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Weekly Legal Current Affairs

31 August – 6 September 2026

This week at a glance

- When can a High Court use certiorari under Articles 226 and 227 to upset a co-operative society arbitrator's finding of fact?
- An externment order passed ex parte on a reopened, closed case collapses on hearing, jurisdiction, and reasons; the writ court should have entertained it.
- When a juvenile plea is buried by finality, can section 482 still recall the conviction? The Court says yes, and undoes a wrong.
- A 16-year murder conviction collapses when the last-seen chain, an uncorroborated Sarpanch confession, and a Section 27 disclosure all fail scrutiny.

In this issue

Judgments of the week

1. Prakash Narain Sharma (Dead Through LRs) v. M/s Burmah Shell Co-operative Housing Society Constitution

2026 INSC 927 · Ujjal Bhuyan, Atul S. Chandurkar · 31 August 2026

Facts. The original claimant said he became a member of the Burmah Shell Co-operative Housing Society in 1952 and was entitled to a plot; the Society said he had resigned in 1951 and was never re-admitted. An Arbitrator under Section 61 of the Delhi Co-operative Societies Act, 1972 and the Co-operative Tribunal in appeal under Section 76 held he remained a member and directed allotment. The Delhi High Court, under Articles 226 and 227, set aside both orders as ignoring documents that showed membership was rejected.

Issue. Whether the High Court, exercising certiorari jurisdiction, was justified in setting aside the concurrent orders of the Arbitrator and the Tribunal, or exceeded its supervisory jurisdiction.

Held. The Supreme Court dismissed the appeals and affirmed the High Court. Relying on General Manager, Electrical Rengali Hydro Electric Project v. Giridhari Sahu (2019 INSC 1020), Hari Vishnu Kamath v. Syed Ahmad Ishaque (1954 INSC 122) and Central Council for Research in Ayurvedic Sciences v. Bikartan Das (2023 INSC 733), it held that certiorari corrects jurisdictional error and errors of law apparent on the record, and that a finding of fact based on no evidence or ignoring relevant documents is perverse and so an error of law. The Arbitrator and Tribunal had glossed over the 1951 resignation, the transfer of his share, the 1952 rejection of his membership application, and the 1979 rejection of his deposit request, presuming continued membership without basis; Shalini Shyam Shetty v. Rajendra Shankar Patil (2010 INSC 422) did not aid the appellant as the writ was under both Articles 226 and 227.

> ***Why it matters.*** *A writ court cannot reappreciate evidence, but a 'no evidence' or perverse finding crosses into error of law open to certiorari, as Hari Vishnu Kamath settled.*

Provisions: Delhi Co-operative Societies Act 1972, s.61; Delhi Co-operative Societies Act 1972, s.76; Constitution of India, Article 226; Constitution of India, Article 227

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2. Vijay Kumar Rajpoot alias Vijju v. State of Chhattisgarh Service / Admin

2026 INSC 926 · Dipankar Datta, J. and Sheel Nagu, J. · 31 August 2026

Facts. A District Magistrate had closed externment proceedings against the appellant with a warning, finding he had been acquitted in the old cases and no fresh police report existed. On a fresh police report about two new FIRs, the Magistrate recalled the closure order and externed the appellant for one year, ex parte, while he was in judicial custody. The High Court declined writ relief and relegated him to the statutory appeal under Section 9 of the Chhattisgarh Rajya Suraksha Adhiniyam, 1990.

Issue. Whether an externment order passed without notice or hearing, upon suo motu reopening of a closed case, is legal and valid, and whether the High Court was justified in refusing writ jurisdiction by relegating the appellant to the alternative appellate remedy.

Held. The Court held that notice and a reasonable opportunity of hearing under Section 8 of the Adhiniyam are conditions precedent for any order under Sections 3 to 6, and an ex parte order outside the exceptions in Section 8(5) stands vitiated and void ab initio, following Nawabkhan Abbaskhan v. State of Gujarat, (1974) 2 SCC 121. It held that an administrative authority has no power to review its own order absent statutory authority, so recalling the closure order was without jurisdiction. On merits, invoking Section 5(b) was misconceived as the alleged offences under the Chhattisgarh Municipal Corporation Act, 1956, the BNS, 2023 and the SC/ST Act, 1989 involved neither force or violence nor the Chapters listed, and the order under Section 5(a) disclosed no objective material or reasons, applying Deepak v. State of Maharashtra, (2023) 14 SCC 707; the High Court should have entertained the petition per Godrej Sarah Lee Ltd. v. Excise and Taxation Officer, 2023 SCC OnLine SC 95.

