

Weekly Legal Current Affairs

3–9 August 2026

This week at a glance

- Can a live-in partner be prosecuted under Section 498A IPC? The Court reads 'husband' to reach relationships in the nature of marriage.
- An officer without authority accepts a resignation; later BOM ratification relates back, and the employee's own conduct bars any withdrawal.
- Buyer paid only part of the price on two 1975 sale deeds; can the sellers get the sales cancelled, or only recover the balance?
- Land sits in a Scheduled Area but both sides are non-tribals; can a Civil Court still hear their partition suit? Yes, says the Court.

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Judgments of the week

1. Dr. Lokesh B.H. v. State of Karnataka Criminal Law

2026 INSC 784 · Sanjay Karol, J. and Nongmeikapam Kotiswar Singh, J. · 03 August 2026

Facts. Dr. Lokesh B.H. sought to quash two sets of proceedings under Section 498A IPC and allied offences, contending that he and respondent no.2 were never validly married. The High Court refused, holding that 'husband' in Section 498A extends to void, voidable and live-in relationships bearing the attributes of marriage. He appealed to the Supreme Court.

Issue. Whether a man in a live-in relationship can be prosecuted under Section 498A IPC, given that the provision uses the word 'husband', and whether that word admits a purposive rather than strictly literal construction.

Held. Applying the mischief rule and purposive interpretation, the Court held that strict construction of a penal statute does not require literalism that defeats legislative intent, and that a woman in a relationship in the nature of marriage is protected under Section 498A by reading 'husband' purposively. Protection is limited to relationships in the nature of marriage between two consenting adults where the intent to marry is established, the burden of proving that intent lying on the female partner; the extended interpretation applies to Section 498A alone. The safeguards in Arnes Kumar against automatic arrest shall be strictly applied. On the facts, the allegations of dowry harassment and injury prima facie disclosed an offence, so the proceedings were not quashed and the appeals were disposed of.

Why it matters. Read alongside *D. Velusamy v. D. Patchaiammal* and *Indra Sarma v. VKV Sarma* on when a live-in relationship is 'in the nature of marriage'.

Provisions: Indian Penal Code 1860, s.498A; Indian Penal Code 1860, s.304B; Code of Criminal Procedure 1973, s.482; Code of Criminal Procedure 1973, s.125; Protection of Women from Domestic Violence Act 2005; Bharatiya Nyaya Sanhita 2023, s.85

2. Delhi Technological University v. B.S. Rawat Service / Admin

2026 INSC 797 · Pamidighantam Sri Narasimha, Alok Aradhe (author) · 04 August 2026

Facts. Rawat resigned from DTU, sought waiver of notice, and was relieved on 31.05.2016 by a Vice-Chancellor holding only additional charge; he collected his no-dues, last-pay and experience certificates and joined NITC. Four months later he sought to withdraw the resignation, claiming the BOM, the competent authority under Section 23(2)(ix) of the 2009 Act, had never accepted it; the BOM then ratified the acceptance on 26.09.2016. A parallel NITC resignation, accepted on 22.11.2018, was similarly challenged.

Issue. Whether acceptance of a resignation by an officer lacking authority is validated by subsequent ratification of the competent authority, and whether an employee who acted on his own resignation can later withdraw it.

Held. Though Professor Yogesh Singh, holding only additional charge, was not the competent authority under Section 23(2)(ix), the BOM's ratification at its 20th meeting related back to 25.05.2016, so no resignation survived for withdrawal on 22.09.2016. Independently, the resignation stood consummated by the respondent's own conduct, invoking the House of Lords decision in *Reichel v. Bishop of Oxford* (1889) 14 AC 259 noted in *Gopal Chandra Misra*; having taken the settlement and used the DTU experience certificate to secure NITC employment, he could not approbate and reprobate. On the Kerala appeal, the proviso to Statute 30 of the NIT First Statutes, 2009 made the resignation effective on acceptance (22.11.2018) irrespective of communication or notice period, and the discretionary refusal of withdrawal under the OM dated 11.02.1988 was upheld. Civil Appeal No. 9308 of 2024 allowed; Civil Appeal No. 9309 of 2024 and S.L.P. (C) Nos. 625-626 of 2021 dismissed.

Why it matters. Ratification cures a defect of authority but not an inherently void act; pair this with *Gopal Chandra Misra* on withdrawal of resignation.

Provisions: Delhi Technological University Act 2009, s.23(2)(ix); Delhi Technological University Act 2009, s.53; NIT First Statutes 2009, Statute 30; Constitution of India, art.226

3. Raziya Begum & Ors. v. Nafisa Begum Abdul Hamid & Ors. Property / TPA

2026 INSC 814 · J. B. Pardiwala & K. Vinod Chandran, JJ. (Judgment by K. Vinod Chandran, J.) · 07 August 2026

Facts. The plaintiffs executed two registered sale deeds dated 10.03.1975 for Rs.7,000 each, receiving Rs.2,500 and letting the defendant retain Rs.4,500 each to clear their institutional dues. When the defendant failed to pay off the dues, the plaintiffs sued to have the deeds declared void and to be declared absolute owners, rather than suing to recover the balance consideration.

Issue. Whether registered sale deeds executed on part payment of price, where the buyer promised but failed to pay the balance and clear the sellers' dues, are void and liable to cancellation, or whether the sellers' only remedy is recovery of the balance sale consideration.

Held. Applying Section 54 of the Transfer of Property Act, 1882, and following *Vidhyadhar v. Manikrao & Anr.* (1999) 3 SCC 573 and *Dahiben v. Arvindbhai Kalyanji Bhanusali (Gajra)* (2020) 7 SCC 366, the Court held that actual payment of the entire price at execution is not a sine qua non for completion of a registered sale, so title passed despite only part of the Rs.7,000 being paid. The sale deed contained no condition that failure to pay the balance would cancel it, and the later agreements merely reaffirmed the obligation to pay Rs.4,500 each. The plaintiffs' remedy was to sue for recovery of the balance sale consideration, not to seek a declaration that the deeds were void, especially as the suit filed in 1984 over agreements of 1975-1976 also raised a limitation problem. The Court allowed the appeal, reversed the High Court, and restored the Trial Court decree as affirmed by the First Appellate Court.

