. On 23rd January, 2019, in the case of *Rajasthan Small Industries Corporation Limited v. M/s Ganesh Containers Movers Syndicate* [Civil Appeal No.1039 of 2019], the main question falling for consideration was whether the High Court was right in terminating the mandate of the arbitrator appointed as per the agreement and appointing a substitute arbitrator in the application filed under Section 11(6) and Section 15 of the Arbitration and Conciliation Act,

1996.

It was held that “mere neglect of an arbitrator to act or delay in passing the award by itself cannot be the ground to appoint another arbitrator in deviation from the terms agreed to by the parties.”

In the present case, the proceedings of the arbitral tribunal continued till 17.08.2011. From the proceedings dated 17.08.2011, it was seen by the Supreme Court that the arbitrator had “observed that the file regarding arbitration appears tampered/ missing papers are incomplete and therefore, the chronological events need to be ascertained and reconstitution will be required” and it was “in this background, the award was not passed till 2013.” The Supreme Court observed that “it is true that there was some delay in passing the award” however, “between 2011 and 2013”, the respondent had “not filed any application to expedite the proceedings and for passing of the award.” The Court noticed that the respondent had “neither filed the Request Case for passing of the award at an early date nor filed the petition under Section 14 of the Act for termination of the mandate of the arbitrator that the arbitrator has ‘failed to act without undue delay’.”

It was held that “Section 11(6) of the Act would come into play only when there was failure on the part of the party concerned to appoint an arbitrator in terms of the arbitration agreement” and in the case in hand, the High Court “was not right in appointing an independent arbitrator without keeping in view the terms of the agreement between the parties and therefore, the impugned order appointing an independent arbitrator/retired District Judge is not sustainable.”

9. On 25th January, 2019, in the case of *Swiss Ribbons Pvt. Ltd. & Anr. v. Union of India & Ors.* [Writ Petition (Civil) No. 99 of 2018], the constitutional validity of the Insolvency and Bankruptcy Code, 2016 was upheld.

The Supreme Court held that “the primary focus of the legislation is to ensure revival and continuation of the corporate debtor by protecting the corporate debtor from its own management and from a corporate death by liquidation” and the Insolvency Code “is thus a beneficial legislation which puts the corporate debtor back on its feet, not being a mere recovery legislation for creditors. The interests of the corporate debtor have, therefore, been bifurcated and separated from that of its promoters / those who are in management. Thus, the resolution process is not adversarial to the corporate debtor but, in fact, protective of its interests.” It was held that “the moratorium imposed by Section 14 is in the interest of the corporate debtor itself, thereby preserving the assets of the corporate debtor during the resolution process. The timelines within which the resolution process is to take place again protects the corporate debtor’s assets from further dilution, and also protects all its creditors and workers by seeing that the resolution process goes through as fast as possible so that another management can, through its entrepreneurial skills, resuscitate the corporate debtor to achieve all these ends.”

Amongst others, it was argued on behalf of the petitioners that, there was no intelligible differentia having relation to the objects sought to be achieved by the Insolvency Code between financial and operational creditors. On this, the Supreme Court said that “most financial creditors, particularly banks and financial institutions, are secured creditors whereas most operational creditors are unsecured, payments for goods and services as well as payments to workers not being secured by mortgaged documents and the like” and “apart from the above, the nature of loan agreements with financial creditors is different from contracts with operational creditors for supplying goods and services.”

It was held that “financial creditors are, from the very beginning, involved with assessing the viability of the corporate debtor. They can, and therefore do, engage in restructuring of the loan as well as reorganization of the corporate debtor’s business when there is financial stress, which are things operational creditors do not and cannot do. Thus, preserving the corporate debtor as a going concern, while ensuring maximum recovery for all creditors being the objective of the Code, financial creditors are clearly different from operational creditors and therefore, there is obviously an intelligible differentia between the two which has a direct relation to the objects sought to be achieved by the Code.”

The Supreme Court observed that earlier experiments, “in terms of legislations having failed, ‘trial’ having led to repeated ‘errors’, ultimately led to the enactment of the Code” and “the experiment contained in the Code, judged by the generality of its provisions and not by so-called crudities and inequities that have been pointed out by the petitioners, passes constitutional muster.”

10. On 30th January, 2019, in the case of *Sumit Kumar Saha v. Reliance General Insurance Company Ltd.* [Civil Appeal No.1299 of 2019], the Supreme Court held that “except in cases where the agreement on part of the Insurance Company is brought about by fraud, coercion or misrepresentation or cases where principle of *uberrima fide* is attracted, the parties are bound by stipulation of a particular figure as sum insured.” Accordingly, on facts, it was held that “the surveyor and the Insurance Company were not justified in any way in questioning and disregarding the amount of “sum insured”.

11. On 4th February, 2019, in the case of *The State of Madhya Pradesh v. Kanha @ Omprakash* [Criminal Appeal No. 1589 of 2018], the Supreme Court held that the “proof of grievous or life-threatening hurt is not a *sine qua non* for the offence under Section 307 of the Penal Code.” It was held that “the intention of the accused can be ascertained from the actual injury, if any, as well as from surrounding circumstances” and “among other things, the nature of the weapon used and the severity of the blows inflicted can be considered to infer intent.”

In the present case, the Supreme Court observed that “the nature of the injuries shows that there were eleven punctured wounds” and “the weapon of offence was a firearm.” It was held that “the presence of 11 punctured and bleeding wounds as well as the use of a fire arm leave no doubt that there was an intention to murder.” “Thus, the second part of Section 307 of the Penal Code” was held to be “attracted in the present case.”