> ***Why it matters.*** *Preventive externment is an extraordinary measure that dies without a real hearing, objective material, and recorded reasons; compare Nawabkhan Abbaskhan on void ex parte orders.*

Provisions: Chhattisgarh Rajya Suraksha Adhiniyam 1990, s.5; Chhattisgarh Rajya Suraksha Adhiniyam 1990, s.8; Chhattisgarh Rajya Suraksha Adhiniyam 1990, s.9; Constitution of India, art.226; Constitution of India, art.19(1)(d); Bharatiya Nyaya Sanhita 2023, s.302; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, s.3(1)(v); Chhattisgarh Municipal Corporation Act 1956, s.292

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3. Mahavir @ Avnish v. State of Madhya Pradesh Criminal Procedure

2026 INSC 942 · Prashant Kumar Mishra & Shree Chandrashekhar, JJ. · 02 September 2026

Facts. The appellant, cremating the bodies of Bhuri and her infant Guddi found on a railway track, was acquitted of murder and dowry death but convicted under section 201 Part II IPC for causing disappearance of evidence. A JJ Board inquiry later found he was 17 years, 2 months on the date of offence, yet the High Court under section 482 CrPC refused to recall the affirmed conviction, holding the matter had attained finality. He appealed to the Supreme Court.

Issue. Whether the High Court can invoke its inherent power under section 482 CrPC to recall a concluded conviction so as to give effect to a belated plea of juvenility, and whether a section 201 Part II IPC conviction can stand once the accused is acquitted of the substantive offences.

Held. The Court held that section 482 CrPC saves the pre-existing inherent power and section 362's bar does not operate where a judgment is without jurisdiction or infected by a court's mistake, so the High Court could recall its order to remedy the denied juvenility benefit; it relied on State of Karnataka v. M. Devendrappa, Asit Kumar Kar v. State of West Bengal and A.R. Antulay v. R.S. Nayak that no man should suffer for the mistake of the court. It found the High Court committed an error of record in treating the conviction as final up to the Supreme Court, since the earlier SLP was merely dismissed as withdrawn on 11th May 2018. On merits, since murder and dowry death under sections 302 and 304B IPC were not proved, the conviction under section 201 Part II IPC could not stand and was held illegal, following Suleman Rehiman Mulani and Kedar Nath.

> ***Why it matters.*** *Section 362 CrPC bars review, not a recall that cures a jurisdictional error or a court's own mistake; A.R. Antulay remains the anchor that no litigant should suffer for the court's fault.*

Provisions: Code of Criminal Procedure 1973, s.482; Code of Criminal Procedure 1973, s.362; Indian Penal Code 1860, s.201; Juvenile Justice Act 2000, s.7A

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4. Sahab Singh alias Sat Pal v. State of Haryana Evidence

2026 INSC 945 · Sanjay Kumar, J. and Sanjeev Sachdeva, J. · 02 September 2026

Facts. A six-year-old boy, Gaurav, went missing after a village marriage on 11.03.2007 and his body was found in a well the next morning, with post-mortem showing asphyxia by smothering. The appellant, a poor labourer, was convicted under Sections 302, 201 and 377 IPC on circumstantial evidence built on the last-seen theory, an extra-judicial confession to the village Sarpanch (PW9), and a disclosure statement. He had already served over 16 years and 7 months.

Issue. Whether a conviction resting on circumstantial evidence could stand where the last-seen link was unproven, the extra-judicial confession uncorroborated, and the disclosure statement led to no fresh discovery under Section 27 of the Evidence Act.

Held. The Court held the prosecution failed to prove guilt beyond reasonable doubt because several links in the chain were missing. The last-seen theory was not borne out as PW7 and PW8 did not establish that the child accompanied the accused, and PW8's mention of a child surfaced only as an improvement in cross-examination. The disclosure statement (Ex. PT) recorded on 14.03.2007 led to no discovery, as the body was recovered on 12.03.2007 and the spots were already within police knowledge, so Section 27 of the Evidence Act, 1872 could not be invoked. Applying Sahadevan v. State of T.N., (2012) 6 SCC 403, the Court held an extra-judicial confession is a weak piece of evidence that cannot alone sustain conviction without cogent corroboration, set aside the conviction, and extended the benefit of doubt.

> ***Why it matters.*** *Section 27 needs a genuinely new fact discovered; leading police to a spot they already knew adds nothing to the chain.*

Provisions: Indian Penal Code 1860, s.302; Indian Penal Code 1860, s.201; Indian Penal Code 1860, s.377; Indian Evidence Act 1872, s.27

In brief — also on the docket this week

5 Kotak Mahindra Bank Ltd v. Trupti Sanjay Mehta General

2026 INSC 943 · Sanjay Kumar, J and Sanjeev Sachdeva, J · 02 September 2026

Issue. Whether a loan secured by a mortgage in favour of an NBFC outside Section 2(1)(m) at inception becomes a secured debt under the SARFAESI Act once acquired by a bank under Section 2(1)(c), so that the bank may take recovery measures under the Act.

Held. Applying M.D. Frozen Foods Exports Pvt Ltd v. Hero Fincorp Ltd (2017) 16 SCC 741 and Indiabulls Housing Finance Ltd v. Deccan Chronicle Holdings Ltd (2018) 14 SCC 783, the Court held the SARFAESI Act reaches all claims live and owing when the Act became applicable to the institution holding the account. It makes no difference whether the loan enters the Act together with the institution, as in those cases, or the loan alone enters it by being taken over by a bank under Section 2(1)(c); in both, the provisions are available for recovery. Borrowers cannot dissect the Section 2(1) definitions to escape enforcement, and Mardia Chemicals Ltd v. Union of India (2004) 4 SCC 311 offers them no shield. Civil Appeal No. 8531 of 2015 was allowed and the Mehtas' S.A. No. 39 of 2014 restored to the DRT; the other two appeals were dismissed.

