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DECEMBER 2025



Your Monthly Guide to Legal Reasoning and Legal Current Affairs

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Chaitanya Ghosh



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Vidisha Singh



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Samyuktha Kovilakath



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Aditya Mehta



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Yutika Kumar

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Nishant Prakash, founder and chief mentor at NPLC, is a nationally recognized legal educator and policy advisor. An alumnus of one of India's premier National Law Schools, Nishant left a thriving corporate law career to dedicate himself fully to teaching and mentoring the next generation of legal leaders. For over 13 years, he has built an unparalleled reputation as a transformational teacher, guiding students with precision, compassion, and personal accountability.

He has been associated with some of the country's top-tier law firms, including Luthra & Luthra, and holds expertise in Intellectual Property, Insurance, and Trade Law, with over 30 national and international publications to his credit.

A firm believer in long-term academic mentorship, Nishant combines academic rigour with real-world legal insights to prepare students for top law schools and successful careers. His work consistently bridges the gap between textbook learning and practical application, equipping students with a clear understanding of how law operates in the real world.

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SUPREME COURT

Landmark Judgements



1

Widowed Sisters as Dependents under Employee's Compensation Act, 1923

Background

- The case arose from a judgment dated 5 October 2009 of the High Court of Karnataka at Bangalore in M.F.A. No. 7194 of 2005 (WC), concerning compensation under the Employee's Compensation Act, 1923.
- The deceased was an employee whose death in the course of employment gave rise to a claim for compensation by his dependents.
- He was survived, among others, by two widowed sisters (respondent numbers 3 and 4), who were not minors at the time of his demise but were in fact financially dependent on him.
- The Commissioner under the Employee's Compensation Act treated these widowed sisters as "dependents" and awarded compensation in their favour.
- The appellant, New India Assurance Company Ltd., challenged this decision, contending that the sisters did not fall within the statutory definition of "dependent" under Section 2(1)(d)(iii)(d) of the 1923 Act.
- The insurer argued that the provision only covers "a minor brother, or an unmarried sister or a widowed sister if a minor," and therefore an adult widowed sister is excluded even if she is actually dependent on the deceased.
- The High Court of Karnataka upheld the Commissioner's award, thereby recognising the widowed sisters as dependents and affirming their entitlement to compensation.

Case Details

Case Title: The New India Assurance Company Ltd. v. Kogga & Ors.
Citation: 2025 LiveLaw (SC) 1039
Bench Justice Rajesh Bindal and Justice Manmohan

Issue Before the Court

- Whether, under Section 2(1)(d)(iii)(d) of the Employee's Compensation Act, 1923, an adult widowed sister of a deceased employee can be treated as a "dependent" when the text refers only to "a widowed sister if a minor."
- Whether the Commissioner and the High Court were justified in treating the two adult widowed sisters as dependents for the purpose of awarding compensation in the facts of the case.
- Whether the existing statutory definition of "dependent" in the 1923 Act is consistent with contemporary social realities and the welfare-oriented object of labour compensation law.
- Whether the proper course for dealing with an arguably outdated statutory definition is judicial reinterpretation by the Court or a legislative amendment following consideration by the Law Commission of India.

- Aggrieved by this, the Insurance Company filed a civil appeal before the Supreme Court, challenging both the interpretation of “dependent” and the legality of granting compensation to adult widowed sisters.

Judgement of the Court

- The Supreme Court recorded that, having heard the parties and keeping in view the relatively small amount involved, it did not wish to interfere with the impugned judgment of the High Court and accordingly dismissed the appeal while expressly leaving the question of law open. Earlier, by order dated 24 August 2023, the Court had re-listed the matter after reserving judgment on 17 August 2023, indicating that it required appropriate assistance from the Union of India on the interpretation of Section 2(1)(d)(iii)(d) of the Employee’s Compensation Act, 1923.
- The Court noted that the Act is a 1923 social welfare statute and that Section 2(1)(d)(iii)(d) defines “dependent” to include “a minor brother or an unmarried sister or a widowed sister if a minor,” thereby textually limiting widowed sisters’ entitlement to those who are minors.
- The Bench observed that, in present times, particularly after the enactment of the Hindu Marriage Act, 1955 and the statutory fixation of a minimum age for marriage, the situation of a “widowed sister who is a minor” would be extremely rare or practically non-existent. The Court characterised this literal wording as archaic in light of contemporary social realities in which widowed women, regardless of age, often face serious economic and social vulnerability and may be genuinely dependent on brothers or natal families. Recognising that altering the statutory definition involves a matter of legislative policy, the Court refrained from judicially expanding or rewriting the term “dependent,” instead indicating that such reform should come through legislation rather than through interpretative innovation in this appeal.
- The Court therefore recommended that the issue be examined by the Law Commission of India for “suitable amendment” of Section 2(1)(d)(iii)(d) or any other relevant provision of the 1923 Act so that the law may be aligned with present social conditions and welfare objectives.
- It directed that a copy of the order be sent to the Secretary, Ministry of Law and Justice, with a request that the matter be referred to the Chairperson of the Law Commission of India for consideration and possible legislative action.

Key Takeaway for CLAT Aspirant

- **Employee’s Compensation Act, 1923 – Welfare Legislation:** The Act (formerly the Workmen’s Compensation Act) is a social security statute meant to protect workers and their dependents from the economic consequences of work-related injury or death. Courts therefore tend to interpret it in a **beneficial** and **worker-friendly** manner, consistent with labour-welfare objectives.
- **Section 2(1)(d) – Statutory Definition of “Dependent”:** Section 2(1)(d) exhaustively lists who can claim as a “dependent”, including widow, minor children, widowed mother and certain other relatives. Unless a claimant fits within this statutory list, no matter how genuine the economic dependence, compensation cannot be granted under the Act.
- **Section 2(1)(d)(iii)(d) – “Widowed Sister if a Minor”:** This clause recognises “a minor brother, or an unmarried sister or a widowed sister if a minor” as dependents, thereby textually excluding adult widowed sisters.

- The case highlights how such wording, framed in 1923, has become **archaic** after minimum marriage ages under the Hindu Marriage Act, 1955, making a “minor widowed sister” almost impossible in modern conditions.
- **Judicial Restraint and Separation of Powers:** Although the Supreme Court acknowledged that the narrow definition is outdated and socially unjust, it consciously refrained from judicially rewriting “dependent”. Instead, it upheld the compensation on facts but left the **question of law open**, signalling that any expansion of the beneficiary class must come from **legislative amendment**, not from judicial legislation.
- **Reference to Law Commission of India:** By directing that the matter be placed before the Law Commission of India through the Ministry of Law and Justice, the Court used the institutional route of **law reform**. For exams, this illustrates how courts often deal with obsolete provisions by inviting the **Law Commission and Parliament** to update welfare statutes rather than stretching the text beyond its language.
- **Literal vs Purposive Interpretation in Welfare Statutes:** The judgment is an example of the tension between a **literal interpretation** (which strictly excludes adult widowed sisters) and a **purposive/welfare-oriented interpretation** (which would include all genuinely dependent widowed sisters). The Court flagged the purposive concerns but chose not to override the clear statutory text, reinforcing that even in welfare laws, purposive interpretation has limits.
- **“Question of Law Left Open”:** By dismissing the appeal “without interfering” yet expressly keeping the legal question open, the Supreme Court ensured that its order does not operate as a final precedent on the exact scope of “dependent”. This device is important doctrinally: it allows immediate relief to stand while preserving **future judicial or legislative reconsideration** of the legal issue.
- **Evolving Social Realities and Women’s Economic Vulnerability:** The Court’s reasoning is grounded in recognition that widowed women, including adult widowed sisters, often remain **economically vulnerable and dependent** on their natal families. This social-reality reasoning is crucial for CLAT: it shows how constitutional values of **social justice and gender equality** can influence statutory interpretation and trigger calls for legislative change, even when the text is not immediately altered.



Practice Questions

1. The Employee's Compensation Act, 1923, contains provisions defining who qualifies as a 'dependent' for the purpose of claiming compensation. In a recent case, a deceased worker's adult widowed sister, who had been financially supported by him for years, filed a claim. The Commissioner granted compensation considering her actual dependence, but the employer's insurance company appealed arguing that the statutory text explicitly restricts eligibility to only those categories mentioned. Which legal principle would most accurately determine the outcome?

- (a) Courts can expand statutory definitions in welfare laws to include all genuinely dependent persons
- (b) Actual economic dependence suffices for compensation regardless of statutory categorization
- (c) Social justice principles override restrictive textual definitions in beneficial legislation
- (d) Even welfare statutes require claimants to fit within the exhaustive statutory list of beneficiaries

2. A factory worker died in an industrial accident in 2024, leaving behind his widowed sister who was 19 years old. She had been living with and financially dependent on her deceased brother. When she claimed compensation under the Employee's Compensation Act, 1923, the employer contested her eligibility citing the specific language of the relevant provision. The Commissioner examined whether she qualified as a dependent under the statutory framework. What would be the correct legal position?

- (a) She does not qualify as the statute limits coverage to widowed sisters who are minors
- (b) She qualifies as the provision covers all widowed sisters who are dependent on the deceased
- (c) She qualifies because welfare statutes must be interpreted liberally in favour of claimants
- (d) She does not qualify unless she can prove she was also a minor when she got married

3. During the hearing of a compensation dispute, the Supreme Court observed that a particular statutory provision from 1923 appeared inconsistent with modern social conditions. After the Hindu Marriage Act, 1955 established minimum marriage ages, the Court noted significant practical implications for applying the older compensation law. The Court examined whether the category of "widowed sister if a minor" remained viable under current legal and social frameworks. What was the Court's key observation?

- (a) The provision became legally void after enactment of the Hindu Marriage Act, 1955
- (b) The provision conflicts with constitutional principles and requires judicial striking down
- (c) Minor widowed sisters have become extremely rare or practically non-existent in present times
- (d) The Hindu Marriage Act, 1955 impliedly amended all references to minor widows in earlier statutes

4. In a compensation appeal involving interpretation of the Employee's Compensation Act, 1923, the Supreme Court acknowledged that a particular provision defining dependents had become outdated and socially unjust. The Court faced a choice between judicially expanding the definition to include deserving claimants or maintaining the existing statutory language. Despite recognizing the inadequacy of the current provision, the Court made a specific decision regarding its role. What approach did the Court adopt?

- (a) The Court expanded the definition through purposive interpretation to align with welfare objectives
- (b) The Court harmoniously construed the provision to include all categories of dependent sisters

(c) The Court declared the restrictive definition unconstitutional and directed immediate legislative action

(d) The Court refrained from judicially rewriting the definition, signaling legislative amendment is required

5. After deciding a compensation appeal, the Supreme Court recognized that the statutory definition of 'dependent' required comprehensive reconsideration in light of contemporary social realities. Rather than resolving the issue through judicial interpretation alone, the Court chose to engage a specific institutional mechanism for law reform. The Court took formal steps to ensure the matter would receive appropriate expert examination for potential legislative change. What institutional route did the Court prescribe?

(a) The Court directed the Ministry to establish an expert committee for immediate statutory revision

(b) The Court recommended examination by the Law Commission for suitable amendment of the provision

(c) The Court requested Parliament to constitute a select committee for comprehensive legislative review

(d) The Court mandated the Central Government to introduce an amendment bill within six months



SUPREME COURT

Landmark Judgements



2

2018 Amendment to SRA not Retrospective

Background

- An agreement to sell immovable property was executed on 8 January 2010 between Annamalai (purchaser) and Saraswathi and Dharmalingam (vendors), with Vasanthi later claiming title over the same property.
- After the original six-month period for completion had lapsed, the vendors accepted an additional amount of ₹1,95,000 from the purchaser, endorsed on the back of the registered agreement.
- The vendors subsequently issued a notice purporting to terminate the agreement and also executed a sale of part of the property in favour of Vasanthi.
- Annamalai filed a suit for specific performance of the agreement for sale, while Vasanthi filed a separate suit for declaration of title and injunction.
- The Trial Court dismissed Annamalai's suit and decreed Vasanthi's suit, but the First Appellate Court reversed this, decreed specific performance in favour of Annamalai, and dismissed Vasanthi's suit.
- In second appeal, the High Court set aside the decree for specific performance, ordered refund of earnest money, and its judgment was delivered on 2 February 2018, before the Specific Relief (Amendment) Act, 2018 came into force.
- Aggrieved by the High Court's interference, Annamalai approached the Supreme Court in further appeal.

Case Details

Case Title: Annamalai v. Vasanthi and Others

Citation: 2025 INSC 1267

Bench Justice J.B. Pardiwala and Justice Manoj Misra

Issue Before the Court

1. Whether the High Court exceeded its jurisdiction under Section 100 of the Code of Civil Procedure, 1908 by re-appreciating factual findings of the First Appellate Court in a second appeal.
2. Whether, applying the law as it stood prior to the 2018 amendment, the plaintiff was entitled to the discretionary relief of specific performance under the Specific Relief Act, 1963.
3. Whether the 2018 amendment to the Specific Relief Act, which made the grant of specific performance generally mandatory, could apply retrospectively to suits and judgments arising from pre-amendment transactions.

Judgement of the Court

- The Court reiterated that under Section 100 CPC a second appeal lies only on a substantial question of law and is not a third round of fact-finding; the High Court cannot disturb concurrent or first appellate factual findings unless they are perverse or based on no evidence.
- It upheld the First Appellate Court's factual finding that the endorsement acknowledging receipt of ₹1,95,000 on the agreement was genuine, noting that once signatures are admitted, Section 114 of the Indian Evidence Act, 1872 allows a presumption that the endorsement was regularly made for valid consideration, which the vendors failed to rebut.
- By accepting additional money after the contractual period had lapsed, the vendors waived their right to insist on strict adherence to the original timeline and to forfeit the advance, thereby acknowledging that the agreement continued to subsist and demonstrating the purchaser's readiness and willingness, consistent with Section 55 of the Indian Contract Act, 1872.
- The Court held that a separate declaration is necessary only when a termination notice is issued in exercise of a valid contractual right and casts a real cloud over the plaintiff's title or rights; where the termination itself is a wrongful repudiation, the aggrieved party can treat the contract as subsisting and sue directly for specific performance, relying inter alia on *A. Kanthamani v. Nasreen Ahmed*.
- On the exercise of discretion under the unamended Sections 10, 14 and 20 of the Specific Relief Act, 1963, the Court observed that the plaintiff had paid over 90% of the sale consideration and the vendors' conduct in accepting further payment and then selling part of the property to a related party was inequitable, so there was no justification to deny specific performance.
- The Court clarified that a failed plea of possession by the plaintiff did not, by itself, amount to setting up a false case warranting refusal of equitable relief, particularly when the core contractual obligations and substantial payment stood established.
- On the temporal reach of the 2018 amendment, the Court reaffirmed, with reference to *Katta Sujatha Reddy v. Siddamsetty Infra Projects (P) Ltd* and its review, that the amendment making specific performance a generally mandatory remedy operates prospectively and does not govern suits or judgments arising from pre-amendment transactions; hence, the High Court's 2018 judgment had to be tested on the pre-amendment discretionary regime.
- Consequently, the Supreme Court allowed the appeals, set aside the High Court's judgment, restored the decree of the First Appellate Court granting specific performance, and directed Annamalai to deposit the small balance of sale consideration in the execution court within the stipulated time.

Key Takeaway for CLAT Aspirant

- **Prospective vs Retrospective Operation of Amendments:** A statutory amendment is generally presumed to be **prospective**, meaning it applies only to events, transactions and suits after its commencement. It will operate **retrospectively** (on past events or pending matters) only if the legislature clearly expresses such an intention, or if the amendment is purely procedural or declaratory. Substantive changes affecting rights and liabilities are usually confined to future cases unless the statute explicitly states otherwise.

- **Discretionary Nature of Specific Performance under the Old Specific Relief Act:** Under the unamended Specific Relief Act, 1963, **specific performance** was not an automatic remedy. Courts exercised **discretion** under Sections 10, 14 and 20, considering factors such as adequacy of damages, hardship, unfair advantage, and conduct of parties. Even if a contract was valid and enforceable, a decree for specific performance could be refused on equitable grounds, with the plaintiff relegated to compensation.
- **Waiver of Time Stipulations and Section 55 of the Contract Act:** Section 55 of the Indian Contract Act, 1872 deals with **time as the essence of contract**. If performance is delayed and time is of the essence, the promisee may treat the contract as void. However, if the promisee **accepts delayed performance without protest**, it often amounts to a **waiver of the strict time condition**. In such cases, the contract usually remains binding, and the promisee may claim compensation for delay but cannot ordinarily terminate solely on that ground.
- **Scope of Second Appeal under Section 100 CPC:** Section 100 CPC confines a **second appeal** to cases involving a **substantial question of law**. The High Court cannot act as a third court of fact and normally cannot re-open concurrent factual findings unless they are perverse, based on no evidence, or arrived at by ignoring vital evidence. This doctrine preserves the hierarchy of courts and finality of factual determinations, making second appeals primarily a vehicle for clarifying legal principles.
- **Wrongful Repudiation, Declaratory Relief and Specific Performance:** When a contract is **validly terminated** under a contractual clause, the aggrieved party often needs to seek a **declaration** that such termination is invalid before asking for further relief. In contrast, if a party's act amounts merely to **wrongful repudiation** (i.e., termination without legal basis), the other party may elect to treat the contract as subsisting and sue directly for **specific performance**, without necessarily seeking a separate declaratory decree.
- **Presumptions under Section 114 of the Evidence Act:** Section 114 of the Indian Evidence Act, 1872 empowers courts to draw **presumptions based on human conduct and ordinary course of business**. For example, if a person admits his signature on a document or endorsement, the court may presume that it was made for a genuine and regular transaction unless rebutted. Such presumptions shift the evidentiary burden and frequently play a decisive role in civil disputes involving payments, receipts and endorsements.
- **Readiness and Willingness in Specific Performance Suits:** In suits for specific performance, the plaintiff must establish continuous **"readiness and willingness"** to perform his part of the contract, both **financially and conduct-wise**. This is assessed from pleadings, correspondence, payments made, and overall conduct. Mere assertion is insufficient; objective indicators like timely payments, attempts to complete formalities, and absence of default are crucial for satisfying this statutory requirement.



Practice Questions

1. A property sale agreement was executed in March 2015 with a six-month completion period. After this period expired, the vendor accepted an additional payment of ₹2,00,000 from the purchaser, which was endorsed on the back of the registered agreement. Subsequently, the vendor issued a termination notice and refused to complete the sale. The purchaser filed a suit for specific performance, claiming the vendor had waived the original time limit. How should the vendor's acceptance of additional payment be legally interpreted?

- (a) The vendor's action created a new independent contract requiring fresh registration under the Transfer of Property Act
- (b) The acceptance of payment merely extended the completion period by an equivalent duration without waiving the original timeline
- (c) The vendor retained the right to terminate as the original contractual period had already expired
- (d) The acceptance of payment after expiry constituted waiver of the time limit and acknowledgment of the agreement's subsistence

2. In 2012, parties entered into a contract for sale of commercial property. Due to the purchaser's financial difficulties, completion was delayed beyond the stipulated six months. In 2017, the vendor issued a termination notice citing time violation. The purchaser immediately filed suit seeking specific performance under the Specific Relief Act, 1963 without seeking any separate declaration that the termination notice was invalid or void. The vendor argued that the suit was premature without first obtaining declaratory relief regarding the termination. What is the correct legal position regarding the necessity of declaratory relief in this scenario?

- (a) Declaratory relief is necessary only when termination is based on valid contractual rights creating genuine legal uncertainty
- (b) A separate declaration invalidating the termination notice is mandatory before seeking specific performance in all cases
- (c) The purchaser must first succeed in a declaratory suit before filing a separate suit for specific performance
- (d) No declaratory relief is required as specific performance jurisdiction includes implied power to declare termination invalid

3. During litigation over a property sale agreement executed in January 2016, the Trial Court dismissed the purchaser's suit for specific performance. The First Appellate Court reversed this decision after thoroughly examining all evidence and witness testimonies, granting specific performance to the purchaser. In second appeal before the High Court, the seller argued that the First Appellate Court had misinterpreted crucial documentary evidence and witness statements. The High Court proceeded to re-examine all factual aspects and reversed the First Appellate Court's findings. Was the High Court's approach legally sustainable?

- (a) Yes, as High Courts have plenary jurisdiction to correct any factual or legal errors in second appeals

- (b) Yes, as second appeals permit re-appreciation of evidence when substantial justice requires intervention by superior courts
- (c) No, as second appeals are confined to substantial questions of law and cannot disturb factual findings unless perverse
- (d) No, as High Courts must accept all factual findings of First Appellate Courts without any exception whatsoever

4. In a property dispute decided in March 2017, a purchaser obtained a decree for specific performance from the First Appellate Court. The High Court set aside this decree in its judgment delivered on 15 March 2018. Meanwhile, the Specific Relief (Amendment) Act, 2018 came into force on 1 January 2018, making specific performance a mandatory remedy rather than a discretionary one. The purchaser appealed to the Supreme Court, arguing that the 2018 amendment should govern the High Court's judgment since it was delivered after the amendment's enforcement. Should the amendment apply to this case?

- (a) Yes, because the High Court's judgment was delivered after the amendment came into force in 2018
- (b) No, because the amendment operates prospectively and does not apply to suits arising from pre-amendment transactions
- (c) Yes, because procedural amendments automatically apply to all pending matters regardless of when the transaction occurred
- (d) No, because the First Appellate Court's decree predated the amendment and attained finality before its enforcement

5. A vendor executed a sale agreement and received signatures of witnesses on the document. Later, the vendor accepted an additional sum of ₹1,50,000 after the original completion period expired, and an endorsement acknowledging this receipt was made on the back of the registered agreement. During trial, the vendor admitted his signature on the endorsement but claimed it was obtained under coercion and that no money was actually paid. The purchaser argued that once the signature is admitted, the burden shifts to prove invalidity. How should the court approach this evidentiary issue?

- (a) The court must accept the vendor's testimony as he is the signatory and has direct knowledge of circumstances
- (b) The purchaser bears the burden throughout to prove actual payment independent of the signed endorsement's existence
- (c) The court may presume the endorsement was made for valid consideration unless the vendor successfully rebuts this presumption
- (d) The court must treat the endorsement as void unless the purchaser produces independent witnesses to corroborate the payment



SUPREME COURT

Landmark Judgements



3 Section 107 of IPC

Background

- Yadwinder Singh @ Sunny and Pardeep Kaur, both government advocates posted at Batala and Amritsar respectively, were in a romantic relationship and expressed an intention to marry.
- In 2015, Yadwinder visited Pardeep's home, assured her mother that they wished to marry, and stated that although his father was opposed, he would persuade him and requested that Pardeep not be married elsewhere.
- Due to strong opposition from his family, Yadwinder ultimately backed out of the proposed marriage, causing emotional distress to Pardeep.
- On 6 November 2016, after several telephone conversations with Yadwinder and an allegedly callous response to her threat to consume poison, Pardeep ingested poison and later died during treatment at Escorts Hospital, Amritsar.
- Her mother lodged FIR No. 273 of 2016 under Section 306 IPC, alleging mental and physical exploitation on the pretext of marriage and instigation to commit suicide, and later gave a supplementary statement with CDs and call records.
- The Sessions Court registered Sessions Case No. 728 of 2018 against Yadwinder; his petition under Section 482 CrPC to quash the FIR was dismissed by the Punjab and Haryana High Court on 17 March 2025.
- Aggrieved, Yadwinder approached the Supreme Court by Special Leave Petition (Criminal) No. 7309 of 2025 challenging the refusal to quash the proceedings.

Case Details

Case Title: Yadwinder Singh @ Sunny v. State of Punjab & Anr
Citation: 2025 SCC OnLine SC 2332
Bench Justice J.B. Pardiwala and Justice K.V. Viswanathan

Issue Before the Court

1. Whether the allegations in the FIR and supplementary material, taken at face value, disclosed the essential ingredients of "abetment of suicide" under Section 306 IPC read with Section 107 IPC.
2. Whether mere refusal to marry, even if coupled with an intimate relationship and emotional distress, could amount to "instigation" or intentional aid within the meaning of Section 107 IPC.
3. Whether the Punjab and Haryana High Court was justified in declining to exercise its inherent powers under Section 482 CrPC to quash the FIR and criminal proceedings against the appellant.

Judgement of the Court

- The Court reiterated that for an offence under Section 306 IPC, there must be (i) commission of suicide and (ii) abetment thereof, and that abetment under Section 107 IPC involves instigation, conspiracy, or intentional aid, each requiring a positive act and a guilty intention.
- It explained that “instigation” means to goad, provoke, incite, or encourage a person to do a particular act, implying active suggestion or stimulus rather than mere inaction, indifference, or refusal to accede to someone’s wishes.
- The Court emphasised that abetment is a mental process and, without clear mens rea and a direct, proximate act intended to push the deceased towards suicide, criminal liability under Section 306 IPC cannot be attracted.
- Referring to precedents such as *S.S. Cheena v. Vijay Kumar Mahajan*, *Geo Varghese v. State of Rajasthan* and *Nipun Aneja v. State of Uttar Pradesh*, the Court held that a broken relationship, disappointment in love, or refusal to marry, however unfortunate, does not by itself constitute instigation to commit suicide.
- Taking the prosecution case as a whole, including the supplementary statement, the Court found no material showing direct and alarming encouragement or incitement by the appellant that left the deceased with no other option but to commit suicide.
- The Court held that the appellant could not be said to have intended the consequence of suicide, and that to subject him to trial on such allegations would be an abuse of process and a mere empty formality.
- Accordingly, the Court allowed the appeal, exercised its jurisdiction to quash FIR No. 273 of 2016 and all consequential proceedings in Sessions Case No. 728 of 2018, and reiterated that mere refusal to marry, even if true, does not amount to “instigation” under Section 107 IPC.

Key Takeaway for CLAT Aspirant

1. **Section 306 IPC – Abetment of Suicide:** Section 306 IPC punishes a person who “abets” the commission of suicide. Two elements must coexist: there must be a suicidal death, and there must be abetment of that suicide. The prosecution must show a clear and proximate link between the accused’s conduct and the decision to commit suicide. Mere association, quarrels, or emotional hurt without legally recognised abetment are insufficient to sustain conviction under this provision.
2. **Section 107 IPC – Three Modes of Abetment:** Section 107 IPC defines abetment through three distinct modes: instigation of a person to do an act, engaging in a conspiracy where an act or illegal omission occurs in pursuance of that conspiracy, and intentional aiding of the act by any act or illegal omission. In all three, a mental element is crucial: the abettor must desire or know that his conduct is likely to lead to the commission of the principal act. Passive presence or mere relationship without participation does not amount to abetment.
3. **Concept of “Instigation”:** “Instigation” in criminal law means actively provoking, inciting, or goading another to commit a particular act. It requires some form of positive suggestion, pressure, or encouragement directed at the commission of the offence. Casual remarks, refusal to comply with another’s demands, or conduct that only indirectly causes distress usually do not satisfy the standard of instigation unless they clearly show a deliberate intention to push the person towards the specific act.

- **Mens Rea and Proximity in Abetment Offences:** Abetment offences require a specific **mens rea**, i.e., intention that the offence be committed, combined with conduct sufficiently proximate in time and effect to influence the victim's decision. Courts examine whether the accused could reasonably foresee suicide as a likely consequence of his acts and whether his conduct was a determining factor. Remote acts, general cruelty, or moral wrongs that are not directed towards provoking suicide often fall short of this stringent threshold.
- **Inherent Powers under Section 482 CrPC:** Section 482 CrPC preserves the inherent powers of the High Court to prevent abuse of the process of any court and to secure the ends of justice. At the stage of quashing, the court assumes the allegations to be true and examines if they constitute any offence in law. If even on a plain reading of the FIR and materials no offence is disclosed, or if continuation of proceedings would be futile or oppressive, the High Court can and should quash the case to avoid unnecessary trial.
- **Supplementary Statements and "Improvements" in Criminal Complaints:** Supplementary statements recorded after an FIR may introduce new details or allegations. While they can supplement the original version, courts treat significant "improvements" with caution, especially at the quashing stage. If later statements appear exaggerated, inconsistent with the first version, or clearly influenced by emotion, they may not be sufficient, by themselves, to transform an otherwise non-criminal dispute into a prosecutable offence.



Practice Questions

1. A man and woman who were colleagues developed a romantic relationship over two years. The man repeatedly promised to marry her and introduced her to his family. However, due to parental pressure regarding caste differences, he eventually refused to marry her. Devastated by this refusal, she consumed poison and died. Her family filed a complaint under Section 306 IPC alleging abetment of suicide. The accused sought quashing of the FIR arguing that his refusal to marry, though unfortunate, did not constitute a criminal offence. Which principle should guide the determination of this case?

- (a) Refusal to marry after a romantic relationship and promises always constitutes instigation under Section 107 IPC
- (b) Broken promises in relationships amount to abetment when they cause severe emotional distress to the victim
- (c) Parental pressure justifies refusal to marry and provides complete immunity from abetment charges in all circumstances
- (d) Mere refusal to marry, even if coupled with prior promises, does not by itself constitute instigation

2. During investigation of a suicide case, police initially recorded an FIR alleging harassment by the accused. Three weeks later, the complainant gave a detailed supplementary statement introducing several new allegations including specific instances of threats and coercion that were absent from the original FIR. At the quashing stage, the accused argued that these late additions appeared exaggerated and inconsistent with the initial complaint. How should courts approach such supplementary statements when determining whether to quash proceedings?

- (a) Significant improvements in later statements should be treated cautiously, especially if they appear exaggerated or inconsistent
- (b) Supplementary statements must be given equal weight to the FIR as they provide complete factual details
- (c) Courts must entirely disregard supplementary statements and decide quashing petitions solely based on the original FIR
- (d) Any additions in supplementary statements automatically establish prima facie case regardless of their timing or consistency

3. An FIR was filed alleging that the accused abetted suicide by making cruel remarks and refusing financial help to the deceased. The prosecution presented the entire complaint materials to establish a case. Upon examining all allegations at face value, the court found no evidence of direct encouragement or incitement that would have left the deceased with no alternative but to end his life. The accused filed a petition under Section 482 CrPC to quash the proceedings. What factors should determine whether the High Court should exercise its inherent powers to quash the case at this preliminary stage?

- (a) The court should allow trial to proceed as suicide occurred and the accused had some connection with the deceased
- (b) If no offence is disclosed even assuming allegations as true, quashing prevents futile and oppressive

continuation of proceedings

(c) The court must defer to the investigating agency's conclusion and permit trial in all cases involving suicide deaths

(d) Inherent powers can be exercised only after recording evidence, not at the preliminary stage based on FIR allegations

4. Two individuals were in a consensual relationship for several years. When one party decided to end the relationship, the other person became extremely distressed and threatened self-harm during multiple conversations. The person ending the relationship responded with indifference and stopped responding to calls and messages. Subsequently, the distressed individual died by suicide. A case under Section 306 IPC was registered, alleging that the indifferent response and refusal to continue the relationship amounted to abetment. Does such conduct satisfy the legal requirements for criminal liability?

(a) Yes, as indifference to threats of self-harm demonstrates callous disregard constituting intentional aid under Section 107 IPC

(b) Yes, as ending a long-term relationship knowing it would cause severe distress establishes the requisite mens rea for abetment

(c) No, as instigation requires active suggestion or stimulus rather than mere inaction, indifference, or refusal to comply

(d) No, as criminal liability arises only when the accused physically participates in the act of suicide or provides the means

5. A prosecution was initiated under Section 306 IPC following a suicide. The case file contained allegations of quarrels, emotional conflicts, and general harassment by the accused over several months. However, examination of the materials revealed no specific conduct by the accused that was directly and proximately connected to the decision to commit suicide, nor any clear intention to push the deceased towards such an act. The accused challenged the proceedings arguing insufficient grounds for trial. What legal standard should govern this assessment?

(a) Abetment requires specific mens rea and conduct sufficiently proximate in time and effect to influence the suicide decision

(b) General cruelty and moral wrongs over a period sufficiently establish abetment even without specific proximate acts

(c) Emotional conflicts and quarrels spanning several months create presumption of guilty intention for abetment purposes

(d) Remote acts causing distress cumulatively satisfy the threshold when they demonstrate a pattern of harassment



SUPREME COURT

Landmark Judgements



4

Advocates Cannot Be Summoned for Merely Representing Clients

Background

- The matter arose when an advocate in Ahmedabad was summoned by the police under Section 179 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), solely because he had represented an accused person in a related case.
- The Gujarat High Court refused to quash the summons, treating it as a valid exercise of the investigating officer's power to summon a witness, which prompted an appeal to the Supreme Court.
- A two-judge Bench of the Supreme Court, finding the issue to have wide implications for the legal profession and administration of justice, referred it for consideration by a larger Bench and the Court took suo motu cognisance.
- Several bar bodies, including the Supreme Court Bar Association, Supreme Court Advocates-on-Record Association and the Bar Council of India, intervened and argued that such summons violated advocate-client privilege protected under Section 132 of the Bharatiya Sakshya Adhiniyam, 2023 (BSA).
- They contended that compelling advocates to disclose confidential communications undermines professional ethics, the independence of the Bar and the accused's right to a fair defence, and also conflicts with constitutional rights under Articles 19(1)(g), 20(3), 21 and 22. The Court also considered related concerns, including search and seizure of lawyers' digital devices, production of documents, and whether in-house counsel enjoy the same privilege as independent advocates.