Why it matters. Non-payment of price is a recovery claim, not a ground to cancel a completed sale unless the deed itself makes payment a condition; recall *Vidhyadhar v. Manikrao*.

Provisions: Transfer of Property Act 1882, s.54; Code of Civil Procedure 1908, s.100; Code of Criminal Procedure 1973, s.145

4. Mukkera Venkata Ratnam v. Vantasala China Venkateswarlu Civil / CPC

2026 INSC 810 · Sanjay Karol J. and Nongmeikapam Kotiswar Singh J. · 06 August 2026

Facts. Grandsons of Mukkera Muthaiah sued for partition of ancestral land situated in a Scheduled Area of former Andhra Pradesh, now Telangana. All parties were non-tribals. The High Court, relying on *Nagarjuna Gramin Bank v. Medi Narayana*, set aside the first appellate decree and held the Civil Court lacked jurisdiction because the Andhra Pradesh Civil Courts Act 1972 was, by the 30 October 1972 notification, excluded from Scheduled Areas.

Issue. Whether *Nagarjuna Gramin Bank v. Medi Narayana* laid down a binding precedent, and whether a Civil Court has jurisdiction over a partition suit between exclusively non-tribal parties merely because the land lies within a Scheduled Area.

Held. The Court held that *Nagarjuna* supra did not decide any proposition of law but was mere judicial deference to the executive decision of a high-powered State committee, and so is not a binding precedent, testing it against the ratio decidendi principles in *Abdul Kayoom v. CIT*, *State of Gujarat v. Utility Users' Welfare Assn.* (the Wambaugh Inversion Test) and *Career Institute Educational Society*. Tracing the constitutional history of tribal protection through the Scheduled Districts Act 1874, the Fifth Schedule and Article 244(1), it reasoned that Scheduled Area status

protects Scheduled Tribes, not every person or transaction within the geography. Since both parties are non-tribals, subjecting them to the agency-court regime bears no rational nexus to that object and would violate Article 14, applying *State of Madras v. V.G. Row* and *Chitra Ghosh v. Union of India*. The Civil Court's jurisdiction stands restored for civil transactions involving exclusively non-tribal parties (prospectively and to pending cases), the impugned judgment is set aside, and the second appeal is restored to the High Court for decision on merits.

Why it matters. Watch the ratio-versus-obiter line: a decision resting on executive deference rather than legal analysis binds no one, as the *Inversion Test in Utility Users' Welfare Assn.* shows.

Provisions: Andhra Pradesh Civil Courts Act 1972, s.3; Code of Civil Procedure 1908, s.9; Constitution of India 1950, art.14; Constitution of India 1950, art.244(1); Constitution of India 1950, Fifth Schedule; Scheduled Districts Act 1874, s.6; Agency Tracts Interest and Land Transfer Act 1917, s.4

In brief — also on the docket this week

5 K. Bharathamma v. Bandaru Sakku Bai Civil / CPC

2026 INSC 795 · S.V.N. Bhatti, J. & N.V. Anjaria, J. · 04 August 2026

Issue. Whether Order XVIII Rule 17, CPC can be invoked to let a party reopen closed evidence and recall a witness to fill gaps, on the reasoning that no prejudice would be caused to the other side, and whether it permits a direction for cross-examination.

Held. Order XVIII Rule 17, CPC is a power-cum-discretion vested in the court to clarify doubts on evidence already led, to be used sparingly and not to fill omissions, gaps or lacunae, following *Vadiraj Nagappa Vernekar v. Sharadchandra Prabhakar Gogate* (2009) 4 SCC 410, *K.K. Velusamy v. N. Palanisamy* (2011) 11 SCC 275, *Bagai Construction v. Gupta Building Material Store* (2013) 14 SCC 1 and *Ram Rati v. Mange Ram* (2016) 11 SCC 296. Read with Section 165 of the Evidence Act, 1872, the power to recall and re-examine is exclusively the court's, and the 'no prejudice' theory cannot justify invoking it. Relying on *Balkrishna Shivappa Shetty v. Mahesh Nenshi Bhakta* AIR 2003 Bom 293, the Court held the direction to complete cross-examination of PW-1 was beyond the scope of the Rule. The plaintiffs' applications were a delaying tactic to cure lacunae, so the High Court's common order dated 15.09.2023 was set aside and the appeals allowed.

6 Nirmala Bai Devidas Chavhan v. State of Maharashtra & Ors. Criminal Law

2026 INSC 787 · Sanjay Karol & Augustine George Masih, JJ. · 03 August 2026

Issue. Whether the High Court's acquittal was a reasonable and possible view on the record such that it did not warrant interference under Article 136, given the identical ocular testimony, its conflict with the medical evidence, and the unexplained injuries on the accused.

Held. The Court held that these were appeals against a reversal, not concurrent findings, so the test was whether the High Court's acquittal was a reasonable and possible view, not whether a different view was open. An identical, stereotyped account of the roles of 23 persons by six related witnesses bore the imprint of tutoring rather than truthful recollection, and an injured witness, though reliable as to the assault on himself, does not thereby become a reliable inventory of each assailant's precise part. The postmortem's single 2 x 4 cm laceration was irreconcilable with four accused beating the deceased continuously on the head with iron pipes, the prosecution's own doctor PW-21 having deposed the head might then have been crushed; coupled with unexplained injuries on the accused, withheld independent witnesses, and unexplained delay in recording statements, the acquittal was neither perverse nor manifestly illegal, following *Babu Sahebogouda Rudragoudar v. State of Karnataka*, *Sanjay Kumar v. State of Bihar*, *Lakshmi Singh v. State of Bihar* and *Parshuram v. State of Madhya Pradesh*.

7 Kuntegowda v. Thurubaiah Criminal Law

2026 INSC 790 · B.V. Nagarathna, J. & Ujjal Bhuyan, J. · 04 August 2026

Issue. Whether the accused rebutted the Sections 118 and 139 presumptions, and whether the High Court could reverse concurrent findings of conviction while exercising revisional jurisdiction.