12. On 6th February, 2019, in the case of *Balakrishna Dattatraya Galande v. Balakrishna Rambharose Gupta* [Civil Appeal No. 1509 of 2019], the Supreme Court observed that “in a suit filed under Section 38 of the Specific Relief Act, possession on the date of suit is a must for grant of permanent injunction.” It was held that since the first respondent-plaintiff, who had filed suit under Section 38 of the Specific Relief Act, had “failed to prove that he was in actual possession of the property on the date of the suit”, he was “not entitled for the decree for permanent injunction.”

13. On 6th February, 2019, in the case of *Bir Singh v. Mukesh Kumar* [Criminal Appeal Nos. 230-231 of 2019], the question for consideration was whether the payee of a cheque is disentitled to the benefit of the presumption under Section 139 of the Negotiable Instruments Act, of a cheque duly drawn, having been issued in discharge of a debt or other liability, only because he is in a fiduciary relationship with the person who has drawn the cheque.

It was held that “the onus to rebut the presumption under Section 139 that the cheque has been issued in discharge of a debt or liability is on the accused and the fact that the cheque might be post dated does not absolve the drawer of a cheque of the penal consequences of Section 138 of the Negotiable Instruments Act.” The Supreme Court held that “a meaningful reading of the provisions of the Negotiable Instruments Act including, in particular, Sections 20, 87 and 139, makes it amply clear that a person who signs a cheque and makes it over to the payee remains liable unless he adduces evidence to rebut the presumption that the cheque had been issued for payment of a debt or in discharge of a liability. It is immaterial that the cheque may have been filled in by any person other than the drawer, if the cheque is duly signed by the drawer. If the cheque is otherwise valid, the penal provisions of Section 138 would be attracted.”

It was further held that “if a signed blank cheque is voluntarily presented to a payee, towards some payment, the payee may fill up the amount and other particulars. This in itself would not invalidate the cheque. The onus would still be on the accused to prove that the cheque was not in discharge of a debt or liability by adducing evidence.” The Supreme Court held that “the existence of a fiduciary relationship between the payee of a cheque and its drawer, would not disentitle the payee to the benefit of the presumption under Section 139 of the Negotiable Instruments Act, in the absence of evidence of exercise of undue influence or coercion.” The Supreme Court observed that “even a blank cheque leaf, voluntarily signed and handed over by the accused, which is towards some payment, would attract presumption under Section 139 of the Negotiable Instruments Act, in the absence of any cogent evidence to show that the cheque was not issued in discharge of a debt.”

In the absence of any finding that the cheque in question was not signed by the respondent-accused or not voluntarily made over to the payee and in the absence of any evidence with regard to the circumstances in which a blank signed cheque had been given to the appellant-complainant, the Supreme Court held that “it may reasonably be presumed that the cheque was filled in by the appellant-complainant being the payee in the presence of

the respondent-accused being the drawer, at his request and/or with his acquiescence. The subsequent filling in of an unfilled signed cheque is not an alteration. There was no change in the amount of the cheque, its date or the name of the payee. The High Court ought not to have acquitted the respondent-accused of the charge under Section 138 of the Negotiable Instruments Act.”

It was held that “the High Court patently erred in holding that the burden was on the appellant-complainant to prove that he had advanced the loan and the blank signed cheque was given to him in repayment of the same.” The finding of the High Court that the case of the appellant-complainant became highly doubtful or not beyond reasonable doubt was held to be “patently erroneous.”

14. On 8th February, 2019, in the case of *State of Madhya Pradesh v. Vikram Das* [Criminal Appeal No. 208 of 2019], wherein the High Court, vide the impugned judgment, had sentenced the respondent for offence under Section 3(1)(xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to the sentence already undergone, the question for consideration was whether the High Court could award sentence less than the minimum sentence contemplated by the Statute.

The Supreme Court held that “where minimum sentence is provided for, the Court cannot impose less than the minimum sentence.” It was further held that “provisions of Article 142 of the Constitution cannot be resorted to impose sentence less than the minimum sentence.”

15. On 28th February, 2019, in the case of *Ramakrishna Mission & Anr. v. Kago Kunya & Ors.* [Civil Appeal No. 2394 of 2019], it was held that “neither the Ramakrishna Mission nor its hospital “would constitute an authority within the meaning of Article 226 of the Constitution”. It was held that “the High Court was not justified in coming to the conclusion that the appellants are amenable to the writ jurisdiction under Article 226 of the Constitution as an authority within the meaning of the Article.”

The Supreme Court was of the view that “in running the hospital, Ramakrishna Mission does not discharge a public function.” It was held that “before an organisation can be held to discharge a public function, the function must be of a character that is closely related to functions which are performed by the State in its sovereign capacity.” The Court observed that there was “nothing on record to indicate that the hospital performs functions which are akin to those solely performed by State authorities”. It was held that “the character of the organisation as a public authority is dependent on the circumstances of the case” and “in setting up the hospital, the Mission cannot be construed as having assumed a public function. The hospital has no monopoly status conferred or mandated by law. That it was the first in the State to provide service of a particular dispensation does not make it an ‘authority’ within the meaning of Article 226.”

The Court observed that “the mere fact that land had been provided on a concessional basis to the hospital would not by itself result in the conclusion that the hospital performs a public function” and in the present case, “the absence of state control in the management of the hospital has a significant bearing” for “coming to the conclusion that the hospital does not come within the ambit of a public authority.” It was observed that “private individuals and organizations are subject to diverse obligations under the law” “but that does not make every entity or activity an authority under Article 226.”