Case Details

Case Title: *In Re: Summoning Advocates.....investigation of cases*

Citation: 2025 LiveLaw (SC) 1051

Bench Chief Justice B.R. Gavai, Justice K. Vinod Chandran and Justice N.V. Anjaria

Issue Before the Court

1. Whether investigating agencies, prosecuting agencies or police can summon an advocate merely because the advocate has rendered legal opinion, appeared for, or advised a client in connection with an investigation or criminal case.
2. Whether, and in what exceptional circumstances, an advocate may be summoned consistently with Section 132 BSA, which protects professional communications between advocates and clients.
3. How the statutory privilege under Sections 132 to 134 BSA interacts with investigative powers under the BNSS, particularly Sections 179 (attendance of persons) and 94 (production of documents and things).

Judgement of the Court

- The Court held that Section 132 BSA codifies legal professional privilege and prohibits advocates from disclosing, without the client's express consent, communications made in the course and for the purpose of professional service, as well as advice given and documents seen in that capacity, subject only to narrow statutory exceptions.
- The Court held that Section 132 BSA codifies legal professional privilege and prohibits advocates from disclosing, without the client's express consent, communications made in the course and for the purpose of professional service, as well as advice given and documents seen in that capacity, subject only to narrow statutory exceptions.
- It emphasised that investigating powers under the BNSS, including the power to summon persons (Section 179) and to require production of documents (Section 94), must be exercised in harmony with this privilege and cannot be used to compel disclosure of protected professional communications.
- The Court made it clear that an advocate cannot be summoned merely to "know the true details" of a case in which they act for a client, as this would intrude into the protected zone of confidential legal consultation and would chill candid communication essential to effective representation.
- At the same time, it clarified that privilege is robust but not absolute: the proviso to Section 132 permits disclosure where communications are made in furtherance of an illegal purpose, or where facts observed in the course of engagement show a crime or fraud committed after the engagement began.
- To prevent abuse of these exceptions, the Court directed that any summons to an advocate invoking them must (i) explicitly state the facts bringing the case within the proviso to Section 132, and (ii) be issued only with prior written approval of a superior officer not below the rank of Superintendent of Police, with reasons recorded, so that the decision is amenable to judicial review under Section 528 BNSS.
- On production of documents and digital devices, the Court held that requests directed at advocates should ordinarily be made to the jurisdictional court rather than to the investigating officer; the court must hear the advocate and client, rule on objections, and, if access is allowed, ensure that any search of devices is conducted in their presence and confined to the permitted material so that confidentiality of other clients is not compromised.

Issue Before the Court

4. Whether full-time, salaried in-house counsel are entitled to the same statutory attorney-client privilege as independent advocates practising under the Advocates Act, 1961.

Key Takeaway for CLAT Aspirant

- **Attorney-Client Privilege under Section 132 BSA:** Section 132 of the Bharatiya Sakshya Adhiniyam, 2023, creates a strong attorney-client privilege. It bars advocates from disclosing communications made by or on behalf of a client, the contents or condition of documents seen in professional employment, or advice given in that capacity, unless the client expressly consents. The obligation continues even after the professional engagement ends and also binds interpreters and clerks. The privilege belongs to the client, but the advocate may assert it on the client's behalf.

1. **Statutory Exceptions to Legal Professional Privilege:** The privilege under Section 132 is subject to narrow exceptions. It does not protect communications made in furtherance of an illegal purpose, or facts observed by the advocate during the engagement showing that a crime or fraud was committed after the engagement commenced. In these situations, the advocate may be compelled to disclose limited information. These exceptions are interpreted strictly, so that ordinary defence of an accused or giving legal advice on past conduct remains protected.
2. **Investigative Powers under BNSS and Their Limits:** The Bharatiya Nagarik Suraksha Sanhita, 2023, grants police powers to summon persons (Section 179) and require production of documents or things (Section 94) during investigation. However, these powers are constrained by other statutes and constitutional rights. They cannot be used to compel disclosure of privileged attorney-client communications protected by Section 132 BSA. When privilege is asserted, investigators are expected to obtain information from other sources such as witnesses and non-privileged documents.
3. **Judicial Review and Safeguards under Section 528 BNSS:** Section 528 BNSS provides a mechanism for persons aggrieved by investigative acts, including summonses, to seek relief from the High Court. This enables judicial review of summons issued to advocates, especially where privilege or fundamental rights are claimed to be violated. Courts may examine whether statutory conditions, such as falling within an exception to Section 132 or securing appropriate approvals, are satisfied, and can quash summons that amount to investigative overreach or abuse of process.
4. **Production of Documents and Digital Devices of Advocates:** When investigators seek documents or electronic devices from an advocate, procedural safeguards are important to protect privilege. A common model is that the device or documents are produced before a court, not directly opened by the investigating officer. The court then hears objections, determines what may be accessed, and can require that any search of a device be conducted in the presence of the advocate and client, with a technical assistant if needed, ensuring that only non-privileged, relevant material is examined.
5. **Distinction between Independent Advocates and In-House Counsel:** Under the Advocates Act, 1961 and Bar Council rules, an “advocate” is a person enrolled on a State roll who practises law independently; full-time salaried in-house counsel ordinarily cease to practise as advocates while in such employment. Consequently, statutory privilege under Section 132 BSA is keyed to communications with practising advocates, not with in-house counsel. However, in-house legal advice may still receive some protection under other provisions, such as Section 134 BSA and company-law provisions, especially in relation to compelled disclosure in court.
6. **Constitutional Foundations of Legal Professional Privilege:** Legal professional privilege supports several constitutional guarantees. It helps preserve the right against self-incrimination under Article 20(3) by preventing indirect extraction of incriminating material through counsel. It also reinforces the right to life and personal liberty and fair procedure under Article 21, and the right to consult and be defended by a legal practitioner under Article 22(1). For the advocate, restrictions on arbitrary summonses protect the freedom to practise a profession under Article 19(1)(g) and the independence of the Bar.
7. **Scope of Legal Professional Privilege Beyond Litigation:** Attorney-client privilege is not confined to courtroom litigation. It typically covers legal advice given in non-litigious and pre-litigation contexts, including transactional, regulatory or compliance advice. Communications made for the



dominant purpose of obtaining legal advice or in reasonable anticipation of litigation are generally protected. This broad scope is designed to encourage full and frank disclosure by clients so that advocates can render accurate and effective legal guidance.





Practice Questions

1. A criminal investigation was underway regarding alleged financial fraud in a corporate transaction. The investigating officer issued a summons under Section 179 BNSS to an advocate who had provided legal opinion to one of the accused persons regarding the transaction's legality before it was executed. The summons required the advocate to appear and provide "true details" about the legal advice given and the nature of communications with the client. The advocate challenged the summons claiming statutory privilege. What should be the legal position regarding such a summons?
- (a) The summons is valid as Section 179 BNSS empowers investigators to summon any person with relevant information
 - (b) The summons is invalid as advocates cannot be summoned merely to disclose case details protected by professional privilege
 - (c) The summons is valid if the investigating officer records reasons showing the information is crucial for the investigation
 - (d) The summons is invalid only if the advocate proves that disclosure would cause serious prejudice to the client
2. During investigation of a money laundering case, police discovered that an advocate had attended several meetings where the alleged illegal transactions were discussed. The investigating officer issued a summons to the advocate under Section 179 BNSS, explicitly stating that the summons was issued because facts observed by the advocate during professional engagement showed commission of a crime after the engagement began. The summons was approved by a Deputy Superintendent of Police with recorded reasons. Can this summons be sustained?
- (a) No, as any summons to advocates requires prior approval from a Superintendent of Police or higher rank officer only
 - (b) Yes, as it falls within the proviso to Section 132 BSA and has superior officer approval with recorded reasons
 - (c) Yes, as the advocate's presence at meetings discussing illegal transactions automatically waives professional privilege under Section 132
 - (d) No, as Section 132 privilege is absolute and cannot be overcome even when crime is committed after engagement
3. An investigation required production of a laptop belonging to an advocate that allegedly contained emails relevant to a corruption case. The investigating officer issued a notice under Section 94 BNSS directing the advocate to produce the laptop at the police station for examination. The advocate objected, claiming the device contained privileged communications with multiple clients. The investigating officer insisted on immediate production citing urgency of the investigation. How should production and examination of such digital devices be handled?
- (a) The investigating officer can examine the device at the station but must allow the advocate to be present during search

- (b) The advocate can refuse production entirely by asserting privilege without any judicial determination of the competing claims
- (c) The advocate must immediately produce the device as Section 94 BNSS grants investigators power to require production of things
- (d) The device should be produced before the jurisdictional court which will determine access after hearing objections from the advocate

4. A multinational corporation employed a full-time salaried legal counsel who provided internal legal advice on compliance matters. During an investigation into alleged violations of environmental regulations, the investigating agency summoned the in-house counsel to disclose legal opinions given to the company's management. The in-house counsel claimed protection under Section 132 BSA arguing that as a law graduate enrolled with the Bar Council, all communications with the employer were privileged. Is this claim sustainable under the statutory framework?

- (a) Yes, as any person enrolled with the Bar Council enjoys Section 132 privilege regardless of employment status or nature
- (b) Yes, as legal advice given by qualified lawyers to employers always attracts attorney-client privilege under Section 132 BSA
- (c) No, as full-time salaried in-house counsel are not 'advocates' under Section 132 and their communications lack that specific privilege
- (d) No, as Section 132 privilege applies only to communications made in relation to criminal cases and not regulatory matters

5. A police officer summoned an advocate under Section 179 BNSS claiming that communications between the advocate and client were made in furtherance of planning a tax evasion scheme. The summons explicitly stated these facts and was issued with prior written approval of the Commissioner of Police with detailed recorded reasons. The advocate challenged the summons before the High Court under Section 528 BNSS arguing violation of professional privilege. What remedy is available and what should the court examine?

- (a) The court must dismiss the challenge as investigative decisions with superior officer approval are not subject to judicial review
- (b) The court can review whether statutory conditions are satisfied and may quash summons that violate privilege or constitute investigative overreach
- (c) The court must accept the investigating officer's determination that the exception applies and cannot interfere with approved summons
- (d) The court can only examine procedural compliance but cannot question whether the case genuinely falls within Section 132 exceptions

Their Next Chapter



NLSIU - Bengaluru

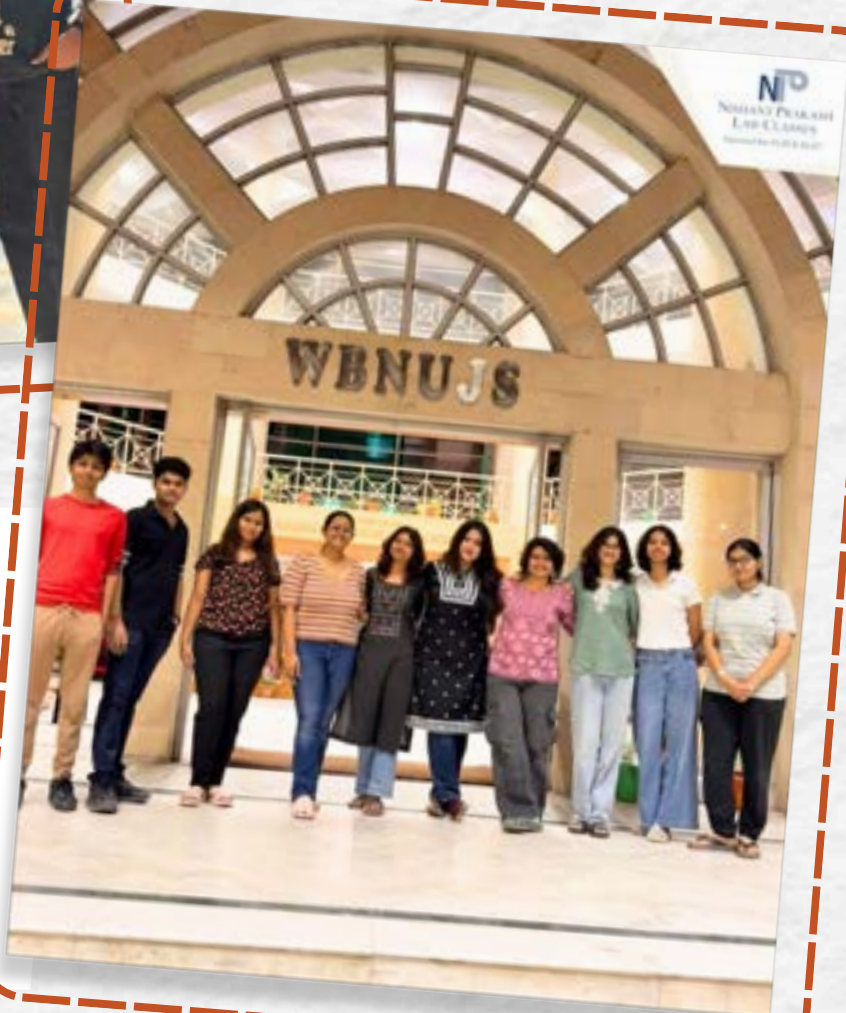
(Left to Right)

**Dainik Agarwala
Daksh Balakrishnan
Dhruv Kamath
Aditya Ankhad**

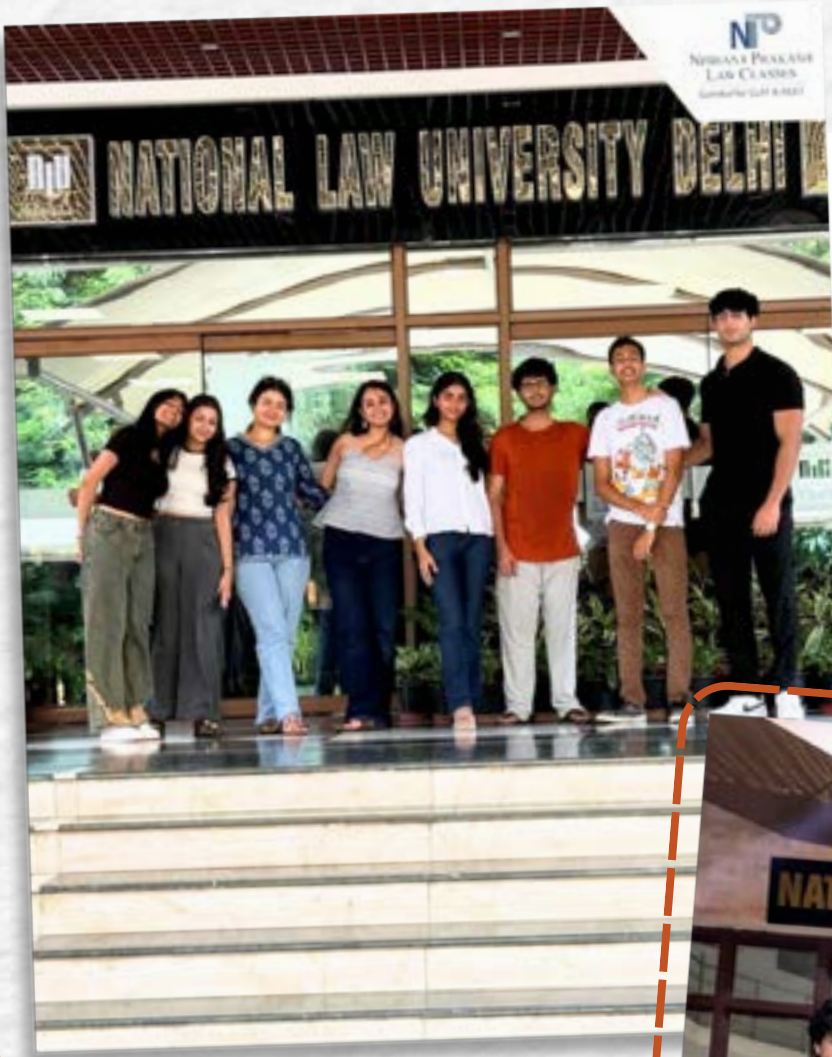
WBNUJS - Kolkata

(Left to Right)

**Reyhaan Aryan, Shashwat
Singh, Aanya Arora,
Shivakshi Dixit, Dhara
Mittal, Vaishali Bhatra,
Labonyo Banerjee, Yutika
Kumar, Janani Murugan,
Megha Malhotra**



Their Next Chapter



NLU - Delhi

(Left to Right)
Ananya Prakash,
Amoolya Kapani, Vidisha
Singh, Goohika Joshi,
Masirah Hussain, Krish
Walia, Chaitanya Ghosh,
Aditya Mehta

NLU - Jodhpur

(Left to Right)

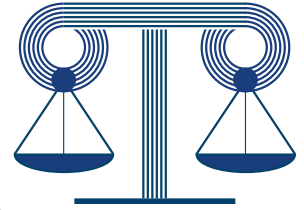
Vivaan Mehta
Khushi Gaur
Maahi Yadav
Shefali Talwar
Kaushtubh Anand





SUPREME COURT

Landmark Judgements

**5**

Injunction Cannot Be Granted Without Possession or Declaration of Title

Background

- The dispute concerned agricultural land measuring 1.74½ acres originally owned by Rangaswamy Naidu, father of the parties.
- The respondent–plaintiff, D. Rajammal, filed a suit for injunction against her brother Munuswamy, seeking to restrain him from alienating or interfering with her alleged half-share (0.87¼ acres) based on a Will dated 30 September 1985.
- Rajammal claimed that the Will bequeathed the property equally to her and her brother Govindarajan, while the defendant contended that the property was ancestral and had been divided in 1983 during their father's lifetime, giving him rights and possession as co-owner.
- The Trial Court upheld the validity of the Will and granted injunctions, taking the view that possession followed title.
- The First Appellate Court reversed the decree, holding that the property was ancestral and the testator lacked authority to bequeath it.
- In second appeal, the High Court restored the Trial Court's decree and granted injunctions against both interference with possession and alienation.
- The legal heirs of the defendant challenged the maintainability of the suit for bare injunction before the Supreme Court, arguing that the plaintiff had admitted their possession and had not sought declaration of title or recovery of possession.

Case Details

Case Title: S. Santhana Lakshmi & Ors. v. D. Rajammal

Citation: 2025 INSC 1197.

Bench Justice K. Vinod Chandran and Justice Ahsanuddin Amanullah

Issue Before the Court

1. Whether a suit for injunction simpliciter is maintainable where the plaintiff is not in possession of the property and the defendant's possession is admitted.
2. Whether, when title to the property is seriously disputed and ownership is under a cloud, the plaintiff must seek a declaration of title and recovery of possession rather than only an injunction.
3. Whether the principle that "possession follows title" can be invoked when the testator's authority to bequeath the property, and thus the very title asserted, is in doubt.
4. Whether the courts below were justified in granting an injunction against interference with alleged possession in the absence of a clear finding on title and possession.

Judgement of the Court

- The Supreme Court noted that the plaintiff herself had admitted that the defendant was in actual possession of the suit property and that her own case of tenancy and possession was not established. It held that where the plaintiff bases her claim on a Will and asserts title on that basis, but the defendant disputes both title and possession, a bare suit for injunction is not an appropriate remedy; a prayer for declaration of title and, if necessary, recovery of possession is required.
- The Court clarified that the maxim “possession follows title” can be applied only when ownership is undisputed; when the very right of the testator to bequeath the property is contested and the property appears ancestral, title remains under a cloud and the presumption cannot operate. It observed that proof of execution of a Will does not automatically establish that the testator had legal competence to dispose of the property, especially where the property is alleged to be ancestral and already partitioned.
- On these premises, the Court held that an injunction against interference with possession could not be granted because the plaintiff was not in physical possession and had not sought declaration or recovery; such a decree would effectively bypass the necessary adjudication of title. However, recognising that neither party’s title had been conclusively declared, the Court upheld an injunction restraining alienation or encumbrance to preserve the property pending proper adjudication.
- The Court granted liberty to both parties to file appropriate suits for declaration of title and consequential recovery of possession within a specified period and clarified that its findings in the present proceedings would not prejudice their rights in future litigation.

Key Takeaway for CLAT Aspirant

- **Suit for Injunction Simpliciter in Property Disputes:** A suit for “injunction simpliciter” seeks only to restrain interference or alienation, without asking for declaration of title or recovery of possession. Such a suit is generally maintainable when the plaintiff’s possession is clear and lawful and title is not seriously disputed. When both title and possession are contested, a bare injunction suit is usually considered procedurally inadequate because it does not allow the court to finally decide ownership.
- **Necessity of Declaration of Title and Recovery of Possession:** Where the defendant disputes the plaintiff’s title and the plaintiff is not in actual possession, courts expect the plaintiff to seek **declaration of title** under the Specific Relief Act and, where necessary, **recovery of possession**. This ensures that questions of ownership and possession are comprehensively adjudicated. Failure to claim these consequential reliefs may render a suit for mere injunction unsustainable, as it attempts to protect rights that have not been formally established.
- **“Cloud on Title” and the Maxim “Possession Follows Title”:** A “cloud on title” arises when there is a serious challenge to ownership, such as rival documents, claims of ancestral property, or alleged prior partition. In such situations, the presumption that “possession follows title” cannot be invoked until title is first clarified. The maxim operates primarily where title is clear and undisputed, allowing courts to infer possession from ownership—not where the very root of title is in question.
- **Permanent Injunction under Section 38 of the Specific Relief Act, 1963:** Section 38 of the Specific Relief Act governs **perpetual (permanent) injunctions**. A court may grant such an injunction to prevent breach of an obligation in favour of the plaintiff, which may arise from ownership, possession, or contractual rights.

- The remedy is final and ordinarily follows a full trial on rights. Courts assess factors such as existence of a legal right, threat of invasion, and the inadequacy of damages as a remedy before granting a permanent injunction.
- **Temporary Injunctions under Order XXXIX CPC:** Order XXXIX of the Code of Civil Procedure deals with **temporary injunctions**, which are interim orders intended to preserve the status quo during the pendency of a suit. Courts consider three main factors: prima facie case, balance of convenience, and likelihood of irreparable injury. Temporary injunctions do not determine final rights but prevent harm to either party while the underlying issues of title and possession are adjudicated in the main proceedings.
- **Importance of Proper Pleadings and Reliefs in Civil Suits:** Civil procedure requires that plaintiffs claim all necessary and consequential reliefs arising from their cause of action in one suit. In property disputes, this often means combining claims for declaration, possession, and injunction where appropriate. Omission to seek declaration or recovery of possession, while only asking for an injunction, can lead to dismissal of the suit or incomplete relief, even if the plaintiff otherwise has a potentially valid claim on merits.



Practice Questions

1. A plaintiff filed a suit seeking permanent injunction to restrain the defendant from interfering with a commercial property. The plaintiff claimed ownership based on a registered sale deed executed in her favor by her uncle. However, during the trial, the plaintiff admitted in cross-examination that the defendant had been running a business on the premises for the past five years and she had never been in physical possession. The plaintiff did not seek any declaration of title or recovery of possession in her plaint. Can the suit for injunction be maintained in these circumstances?

- (a) Yes, as plaintiff's legal title automatically entitles her to injunction regardless of actual possession status
- (b) No, as any property suit must always include all three reliefs of declaration, possession and injunction
- (c) Yes, as registered sale deed conclusively proves title making injunction maintainable without other reliefs
- (d) No, as bare injunction suit is inappropriate when plaintiff lacks possession and omits declaration prayer

2. In a property dispute, the plaintiff claimed ownership based on a family settlement deed executed twenty years ago. The defendant contested this, asserting that he had been in exclusive possession under a prior oral partition. During pendency of the suit, the defendant attempted to mortgage the property to a bank. The plaintiff, who was not in physical possession but had sought declaration of title, applied for an interim order. What type of relief would be appropriate during the suit's pendency?

- (a) Temporary injunction under Order XXXIX CPC to preserve status quo pending adjudication of title claims
- (b) Permanent injunction as the plaintiff has already claimed declaration making any further restraint order unnecessary
- (c) No injunction as plaintiff lacks possession and only declaration claims cannot support any restraint orders
- (d) Conditional injunction requiring plaintiff to first prove title before any interference with defendant's rights

3. Two co-owners disputed rights over ancestral agricultural land. One co-owner filed a suit claiming that the other had no authority to alienate the property and sought only an injunction to prevent any sale or transfer. No relief for partition, declaration of shares, or any other consequential remedy was claimed in the plaint. The defendant argued that the suit was defective for not claiming all necessary reliefs arising from the dispute. How should courts view such incomplete pleadings?

- (a) Courts must allow the suit as injunction alone is sufficient when co-ownership is admitted by both
- (b) Plaintiffs should claim all necessary reliefs arising from their cause in one suit to avoid incomplete adjudication
- (c) Courts can add missing reliefs suo motu as procedural defects cannot defeat substantive rights of

parties

(d) The suit is maintainable as plaintiffs have discretion to claim only selected reliefs from their cause

4. A landlord filed suit against his tenant claiming that the tenant had sublet the premises in violation of the lease agreement. The landlord sought a permanent injunction restraining such unauthorized subletting. The tenant's possession under the lease was not disputed, and the only question was whether the covenant prohibiting subletting had been breached. Does such a suit require the landlord to also seek declaration of title and recovery of possession?

(a) Yes, all property litigation requires comprehensive pleading of declaration, possession and injunction regardless of dispute nature

(b) Yes, as the plaintiff is not in physical possession any property-related injunction needs declaration and recovery

(c) No, injunction simpliciter is maintainable when plaintiff's possession is clear and title is not seriously disputed

(d) No, as landlord-tenant disputes are governed by special laws making ordinary civil procedure inapplicable to them

5. A plaintiff claimed rights over property under a Will allegedly executed by the deceased owner. The defendant asserted that the property was joint family property already partitioned before the Will was made. During trial, evidence showed that the Will was properly executed with due attestation formalities. Based on this proof of valid execution, can the court conclude that the plaintiff has established title to decree injunction?

(a) Yes, as valid execution of testamentary document conclusively establishes testator's competence to dispose of property

(b) Yes, as proof of execution with attestation formalities creates presumption of testator's authority over property

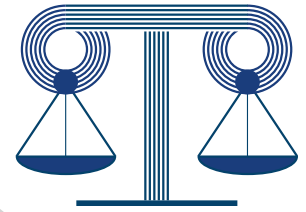
(c) No, as execution proof does not establish testator's competence to dispose of ancestral partitioned property

(d) No, as Wills can never confer valid title when any family member contests the testamentary disposition



SUPREME COURT

Landmark Judgements



6

No Right to Job for Land Acquired

Background

- Agricultural land belonging to the petitioner's family was acquired by the State of Haryana in 1998 under the Land Acquisition Act, 1894, and compensation was determined and paid to the family members, which they accepted.
- The petitioner, Sanjeev Kumar, was not even born at the time of acquisition and had no role in the acquisition proceedings or settlement of compensation.
- Decades later, in 2025, the petitioner applied to the State Government seeking appointment to a government post, claiming employment in lieu of the land acquired from his family.
- He contended that such employment was a compensatory right flowing from the acquisition and, alternatively, that he was entitled under an administrative policy allegedly framed for providing jobs to land-losers.
- The competent authorities rejected the request, holding that there was no statutory provision for a job in exchange for acquired land and that any policy could not create such a right.
- A writ petition challenging the rejection was dismissed by the High Court, which found no legal basis for the claim; the petitioner then filed a Special Leave Petition under Article 136 before the Supreme Court.

Case Details

- Case Title:** Sanjeev Kumar v. State of Haryana and Others
- Citation:** 2025 LiveLaw (SC) 1079
- Bench** Justice Pankaj Mithal and Justice Prasanna B. Varale

Issue Before the Court

1. Whether, under the Land Acquisition Act, 1894, acquisition of land entitles the landowner or their family members to government employment in addition to monetary compensation.
2. Whether an administrative or policy decision of the State Government can confer a legally enforceable right to employment in favour of land-losers where the parent statute provides only for compensation.
3. Whether a claim for employment made nearly 25–27 years after acquisition, and long after any policy was framed, can be entertained or enforced in equity or public law.
4. Whether the authorities and the High Court committed any error or illegality in rejecting the petitioner's demand for a job in lieu of acquired land.

Judgement of the Court

- The Court held that the Land Acquisition Act, 1894 constitutes a complete code on acquisition and compensation, and that on land being acquired, the only statutory entitlement of the landowner or family is monetary compensation as determined under the Act.
- It categorically observed that there is no provision in the 1894 Act for grant of employment or a government job in exchange for acquired land, and once compensation is paid in accordance with law, the State's obligation under the statute stands fully discharged.
- The Bench reiterated that administrative policies or executive decisions cannot override, amend, or expand statutory entitlements; any policy promising employment to land-losers cannot create an enforceable right contrary to, or beyond, the scheme of the Land Acquisition Act.
- Relying on the general principle that policy cannot prevail over statute, and consistent with earlier decisions such as *State of Haryana v. Ankur Gupta* and *Yogesh Kumar v. Govt. of NCT of Delhi*, the Court underscored that compassionate or compensatory appointment is not a matter of right unless clearly provided by law.
- The Court noted that the petitioner applied for employment more than 25 years after acquisition and about 18 years after any relevant policy; such an inordinate delay rendered the claim stale and barred by the doctrine of delay and laches, defeating any equitable consideration.
- It further observed that the petitioner, having not been born at the time of acquisition, had no vested or accrued right arising from that transaction, especially when his family had already accepted full compensation.
- Finding no illegality or perversity in the rejection by the authorities or the High Court, the Supreme Court dismissed the Special Leave Petition and warned that entertaining such belated claims would set a dangerous precedent, undermining finality in land acquisition matters.

Key Takeaway for CLAT Aspirant

- **Statutory Scheme of the Land Acquisition Act, 1894:** The Land Acquisition Act, 1894 provides a complete framework for compulsory acquisition of private land for public purposes and for determining and paying compensation. The core entitlement of a landowner under this statute is monetary compensation, calculated using the factors and procedures specified in the Act. The statute does not inherently confer non-monetary benefits like employment, housing, or annuities unless explicitly provided in its text.
- **Policy Cannot Override Statute:** In administrative law, executive policies and government schemes must operate within the boundaries of the parent statute. If a statute confers only certain rights (such as compensation), an administrative policy cannot validly create additional, inconsistent entitlements (such as guaranteed jobs) in derogation of that statute. Where there is a conflict, the statute prevails and the policy is treated as non-enforceable to the extent of inconsistency.
- **No Vested Right to Compassionate or Compensatory Appointment:** Compassionate or compensatory appointments are recognised as exceptions to the general rule of recruitment by merit and open competition. Courts repeatedly hold that such appointments cannot be claimed as a matter of right unless specifically authorised by law or validly framed rules. They are construed strictly and are usually limited to providing immediate relief to dependants of deceased employees or other defined categories—not to persons merely affected by land acquisition.

- **Delay and Laches in Public Law Claims:** The doctrines of **delay** and **laches** bar relief when a claimant sleeps on their rights for an unreasonably long time. In public law, courts are especially reluctant to entertain stale claims that disturb settled positions, reopen completed transactions, or revive policies long after they have been framed or implemented. Even where some equitable considerations exist, excessive delay can itself be a ground to reject the claim.
- **Doctrine of Finality in Land Acquisition:** Once land acquisition proceedings are completed, compensation is paid, and awards have become final, courts favour stability and certainty. Later attempts to reopen matters—whether by challenging acquisition or by asserting new benefits such as employment—are usually discouraged. This doctrine of finality ensures that public projects are not indefinitely jeopardised and that the State's obligations remain confined to what the law originally prescribed.
- **Scope of Article 136 – Special Leave Jurisdiction:** Article 136 of the Constitution grants the Supreme Court discretionary power to grant special leave to appeal from any judgment or order of any court or tribunal. This jurisdiction is extraordinary and is exercised sparingly, primarily to correct grave injustice or serious legal error. The Court does not act as a regular appellate forum in every service or compensation dispute and will not interfere where the law is clear, findings are reasonable, and no substantial question of law or injustice is shown.



Practice Questions

1. Agricultural land belonging to a farmer's family was compulsorily acquired by the State Government in 2005 for construction of a highway. The compensation amount was determined by the Land Acquisition Officer and paid to all family members, who accepted it without any objection. In 2024, the farmer's son, who was a minor at the time of acquisition, approached the authorities demanding a government job as additional compensation for the acquired land. He argued that employment should be provided as the family had lost its primary source of livelihood. What is the legal position regarding this claim?