Held. Since the accused admitted his signature on the cheque, the statutory presumptions under Sections 118 and 139 of the NI Act were rightly invoked, and his defence of a misused blank cheque rested on a legal notice dated 16.09.2014 sent after the complaint was filed on 06.05.2013, which the Court treated as ex post facto creation of evidence. The complainant's financial capacity stood corroborated by PW-2 and PW-3 who advanced him credit, and the initial burden to plead the lender's incapacity in reply to the demand notice lay on the accused. Relying on *Kumar Exports v. Sharma Carpets*, (2009) 2 SCC 513, *State of Kerala v. Puttumana Illath Jathavedan Namboodiri*, (1999) 2 SCC 452 and *Sanjabij Tari v. Kishore S. Borcar*, 2025 INSC 1158, the Court held that under Section 397 CrPC (now Section 438 BNSS) the High Court cannot reappreciate evidence to disturb concurrent findings absent perversity; the appeal was allowed and the convictions restored.

8 SPO/Constable IRB Satpal Singh v. State of Punjab Service / Admin

2026 INSC 798 · Dipankar Datta, J. & Sheel Nagu, J. · 04 August 2026

Issue. Whether Section 12 of the Probation of Offenders Act, 1958 bars termination of a convict-employee released on probation, and whether discharge of a police servant solely on the ground of a pending criminal case is legal.

Held. Following *Southern Railway v. T.R. Chellapan*, *Union of India v. Bakshi Ram* and *Sushil Kumar Singhal v. Punjab National Bank*, the Court held that release on probation does not obliterate the conviction and the word "law" in Section 12 of the 1958 Act cannot take within its sweep the Constitution itself, so Article 311 permits dismissal on conviction. *Jaswant Singh v. State of Punjab*, which the sessions judge relied on, was held to not lay down correct law. Reinstatement could not be granted by a civil court under Section 14 of the Specific Relief Act, 1963, and the discharge order of 14 January 2003 was never challenged. Invoking Article 142, the Court directed the respondents to pay Rs.5,00,000 compensation within three months for the wrongful discharge.

9 **Gayatree Pattnaik for Shreejita Pattnaik v. Arundhati Sahoo & Anr.** General

2026 INSC 785 · Ujjal Bhuyan, J. and N.V. Anjaria, J. · 03 August 2026

Issue. Whether the compensation, even as enhanced by the High Court, met the standard of 'just compensation' under the Motor Vehicles Act, 1988, and whether the child's tender age and catastrophic disability warranted further enhancement.

Held. The Court restored the multiplier of 18 under the Second Schedule to the MV Act, holding the High Court erred in applying 15, and treated the 90% physical disability as 100% functional disability since the child's earning capacity was extinguished. Following *Kajal v. Jagdish Chand*, *Baby Sakshi Greola* and *Hitesh Nagjibhai Patel*, it adopted skilled-worker minimum wage (Rs. 192.50/day as on the accident date) as notional income and applied the multiplier method to attendant charges. Total compensation was enhanced from Rs. 45,40,800 to Rs. 83,38,360, with interest raised from 6% to 9% per annum from the date of the claim petition.

10 **Amravati Municipal Corporation v. Ganesh Dadarao Anasane** General

2026 INSC 796 · Pamidighantam Sri Narasimha & Alok Aradhe · 04 August 2026

Issue. What principles should guide the determination, imposition and collection of environmental compensation, and how far should constitutional courts go in institutionalising the regulatory bodies created by the Rules?

Held. Reviewing *M.C. Mehta v. Union of India* (1987) 1 SCC 395, *Vellore Citizens' Welfare Forum v. Union of India* (1996) 5 SCC 647, *M.C. Mehta v. Kamal Nath* (2000) 6 SCC 213, *Sterlite Industries (India) Ltd. v. Union of India* (2013) 4 SCC 575 and *Rhythm County v. Satish Sanjay Hegde* 2026 INSC 102, the Court distilled eight principles: compensation is restitutionary and paid over and above penalty, runs until the damage is reversed, must value both tangible and intangible harm, arises even where harm is only imminent, must weigh the polluter's financial capacity, must bear a rational nexus and be proportionate to the pollution, and every court or tribunal must record reasons and the valuation standard used. It directed MoEFCC to use these principles and existing rules, including the CPCB guidelines under the Plastic Waste and Hazardous Waste Rules and the Environment Protection (Manner of Holding Inquiry and Imposition of Penalty) Rules, 2024, to frame guidelines under Rule 17(2). MoEFCC must file an affidavit reporting progress, with the matter listed on 29.09.2026.

11 **National Insurance Co. Ltd. v. Smt. Thungala Dhana Laxmi** General

2026 INSC 793 · Prashant Kumar Mishra, Sanjay Karol · 04 August 2026

Issue. Whether an insurer under a comprehensive policy is liable to compensate the owner travelling as an occupant absent a separate premium, and what directions are needed to enforce Section 146 and to structure motor-vehicle policies covering all occupants.

Held. Relying on the IRDA circular dated 16.11.2009, the Court held that insurers are liable to compensate any occupant under a comprehensive or package policy, found no reason to disagree with the High Court, and dismissed the appeal to that extent. Invoking Article 142, it issued directions to be enforced through the MoRTH and IRDA, including integration of ANPR cameras with Insurance Information Bureau and VAHAN data for automatic e-challans, a four-layer private-vehicle policy structure with a mandatory customer option form, and enhancement of the *S. Rajasekaran v. Union of India* (2018) 8 SCC 447 mandate to four years' third-party cover for new cars and six years for new two-wheelers. It relied on *Surekha v. Santosh* (2021) 16 SCC 467 for the rule against a hyper-technical approach and directed stakeholders to file compliance responses.