6 Anand Kumar @ Sanjay Lalwani v. State of Madhya Pradesh Criminal Procedure

2026 INSC 928 · K. V. Viswanathan, J. and Arun Palli, J. · 31 August 2026

Issue. Whether, given the affidavit of compromise between the appellant and Respondent No. 2, continuation of the proceedings would be an abuse of process warranting quashing, and whether a non-victim informant's absence from the settlement bars quashing.

Held. The Court held that compounding under Section 359 BNSS (erstwhile Section 320 of the Code) and quashing on settlement under Section 482 are conceptually different; following Gian Singh v. State of Punjab (2012) 10 SCC 303 and Naushey Ali v. State of Uttar Pradesh (2025) 4 SCC 78, offences with a predominantly civil flavour may be quashed on settlement even if non-compoundable. Relying on Jagjeet Singh v. Ashish Mishra (2022) 9 SCC 321 and the definition of victim in Section 2(wa) of the Code and Section 2(y) of the BNSS, it held that only the real victim (here Pradeep Singh Mehta), not a non-victim informant, can be a party to a settlement grounding quashment. Finding the offences bore a civil flavour with commercial overtones, that the star witness would not support the prosecution, and that Respondent No. 3 had made out no case, the Court allowed the appeal and quashed ST No. 459 of 2018 against all accused, also dismissing the pending CRR No. 2747 of 2019.

7 Sandeep S. Ghandat & Ors. v. Reserve Bank of India & Ors. Constitution

2026 INSC 955 · Pamidighantam Sri Narasimha, J. & Alok Aradhe, J. · 03 September 2026

Issue. Whether RBI's power to supersede the board of a multi-State co-operative bank under Section 36AAA(1) of the BR Act is limited by the six-month ceiling in Article 243ZL(1); and whether such supersession can be extended beyond the term for which the board was originally elected.

Held. The Court held that the third proviso to Article 243ZL(1), by using the words "shall also apply", incorporates the BR Act into Part IXB as an independent substantive provision, so Section 36AAA is not circumscribed by the six-month ceiling; the fourth proviso's express exclusion of multi-State co-operative banks from the one-year extension confirms they were always within the sweep of the Article, following Pandurang Ganpati Chaugule v. Vishwasrao Patil Murgud Sahakari Bank Ltd., (2020) 9 SCC 215. On the second issue, Section 36AAA(1) permits extension of supersession from time to time subject to an outer limit of five years, and Section 36AAA(7) obliges the Administrator to call elections only on expiration of the specified period, so the erstwhile board's tenure is of no consequence. The consultation requirement in the proviso to Section 36AAA(1) applies only to a co-operative bank registered with the Registrar of Co-operative Societies of a State, not to a multi-State co-operative bank; the appeals were dismissed with no order as to costs.

8 Ras Al Khaimah Investment Authority v. Matrix Pharmacorp Private Limited Civil / CPC

2026 INSC 932 · Surya Kant, CJI; Joymalya Bagchi, J.; V. Mohana, J. · 01 September 2026

Issue. Whether IQuest's statement recorded on 01.05.2024 amounted to a binding undertaking inviting contempt, and whether the status quo protecting the decree-holder could be vacated without further security given the alleged asset dissipation.

Held. The Court agreed with the High Court that the statement recorded on 01.05.2024 was a clarificatory statement, not a solemn undertaking under the tests in Babu Ram Gupta v. Sudhir Bhasin (1980) 3 SCC 47 and Patanjali Ayurved Ltd., In re v. Union of India (2024) 19 SCC 193, so no contempt was made out against IQuest or the other entities. It held the RAK Foreign Decree is a decree of a superior court of a reciprocating territory prima facie executable under Section 44A CPC, and that comity of courts requires protecting the decree-holder from being left with a paper decree. Finding a prima facie case that NP was camouflaging and dissipating assets, it directed the respondents jointly and severally to furnish additional security of Rs.200 crores within two weeks and restored the NCLT's protective conditions the NCLAT had expunged. The questions of a unified corporate structure and lifting the veil were left open for the Commercial Courts of Hyderabad and Ranga Reddy, directed to decide the execution within four months.

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9 Fisherman Care v. Government of India, Department of Animal Husbandry, Dairying and Fisheries Constitution

2026 INSC 937 · Pamidighantam Sri Narasimha, Alok Aradhe · 02 September 2026

Issue. Whether fishermen may transit through Tamil Nadu's territorial waters to use purse seine nets in the EEZ, and whether the State's Marine Fishing Regulation Rules, 2020 conflict with the Union's EEZ Rules, 2025.