- (a) The claim is valid as loss of livelihood entitles the family to both monetary compensation and employment
- (b) The claim is valid as the son can seek remedies not available to his parents at the time
- (c) The claim is invalid unless the son can prove extreme hardship resulting from the acquisition
- (d) The claim is invalid as the Act provides only monetary compensation with no provision for employment

2. The State Government framed an administrative policy in 2010 promising government jobs to persons whose agricultural land was acquired for public projects. This policy was not backed by any legislative enactment or statutory rule. In 2015, land belonging to several farmers was acquired under the Land Acquisition Act, 1894, and full compensation was paid. Subsequently, the affected farmers applied for jobs citing the 2010 policy. The authorities rejected their applications stating that the policy could not override the statutory framework. Can the farmers enforce the policy to claim employment?

- (a) No, as administrative policies cannot create entitlements contrary to or beyond the statutory scheme
- (b) Yes, as government policies create legitimate expectations that must be honoured by authorities in all circumstances
- (c) Yes, as the policy was framed before acquisition and therefore forms part of the compensation package
- (d) No, as policies can only be enforced if they are published in the official gazette by the government

3. Land acquisition proceedings were completed in 1995, compensation was paid to the landowners, and the awards became final. Twenty-eight years later, in 2023, one of the original landowner's grandsons filed a petition claiming that he should be appointed to a government post as compensatory relief for the land acquired from his grandfather. The authorities rejected this claim citing the long time gap. The petitioner argued that the delay should be condoned as he only became aware of similar claims being made by others recently. Should the court entertain this belated claim?

- (a) Yes, as there is no statutory limitation period for claiming compensatory benefits in acquisition matters
- (b) No, as excessive delay defeating finality renders the claim stale and barred by laches
- (c) Yes, as the petitioner's lack of awareness about his rights constitutes sufficient cause for delay
- (d) No, as only claims filed within three years of acquisition completion can be entertained by courts

4. A State Government announced a rehabilitation scheme stating that land-losers affected by acquisition would be given priority in government recruitment. Several affected families applied for jobs under this scheme. The government later clarified that the scheme was merely a policy guideline and did not create any legal right to employment. The applicants argued that since they had already given up their land in reliance on the announced scheme, they had a vested right to employment. Can such a policy-based claim be legally enforced?

- (a) Yes, as reliance on government announcements creates estoppel preventing the State from resiling from its commitment
- (b) Yes, as rehabilitation schemes form part of the overall compensation mechanism for displaced land-losers
- (c) No, as compassionate appointment cannot be claimed as a matter of right without specific legal authorization
- (d) No, as only persons who suffered physical displacement from their homes can claim policy-based employment benefits

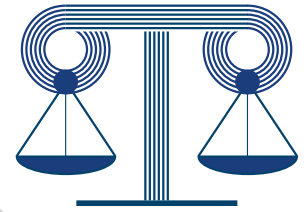
5. In 2000, agricultural land was acquired from a joint family, and compensation was distributed among all coparceners who accepted it. The acquisition proceedings were closed and the land was used for a government project. In 2025, one of the coparceners' sons filed a writ petition seeking to reopen the acquisition proceedings and claim additional benefits including employment. He argued that as a legal heir, he had continuing rights over the acquired property. The government opposed this, citing finality of the acquisition process. What principle governs such attempts to reopen completed acquisition proceedings?

- (a) Courts favour finality and discourage reopening completed acquisitions where compensation is paid and settled
- (b) Legal heirs retain continuing rights to challenge acquisition and claim benefits even after finality
- (c) Acquisition proceedings can be reopened within thirty years if legal heirs prove denial of justice
- (d) Writ jurisdiction permits reopening of any administrative action where heirs were not made parties originally



SUPREME COURT

Landmark Judgements



7 How Intention and Knowledge Decide the Nature of Culpable Homicide

Background

- The appellant Nandkumar was tried in Sessions Case No. 25 of 1999 before the City Sessions Court, Ahmedabad, for offences under Sections 302, 504 and 324 IPC, later confined to Sections 302 and 504 IPC.
- On 12 June 1998 around 8:00 p.m., after a quarrel with his brother in which the deceased's nephew Rajesh intervened, the appellant allegedly inflicted a knife injury on Rajesh's thigh.
- Later that night, around 1:00 a.m., the appellant went to the house of Louis Williams, abused him, and inflicted knife blows on the left side below the belly and on the hands, after which Louis was taken to L.G. Hospital and an FIR was initially registered under Sections 324 and 504 IPC.
- Louis underwent surgery, was discharged, and later readmitted; he died on 26 June 1998, with the cause of death certified as Septicemia arising from the stab injuries.
- After the death, Section 302 IPC was added; the appellant surrendered, producing the knife, and the Trial Court convicted him under Sections 302 and 504 IPC and sentenced him to life imprisonment plus fines.
- The Gujarat High Court, in Criminal Appeal No. 137 of 2000, affirmed the conviction on 4 December 2009; the appellant then approached the Supreme Court by criminal appeal, where leave was granted noting he had already served over 14 years in custody.

Case Details

Case Title: Nandkumar @ Nandu Manilal Mudaliar v. State of Gujarat
Citation: 2025 INSC 1302
Bench Justices M.M. Sundresh & Satish Chandra Sharma

Issue Before the Court

1. Whether, on the proved facts and medical evidence, the act of the appellant constituted "murder" under Section 302 IPC or "culpable homicide not amounting to murder" under Section 304 IPC.
2. Whether the nature, location and consequences of the knife injuries, coupled with the time gap and septicemia, established an intention to cause death or only knowledge that death was likely.
3. Whether the conviction under Section 302 IPC required modification to a lesser offence, and what sentence would be appropriate in light of the period already undergone.

Judgement of the Court

- The Court accepted the concurrent findings of the Trial Court and High Court regarding the occurrence of the assault, relying on the testimonies of the eyewitnesses (sister and nephew of the deceased) and the medical evidence of multiple knife injuries including a serious wound below the belly and injuries to the hands. Referring to Sections 299, 300 and 304 IPC and precedents such as Kesar Singh v. State of Haryana and Virsa Singh v. State of Punjab, the Court reiterated that culpable homicide is the genus and murder its species, with the distinction turning on the specific mens rea and the presence or absence of circumstances bringing the case within the definition of murder.
- It emphasised that Section 304 IPC is divided into Part I (where there is intention to cause such bodily injury as is likely to cause death) and Part II (where there is no such intention but there is knowledge that the act is likely to cause death).
- On the medical evidence, the Court held that the injuries inflicted with a knife, particularly the abdominal injury affecting internal organs, were of a kind sufficient to cause death in the ordinary course of nature, and the appellant must be attributed with knowledge that such injuries were likely to result in death.
- However, considering the sequence of events—a prior quarrel, the appellant's subsequent abusive behaviour and the assault in the heat of the moment—the Court found no material suggesting premeditated intention to kill or a design to cause death; the conduct was better characterised as an impulsive act born of anger and self-provocation.
- The Court also attached weight to the fact that death occurred after about 13 days of hospital treatment due to septicemia developing in the wounds, indicating that the fatal outcome was not instantaneous, though legally still traceable to the injuries.
- Cumulatively, it concluded that the case did not satisfy the higher threshold for murder under Section 300 IPC; instead, it amounted to culpable homicide not amounting to murder under Section 304 Part I IPC, as there was intention to inflict serious injury likely to cause death but no intention to cause death itself.
- The conviction was therefore altered from Section 302 IPC to Section 304 Part I IPC, and the Court held that the 14 years already undergone were sufficient to meet the ends of justice, treating that period as the sentence under Section 304 Part I.

Key Takeaway for CLAT Aspirant

1. **Section 299 IPC – Culpable Homicide:** Section 299 defines “culpable homicide” as causing death by doing an act with (i) intention to cause death, or (ii) intention to cause such bodily injury as is likely to cause death, or (iii) knowledge that the act is likely to cause death. The focus is on the mental element accompanying the act. Explanations clarify that accelerating death of an already infirm person, or death despite possible medical prevention, still counts as causing death for this offence.
2. **Section 300 IPC – When Culpable Homicide Becomes Murder:** Section 300 explains when culpable homicide rises to the level of “murder”, for example where there is intention to cause death, or intention to cause bodily injury which is sufficient in the ordinary course of nature to cause death. It also recognises exceptions—such as grave and sudden provocation, private defence, acts of public servants, sudden fight, and consent—where, despite causing death, the act does not amount to murder. Thus, every murder is culpable homicide, but not every culpable homicide is murder.

- **Distinction Between Section 304 Part I and Part II:** The key distinction lies in the **mens rea**. Under Part I, the offender intends to cause a particular bodily injury and knows it is likely to cause death, though he may not specifically intend death. Under Part II, there is only knowledge that the act is likely to cause death, without intention to cause such serious injury. For instance, a deliberate stabbing in a vital region typically fits Part I, while a rash act done with awareness of risk but without targeting a vital part may fall under Part II.
- **Role of Medical Evidence and Chain of Causation:** In homicide cases, medical evidence helps determine the nature and sufficiency of injuries to cause death. Explanations to Section 299 make clear that the offender “causes death” even if death occurs later during treatment, or could have been prevented with ideal medical care. Delayed death from complications such as septicemia still preserves the chain of causation, provided the complications naturally flowed from the original injuries and no independent intervening cause broke that chain.
- **Use of Precedents like Virsa Singh and Kesar Singh:** Precedents such as *Virsa Singh v. State of Punjab* and *Kesar Singh v. State of Haryana* lay down tests for when an intentional injury amounts to murder under Section 300 “thirdly”. They stress that if a particular bodily injury is intentionally inflicted and is proved to be sufficient in the ordinary course of nature to cause death, the offence is murder, unless an exception applies. These cases also illustrate how courts distinguish between intention and knowledge and when a case should be scaled down to Section 304 Part I or Part II.



Practice Questions

1. During a heated argument at a wedding, Ramesh became enraged and struck Suresh with a heavy wooden stick on the head with considerable force. Suresh fell unconscious and was immediately rushed to the hospital where he underwent emergency surgery. Despite medical intervention, Suresh died after ten days due to brain hemorrhage resulting from the head injury. Medical evidence confirmed that the blow was directed at a vital part and the injury was of such nature that it was sufficient in the ordinary course of nature to cause death. Ramesh was charged with murder. What would be the appropriate legal characterization of Ramesh's act?

- (a) Culpable homicide not amounting to murder as death occurred after medical treatment was provided to victim
- (b) Murder as the intentional injury to a vital organ was sufficient in ordinary course to cause death
- (c) Culpable homicide not amounting to murder as there was no specific intention to cause death of victim
- (d) Not culpable homicide as the death resulted from medical complications rather than the original injury itself

2. Anil attacked Vikram with a knife during a sudden quarrel, inflicting a deep wound on Vikram's abdomen. Vikram was hospitalized and underwent surgery. After initial recovery, he developed septicemia from the wound infection and died fifteen days later. Medical evidence showed that the abdominal injury affected internal organs and was of a nature that could cause death. However, there was no evidence of any prior planning or premeditation by Anil. The prosecution argued that Anil caused Vikram's death and should be convicted of murder. How should Anil's criminal liability be assessed?

- (a) Anil is not liable as more than ten days elapsed between the injury and death
- (b) Anil is liable only if it is proved that septicemia was entirely foreseeable at injury time
- (c) Anil cannot be held liable as the death was caused by septicemia, not the knife injury
- (d) Anil is liable for culpable homicide as he caused death even if complications developed later

3. Prakash stabbed Mohan with a knife during a confrontation, causing a serious injury to Mohan's chest. Medical examination revealed that the injury was severe and could potentially cause death. Mohan survived for three weeks with medical treatment before succumbing to the injury. During trial, the prosecution presented evidence showing that Prakash deliberately stabbed Mohan in a vital area. However, there was no evidence of premeditation, and the incident occurred impulsively during a heated exchange. Under which provision should Prakash's act be classified?

- (a) Section 304 Part I as there was intention to cause injury likely to cause death without premeditated murder plan
- (b) Section 304 Part II as there was only knowledge that the stabbing could cause death without any specific intention
- (c) Section 302 as deliberate stabbing in a vital area always constitutes murder regardless of presence of premeditation

(d) Section 304 Part I as death occurred after three weeks indicating injury was not immediately fatal in nature

4. Rohan and Karan had a dispute over a business transaction. In a fit of rage, Rohan picked up a glass bottle and struck Karan on the shoulder. Karan suffered a fracture and was hospitalized. During treatment, unexpected complications arose and Karan died. Medical evidence showed that the shoulder injury itself was not of a nature sufficient to cause death in the ordinary course, but the complications were unforeseeable. The prosecution charged Rohan with culpable homicide. What mental element must be established for culpable homicide?

- (a) Rohan must have had actual intention to cause Karan's death for culpable homicide liability to arise
- (b) Rohan must have had intention or knowledge regarding death or likely fatal injury for culpable homicide
- (c) Rohan's recklessness in using a glass bottle is sufficient to establish culpable homicide without proving intention
- (d) Rohan must have specifically planned the attack in advance for culpable homicide to be established

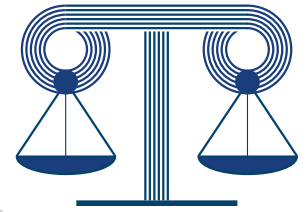
5. Ajay and Sanjay were involved in an altercation at a marketplace. Ajay pushed Sanjay forcefully, causing him to fall and hit his head on a concrete pillar. Sanjay sustained a head injury and died two days later. Evidence showed that Ajay was aware that pushing someone near concrete structures could result in serious head injuries that might prove fatal, but Ajay did not deliberately aim to cause any specific injury to Sanjay's head. The prosecution must determine the appropriate charge. What classification best fits this scenario?

- (a) Section 302 as Ajay's awareness of potential fatal consequences automatically establishes murder
- (b) Section 304 Part I as Ajay intended to cause a specific head injury likely to cause death
- (c) Section 304 Part II as there was knowledge the act could cause death without intention for specific injury
- (d) Not culpable homicide as Ajay did not directly strike Sanjay but only pushed him



SUPREME COURT

Landmark Judgements



8

DNA Testing and Presumption of Legitimacy

Background

- Respondent No. 1, Kamar Nisha, married Abdul Latheef in 2001, and during the subsistence of this valid marriage, she later alleged that she developed physical relations with the appellant, Dr. R. Rajendran, resulting in the birth of a child on 8 March 2007.
- She claimed that Abdul Latheef deserted her when the child was about one and a half years old after learning of the alleged extra-marital relationship with the appellant.
- Following her appearance on a television programme where she narrated these allegations, FIR No. 233/2014 was registered against the appellant for offences under Sections 417 and 420 IPC and Section 4(1) of the Tamil Nadu Women Harassment Act.
- During investigation, the police sought directions for DNA profiling of the appellant, the respondent and the child, which the appellant declined; Respondent No. 1 filed writ petitions seeking transfer of investigation and a direction for DNA testing.
- The Madras High Court ultimately directed the appellant to undergo DNA testing to determine the child's paternity, despite the child's birth certificate and school records naming Abdul Latheef as the father.
- Aggrieved by this direction, the appellant approached the Supreme Court challenging the legality and necessity of the DNA test order.

Case Details

Case Title: R. Rajendran v. Kamar Nisha and Others
Citation: 2025 INSC 1304
Bench Justice Prashant Kumar Mishra and Justice Vipul M. Pancholi

Issue Before the Court

- Whether the High Court was justified in directing the appellant to undergo DNA testing to determine paternity when the child was born during a valid subsisting marriage.
- Whether the statutory conclusive presumption of legitimacy under Section 112 of the Indian Evidence Act, 1872 (now Section 116 of the Bharatiya Sakshya Adhiniyam, 2023) had been rebutted by any credible plea or proof of "non-access".
- Whether a DNA test could be ordered in the facts of this case by applying the "twin blockades" test—insufficiency of existing evidence and positive balance of interests in favour of testing.
- Whether compelling a DNA test in these circumstances would amount to a disproportionate intrusion into

Judgement of the Court

- The Court reiterated that Section 112 IEA creates a **conclusive presumption** that a child born during the continuance of a valid marriage is the legitimate child of the husband, which can be displaced only by strong proof of “non-access”, meaning impossibility of sexual relations during the relevant period of conception.
- It found that there were no specific pleadings or evidence showing non-access between Respondent No. 1 and her husband; at best, the case suggested simultaneous access, which is insufficient to dislodge the presumption in favour of the husband’s paternity, especially when official records consistently named him as the father.
- Referring to earlier case law and to the “twin blockades” test, the Court held that DNA testing can be ordered only when (i) existing evidence is insufficient to reach a just conclusion, and (ii) a positive finding is recorded that such testing serves the best interests of all parties; neither condition was satisfied because the un rebutted presumption under Section 112 itself furnished adequate evidentiary basis.
- The Court underscored that mandatory DNA testing is a serious invasion of privacy and bodily integrity under Article 21, and any such intrusion must satisfy the Puttaswamy threefold test of legality, legitimate aim and proportionality; here, paternity was collateral to the cheating and harassment allegations, so there was no compelling state interest justifying a forced DNA test.
- It clarified that Respondent No. 1’s willingness to undergo testing could not waive or diminish the independent privacy rights of the appellant and the child, who could not be compelled to sacrifice their rights merely to support a collateral investigative line.
- The Court further held that no adverse inference under Section 114 IEA could be drawn from refusal to undergo a DNA test when the court itself had yet to validly conclude that such a test was legally warranted; adverse inference arises only after a lawful order is disobeyed.
- Concluding that the High Court’s direction neither overcame the statutory presumption nor met constitutional and evidentiary safeguards, the Supreme Court set aside the order directing DNA testing and allowed the appeal.

Issue Before the Court

the right to privacy and bodily integrity guaranteed under Article 21 of the Constitution.

- Whether refusal to undergo a DNA test justified drawing an adverse inference under Section 114 of the Indian Evidence Act at this stage.

Key Takeaway for CLAT Aspirant

- 1. Conclusive Presumption of Legitimacy under Section 112 IEA:** Section 112 of the Indian Evidence Act (now Section 116 of the Bharatiya Sakshya Adhiniyam) provides that a child born during the continuance of a valid marriage, or within 280 days of its dissolution while the mother remains unmarried, is conclusively presumed to be the legitimate child of the husband. This is a **conclusive** presumption, not merely rebuttable by ordinary probabilities; it can be displaced only by proof of “non-access”, i.e., that the spouses could not have had sexual intercourse during the conception period. Mere allegations of infidelity or doubt are insufficient to rebut this legal fiction of legitimacy.
- 2. Concept of “Non-Access” and Rebuttal of Section 112:** “Non-access” means physical impossibility of sexual relations, such as prolonged separation, imprisonment, or other circumstances making

- cohabitation impossible. Courts require clear, cogent and specific evidence of such impossibility; vague statements or general marital disputes do not suffice. Unless non-access is strictly proved, the presumption of legitimacy stands, even if modern scientific tools could suggest a different biological reality. This protects the status of children and family stability from being easily disturbed.
- **Judicial Tests for Ordering DNA Tests in Paternity Matters:** Courts have evolved a cautious approach to DNA tests, treating them as intrusive measures that cannot be ordered routinely. The “twin blockades” test requires: (i) that existing evidence is insufficient for a just decision without scientific testing, and (ii) that a DNA test is demonstrably in the best interests of all concerned, including the child. Additionally, there must be a strong *prima facie* case linking the test result to resolution of the core dispute. DNA testing is thus reserved for **eminent need**, not for fishing or roving enquiries.
- **Right to Privacy and Bodily Integrity under Article 21:** Compulsory DNA testing implicates the fundamental right to privacy and bodily integrity recognised under Article 21 of the Constitution. Following *K.S. Puttaswamy*, any such intrusion must satisfy the tests of legality (backed by law), legitimate aim (a sufficiently important objective) and proportionality (least restrictive means). Even when statutory provisions allow medical examination, courts must ensure that compelled DNA collection is necessary, narrowly tailored and not excessive relative to its investigative value.
- **Collateral vs. Direct Issues in Criminal Investigation:** In criminal proceedings, scientific tests like DNA profiling must have a direct nexus with the offences alleged. If paternity is merely a collateral or incidental issue, and the main charges (such as cheating or harassment) can be investigated through other evidence, courts are slow to permit intrusive tests. The distinction between core issues (essential to guilt or innocence) and collateral issues (tangential to the offence) helps control investigative overreach and protects individuals from unnecessary invasions.
- **Sections 53 and 53A CrPC – Medical Examination of the Accused:** Sections 53 and 53A of the Code of Criminal Procedure permit medical examination of an accused at the request of police where it is likely to afford evidence of the offence. However, their use is confined to situations where the examination has a clear, direct bearing on the alleged crime (such as injuries, intoxication, sexual offences). They are not blank cheques to compel DNA tests in every case; courts must still consider relevance, necessity, and constitutional safeguards before allowing such examinations.
- **Adverse Inference under Section 114 Evidence Act in DNA Context:** Section 114 IEA allows courts to draw adverse inferences from a party’s conduct, including refusal to comply with lawful directions. In DNA matters, however, adverse inference is not automatic. It generally arises only where a court has first validly ordered a test, after satisfying all legal and constitutional requirements, and the party then wilfully disobeys. If the threshold for ordering a test is itself not met, refusal cannot be used to undermine statutory presumptions or shift burdens unfairly.
- **Autonomy and Privacy Rights of the Child in Paternity Disputes:** In paternity cases, the child is an independent rights-holder. Decisions about compelling DNA testing must factor in the child’s long-term interests, dignity, and privacy, not just the desires of parents or other litigants. Even if one parent consents, courts must consider whether exposing the child’s genetic identity to dispute is necessary and proportionate, and whether it may stigmatise or destabilise the child’s legal status. This rights-based approach is increasingly central in modern evidence and family law jurisprudence.



Practice Questions

1. In Jaipur, Ananya files a suit seeking a declaration that her 3 year old son Aarav is not the legitimate child of her estranged husband, Rohan. Their marriage subsisted when Aarav was conceived, and the child was born 9 months before the couple obtained a mutual consent divorce. Ananya alleges that she was in a relationship with another man at the time and insists on a court ordered DNA test to “set the record straight” so Rohan is not burdened with maintenance. Rohan refuses, relying on the legal presumption of legitimacy. There is no evidence that the parties were physically separated or unable to cohabit during the conception period.

Which legal position is most accurate?

- (a) The child is conclusively presumed legitimate, as long as non access is not strictly proved with specific, cogent evidence.
- (b) The presumption of legitimacy falls because Ananya herself admits infidelity, which is enough to displace the legal fiction in such circumstances.
- (c) The presumption is merely evidentiary and can be rebutted whenever DNA testing shows biological links with another man.
- (d) The court must first compel DNA testing, since scientific truth overrides statutory presumptions relating to legitimacy.

2. In Nagpur, Mohan challenges a maintenance claim filed by his wife, Sita, on behalf of their newborn daughter. The child was born 6 months after Mohan left for a two year work assignment in Canada and, according to immigration records, he did not return to India even once during that period. Sita asserts that Mohan visited secretly and that they had occasional marital relations but produces no travel documents, messages, or corroborative evidence. Mohan relies on passport stamps, airline records, and his Canadian employer’s attendance logs to show that he could not have been in India at the relevant time. He asks the court to hold that the statutory presumption of legitimacy does not apply.

How should the court approach the case?

- (a) The presumption of legitimacy must prevail, as long as the marriage technically continues and Sita claims occasional cohabitation during that period.
- (b) The court should insist on a DNA test first, since only scientific proof can conclusively resolve doubts about biological paternity.
- (c) Clear documentary proof of prolonged absence establishes non access, allowing the presumption of legitimacy to be rebutted in this situation.
- (d) The presumption can be rebutted merely by Mohan’s oral denial of paternity, even without supporting material about his absence from India.

3. In Bengaluru, Kavya files a civil suit seeking declaration that her late husband, Ritesh, was not the biological father of their son, Arnav, to exclude him from succession to certain ancestral properties. She alleges that their marriage had broken down emotionally and that during the conception period she was in a relationship with another man. The family court already has extensive evidence regarding dates of marriage, cohabitation, and the child’s birth, but none showing physical impossibility of access. Kavya nevertheless seeks a court ordered DNA test for Arnav and Ritesh’s preserved medical samples, arguing

that “truth must prevail.” The guardian ad litem opposes, stating that Arnav’s status and psychological welfare may be disturbed.

Applying the judicial test for scientific examination, what should the court decide?

- (a) The court must order a DNA test because any paternity doubt creates an eminent need for scientific clarification of inheritance rights.
- (b) The court should refuse a DNA test since the existing evidence is adequate and no strong prima facie case justifies such an intrusive measure.
- (c) The court should compel the test because the mother’s confession of infidelity by itself triggers the best interests of the child to know his biological parentage.
- (d) The court should order the test but keep the result sealed, as secrecy automatically satisfies concerns about privacy and emotional impact.

4. In Lucknow, the police investigate an allegation that Anil, a government contractor, forged documents to claim inflated payments in a public works project. During investigation, the officer in charge moves an application under Sections 53 and 53A CrPC seeking an order to collect Anil’s blood sample for DNA profiling. The stated reason is that Anil is also facing a separate civil paternity suit, and the officer believes the DNA profile “may be useful later” if more serious charges arise. The forged documents already bear Anil’s signatures, and handwriting and accounting experts are available. Anil objects that the request has nothing to do with the forgery case and violates his constitutional rights.

How should the court apply the governing principles?

- (a) The court must grant the application because Sections 53 and 53A give the police broad authority to obtain any medical evidence from an accused.
- (b) The court should grant limited permission but defer actual DNA profiling until the outcome of the civil paternity case.
- (c) The court should refuse the application since the proposed examination lacks a clear, crime related purpose and would exceed the scope of Sections 53 and 53A.
- (d) The court must at least compel Anil to provide a DNA sample, even if its present relevance to the forgery case is not fully established.

5. In Delhi, a criminal case is registered against Rajiv and his family for cruelty and harassment under dowry laws, based on his wife Meera’s complaint. During investigation, Rajiv files an application before the trial court insisting on a DNA test of Meera’s newborn, alleging that the child is not his and that this will show Meera’s lack of credibility. The prosecution opposes, arguing that the offences relate to abusive conduct and unlawful demands, which can be proved through witness testimony, messages, and financial records. The child has not been made an accused, and paternity is not part of the charge sheet. Meera contends that forcing a DNA test would invade her and the child’s privacy for an issue irrelevant to guilt.

How should the court decide?

- (a) The court must allow the DNA test because any evidence undermining Meera’s character is relevant to assessing her complaint of cruelty.
- (b) The court should refuse the DNA test since paternity is collateral to the dowry charges and the main offences can be investigated through other evidence.
- (c) The court must permit the test because scientific truth has overriding importance in every criminal investigation regardless of the specific charges.
- (d) The court should order DNA testing of only the child, not Rajiv, to balance investigative needs against privacy and bodily integrity concerns.



SUPREME COURT

Landmark Judgements



9 Counter Claim Against Co-Defendant in Civil Suits

Background

- The plaintiff, Sanjay Tiwari, filed a suit for specific performance alleging an oral agreement dated 2 December 2002 with defendant No. 1 for sale of 0.93 acres, asserting full payment by three demand drafts on 3 December 2002 and delivery of possession with construction of a boundary wall.
- Defendant No. 1, in his written statement, claimed that two other persons (later impleaded as defendants 2 and 3) were already in possession of part of the suit land and that on 1 December 2002 he had agreed to transfer 50 decimals to them for ₹2,95,000/-, while admitting sale of 43 decimals to the plaintiff's father for ₹2,55,000/-.
- Defendants 2 and 3 applied for impleadment, which the Trial Court allowed, and after being added as parties they filed a counterclaim asserting a right to transfer of the entire land (later shifting their stand between entire land and 50 decimals) against defendant No. 1.
- The Trial Court permitted the counterclaim to proceed; the plaintiff challenged this order under Article 227 of the Constitution before the High Court.
- The High Court dismissed the challenge, reasoning that all issues, including maintainability of the counterclaim, could be decided in the suit itself to avoid multiplicity of litigation.
- The plaintiff appealed to the Supreme Court, contending that a counterclaim under Order VIII Rule 6A CPC cannot be directed against a co-defendant and that the claim of defendants 2 and 3 was time-barred and self-contradictory.

Case Details

- Case Title:** Sanjay Tiwari v. Yugal Kishore Prasad Sao & Others
- Citation:** 2025 INSC 1310
- Bench** Justice K. Vinod Chandran and Justice N.V. Anjaria

Issue Before the Court

1. Whether a counterclaim under Order VIII Rule 6A of the Code of Civil Procedure, 1908 can be maintained by one defendant exclusively against a co-defendant, without being directed against the plaintiff.
2. Whether the counterclaim filed by defendants 2 and 3 for specific performance was maintainable in view of the contradictions in their pleadings and the limitation period running from 2002 to the filing in 2006.
3. Whether the High Court was justified in upholding the Trial Court's order permitting such a counterclaim on the ground of avoiding multiplicity of proceedings.

Judgement of the Court

- The Court examined Order VIII Rule 6A CPC and reiterated, relying on Rohit Singh v. State of Bihar, that a counterclaim is a statutory device enabling a defendant to raise, in the same suit, any claim he has **against the plaintiff**, arising out of a cause of action accruing before filing of the defence; it cannot be framed as an independent claim solely against a co-defendant.
- It held that a counterclaim must be incidental or connected to the plaintiff's cause of action and must be directed against the plaintiff; using it to litigate disputes exclusively between co-defendants falls outside the permissible scope of Order VIII Rule 6A.
- Referring to Rajul Mano Shah v. Kiranbhai Shakrabhai Patel, the Court underscored that a counterclaim for specific performance presupposes that the defendant has an enforceable right which can be asserted directly against the plaintiff; a claim contingent on first succeeding against another defendant cannot be projected as a counterclaim in the same suit.
- On facts, the Court noted that defendants 2 and 3 had taken shifting stands about the extent of land agreed to be sold (entire land vs 50 decimals) and had themselves admitted part-transfer to the plaintiff's side, showing lack of a clear, concrete and consistent case.
- It further observed that their impleadment and counterclaim application in 2006 was based on a cause of action arising in 2002, making any independent specific performance claim prima facie barred by limitation by the time it was asserted.
- The Court clarified that impleading defendants 2 and 3 as parties was correct to cure non-joinder and to bind them by any decree, but such impleadment did not legitimise an otherwise impermissible counterclaim against a co-defendant.
- Considering the clear bar under Order VIII Rule 6A and the limitation issue, the Court held that the High Court erred in allowing the counterclaim to proceed merely to avoid multiplicity, and it set aside the counterclaim without granting liberty to file a separate suit, noting that any such claim was already time-barred.

Key Takeaway for CLAT Aspirant

- **Counter-Claim under Order VIII Rule 6A CPC:** A counterclaim is a statutory mechanism allowing a defendant to assert a claim **against the plaintiff** in the same suit, based on a cause of action accruing before filing the defence or expiry of time to file it. It is treated as a cross-suit and is adjudicated like a plaint. The object is to enable both the plaintiff's claim and the defendant's independent claim against the plaintiff to be decided together, thereby avoiding multiple proceedings.
- **Counter-Claim vs Claims against Co-Defendants:** The general rule is that a counterclaim under Order VIII Rule 6A must be directed against the plaintiff; it cannot be used as a vehicle to litigate disputes solely between co-defendants. While the factual matrix may involve co-defendants, the relief claimed in a counterclaim must be one that the defendant seeks to enforce against the plaintiff. Disputes inter se between defendants typically require a separate independent suit unless covered by some specific statutory or procedural device.
- **Nature and Purpose of Counter-Claim:** A counterclaim is conceptually distinct from a mere defence or set-off. It is an independent claim that could have been the subject of a separate suit but is raised in the same proceeding for convenience. Its purposes include preventing multiplicity of suits, saving judicial time, and enabling comprehensive adjudication of related disputes. However, these goals operate within the limits of the statutory text; efficiency cannot justify bypassing express procedural constraints.

- **Essentials and Timing of a Valid Counter-Claim:** For a counterclaim to be valid: it must be filed by a defendant; it must assert an independent or separable claim; it must be made against the plaintiff; and it must relate to a cause of action which has arisen before the defendant has delivered his defence or before the time for delivering his defence has expired. Courts generally allow filing by amending the written statement or through subsequent pleadings, subject to these temporal and substantive limits.
- **Limitation and Counter-Claims:** Counterclaims are subject to the law of limitation just like ordinary suits. The cause of action date and the date of filing the counterclaim are crucial in determining whether the claim is time-barred. A defendant cannot evade limitation by styling a hopelessly delayed claim as a counterclaim within an existing suit. If the claim would be barred as a separate suit on the date it is raised, it is ordinarily barred as a counterclaim as well.
- **Article 227 Superintendence and Procedural Correctness:** Article 227 of the Constitution gives High Courts supervisory jurisdiction over subordinate courts to ensure that they act within the bounds of law and procedure. While High Courts may refrain from interfering in interlocutory matters to avoid fragmenting trials, they are expected to correct clear jurisdictional errors such as entertaining a counterclaim not permitted by Order VIII Rule 6A. The power under Article 227 is meant to enforce procedural discipline, not to dilute explicit procedural requirements in the name of convenience.