12 **Suraj Bhan v. Ashvarya Estate Pvt. Ltd.** Property / TPA

2026 INSC 786 · Sanjay Kumar, J & K. Vinod Chandran, J. · 03 August 2026

Issue. Whether land recorded as *shamilat deh*, in the joint possession of proprietors as *makbujā malkan* and never partitioned, vests in the gram panchayat under the Act of 1961, or is excluded as privately owned *patti* land.

Held. The Court held the disputed extent was *shamilat deh*, not *shamilat patti*, since the *Sharat-wajib-ul-arz* and *Jamabandis* recorded it as *shamilat deh* with the cultivation column reading *makbujā malkan*, which reflects joint possession of the whole proprietary body. Until a partition of *shamilat deh* occurs, a proprietor has no identifiable share and cannot assert individual cultivating possession, so the exclusion under Section 2(g) is unavailable; the claimants proved no partition before 26 January 1950. The land therefore attracted Section 2(g)(1) and vested in Gram Panchayat, Wazirabad, without any need to prove common user. The common judgment dated 24.08.2007 of the Punjab and Haryana High Court was set aside and the mutation of 13.09.1955 confirmed, enuring to its successor, the Municipal Corporation, Gurugram.

Statutes, appointments & policy

NEW LAWS, AMENDMENTS & KEY BILLS

- **The Supreme Court (Number of Judges) Amendment Bill, 2026 passed by both Houses.** Parliament cleared the Bill amending the Supreme Court (Number of Judges) Act, 1956 to raise the sanctioned strength of puisne judges from 33 to 37 (excluding the Chief Justice of India), taking the full Supreme Court from 34 to 38. Moved by Law Minister Arjun Ram Meghwal, it was passed with little debate amid Opposition protests, and the government cited mounting pendency (over 75,000 fresh matters instituted last year). The Lok Sabha passed it on 3 August 2026 and the Rajya Sabha on 5 August 2026. — [3 August 2026 \(Lok Sabha\)](#); [5 August 2026 \(Rajya Sabha\)](#) · [prsindia.org](#)

APPOINTMENTS & INSTITUTIONS

- **Chief Justices of four High Courts (SC Collegium recommendation):** Justice V. Kameswar Rao (Delhi HC) to Patna HC; Justice Ravindra V. Ghuge (Bombay HC) to Calcutta HC; Justice Mahesh Chandra Tripathi (Allahabad HC) to Bombay HC; Justice Ashwani Kumar Mishra to Punjab & Haryana HC — The Supreme Court Collegium headed by CJI Surya Kant recommended the elevation of four senior High Court judges as Chief Justices of the Patna, Calcutta, Bombay and Punjab & Haryana High Courts. In a connected resolution the same day it also proposed transferring two Orissa High Court judges, Justice Manash Ranjan Pathak to the Gujarat HC and Justice Krushna Ram Mohapatra to the Chhattisgarh HC. — [6 August 2026 · seconline.com](#)

Clear Concepts — textbook revision of two core concepts**Cruelty to a Married Woman: s.498A IPC / s.85-86 BNS****Criminal Law (IPC / BNS)**

s.498A IPC = s.85 BNS 2023 (s.86 defines cruelty); s.304B IPC = s.80 BNS

Section 498A IPC (now s.85 BNS) punishes a husband or his relative who subjects a married woman to cruelty, with up to three years and fine. "Cruelty" (the Explanation, carried into s.86 BNS) has two limbs: wilful conduct likely to drive her to suicide or grave injury, and harassment to coerce an unlawful demand for property. This week's *Dr. Lokesh B.H. v State of Karnataka* revives the old question of who counts as a "husband".

Cruelty & who is liable.

- Limb (a): any wilful conduct likely to drive the woman to suicide or to cause grave injury or danger to life, limb or health, whether mental or physical.
- Limb (b): harassment to coerce her or her family to meet an unlawful dowry-type demand. A mere demand, without such coercive harassment, is not cruelty (*Amar Singh*, 2010).
- Cruelty need not be physical; sustained mental torture, false attacks on chastity, or flaunting a concubine at home all qualify.
- "Relative of the husband" covers only those related by blood, marriage or adoption; a girlfriend or concubine is outside it (*U. Suvetha*, 2009).

Dowry death & the presumptions.

- s.304B / s.80 BNS: unnatural death within 7 years of marriage, preceded by dowry cruelty "soon before death", is deemed dowry death; 7 years to life.
- s.498A and s.304B are distinct offences on a common core of cruelty; one acquitted under 304B may still be convicted under 498A without a separate charge.
- s.113B Evidence Act: once dowry cruelty soon before death is shown, the court shall presume dowry death, a rebuttable reverse burden on the accused.
- s.113A: presumption of abetment of suicide where a wife kills herself within 7 years and cruelty is proved.

Guarding against misuse.

- The provision is valid; a possibility of abuse strikes at the "action", not the "section" (*Sushil Kumar Sharma*, 2005).
- No mechanical arrest: in this 3-year offence the officer must record reasons under s.41 / 41A CrPC (now BNSS s.35) before arresting (*Arnesh Kumar*, 2014).
- *Rajesh Sharma* (2017) set up Family Welfare Committees to screen complaints before arrest.
- *Social Action Forum for Manav Adhikar* (2018) struck those Committees down as beyond the Code, keeping only the *Arnesh Kumar* / s.41A safeguards.

Leading cases.

- *Reema Agarwal v Anupam* (2004) - "husband" is read purposively to reach a man who feigns the marital role, so even a void or second marriage is no escape from s.498A/304B.
- *U. Suvetha v State* (2009) - a girlfriend or concubine is not a "relative of the husband"; the status must flow from blood, marriage or adoption.
- *Sushil Kumar Sharma v Union of India* (2005) - s.498A is constitutional; misuse in a given case is met by scrutinising the action, not by voiding the section.
- *Arnesh Kumar v State of Bihar* (2014) - police cannot arrest automatically; they must satisfy the s.41/41A CrPC checklist and record reasons.
- *Social Action Forum for Manav Adhikar v UOI* (2018) - quashed the Family Welfare Committee directions as impermissible, retaining the arrest safeguards of *Arnesh Kumar*.