Held. The Court held there is no conflict between the two regimes: fishing beyond territorial waters falls under Entry 57 of List I and the executive power of the Union, while fisheries in territorial waters vest in the State under Entry 21 of List II, the two being co-equal and autonomous in their spheres. Reading them with the principle of cooperative federalism, both the Union and the State must ensure stakeholders get easy access and efficient clearance to pursue their right under Article 19(1)(g). Noting that only 6 of 257 Access Pass applications had issued under the EEZ Rules, 2025, the Court held that not processing applications in time virtually amounts to imposing an unwritten ban which is impermissible in law, and directed Tamil Nadu to ensure timely clearance and to frame rules under Rules 15(5) and (6) of the Marine Fishing Regulation Rules, 2020 designating a specified transit channel.

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10 The National Council for Teacher Education v. Association of NCTE Approved Colleges Trust & Ors. Service / Admin

2026 INSC 953 · Pamidighantam Sri Narasimha, Alok Aradhe · 03 September 2026

Issue. Whether the NCTE and its Executive Committee were empowered to call upon Teacher Education Institutions to submit an annual Performance Appraisal Report, and whether the High Court correctly quashed the Public Notice on judicial review.

Held. The Court held the power to call for a Performance Appraisal Report is clearly traceable to Section 12(k) of the NCTE Act, 1993, empowering the Council to evolve a performance appraisal system for enforcing accountability; the Council so deliberated in its 48th General Body Meeting (05.02.2019) and authorised the Executive Committee to implement it, which the Member Secretary did. It ruled that even without specific empowerment such a regulatory measure is incidental and ancillary to a regulator's duties, and the accompanying payment is in the nature of a process fee. Emphasising accountability as an essential principle of administrative law with three dimensions (responsibility, answerability, enforceability), and citing Vijay Rajmohan v. CBI (2023) 1 SCC 329, it held courts must not take a pedantic view of regulatory action. The appeal was allowed and the Delhi High Court judgment in LPA No. 190 of 2021 dated 13.03.2023 set aside.

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11 M/S ABC Express v. State of Gujarat Criminal Procedure

2026 INSC 940 · Prashant Kumar Mishra, J. & Shree Chandrashekhar, J. · 02 September 2026

Issue. Whether a conveyance seized for carrying a prohibited quantity of liquor can be released to its owner into interim custody pending trial despite the bar in Section 98(2) of the Gujarat Prohibition Act, 1949.

Held. The Court held that Section 98(2) of the Prohibition Act operates in a different field from Section 451 CrPC, and following Khengarbhai Lakhabhai Dambhala v. State of Gujarat the second part of Section 98(2), read harmoniously, does not oust the trial court's power to order interim custody. Relying on Sunderbhai Ambalal Desai v. State of Gujarat, Basavva Kom Dyamangouda Patil v. State of Mysore and General Insurance Council v. State of Andhra Pradesh, it held that seized vehicles should not languish and deteriorate at police stations once evidentiary value can be preserved by panchnama, photography and videography. The Courts below erred in refusing release solely on Section 98(2) and ignoring the amendment effective 31.07.2024, so the appeal was allowed and interim custody directed on a personal bond and security of Rs.15,00,000 with conditions.

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12 Reliance General Insurance Company Limited v. Priyanka Das and Others General

2026 INSC 950 · S.V.N. Bhatti, J. and N.V. Anjaria, J. · 03 September 2026

Issue. Whether the multiplier for loss of dependency must be fixed by the deceased's age or by the age of the dependent parents, and whether Priyanka Das was proved to be the legally wedded wife entitled to a larger share.

Held. Following Munna Lal Jain v. Vipin Kumar Sharma, (2015) 6 SCC 347 and its affirmation in Sube Singh v. Shyam Singh, (2018) 3 SCC 18, the Court held the multiplier depends on the deceased's age, treating the point as no longer res integra. Applying the standardised matrix in Sarla Verma v. Delhi Transport Corporation, (2009) 6 SCC 121, validated by the Constitution Bench in National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680, the 31-to-35 bracket carries a multiplier of 16, so the Tribunal and High Court were correct. On the finding that Das was not the legally wedded wife the Court declined to reappreciate the concurrent evidence and, relying on Manjuri Bera v. Oriental Insurance Co. Ltd., (2007) 10 SCC 643, left the apportionment undisturbed.

Statutes, appointments & policy

APPOINTMENTS & INSTITUTIONS

- **High Court Chief Justices (Article 217):** eight Chief Justices notified on 5 September 2026 — The Ministry of Law and Justice notified the appointment of eight High Court Chief Justices under Article 217, acting on Collegium recommendations of 9 August and 31 August 2026: Justice V. Kameswar Rao (Delhi) to Patna, Justice Ravindra V. Ghuge (Bombay) to Calcutta, Justice Sanjay Kumar Agrawal (Chhattisgarh) to Rajasthan, Justice Mahesh Chandra Tripathi (Allahabad) to Bombay, Justice Ashwani Kumar Mishra as permanent Chief Justice of Punjab & Haryana, Justice Krushna Ram Mohapatra (Orissa) to Chhattisgarh, Justice Alpesh Yeshvant Kogje (Gujarat) to Madhya Pradesh and Justice Pushpendra Singh Bhati (Rajasthan) to Jammu & Kashmir and Ladakh. The last four were recommended by the CJI Surya Kant-led Collegium on 31 August; a day before the notification, on 4 September, the President had appointed Justice Agrawal to perform the duties of Chief Justice of Chhattisgarh under Article 223 on Chief Justice Ramesh Sinha's retirement. Exam point: a High Court Chief Justice is appointed by the President under Article 217 after consultation with the CJI; Article 223 covers an acting Chief Justice. **— 5 September 2026 · livelaw.in**