Practice Questions

1. In Mumbai, Sunrise Developers files a suit against Orion Tiles Pvt Ltd for supplying allegedly defective tiles to a housing project, claiming ₹40 lakhs in damages. In its written statement, Orion asserts that the tiles met contractual standards and further states that Sunrise has itself failed to pay ₹25 lakhs for earlier consignments supplied under the same long term supply arrangement. Orion files a counterclaim seeking recovery of this unpaid amount, which arose well before the written statement was filed and could have been the subject of a separate money suit. Sunrise objects, arguing that Orion is only allowed to defend and cannot press an independent monetary claim in the same proceeding. How should the court characterise Orion's pleading?

- (a) It is an impermissible defence because a defendant can only resist the plaintiff's claim and cannot seek positive relief in the same suit.
- (b) It is a proper counterclaim, functioning as a cross suit that allows Orion's independent claim against Sunrise to be tried along with the main suit.
- (c) It is merely a plea of set off that cannot be treated as an independent claim capable of separate adjudication.
- (d) It is valid only if Orion first files a separate suit and then asks for both matters to be clubbed together for convenience by the court.

2. In Jaipur, Priya sues her husband Arvind and his sister Kavita for partition and declaration of her share in a jointly owned commercial property. Arvind files a written statement supporting partition but also alleges that Kavita has illegally occupied an adjoining shop exclusively owned by him and seeks an injunction and mesne profits against her alone. He labels this pleading as a counterclaim and prays that it be tried within the same suit. Priya argues that the dispute about the adjoining shop is purely between Arvind and Kavita and that she has no interest in that property. Kavita supports this objection, contending that the counterclaim cannot be used to fight a separate quarrel between co defendants. How should the court treat Arvind's so called counterclaim?

- (a) It is maintainable as a counterclaim because resolving all disputes arising from the family's business properties in one suit promotes efficiency and prevents multiplicity.
- (b) It is maintainable provided the court adds Priya as a pro forma party to the dispute about the adjoining shop, so that technically the claim is also against the plaintiff.
- (c) It is not a valid counterclaim since the relief is sought only against a co defendant, and disputes inter se defendants generally require a separate suit.
- (d) It is not a counterclaim but the court must still finally adjudicate Arvind and Kavita's dispute in this suit in order to avoid inconsistent findings in future litigation.

3. In Chennai, BlueWave Textiles is sued by Zenith Bank for recovery of an outstanding loan. BlueWave files its written statement denying default on 1 March 2024. On 30 April 2024, before the extended deadline to amend pleadings expires, BlueWave moves an application to introduce a counterclaim. It alleges that Zenith wrongfully froze its working capital account in December 2023 without notice, causing substantial business losses, and seeks damages. The cause of action for this counterclaim clearly arose in December 2023, well before 1 March 2024. Zenith objects, arguing that once the written

statement was filed, no counterclaim can ever be entertained and that BlueWave must file a separate suit. How should the court treat BlueWave's request?

- (a) The proposed counterclaim is valid because the cause of action arose before delivery of the defence and is asserted by the defendant against the plaintiff within the permissible time.
- (b) The counterclaim is invalid since a defendant can never amend the written statement to introduce an independent claim after it has first been filed before the stipulated forum.
- (c) The counterclaim is invalid because it does not arise out of the exact same loan transaction and therefore cannot be adjudicated in the same proceeding.
- (d) The proposed counterclaim is valid only if Zenith also agrees in writing that both its claim and BlueWave's claim should be tried together for convenience.

4. In Indore, Meera sues her former business partner, Dev, in 2024 for rendition of accounts relating to a boutique partnership that they dissolved in 2013. Dev files a written statement denying liability. In 2025, he seeks to introduce a counterclaim asserting that Meera misappropriated partnership funds between 2010 and 2012 and claiming damages. Under the applicable limitation law, a money claim for such misappropriation would be time barred if filed independently after 2016. Dev argues that raising the claim as a counterclaim in Meera's pending suit should revive it, because deciding all disputes together will save judicial time. Meera contends that a counterclaim cannot resuscitate a claim already hopelessly barred by limitation.

What is the correct legal position?

- (a) The counterclaim is maintainable because limitation rules do not apply to counterclaims in the same manner as ordinary suits, given their ancillary nature.
- (b) The counterclaim is maintainable since Dev's allegations concern the same partnership relationship, and courts should overlook technical limitation in the interest of comprehensive adjudication.
- (c) The counterclaim is barred because a claim that would be time barred as a separate suit on the filing date is ordinarily time barred as a counterclaim as well.
- (d) The counterclaim is partly maintainable; Dev can recover only amounts misappropriated within three years prior to filing Meera's suit, regardless of the dates stated in his own pleading.

5. In Patna, a civil court allows Defendant No. 2, a contractor, to file a counterclaim solely against Defendant No. 3, a subcontractor, in a suit originally filed by State X for recovery of liquidated damages arising from a failed road project. The counterclaim seeks contribution and indemnity from Defendant No. 3, without seeking any relief against State X. State X does not object, but Defendant No. 3 challenges this order before the High Court under Article 227, arguing that the trial court has exceeded its jurisdiction by entertaining a counterclaim that is not directed against the plaintiff. The State urges the High Court not to interfere at this stage, citing the need to avoid fragmenting the trial.

How should the High Court exercise its supervisory power?

- (a) It should decline to interfere because interlocutory orders on pleadings are purely discretionary and Article 227 cannot be used to correct such matters.
- (b) It should interfere to set aside the improper counterclaim, since entertaining a claim solely between co defendants violates the procedural limits of Order VIII Rule 6A.
- (c) It should decline to interfere, as the parties have consented to try all related disputes together and efficiency must trump rigid procedural rules.
- (d) It should interfere only to transfer the counterclaim to a separate file, but still require the same judge to decide all three disputes in a consolidated hearing.



SUPREME COURT

Landmark Judgements



10

Companies Buying Software for Gains not Treated as Consumers

Background

- The appellant, M/s Poly Medicure Ltd., is a company engaged in the business of export and import of medical devices and equipment.
- It purchased a licence of “Brillio Opti Suite” software from the respondent, M/s Brillio Technologies Pvt. Ltd., for implementing an export/import documentation and related management system at its plant.
- Alleging that the software did not function properly and amounted to deficiency in service, the appellant filed Consumer Complaint No. 515 of 2019 before the Delhi State Consumer Disputes Redressal Commission seeking refund of licence and development costs with interest.
- The respondent objected to maintainability, contending that the appellant was not a “consumer” within Section 2(1)(d) of the Consumer Protection Act, 1986 as the software was purchased for commercial use.
- The State Commission dismissed the complaint on 19 August 2019, holding that the transaction was for a commercial purpose; the NCDRC, in First Appeal No. 1977 of 2019, affirmed this view on 15 June 2020.
- The appellant’s challenge by Special Leave Petition, later converted into Civil Appeal, was dismissed by the Supreme Court, which upheld that Poly Medicure was not a “consumer” in respect of this transaction.

Case Details

Case Title: M/s Poly Medicure Ltd.
v. M/s Brillio
Technologies Pvt. Ltd.

Citation: 025 INSC 1314

Bench Justice J.B. Pardiwala
and Justice Manoj Misra

Issue Before the Court

1. Whether an incorporated company can, in principle, fall within the definition of “consumer” under Section 2(1)(d) of the Consumer Protection Act, 1986.
2. Whether the purchase of “Brillio Opti Suite” software for export/import documentation and related process automation constituted a “commercial purpose” excluded from the definition of “consumer”.
3. Whether the appellant could claim the benefit of the Explanation to Section 2(1)(d) (self-employment / livelihood exception) despite being a corporate entity using the software in large-scale business operations.
4. Whether business-to-business software transactions linked to profit-generation can be adjudicated as consumer disputes under the 1986 Act.

Judgement of the Court

- The Court first noted that the definition of “person” in Section 2(1)(m) is inclusive and wide enough to cover incorporated companies; therefore, a company can be a “person” and, in a proper case, a “consumer” under Section 2(1)(d).
- It then examined Section 2(1)(d), emphasising that a person who buys goods or avails services “for any commercial purpose” is excluded from the definition of consumer, subject only to the narrow exception for self-employment to earn livelihood.
- Relying on precedents such as *Lilavati Kirtilal Mehta Medical Trust v. Unique Shanti Developers*, *National Insurance Co. Ltd. v. Harsolia Motors*, and *Virender Singh v. Darshana Trading Co.*, the Court reiterated that the key enquiry is the dominant purpose of the transaction and the nexus between the goods/services and profit-generating activity.
- Analysing the modules of “Brillio Opti Suite” (export documentation, clubbing/splitting SAP sales documents, LC management, container tracking, ECGC policy management, forex forward cover management), the Court held that the software was procured to streamline core business operations directly connected with exports and profits.
- It observed that automation of business processes is undertaken not merely for convenience but for reducing transaction costs, improving efficiency and ultimately maximising profits, thus placing such purchases squarely within “commercial purpose”.
- The Court held that the Explanation (self-employment / livelihood exception) is meant for individuals using goods or services exclusively to earn their own livelihood by personal work, not for corporate entities running large-scale commercial enterprises.
- It further stated that the Consumer Protection Act is intended primarily for business-to-consumer disputes; bringing business-to-business contracts for operational tools like enterprise software within its ambit would distort the legislative scheme and overburden consumer fora.
- On these findings, the Court concluded that Poly Medicure was not a “consumer” for this transaction, upheld the dismissal by the State Commission and NCDRC, and dismissed the appeal without any order as to costs.

Key Takeaway for CLAT Aspirant

1. **Definition of “Consumer” and Commercial Purpose:** Under Section 2(1)(d) of the Consumer Protection Act, 1986, a “consumer” is one who buys goods or avails services for consideration but does **not** include persons who obtain goods or services for any “commercial purpose”. The focus is on the purpose of use, not merely on the identity of the buyer. Even companies can be consumers in principle, but only when the goods or services are not integrally linked to their commercial profit-making activity.
2. **Dominant Purpose / Nexus with Profit Test:** Courts apply the “dominant purpose” test to decide whether a purchase is for a commercial purpose. They look at whether the goods or services have a **direct nexus** with profit generation or business expansion. If the item purchased forms part of the infrastructure or tools used to carry on trade, manufacture, or services for profit, the transaction is considered commercial, and the buyer is excluded from consumer status.

- commercial, and the buyer is excluded from consumer status.
- **Self-Employment and Livelihood Exception:** The Explanation to Section 2(1)(d) carves out an exception where goods or services are used by a person “exclusively for the purpose of earning his livelihood by means of self-employment.” This typically covers individuals who themselves operate the goods or personally render services (for example, a taxi driver buying a car to drive himself). It does not extend to corporate entities or large-scale business operations where employees and systems, not the purchaser personally, generate income.
- **Business-to-Business Transactions and Consumer Law:** Consumer protection legislation is aimed at **business-to-consumer** (B2C) relationships, providing a simple, summary mechanism for ordinary consumers against traders and service providers. Business-to-business (B2B) transactions such as procurement of enterprise software, machinery or bulk goods for running a commercial enterprise fall outside this framework and are governed by ordinary civil and contractual remedies, not consumer fora.
- **Treatment of Software and Services as “Commercial Purpose:** Intangible products such as software licences and technology services can constitute goods or services under consumer law, but their classification turns on use. When software is acquired as an enterprise resource to automate operations, manage core business processes or optimise profits, it is treated as being for a commercial purpose. Conversely, software purchased for purely personal use (for example, a home accounting package by a non-business user) may fall within the protective scope of consumer law.



Practice Questions

1. In Bengaluru, Nimbus Motors Pvt Ltd, a mid sized auto parts manufacturer, enters into a licence agreement with SoftAxis Solutions for an enterprise resource planning (ERP) software suite. The software is installed across all plants to automate inventory, billing, payroll and production scheduling, and the licence fee is capitalised in Nimbus's books as part of its business infrastructure. Within a year, Nimbus alleges serious defects in the ERP leading to production delays and lost orders, and files a complaint before the District Consumer Commission alleging "deficiency in service." SoftAxis objects that Nimbus is not a consumer because the software is used to run its core manufacturing operations and enhance profits. Nimbus counters that even companies can be consumers, and that software is only a tool. How should the Commission classify Nimbus?

- (a) Nimbus is a consumer because even companies can complain under consumer law whenever they buy software for consideration from a service provider.
- (b) Nimbus is not a consumer because the ERP is an enterprise resource integrally linked to carrying on its profit making manufacturing activity.
- (c) Nimbus is a consumer since software licences, as intangible products, automatically fall within the protective scope of the Consumer Protection Act.
- (d) Nimbus is a consumer because the focus is on the identity of the buyer, and a corporate purchaser stands on a different footing from a commercial trader.

2. In Pune, Aarti, a freelance graphic designer operating as a sole proprietor, purchases a high end design software suite under a one year subscription model from PixelForge Technologies. She uses the software exclusively on her personal laptop, working alone from home and taking on small logo and brochure projects to support herself. She does not employ any staff, does not sub licence the software, and has no other business operations besides her own labour on client assignments. After repeated crashes corrupt her files, Aarti sues PixelForge before the Consumer Commission for defective services. PixelForge argues that the software is used for earning income and therefore the subscription is for a commercial purpose. Is Aarti a consumer under the Act?

- (a) No, because any purchase used to generate income or professional fees necessarily counts as a commercial purpose and excludes the buyer from consumer status.
- (b) No, because software used to serve external clients always becomes part of a commercial business operation, irrespective of the scale of the activity.
- (c) Yes, because she is a corporate entity carrying on business, and the Consumer Protection Act is aimed at protecting only natural persons in such digital transactions.
- (d) Yes, because she uses the software exclusively to earn her livelihood by personally rendering graphic design services through self employment.

3. In Gurgaon, Stellar Fashions Pvt Ltd, which operates a chain of retail clothing stores, enters into a contract with DataFlow Systems to purchase a customised inventory management software. The licence covers all ten outlets, integrates stock records with billing terminals, and is marketed as a tool to reduce pilferage and increase turnover. After implementation, Stellar alleges that frequent crashes and data mismatches lead to overstocking in some outlets and stockouts in others, causing financial loss. Instead

of filing a civil suit, Stellar lodges a complaint before the State Consumer Commission alleging “deficiency in service” by DataFlow. DataFlow objects that the complaint is not maintainable because the transaction is purely business-to-business. How should the Commission decide?

- (a) The complaint is maintainable because any buyer of services for consideration, including a company, automatically qualifies as a consumer under the statute.
- (b) The complaint is not maintainable because the software procurement is a B2B transaction for running a commercial enterprise and falls outside consumer fora.
- (c) The complaint is maintainable since inventory management is only an internal administrative function and has no legal nexus with Stellar’s commercial operations.
- (d) The complaint is not maintainable only if DataFlow can prove that the software directly generated profits, rather than merely supporting the retail business.

4. In Kolkata, Sahayata Foundation, a registered non profit organisation, purchases a donor management and volunteer coordination software from ImpactTech Pvt Ltd. The software tracks donations, sends automated receipts and schedules volunteer activities, but Sahayata does not run any trading or profit making activity; all funds are applied to free community health camps. After repeated system failures result in lost donor records and failed communications, Sahayata approaches the Consumer Commission alleging deficiency in service. ImpactTech objects that this is a business to business transaction over enterprise software and that Sahayata is not a consumer. The Foundation argues that it is not engaged in commerce and uses the software solely to administer its charitable work.

How should its status be determined?

- (a) Sahayata is a consumer because the purchase has no nexus with profit generation or business expansion and is not part of any commercial activity.
- (b) Sahayata is a consumer only if it can prove that the software is used by volunteers without any salaried staff participating in its operation.
- (c) Sahayata is not a consumer since any organisational use of enterprise software is treated as a commercial purpose regardless of whether profit is actually made.
- (d) Sahayata is not a consumer because consumer protection legislation is available exclusively to individual persons and never to entities such as foundations or companies.

5. **Assertion (A):** Software purchased to manage payroll, taxation, and household budgeting for a private family is within the scope of consumer protection law.

Reason (R): Intangible products like software licences can qualify as “goods or services” under consumer law, but they are excluded whenever they are used for any form of business activity.

- (a) Both Assertion (A) and Reason (R) are true, and Reason (R) is the correct explanation of Assertion (A).
- (b) Both Assertion (A) and Reason (R) are true, but Reason (R) is not the correct explanation of Assertion (A).
- (c) Assertion (A) is true, but Reason (R) is false.
- (d) Assertion (A) is false, but Reason (R) is true.

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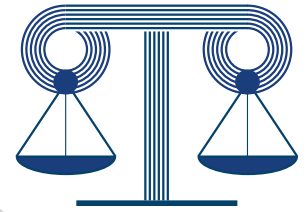
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SUPREME COURT

Landmark Judgements



11

Child Victim Testimony in POCSO Cases

Background

- On 15 August 2021, the victim's mother (PW-3) saw the appellant, wearing only half shorts, sitting near the legs of her 4-year-old daughter at about 4:30 PM; on being confronted, he ran away.
- She noticed the child's underwear pulled down to the knees, frock pulled up to the chest, and the child was crying and complaining of pain in her private part.
- The victim's birth certificate showed her date of birth as 13 February 2017, confirming that she was below 12 years of age on the date of the incident.
- FIR No. 52 of 2021 was registered under Sections 376, 376AB IPC and Sections 5 and 6 of the POCSO Act; the child was medically examined and her statement recorded under Section 164 CrPC.
- The Trial Court convicted the appellant under Sections 9(m) and 10 of the POCSO Act and sentenced him to seven years' rigorous imprisonment with a fine of ₹2,000.
- The Chhattisgarh High Court, by judgment dated 6 March 2025, affirmed the conviction and sentence; the appellant then approached the Supreme Court by way of criminal appeal.

Judgement of the Court

The Court held that the testimonies of PW-2 (father) and PW-3 (mother) were consistent, cogent and trustworthy, especially the mother's account of finding the appellant minimally clothed near the child, with the child's underwear down and frock up, followed by the child's immediate complaint of pain.

Case Details

Case Title: Dinesh Kumar Jaldhari v. State of Chhattisgarh
Citation: (2025) INSC 1317
Bench Justice Aravind Kumar and Justice N.V. Anjaria

Issue Before the Court

- Whether the conviction for aggravated sexual assault under Sections 9(m) and 10 of the POCSO Act could be sustained in the absence of direct eyewitness testimony of the act or a detailed statement from the 4-year-old victim.
- Whether the medical evidence, which showed only redness and no external injuries or bleeding, was sufficient corroboration, or whether the absence of more severe injuries weakened the prosecution case.
- Whether the consistent testimony of the victim's parents, coupled with the child's behaviour in court, constituted reliable and legally adequate evidence to uphold the conviction.
- Whether the sentence of seven years' rigorous imprisonment required interference in light of the facts and the period already undergone by the appellant.

- It reiterated that in sexual offences against children, direct eyewitnesses are rarely available; circumstantial evidence and credible testimony of close relatives can form a complete chain pointing unerringly to the accused's guilt.
- The Court noted that the victim, when produced for examination, became frightened on seeing the appellant, refused to face him, cried continuously and was unable to depose, forcing the trial court to stop her examination; this trauma-induced behaviour was treated as a strong corroborative circumstance.
- On medical evidence, the Court noted the doctor's finding of redness in the vaginal area and reiterated the principle that when ocular and circumstantial evidence is clear and reliable, medical evidence plays a subsidiary role and "takes a backseat."
- The Court rejected the argument that lack of proof of penetration should lead to acquittal, emphasising that the conviction was under Sections 9(m) and 10 POCSO (aggravated sexual assault), for which non-penetrative sexual acts upon a child below 12 are sufficient.
- Finding the appreciation of evidence by the Trial Court and High Court to be "eminently legal and proper," the Supreme Court declined to interfere with the conviction but considered it appropriate to reduce the substantive sentence from seven to six years' rigorous imprisonment, keeping in view the totality of circumstances and custody already undergone.
- The Court enhanced the fine to ₹6,000 and ordered that in default of payment, the appellant shall undergo simple imprisonment for one year.

Key Takeaway for CLAT Aspirant

- **Structure of POCSO Offences: Sexual Assault and Aggravated Sexual Assault:** Under the POCSO Act, Section 7 defines "sexual assault" as non-penetrative sexual contact with a child involving physical contact with sexual intent without penetration. Section 8 prescribes punishment for this offence. Section 9 enumerates situations where sexual assault becomes "aggravated" (for example, where the child is under 12 years of age under Section 9(m)), and Section 10 prescribes a higher minimum punishment. Thus, even without penetration, serious non-penetrative acts against very young children attract aggravated liability.
- **Conclusive Proof of "Child" and Age-Based Aggravation:** A "child" under Section 2(1)(d) of POCSO is any person below 18 years of age. When the prosecution proves age through documents like a birth certificate or school records, courts treat age as conclusively established unless seriously disputed. For aggravated sexual assault under Section 9(m), the child being below 12 years is a statutory aggravating factor that automatically enhances the gravity and minimum punishment, regardless of other circumstances.
- **Evidentiary Value of Parental Testimony in Child Sexual Offence Cases:** In cases involving very young victims, courts give significant weight to the testimony of parents or caretakers who discover the incident or see immediate aftermath. If such evidence is consistent, natural and free from material contradictions, it can be sufficient for conviction. The law does not insist on independent eyewitnesses to the act, recognising that such offences typically occur in private and that close relatives are often the first and only direct observers of the circumstances.
- **Behaviour of the Child Victim as Corroborative Evidence:** The conduct of a child victim during investigation or trial—such as extreme fear, refusal to face the accused, or visible distress—may operate as corroborative evidence of trauma, particularly when the child is too young to give a detailed narrative.

- Courts treat such behaviour cautiously but, when it fits with other proved facts, it can strengthen the prosecution case. This is consistent with broader evidentiary principles that allow courts to consider demeanour and psychological impact as relevant circumstances.
- **Role of Medical Evidence vis-à-vis Ocular and Circumstantial Evidence:** Medical evidence in sexual offence cases assists in corroborating the occurrence of assault but is not indispensable. Courts have repeatedly held that when ocular or circumstantial evidence is reliable, absence of injuries, penetration marks or specific forensic findings does not by itself render the prosecution case false. Particularly in non-penetrative assaults or cases where some time has elapsed, visible injuries may be minimal or absent, yet credible witness testimony can sustain conviction.
- **Sentencing Range under Section 10 POCSO and Appellate Interference:** Section 10 POCSO prescribes a minimum of five years' imprisonment, extendable to seven years, plus fine for aggravated sexual assault. Appellate courts generally respect the sentencing discretion of trial courts within this range but may interfere to slightly reduce or adjust the sentence where mitigating factors exist—such as length of time already in custody or overall circumstances—while ensuring that the punishment remains within statutory limits and proportionate to the seriousness of the offence.



Practice Questions

1. In Delhi, eight year old S was taken by her neighbour A into a closed room during a family function. Later that day S told her mother, in a halting way, that A had touched her inappropriately in a clearly sexual manner without any form of penetration. The FIR was promptly lodged. At trial, the prosecution proves S's date of birth through a municipal birth certificate and school records, showing that she was below 12 years on the date of the incident. The medical examination notes no signs of penetration. The defence admits that the incident, if proved, may amount to sexual assault but argues that aggravated sexual assault cannot apply when there is no penetration. How should the court classify the offence if the facts are proved?

- (a) It amounts only to sexual assault under Sections 7 and 8, because aggravation is reserved exclusively for cases involving penetration.
- (b) It amounts to aggravated sexual assault under Sections 9(m) and 10, since serious non penetrative contact with a child under 12 attracts aggravated liability.
- (c) It does not fall under POCSO at all, because non penetrative contact cannot qualify as "sexual assault" in law.
- (d) It must be treated as penetrative sexual assault, because any contact involving private areas is equated with penetration for sentencing purposes.

2. In Indore, ten year old T complains through her parents that a school bus attendant behaved in a sexually inappropriate manner during transit. The prosecution produces T's birth certificate issued by the municipal corporation and her school admission register, both showing that she was born on 5 March 2014. The alleged incident took place on 10 February 2024. The defence argues that no medical age estimation was conducted and claims the child might be older, though no alternative documents are produced. The trial court relies on the birth and school records, holds that T was under 12, and convicts the accused for aggravated sexual assault under Sections 9(m) and 10. On appeal, the defence contends that the absence of medical evidence makes the age finding unreliable. How should the appellate court evaluate the age issue?

- (a) It must treat age as unproved because medical tests are an indispensable prerequisite for applying Section 9(m).
- (b) It must remit the case for fresh age determination, since documentary records alone can never be conclusive.
- (c) It may treat age as conclusively established from the birth and school records, absent serious dispute, and uphold application of Section 9(m).
- (d) It must reduce the conviction to simple sexual assault, because documentary evidence of age always requires corroboration by an ossification test.

3. In Nagpur, four year old P returns from visiting a neighbour visibly upset and clings to her mother, saying in simple words that the neighbour "did bad things" to her in a way that plainly indicates sexual impropriety. P is too young to narrate the entire sequence consistently during trial and becomes silent in the witness box when asked for details. However, both parents testify that they found her distressed, describe what she told them immediately, and explain the circumstances in which they discovered the

incident. There are no independent eyewitnesses because the events occurred indoors in a private setting. The defence argues that conviction cannot rest on parental testimony alone without a full statement from P or third party corroboration. How should the court treat the parents' evidence?

- (a) It may treat consistent, natural parental testimony about discovery and immediate aftermath as sufficient for conviction.
- (b) It must reject parental evidence as inherently biased and insist on at least one independent eyewitness before convicting.
- (c) It may rely on parental testimony only for background and must acquit unless the child gives a detailed narrative in court.
- (d) It must treat parental testimony as unreliable unless supported by medical evidence showing clear physical injuries.

4. In Kolkata, seven year old N is alleged to have been subjected to a non penetrative sexual assault by a neighbour. During investigation and trial, N repeatedly refuses to enter the courtroom when the accused is present, cries when his name is mentioned, and clutches her mother whenever she is asked to identify him. The trial judge notes these reactions on the record. A child psychologist who has interacted with N testifies that such behaviour is consistent with trauma following an abusive incident, although she accepts that similar reactions could also stem from other forms of fear. The defence argues that behavioural signs are too ambiguous to be treated as evidence. In law, how may the court use N's behaviour?

- (a) The court must disregard N's behaviour entirely, because demeanour is never a relevant circumstance in criminal adjudication.
- (b) The court may treat N's behaviour as conclusive proof of guilt even if the other evidence is weak or inconsistent.
- (c) The court may use N's behaviour only to increase sentence after conviction, not when deciding whether the offence occurred.
- (d) The court may regard N's behaviour as corroborative, strengthening credible evidence when it fits with other proved facts, while assessing it cautiously.

5. In Hyderabad, a trial court convicts an accused of aggravated sexual assault under Sections 9(m) and 10 POCSO for a non penetrative offence against a child under 12. Considering the young age of the victim, the court imposes seven years' rigorous imprisonment and fine. On appeal, the High Court upholds the conviction but notes that the incident occurred twelve years earlier, the accused has already been in custody for almost six years, and there is some evidence of subsequent good conduct. Without minimising the seriousness of the offence, the High Court reduces the sentence from seven years to five years while retaining the fine, explaining that this still complies with the statutory minimum and is proportionate in the circumstances. The State challenges this modification as improper interference with trial court discretion. Is the High Court's approach consistent with the principle on sentencing under Section 10?

- (a) No, because once a sentence within the statutory range is imposed, appellate courts can never alter the quantum.
- (b) No, because Section 10 requires a fixed sentence of seven years in every aggravated sexual assault case, leaving no room for variation.
- (c) Yes, because Section 10 allows a range from five to seven years, and appellate courts may adjust the sentence within that range when mitigating factors exist, while respecting the minimum.
- (d) Yes, but only if the High Court first sets aside the conviction and then conducts a full retrial before reassessing sentence.



SUPREME COURT

Landmark Judgements



12 Exhaustion of Alternative Remedies

Background

- The dispute arose from recovery proceedings under the **Tamil Nadu Revenue Recovery Act, 1864** in respect of arrears relating to an arrack shop business, for which the appellant's property was brought to sale.
- In the course of revenue recovery, an auction of the appellant's immovable property was conducted on **29 July 2005** under the Revenue Recovery Act
- Instead of filing an application under **Sections 37-A or 38** of the Revenue Recovery Act (the special statutory mechanism to set aside a sale within 30 days), the appellant approached the Madras High Court directly under **Article 226**, challenging the recovery and sale.
- The High Court granted an **interim order staying "confirmation of sale"**, but there was no stay on the conduct of the auction itself; the authorities proceeded with the auction and later confirmed the sale.
- The appellant did **not** file any objection or application under Sections 37-A or 38 within 30 days from the date of auction, despite the statutory requirement and availability of that remedy.
- After the auction and subsequent developments, the High Court dismissed the writ petition and later the writ appeal, holding that the appellant had failed to exhaust the statutory remedies available under the Revenue Recovery Act.
- The appellant (through legal representatives, as

Case Details

Case Title: Kolanjiammal (D) Thr Lrs. v. The Revenue Divisional Officer, Perambalur District & Ors.
Citation: 2025 INSC 1319
Bench Justice Satish Chandra Sharma and Justice Vipul M. Pancholi

Issue Before the Court

- Whether a debtor whose property is sold in a revenue recovery auction can bypass the **time-bound mechanisms under Sections 37-A and 38** of the Tamil Nadu Revenue Recovery Act by directly invoking writ jurisdiction under Article 226.
- Whether an **interim stay of "confirmation of sale"** granted by the High Court has the effect of freezing the entire auction process and suspending the debtor's obligation to act within the statutory 30-day period.
- Whether the auction conducted

Kolanjiammal had died) filed a civil appeal before the Supreme Court, arguing that the interim stay and pendency of writ proceedings made recourse to the statutory remedy unnecessary and that the auction was invalid.

Judgement of the Court

- The Court held that the **Revenue Recovery Act is a self-contained code** in respect of auction sales and their challenge: Sections 37-A and 38 provide specific, exclusive and time-bound remedies (deposit + application/objection within 30 days), and these cannot be treated as optional.
- It distinguished between staying **confirmation of sale** and staying the **auction itself**, holding that the High Court's interim order only restrained confirmation, not the conduct of the auction; therefore, the auction held on 29 July 2005 was **not in breach of any subsisting judicial restraint**.
- The Court held that the appellant's assumption that the entire recovery process stood frozen was **misconceived**, and that the interim stay did not suspend or extend the **statutory 30-day limitation** for invoking Sections 37-A and 38.
- Relying on precedents such as **Rajasthan Housing Board v. Krishna Kumari (2005)**, the Court reiterated that interim orders in writ jurisdiction cannot be used to **frustrate statutory recovery procedures** or to nullify time-bound remedies under special Acts.
- The Court emphasised the **doctrine of exhaustion of alternative remedies**, holding that when a special statute prescribes an effective, specific remedy with a strict limitation period, litigants cannot circumvent it by directly approaching the High Court under Article 226.
- It noted that the appellant neither challenged the sale within 30 days nor demonstrated fraud or material irregularity within the statutory framework; by the time of challenge, the sale had been concluded and rights had accrued to the auction-purchaser.
- Finding no illegality in the High Court's refusal to interfere and no justification to override the statutory scheme, the Supreme Court dismissed the appeal and upheld the validity and finality of the concluded auction sale.

Issue Before the Court

- on 29 July 2005 and its subsequent confirmation could be invalidated in collateral writ proceedings despite the appellant's failure to file a statutory challenge within the prescribed limitation.

Key Takeaway for CLAT Aspirant

- **Doctrine of Exhaustion of Alternative Remedies:** Courts generally insist that when a **special statute** provides a specific and effective remedy (especially with a defined limitation period), litigants must first exhaust that remedy before invoking writ jurisdiction under Article 226. Writs are discretionary and ordinarily not entertained where a **time-bound statutory remedy** exists, unless exceptional grounds such as patent lack of jurisdiction or violation of fundamental rights are clearly shown.
- **Self-Contained Codes and Time-Bound Remedies in Special Acts:** Special enactments like the **Revenue Recovery Act** often function as **self-contained codes**, providing complete mechanisms (including time limits) to challenge actions like auctions. When such mechanisms exist—e.g., Sections 37-A and 38 requiring objections or deposit within 30 days—courts treat them as **mandatory**, and failure to comply usually bars later collateral challenges. This preserves certainty and finality in execution and recovery proceedings.