Exam tip. Remember the BNS map: s.85 is the offence, s.86 defines cruelty, s.80 is dowry death; "husband" is construed by function, so feigned or void marriages are still caught.

Cheque Dishonour: s.138 Offence & the s.118(a)/139 Presumptions

Negotiable Instruments Act

Ss. 138, 139, 118(a), 142, Negotiable Instruments Act 1881

Section 138 makes it a criminal offence to issue a cheque for a legally enforceable debt that is then dishonoured for want of funds, provided the payee follows the notice-and-limitation drill in ss.138 & 142. Once the drawer admits the signature, ss.118(a) & 139 presume the cheque was drawn for consideration to discharge that debt, shifting the burden to the accused to rebut it on a preponderance of probabilities.

Ingredients of the s.138 offence.

- Cheque drawn on the drawer's own account to discharge, wholly or in part, a legally enforceable debt or liability (Explanation to s.138).
- Cheque presented within its validity period and returned unpaid for insufficiency of funds or because it exceeds the arrangement.
- Payee makes a written demand by notice within 30 days of learning of the dishonour from the bank.
- Drawer fails to pay within 15 days of receiving the notice; only then is the offence complete and the cause of action arises.

Cognizance, complaint & limitation (s.142).

- Only the payee or holder in due course may file a written complaint; no court takes cognizance otherwise.
- Complaint must reach a magistrate not below First Class within one month of the cause of action arising.
- Court may condone delay if the complainant shows sufficient cause (2002 amendment).
- One dishonour is one offence, but a fresh presentation with fresh notice creates a fresh cause of action (MSR Leathers).

The ss.118(a)/139 presumptions & rebuttal.

- s.118(a) presumes every instrument was drawn for consideration; s.139 presumes the holder received the cheque to discharge a debt.
- These are reverse-onus clauses: once execution or the signature is admitted, the presumptions operate against the drawer (Rangappa).
- The presumption extends to the existence of a legally enforceable debt, not merely to passing of consideration.
- Accused rebuts on a preponderance of probabilities by raising a probable defence, and may rely on the complainant's own material.

Leading cases.

- Rangappa v. Sri Mohan (2010) - s.139 is a reverse-onus clause; the presumption covers the existence of a legally enforceable debt, and the accused rebuts only on a preponderance of probabilities.
- MSR Leathers v. S. Palaniappan (2012) - prosecution on a second or successive dishonour is maintainable though no complaint was filed on the first; overrules Sadanandan Bhadrar.
- Goaplast (P) Ltd. v. Chico Ursula D'Souza (2003) - s.138 is attracted even where a post-dated cheque is dishonoured on the drawer's stop-payment instructions.
- Kuntegowda v. Thurubaiah (2026) - once the accused admits the cheque signature the ss.118/139 presumptions bind him, and a revisional court cannot reappreciate evidence absent perversity.

Exam tip. The burden on the accused is a preponderance of probabilities, not proof beyond reasonable doubt; a bare denial after admitting the signature will not rebut ss.118(a)/139.

Revision capsule — one-line recap of every ruling

- **Dr. Lokesh B.H.:** Section 498A IPC applies to live-in relationships that qualify as relationships in the nature of marriage where an intent to marry is established; the word 'husband' is given a purposive construction; the extended reading is confined to Section 498A and the Arnesh Kumar arrest safeguards apply strictly.
- **K. Bharathamma:** Order XVIII Rule 17, CPC is a discretionary power of the court to clarify its own doubts, not a tool for a party to fill gaps or reopen closed evidence; absence of prejudice is no ground to invoke it, and the provision does not permit recall for cross-examination.
- **Nirmala Bai Devidas Chavhan:** The High Court's acquittal is a reasonable and possible view resting on the medical improbability of the fatal assault as deposed and the unsafe stereotyped identification of a large assembly under Section 149 IPC; Article 136 interference is declined.
- **Delhi Technological University:** BOM ratification of an unauthorised acceptance relates back to the original date under omnis rati habitio retrotrahitur; and, independently, the respondent having consummated the exit by his own conduct is barred by approbation and reprobation from withdrawing it.
- **Kuntegowda:** Once the cheque signature is admitted, Sections 118 and 139 presumptions arise and the accused's afterthought defence failed to rebut them; a revisional court cannot reappreciate evidence to upset concurrent convictions absent perversity.
- **Raziya Begum & Ors.:** A registered sale on part payment of price passes title under Section 54 of the Transfer of Property Act, 1882; non-payment of the promised balance gives the seller a remedy to recover that amount, not to cancel the sale deed.

- **Mukker Venkata Ratnam:** A Civil Court retains jurisdiction over a succession or partition dispute between exclusively non-tribal parties even where the land falls in a Scheduled Area; the exclusion of the 1972 Act protects tribals, not land, and applying it to non-tribals lacks rational nexus and offends Article 14.
- **SPO/Constable IRB Satpal Singh:** Discharge from police service solely on pendency of a criminal case, without notice or hearing, is illegal and arbitrary; Section 12 of the 1958 Act does not immunise a convict-employee against removal, since it cannot override Article 311 of the Constitution to which it owes its origin.
- **Gayatree Pattnaik for Shreejita Pattnaik:** Where an infant suffers catastrophic permanent disability, functional disability is total (100%) though physical disability is certified at 90%; multiplier 18 applies, notional income is skilled-worker minimum wage, and attendant charges follow the multiplier method.
- **Amravati Municipal Corporation:** Environmental compensation is restitutionary and additional to any fine; it must be reasoned, proportionate, cover tangible and intangible harm, and continue until the damage is reversed — the Court laying down eight principles and directing MoEFCC to frame guidelines under Rule 17(2).
- **National Insurance Co. Ltd.:** Under a comprehensive or package policy the insurer covers any occupant including the owner-passenger; no separate premium is required and a hyper-technical approach to motor-accident claims is impermissible.
- **Suraj Bhan:** Land recorded as shamlat deh vests in the gram panchayat under Section 2(g)(1) of the Act of 1961; proprietors in joint possession as makbujia malkan cannot claim exclusion absent a partition and individual cultivating possession before 26 January 1950.