POLICY & JUSTICE ADMINISTRATION

- **CJI sets up committee on Supreme Court Registry grievances.** On 31 August 2026 CJI Surya Kant constituted a committee, headed by Supreme Court Secretary General Bharat Parashar, to examine difficulties faced by advocates in dealing with the Registry. It includes Registrars (Judicial) for Listing and Judicial Administration I and II, plus one representative each of the Supreme Court Bar Association and the Supreme Court Advocates-on-Record Association. Its mandate covers filing, scrutiny, defect marking, curing of defects, listing and other procedural matters. The step followed a letter of 25 August 2026 from SCAORA President Devvrat seeking an institutional Bar-Registry mechanism. Registry practice is regulated by the Supreme Court Rules, 2013 framed under Article 145. **— 31 August 2026 · livelaw.in**

Clear Concepts — textbook revision of two core concepts

Inherent Powers of the High Court: s.482 CrPC / s.528 BNSS and the s.362 Bar

Criminal Procedure

CrPC 1973, ss.362, 482; BNSS 2023, ss.403, 528

Section 482 CrPC (s.528 BNSS) creates no power; it saves the High Court's pre-existing inherent power to stop abuse of process where the Code offers no remedy. Its hardest boundary is s.362 CrPC (s.403 BNSS), which forbids altering or reviewing a signed judgment except for clerical slips. This week, Mahavir @ Avnish v. State of M.P. (2026 INSC 942) held that s.362 bars review, not a recall curing a jurisdictional defect or the court's own mistake, and undid a conviction that ignored a proven plea of juvenility.

Three heads of s.482.

- Inherent power is saved for three ends: to give effect to any order under the Code, to prevent abuse of any court's process, to secure the ends of justice.
- Madhu Limaye (1977): no resort where the Code gives a specific remedy; use sparingly; never against an express bar in the Code.
- Madhu Limaye also held that s.397(2) CrPC (s.438(2) BNSS), barring revision of interlocutory orders, does not oust s.482 against abuse of process.
- Bhajan Lal (1992) listed seven illustrative quashing categories: no offence on the FIR's face, no cognizable offence, absurd allegations, express legal bar, mala fide prosecution.

The s.362 bar and what survives it. Once a judgment or final order disposing of a case is signed, the court is functus officio.

- Section 362 CrPC (s.403 BNSS) allows only clerical or arithmetical correction; s.482 cannot do what the Code expressly prohibits (Sooraj Devi, 1981).
- The bar binds the High Court: s.482 cannot review a quashing order or entertain a second petition on the same grounds (Simrikhia, 1990; Bhullar, 2011).
- Recall survives, review does not: an order passed without jurisdiction, without hearing, or by the court's own mistake is a nullity and may be recalled (Bhullar; Antulay).
- Mahavir (2026): the JJ Board found the accused aged 17 years 2 months; the High Court wrongly treated the conviction as final though the SLP was dismissed as withdrawn.

Limits: what the High Court may not do.

- It may not weigh evidence; R.P. Kapur (1960) confined quashing to a legal bar, a complaint disclosing no offence, or no legal evidence at all.
- It may not stay investigation or pass routine no-coercive-steps orders; Neeharika (2021) demands reasons and confines threshold quashing to the rarest cases.
- It may not review a signed judgment under the guise of inherent power, nor stretch the clerical-error exception into a correction of merits.
- It may quash a non-compoundable offence on settlement only for a private wrong where trial is futile (Gian Singh, 2012), never for heinous crimes.

Leading cases.

- R.P. Kapur v. State of Punjab (1960) — quashing lies for a legal bar, no offence disclosed, or no legal evidence; no appraisal of evidence.
- Madhu Limaye v. State of Maharashtra (1977) — three governing principles; the s.397(2) interlocutory bar does not oust inherent power against abuse.
- State of Haryana v. Bhajan Lal (1992) — seven illustrative categories for quashing an FIR; power used sparingly, in the rarest of rare cases.
- State of Punjab v. Davinder Pal Singh Bhullar (2011) — s.362 bars review under s.482; recall lies only where the order is a nullity for want of jurisdiction or hearing.
- Sanjeev Kapoor v. Chandana Kapoor (2020) — s.362 bites a final order disposing of a case, not an ex parte s.125 maintenance order that s.127 lets the court alter.

Exam tip. Examiners pit s.362 against s.482: inherent power can recall a nullity or cure the court's own mistake, but never review a signed judgment on the merits.