16. On 5th March, 2019, in the case of *Principal Commissioner of Income Tax (Central)-1 v. NRA Iron and Steel Pvt. Ltd.* [Civil Appeal No. 2463 of 2019], it was held that where sums of money are credited as Share Capital/Premium, “the assessee is under a legal obligation to prove the genuineness of the transaction, the identity of the creditors, and credit-worthiness of the investors who should have the financial capacity to make the investment in question, to the satisfaction of the AO, so as to discharge the primary onus.” It was held that “the Assessing Officer is duty bound to investigate the credit-worthiness of the creditor/ subscriber, verify the identity of the subscribers, and ascertain whether the transaction is genuine, or these are bogus entries of name-lenders.” It was further held that if the enquiries and investigations reveal the identity of the creditors to be dubious or doubtful, or lacking credit-worthiness, “then the genuineness of the transaction would not be established” and “in such a case, the assessee would not have discharged the primary onus contemplated by Section 68 of the Income Tax Act.”

The Supreme Court observed that “the practice of conversion of un-accounted money through the cloak of Share Capital/Premium must be subjected to careful scrutiny” “particularly so in the case of private placement of shares, where a higher onus is required to be placed on the Assessee since the information is within the personal knowledge of the Assessee.”

Further observing that “the Assessee is under a legal obligation to prove the receipt of share capital/premium to the satisfaction of the AO, failure of which, would justify addition of the said amount to the income of the Assessee”, the Supreme Court held that on the facts of the present case, “clearly the Assessee Company - Respondent failed to discharge the onus required under Section 68 of the Act”, and “the Assessing Officer was justified in adding back the amounts to the Assessee’s income.”

17. On 5th March, 2019, in the case of *The State of Madhya Pradesh v. Laxmi Narayan and others* [Criminal Appeal No.349 of 2019], a three Judge Bench held that the power conferred under Section 482 CrPC to quash criminal proceedings for non-compoundable offences under Section 320 CrPC “can be exercised having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves”.

The Bench held that “such power is not to be exercised in those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape,

dacoity, etc.” saying that “such offences are not private in nature and have a serious impact on society.” Similarly, it was held that “such power is not to be exercised for the offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender.”

Further, it was held by the Bench that “offences under Section 307 IPC and the Arms Act etc. would fall in the category of heinous and serious offences and therefore are to be treated as crime against the society and not against the individual alone, and therefore, the criminal proceedings for the offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground that the parties have resolved their entire dispute amongst themselves.” However, it was also made clear that “the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC. For this purpose, it would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delegate parts of the body, nature of weapons used etc. However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and the charge sheet is filed/charge is framed and/or during the trial. Such exercise is not permissible when the matter is still under investigation.”

The Bench further held that “while exercising the power under Section 482 of the Code to quash the criminal proceedings in respect of non-compoundable offences”, which are private in nature and do not have a serious impact on society, “on the ground that there is a settlement/compromise between the victim and the offender, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding and why he was absconding, how he had managed with the complainant to enter into a compromise etc.”

18. On 5th March, 2019, in the case of *M. R. Krishna Murthi v. New India Assurance Co. Ltd. & Others* [Civil Appeal No. 2476-77 of 2019], the Supreme Court impressed “upon the Government to also consider the feasibility of enacting Indian Mediation Act to take care of various aspects of mediation in general.” The Supreme Court observed that the Government may examine the feasibility of setting up Motor Accidents Mediation Authority (MAMA) “by making necessary amendments in the Motor Vehicles Act” and “in the interregnum”, directed NALSA “to set up Motor Accident Mediation Cell which can function independently under the aegis of NALSA or can be handed over” to Mediation and Conciliation Project Committee (MCPC).

Further, the Supreme Court reiterated “the directions contained in order dated November 6, 2017 in *Jai Prakash* case for implementation of the latest Modified Claims Tribunal Agreed Procedure” and for ensuring such implementation, directed NALSA “to take up the same in coordination and cooperation with various High Courts.” It was directed that

Motor Accident Claims Annuity Deposit Scheme (MACAD) Scheme “shall be implemented by all Claim Tribunals on All India basis” and that “21 Banks, Members of Indian Banks Association, who had taken decision to implement MACAD Scheme would do the same on All India basis.”

The Supreme Court impressed “upon the Government to look into the feasibility of framing necessary schemes and for the availability of annuity certificates” and likewise, it was directed “that there should be programmes from time to time, in all State Judicial Academies”, to sensitize “the Presiding Officers of the Claims Tribunals, Senior Police Officers of the State Police as well as Insurance Company for the implementation of the said Procedure.”

19. On 7th March, 2019, in the case of *M/s Anjaneya Jewellery v. New India Assurance Co Ltd. & Ors.* [Civil Appeal No.6878 of 2018], the Supreme Court held that the National Consumer Disputes Redressal Commission “does have the jurisdiction to dismiss the complaint *in limine* and decline its admission without notice to the opposite party.” However, it was also held that “such jurisdiction to dismiss the complaint *in limine* has to be exercised by the Commission having regard to facts of each case, i.e., in appropriate case.”

20. On 7th March, 2019, in the case of *Babu Ram v. Santokh Singh (deceased) through his LRs and others* [Civil Appeal No.2553 of 2019], the Supreme Court examined questions regarding “scope and applicability of Section 22 of the Hindu Succession Act, 1956”, “and particularly, whether preferential right given to an heir of a Hindu under said Section 22 will be inapplicable if the property in question is an agricultural land.” It was held that “the preferential right given to an heir of a Hindu under Section 22 of the Act is applicable even if the property in question is an agricultural land.”