Prelims Q&A — real past questions, with old→new code mapping

Q1. Which section of the IPC provides for punishment for subjecting a woman to cruelty?

- A. Section 498
- B. Section 498 A
- C. Section 498 B
- D. Section 375

Ans: B. Cruelty to a married woman by her husband or his relative is punishable under Section 498A IPC (up to 3 years and fine). Old: s.498A IPC → New: s.85 BNS, 2023; the definition of “cruelty” (harassment for dowry / conduct driving the woman to suicide or grave injury) now appears in s.86 BNS, 2023.

[Chhattisgarh Judiciary Prelims 2015]

Q2. What does Sec 113-B of Evidence Act deal with?

- A. Oral evidence
- B. Abetment of suicide
- C. Dowry death
- D. Legitimacy of child

Ans: C. Section 113B raises a presumption of dowry death against a person shown to have subjected the woman to cruelty or harassment for dowry soon before her death (Pawan Kumar v. State of Haryana). Old: s.113B Indian Evidence Act, 1872 → New: s.118 BSA, 2023. The underlying offence of dowry death is Old: s.304B IPC → New: s.80 BNS, 2023. [Chhattisgarh Judiciary Prelims 2016]

Q3. What is the presumption to be drawn under Section 139 of the Negotiable Instruments Act?

- A. That the holder of the cheque received the cheque for the discharge, in whole or in part, of any debt or other liability.
- B. That the drawer had duly signed the cheque.
- C. That the cheque was dishonoured for want of sufficient funds;
- D. That the cheque in question had not expired on the date of its presentation

Ans: A. Section 139 NI Act directs the court to presume, until the contrary is proved, that the holder received the cheque for the discharge, in whole or in part, of a debt or other liability — i.e. a presumption of a legally enforceable debt. It works with the s.118 presumption of consideration and is rebuttable by the accused on the standard of preponderance of probabilities. The NI Act, 1881 is unchanged by the 2023 criminal-law reforms. [Gujarat Judiciary Prelims 2019]

Q4. The liability under Section 138 of the Negotiable Instruments Act, 1881 is in the nature of:

- A. Vicarious liability
- B. Strict Liability
- C. Both A & B
- D. None of the above

Ans: B. The offence of dishonour of a cheque under s.138 is one of strict liability — once the ingredients (issuance, dishonour, statutory notice and failure to pay within 15 days) are shown, guilt follows without proof of a guilty mind, subject to the accused rebutting the ss.118/139 presumptions. The NI Act, 1881 is unchanged by the BNS/BNSS/BSA reforms. [Telangana Judiciary Prelims 2020]

Q5. Courts have jurisdiction to try all suits of a civil nature except suits, the cognizance of which is either expressly or impliedly barred, by virtue of

- A. Section 7 of the CPC
- B. Section 8 of the CPC
- C. Section 9 of the CPC
- D. Section 10 of the CPC

Ans: C. Section 9 CPC confers on civil courts jurisdiction to try all suits of a civil nature except those whose cognizance is expressly or impliedly barred. The CPC, 1908 is unchanged by the 2023 reforms, so no old→new mapping applies. **[Haryana Judiciary Prelims 2014]**

Q6. Which of the following case deals with principles relating to exclusion of jurisdiction of civil court?

- A. Dhulabhai v. State of M.P. AIR 1969 SC 78
- B. Daryao v. State of UP, AIR 1961 SC 574
- C. Lal chand v. Radha Krishnan, AIR 1977 SC 789
- D. State of U.P. v. Nawab Hussain, AIR 1977 SC 1680

Ans: A. Dhulabhai v. State of M.P. laid down the seven propositions on when the jurisdiction of a civil court under s.9 CPC is excluded by a special statute (e.g. where the statute gives finality to a tribunal's orders and provides an adequate alternative remedy). The CPC, 1908 is unchanged, so no old→new mapping applies. **[Himachal Pradesh Judiciary Prelims 2020]**

Q7. Adherence to precedent is called the doctrine of

- A. Stare decisis
- B. Commercial impracticability
- C. Substantial performance
- D. Nolo contendere

Ans: A. The doctrine of stare decisis ('stand by decided matters') obliges courts to follow the ratio decidendi of higher-court precedents; under Article 141 of the Constitution the law declared by the Supreme Court is binding on all courts in India. A rule of jurisprudence, unaffected by the 2023 statutory reforms. **[Haryana Judiciary Prelims 2014]**

Q8. Match the following: a. Obiter Dicta I. Resulting from ignorance b. Sub Silentio II. Persuasive value c. Stare decisis III. Particular legal point was not discussed d. Per incuriam IV. Stand by precedent

- A. II IV I III
- B. III IV I II
- C. IV I II III
- D. II III IV I

Ans: D. Obiter dicta carry only persuasive value (II); sub silentio refers to a point that was not argued or discussed (III); stare decisis means to stand by precedent (IV); per incuriam is a decision rendered through ignorance/carelessness of a binding statute or precedent (I). Hence a-II, b-III, c-IV, d-I. A jurisprudence question on precedent, unaffected by the 2023 reforms. **[Maharashtra Judiciary Prelims 2019]**

Q9. In Kuntegowda v. Thurubaiah (2026), the Supreme Court set aside the High Court's acquittal and restored the conviction under Section 138 of the NI Act. Which statement best reflects its holding on the statutory presumptions?

- A. Once the cheque is proved, the presumptions under ss.118 and 139 become irrebuttable and conclusive against the accused.
- B. A revisional court may freely re-appreciate the evidence and reverse concurrent findings of conviction.
- C. The complainant must prove the existence of a legally enforceable debt beyond reasonable doubt at the threshold.
- D. Once issuance/signature of the cheque is established, ss.118 and 139 raise a rebuttable presumption of a legally enforceable debt and the burden shifts to the accused to rebut it, which he here failed to discharge.