Motor Accident Compensation: The Multiplier Method from Sarla Verma to Pranay Sethi

Motor Vehicles Act / Law of Torts

Motor Vehicles Act 1988, ss.166, 168

Section 168 asks the Claims Tribunal to award "just compensation", and the Supreme Court has turned that phrase into a formula so that like cases yield like awards: annual dependency times a multiplier fixed for the deceased's age, plus conventional sums. This week, in Reliance General Insurance v. Priyanka Das (2026 INSC 950), the Court reaffirmed that the multiplier follows the deceased's age, not the dependants', applying 16 for a 33-year-old manager.

Step 1 — annual income and future prospects.

- Start with the deceased's actual annual income net of income tax (Sarla Verma); if unproved, the Tribunal fixes a notional income.
- Pranay Sethi (Constitution Bench) adds future prospects for a permanent job: 50% below 40, 30% between 40 and 50, 15% between 50 and 60.
- For self-employed or fixed-salary earners the addition is 40%, 25% and 10% for the same brackets, overruling Reshma Kumari on this point.
- Kirti (2021) fixes a notional income for a homemaker and grants future prospects on it, so a non-earning victim is never valued at zero.

Step 2 — deduction and multiplier.

- Deduct personal expenses from the enhanced income: one-third for 2 to 3 dependants, one-fourth for 4 to 6, one-fifth for more than six.
- A bachelor's deduction is 50%, since he spends more on himself; the balance is the annual dependency of his parents.
- Pick the multiplier from the Sarla Verma table by the deceased's age: 18 up to 25, 16 for 31 to 35, down to 5 above 65.
- The multiplier keys to the deceased's age, never the claimants' (Munna Lal Jain, Sube Singh); Reliance v. Priyanka Das therefore upheld 16 for a 33-year-old.

Step 3 — conventional heads and interest.

- Add the conventional heads fixed by Pranay Sethi: loss of estate ₹15,000, loss of consortium ₹40,000 and funeral expenses ₹15,000.
- These sums rise 10% every three years; Magma v. Nanu Ram extended consortium to parents and children, each claimant separately.
- Interest under s.171 runs on the award from the date of the s.166 claim petition, ordinarily at 7.5% to 9% simple.

Leading cases.

- Sarla Verma v. DTC (2009) — multiplier table by deceased's age; deductions one-third, one-fourth, one-fifth, 50% for a bachelor.
- Reshma Kumari v. Madan Mohan (2013) — three judges affirmed the Sarla Verma multiplier as binding.
- Munna Lal Jain v. Vipin Kumar Sharma (2015) — multiplier by deceased's age, not dependants'; reaffirmed in Sube Singh (2018).
- National Insurance Co. v. Pranay Sethi (2017, 5 judges) — future prospects for every earner; conventional heads, 10% triennial rise.
- Magma General Insurance v. Nanu Ram (2018) — consortium is spousal, parental and filial; each claimant gets it.

Exam tip. The multiplier is chosen by the deceased's age, never the claimants', and future prospects are added before, not after, the deduction for personal expenses.

Revision capsule — one-line recap of every ruling

- **Kotak Mahindra Bank Ltd:** A non-performing secured loan taken over by a bank already governed by the SARFAESI Act is immediately clothed with the attributes of a secured debt; the bank may enforce it under the Act even though the originating NBFC was outside Section 2(1)(m) when the debt was created.
- **Anand Kumar @ Sanjay Lalwani:** Quashing on the basis of settlement is distinct from compounding; only the real victim who suffered loss or injury can authorise the settlement, and where that victim has settled and the informant made out no case, continuing the non-compoundable but civil-flavoured proceedings is an abuse of process warranting quashing under Section 482.
- **Prakash Narain Sharma (Dead Through LRs):** Certiorari is supervisory not appellate; but a finding reached on no evidence or by ignoring relevant documents is a perverse finding amounting to an error of law that a High Court may correct under Articles 226 and 227.
- **Vijay Kumar Rajpoot alias Vijju:** The externment order is void for breach of the mandatory hearing under Section 8; the District Magistrate had no power to review and reopen his own closure order; and the order lacks the objective material and reasons Section 5 demands, so the High Court erred in declining to entertain the writ petition.
- **Mahavir @ Avnish:** The High Court's inherent power under section 482 CrPC to recall its own judgment is not obliterated by section 362 where the order suffered lack of jurisdiction or a court's mistake causing prejudice; the section 201 Part II IPC conviction is set aside as illegal and the appeal allowed.