The Supreme Court observed that “when the Parliament thought of conferring the rights of succession in respect of various properties including agricultural holdings, it put a qualification on the right to transfer to an outsider and gave preferential rights to the other heirs with a designed object. Under the Shastrik Law, the interest of a coparcener would devolve by principles of survivorship to which an exception was made by virtue of Section 6 of the Act. If the conditions stipulated in Section 6 were satisfied, the devolution of such interest of the deceased would not go by survivorship but in accordance with the provisions of the Act. Since the right itself in certain cases was created for the first time by the provisions of the Act, it was thought fit to put a qualification so that the properties belonging to the family would be held within the family, to the extent possible and no outsider would easily be planted in the family properties.” In the considered view of the Court, “it is with this objective that a preferential right was conferred upon the remaining heirs, in case any of the heirs was desirous of transferring his interest in the property that he received by way of succession under the Act.”

21. On 15th March, 2019, in the case of *Rohitbhai Jivanlal Patel v. State of Gujarat & Anr.* [Criminal Appeal No.508 of 2019], while considering criminal cases pertaining to offence under Section 138 of the Negotiable Instruments Act, 1881 for dishonour of cheques, allegedly drawn by accused-appellant in favour of the complainant-respondent no.2, the Supreme Court held

that “existence of a legally enforceable debt is to be presumed in favour of the complainant” and “when such a presumption is drawn, the factors relating to the want of documentary evidence in the form of receipts or accounts or want of evidence as regards source of funds were not of relevant consideration while examining if the accused has been able to rebut the presumption or not.”

It was held that “in the scheme of the NI Act, mere creation of doubt is not sufficient.” On facts, noticing that “the Trial Court proceeded to pass the order of acquittal on the mere ground of ‘creation of doubt’”, the Supreme Court observed that “the Trial Court appears to have proceeded on a misplaced assumption that by mere denial or mere creation of doubt, the appellant had successfully rebutted the presumption as envisaged by Section 139 of the NI Act.”

The Supreme Court held that “the major considerations on which the Trial Court chose to proceed clearly show its fundamental error of approach where, even after drawing the presumption, it had proceeded as if the complainant was to prove his case beyond reasonable doubt. Such being the fundamental flaw on the part of the Trial Court, the High Court cannot be said to have acted illegally or having exceeded its jurisdiction in reversing the judgment of acquittal.”

22. On 15th March, 2019, in the case of *S. Sreesanth v. The Board of Control for Cricket in India & Ors.* [Civil Appeal No.2424 of 2019], where proceedings were drawn by the Board of Control for Cricket in India (BCCI) against the appellant-cricketer for indulging in spot-fixing during matches of IPL (a professional Twenty20 cricket league), and life ban was imposed upon the appellant for offences under Article 2.1.1, 2.1.2, 2.1.3 and 2.1.4 of Anti-Corruption Code of BCCI, the Supreme Court held that in the disciplinary proceedings so held “the principles of natural justice were not violated” and the conclusions drawn by the disciplinary committee of the BCCI “cannot be said to be suffering from any infirmity which may warrant judicial review by the constitutional courts.”

However, the Supreme Court also held that “in cases where offences under Article 2.1.1, 2.1.2, 2.1.3 and 2.1.4 are proved, the disciplinary committee is not obliged to award a life time ban in all cases where such offences are proved” and discretion “has to be exercised on relevant facts and circumstances.” It was further held that the order of disciplinary committee did “not advert to the aggravating and mitigating factors as enumerated in Articles 6.1.1 and 6.1.2” and “without considering the relevant provisions of Anti-Corruption Code, the disciplinary committee” had “imposed a life time ban on the appellant which sanction cannot be held to be in accordance with the Anti-Corruption Code itself.”

Accordingly, the Supreme Court set aside the order of “the disciplinary committee only to the extent of imposing sanction of life time ban” with direction that “the disciplinary committee of the BCCI may reconsider the quantum of punishment/sanction which may be imposed on the appellant as per Article 6 of the Anti-Corruption Code.”

23. On 26th March, 2019, in the case of *The Branch Manager National Insurance Co. Ltd. v. Smt. Mousumi Bhattacharjee & Ors.* [Civil Appeal No. 2614 of 2019], while interpreting an insurance policy envisaging an accident cover, the Supreme Court was tasked with determining whether death of the insured due to encephalitis malaria occasioned by a mosquito bite in Mozambique, constituted a death due to accident.

The Supreme Court observed that “where a disease is caused or transmitted in the natural course of events, it would not be covered by the definition of an accident.” It was held that “in a policy of insurance which covers death due to accident, the peril insured against is an accident: an untoward happening or occurrence which is unforeseen and unexpected in the normal course of human events”, and thus the submission that “being bitten by a mosquito is an unforeseen eventuality and should be regarded as an accident” was not accepted by the Supreme Court.

The Supreme Court observed that the “insured was based in Mozambique” and Mozambique “accounts for 5% of cases of malaria globally” and “it is also on record that one out of three people in Mozambique is afflicted with malaria.” In light of these statistics, it was held that “the illness of encephalitis malaria through a mosquito bite cannot be considered as an accident” since it “was neither unexpected nor unforeseen” and “it was not a peril insured against in the policy of accident insurance.”

However, on being “informed during the course of the hearing that the claim under the insurance policy has been paid by the insurer”, the Supreme Court, in exercise of its’ jurisdiction under Article 142 of the Constitution, directed “that no recoveries shall be made.”

24. On 27th March, 2019, in the case of *Serious Fraud Investigation Office v. Rahul Modi and Another. Etc.* [Criminal Appeal Nos. 538-539 of 2019], the Supreme Court primarily examined the “scope, extent and the purpose of Section 212 of the Companies Act, 2013” and, “in particular, whether the compliance of sub-section (3) of Section 212 of the Act is mandatory or directory.”