- **Distinction Between Stay of Auction and Stay of Confirmation:** Procedural orders can have **different scopes**: a stay of “**confirmation of sale**” does not automatically stay the **auction** itself. Parties must read interim orders carefully; assuming that all steps are frozen can be fatal. Even under interim protection, statutory **limitation periods keep running** unless the court expressly suspends their operation, so litigants must still act within prescribed time limits.
- **Writ Jurisdiction as a Discretionary and Residual Remedy:** Article 226 confers broad powers on High Courts, but this jurisdiction is **discretionary** and generally **residual**, meant to supplement, not supplant, statutory frameworks. When an alternative statutory remedy is both **adequate and efficacious**, and has not been pursued within time, courts are slow to interfere in writ jurisdiction, especially in highly regulated areas like **revenue recovery and execution of public dues**.
- **Finality and Protection of Auction Purchaser's Rights:** Once an auction sale has been conducted in accordance with the statute and **confirmed** by the competent authority, significant rights accrue in favour of the auction purchaser. Courts are reluctant to upset such sales except on limited grounds like **fraud or patent illegality**, as frequent disturbance of completed auctions would undermine commercial certainty and the **credibility of recovery mechanisms**.
- **Interim Orders Cannot Override Clear Statutory Mandates:** Interim orders are intended to **preserve the subject matter** during litigation, not to rewrite or suspend statutory schemes. They cannot be used to **circumvent mandatory time limits** or to create rights beyond what a statute allows. Litigants remain bound by clear statutory obligations, and reliance on interim protection **does not excuse** failure to follow the procedure laid down in special Acts.
- **Section 37-A, Tamil Nadu Revenue Recovery Act, 1864 – Deposit and Set Aside Sale:** Section 37-A provides a statutory remedy to set aside a revenue recovery sale of immovable property. Any person owning or claiming an interest in the property may, within 30 days from the date of sale, deposit the entire arrears, costs and charges plus an additional 5% of the purchase money, and apply to the Collector to set aside the sale. If both the deposit and application are made in time, the Collector must set aside the sale and refund the purchase money (with 5%) to the auction purchaser. Failure to do this within 30 days generally makes the sale binding and final.
- **Section 38, Tamil Nadu Revenue Recovery Act, 1864 – Irregularity, Mistake or Fraud in Sale:** Section 38 allows a sale to be set aside on grounds of material irregularity, mistake or fraud in publishing or conducting the sale. An application must again be made within 30 days from the date of sale and the applicant must show that such irregularity or fraud caused substantial injury. If the Collector is satisfied, the sale can be cancelled and a fresh sale ordered; otherwise, on expiry of time and in the absence of a valid challenge, the sale is confirmed and gains finality.



Practice Questions

1. In Coimbatore, Shakti Agro Industries' land is attached for huge sales tax arrears under the Tamil Nadu Revenue Recovery Act, 1864. The property is sold in public auction on 10 January 2024. The Act provides that any person interested can, within 30 days of the sale, either deposit the arrears plus 5% under Section 37-A or challenge irregularity under Section 38. Shakti Agro does neither. In April 2024, it files a writ petition under Article 226, alleging that the price was low and the Collector failed to consider its financial hardship, but it does not plead patent lack of jurisdiction or violation of fundamental rights. The auction purchaser has already paid the full price. How should the High Court deal with the writ?

- (a) The High Court must entertain the writ because Article 226 powers are plenary and cannot be curtailed by any special statutory remedy or time limit.
- (b) The High Court may decline to interfere, as Shakti Agro failed to exhaust the specific, time-bound statutory remedies and no exceptional ground like patent lack of jurisdiction is shown.
- (c) The High Court must entertain the writ because any auction of immovable property automatically invokes constitutional scrutiny, irrespective of available statutory remedies.
- (d) The High Court must at least stay the sale and direct the Collector to reopen the matter, as revenue recovery statutes cannot impose strict procedural bars on constitutional access.

2. Under the Tamil Nadu Revenue Recovery Act, the Collector auctions Raghav's agricultural land on 1 June 2024 for land revenue arrears. Section 37-A allows any person interested to set aside the sale by depositing the entire arrears, costs and charges plus 5% of the purchase money and applying within 30 days. On 25 June 2024, Raghav deposits only the arrears, costs and charges but omits the 5% of the purchase money, and he files his written application on 5 July 2024. He later files a writ petition arguing that substantial compliance and his deposit of arrears are enough to compel the Collector to set aside the sale and refund the auction purchaser. The purchaser contends that the statutory conditions were not met in time. Which position is legally sound?

- (a) The Collector is bound to set aside the sale because Raghav deposited the arrears within 30 days, and the 5% payment and later application are curable defects.
- (b) The Collector is bound to set aside the sale once both arrears and 5% are deposited, even if the application comes after 30 days, because the statute's main concern is recovery of dues.
- (c) Raghav cannot invoke Section 37-A because both the complete deposit and the application had to be made within 30 days, failing which the sale becomes binding.
- (d) Raghav may insist on setting aside the sale in writ jurisdiction, since Section 37-A is only directory and substantial compliance should override its time-bound conditions.

3. In Madurai, Meenakshi Mills' factory land is brought to sale under the Tamil Nadu Revenue Recovery Act for arrears of electricity dues. The High Court, in a pending writ, passes an interim order stating: "There shall be an order of stay of confirmation of sale until further orders." The auction is nonetheless conducted on 5 March 2024 and the property is knocked down to X. Believing that the interim stay has frozen all steps, Meenakshi Mills does not file any application under Sections 37-A or 38 within 30 days. After three months, it files a fresh writ petition contending that limitation stood suspended by the stay of confirmation and that the sale itself is void. X argues that only confirmation was stayed and that

tatutory time limits continued to run. How should the legal position be viewed?

- (a) The stay of confirmation automatically suspended the auction and limitation period, so the sale is void and Meenakshi can still pursue statutory remedies.
- (b) The stay of confirmation did not halt the auction or stop the statutory clock, and Meenakshi's failure to act within 30 days bars later challenge.
- (c) The stay of confirmation barred the Collector from holding the auction, but limitation for Sections 37-A and 38 stood extended until the writ was finally decided.
- (d) The stay order converted the statutory time limit into a flexible guideline, leaving it to Meenakshi's discretion when to invoke Sections 37-A or 38.

4. In Chennai, under revenue recovery proceedings, the industrial plot of Omega Steels is auctioned on 1 March 2021 and sold to Y, a third party. No application is filed under Sections 37-A or 38 within 30 days. On 10 April 2021, the sale is formally confirmed and Y is put in possession. Two years later, Omega files a writ petition seeking to set aside the sale on the ground that the reserve price was low and market values have since increased significantly. Omega does not allege fraud, mistake or any jurisdictional defect; it only pleads hardship and loss to the State exchequer. Y submits that his rights as auction purchaser have crystallised and should not be disturbed. What is the correct legal approach?

- (a) The sale should be set aside because courts must ensure that public assets always fetch the highest possible price, regardless of elapsed time and purchaser's rights.
- (b) The sale may be interfered with because Omega's hardship and subsequent rise in market value are sufficient to reopen the auction post confirmation.
- (c) The sale should ordinarily not be disturbed, as confirmation has vested significant rights in Y, and absence of fraud or patent illegality favours finality.
- (d) The sale should be automatically reopened whenever the debtor produces material showing that a higher bid could now be obtained.

5. In Tirunelveli, a commercial godown is sold in revenue recovery proceedings on 15 January 2023 for unpaid excise dues. The Tamil Nadu Revenue Recovery Act provides remedies under Sections 37-A and 38, both requiring action within 30 days of sale. The owner files a Section 38 application on 20 February 2023 alleging irregularity in publication but fails to show substantial injury; no deposit is made under Section 37-A. The Collector rejects the Section 38 plea. The owner does not appeal under the Act and remains silent for nine months. He then files a writ petition under Article 226 challenging the sale largely on the same grounds of irregularity, asking the High Court to reopen the auction and ignore the 30 day framework. The auction purchaser has meanwhile taken possession. How should the High Court approach this?

- (a) It must interfere in writ jurisdiction because any allegation of irregularity in a public auction automatically displaces the statutory limitations under Sections 37-A and 38.
- (b) It may refuse to interfere because the Act functions as a self-contained code with time-bound remedies, which were either exhausted or not properly pursued.
- (c) It must remand the case to the Collector with a direction to reconsider the sale ignoring limitation, as execution statutes cannot override constitutional remedies.
- (d) It must set aside the sale to protect the owner from harsh consequences, since the auction purchaser can always be compensated monetarily.

[illegible]

Policy in Assam
Indian sprinter Hima Das, General Secretary of Assam Cricket Association Devajit Lion Saikia, and scientist Uditkhub Bharali are also in the committee.

[illegible]



SUPREME COURT

Landmark Judgements



13 Misuse of Habeas Corpus Jurisdiction

Background

- An FIR No. 157 of 2021 was registered against Jibrakhan Lal Sahu for offences under Sections 420 and 409 of the Indian Penal Code, 1860, alleging cheating and criminal breach of trust.
- The accused was arrested on 12 December 2023 and was remanded to judicial custody; a chargesheet was filed on 9 February 2024.
- Between January and May 2024, the accused filed four separate bail applications before the High Court of Madhya Pradesh, all of which were dismissed on merits.
- After these rejections, his daughter, Kusum Sahu, filed a writ petition for habeas corpus under Article 226 before the High Court, alleging that her father was in unlawful custody.
- By order dated 3 October 2024, the High Court allowed the habeas corpus petition and directed that the accused be released on a personal bond of ₹5,000, treating his continued custody as illegal.
- The High Court acknowledged that the bail-rejection orders were appealable but justified its intervention on the grounds of the family's financial inability to approach the Supreme Court and their mental agony.
- The State of Madhya Pradesh challenged this order before the Supreme Court, which stayed the High Court's judgment on 18 July 2025, observing that the exercise of habeas corpus jurisdiction in this manner "shocks our conscience," and the accused subsequently surrendered on 25 October 2025.

Case Details

Case Title: State of Madhya Pradesh & Others v. Kusum Sahu
Citation: 2025 LiveLaw (SC) 1110
Bench Justice Rajesh Bindal and Justice Manmohan

Issue Before the Court

1. Whether a person in judicial custody pursuant to a valid remand order and repeated rejection of bail applications can claim to be in "unlawful detention" so as to invoke the writ of habeas corpus.
2. Whether the High Court, in a habeas corpus petition, can virtually sit in appeal over its own prior bail-rejection orders and order release on grounds of hardship or inability to approach the Supreme Court.

Judgement of the Court

- The Supreme Court held that the **custody of an accused pursuant to a criminal case, valid arrest, and remand orders, where multiple bail applications have been dismissed, cannot be termed “unlawful detention”** so as to justify issuance of a writ of habeas corpus.
- The Court observed that the High Court had examined the matter as if it were hearing an appeal against the rejection of bail and had effectively converted habeas corpus jurisdiction into a substitute for the regular bail process, which is “totally unknown to law.”
- It emphasised that habeas corpus in the criminal context is confined to testing whether the detention is authorised by law and by a competent court, and not to re-appreciate evidence or revisit bail orders that are already passed on merits.
- The bench warned that allowing such an approach would “scuttle the due process of law,” as any accused whose bail is refused could then seek release through habeas corpus instead of availing the ordinary appellate or revisional remedies.
- The Court therefore allowed the State’s appeal, set aside the High Court’s order directing release, and clarified that any future bail applications by the accused must be considered independently on their own merits by the competent court in accordance with law.

Key Takeaways for CLAT Aspirants

- **Scope of Habeas Corpus in Criminal Cases:** The writ of **habeas corpus** is primarily meant to challenge **illegal or unauthorised detention**, for example where there is no FIR, no remand order, or the detaining authority lacks jurisdiction. When an accused is in custody pursuant to a **valid judicial order of remand** by a competent court, the detention is prima facie lawful, and habeas corpus is generally not maintainable to question the merits of the criminal case.
- **Distinction Between Bail Proceedings and Habeas Corpus:** **Bail proceedings** examine factors such as prima facie case, gravity of offence, flight risk, and likelihood of tampering with evidence, and bail orders are challenged through **appeals or revisions** provided by criminal procedure. **Habeas corpus**, by contrast, is not an appellate remedy against bail rejections; it is confined to testing the legality of custody, not re-evaluating whether bail ought to have been granted.
- **Judicial Custody vs. Unlawful Detention:** Detention becomes **unlawful** when it is not backed by any statutory power, when remand orders are non-existent or patently void, or when custody continues beyond the authorised period without renewal. Where there are **valid remand orders and chargesheets**, and the accused remains in custody under those orders, courts treat such detention as **lawful judicial custody**, even if bail applications have been repeatedly dismissed.
- **Limits of Article 226 in Criminal Process:** Although High Courts have wide powers under **Article 226** to issue writs “for any other purpose,” this power is **discretionary and not intended to bypass specialised statutory remedies**. In criminal matters, the High Court is expected to respect the structure of the **Code of Criminal Procedure**, using writ jurisdiction sparingly and not as a parallel route to grant relief that properly belongs to the bail or appellate framework.
- **Importance of Procedural Discipline in Bail Jurisprudence:** The decision reinforces that **procedural discipline** is integral to criminal justice: accused persons must follow the **established bail hierarchy**—trial court, High Court, and then Supreme Court—rather than seeking innovative shortcuts through writs. This maintains consistency, prevents forum-shopping, and protects the integrity of the criminal process while still leaving room for constitutional courts to intervene where custody is truly arbitrary or without authority of law.



Practice Questions

1. Nisha is arrested for offences under the Prevention of Corruption Act. An FIR is registered, she is produced before the Special Judge, and remand orders are regularly extended. Her bail application is rejected by the Special Judge on merits, noting the seriousness of the charges and the risk of influencing witnesses. Nisha files a bail application under Section 439 CrPC before the High Court, which is also rejected by a reasoned order. She then files a habeas corpus petition under Article 226, arguing that because the evidence is weak and her bail has been wrongly refused, her continued custody is “illegal” and she must be released.

How should the High Court proceed?

- (a) The High Court should entertain the habeas petition and revise the earlier bail refusals by treating habeas as a broader constitutional safeguard.
- (b) The High Court should entertain the habeas petition as a further forum of review, since repeated bail rejections justify direct constitutional scrutiny of custody.
- (c) The High Court should decline to entertain the habeas petition because habeas corpus is not an appellate remedy against bail orders and is limited to testing legality of custody.
- (d) The High Court should decline to entertain the habeas petition only if Nisha first withdraws her earlier bail applications, so that there is no overlap of issues.

2. Arjun is arrested for alleged cheating in a large investment fraud. An FIR is registered, he is produced before the Magistrate within 24 hours, and successive remand orders are passed under the Code of Criminal Procedure (CrPC). After investigation, a chargesheet is filed and the case is committed to the Sessions Court. Arjun's bail applications are rejected by both the Sessions Court and the High Court. Without challenging those bail orders further, his wife files a habeas corpus petition under Article 226, alleging that the case is false and that Arjun should be released because the evidence is weak and the witnesses are unreliable.

How should the High Court respond?

- (a) The High Court should entertain the habeas petition and reassess the merits of the criminal case to decide whether Arjun deserves to be released.
- (b) The High Court should decline to entertain the habeas petition because Arjun is in custody pursuant to valid judicial remand orders.
- (c) The High Court should entertain the habeas petition once a chargesheet has been filed, treating it as a broader challenge to the fairness of the prosecution.
- (d) The High Court should decline to entertain the habeas petition and direct Arjun to pursue regular bail remedies instead of invoking habeas corpus as a substitute.

3. Rahim is arrested in a robbery case, produced before a Magistrate, and remanded to judicial custody for 14 days. On the last day of this remand, the remand application is adjourned and no fresh remand order is passed for the next 10 days due to a court clerical lapse, but the jail authorities continue to keep Rahim in custody without any renewed authorisation. On the 11th day, a new remand order is made prospectively. Rahim's brother files a habeas corpus petition contending that Rahim's detention during the 10 day gap was unlawful. The State argues that since there are FIRs and charges under investigation,

habeas corpus should not be entertained. How should the High Court approach the petition?

- (a) The High Court should entertain the habeas petition and examine whether custody during the gap period lacked valid remand authorisation, potentially declaring that phase unlawful.
- (b) The High Court should entertain the habeas petition and order Rahim's permanent release, since any earlier gap in authorisation invalidates all subsequent remand orders.
- (c) The High Court should decline to entertain the habeas petition because an FIR exists and the criminal law has been set in motion, making all custody automatically lawful.
- (d) The High Court should decline to entertain the habeas petition, holding that minor remand irregularities cannot be questioned in habeas and must only be raised at trial.

4. In Bengaluru, Vikrant is arrested for alleged offences under the Information Technology Act and IPC. The Magistrate remands him to judicial custody and later extends remand in accordance with CrPC. Vikrant applies for bail before the Magistrate and then before the Sessions Court; both courts reject bail on the ground that the allegations involve large-scale financial losses and tampering risk. Instead of filing a bail application under Section 439 before the High Court, Vikrant files a writ petition under Article 226 styled as habeas corpus, asking the High Court to release him on the same grounds urged in his bail applications. He does not contend that remand orders are void or that custody exceeds authorised limits. How should the High Court treat this petition?

- (a) The High Court should entertain the habeas petition and treat it as a more flexible constitutional bail mechanism, independently of the CrPC structure.
- (b) The High Court should entertain the habeas petition because Article 226 allows writs "for any other purpose," giving it full latitude to reconsider bail.
- (c) The High Court should decline to entertain the habeas petition and simultaneously refuse to consider any separate bail application, since Vikrant has already failed below.
- (d) The High Court should decline to entertain the habeas petition as a substitute for bail and direct Vikrant to follow the CrPC hierarchy for seeking enlargement on bail.

5. In Lucknow, Meera is arrested for serious economic offences. The Magistrate remands her to judicial custody and extends remand periodically. Meera first files for bail before the trial court, then before the Sessions Court, and later before the High Court under Section 439 CrPC; all applications are rejected by reasoned orders after hearing both sides. She approaches the Supreme Court by way of a special leave petition against the High Court's bail rejection, which is dismissed at the admission stage. While still in custody under valid remand, she files a habeas corpus petition before the High Court, raising nearly identical grounds about weak evidence, health issues and long incarceration, and asks to be set free. How should the High Court respond?

- (a) The High Court should entertain the habeas petition because repeated bail denials and prolonged custody justify a fresh constitutional look at her detention from a different perspective.
- (b) The High Court should decline to entertain the habeas petition, stressing procedural discipline and the need to prevent habeas corpus from becoming a forum-shopping device.
- (c) The High Court should entertain the habeas petition and treat it as a final safety valve, revisiting the same material considered in earlier bail orders.
- (d) The High Court should decline to entertain the habeas petition only if Meera undertakes not to file any further bail application or criminal appeal in future.

VOICES VICTORIES



AIR 2, CLAT 2025

DAIWIK AGARWALA

I don't think I've ever given so many tests in my life as I did at NPLC in just one year. They made me take so many mocks that I became almost mechanical before the actual exam. The course structure here is such that hard work is non-negotiable. And last, but not least, Nishant Sir would connect with your parents and keep them informed about your every day scores, which added a bit of pressure and made all of us work harder. There were times when my scores didn't meet my expectations, and I felt low, but Sir was always there to motivate me.



AIR 2, AILET 2025

CHAITANYA GHOSH

This place is not your regular coaching institute that you see around. They don't just make you work hard—they make you smart. NPLC has been my best choice for both CLAT and AILET preparation. These exams cover general topics that seemed easy to me initially, but it wasn't until I started attending classes at NPLC that I realized the major challenges I would have faced if I solely depended on self-study. The competitive environment and Sir's dedicated guidance have been key in helping me clear every law entrance exam I took. I cleared every law entrance exam I wrote.



AIR 4, CLAT 2025

ADITYA GAUTAM ANKHAD

It's all about AILET and CLAT here. Students eat, drink, and sleep law entrance preparation! I used to go to another institute in XIth, but somehow, I was just an enrollment number there. Initially, when I joined, the competition and pressure from Sir felt overwhelming, but thanks to him, everything became much easier. Here, no one calls you by batch number or enrollment ID. All of us studying together were very good friends, but we competed intensely. Since they have a limited intake, we received a lot of personalized attention. I recall most of my batchmates at NPLC making it to the top NLUs. This place is even better than you can imagine!

"At NPLC, branding isn't on T-shirts — it's in the AIRs."

VOICES VICTORIES



AIR 6, AILET 2025

DHRUV KAMATH

I had never experienced such intense competition in any classroom before I did my first class at NPLC. It was a bit horrifying initially however it got better with time. If you can't work hard, I do not feel this is the place for you. Nishant sir is simply amazing. I never liked him till I was at the center as there was too much pressure from his side unlike my school, However, I can tell you, that I could make it to NLU Delhi, and only because of him. I recall almost everyone with me in the class who got through either of the top 5 NLUs.



AIR 10, AILET 2025

VIDISHA SINGH

Nishant Sir's classes are the complete package. While there's a great deal of hard work expected, he creates an environment where you can ease your way into cracking the exam. Unlike the rigid and monotonous teaching methods of many other coaching institutions, his classes are a perfect blend of learning and fun. His approach is practical, reliable, and tailored to real exam scenarios, which is reflected in his incredible track record of sending most of his students to the top 5 NLUs. Even after completing his classes, you'll find yourself wanting to go back for more (I still do).



AIR 24 AILET 2025
& OXFORD

SAMYUKTHA KOVILAKATH

People often ask me how I managed to prepare for Indian law entrances and the Oxford Law entrance at the same time. My answer is simple: NPLC gave me the discipline, perspective, and clarity to handle both. Nishant Sir's classroom isn't just a place where laws are taught - it's where ambition is refined and sharpened. What stood out to me most was how the training here doesn't chase trends - it builds fundamentals. I never felt like I was preparing for just one exam - I was preparing to think like a lawyer.

This journey hasn't just taken me to AILET AIR 24—it's also taken me across continents. And for that, I credit the environment, the mentorship, and the unwavering standards at NPLC.

"Mentorship isn't a model here — it's a method."



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...a few among the many achievers.



Answers & Explanations

1. Widowed Sisters as Dependents under Employee's Compensation Act, 1923

1. Correct Answer: (d) Even welfare statutes require claimants to fit within the exhaustive statutory list of beneficiaries

Reference Line: "Section 2(1)(d) exhaustively lists who can claim as a 'dependent', including widow, minor children, widowed mother and certain other relatives. Unless a claimant fits within this statutory list, no matter how genuine the economic dependence, compensation cannot be granted under the Act."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: This contradicts the exhaustive nature of the statutory definition. The passage clarifies that courts cannot expand the list beyond what is explicitly mentioned, as the provision exhaustively enumerates eligible dependents.

Option (b) Incorrect: Actual dependence alone is insufficient. The passage makes clear that even genuine economic dependence does not qualify a person for compensation if they do not fall within the exhaustively listed categories in the statute.

Option (c) Incorrect: Social justice considerations cannot override the exhaustive statutory list. The passage establishes that the definition is binding regardless of equitable considerations, requiring claimants to meet the specific statutory criteria.

Option (d) Correct: This accurately reflects the legal position. The passage explicitly states that unless a claimant fits within the statutory list, compensation cannot be granted under the Act, regardless of how genuine the economic dependence may be.

2. Correct Answer: (a) She does not qualify as the statute limits coverage to widowed sisters who are minors

Reference Line: "This clause recognises 'a minor brother, or an unmarried sister or a widowed sister if a minor' as dependents, thereby textually excluding adult widowed sisters."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: This accurately reflects the statutory limitation. The passage explicitly states that the provision textually excludes adult widowed sisters, recognizing only "a widowed sister if a minor" as a dependent.

Option (b) Incorrect: The provision does not cover all widowed sisters. The passage clearly states that the statute textually excludes adult widowed sisters, limiting coverage only to those who are minors.

Option (c) Incorrect: While welfare statutes receive beneficial interpretation, this cannot override clear textual limitations. The passage demonstrates that the statute textually excludes adult widowed sisters regardless of liberal interpretation principles.

Option (d) Incorrect: The relevant criterion is being a minor at the time of claiming as a dependent, not at the time of marriage. The passage focuses on the textual exclusion of adult widowed sisters without reference to age at marriage.

3. Correct Answer: (c) Minor widowed sisters have become extremely rare or practically non-existent in present times

Reference Line: "The Bench observed that, in present times, particularly after the enactment of the Hindu Marriage Act, 1955 and the statutory fixation of a minimum age for marriage, the situation of a 'widowed sister who is a minor' would be extremely rare or practically non-existent."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The Court did not declare the provision void. Instead, it observed that the situation contemplated by the provision had become extremely rare or practically non-existent, without invalidating the provision itself.

Option (b) Incorrect: The Court did not find constitutional conflict requiring judicial invalidation. The observation was about practical impossibility due to changed social conditions, not constitutional invalidity necessitating striking down the provision.

Option (c) Correct: This precisely captures the Court's observation. The passage states that after the Hindu Marriage Act, 1955 fixed minimum marriage ages, minor widowed sisters became extremely rare or practically non-existent in contemporary society.

Option (d) Incorrect: There was no implied amendment suggested. The Court merely observed that the scenario had become practically non-existent due to minimum marriage age laws, without stating that earlier provisions were impliedly amended.

4. Correct Answer: (d) The Court refrained from judicially rewriting the definition, signaling legislative amendment is required

Reference Line: "Although the Supreme Court acknowledged that the narrow definition is outdated and socially unjust, it consciously refrained from judicially rewriting 'dependent'. Instead, it upheld the compensation on facts but left the question of law open, signalling that any expansion of the beneficiary class must come from legislative amendment, not from judicial legislation."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The Court deliberately avoided expanding the definition. The passage clearly states the Court "consciously refrained from judicially rewriting 'dependent'" despite acknowledging the provision was outdated and socially unjust.

Option (b) Incorrect: The Court did not harmoniously construe the provision to expand coverage. Instead, it maintained the existing interpretation while indicating that any expansion must come through legislative amendment, not judicial construction.

Option (c) Incorrect: The Court did not declare the provision unconstitutional. While acknowledging it was outdated and socially unjust, the Court left the legal question open and sought legislative reform rather than constitutional invalidation.

Option (d) Correct: This accurately describes the Court's approach. Despite recognizing the inadequacy, the Court refrained from judicial rewriting and signaled that expanding the beneficiary class requires

legislative amendment rather than judicial intervention.

5. Correct Answer: (b) The Court recommended examination by the Law Commission for suitable amendment of the provision

Reference Line: "The Court therefore recommended that the issue be examined by the Law Commission of India for 'suitable amendment' of Section 2(1)(d)(iii)(d) or any other relevant provision of the 1923 Act so that the law may be aligned with present social conditions and welfare objectives."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The Court did not direct creation of an expert committee. Instead, it specifically recommended that the Law Commission of India examine the issue for suitable amendment, utilizing the existing institutional mechanism for law reform.

Option (b) Correct: This accurately reflects the Court's institutional approach. The passage states the Court recommended that the Law Commission of India examine the issue for suitable amendment to align the law with present social conditions.

Option (c) Incorrect: The Court did not request Parliament to constitute a select committee. It specifically channeled the matter through the Law Commission of India, which is the established body for examining and recommending legislative reforms.

Option (d) Incorrect: The Court did not mandate the government to introduce an amendment bill or impose any timeline. It made a recommendation to the Law Commission for examination and suitable amendment, without mandatory directions or deadlines.

2. 2018 Amendment to SRA not Retrospective

1. Correct Answer: (d) The acceptance of payment after expiry constituted waiver of the time limit and acknowledgment of the agreement's subsistence

Reference Line: "By accepting additional money after the contractual period had lapsed, the vendors waived their right to insist on strict adherence to the original timeline and to forfeit the advance, thereby acknowledging that the agreement continued to subsist and demonstrating the purchaser's readiness and willingness, consistent with Section 55 of the Indian Contract Act, 1872."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The acceptance of additional payment did not create a new contract. The passage indicates that such acceptance demonstrated that the original agreement continued to subsist, rather than being replaced by a fresh contract requiring separate registration.

Option (b) Incorrect: This mischaracterizes the legal consequence. The passage shows that acceptance of payment waived the vendors' right to insist on the original timeline altogether, not merely extended it by a proportionate period or created a new deadline.

Option (c) Incorrect: This ignores the legal effect of accepting payment after expiry. The passage clearly establishes that by accepting additional money after the contractual period had lapsed, the vendors waived their right to insist on the original timeline.

Option (d) Correct: This accurately reflects the legal position. The passage explicitly states that accepting

additional money after the contractual period had lapsed constituted a waiver of the right to insist on strict adherence to the original timeline and acknowledged the agreement's subsistence.

2. Correct Answer: (a) Declaratory relief is necessary only when termination is based on valid contractual rights creating genuine legal uncertainty

Reference Line: "The Court held that a separate declaration is necessary only when a termination notice is issued in exercise of a valid contractual right and casts a real cloud over the plaintiff's title or rights; where the termination itself is a wrongful repudiation, the aggrieved party can treat the contract as subsisting and sue directly for specific performance, relying inter alia on A. Kanthamani v. Nasreen Ahmed."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: This accurately captures the distinction made by the Court. The passage states that declaratory relief is required only when termination is based on a valid contractual right casting a real cloud over rights; otherwise, one can sue directly for specific performance.

Option (b) Incorrect: This overstates the requirement for declaratory relief. The passage clarifies that a separate declaration is necessary only when termination is issued in exercise of a valid contractual right, not in all cases involving termination notices.

Option (c) Incorrect: This creates an unnecessary procedural hurdle not supported by the passage. The Court held that where termination amounts to wrongful repudiation, the aggrieved party can sue directly for specific performance without first obtaining a separate declaratory decree.

Option (d) Incorrect: This misses the nuanced approach. The passage does not suggest that specific performance jurisdiction automatically includes declaration powers; rather, it distinguishes between situations where separate declaratory relief is needed and where direct specific performance suits are permissible.

3. Correct Answer: (c) No, as second appeals are confined to substantial questions of law and cannot disturb factual findings unless perverse

Reference Line: "The Court reiterated that under Section 100 CPC a second appeal lies only on a substantial question of law and is not a third round of fact-finding; the High Court cannot disturb concurrent or first appellate factual findings unless they are perverse or based on no evidence."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: This overstates the High Court's jurisdiction in second appeals. The passage clearly establishes that second appeals are not a third round of fact-finding and are confined to substantial questions of law, not plenary review of all aspects.

Option (b) Incorrect: This mischaracterizes the scope of second appeals. The passage explicitly states that High Courts cannot disturb factual findings in second appeals except in narrow circumstances like perversity or absence of evidence, not merely for substantial justice considerations.

Option (c) Correct: This accurately reflects the legal position. The passage unequivocally states that second appeals lie only on substantial questions of law and High Courts cannot disturb factual findings unless they are perverse or based on no evidence.

Option (d) Incorrect: While correctly stating that second appeals are limited, this goes too far by

eliminating all exceptions. The passage indicates that factual findings can be disturbed when they are perverse or based on no evidence, not that they must always be accepted.

4. Correct Answer: (b) No, because the amendment operates prospectively and does not apply to suits arising from pre-amendment transactions

Reference Line: "On the temporal reach of the 2018 amendment, the Court reaffirmed, with reference to Katta Sujatha Reddy v. Siddamsetty Infra Projects (P) Ltd and its review, that the amendment making specific performance a generally mandatory remedy operates prospectively and does not govern suits or judgments arising from pre-amendment transactions; hence, the High Court's 2018 judgment had to be tested on the pre-amendment discretionary regime."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The timing of the judgment's delivery is not the determining factor. The passage clarifies that the amendment operates prospectively and does not govern suits arising from pre-amendment transactions, regardless of when the judgment was actually delivered.

Option (b) Correct: This accurately reflects the Supreme Court's holding. The passage explicitly states that the 2018 amendment operates prospectively and does not govern suits or judgments arising from pre-amendment transactions, meaning the pre-amendment law applies to this case.

Option (c) Incorrect: This incorrectly characterizes the amendment as purely procedural. The passage indicates that the 2018 amendment made substantive changes by converting specific performance from discretionary to mandatory, and such substantive amendments do not automatically apply to pending pre-amendment matters.

Option (d) Incorrect: While reaching the correct conclusion about non-applicability, this misstates the reasoning. The passage does not base the prospective operation on finality of the First Appellate decree, but rather on the principle that the amendment does not govern suits arising from pre-amendment transactions.