- **Sahab Singh alias Sat Pal:** A conviction cannot stand where the last-seen link is unestablished; an extra-judicial confession is uncorroborated and improbable; and the disclosure statement discovers no new fact, since Section 27 requires a genuine fresh discovery.
- **Sandeep S. Ghandat & Ors.:** RBI's power to supersede the board of a multi-State co-operative bank under Section 36AAA(1) BR Act is not confined to the six-month limit in Article 243ZL(1); supersession may be extended beyond the board's original elected term, up to the five-year aggregate cap.
- **Ras Al Khaimah Investment Authority:** IQuest's statement was clarificatory not a binding undertaking, so no contempt lies; but a prima facie case of asset dissipation justifies additional security of Rs.200 crores before status quo is relaxed, corporate-veil questions left to the executing courts.
- **Fisherman Care:** There is no conflict between the Union's EEZ Rules, 2025 and the State's Marine Fishing Regulation Rules, 2020; the Union's Entry 57 List I power over the EEZ and the State's Entry 21 List II power over territorial waters are co-equal and autonomous, and a State's failure to process Access Pass applications amounts to an impermissible unwritten ban.
- **The National Council for Teacher Education:** NCTE and its Executive Committee are empowered to require annual Performance Appraisal Reports from Teacher Education Institutions; the power is traceable to Section 12(k) and is in any event incidental and ancillary to a statutory regulator's functions; the Public Notice is legal and valid.
- **M/S ABC Express:** Section 98(2) of the Gujarat Prohibition Act, 1949 is not an absolute embargo; the trial court retains discretion under Section 451 CrPC to grant interim custody of a seized vehicle pending trial, on adequate security.
- **Reliance General Insurance Company Limited:** The multiplier is determined by the deceased's age and not by the dependents' ages; a 33-year-old attracts multiplier 16, so the awards stand and the appeals are dismissed.

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

Q1. Section 362 CrPC provides that once a court has signed its judgment or final order disposing of a case, it shall not alter or review it except to correct a clerical or arithmetical error. In relation to the inherent power of the High Court under section 482 CrPC, which statement is correct?

A. Section 362 does not bar recall of an order passed without jurisdiction or vitiated by the court's own mistake.
B. Section 362 is absolute and no signed judgment can ever be recalled by invoking section 482.
C. Section 482 permits recall of a judgment only when the recall is sought by the State, not by the accused.
D. Section 482 permits a full review on merits whenever the High Court finds its earlier view was wrong in law.

> **Ans: A.** Section 362 CrPC (now section 403 BNSS) bars alteration or review of a signed judgment except for clerical or arithmetical errors, but section 482 CrPC (now section 528 BNSS) saves the High Court's pre-existing inherent power. In A.R. Antulay v. R.S. Nayak and State of Karnataka v. M. Devendrappa the Supreme Court settled that an order passed without jurisdiction, or resulting from the court's own mistake causing prejudice, can be recalled because no litigant should suffer for the fault of the court; a review on merits remains barred. This week, in Mahavir v. State of Madhya Pradesh, the Court applied this to hold that the High Court could recall an affirmed conviction so that a belatedly established plea of juvenility under section 7A of the JJ Act, 2000 could be given effect. **[This week's ruling: Mahavir @ Avnish v. State of Madhya Pradesh (2026 INSC 942)]**

Q2. For a conviction under section 201 IPC (causing disappearance of evidence of an offence), which of the following is an essential ingredient that the prosecution must establish?

A. That the accused was himself the principal offender in the offence whose evidence was concealed.
B. That an offence was actually committed and the accused, knowing this, caused its evidence to disappear to screen the offender.
C. That the accused was charged and tried jointly with the principal offender for the main offence.
D. That the evidence concealed related to an offence punishable with death or imprisonment for life only.

> **Ans: B.** Section 201 IPC (now section 238 BNS) requires proof that an offence has been committed, that the accused knew or had reason to believe it, and that he caused evidence of it to disappear or gave false information with intent to screen the offender (Palvinder Kaur v. State of Punjab; Suleman Rehiman Mulani v. State of Maharashtra). The accused need not be the principal offender, but the commission of some offence must be proved, and the punishment is graded by the gravity of that offence, the second limb covering offences punishable with life or up to ten years. This week, in Mahavir v. State of Madhya Pradesh, since murder (section 302 IPC, now section 103 BNS) and dowry death (section 304B IPC, now section 80 BNS) were not proved, the conviction under section 201 Part II was set aside as illegal. **[This week's ruling: Mahavir @ Avnish v. State of Madhya Pradesh (2026 INSC 942)]**

Q3. Under section 27 of the Indian Evidence Act, 1872, how much of the information given by an accused in police custody becomes admissible against him?

A. The entire confessional statement recorded by the police, once any part of it is confirmed by a recovery.
B. Only the admission that he committed the offence, provided he later leads the police to the place of occurrence.
C. Only that portion of the information which relates distinctly to the fact thereby discovered, provided the fact was not already known.
D. Any information given to a police officer, whether or not it leads to the discovery of a fact, so long as it is voluntary.