Having regard to the scheme of the Act underlined in Chapter XIV (Sections 206 to 229 of the Act) dealing with the matters relating to inspection, inquiry and investigation of the companies in juxtaposition with Chapter XXIX which prescribes the punishment/penalties for commission of various offences specified under the Act, the Supreme Court held that the compliance of sub-section (3) of Section 212 of the Act is essentially directory.

The Supreme Court observed that “it cannot be said that the prescription of period within which a report is to be submitted by SFIO under sub-Section (3) of Section 212 is for completion of period of investigation and on the expiry of that period the mandate in favour of SFIO must come to an end. If it was to come to an end, the legislation would have contemplated certain results including re-transfer of investigation back to the original Investigating Agencies which were directed to transfer the entire record under sub-Section (2)

of Section 212.”

In the absence of any clear stipulation, the Supreme Court was of the view that, “an interpretation that with the expiry of the period, the mandate in favour of SFIO must come to an end, will cause great violence to the scheme of legislation. If such interpretation is accepted, with the transfer of investigation in terms of sub Section (2) of Section 212 the original Investigating Agencies would be denuded of power to investigate and with the expiry of mandate SFIO would also be powerless which would lead to an incongruous situation that serious frauds would remain beyond investigation. That could never have been the idea. The only construction which is, possible therefore, is that the prescription of period within which a report has to be submitted to the Central Government under sub-Section (3) of Section 212 is purely directory.”

MAJOR ACTIVITIES OF NATIONAL JUDICIAL ACADEMY (NJA) (FROM 01-01-2019 TO 31-03-2019)

Conference for High Court Justices: During the period from 1st January, 2019 to 31st March, 2019, NJA organized 4 conferences for High Court Justices.

The first conference on '*Direct Taxes*' facilitated deliberations among participant justices on contemporary issues and developments in direct taxation in India and global perspectives. Discussions were undertaken on normative issues pertaining to the evolution of direct taxes, interpretation in tax statutes and treaty law, major dispute areas and the role of the High Court. The conference sought to create expertise at the High Court level in order to address the backlog and increase competencies to serve as a fair arbiter both in the domestic and international aspects.

The second conference sensitized judges on Intellectual Property Rights, national and international perspectives of the Intellectual Property regime and helped identify solutions for effective adjudication of IPR disputes. The discussions focused on the genesis, benefits and importance of IPR, India's IP related treaty obligations, role of the judiciary, challenges to IPR in the digital age and resolution of IPR disputes via commercial Courts & ADR.

The third conference provided insights into the GST Act, 2017 and facilitated discussions on normative issues relevant to the evolution of indirect taxes. The conference enabled the participant justices to explore and comprehend the constitutional evolution in the area, potential areas of conflict and litigation consequent to this legislative shift and the adjudicative and socio-judicial inferences that may arise thereby.

The fourth conference on '*Commercial Division and Commercial Appellate Division*' facilitated deliberations among participant justices on contemporary issues and recent developments in commercial disputes. The discussions threw light on the genesis, importance, benefits of commercial courts, the interplay between Commercial Courts Act, 2015 and the Arbitration and Conciliation Act, 1996 and the challenges in implementation of the Commercial Courts Act, 2015. The participants were acquainted with the nuanced issues in disputes relating to interpretation of distribution & licensing agreements, intellectual property rights, joint venture agreements and construction and infrastructure contracts. The conference sought to create expertise in this area of law at the High Court level for effective and speedy adjudication of commercial disputes and to address backlog.

Regional Conferences of the Academy: NJA organized three Regional Conferences on the theme "*Enhancing Excellence of the Judicial Institutions: Challenges & Opportunities*" during the period from 1st January, 2019 to 31st March, 2019, to achieve wider outreach to the judicial fraternity, to facilitate judicial officers in understanding challenges faced by subordinate judicial

officers in a particular region, to develop consensus on how to address those challenges at regional levels and to accentuate the experience of familial community between High Court and Subordinate Court judicial officers.

The conferences provided a forum for re-visiting established and imperative norms of the constitutional vision of justice and norms for appellate review, to assess the consequences of frequent and excessive appellate interference. The conference sought to build a cohesive vision of justice in keeping with the constitutional principles and also stress on the relevance of Information and Communication Technology in the judicial process and its contribution to effective court management and achieving access to justice.

The South Zone-II Regional Conference was held at Chennai in collaboration with the Madras High Court and the Tamil Nadu State Judicial Academy. The North Zone Regional Conference was held at Ahmedabad in collaboration with the Gujarat High Court and the Gujarat State Judicial Academy. The North Zone-II Regional Conference was held at Ranchi in collaboration with the High Court of Uttarakhand and the Uttarakhand Judicial and Legal Academy.

Workshop for Additional District Judges: During the period from 1st January, 2019 to 31st March, 2019, NJA organized a workshop for Additional District Judges to discuss critical issues in adjudication at the district level. Challenges in implementation of the ADR system, issues in evolving a uniform sentencing policy, court and case management at the district level, electronic evidence and cybercrime and challenges in ensuring fair sessions trial were discussed at length in the workshop. The focus was on the appellate and revision jurisdiction of District Judges in criminal and civil justice administration.

Orientation Programme for Junior Division Judges: NJA organized two orientation programmes during the period from 1st January, 2019 to 31st March, 2019, for Junior Division judges with the objective of capacity building of judicial officers at the primary tier. The workshop fostered comity and fraternity between the judges from across India through discussions and sharing of experiences and views between judges from across India. The orientation sought to evolve a uniform vision of justice and enable the participants to comprehend and appreciate the judicial role. Emphasis was placed on the responsibility of judicial officers in a constitutional democracy and the participants were acquainted with recent developments in juridical thinking, relevant technological advances to enhance performance standards and accrete knowledge of aspects of law and practice relevant to enhancing the quality of performance.