5. Correct Answer: (c) The court may presume the endorsement was made for valid consideration unless the vendor successfully rebuts this presumption

Reference Line: "It upheld the First Appellate Court's factual finding that the endorsement acknowledging receipt of ₹1,95,000 on the agreement was genuine, noting that once signatures are admitted, Section 114 of the Indian Evidence Act, 1872 allows a presumption that the endorsement was regularly made for valid consideration, which the vendors failed to rebut."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Mere testimony of the signatory does not control the outcome. The passage establishes that once signatures are admitted, a presumption arises under Section 114 that the endorsement was regularly made for valid consideration, which the vendor must successfully rebut.

Option (b) Incorrect: This reverses the burden of proof. The passage shows that once the signature is admitted, the presumption under Section 114 operates in favor of regularity and valid consideration, shifting the burden to the vendor to rebut this presumption.

Option (c) Correct: This accurately reflects the evidentiary principle. The passage explicitly states that once signatures are admitted, Section 114 of the Evidence Act allows a presumption that the endorsement

was regularly made for valid consideration, which the vendor failed to rebut.

Option (d) Incorrect: This imposes an unsupported evidentiary requirement. The passage demonstrates that the endorsement is not void but rather presumed valid under Section 114 once the signature is admitted, without requiring the purchaser to produce independent corroborative witnesses.

3. Section 107 of IPC

1. Correct Answer: (d) Mere refusal to marry, even if coupled with prior promises, does not by itself constitute instigation

Reference Line: "Referring to precedents such as *S.S. Cheena v. Vijay Kumar Mahajan*, *Geo Varghese v. State of Rajasthan* and *Nipun Aneja v. State of Uttar Pradesh*, the Court held that a broken relationship, disappointment in love, or refusal to marry, however unfortunate, does not by itself constitute instigation to commit suicide."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: This creates an absolute rule unsupported by law. The passage explicitly states that refusal to marry, however unfortunate, does not by itself constitute instigation to commit suicide, even when preceded by romantic relationships and promises.

Option (b) Incorrect: Emotional distress alone is insufficient for establishing abetment. The passage clarifies that broken relationships and disappointment in love do not by themselves constitute instigation, regardless of the severity of emotional distress caused to the victim.

Option (c) Incorrect: While parental pressure may be a reason for refusal, this option incorrectly suggests it provides automatic immunity. The passage does not establish parental pressure as a ground for immunity but rather emphasizes that refusal itself does not constitute instigation.

Option (d) Correct: This accurately reflects the legal principle. The passage explicitly holds that a broken relationship, disappointment in love, or refusal to marry, however unfortunate, does not by itself constitute instigation to commit suicide under Section 107 IPC.

2. Correct Answer: (a) Significant improvements in later statements should be treated cautiously, especially if they appear exaggerated or inconsistent

Reference Line: "Supplementary statements recorded after an FIR may introduce new details or allegations. While they can supplement the original version, courts treat significant 'improvements' with caution, especially at the quashing stage. If later statements appear exaggerated, inconsistent with the first version, or clearly influenced by emotion, they may not be sufficient, by themselves, to transform an otherwise non-criminal dispute into a prosecutable offence."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: This accurately captures the judicial approach. The passage explicitly states that courts treat significant improvements with caution, especially at the quashing stage, and that exaggerated or inconsistent later statements may not suffice to transform a non-criminal dispute into a prosecutable offence.

Option (b) Incorrect: This ignores the cautionary approach required. The passage indicates that courts treat significant improvements with caution at the quashing stage, rather than giving them automatic equal weight, especially when they appear exaggerated or inconsistent.

Option (c) Incorrect: This goes too far in the opposite direction. The passage recognizes that supplementary statements can supplement the original version, rather than requiring courts to entirely disregard them; the issue is treating significant improvements with appropriate caution.

Option (d) Incorrect: This contradicts the cautious approach mandated. The passage clearly states that later statements appearing exaggerated, inconsistent, or influenced by emotion may not be sufficient by themselves to establish a prosecutable offence, even at the prima facie stage.

3. Correct Answer: (b) If no offence is disclosed even assuming allegations as true, quashing prevents futile and oppressive continuation of proceedings

Reference Line: "Section 482 CrPC preserves the inherent powers of the High Court to prevent abuse of the process of any court and to secure the ends of justice. At the stage of quashing, the court assumes the allegations to be true and examines if they constitute any offence in law. If even on a plain reading of the FIR and materials no offence is disclosed, or if continuation of proceedings would be futile or oppressive, the High Court can and should quash the case to avoid unnecessary trial."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Mere connection with the deceased is insufficient. The passage establishes that at the quashing stage, courts examine if allegations constitute any offence in law, and if no offence is disclosed or continuation would be futile or oppressive, quashing is appropriate.

Option (b) Correct: This accurately reflects the standard for exercising inherent powers. The passage explicitly states that if even on plain reading of FIR no offence is disclosed, or if continuation would be futile or oppressive, the High Court can and should quash to avoid unnecessary trial.

Option (c) Incorrect: This eliminates the court's inherent power inappropriately. The passage empowers the High Court to prevent abuse of process and secure justice by quashing when no offence is disclosed, rather than deferring to investigating agency conclusions in all suicide cases.

Option (d) Incorrect: This misunderstands the timing of inherent jurisdiction. The passage clarifies that at the quashing stage itself, courts assume allegations as true and examine if they constitute any offence, without requiring that evidence be recorded before exercising inherent powers.

4. Correct Answer: (c) No, as instigation requires active suggestion or stimulus rather than mere inaction, indifference, or refusal to comply

Reference Line: "It explained that 'instigation' means to goad, provoke, incite, or encourage a person to do a particular act, implying active suggestion or stimulus rather than mere inaction, indifference, or refusal to accede to someone's wishes."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Indifference or inaction does not constitute intentional aid. The passage clarifies that instigation requires active suggestion or stimulus, not mere inaction, indifference, or refusal to accede to someone's wishes, even when facing threats of self-harm.

Option (b) Incorrect: Knowledge of potential distress is insufficient for mens rea. The passage explains that instigation implies active suggestion or stimulus rather than passive conduct like ending a relationship, even if the accused could foresee the distressed reaction it might cause.

Option (c) Correct: This accurately reflects the legal definition of instigation. The passage explicitly states

that instigation means to goad, provoke, incite, or encourage, implying active suggestion or stimulus rather than mere inaction, indifference, or refusal to accede to someone's wishes.

Option (d) Incorrect: This sets the threshold too high by requiring physical participation. The passage does not require physical participation or provision of means; rather, it focuses on whether there was active instigation, which can be through words or conduct, not merely inaction.

5. Correct Answer: (a) Abetment requires specific mens rea and conduct sufficiently proximate in time and effect to influence the suicide decision

Reference Line: "Abetment offences require a specific mens rea, i.e., intention that the offence be committed, combined with conduct sufficiently proximate in time and effect to influence the victim's decision. Courts examine whether the accused could reasonably foresee suicide as a likely consequence of his acts and whether his conduct was a determining factor. Remote acts, general cruelty, or moral wrongs that are not directed towards provoking suicide often fall short of this stringent threshold."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: This accurately captures the legal standard for abetment. The passage clearly establishes that abetment offences require specific mens rea (intention that the offence be committed) combined with conduct sufficiently proximate in time and effect to influence the victim's decision.

Option (b) Incorrect: General cruelty alone is insufficient. The passage explicitly states that remote acts, general cruelty, or moral wrongs not directed towards provoking suicide often fall short of the stringent threshold required for establishing abetment under Section 306 IPC.

Option (c) Incorrect: Emotional conflicts do not create a legal presumption. The passage requires courts to examine whether the accused's conduct was a determining factor and whether suicide was a reasonably foreseeable consequence, rather than presuming guilty intention from general quarrels or conflicts.

Option (d) Incorrect: Remote acts do not cumulatively satisfy the threshold. The passage explicitly states that remote acts, even showing a pattern, fall short of the stringent threshold when they are not sufficiently proximate in time and effect or directed towards provoking suicide.

4. Advocates Cannot Be Summoned for Merely Representing Clients Except under Section 132 BSA

1. Correct Answer: (b) The summons is invalid as advocates cannot be summoned merely to disclose case details protected by professional privilege

Reference Line: "The Court made it clear that an advocate cannot be summoned merely to 'know the true details' of a case in which they act for a client, as this would intrude into the protected zone of confidential legal consultation and would chill candid communication essential to effective representation."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: This overstates investigative powers without accounting for statutory privilege. The passage clarifies that investigative powers under Section 179 BNSS must be exercised in harmony with Section 132 BSA privilege and cannot compel disclosure of protected professional communications.

Option (b) Correct: This accurately reflects the Court's holding. The passage explicitly states that an advocate cannot be summoned merely to know the true details of a case in which they act for a client, as this intrudes into the protected zone of confidential legal consultation.

Option (c) Incorrect: Recording reasons alone does not override privilege protection. The passage establishes that even with recorded reasons, summons cannot intrude into protected confidential communications unless they fall within narrow statutory exceptions to Section 132 BSA with proper superior officer approval.

Option (d) Incorrect: This reverses the burden of proof and misunderstands privilege. The passage shows that the privilege under Section 132 BSA protects communications without requiring the advocate to prove prejudice; rather, investigators must show the case falls within statutory exceptions before compelling disclosure.

2. Correct Answer: (a) No, as any summons to advocates requires prior approval from a Superintendent of Police or higher rank officer only

Reference Line: "To prevent abuse of these exceptions, the Court directed that any summons to an advocate invoking them must (i) explicitly state the facts bringing the case within the proviso to Section 132, and (ii) be issued only with prior written approval of a superior officer not below the rank of Superintendent of Police, with reasons recorded, so that the decision is amenable to judicial review under Section 528 BNSS."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: This identifies the fatal procedural flaw. The passage explicitly requires prior written approval from a superior officer not below the rank of Superintendent of Police, with reasons recorded. A Deputy Superintendent's approval does not meet this threshold requirement.

Option (b) Incorrect: While the summons invokes the correct exception and has recorded reasons, the approval is from an insufficient rank. The passage mandates that approval must come from a superior officer not below the rank of Superintendent of Police, not Deputy Superintendent.

Option (c) Incorrect: Presence at meetings does not automatically waive privilege. The passage indicates that even when the proviso to Section 132 applies (crime committed after engagement), the summons must still meet procedural requirements including explicit statement of facts and appropriate superior officer approval.

Option (d) Incorrect: This incorrectly characterizes privilege as absolute. The passage clearly states that privilege is robust but not absolute, and the proviso to Section 132 permits disclosure where facts observed show a crime or fraud committed after the engagement began.

3. Correct Answer: (d) The device should be produced before the jurisdictional court which will determine access after hearing objections from the advocate

Reference Line: "On production of documents and digital devices, the Court held that requests directed at advocates should ordinarily be made to the jurisdictional court rather than to the investigating officer; the court must hear the advocate and client, rule on objections, and, if access is allowed, ensure that any search of devices is conducted in their presence and confined to the permitted material so that confidentiality of other clients is not compromised."

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: While presence during search is a safeguard, this option misses the crucial step of court determination. The passage requires that the device be produced before the court first, which hears objections and rules on what may be accessed before any search occurs.

Option (b) Incorrect: This goes too far in protecting privilege. The passage does not permit advocates to unilaterally refuse production; rather, it provides for judicial determination where the court hears objections and decides what material may be accessed while protecting other clients' confidentiality.

Option (c) Incorrect: This ignores the special procedural safeguards for advocates. The passage establishes that requests for advocates' devices should ordinarily be made to the jurisdictional court rather than to the investigating officer, with the court hearing objections before determining access.

Option (d) Correct: This accurately reflects the procedural framework. The passage explicitly states that requests for advocates' documents and devices should ordinarily be made to the jurisdictional court, which must hear the advocate and client, rule on objections, and ensure proper safeguards during any search.

4. Correct Answer: (c) No, as full-time salaried in-house counsel are not 'advocates' under Section 132 and their communications lack that specific privilege

Reference Line: "On in-house counsel, the Court, referring to the Advocates Act and Bar Council rules, held that full-time salaried in-house counsel are not 'advocates' for purposes of Section 132, so their communications with employers do not attract that specific privilege, though Section 134 BSA and other laws (such as company-law provisions) may offer limited protections in defined contexts."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Bar Council enrollment alone does not determine privilege. The passage clarifies that full-time salaried in-house counsel are not "advocates" for Section 132 purposes despite enrollment, as the privilege is keyed to practising advocates, not merely enrollment status.

Option (b) Incorrect: This ignores the distinction between independent advocates and in-house counsel. The passage explicitly states that communications by full-time salaried in-house counsel with employers do not attract the specific privilege under Section 132 BSA, though other limited protections may exist.

Option (c) Correct: This accurately reflects the Court's holding. The passage clearly states that full-time salaried in-house counsel are not "advocates" for purposes of Section 132, so their communications with employers do not attract that specific privilege.

Option (d) Incorrect: This misstates the scope limitation. The passage does not restrict Section 132 to criminal cases; rather, it distinguishes between practising advocates (who get privilege) and in-house counsel (who do not) regardless of whether matters are criminal or regulatory.

5. Correct Answer: (b) The court can review whether statutory conditions are satisfied and may quash summons that violate privilege or constitute investigative overreach

Reference Line: "Section 528 BNSS provides a mechanism for persons aggrieved by investigative acts, including summonses, to seek relief from the High Court. This enables judicial review of summons issued to advocates, especially where privilege or fundamental rights are claimed to be violated. Courts may examine whether statutory conditions, such as falling within an exception to Section 132 or securing appropriate approvals, are satisfied, and can quash summons that amount to investigative overreach or abuse of process."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: This eliminates judicial review contrary to the statutory framework. The passage explicitly states that Section 528 BNSS provides a mechanism for judicial review of summons issued to advocates, enabling courts to examine whether statutory conditions are satisfied.

Option (b) Correct: This accurately describes the scope of judicial review. The passage clearly establishes that courts may examine whether statutory conditions are satisfied, including whether the case genuinely falls within an exception to Section 132, and can quash summons constituting investigative overreach or abuse.

Option (c) Incorrect: This makes superior officer approval conclusive and unreviewable. The passage indicates that the purpose of requiring recorded reasons and superior officer approval is precisely to make the decision amenable to judicial review under Section 528 BNSS, not to insulate it.

Option (d) Incorrect: This artificially limits judicial review to procedure alone. The passage states that courts may examine whether statutory conditions are satisfied, which includes substantive examination of whether the summons genuinely falls within an exception to Section 132, not merely procedural compliance.

5. Injunction Cannot Be Granted Without Possession or Declaration of Title

1. Correct Answer: (d) No, as bare injunction suit is inappropriate when plaintiff lacks possession and omits declaration prayer

Reference Line: "The Supreme Court noted that the plaintiff herself had admitted that the defendant was in actual possession of the suit property and that her own case of tenancy and possession was not established."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Legal title without actual possession does not automatically entitle one to bare injunction relief. The passage demonstrates that the plaintiff's admission that the defendant was in actual possession and that her own possession was not established undermines the claim for mere injunction.

Option (b) Incorrect: This overstates the requirement by making all three reliefs mandatory in every property suit. The passage addresses the specific situation where plaintiff admits lack of possession, not a universal rule that all property suits must always claim all three reliefs in every case.

Option (c) Incorrect: A registered deed alone does not make a bare injunction suit maintainable when the plaintiff admits lack of possession. The passage shows that when the plaintiff admitted the defendant was in actual possession and her own possession was not established, this affected the maintainability of the injunction suit.

Option (d) Correct: This accurately reflects the legal position. The passage notes that the plaintiff herself admitted the defendant was in actual possession and that her own case of possession was not established, which is fatal to a bare injunction suit without seeking declaration or recovery.

2. Correct Answer: (a) Temporary injunction under Order XXXIX CPC to preserve status quo pending adjudication of title claims

Reference Line: "Order XXXIX of the Code of Civil Procedure deals with temporary injunctions, which are interim orders intended to preserve the status quo during the pendency of a suit. Courts consider three

main factors: prima facie case, balance of convenience, and likelihood of irreparable injury."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: This accurately identifies the appropriate interim remedy. The passage clearly states that temporary injunctions under Order XXXIX CPC are interim orders intended to preserve the status quo during the pendency of a suit, considering prima facie case, balance of convenience and irreparable injury.

Option (b) Incorrect: Permanent injunction is a final relief after trial, not an interim measure during suit pendency. The passage explains that temporary injunctions are interim orders intended to preserve status quo during pendency, unlike permanent injunctions which are final remedies granted after full trial.

Option (c) Incorrect: Temporary injunctions can be granted during pendency even when possession is disputed. The passage establishes that temporary injunctions preserve status quo during suit pendency by assessing prima facie case and other factors, without requiring the plaintiff to have actual possession at the interim stage.

Option (d) Incorrect: Temporary injunctions do not require prior proof of title before being granted. The passage indicates that temporary injunctions do not determine final rights but prevent harm while underlying issues are adjudicated, meaning proof of title is not a precondition for interim relief.

3. Correct Answer: (b) Plaintiffs should claim all necessary reliefs arising from their cause in one suit to avoid incomplete adjudication

Reference Line: "Civil procedure requires that plaintiffs claim all necessary and consequential reliefs arising from their cause of action in one suit. In property disputes, this often means combining claims for declaration, possession, and injunction where appropriate. Omission to seek declaration or recovery of possession, while only asking for an injunction, can lead to dismissal of the suit or incomplete relief, even if the plaintiff otherwise has a potentially valid claim on merits."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Co-ownership admission does not eliminate the need for complete reliefs when rights are disputed. The passage establishes that in property disputes, plaintiffs should combine claims for declaration, possession and injunction where appropriate, and omission of necessary reliefs can lead to dismissal or incomplete relief.

Option (b) Correct: This accurately reflects the procedural requirement. The passage explicitly states that civil procedure requires plaintiffs to claim all necessary and consequential reliefs arising from their cause of action in one suit, and omission can lead to dismissal or incomplete relief.

Option (c) Incorrect: Courts cannot add reliefs suo motu that plaintiffs have not claimed. The passage indicates that omission to seek necessary reliefs can lead to dismissal of the suit or incomplete relief, rather than suggesting courts will add missing reliefs on their own motion.

Option (d) Incorrect: Plaintiffs do not have unfettered discretion to claim selective reliefs when others are necessary. The passage makes clear that omission to seek declaration or recovery while only asking for injunction can lead to dismissal or incomplete relief, even if the claim is otherwise valid on merits.

4. Correct Answer: (c) No, injunction simpliciter is maintainable when plaintiff's possession is clear and

title is not seriously disputed

Reference Line: "A suit for 'injunction simpliciter' seeks only to restrain interference or alienation, without asking for declaration of title or recovery of possession. Such a suit is generally maintainable when the plaintiff's possession is clear and lawful and title is not seriously disputed. When both title and possession are contested, a bare injunction suit is usually considered procedurally inadequate because it does not allow the court to finally decide ownership."

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: Not all property suits require all three reliefs in every circumstance. The passage distinguishes between situations where injunction simpliciter is maintainable (when possession is clear and lawful and title not seriously disputed) versus when declaration and possession claims become necessary (when both are contested).

Option (b) Incorrect: Physical possession is not always required when legal possession is clear and lawful. The passage indicates injunction simpliciter is maintainable when the plaintiff's possession (which includes lawful possession through lease relationships) is clear and title is not seriously disputed, without requiring physical occupation.

Option (c) Correct: This accurately applies the legal principle to the facts. The passage states that a suit for injunction simpliciter is generally maintainable when the plaintiff's possession is clear and lawful and title is not seriously disputed, which fits the landlord-tenant scenario where only breach is contested.

Option (d) Incorrect: The passage does not exempt landlord-tenant disputes from ordinary civil procedure principles. The maintainability analysis is based on whether possession is clear and lawful and title not seriously disputed, not on the existence of special laws governing particular relationships.

5. Correct Answer: (c) No, as execution proof does not establish testator's competence to dispose of ancestral partitioned property

Reference Line: "It observed that proof of execution of a Will does not automatically establish that the testator had legal competence to dispose of the property, especially where the property is alleged to be ancestral and already partitioned."

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: Valid execution and testamentary competence over specific property are distinct legal issues. The passage explicitly observes that proof of execution of a Will does not automatically establish that the testator had legal competence to dispose of the property, especially where it is alleged to be ancestral and already partitioned.

Option (b) Incorrect: No such presumption of authority over property arises merely from execution formalities. The passage makes clear that proof of execution does not automatically establish legal competence to dispose of the property, particularly when the property is alleged to be ancestral and already partitioned.

Option (c) Correct: This accurately reflects the Court's observation. The passage explicitly states that proof of execution of a Will does not automatically establish that the testator had legal competence to dispose of the property, especially where the property is alleged to be ancestral and already partitioned.

Option (d) Incorrect: This creates an absolute rule that Wills are invalid whenever contested by family members. The passage addresses the specific situation where property is alleged to be ancestral and partitioned, not a blanket rule invalidating all contested testamentary dispositions regardless of circumstances.

6. No Right to Job for Land Acquired

1. Correct Answer: (d) The claim is invalid as the Act provides only monetary compensation with no provision for employment

Reference Line: "The Court held that the Land Acquisition Act, 1894 constitutes a complete code on acquisition and compensation, and that on land being acquired, the only statutory entitlement of the landowner or family is monetary compensation as determined under the Act."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Loss of livelihood does not create additional statutory entitlements beyond the Act's provisions. The passage establishes that the Land Acquisition Act constitutes a complete code and the only statutory entitlement of the landowner or family is monetary compensation as determined under the Act.

Option (b) Incorrect: The son cannot claim rights beyond what the statute provides, regardless of his minor status at acquisition. The passage confirms that on land being acquired, the only statutory entitlement of the landowner or family is monetary compensation, without any provision for subsequent employment claims by family members.

Option (c) Incorrect: Proving extreme hardship does not alter the statutory entitlements under the Land Acquisition Act. The passage makes clear that the only statutory entitlement is monetary compensation, and hardship does not create additional rights like employment that the statute does not provide.

Option (d) Correct: This accurately reflects the statutory position. The passage explicitly states that the Land Acquisition Act constitutes a complete code and that on land being acquired, the only statutory entitlement of the landowner or family is monetary compensation as determined under the Act.

2. Correct Answer: (a) No, as administrative policies cannot create entitlements contrary to or beyond the statutory scheme

Reference Line: "The Bench reiterated that administrative policies or executive decisions cannot override, amend, or expand statutory entitlements; any policy promising employment to land-losers cannot create an enforceable right contrary to, or beyond, the scheme of the Land Acquisition Act."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: This accurately captures the legal principle. The passage explicitly states that administrative policies or executive decisions cannot override, amend, or expand statutory entitlements, and any policy promising employment to land-losers cannot create an enforceable right contrary to or beyond the scheme of the Act.

Option (b) Incorrect: Legitimate expectations cannot override statutory provisions or create rights beyond what the law provides. The passage clearly states that administrative policies or executive decisions cannot override, amend, or expand statutory entitlements, and any policy promising employment cannot create an enforceable right contrary to the statutory scheme.

Option (c) Incorrect: The timing of policy framing does not make it enforceable if it contradicts the statutory scheme. The passage establishes that policies cannot create enforceable rights contrary to or beyond the Land Acquisition Act's scheme, regardless of when the policy was announced relative to acquisition.

Option (d) Incorrect: Gazette publication is not the determining factor for enforceability against statutory provisions. The passage focuses on the principle that policies cannot override or expand statutory entitlements, not on procedural requirements like gazette publication as the basis for determining enforceability.

3. Correct Answer: (b) No, as excessive delay defeating finality renders the claim stale and barred by laches

Reference Line: "The Court noted that the petitioner applied for employment more than 25 years after acquisition and about 18 years after any relevant policy; such an inordinate delay rendered the claim stale and barred by the doctrine of delay and laches, defeating any equitable consideration."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The absence of a specific limitation period does not mean indefinite claims are permissible. The passage demonstrates that even without a statutory limitation, the Court noted that applying for employment more than 25 years after acquisition rendered the claim stale and barred by the doctrine of delay and laches.

Option (b) Correct: This accurately reflects the principle applied by the Court. The passage explicitly states that applying for employment more than 25 years after acquisition rendered the claim stale and barred by the doctrine of delay and laches, defeating any equitable consideration.

Option (c) Incorrect: Lack of awareness does not justify decades-long delay in claiming alleged rights. The passage shows that inordinate delay of over 25 years after acquisition rendered the claim stale and barred by laches, defeating any equitable consideration, without accepting such explanations for delay.

Option (d) Incorrect: The passage does not establish a three-year rule as the basis for rejection. The Court's reasoning focused on the inordinate nature of the delay (over 25 years) making the claim stale under the doctrine of laches, not on any specific statutory time limit like three years.

4. Correct Answer: (c) No, as compassionate appointment cannot be claimed as a matter of right without specific legal authorization

Reference Line: "Relying on the general principle that policy cannot prevail over statute, and consistent with earlier decisions such as *State of Haryana v. Ankur Gupta* and *Yogesh Kumar v. Govt. of NCT of Delhi*, the Court underscored that compassionate or compensatory appointment is not a matter of right unless clearly provided by law."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The doctrine of promissory estoppel does not apply to create rights contradicting statutory provisions. The passage emphasizes that compassionate or compensatory appointment is not a matter of right unless clearly provided by law, and policy cannot prevail over statute, making reliance-based claims unenforceable.

Option (b) Incorrect: Rehabilitation schemes do not automatically become part of statutory compensation unless law provides so. The passage makes clear that compassionate appointment is not a matter of right unless clearly provided by law, meaning policy-based rehabilitation schemes cannot create enforceable employment rights.

Option (c) Correct: This accurately states the legal position. The passage explicitly underscores that

compassionate or compensatory appointment is not a matter of right unless clearly provided by law, and policy cannot prevail over statute, consistent with precedents cited.

Option (d) Incorrect: Physical displacement is not the determining factor mentioned in the passage. The Court's reasoning focused on the principle that compassionate or compensatory appointment is not a matter of right unless clearly provided by law, without distinguishing between different categories of affected persons.

5. Correct Answer: (a) Courts favour finality and discourage reopening completed acquisitions where compensation is paid and settled

Reference Line: "Once land acquisition proceedings are completed, compensation is paid, and awards have become final, courts favour stability and certainty. Later attempts to reopen matters—whether by challenging acquisition or by asserting new benefits such as employment—are usually discouraged. This doctrine of finality ensures that public projects are not indefinitely jeopardised and that the State's obligations remain confined to what the law originally prescribed."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: This accurately reflects the doctrine of finality. The passage explicitly states that once acquisition proceedings are completed and compensation is paid, courts favour stability and certainty, and later attempts to reopen matters are usually discouraged to ensure obligations remain confined to original legal prescriptions.

Option (b) Incorrect: Legal heir status does not create rights to reopen completed proceedings or claim new benefits. The passage establishes that once acquisition proceedings are completed and compensation is paid, later attempts to reopen matters or assert new benefits are usually discouraged under the doctrine of finality.

Option (c) Incorrect: No thirty-year period for reopening is mentioned, and finality is not subject to such time-based exceptions. The passage states that courts favour stability and certainty, and later attempts to reopen matters are usually discouraged to ensure public projects are not indefinitely jeopardised.

Option (d) Incorrect: Writ jurisdiction does not permit unlimited reopening of settled administrative actions. The passage emphasizes that courts favour stability and discourage later attempts to reopen matters, ensuring that public projects are not indefinitely jeopardised, rather than permitting reopening based merely on non-joinder of parties.

7. How Intention and Knowledge Decide the Nature of Culpable Homicide

1. Correct Answer: (b) Murder as the intentional injury to a vital organ was sufficient in ordinary course to cause death

Reference Line: "Precedents such as Virsa Singh v. State of Punjab and Kesar Singh v. State of Haryana lay down tests for when an intentional injury amounts to murder under Section 300 'thirdly'. They stress that if a particular bodily injury is intentionally inflicted and is proved to be sufficient in the ordinary course of nature to cause death, the offence is murder, unless an exception applies."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Death occurring after medical treatment does not reduce murder to culpable homicide not amounting to murder. The passage establishes that if a particular bodily injury is

intentionally inflicted and is proved sufficient in the ordinary course of nature to cause death, the offence is murder.

Option (b) Correct: This accurately applies the legal test for murder. The passage explicitly states that if a particular bodily injury is intentionally inflicted and is proved to be sufficient in the ordinary course of nature to cause death, the offence is murder, unless an exception applies.

Option (c) Incorrect: Specific intention to cause death is not required when the intentional injury is sufficient to cause death in ordinary course. The passage clarifies that intentionally inflicting bodily injury sufficient in the ordinary course of nature to cause death constitutes murder, even without specific death intention.

Option (d) Incorrect: Medical complications flowing from the original injury do not break the chain of causation. The passage indicates that death occurring later during treatment still preserves causation, provided complications naturally flowed from the original injuries and no independent intervening cause broke the chain.

2. Correct Answer: (d) Anil is liable for culpable homicide as he caused death even if complications developed later

Reference Line: "In homicide cases, medical evidence helps determine the nature and sufficiency of injuries to cause death. Explanations to Section 299 make clear that the offender 'causes death' even if death occurs later during treatment, or could have been prevented with ideal medical care. Delayed death from complications such as septicemia still preserves the chain of causation, provided the complications naturally flowed from the original injuries and no independent intervening cause broke that chain."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The time gap between injury and death is irrelevant to establishing causation. The passage makes clear that the offender causes death even if death occurs later during treatment, without imposing any time limit on when death must occur to maintain liability.

Option (b) Incorrect: Foreseeability of specific complications is not required for establishing causation in culpable homicide. The passage indicates that delayed death from complications preserves causation if they naturally flowed from the original injuries, without requiring proof that the specific complication was foreseeable at the time of injury.

Option (c) Incorrect: Septicemia developing from the original wound does not break the chain of causation for culpable homicide. The passage clarifies that delayed death from complications such as septicemia still preserves the chain of causation, provided the complications naturally flowed from the original injuries.

Option (d) Correct: This accurately reflects the law on causation in homicide. The passage explicitly states that the offender "causes death" even if death occurs later during treatment, and delayed death from complications like septicemia preserves the chain of causation if they naturally flowed from the original injuries.

3. Correct Answer: (a) Section 304 Part I as there was intention to cause injury likely to cause death without premeditated murder plan

Reference Line: "Under Part I, the offender intends to cause a particular bodily injury and knows it is

likely to cause death, though he may not specifically intend death. Under Part II, there is only knowledge that the act is likely to cause death, without intention to cause such serious injury. For instance, a deliberate stabbing in a vital region typically fits Part I, while a rash act done with awareness of risk but without targeting a vital part may fall under Part II."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: This accurately characterizes the offence under Section 304 Part I. The passage states that deliberate stabbing in a vital region typically fits Part I, where the offender intends to cause a particular bodily injury and knows it is likely to cause death, though he may not specifically intend death.

Option (b) Incorrect: This mischaracterizes the mens rea as mere knowledge rather than intention. The passage clarifies that deliberate stabbing in a vital region typically fits Part I (intention to cause serious injury likely to cause death), not Part II which involves only knowledge without intention to cause such serious injury.

Option (c) Incorrect: Deliberate stabbing in a vital area does not automatically constitute murder when premeditation is absent. The passage indicates that deliberate stabbing in a vital region typically fits Part I of Section 304, distinguishing between intention to cause serious injury likely to cause death and specific intention to cause death itself.

Option (d) Incorrect: The timing of death is not the determinative factor for classification under Section 304 Part I. The passage focuses on whether there was intention to cause particular bodily injury known to be likely to cause death, illustrated by deliberate stabbing in a vital region, not on how quickly death occurred.

4. Correct Answer: (b) Rohan must have had intention or knowledge regarding death or likely fatal injury for culpable homicide

Reference Line: "Section 299 defines 'culpable homicide' as causing death by doing an act with (i) intention to cause death, or (ii) intention to cause such bodily injury as is likely to cause death, or (iii) knowledge that the act is likely to cause death. The focus is on the mental element accompanying the act."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Actual intention to cause death is not the only mental element for culpable homicide. The passage defines culpable homicide as causing death with intention to cause death, OR intention to cause bodily injury likely to cause death, OR knowledge that the act is likely to cause death.

Option (b) Correct: This accurately captures the mental element required for culpable homicide. The passage explicitly states that Section 299 defines culpable homicide as causing death by doing an act with intention to cause death, intention to cause bodily injury likely to cause death, or knowledge that the act is likely to cause death.

Option (c) Incorrect: Mere recklessness is insufficient without the specific mental elements defined in Section 299. The passage emphasizes that the focus is on the mental element accompanying the act, which must be one of the three specific states of mind enumerated in Section 299, not general recklessness.

Option (d) Incorrect: Prior planning is not a requirement for establishing culpable homicide under Section 299. The passage focuses on the mental element at the time of the act—intention or knowledge

regarding death or likely fatal injury—without requiring proof of advance planning or premeditation.