Ans: D. The Court reiterated that on proof of the foundational facts, ss.118 and 139 NI Act raise a rebuttable presumption that the cheque was issued for a legally enforceable debt, casting a reverse onus on the accused to rebut it on preponderance of probabilities; the accused having led no cogent rebuttal, the High Court had wrongly reversed the concurrent conviction. The NI Act, 1881 is unchanged. **[This week's ruling: Kuntegowda v. Thurubaiah (SC, 4 Aug 2026)]**

Q10. In Delhi Technological University v. B.S. Rawat (2026), on the doctrine of ratification, the Supreme Court held that:

- A. Ratification operates only prospectively, from the date on which it is granted.
- B. Any superior officer may ratify an unauthorised act; it need not be the competent authority.
- C. Ratification by the competent authority relates back retrospectively to the date of the original act and cures the defect of absence of prior authority.
- D. Ratification can validate even an act that is void because it is prohibited by law.

Ans: C. Applying *ratihabito mandato aequiparatur* (a subsequent ratification is equivalent to a prior authority), the Court held that valid ratification by the competent authority relates back to the date of the original unauthorised act and cures the want of prior authority; but only the competent authority can ratify, and ratification cannot validate an act that is inherently void or prohibited by law. Here, the Board's ratification validated the acceptance of the resignation. **[This week's ruling: Delhi Technological University v. B.S. Rawat (SC, 4 Aug 2026)]**

Mains Q&A — real state mains questions, with model answers**Mains Q1. — Haryana Judicial Service Mains, 2013 · Criminal Law — Cruelty to women (s.498A IPC) and abetment of suicide (s.306 IPC)**

Garima Rathore was married to Randhir Rathore for five years. At the time of marriage both the families were aware that Garima had a borderline personality disorder, which was not insanity of any degree, but rendered her personality extremely sensitive. She was being treated for the same although except her ultra-sensitive nature, she was perfectly normal. One evening Garima was chatting with her friends over the phone when her mother-in-law shouted very loudly in a harsh voice and ordered her to report at the kitchen immediately. That night, her mother-in-law also told Garima that she was no match to her son, Randhir. Garima was very upset and when she told the same to Randhir, he told her that she should not spend a lot of time chatting over the phone. The next day, Randhir's mother told Garima to go back to her house as she found her unbearable. She spoke ill of her parents and even told Garima that her parents have gifted their ancestral home in Jaipur to Randhir. Unable to tolerate this, Garima went to her room and consumed some poison. Currently, she is battling for her life in the ICU of a reputed hospital. Are Randhir and his mother guilty of any offence under the IPC? Substantiate your answer with adequate reason(s).

The problem turns on two provisions: cruelty to a wife under s.498A IPC (now s.85 BNS 2023, the word "cruelty" being defined in s.86) and abetment of suicide under s.306 IPC (now s.108 BNS 2023) read with the definition of abetment in s.107 (now s.45 BNS). Because Garima has consumed poison but survives in the ICU, the threshold question is whether s.306 can apply at all, and it cannot. Abetment of suicide presupposes a completed suicide; as the Supreme Court held in *Wazir Chand v State of Haryana*, before anyone is punished under s.306 it must be shown that the death was a suicidal death. *Gian Kaur v State of Punjab* settles that abetment of a mere attempt lies outside s.306 and, if anywhere, only under s.309 read with s.107, attempt to suicide being itself now virtually decriminalised by s.115 of the Mental Healthcare Act, 2017. The abetment charge fails at the threshold.

That leaves s.498A. There is no dowry or unlawful demand, so clause (b) of the Explanation is irrelevant and the case must stand or fall on clause (a): wilful conduct of such a nature as is likely to drive the woman to suicide or to cause grave injury to life, limb or health. The mother-in-law's harsh summons to the kitchen, the jibe that Garima was no match for her son, the order to leave and the ill words about her parents are humiliating, yet the courts repeatedly caution that the ordinary wear and tear of matrimonial life is not cruelty. In *Rosamma Kurian*, and in *Nachhatar Singh v State of Punjab*, a difference of opinion on everyday domestic matters was held not to attract the section, and a word spoken in anger, without more, does not suffice.

Tested on merits the abetment route fares no better. Instigation requires a positive, proximate act that goads the victim and leaves her with no option but to end her life (*Ramesh Kumar v State of Chhattisgarh*; *Chitresh Kumar Chopra v State*; *M. Mohan v State*), and mere harassment absent such an act is not abetment (*Pawan Kumar v State of HP*). The taunts here do not reach that pitch, and Randhir, who only asked her to spend less time on the phone, is plainly outside it.

The contrary argument is that cruelty under s.498A varies from individual to individual (*Gananath Pattnaik v State of Orissa*) and that Garima's borderline, ultra-sensitive personality made the persistent humiliation unbearable. But clause (a) gauges conduct by whether it is likely to drive a woman to suicide, and taunts that would not move an ordinary person cannot be stretched to cover the reaction of an exceptionally fragile one. On the settled position neither Randhir nor his mother can safely be convicted, though the mother-in-law's conduct alone comes closest to the s.498A line.

Mains Q2. — Maharashtra Judicial Service (Civil Judge) Mains, 2019 · Civil Procedure — Jurisdiction of Civil Courts and Exclusion of Jurisdiction (s.9 CPC)

Whether exclusion of jurisdiction of Civil Court can be readily inferred? Discuss.

The starting point is section 9 of the Code of Civil Procedure, 1908, which declares that the courts shall, subject to the Code, have jurisdiction to try all suits of a civil nature excepting suits of which their cognizance is either expressly or impliedly barred. As the Supreme Court explained in *PMA Metropolitan v Moran Mar Marthoma*, the provision has a positive and a negative aspect: the opening words throw the door open by entitling civil courts to entertain every suit of a civil nature, while the latter half debars entry only where an express or implied bar exists. The jurisdiction of a civil court is therefore plenary and inherent, and it is displaced only to the extent that a part of it is carved out, expressly or by necessary implication, and conferred on some other tribunal or authority.