Refresher Courses for Special Courts: NJA organized two refresher courses of three days duration for special courts i.e. Commercial Courts and PMLA Courts during the period from 1st January, 2019 to 31st March, 2019.

The *Refresher Course for Commercial Courts* sought to accrete the knowledge base of judges in the sphere of Intellectual Property Rights, Construction and Infrastructure

agreements and Joint Venture Agreements. The course facilitated discussion on issues and problems arising during adjudication of commercial disputes with a view to identify measures to resolve such issues. Discussions on the jurisdiction of commercial courts and strategies for speedy disposal of cases were undertaken in this course.

The *Refresher Course on Prevention of Money Laundering Act* was designed to assess and audit working of PMLA Courts within the framework of the Act and to identify and evolve strategies for meeting the challenges and bottlenecks encountered while adjudicating cases. Efforts were made to identify appropriate measures to assist presiding officers of Special Courts under this Act to dispose of cases speedily and consistent with the spirit and object of the Act.

Special Events: During the period from 1st January, 2019 to 31st March, 2019, NJA organized five programmes as special events.

A three day seminar for members of the *Income Tax Appellate Tribunal* was organized at the NJA in January 2019. The seminar engaged the participants in discussion on statutory basis of taxation, evidence in taxation law, burden of proof in tax law, defects in assessment proceedings and constitutional concerns of equality and due process in taxation. The participants were acquainted with the emerging issues in transfer pricing, international tax treaties and double tax avoidance agreements. The seminar focused on the adjudicatory challenges faced by the ITATs and solutions overcoming bottlenecks in the effective functioning of the ITATs.

The Academy organized a seminar for members of *Railway Claims Tribunal* as a special event. The seminar provided an overview of the charter of Railway Claims Tribunals and the social welfare scheme under the Railways Act, 1989. The seminar was organized to review the past performance of the Railway Claims Tribunals and to address the institutional bottlenecks affecting the optimum performance of Railway Claims Tribunals. Discussions were undertaken on technical areas such as interpretation of key concepts under the statute and the basis of liability under the Act; in addition to discussions on components of decision making, best practices and proactive approach by the members of the Railway Claims Tribunals. The seminar attempted to bring consonance and balance in functioning of the member judicial and member technical of the tribunal through dialogue among the participants, managing difference of opinions in the bench and improving relation with the bar by adopting best practices. Emphasis was placed on the uses and impact of information technology and Lok Adalats within the scheme of the legislation.

NJA organized a workshop for *Senior IRS (C&IT) Officers* for capacity building in 'Adjudication Skills'. The workshop was designed to help participants explore and understand the role of civil services in a democracy. The workshop provided an overview of the allocation of fields of legislation in our federal context and familiarized participants with the law of precedents and the nuances in identification of ratio. The participants were acquainted with the fundamentals of interpretation of fiscal statutes, elements of ethics, professionalism and

neutrality in process of adjudication and the art, craft and science of drafting judgments.

The Academy organized a seminar for *Members of the Customs, Excise and Service Tax Appellate Tribunal*. The seminar facilitated deliberations on the constitutional and statutory mandate of the tax statutes including scope for equitable construction, generic pathologies in assessment proceedings / departmental adjudication, appreciation of evidence including electronic evidence in taxation proceedings. The participants were also acquainted with issues impacting judicial ethics and objectivity in decision making. The seminar aimed to develop the skills of judging and judgment writing in the participants.

The Academy also organized a seminar for Presidents of *District Consumer Forums*. The seminar aimed at capacity building of the participants to achieve fair, speedy and effective disposal of cases by the consumer forums. Deliberations in the seminar focused on the jurisprudential charter of the consumer forums and threw light on the critical issues in adjudication at the forum level and the role of district consumer forum in enhancing consumer's access to justice. The rights and responsibilities of consumers and service providers in the context of the accelerating free market environment were emphasized upon in the discussions.

Seminars for Foreign Judges: NJA organized an eight day training programme for judges from Bangladesh and Fiji in January 2019. The programme involved deliberations on the emerging issues in the field of constitutional law of India, the structure and jurisdiction of the Indian judiciary, the constitutional vision of justice, elements of judicial behavior, the art, craft and science of drafting judgments, principles of evidence and human rights.

Further, NJA organized a seminar for judges from Bangladesh in February 2019. The programme acquainted the participants with constitutional, civil, criminal and human rights laws, and correlative jurisprudence. The conference engaged the participants in discussion on elements of judicial behaviour- ethics, neutrality and professionalism, skills of judging and judgment writing. The programme also facilitated discussions on court & case management and use of ICT in administration of justice.

SOME IMPORTANT VISITS AND CONFERENCES

(From 01-01-2019 to 31-03-2019)

- 1.** Hon'ble Shri Ranjan Gogoi, Chief Justice of India visited Amaravati to Inaugurate the High Court Building of Andhra Pradesh on 3rd February, 2019.

- 2.** Hon'ble Mr. Justice Arjan Kumar Sikri visited (i) Bengaluru to attend the Executive Council Meeting of the National Law School of India University on 12th January, 2019; (ii) Nagercoil to attend the 6th Anniversary Celebrations of Kumari Mahasabha at Mar Ephraem Engineering College, Elavuvilai on 19th January, 2019; (iii) Ahmedabad to attend the 9th Convocation Ceremony of Gujarat National Law University on 27th January, 2019; and (iv) Kolkata to attend the 13th Convocation of the West Bengal National University of Juridical Sciences on 3rd February, 2019.