5. Correct Answer: (c) Section 304 Part II as there was knowledge the act could cause death without intention for specific injury

Reference Line: "The key distinction lies in the mens rea. Under Part I, the offender intends to cause a particular bodily injury and knows it is likely to cause death, though he may not specifically intend death. Under Part II, there is only knowledge that the act is likely to cause death, without intention to cause such serious injury."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: Awareness of potential fatal consequences does not automatically establish murder under Section 302. The passage distinguishes between murder and culpable homicide not amounting to murder, with Part II applying when there is only knowledge that the act is likely to cause death without intention to cause serious injury.

Option (b) Incorrect: Part I requires intention to cause a particular bodily injury, which is absent here. The passage clarifies that Part I applies when the offender intends to cause a particular bodily injury and knows it is likely to cause death, whereas here Ajay did not intend to cause a specific head injury.

Option (c) Correct: This accurately applies the distinction between Part I and Part II. The passage states that Part II applies where there is only knowledge that the act is likely to cause death, without intention to cause such serious injury, which fits this scenario of pushing with awareness of risk.

Option (d) Incorrect: Causing death through an act that sets a fatal chain of events in motion still constitutes culpable homicide. The passage does not require direct striking; it focuses on whether the act was done with the requisite mental element (intention or knowledge regarding death or likely fatal injury), regardless of the mechanism.

8. DNA Testing and Presumption of Legitimacy

1. Correct Answer: (a)

Reference Line: "Section 112 of the Indian Evidence Act (now Section 116 of the Bharatiya Sakshya Adhiniyam) provides that a child born during the continuance of a valid marriage, or within 280 days of its dissolution while the mother remains unmarried, is conclusively presumed to be the legitimate child of the husband. This is a conclusive presumption, not merely rebuttable by ordinary probabilities; it can be displaced only by proof of "non-access", i.e., that the spouses could not have had sexual intercourse during the conception period. Mere allegations of infidelity or doubt are insufficient to rebut this legal fiction of legitimacy.."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: Section 112 creates a conclusive presumption of legitimacy for a child born during a valid marriage, which can be disturbed only by strict proof of non access in the conception period. In the facts, there is no material to show physical impossibility of cohabitation, only an allegation of an affair and a desire to avoid maintenance obligations. The reference line makes clear that mere suspicion or moral blame does not dislodge the statutory presumption. Therefore, the court would treat Aarav as Rohan's legitimate child unless non access is firmly established.

Option (b) Incorrect: Ananya's admission that she had a relationship with another man raises moral and factual doubts, but the principle stresses that such doubts do not suffice to rebut the legal fiction of legitimacy. The statute protects children from stigma by insisting on the narrower ground of non access, not broad inquiries into marital fidelity. Treating an allegation of infidelity as enough would collapse the distinction between concrete impossibility of intercourse and general misconduct. Hence, this option misstates the heightened standard embedded in Section 112.

Option (c) Incorrect: The provision is described as a conclusive presumption, not an ordinary evidentiary rule that yields whenever probabilities shift or new scientific tools emerge. The passage emphasises that even sophisticated methods like DNA analysis cannot casually overturn legitimacy where non access has not been strictly established. Recasting the presumption as merely evidentiary misunderstands its protective character and would allow biological truth to automatically trump legal status. That approach is inconsistent with the express language that only non access can displace legitimacy.

Option (d) Incorrect: Ordering DNA testing in every case where legitimacy is questioned would invert the statutory scheme by making the presumption dependent on scientific verification rather than legal conditions. The principle states that allegations or doubts, however strongly felt, are not enough without proof of non access, and that the legal fiction shields children from frequent challenges. Making DNA compulsory at the outset would expose legitimacy to constant contestation, contrary to the aim of family stability and the statutory design. Therefore, this option ignores the conclusive nature of Section 112.

2. Correct Answer: (c)

Reference Line: ““Non-access” means physical impossibility of sexual relations, such as prolonged separation, imprisonment, or other circumstances making cohabitation impossible. Courts require clear, cogent and specific evidence of such impossibility; vague statements or general marital disputes do not suffice. Unless non-access is strictly proved, the presumption of legitimacy stands, even if modern scientific tools could suggest a different biological reality. This protects the status of children and family stability from being easily disturbed.”

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The principle explains that the presumption of legitimacy hinges not simply on the continuity of marriage but on the absence of strict proof of non access. Where physical impossibility of sexual relations is established, the legal fiction can be displaced even though the marital bond formally subsists. In this case, passport records and employer documentation together may show that Mohan could not have been in India at the conception time. Treating Sita's bare assertion as decisive would ignore the requirement of clear, cogent evidence in assessing non access.

Option (b) Incorrect: The passage highlights that, absent proof of non access, the presumption of legitimacy survives even where scientific methods might show a different biological reality. It follows that the first inquiry is into the presence or absence of physical access, not an automatic resort to DNA testing. To insist that only scientific proof can resolve paternity would contradict the statutory framework, which allows legitimacy to be rebutted by showing impossibility of intercourse. Thus, DNA is not the mandatory starting point in this kind of dispute.

Option (c) Correct: Non access is described as physical impossibility of sexual relations, and prolonged separation with precise documentary support is given as a paradigm scenario in the principle. Mohan's detailed travel and employment records, if accepted, amount to the clear, specific material the court

requires to infer that cohabitation during the conception period was impossible. Once such strict proof is furnished, the presumption under Section 112 can be rebutted consistently with the protective but not irrebuttable scheme. Hence, this option aligns with the articulated standard for displacing legitimacy.

Option (d) Incorrect: The reference line emphasises that non access must be strictly proved with cogent and specific evidence, which rules out mere oral denials as an adequate basis. Allowing a husband's unsupported statement to rebut legitimacy would undermine the child protective function of the presumption and invite frivolous challenges. The law demands concrete objective indications of physical impossibility rather than bare assertions. Therefore, this option dilutes the evidentiary threshold specified in the principle and cannot be accepted.

3. Correct Answer: (b)

Reference Line: "Courts have evolved a cautious approach to DNA tests, treating them as intrusive measures that cannot be ordered routinely. The "twin blockades" test requires: (i) that existing evidence is insufficient for a just decision without scientific testing, and (ii) that a DNA test is demonstrably in the best interests of all concerned, including the child. Additionally, there must be a strong prima facie case linking the test result to resolution of the core dispute. DNA testing is thus reserved for eminent need, not for fishing or roving enquiries."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The principle explicitly warns that DNA tests are intrusive and cannot be ordered as a matter of routine whenever doubts arise about paternity. The twin blockades test requires both inadequacy of existing evidence and clear benefit to all concerned, conditions not automatically met by any inheritance dispute. Here, the court already has substantial material on marriage, cohabitation and birth, and the presumption of legitimacy operates in Arnav's favour. Treating bare suspicion as sufficient would transform a cautious standard into an open invitation for roving inquiries.

Option (b) Correct: The reference line stresses that DNA testing is reserved for situations where existing evidence is inadequate and a strong prima facie case links the test to deciding the core issue. In this scenario, there is no proof of non access or other structural deficiency in the factual record; only an after the fact attempt by the mother to alter succession. Moreover, the guardian highlights potential harm to Arnav's status and welfare, undermining any claim that the test serves his best interests. Refusing the test therefore accords with the cautious, rights conscious framework described in the principle.

Option (c) Incorrect: The principle does not equate a parent's confession of infidelity with a compelling case for scientific intervention in every instance. The test requires that a DNA examination be demonstrably in the best interests of all concerned, a much narrower inquiry than mere curiosity about biological ties. Inheritance rights can be adjudicated through existing legal presumptions and documentary evidence without destabilising the child's identity. Elevating the mother's confession to an automatic trigger for testing disregards both the sufficiency limb and the welfare limb of the twin blockades approach.

Option (d) Incorrect: Keeping results sealed does not by itself satisfy proportionality or best interest concerns, because the very act of compelling DNA collection is an intrusive step. The principle requires courts to ask whether such testing is necessary at all, given the available evidence and the core dispute. A sealed report still involves bodily intrusion, privacy risks, and potential future disclosure, so secrecy is not a complete answer. This option understates the significance of the safeguards the court must

observe before ordering any scientific test.

4. Correct Answer: (c)

Reference Line: “Sections 53 and 53A of the Code of Criminal Procedure permit medical examination of an accused at the request of police where it is likely to afford evidence of the offence. However, their use is confined to situations where the examination has a clear, direct bearing on the alleged crime (such as injuries, intoxication, sexual offences). They are not blank cheques to compel DNA tests in every case; courts must still consider relevance, necessity, and constitutional safeguards before allowing such examinations.”

Difficulty Level: Difficult

Explanation: Option (a) Incorrect: The principle explicitly rejects the idea that Sections 53 and 53A operate as blank cheques for any form of medical examination the police might desire. Their use is confined to situations where the procedure is likely to afford evidence of the specific offence under investigation. In a forgery case, where signatures and financial records are the core materials, a DNA profile has no evident connection to guilt or innocence. Treating the provisions as a general investigative license ignores the expressed requirements of relevance and necessity.

Option (b) Incorrect: Granting conditional permission for DNA collection on the speculative ground that it may become useful later still undermines the safeguards in the principle. The passage requires a clear bearing on the alleged crime and the satisfaction of constitutional standards at the moment the order is made, not at some indefinite future stage. Tying the application to a separate civil paternity dispute confirms that the purpose is collateral rather than evidentiary for the forgery case. This option therefore softens the legal tests far beyond what the text permits.

Option (c) Correct: The reference line stresses that medical examination is permissible only when it is likely to afford evidence of the offence and has a clear bearing on the alleged crime. Here, the charges concern forged project documents, for which handwriting analysis, accounting scrutiny and witness testimony are naturally suited. DNA profiling of Anil’s blood would not shed light on whether he altered financial records and appears motivated by an unrelated paternity issue. Refusing the application honors both the limited reach of Sections 53 and 53A and the need to respect constitutional protections.

Option (d) Incorrect: Compelling a DNA sample despite uncertain relevance reverses the burden embedded in the principle, which demands established necessity before intruding upon bodily integrity. The passage underscores that courts must examine relevance, necessity and safeguards before authorising such steps, not after the fact. Ordering collection merely because it might someday prove useful normalises speculative intrusions and blurs the line between targeted investigation and fishing expeditions. Accordingly, this option conflicts with the cautious, crime linked deployment of medical examinations envisaged by the text.

5. Correct Answer: (b)

Reference Line: “In criminal proceedings, scientific tests like DNA profiling must have a direct nexus with the offences alleged. If paternity is merely a collateral or incidental issue, and the main charges (such as cheating or harassment) can be investigated through other evidence, courts are slow to permit intrusive tests. The distinction between core issues (essential to guilt or innocence) and collateral issues (tangential to the offence) helps control investigative overreach and protects individuals from unnecessary invasions.”

Difficulty Level: Difficult

Explanation: Option (a) Incorrect: The principle makes clear that the touchstone is whether DNA evidence has a direct nexus with the offences alleged, not whether it could broadly impeach a complainant's character. Dowry cruelty charges turn on patterns of harassment, unlawful demands, and abusive conduct, for which testimonial and documentary materials are readily available. Trying to discredit Meera by questioning the child's parentage transforms a collateral allegation into an invasive scientific enquiry. This approach blurs the distinction between core and incidental matters and risks legitimising investigative overreach.

Option (b) Correct: The reference line states that when paternity is only collateral and the main offences can be addressed through other evidence, courts are slow to allow intrusive tests such as DNA profiling. Here, the prosecution can prove or disprove cruelty and harassment using messages, financial records and witness statements without touching the child's genetic identity. Ordering a DNA test would not resolve whether dowry demands were made; it would merely air a tangential dispute. Refusing the request respects both the structured limits on criminal investigation and the privacy of Meera and the child.

Option (c) Incorrect: The principle rejects any blanket claim that scientific truth automatically prevails in every context, instead insisting on a direct link between the test and the specific offences charged. If courts treated DNA as inherently overriding, the safeguards against unnecessary intrusion would collapse, and accused persons could weaponise such tests to harass complainants. The case here concerns dowry cruelty, not paternity offences, so the proposed test lacks the required nexus. This option therefore ignores the functional boundary the law draws between core and collateral issues.

Option (d) Incorrect: Testing only the child's DNA still involves a serious interference with bodily integrity and family privacy without advancing the core inquiry into dowry harassment. The principle emphasises that the court must consider whether any DNA collection has a direct bearing on guilt or innocence before authorising it. Splitting the difference by excluding Rajiv from testing does not cure the absence of nexus or proportionality. Such a partial order would still represent investigative overreach into collateral matters and would not satisfy the doctrine described in the passage.

9. Counter Claim Against Co-Defendant in Civil Suits

1. Correct Answer: (b)

Reference Line: "A counterclaim is a statutory mechanism allowing a defendant to assert a claim against the plaintiff in the same suit, based on a cause of action accruing before filing the defence or expiry of time to file it. It is treated as a cross-suit and is adjudicated like a plaint. The object is to enable both the plaintiff's claim and the defendant's independent claim against the plaintiff to be decided together, thereby avoiding multiple proceedings."

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: The principle explicitly recognises that a counterclaim is a statutory mechanism enabling a defendant to assert a claim against the plaintiff in the same suit, which goes beyond a bare negative defence. Treating the defendant as restricted to only resisting the plaintiff's demand ignores the description of the counterclaim as a cross suit adjudicated like a plaint. If this view were accepted, the explicit language that allows the defendant to assert an independent claim within the same proceeding would be rendered meaningless. Hence, this option misstates the expanded procedural role given to defendants under Order VIII Rule 6A.

Option (b) Correct: Orion's demand for ₹25 lakhs arises from an independent cause of action against the plaintiff that accrued before filing its defence, and it seeks affirmative relief, not just a reduction of Sunrise's claim. The reference line states that such a counterclaim is treated as a cross suit, with the object of deciding both the plaintiff's claim and the defendant's independent claim together to avoid multiple proceedings. In these facts, the counterclaim fits that model exactly, allowing a comprehensive adjudication of the ongoing commercial relationship in one forum. Therefore, the court should treat Orion's pleading as a proper counterclaim.

Option (c) Incorrect: A set off is typically confined to balancing mutual monetary demands, whereas the principle stresses that a counterclaim is conceptually distinct because it is an independent claim that could itself be a separate suit. Here, Orion is not simply reducing Sunrise's claim but asserting its own substantive right to recover earlier unpaid consignments. Labeling this as a mere set off would underplay its status as a cross suit and obscure the need to adjudicate it with the same procedural seriousness as a plaint. This option therefore fails to capture the independent nature of the counterclaim described in the principle.

Option (d) Incorrect: The principle clarifies that the counterclaim mechanism itself allows the defendant to bring its independent cause of action into the same suit, precisely to avoid filing a separate action and then seeking consolidation. Requiring a prior separate suit would defeat the stated objective of preventing multiplicity of proceedings and saving judicial time. The statutory text is designed so that the defendant can raise such claims through the written statement or related pleadings, without this additional procedural detour. Consequently, this option imposes a condition that finds no support in the reference line.

2. Correct Answer: (c)

Reference Line: "The general rule is that a counterclaim under Order VIII Rule 6A must be directed against the plaintiff; it cannot be used as a vehicle to litigate disputes solely between co-defendants. While the factual matrix may involve co-defendants, the relief claimed in a counterclaim must be one that the defendant seeks to enforce against the plaintiff. Disputes inter se between defendants typically require a separate independent suit..."

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: While the principle recognises that counterclaims can prevent multiplicity of suits, it also insists that these efficiency goals operate within the statutory structure and cannot be used to bypass express limitations. The reference line states that a counterclaim must be directed against the plaintiff and cannot become a vehicle for disputes solely between co-defendants. Invoking general convenience to fold Arvind's grievance against Kavita into Priya's partition suit disregards this requirement and stretches the device beyond its textual bounds. Hence, efficiency alone cannot legitimise this counterclaim.

Option (b) Incorrect: The principle demands that the relief in a counterclaim be one which the defendant seeks to enforce against the plaintiff, not that the plaintiff's name be artificially inserted for form's sake. Making Priya a formal party to a dispute over a shop in which she has no asserted interest does not transform the substance of Arvind's claim, which remains exclusively directed against his sister. Such a manoeuvre would be a mere drafting tactic designed to evade the express bar on using counterclaims for inter se disputes among defendants. Therefore, this option undermines the functional requirement that

the plaintiff be the real target of the counterclaim.

Option (c) Correct: Arvind's so called counterclaim seeks injunction and mesne profits only from Kavita in relation to a property which Priya does not claim, squarely matching the category described as disputes inter se between defendants. The reference line states that a counterclaim cannot be used as a vehicle to litigate disputes solely between co defendants and that such quarrels typically require a separate independent suit. In this scenario, the relief is not one that Arvind wishes to enforce against the plaintiff at all, so Order VIII Rule 6A does not apply. The court should therefore treat his claim as outside the scope of a valid counterclaim.

Option (d) Incorrect: Although courts may sometimes frame issues touching upon relationships among defendants, the principle does not oblige them to finally adjudicate every collateral dispute in a single action. Here, insisting that the court determine Arvind and Kavita's separate shop controversy within Priya's suit would collide with the rule that inter se defendant disputes usually demand their own proceedings. The fear of inconsistent findings cannot justify converting an inadmissible counterclaim into an informal cross dispute resolution mechanism. This option therefore weakens the procedural discipline reflected in the reference line.

3. Correct Answer: (a)

Reference Line: "For a counterclaim to be valid: it must be filed by a defendant; it must assert an independent or separable claim; it must be made against the plaintiff; and it must relate to a cause of action which has arisen before the defendant has delivered his defence or before the time for delivering his defence has expired. Courts generally allow filing by amending the written statement or through subsequent pleadings, subject to these temporal and substantive limits."

Difficulty Level: Moderate

Explanation:

Option (a) Correct: The reference line identifies key conditions for a valid counterclaim, including that it be filed by a defendant, assert an independent claim against the plaintiff, and relate to a cause of action arising before delivery of the defence or before the time for delivering it expires. BlueWave's complaint about the freezing of its account is an independent claim against Zenith, the plaintiff, and the events occurred in December 2023, which is prior to 1 March 2024. The application is also made within the extended period for amending pleadings, which the principle explicitly permits for lodging counterclaims. Therefore, this request fits comfortably within the specified temporal and substantive limits.

Option (b) Incorrect: The principle acknowledges that courts generally allow counterclaims to be filed by amending the written statement or through subsequent pleadings, provided the basic conditions about timing and parties are satisfied. Declaring that no counterclaim can ever be introduced after the first written statement is filed contradicts this explicit flexibility. Such a rigid view would undermine the very mechanism that enables comprehensive adjudication, as many defendants refine their positions within the allowed procedural window. Hence, this option unduly restricts what the text expressly permits.

Option (c) Incorrect: The principle does not confine counterclaims to causes of action arising from the exact same transaction as the plaintiff's suit, but rather describes them as independent or separable claims that could have been separate suits. The crucial requirements are that the claim be against the plaintiff and that it arises before the relevant defence timeline, not that it be identical in subject matter. BlueWave's damages claim relating to wrongful freezing of its account is separable yet still part of the

broader debtor–creditor relationship with Zenith. Denying the counterclaim on the ground of different factual details misreads the breadth of “independent or separable claim”.

Option (d) Incorrect: The text does not make the validity of a counterclaim contingent on the plaintiff's consent; instead, it frames it as a statutory entitlement of the defendant, once the enumerated conditions are met. Requiring Zenith's written agreement would transform a rule-based procedural mechanism into a matter of bargaining, which the principle does not contemplate. The court's role is to assess whether the counterclaim meets the limits relating to parties, cause of action and time, not to insist on negotiation between adversaries. Accordingly, this option adds an unwarranted condition not supported by the reference line.

4. Correct Answer: (c)

Reference Line: “Counterclaims are subject to the law of limitation just like ordinary suits. The cause of action date and the date of filing the counterclaim are crucial in determining whether the claim is time-barred. A defendant cannot evade limitation by styling a hopelessly delayed claim as a counterclaim within an existing suit. If the claim would be barred as a separate suit on the date it is raised, it is ordinarily barred as a counterclaim as well.”

Difficulty Level: Difficult

Explanation:

Option (a) Incorrect: The principle expressly states that counterclaims are subject to the law of limitation just like ordinary suits, rejecting any idea that they enjoy a special immunity because they are pleaded within an existing action. Describing them as ancillary does not change the fact that they represent independent claims which could have been separate suits, and must therefore satisfy the same temporal rules. To say that limitation applies differently undermines the explicit parity that the text establishes between counterclaims and ordinary actions. Hence, this option conflicts with the clear statement of law.

Option (b) Incorrect: Although the passage acknowledges the aim of preventing multiplicity of suits and enabling comprehensive adjudication, it also cautions that these goals operate within the limits of the statutory text. The reference line specifically warns that a defendant cannot evade limitation by styling a hopelessly delayed claim as a counterclaim. Dev's allegations relate to acts from 2010 to 2012, and any separate suit filed in 2025 would clearly be time barred, so allowing the counterclaim for the sake of convenience would dilute the mandatory limitation regime. Efficiency cannot override such an explicit constraint.

Option (c) Correct: The reference line states in unambiguous terms that if a claim would be barred as a separate suit on the date it is raised, it is ordinarily barred as a counterclaim as well. Dev seeks to introduce his claim in 2025 for alleged misappropriation that ended in 2012, well beyond the period for a standard money action. Permitting this through the counterclaim route would achieve precisely what the principle forbids: evasion of limitation by procedural relabeling. Therefore, the court should treat the counterclaim as time barred and decline to entertain it, even though it relates to the same partnership relationship.

Option (d) Incorrect: This option attempts to salvage part of the counterclaim by reconstructing a shorter window, but it has no basis in the pleaded cause of action or in the principle quoted. Limitation is assessed based on the cause of action dates and the filing date of the counterclaim, not by retrofitting a partial period that the defendant himself has not asserted. Moreover, the reference line does not contemplate splitting a hopelessly delayed claim into artificial fragments to preserve a portion; it simply

states that such a claim is ordinarily barred in its counterclaim form as well. Consequently, this option introduces a compromise the text does not endorse.

5. Correct Answer: (b)

Reference Line: “Article 227 of the Constitution gives High Courts supervisory jurisdiction over subordinate courts to ensure that they act within the bounds of law and procedure. While High Courts may refrain from interfering in interlocutory matters to avoid fragmenting trials, they are expected to correct clear jurisdictional errors such as entertaining a counterclaim not permitted by Order VIII Rule 6A. The power under Article 227 is meant to enforce procedural discipline, not to dilute explicit procedural requirements in the name of convenience.”

Difficulty Level: Difficult

Explanation:

Option (a) Incorrect: While High Courts are cautious about interfering with interlocutory matters to avoid splintering trials, the principle emphasises that Article 227 exists precisely to ensure that subordinate courts act within legal and procedural bounds. Here, allowing a counterclaim solely between co defendants directly contradicts the rule that such a claim must be directed against the plaintiff. This is not a mere discretionary case management decision but a clear jurisdictional error in applying Order VIII Rule 6A. Therefore, treating it as immune from supervisory correction misreads the scope of Article 227.

Option (b) Correct: The reference lines together indicate that a counterclaim must be directed against the plaintiff and cannot serve as a vehicle for disputes solely among co defendants, and that High Courts are expected to correct clear jurisdictional errors of this sort under Article 227. The trial court’s order permitting Defendant No. 2’s claim exclusively against Defendant No. 3 falls squarely within this misapplication. Interfering to set aside the improper counterclaim enforces procedural discipline without deciding the merits of the underlying dispute between the contractors. Accordingly, this exercise of supervisory power aligns with the constitutional purpose described in the principle.

Option (c) Incorrect: Although efficiency and comprehensive adjudication are desirable, the principle explicitly warns that Article 227 should not be used to dilute explicit procedural requirements in the name of convenience. Consent by some parties or the attraction of resolving all quarrels in a single forum cannot override the rule that a counterclaim must run against the plaintiff. Allowing the order to stand on efficiency grounds would signal that jurisdictional limits are negotiable, which contradicts the supervisory role of the High Court. This option therefore prioritises convenience over legality in a way the text rejects.

Option (d) Incorrect: Transferring the counterclaim to a separate file but insisting that the same judge decide all disputes in a consolidated hearing partially addresses the structural problem but fails to correct the initial error of treating the claim as a counterclaim under Order VIII Rule 6A. The principle requires the High Court to ensure that subordinate courts remain within the framework of law, which here means recognising that the contractor’s claim against the subcontractor must proceed, if at all, as an independent suit. Retaining the label and procedural posture of a counterclaim would perpetuate the misuse of the rule. Hence, this halfway measure does not fully implement the corrective function contemplated by Article 227.

10. Companies Buying Software for Gains not Treated as Consumers

1. Correct Answer: (b)

Reference Line: “Courts apply the “dominant purpose” test to decide whether a purchase is for a commercial purpose. They look at whether the goods or services have a direct nexus with profit generation or business expansion. If the item purchased forms part of the infrastructure or tools used to carry on trade, manufacture, or services for profit, the transaction is considered commercial, and the buyer is excluded from consumer status.”

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The definition principle clarifies that even companies can be consumers in principle, but only when the goods or services are not integrally connected with their profit making activity. Treating every corporate software purchase supported by consideration as a consumer transaction ignores the dominant purpose and nexus with profit tests. In Nimbus’s case, the ERP is deployed across plants to manage inventory, payroll and production scheduling, clearly forming part of its profit oriented manufacturing apparatus. This option therefore overstates the eligibility of corporate purchasers.

Option (b) Correct: The reference lines emphasise that courts look to whether the item forms part of infrastructure or tools used to carry on trade or manufacture for profit, and that enterprise software automating core operations is typically classified as commercial. Nimbus is using the ERP precisely to streamline its business processes and optimise productivity and profitability in auto-part manufacture. That direct nexus with its revenue generating operations triggers the exclusion from consumer status under the commercial purpose limb, even though the purchaser is otherwise capable of being a consumer. Hence, this classification is consistent with the articulated dominant purpose test.

Option (c) Incorrect: The treatment principle concedes that software licences can count as goods or services, but it also insists that their classification “turns on use,” not their intangible character alone. As soon as such software is acquired as an enterprise resource to manage core processes or optimise profits, the transaction is labelled commercial, placing the buyer outside the consumer net. Automatically extending protection to all software purchases would collapse the critical distinction between personal use and business infrastructure laid down in the text. This option therefore disregards the functional inquiry mandated by the principle.

Option (d) Incorrect: Section 2(1)(d) places the focus on the purpose of use rather than the identity of the buyer, and the principle expressly states that even companies can be consumers when the profit nexus is absent. Turning the analysis on its head and privileging corporate status as a decisive factor reverses this direction. The relevant question is not whether Nimbus is a company, but whether the ERP is directly tied to its manufacturing business and profit generation. Since that link is strong, this reasoning misapplies the statutory focus and cannot be sustained.

2. Correct Answer: (d)

Reference Line: “The Explanation to Section 2(1)(d) carves out an exception where goods or services are used by a person “exclusively for the purpose of earning his livelihood by means of self-employment.” This typically covers individuals who themselves operate the goods or personally render services (for example, a taxi driver buying a car to drive himself). It does not extend to corporate entities or large-scale business operations where employees and systems, not the purchaser personally, generate income.”

Difficulty Level: Moderate

Explanation:

Option (a) Incorrect: The livelihood principle does not treat every income generating use as a commercial purpose that excludes consumer status; instead, it specifically recognises an exception for individuals who use goods or services exclusively to earn their livelihood through self employment. Aarti's situation, where she alone operates the design software without staff or large infrastructure, falls squarely within this protective category. Collapsing all professional use into commercial activity would erase the distinction the Explanation draws between individual self employment and larger business enterprises. Hence, this option oversimplifies the statutory scheme.

Option (b) Incorrect: The text focuses on the dominant purpose and on who actually operates the goods or services, not on whether some form of external client work is involved. While software used as part of a wider business organisation with employees might be classified as commercial, the principle explicitly notes that self employment use by an individual can be shielded. Aarti's work involves only her own labour using the software as a tool, without being embedded in a larger system. Treating any client facing work as disqualifying overlooks the nuance built into the livelihood exception.

Option (c) Incorrect: The principle makes clear that the Explanation does not extend to corporate entities or large scale operations but is aimed at individuals personally using goods for self employment. Aarti is a natural person, not a company, and runs a small proprietary setup without staff. Suggesting she is a corporate entity reverses the factual posture and ignores the very contrast the principle draws between self employed persons and complex organisations. This option therefore misunderstands both her legal status and the intended beneficiaries of the exception.

Option (d) Correct: The reference line describes exactly the situation where goods or services are used exclusively for earning livelihood by means of self employment and where the purchaser personally renders services. Aarti operates the design software herself, uses it only to earn her living, and does not run a large scale business with employees or systems generating income independently of her effort. Under the Explanation, this use falls outside the "commercial purpose" exclusion and allows her to retain consumer status despite the professional context. Accordingly, she can invoke the Consumer Protection Act against PixelForge.

3. Correct Answer: (b)

Reference Line: "Consumer protection legislation is aimed at business-to-consumer (B2C) relationships, providing a simple, summary mechanism for ordinary consumers against traders and service providers. Business-to-business (B2B) transactions such as procurement of enterprise software, machinery or bulk goods for running a commercial enterprise fall outside this framework and are governed by ordinary civil and contractual remedies, not consumer fora."

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: The reference line makes clear that consumer protection legislation is structurally designed for B2C situations, not as a universal forum for every party that pays consideration for goods or services. Treating any paying buyer, including a commercial enterprise procuring tools to run its business, as a consumer disregards the distinction between ordinary consumers and business actors. Stellar is using the software as part of its commercial infrastructure to streamline retail operations, placing the relationship with DataFlow in a B2B category. This option therefore ignores the framework that reserves consumer fora for non business purchasers.

Option (b) Correct: The reference line explicitly mentions procurement of enterprise software for running a commercial enterprise as a paradigm example of a B2B transaction that falls outside the consumer protection framework. Stellar Fashions is exactly such an enterprise buyer, acquiring software to manage inventory, reduce pilferage and increase turnover across ten outlets. The complaint arises from the breakdown of a business tool integral to its profit making retail activity, which the principle says must be addressed through ordinary civil and contractual remedies, not through summary consumer proceedings. Hence, the Commission should hold that Stellar is not a consumer in this context and dismiss the complaint as not maintainable.

Option (c) Incorrect: Inventory management is not a neutral, legally irrelevant activity; it is central to how a retail chain controls stock, fulfils demand and ultimately earns revenue. The reference line groups procurement of enterprise software used to run a commercial enterprise squarely within B2B transactions. Characterising such software as “only internal administration” attempts to decouple it from the commercial enterprise it sustains, contrary to the principle’s focus on the role of the product in business operations. This option thus understates the commercial nexus and wrongly brings the relationship within consumer fora. Option (d) Incorrect: The principle does not require proof that the software directly generates profits in order to classify a transaction as B2B; it is enough that the procurement is for running a commercial enterprise, which includes supporting and enabling functions like inventory control. Insisting that DataFlow demonstrate a direct profit link imposes an additional hurdle that the text does not contemplate and narrows the scope of B2B transactions artificially. As long as the software is part of the infrastructure of Stellar’s retail business, the relationship remains outside the consumer protection regime regardless of whether the software itself produces income.

4. Correct Answer: (a)

Reference Line: “Under Section 2(1)(d) of the Consumer Protection Act, 1986, a “consumer” is one who buys goods or avails services for consideration but does not include persons who obtain goods or services for any “commercial purpose”. The focus is on the purpose of use, not merely on the identity of the buyer. Even companies can be consumers in principle, but only when the goods or services are not integrally linked to their commercial profit-making activity.”

Difficulty Level: Difficult

Explanation: Option (a) Correct: The definition principle stresses that the key inquiry is the purpose of use and the nexus with commercial profit making, not simply who the buyer is. Sahayata Foundation uses the donor management software to administer its charitable activities and does not run any profit oriented trade or business; the software is not integrated into a commercial revenue stream. Since even companies can be consumers when goods or services are not tied to profit making, a non profit foundation using software to support its purely charitable work falls within the protective ambit and is not excluded as engaging in any “commercial purpose.”

Option (b) Incorrect: The principle does not condition consumer status on whether the software is operated by volunteers or salaried staff; it focuses instead on whether the goods or services are integrally linked to commercial profit making activity. Sahayata’s staff composition does not alter the fact that the organisation does not trade for profit and uses the software to manage donor relationships in aid of charity. Introducing a requirement that volunteers alone must operate the system adds a criterion that the text does not mention and diverts attention from the dominant purpose of the purchase. Hence, this option misapplies the statutory test.