Because jurisdiction is the rule and ouster the exception, the exclusion of the civil court's cognizance is not to be readily inferred. The presumption leans in favour of jurisdiction, and the onus of establishing the bar lies squarely on the party who sets it up (*Suraj Narain v Jamil Ahmed*). An express bar is comparatively easy to identify, since some enactment in force takes away cognizance in terms. An implied bar must be spelt out from the scheme of the special Act, and mere provision of an alternative or special remedy does not by itself oust the civil court.

The governing test is furnished by *Dhulabhai v State of Madhya Pradesh* and refined in *Raja Ram Kumar Bhargava v Union of India*. Where a right pre-existing in common law is itself created by a statute which also provides the machinery for its enforcement, both the right and the remedy being creatures of the statute, the civil court's jurisdiction is impliedly barred even without an express exclusionary clause. But where a common-law right is merely recognised and a new statutory remedy is superadded without expressly excluding the civil court, the remedies remain concurrent. Even a finality clause does not oust the civil court unless the special tribunal can grant the reliefs a civil court would ordinarily grant, and the court always retains power to examine whether the statute has been complied with and the fundamental principles of judicial procedure observed.

The settled position is thus clear: exclusion of the jurisdiction of the civil court cannot be readily inferred and must be clearly established by the party asserting it, and until then the wide sweep of section 9 prevails.

Mains Q3. — Gujarat Judicial Service Mains, 2012 · Contract — breach of contract and remedies (damages under Sections 73-75)

What are the consequences of breach of a contract and what are the remedies available in such cases under the Indian Contract Act?

A breach arises when a party fails or refuses to perform its promise once performance falls due, or, under Section 39, refuses to perform or disables itself from performing its promise in its entirety even before that time arrives, which is the case of anticipatory breach. The immediate consequence is twofold: the aggrieved party is discharged from its own outstanding obligations, and a fresh right accrues in its favour to be compensated. Indian law does not seek to punish the defaulter; its object, as the courts consistently repeat, is only to place the injured party, so far as money can do it, in the position it would have occupied had the contract been performed.

The principal remedy is damages under Section 73, which entitles the sufferer to compensation for any loss which naturally arose in the usual course of things from the breach, or which the parties knew, when they made the contract, to be likely to result from it. This provision codifies *Hadley v. Baxendale*, whose twin rules on remoteness the Supreme Court has affirmed in *Pannalal Jankidas*: general loss flowing naturally is recoverable, but special loss only where the special circumstances were communicated at the time of contracting. Remote and indirect loss falls outside the section. The Explanation to Section 73 adds the duty to mitigate, so that the means available of remedying the inconvenience must be taken into account and a claimant cannot recover damage traceable to its own neglect.

Where the contract itself names a sum payable on breach, Section 74 governs. It sweeps away the common-law distinction between penalty and liquidated damages and confines the innocent party to reasonable compensation not exceeding the amount so named, whether or not actual damage is proved. In *Fateh Chand v. Balkishan Dass* the Court held that every covenant by way of penalty, including forfeiture of money already paid, attracts the section, and in *Maula Bux v. Union of India* it insisted that loss be proved where loss is capable of assessment, treating the named sum as a genuine pre-estimate only where quantification is truly impossible.

Beyond money damages, a party who rightly rescinds under Sections 39 and 64 may claim under Section 75 compensation for the damage sustained through non-fulfilment, subject to restoring benefits received; specific performance and injunction lie under the Specific Relief Act where damages are inadequate, and a claim on quantum meruit survives for work already done. The settled position is therefore compensatory and not penal, restoring the innocent party to its bargained-for position and no further.

Mains Q4. — H.P. Judicial Service Mains, 2017 · Constitution — Article 20(3): protection against self-incrimination and retracted confessions

In the case of Kalawati V. State of Himachal Pradesh, AIR 1953 SC 546 it was held by the Supreme Court that Article 20(3) of the Constitution was no bar in using a retracted confession against the accused. It does not contemplate the suppression of truth. Give an accurate and concise appraisal of the position of law on the subject as it stands now.

Article 20(3) declares that "no person accused of any offence shall be compelled to be a witness against himself," lifting into the Constitution the old maxim *nemo tenetur prodere seipsum*. What *Kalawati v. State of Himachal Pradesh* underscores is that the pivot of the guarantee is compulsion, not incrimination as such. A confession is struck down only when it is extracted; where the accused has spoken of his own free will, without inducement, threat or promise, Article 20(3) raises no bar, and the later act of retraction cannot retrospectively convert a voluntary statement into a compelled one. The clause, as the Court put it, does not contemplate the suppression of truth.

The settled architecture rests on three conditions distilled in *State of Bombay v. Kathi Kalu Oghad*: the person must be one accused of an offence, there must be compulsion, and the compulsion must be to be a witness against himself. The earlier eight-Judge ruling in *M.P. Sharma v. Satish Chandra* had read "to be a witness" expansively to embrace the compelled production of any incriminating document; the eleven-Judge Bench in *Kathi Kalu* narrowed it, holding that furnishing thumb impressions, specimen handwriting or fingerprints conveys no personal knowledge and is therefore not "being a witness," and that mere presence in police custody does not by itself amount to compulsion.

The protection has since been carried back in time and tested against new techniques. In *Nandini Satpathy v. P.L. Dani* the Court held that the immunity reaches the investigation stage, so that an accused may decline to answer questions likely to expose her to a criminal charge. In *Selvi v. State of Karnataka* the compulsory administration of narco-analysis, polygraph and brain-mapping was held to be testimonial compulsion offending both Article 20(3) and the privacy dimension of Article 21, subject to genuine consent; while in *Ritesh Sinha v. State of U.P.* a voice sample, like a fingerprint, was treated as mere identification data outside the clause.

The position as it stands today therefore leaves *Kalawati's* core intact. A confession voluntary in origin remains admissible despite retraction, for Article 20(3) shields the accused against coercion and not against the consequences of his own truthful disclosure. The insistence that a retracted confession be received with caution and ordinarily corroborated is a rule of prudence in appreciating evidence, not a constitutional prohibition flowing from Article 20(3).

Prelims answer key: 1-B 2-C 3-A 4-B 5-C 6-A 7-A 8-D 9-D 10-C

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