- 3.** Hon'ble Mr. Justice N.V. Ramana visited (i) Amaravati to Inaugurate the High Court Building of Andhra Pradesh on 3rd February, 2019; and (ii) Visakhapatnam to participate in the 125 years celebration of Visakhapatnam District Court Bar Association on 31st March, 2019.

- 4.** Hon'ble Mr. Justice Arun Mishra visited (i) Greater Noida to attend a programme at Llyod Law College on 16th February, 2019; (ii) Jabalpur to attend the Golden Jubilee Celebrations of the M.P. State Bar Council on 2nd March, 2019; and (iii) Kolkata to attend Meetings of the Executive Council and the Search Committee, W.B. National University of Juridical Sciences on 16th March, 2019.

- 5.** Hon'ble Mr. Justice Abhay Manohar Sapre visited (i) Mumbai to attend Meeting of Selection Committee for selection of Judicial & Technical Members of National Company & Law Tribunal on 12th January, 2019; (ii) Lucknow to attend Meeting of Selection Committee for selection of Judicial & Technical Members of National Company & Law Tribunal on 9th February, 2019; (iii) Chandigarh to attend Meeting of Selection Committee for selection of Judicial & Technical Members of National Company & Law Tribunal on 13th February, 2019; and (iv) Ahmedabad to attend Regional Conference (West Zone-II) on Enhancing the Excellence of Judicial Institutions: Challenges & Opportunities on 23rd February, 2019.

- 6.** Hon'ble Mrs. Justice R. Banumathi visited Aurangabad to inaugurate National Seminar on Law at Maharashtra National Law University, Aurangabad on 2nd/3rd March, 2019.

- 7.** Hon'ble Mr. Justice Uday Umesh Lalit visited (i) Bengaluru to attend the 87th Executive Council Meeting of National Law School of India University, Bengaluru on 12th January, 2019; and (ii) Ahmedabad to attend the "West Zone-II Regional Conference on Enhancing Excellence of the Judicial Institutions: Challenges & Opportunities held by National Judicial Academy, Bhopal on 23rd February, 2019.

8. Hon'ble Dr. Justice D.Y. Chandrachud (i) presided over the XIth Convocation of Gujarat National Law University in Ahmedabad as the Chief Guest on 27 January 2019 and delivered the Convocation address; (ii) attended a session on 'Gender, Sexuality and Human Rights' as a panelist at the 1st LAWASIA Human Rights Conference hosted by the Bar Association of India on 9 February 2019; (iii) delivered the keynote address at the Kala Ghoda Arts Festival in Mumbai on 9 February 2019; (iv) delivered the Sixth M K Nambyar Endowment Lecture on 'Inventing and Reinventing Constitutional Identity' organized by the West Bengal National University of Juridical Sciences on 2 March 2019; (v) delivered the WWF Green Law Lecture on 'Environmental Justice and the Rule of Law: Role of the Judiciary and the Judges' organized by the World Wildlife Fund along with O P Jindal Global Law School on 27 March 2019; and (vi) delivered the Nani Palkhivala Birth Centenary Celebrations Lecture on 'A Borrowed Constitution : fact or myth?' organized by Lex Consilium Foundation at ISIL Auditorium, New Delhi on 29 March 2019.

9. Hon'ble Mr. Justice Ashok Bhushan visited Pune to attend Inaugural programme of "Justice P.B. Sawant Sixth National Moot Court Competition-2019" at Shankar Rao Chavan Law College, Kale Hall, Gokhale Institute of Politics & Economics on 2nd February, 2019.

10. Hon'ble Mr. Justice L. Nageswara Rao visited (i) Visakhapatnam to participate as "Chief Guest" and "Guest of Honour" at the presentation of Lok Nayak Foundation Literary Award" under the aegis of Loknayak Foundation, Visakhapatnam on 19th January, 2019; (ii) Tanuku, West Godavari District, A.P. to preside as Chief Guest at the "1st Graduation Day (Convocation) of S.K.S.D Mahila Kalasala Degree & P.G." Tanuku on 2nd February, 2019; (iii) Vijayawada to Preside as Chief Guest at the "36th College Day Celebration of Sri Durga Malleswara Siddhartha Mahila Kalasala" on 2nd February, 2019; (iv) Amravati to attend the inauguration of newly constructed Andhra Pradesh High Court building on 3rd February, 2019; (v) Hyderabad to preside over as 'Chief Guest' at Rotary Vocational Excellence Awards function at Dr. Marri Chenna Reddy HRD Institute, Jubilee Hills on 9th February, 2019; (vi) Bengaluru to preside over as Chief Guest at the Valedictory Ceremony of the 9th SLCU NMCC, 2019 organized by the School of Law, CHRIST, Bengaluru on 10th February, 2019; and (vii) Chennai to preside over as 'Chief Guest' for the Final Competition of the Moot Court organized by the N. Natarajan Trust on 3rd March, 2019.

11. Hon'ble Mr. Justice Sanjay Kishan Kaul visited Bhopal to attend the Conference for High Court Justices on Intellectual Property Rights (IPRs) organized by the National Judicial Academy and Chair Session No.7 scheduled on the theme "Resolving Intellectual Property Disputes via Commercial Courts and ADRs" on 10th February, 2019.

12. Hon'ble Mr. Justice Mohan M. Shantanagoudar visited (i) Bengaluru to attend meeting of 87th Executive Council of National Law School of India University at Conference Hall, NLSIU Training Centre on 12th January, 2019; (ii) Dharwad to attend function at District Court, Dharwad on 19th January, 2019; (iii) Kochi to deliver Convocation Address at the National University of Advanced Legal Studies at NUALS Campus, Kalamassery on 2nd February, 2019; and (iv) Bengaluru (a) for inauguration of 8th All India Notaries Conference hosted by Karnataka State Notaries Association held on 10th February, 2019; and (b) to attend Valedictory function on

completion of one-year training period of 92 Civil Judges in High Court of Karnataka on 23rd March, 2019.