Option (c) Incorrect: The treatment and B2B principles exclude transactions where enterprise software is acquired to run a commercial enterprise or optimise profits, but they do not say that every organisational use is automatically commercial. The definition passage recognises that entities, including companies, can be consumers when their purchases are not linked to profit making. Sahayata's use clearly serves non commercial, charitable ends, and there is no business expansion or trade infrastructure involved. Treating all organisational software acquisitions as commercial would flatten the distinction between profit and non profit use that the principle expressly draws.

Option (d) Incorrect: The definition passage explicitly acknowledges that even companies can be consumers in principle, directly contradicting any statement that only individuals enjoy protection. Excluding foundations and other entities simply because of their legal form ignores the statutory focus on purpose rather than identity. The fact that Sahayata is a registered organisation does not, by itself, disqualify it; what matters is whether its acquisition of the software is linked to commercial profit making, which on the facts it is not. This option therefore rests on a premise that the principle clearly rejects.

5. Correct Answer: (c)

Reference Lines: "Intangible products such as software licences and technology services can constitute goods or services under consumer law, but their classification turns on use. When software is acquired as an enterprise resource to automate operations, manage core business processes or optimise profits, it is treated as being for a commercial purpose. Conversely, software purchased for purely personal use (for example, a home accounting package by a non-business user) may fall within the protective scope of consumer law."

Difficulty Level: Difficult

Explanation:

Option (a) Incorrect: Though software can indeed fall within consumer law, the second limb incorrectly implies that all intangible products used in any setting are treated as commercial. The reference line draws a use-based distinction, confirming that non-commercial personal software remains protected. Thus, the reason fails to fully justify the assertion.

Option (b) Incorrect: While the assertion is correct because home budgeting and personal financial organisation are non-commercial activities, the reason incorrectly states that intangible products are automatically excluded when linked to any business activity. This is an overgeneralisation and therefore cannot serve as the logical basis behind the assertion.

Option (c) Correct: The assertion is true as home-use software falls within consumer protection where no commercial profit-linked purpose exists. The reason is false because it incorrectly suggests a universal exclusion of intangible software when tied in any way to business, whereas the principle makes clear that classification depends on dominant purpose of use, not merely the product type.

Option (d) Incorrect: Since the assertion accurately reflects the principle that personal-use software falls under consumer law protection, while the reason misstates the legal test, both conditions required for this option to hold are absent.

11. Child Victim Testimony in POCSO Cases

1. Correct Answer: (b)

Reference Line: “Under the POCSO Act, Section 7 defines “sexual assault” as non-penetrative sexual contact with a child involving physical contact with sexual intent without penetration. Section 8 prescribes punishment for this offence. Section 9 enumerates situations where sexual assault becomes “aggravated” (for example, where the child is under 12 years of age under Section 9(m)), and Section 10 prescribes a higher minimum punishment. Thus, even without penetration, serious non-penetrative acts against very young children attract aggravated liability.”

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: This option assumes that aggravation is tied only to penetration, which is inconsistent with the principle that Section 7 covers non penetrative acts and Section 9 converts certain such acts into aggravated forms based on factors such as age. Once the conduct clearly falls within sexual assault and the child is under 12, Section 9(m) elevates the offence. Limiting aggravation to penetrative conduct ignores the express statutory language described in the reference line.

Option (b) Correct: The quoted principle explains that Section 7 captures non penetrative sexual contact and Section 9(m) aggravates such assault when the child is below 12, with Section 10 prescribing a higher minimum punishment. Here, S's age is established through official records and the proved conduct constitutes non penetrative sexual assault with sexual intent. That combination matches the statutory pattern for aggravated sexual assault, so the court is justified in applying Sections 9(m) and 10 even without any evidence of penetration.

Option (c) Incorrect: The principle states that non penetrative sexual contact with sexual intent is precisely what Section 7 defines as “sexual assault”, which POCSO punishes through Section 8. Saying that such acts fall outside the statute contradicts the central definitional clause and would exclude many serious incidents that the law clearly intends to address. The statutory scheme explicitly covers non penetrative offences rather than confining itself to penetrative ones.

Option (d) Incorrect: The reference line carefully distinguishes between non penetrative sexual assault and aggravated forms of that offence, without collapsing them into penetrative assault. Treating any contact involving private areas as legal penetration would blur the structure of the Act and undermine the separate treatment of penetrative offences elsewhere. Aggravated liability in this context flows from the combination of non penetrative conduct and the child's age, not from deeming every such contact as penetration.

2. Correct Answer: (c)

Reference Line: “A “child” under Section 2(1)(d) of POCSO is any person below 18 years of age. When the prosecution proves age through documents like a birth certificate or school records, courts treat age as conclusively established unless seriously disputed. For aggravated sexual assault under Section 9(m), the child being below 12 years is a statutory aggravating factor that automatically enhances the gravity and minimum punishment, regardless of other circumstances.”

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: The principle specifically acknowledges that age may be proved through documents such as birth certificates and school records, which courts treat as conclusive unless meaningfully challenged. It does not insist on medical estimation as an absolute requirement, particularly

where official records exist and are uncontroverted. Making medical tests indispensable would contradict this evidentiary approach and add a rigid condition not supported by the text.

Option (b) Incorrect: Remitting for fresh age determination assumes that documentary records alone lack probative value, which is the opposite of what the principle states. Where such records are available and not seriously disputed, courts are entitled to accept them as reliable indicators of age. Ordering a further inquiry without any concrete doubt would delay justice and undermine the functional role assigned to official documents. This option therefore misreads the evidentiary hierarchy described.

Option (c) Correct: The reference line confirms that courts treat age as conclusively established when proved through birth certificates or school records, provided there is no serious contest to their authenticity or correctness. In this case, T's date of birth clearly places her under 12 on the incident date, and the defence offers no competing records. The statutory aggravating factor under Section 9(m) is thus satisfied, and the appellate court can uphold the aggravated conviction by relying on these documentary proofs.

Option (d) Incorrect: The idea that documentary evidence always needs corroboration by ossification testing introduces a blanket rule that finds no basis in the principle. Medical age estimation is used in doubtful or document-scarce situations, not as a mandatory accompaniment to valid records. Requiring such corroboration as a matter of course would unduly weaken the significance of official documents and would not align with the guidance that age can be conclusively established through them unless seriously disputed.

3. Correct Answer: (a)

Reference Line: "In cases involving very young victims, courts give significant weight to the testimony of parents or caretakers who discover the incident or see immediate aftermath. If such evidence is consistent, natural and free from material contradictions, it can be sufficient for conviction. The law does not insist on independent eyewitnesses to the act, recognising that such offences typically occur in private and that close relatives are often the first and only direct observers of the circumstances."

Difficulty Level: Moderate

Explanation: Option (a) Correct: The principle recognises that in cases involving very young victims, the testimony of parents or caretakers about discovery and immediate aftermath carries special evidentiary value and may, when coherent and unshaken, suffice for conviction. P's parents describe her distress and spontaneous account in a consistent, natural manner, and the private nature of the offence explains the absence of other eyewitnesses. In line with the reference line, the court can rely on this testimony if it finds it trustworthy and free from major contradictions.

Option (b) Incorrect: The text explicitly states that the law does not insist on independent eyewitnesses to the act, since these offences often occur in private and close relatives are usually the first observers of relevant circumstances. Declaring parental evidence inherently biased and inadequate would undermine this recognition and make convictions nearly impossible in many POCSO cases involving younger children. This option therefore conflicts with the special weight accorded to caretaker testimony.

Option (c) Incorrect: The principle does not make a detailed narrative from the child an essential precondition, particularly when age and fear may limit the child's ability to speak in court. Instead, it allows courts to place reliance on consistent, natural evidence from parents who discovered the incident or its immediate aftermath. Treating such testimony as mere background that cannot ground conviction disregards the flexibility built into the evidentiary approach for very young victims.

Option (d) Incorrect: While medical evidence may have corroborative value, the principle does not rank it as a prerequisite for accepting parental accounts. Linking the reliability of parental testimony to the presence of physical injuries imposes a constraint that is not part of the described framework. In many non penetrative or delayed reporting scenarios, injuries may be minor or absent, yet credible caretaker testimony can still support conviction. This option therefore introduces a condition that the principle does not endorse.

4. Correct Answer: (d)

Reference Line: “The conduct of a child victim during investigation or trial such as extreme fear, refusal to face the accused, or visible distress may operate as corroborative evidence of trauma, particularly when the child is too young to give a detailed narrative. Courts treat such behaviour cautiously but, when it fits with other proved facts, it can strengthen the prosecution case. This is consistent with broader evidentiary principles that allow courts to consider demeanour and psychological impact as relevant circumstances.”

Difficulty Level: Difficult

Explanation: Option (a) Incorrect: The principle clearly states that the conduct of a child victim during investigation or trial may operate as corroborative evidence and that demeanour and psychological impact are relevant circumstances. Declaring such behaviour entirely irrelevant ignores this guidance and denies courts a nuanced tool to assess whether the overall pattern of evidence supports the allegation. Behaviour must be handled with care, but it is not legally meaningless.

Option (b) Incorrect: While the principle allows child conduct to strengthen the prosecution case, it emphasises that courts should treat such behaviour cautiously and only as corroborative. Turning behavioural signs into conclusive proof regardless of the quality of other evidence would go far beyond this limited role. The court still has to evaluate witness accounts and surrounding circumstances; demeanour cannot alone decide guilt where other material is weak or inconsistent. This option therefore exaggerates the weight assigned to behaviour.

Option (c) Incorrect: The reference line does not restrict consideration of demeanour to sentencing; it envisages its use as corroborative support in determining whether the prosecution narrative is credible. Reserving behavioural evidence only for the punishment phase would undercut its recognised function as a factor that can strengthen the case when it aligns with other established facts. This approach misapplies the scope of the principle.

Option (d) Correct: The quoted passage states that conduct such as fear, refusal to face the accused or visible distress may act as corroborative evidence of trauma, particularly when detailed narrative is difficult, and that courts should use this cautiously when it fits with other proved facts. N's reactions in court and during investigation can, therefore, be taken into account to reinforce otherwise credible testimony, without being treated as decisive by themselves. This balanced use of behaviour as supporting material matches the principle exactly.

5. Correct Answer: (c)

Reference Line: “Section 10 POCSO prescribes a minimum of five years’ imprisonment, extendable to seven years, plus fine for aggravated sexual assault. Appellate courts generally respect the sentencing discretion of trial courts within this range but may interfere to slightly reduce or adjust the sentence where mitigating factors exist such as length of time already in custody or overall circumstances while

ensuring that the punishment remains within statutory limits and proportionate to the seriousness of the offence.”

Difficulty Level: Difficult

Explanation: Option (a) Incorrect: The principle openly recognises that although appellate courts usually defer to trial court discretion, they may interfere to adjust sentences where mitigating factors are present, as long as they remain within statutory bounds. Declaring any alteration impermissible once the sentence falls within the range contradicts this guidance and would strip appellate courts of a recognised corrective function in sentencing. The text supports careful, not absolute, restraint.

Option (b) Incorrect: Section 10, as described, sets a minimum of five years and permits extension up to seven, which means there is a range rather than a fixed uniform term. Treating seven years as compulsory in all aggravated cases disregards the express wording that allows for lesser terms consistent with the minimum. This option therefore misstates the statutory framework and undervalues judicial discretion in selecting an appropriate quantum within the range.

Option (c) Correct: The quoted passage explains that Section 10 prescribes a span from five to seven years and that appellate courts may slightly reduce or adjust sentences for mitigating reasons, such as time already spent in custody or overall circumstances, while ensuring proportionality and compliance with statutory limits. By reducing the sentence to five years after noting the long lapse of time and substantial custody already undergone, the High Court remains within the permitted range and respects the minimum required for aggravated sexual assault. Its intervention aligns with the described principle.

Option (d) Incorrect: The principle does not demand that an appellate court set aside the conviction or hold a full retrial before reconsidering sentence; it contemplates adjustment of punishment on the basis of the established record where mitigating factors appear. Requiring a retrial would impose a far more onerous process than the text envisions and is not a condition for modifying sentence within the statutory bounds. This option therefore adds procedural hurdles that are not part of the articulated sentencing approach.

12. Exhaustion of Alternative Remedies

1. Correct Answer: (b)

Reference Line: “Courts generally insist that when a special statute provides a specific and effective remedy (especially with a defined limitation period), litigants must first exhaust that remedy before invoking writ jurisdiction under Article 226. Writs are discretionary and ordinarily not entertained where a time-bound statutory remedy exists, unless exceptional grounds such as patent lack of jurisdiction or violation of fundamental rights are clearly shown.”

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: Although Article 226 confers broad powers, the principle clearly states that writs are discretionary and ordinarily not exercised where a special statute provides a specific, time-bound remedy. Treating constitutional jurisdiction as automatically available regardless of the litigant’s failure to use that remedy ignores the doctrine of exhaustion and the court’s preference for statutory mechanisms. Hence, Option (a) is not the correct answer.

Option (b) Correct: The reference line emphasises that where a special Act contains a defined, effective remedy with limitation, litigants are expected to pursue it first and writs are ordinarily not entertained absent exceptional grounds. Shakti Agro chose not to file under Sections 37-A or 38 within 30 days and has not alleged patent lack of jurisdiction or violation of fundamental rights. In such circumstances, the

High Court is justified in declining interference and leaving the completed sale undisturbed. Hence, Option (b) is the correct answer.

Option (c) Incorrect: Saying that any auction of immovable property automatically warrants constitutional scrutiny disregards the residual and supplementary nature of writ jurisdiction described in the principle. The presence of a self-contained, time-bound remedy under the Revenue Recovery Act means the dispute should normally have been channelled through that route, and mere dissatisfaction with price or hardship does not convert the matter into a constitutional claim. Hence, Option (c) is not the correct answer.

Option (d) Incorrect: Directing the Collector to reopen the sale despite expiry of statutory time limits would effectively nullify the mandatory character of the special Act and override its finality scheme without any exceptional justification. The principle does not permit using Article 226 to casually resuscitate lapsed remedies; instead, it insists that the statutory framework be respected unless clear cases of jurisdictional error or fundamental rights violations are shown. Hence, Option (d) is not the correct answer.

2. Correct Answer: (c)

Reference Line: “Section 37-A provides a statutory remedy to set aside a revenue recovery sale of immovable property. Any person owning or claiming an interest in the property may, within 30 days from the date of sale, deposit the entire arrears, costs and charges plus an additional 5% of the purchase money, and apply to the Collector to set aside the sale. If both the deposit and application are made in time, the Collector must set aside the sale and refund the purchase money (with 5%) to the auction purchaser. Failure to do this within 30 days generally makes the sale binding and final.”

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: The principle makes both elements the full deposit (including 5%) and the application within 30 days conditions of the statutory remedy, not optional steps. Raghav's omission of the 5% within the period and his delayed application mean that he has not fulfilled what Section 37-A demands for automatic setting aside. Treating the 5% as a minor curable defect ignores the mandatory wording that ties relief to the twin requirements being satisfied within 30 days. Hence, Option (a) is not the correct answer.

Option (b) Incorrect: This option assumes that recovery of dues is the sole object, such that timing of the application becomes an afterthought. However, the reference line clearly links both deposit and application to the same 30 day window and explains that failure to do this generally renders the sale final. Allowing a late application after the statutory period would undermine the certainty and finality of auction sales that the provision seeks to protect, particularly in relation to the auction purchaser's position. Hence, Option (b) is not the correct answer.

Option (c) Correct: The quoted passage stipulates that any interested person “may, within 30 days... deposit” the entire arrears plus 5% and “apply... to set aside the sale,” and that failure to do this typically makes the sale binding and final. Raghav neither deposited the full amount (including 5%) within 30 days nor lodged his application in time, so he falls outside the protective scope of Section 37-A. The Collector is therefore not obliged to set aside the sale, and the statutory scheme treats it as final. Hence, Option (c) is the correct answer.

Option (d) Incorrect: Characterising Section 37-A as merely directory contradicts the principle's

description of it as a time-bound statutory remedy whose non-compliance generally leads to finality. Invoking writ jurisdiction to rewrite or relax these conditions would allow litigants to circumvent the carefully calibrated mechanism and its clear limitation period. Courts are ordinarily reluctant to use Article 226 to defeat mandatory statutory timelines unless compelling constitutional grounds exist, which are not present here. Hence, Option (d) is not the correct answer.

3. Correct Answer: (b)

Reference Line: “Procedural orders can have different scopes: a stay of “confirmation of sale” does not automatically stay the auction itself. Parties must read interim orders carefully; assuming that all steps are frozen can be fatal. Even under interim protection, statutory limitation periods keep running unless the court expressly suspends their operation, so litigants must still act within prescribed time limits.”

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: The principle draws a clear distinction between a stay of confirmation and a stay of auction and explicitly warns that parties should not assume all steps are frozen. It also notes that limitation continues to run unless the court expressly suspends it. Treating the stay of confirmation as suspending both the auction and the limitation period directly contradicts this guidance and rewards Meenakshi’s erroneous assumption. Hence, Option (a) is not the correct answer.

Option (b) Correct: The reference line states that a stay of “confirmation of sale” does not automatically stay the auction and that statutory limitation periods keep running unless explicitly suspended. The auction on 5 March was not barred by the wording of the interim order, and the 30 day window under Sections 37-A and 38 continued to apply. Meenakshi Mills’ failure to deposit or object in time therefore renders the sale binding and its later writ challenge untenable. Hence, Option (b) is the correct answer.

Option (c) Incorrect: This option mixes positions by claiming the auction was barred yet limitation extended, neither of which fits the principle. The interim order mentioned only confirmation, not the conduct of the auction, and there is no indication that limitation was extended or suspended. The passage is explicit that such assumptions about frozen timelines can be fatal, underscoring that litigants must still act within the statutory period unless the order clearly says otherwise. Hence, Option (c) is not the correct answer.

Option (d) Incorrect: Converting a clear statutory limit into an open-ended guideline simply because an interim order exists ignores the function of limitation in self-contained recovery codes. The principle emphasises that interim protection cannot casually displace or dilute those time-bound mechanisms; parties remain bound by them unless the court clearly intervenes. Suggesting that Meenakshi could decide at leisure when to act is inconsistent with both statutory certainty and the caution urged in the reference line. Hence, Option (d) is not the correct answer.

4. Correct Answer: (c)

Reference Line: “Once an auction sale has been conducted in accordance with the statute and confirmed by the competent authority, significant rights accrue in favour of the auction purchaser. Courts are reluctant to upset such sales except on limited grounds like fraud or patent illegality, as frequent disturbance of completed auctions would undermine commercial certainty and the credibility of recovery mechanisms.”

Difficulty Level: Difficult

Explanation: Option (a) Incorrect: The principle recognises the importance of commercial certainty and

the credibility of recovery mechanisms once an auction is conducted according to statute and confirmed. While maximising price is desirable, it is not an open-ended licence to revisit every sale years later simply because prices have risen. Overriding the finality of a confirmed sale without specific grounds such as fraud would erode purchaser confidence and destabilise execution processes. Hence, Option (a) is not the correct answer.

Option (b) Incorrect: Omega's hardship and post-sale market appreciation do not fall within the limited grounds identified in the principle, such as fraud or patent illegality. Allowing such factors to reopen confirmed auctions would invite constant relitigation whenever economic conditions shift, precisely the outcome the doctrine of finality seeks to avoid. The statute provided time-bound mechanisms for challenge, and Omega's inaction within those periods further weakens its equity. Hence, Option (b) is not the correct answer.

Option (c) Correct: The reference line makes clear that once a sale is conducted in accordance with the statute and confirmed, significant rights accrue to the auction purchaser and courts are reluctant to disturb such sales except on narrow grounds. Here, Y's purchase has been confirmed and possession delivered, with no allegations of fraud, mistake or patent illegality. In such circumstances, preserving finality and the integrity of the revenue recovery system is the legally sound course, and the sale should ordinarily remain intact. Hence, Option (c) is the correct answer.

Option (d) Incorrect: Automatically reopening sales whenever a debtor claims a higher present value would destroy commercial certainty and deter bidders from participating in statutory auctions, knowing that their purchases might be unset years later. This is exactly the mischief the principle warns against when emphasising reluctance to disturb completed sales and the need to protect auction purchasers' accrued rights. The statute offers defined windows for challenge; it does not support perpetual revisiting based on fluctuating valuations. Hence, Option (d) is not the correct answer.

5. Correct Answer: (b)

Reference Lines: "pecial enactments like the Revenue Recovery Act often function as self-contained codes, providing complete mechanisms (including time limits) to challenge actions like auctions. When such mechanisms exist e.g., Sections 37-A and 38 requiring objections or deposit within 30 days courts treat them as mandatory, and failure to comply usually bars later collateral challenges. This preserves certainty and finality in execution and recovery proceedings."

Difficulty Level: Difficult

Explanation:

Option (a) Incorrect: The principle emphasises that special enactments like the Revenue Recovery Act provide complete mechanisms, with defined time limits, to challenge auctions and that failure to comply normally bars later collateral attacks. Simply alleging irregularity does not, by itself, displace the statutory structure or revive expired remedies. Treating any such allegation as sufficient to override Sections 37-A and 38 would hollow out the self-contained code and invite endless writ challenges. Hence, Option (a) is not the correct answer.

Option (b) Correct: The quoted passages describe the Act as a self-contained code with complete, time-bound remedies and also characterise Article 226 as residual and discretionary, not a substitute for statutory processes. Here, the owner used Section 38 but failed on merits, did not utilise or satisfy Section 37-A, and waited many months before approaching the High Court. In such a setting, especially in a regulated recovery context with an auction purchaser already in possession, the High Court is

justified in declining writ interference and respecting the finality created by the special statute. Hence, Option (b) is the correct answer.

Option (c) Incorrect: Directing the Collector to ignore limitation and reconsider the sale would effectively instruct him to act contrary to the self-contained code and its clear time limits, which the principle treats as mandatory for certainty and finality. Article 226 is not meant to re-write statutory schemes in the absence of patent jurisdictional error or fundamental rights violations and cannot be used to casually bypass explicit limitations. Hence, Option (c) is not the correct answer.

Option (d) Incorrect: Setting aside the sale purely on sympathy for the owner disregards both the statutory strictness around time-bound remedies and the rights that accrue to the auction purchaser after a properly conducted and confirmed sale. The principle on finality stresses that courts are reluctant to disturb completed auctions except on limited grounds like fraud or patent illegality, as frequent disturbance would undermine commercial certainty. Monetary compensation is not a sufficient reason to undo a sale in defiance of this framework. Hence, Option (d) is not the correct answer.

13. Misuse of Habeas Corpus Jurisdiction

1. Correct Answer: (c)

Reference Line: “Bail proceedings examine factors such as prima facie case, gravity of offence, flight risk, and likelihood of tampering with evidence, and bail orders are challenged through appeals or revisions provided by criminal procedure. Habeas corpus, by contrast, is not an appellate remedy against bail rejections; it is confined to testing the legality of custody, not re-evaluating whether bail ought to have been granted.”

Difficulty Level: Moderate

Explanation: Option (a) Incorrect: This option improperly treats habeas corpus as a wide constitutional rehearing of all bail considerations, when the principle is clear that bail decisions are reviewed through the statutory appellate and revisional routes. The fact that custody continues after bail refusal does not make it illegal as long as it rests on valid remand orders. Using habeas to “revise” bail would collapse the distinction between statutory and constitutional frameworks.

Option (b) Incorrect: Repeated bail rejections, without more, do not transform lawful judicial custody into unlawful detention or justify recasting bail grievances as a habeas case. The reference line explicitly states that habeas is not an appellate remedy against bail refusals and is confined to legality, not wisdom, of continuing custody. Treating habeas as just another step in a ladder of bail review invites forum-shopping and undermines procedural discipline.

Option (c) Correct: The principle emphasises that bail matters involve assessment of prima facie case, gravity and related factors, and that habeas corpus is not the mechanism for appealing such assessments. Nisha remains in custody under valid remand and reasoned bail orders; there is no allegation that the detaining court lacks jurisdiction or that remand has expired. In this posture, the High Court should decline to entertain habeas corpus, recognising that the proper route is within the statutory bail and appellate framework.

Option (d) Incorrect: The defect is not that overlapping bail applications remain pending, but that habeas is structurally unsuited to act as a further appeal against properly decided bail orders. Requiring withdrawal of earlier bail petitions does not cure the misuse of habeas corpus; it merely disguises an attempt to secure bail via a different label. The principle insists on keeping habeas separate from the bail review hierarchy, irrespective of the status of those applications.

2. Correct Answer: (b)

Reference Line: “The writ of habeas corpus is primarily meant to challenge illegal or unauthorised detention, for example where there is no FIR, no remand order, or the detaining authority lacks jurisdiction. When an accused is in custody pursuant to a valid judicial order of remand by a competent court, the detention is prima facie lawful, and habeas corpus is generally not maintainable to question the merits of the criminal case.”

Difficulty Level: Moderate

Option (a) Incorrect: This option converts habeas corpus into a vehicle for revisiting the merits of the prosecution, which the principle expressly cautions against. Once custody flows from a valid remand by a competent criminal court, the writ is not meant to operate as a parallel trial or to reassess evidence and witness credibility; those issues belong to the criminal court and the bail hierarchy. Using habeas in this manner would distort its limited function of testing legality of detention.

Option (b) Correct: The reference line makes it clear that when a person is in custody under valid remand orders, the detention is prima facie lawful and habeas corpus is generally not maintainable to challenge the merits. Arjun has been remanded throughout under CrPC, a chargesheet has been filed, and his bail has been refused in regular proceedings. His appropriate course is to pursue bail or appeal, not to repackage those grievances as a habeas petition. Declining to entertain the writ is therefore consistent with the scope of habeas corpus.

Option (c) Incorrect: Simply reaching the chargesheet stage does not expand habeas jurisdiction to examine fairness or strength of the prosecution; the principle still confines habeas to checking whether custody is unauthorised or without jurisdiction. Treating filing of chargesheet as a trigger for wider habeas review would blur the distinction between constitutional and ordinary criminal remedies and invite litigants to bypass the CrPC structure. That approach departs from the indicated limits on habeas in criminal cases.

Option (d) Incorrect: This option is right that Arjun should use regular bail remedies rather than habeas corpus, but it suggests a more general redirection without anchored reasoning in the existence of valid remand orders. The principle emphasises that the key factor making habeas inappropriate here is that custody stems from lawful judicial remand, not that bail remedies exist in the abstract. The more precise and principled articulation of why the writ should be declined is captured better in Option (b).

3. Correct Answer: (a)

Reference Line: “Detention becomes unlawful when it is not backed by any statutory power, when remand orders are non-existent or patently void, or when custody continues beyond the authorised period without renewal. Where there are valid remand orders and chargesheets, and the accused remains in custody under those orders, courts treat such detention as lawful judicial custody, even if bail applications have been repeatedly dismissed.”

Difficulty Level: Moderate

Option (a) Correct: The principle states that custody becomes unlawful when it continues beyond the authorised period without renewal of remand. Rahim’s 10 day detention without any fresh order falls squarely within this situation, even though there is an FIR and later remand. Habeas corpus is precisely the tool for testing whether custody at any given period is backed by statutory authority, so the High Court should entertain the petition to examine that gap and, if necessary, declare it unlawful and fashion appropriate relief.

Option (b) Incorrect: While habeas can be used to challenge custody that lacks contemporaneous authorisation, the principle does not say that any temporary gap automatically voids all future remand orders or requires permanent release regardless of subsequent legality. Once proper remand is restored, future custody can be lawful even if an earlier phase is found irregular. Treating one defect as fatal forever goes beyond what the reference line indicates about how courts distinguish between unlawful and lawful segments of detention.

Option (c) Incorrect: The existence of an FIR and ongoing investigation does not itself confer legality on custody; the principle is explicit that detention becomes unlawful when remand orders are non-existent or custody exceeds authorised duration without renewal. To claim that any custody after FIR is “automatically lawful” ignores this requirement of continuous statutory backing. Habeas corpus remains available to question detention where authorisation has lapsed, even in serious cases.

Option (d) Incorrect: The passage describes continued custody beyond authorised remand as a paradigm of unlawful detention, not merely a trivial irregularity reserved for trial. Saying that such gaps cannot be examined in habeas contradicts the core function of the writ as a check on detention without authority of law. Issues of this type are exactly the sort of jurisdictional or legality questions for which habeas corpus is intended, rather than matters to be deferred to eventual trial.

4. Correct Answer: (d)

Reference Line: “Although High Courts have wide powers under Article 226 to issue writs “for any other purpose,” this power is discretionary and not intended to bypass specialised statutory remedies. In criminal matters, the High Court is expected to respect the structure of the Code of Criminal Procedure, using writ jurisdiction sparingly and not as a parallel route to grant relief that properly belongs to the bail or appellate framework.”

Difficulty Level: Difficult

Option (a) Incorrect: Using habeas corpus as a generic constitutional bail mechanism ignores the careful division between writ jurisdiction and the detailed bail provisions of the CrPC. The principle stresses that Article 226 is not meant to supplant specialised statutory remedies, especially in criminal matters. Treating habeas as a flexible substitute would erode procedural discipline and invite litigants to bypass the bail hierarchy whenever they are dissatisfied with lower court orders.

Option (b) Incorrect: Although Article 226 empowers High Courts to issue writs “for any other purpose,” the reference line clarifies that this breadth is tempered by discretion and respect for statutory frameworks. Invoking that phrase to justify a fresh bail reconsideration through habeas corpus overlooks the expectation that criminal processes, including bail, follow the CrPC structure. The constitutional phrase cannot be read as a licence to create a parallel bail system outside established procedures.

Option (c) Incorrect: While the High Court is right to resist the misuse of habeas corpus, flatly refusing even to consider a properly framed bail application would go beyond the principle, which emphasises respecting the statutory structure, not shutting its doors altogether. Vikrant should be guided to the correct remedy within the CrPC, namely a regular bail petition, rather than being denied all access because he initially chose the wrong route. The defect lies in the use of habeas, not in the idea of seeking bail itself.

Option (d) Correct: The reference line explicitly states that Article 226 is not intended to bypass specialised statutory remedies and that in criminal matters the High Court should not use writ

jurisdiction as a parallel bail route. Vikrant's custody stems from valid remand and his grievance relates to denial of bail, which must be pursued through the CrPC hierarchy. Declining to entertain habeas corpus while directing him to follow proper bail procedures reflects both respect for statutory structure and appropriate use of discretionary writ power.

5. Correct Answer: (b)

Reference Line: "The decision reinforces that procedural discipline is integral to criminal justice: accused persons must follow the established bail hierarchy trial court, High Court, and then Supreme Court rather than seeking innovative shortcuts through writs. This maintains consistency, prevents forum-shopping, and protects the integrity of the criminal process while still leaving room for constitutional courts to intervene where custody is truly arbitrary or without authority of law."

Difficulty Level: Difficult

Option (a) Incorrect: Although prolonged custody can be a relevant factor in bail decisions, the principle warns that accused persons must follow the bail hierarchy instead of searching for innovative shortcuts in writ jurisdiction. Here, Meera has already exhausted multiple bail levels, including the Supreme Court, and her custody flows from valid remand orders. Allowing habeas corpus in the same High Court on identical grounds would exactly constitute the kind of forum-shopping and procedural indiscipline that the principle seeks to avoid.

Option (b) Correct: The reference line emphasises that procedural discipline and respect for the established bail hierarchy preserve consistency and prevent misuse of writ jurisdiction. Meera has used the entire bail chain trial court, Sessions Court, High Court, and Supreme Court and remains in custody under lawful orders. In this context, a habeas petition raising the same grounds is not about arbitrary or unauthorised detention but about relitigating bail. Declining to entertain it, with a clear message against forum-shopping, aligns fully with the articulated rationale.

Option (c) Incorrect: Treating habeas corpus as a "final safety valve" for re-examining material already considered throughout the bail hierarchy undermines the integrity of that process. The principle acknowledges a residual constitutional role for truly arbitrary or unauthorised custody, but Meera's case involves neither; rather, it involves dissatisfaction with repeated adverse bail orders. Expanding habeas to cover such situations would subvert procedural discipline instead of reinforcing it.

Option (d) Incorrect: The problem is not Meera's potential future use of statutory remedies; it is her present attempt to use habeas corpus as a parallel review mechanism for bail already considered through the full hierarchy. Conditioning refusal on her giving up future bail rights misconceives the purpose of both bail and habeas frameworks. The principle counsels denial of habeas where custody is lawful and the proper channels have been followed, regardless of whether the accused might apply for bail again if circumstances materially change.



NISHANT PRAKASH LAW CLASSES



A1/5, Lower Ground Floor,
Safdarjung Enclave,
New Delhi, Delhi 110029



(011) 42420442
(+91) 8800802630



www.nplc.in



info@nplc.in



[@nishantprakashlawclass](https://www.instagram.com/nishantprakashlawclass)