13. Hon'ble Mr. Justice Navin Sinha visited (i) Chennai to inaugurate and preside over Inaugural Session of Annual Conference on International Taxation, organized at Chennai by International Fiscal Association, Indian Branch on 2nd February, 2019; and (ii) Ahmedabad to address the gathering and guide deliberations in West Zone-II "Regional Conference on Enhancing Excellence of the Judicial Institutions: Challenges & Opportunities" organized by National Judicial Academy in collaboration with the Gujarat High Court and the Gujarat State Judicial Academy, at Ahmedabad (Gujarat) on 23rd February, 2019.

14. Hon'ble Mr. Justice Deepak Gupta visited (i) Bengaluru to attend Meeting of the 87th Executive Council of National Law School of India University on 12th January, 2019; (ii) Noida to attend International Conference on Comparative Constitutional Law on "Comparing and Contrasting the Constitutional Models of India and Australia" at Amity University on 15th February, 2019; (iii) Tripura to inaugurate and attend the Conference of Judicial Officers at High Court of Tripura on 17th February, 2019; (iv) Bhopal to attend Orientation Programme for Junior Division Judges at National Judicial Academy on 2nd March, 2019; and (v) Pune to attend International Criminal Trial Advocacy Competition 2019 at Symbiosis Law School on 30th March, 2019. Also, His Lordship attended as Chief Guest in the Inaugural Session of two days training programme for Prison Officials on "Human Rights: Issues and Challenges" in collaboration with NHRC at Indian Law Institute on 19th January, 2019; attended Conference on "Strengthening Arbitration in India: The Way Forward" at Federation House, Tansen Marg, New Delhi on 2nd February, 2019; attended 1st LAWASIA Human Rights Conference at Hyatt Regency, New Delhi on Climate Change, Water Conflicts & Human Rights from 9th to 10th February, 2019; and delivered the Presidential Address at the 'Green Law Lecture' jointly organized by the O.P. Jindal University & WWF India at WWF India Office on 27th March, 2019.

15. Hon'ble Ms. Justice Indira Banerjee (i) inaugurated the "South Zone-II Regional Conference on Enhancing Excellence of the Judicial Institutions: Challenges & Opportunities" organised by National Judicial Academy, Bhopal in collaboration with the Madras High Court and the Tamil Nadu State Judicial Academy, at Chennai on January 19, 2019; (ii) was Chief Guest at the "concluding ceremony and award distribution of Sattakadir Silver Jubilee Conference on Law and Justice" on January 19, 2019 at Chennai; (iii) was Chief Guest at Inaugural function of "Tamil Nadu Dr. Ambedkar Law University (TNDLU) – AIR Education Support Suite and AIR Law Café" organised by TNDLU and AIR Law Academy & Research Centre, Nagpur on February 2, 2019 at Chennai; (iv) chaired Sessions 4, 5 and 6 of "Conference for High Court Justices on Intellectual Property Rights" organised by National Judicial Academy, Bhopal on February 9, 2019 at NJA, Bhopal; (v) inaugurated "National Conference on Economic Offences: Emerging dynamics and Dimensions" organised by High Court of Madras and Tamil Nadu State Judicial Academy on February 16, 2019 at Coimbatore; (vi) delivered lecture at Bombay High Court on "Judicial Activism v. Judicial Restraint" organised by Bombay Bar Association on March 19, 2019; and (vii) delivered "Dr. P.B. Gajendragadkar Memorial Endowment Lecture" organised by Department of Law, University of Mumbai on March 20,

2019 at Mumbai.

16. Hon'ble Mr. Justice K. M. Joseph visited Jodhpur to attend the "Twelfth Convocation" at National Law University from 19th to 20th January, 2019.

17. Hon'ble Mr. Justice Hemant Gupta visited Sunam (Punjab) to attend felicitation by the District Bar Association on 2nd March, 2019.

18. Hon'ble Mr. Justice R. Subhash Reddy visited Amaravati to attend the Inauguration of newly constructed building of High Court of Andhra Pradesh on 3rd February, 2019.

19. Hon'ble Mr. Justice M. R. Shah visited (i) Ahmedabad (a) to attend the International Conference for CA Students held on 5th January, 2019; (b) to attend "Shri I.M. Nanavati Memorial National Moot Court Competition 2018-19 organized by the GLS Law College on 19th January, 2019; and (c) to attend the West Zone-II Regional Conference on Enhancing Excellence of the Judicial Institutions: Challenges & Opportunities organized by the National Judicial Academy in association with High Court of Gujarat and Gujarat State Judicial Academy from 23rd to 24th February, 2019; and (ii) Noida to chair/attend Asia Pacific Rounds of the prestigious Manfred Lachs Space Law Moot Court Competition, 2019 organized by the International Institute of Space Law (IISL) at Amity University on 31st March, 2019.

20. Hon'ble Mr. Justice Sanjiv Khanna visited Bhopal to attend the National Seminar for Senior IRS (C & IT) Officers on "Adjudication Skills" organized by National Judicial Academy on 15th and 16th March, 2019.

FOREIGN DELEGATION IN THE SUPREME COURT (From 01-01-2019 to 31-03-2019)

Hon'ble Shri Ranjan Gogoi, Chief Justice of India had meeting with Hon'ble Mr. Takashi Yamashita, Minister of Justice, Japan on 10th January, 2019 in the Chamber of His Lordship.



The

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(WEEKLY)

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