> **Ans: C.** Section 27 IEA (now the proviso to section 23(2) BSA) is an exception to sections 25 and 26 IEA (now section 23(1) and (2) BSA): where a fact is deposed to as discovered in consequence of information received from an accused in police custody, only so much of the information as relates distinctly to the fact discovered may be proved (Pulukuri Kottaya v. Emperor). The discovery must be of a fact not previously within the knowledge of the police; pointing to a place already known adds nothing to the chain. This week, in Sahab Singh v. State of Haryana, the disclosure recorded two days after the body had been recovered, relating to spots already known to the police, was held to discover nothing, so section 27 could not be invoked. **[This week's ruling: Sahab Singh alias Sat Pal v. State of Haryana (2026 INSC 945)]**

Q4. An extra-judicial confession said to have been made by the accused to a village Sarpanch is, in law:

A. Substantive evidence of the highest value, sufficient by itself to found a conviction.
B. Inadmissible altogether, since a confession can be proved only if it is made before a Magistrate.
C. Admissible only if it is reduced to writing and signed by the accused in the presence of witnesses.
D. A weak piece of evidence that requires cogent corroboration before it can sustain a conviction.

> **Ans: D.** An extra-judicial confession is one made to a person other than a court or Magistrate; it is admissible if voluntary and not hit by section 24 IEA (now section 22 BSA), and the bar in section 25 IEA (now section 23(1) BSA) applies only to confessions to police officers, which a Sarpanch is not. In Sahadevan v. State of Tamil Nadu (2012) 6 SCC 403 the Supreme Court settled that such a confession is a weak piece of evidence, must be proved like any other fact, must be voluntary and truthful, and normally needs independent corroboration. This week, in Sahab Singh v. State of Haryana, the uncorroborated and improbable confession to the Sarpanch could not sustain the murder conviction in a case of circumstantial evidence. **[This week's ruling: Sahab Singh alias Sat Pal v. State of Haryana (2026 INSC 945)]**

Q5. A High Court exercising certiorari jurisdiction under Articles 226 and 227 over the order of a statutory tribunal may interfere with a finding of fact when:

A. The finding is based on no evidence or is reached by ignoring relevant material on record, making it perverse.
B. The High Court, on reappreciating the evidence itself, would have reached a different conclusion on the facts.
C. The finding is concurrent, having been affirmed by the appellate tribunal, and is therefore open to full review.
D. The tribunal's order is supported by some evidence but the High Court considers the outcome inequitable.

> **Ans: A.** Certiorari is supervisory and not appellate: it lies for want or excess of jurisdiction, violation of natural justice and error of law apparent on the face of the record, and the writ court cannot reappreciate evidence (Hari Vishnu Kamath v. Syed Ahmad Ishaque; Syed Yakoob v. K.S. Radhakrishnan). A finding of fact resting on no evidence, or reached by ignoring relevant documents on record, is perverse and is itself treated as an error of law open to correction. This week, in Prakash Narain Sharma v. Burmah Shell Co-operative Housing Society, the Court upheld the Delhi High Court's interference with concurrent findings of the co-operative arbitrator and tribunal that had glossed over documents showing the claimant's resignation and the rejection of his membership. **[This week's ruling: Prakash Narain Sharma (Dead Through LRs) v. M/s Burmah Shell Co-operative Housing Society (2026 INSC 927)]**

Q6. A District Magistrate closes externment proceedings by a reasoned order, then on a fresh police report recalls that order suo motu and externs the person. The statute confers no power of review on the Magistrate. The recall is:

A. Valid, because every quasi-judicial authority has an inherent power to review its own orders.
B. Without jurisdiction, because the power to review is not inherent and must be conferred by statute.
C. Valid, because a fresh police report is a change of circumstance that revives the earlier proceedings.
D. Voidable only, and cannot be questioned unless the person externed first files a statutory appeal.

> **Ans: B.** The power of review is a creature of statute: an administrative or quasi-judicial authority has no inherent power to review its own order on merits unless the governing statute expressly or by necessary implication confers it (Patel Narshi Thakershi v. Pradyumansinghji Arjunsinghji, AIR 1970 SC 1273). A fresh police report cannot revive a concluded proceeding by way of recall in the absence of such a power. This week, in Vijay Kumar Rajpoot v. State of Chhattisgarh, the Court held that the District Magistrate's recall of his own closure order under the Chhattisgarh Rajya Suraksha Adhiniyam, 1990 was without jurisdiction and the consequent externment order could not stand. **[This week's ruling: Vijay Kumar Rajpoot alias Vijju v. State of Chhattisgarh (2026 INSC 926)]**

Q7. The rule that a High Court will not entertain a writ petition under Article 226 where an effective alternative statutory remedy exists is:

A. A constitutional bar on jurisdiction that leaves the High Court no discretion once an appeal is provided.
B. Applicable only to writs of mandamus, and never to writs of certiorari or prohibition.
C. A self-imposed rule of discretion that yields where the order violates natural justice or is without jurisdiction.
D. Confined to tax and revenue matters and inapplicable to orders restricting personal liberty.

> **Ans: C.** The alternative-remedy rule is a rule of policy, convenience and discretion, not of jurisdiction; Whirlpool Corporation v. Registrar of Trade Marks (1998) 8 SCC 1 recognised that it does not apply where the petition seeks enforcement of fundamental rights, where natural justice is violated, where the order is without jurisdiction, or where the vires of a statute is challenged, a position reiterated in Godrej Sara Lee Ltd. v. Excise and Taxation Officer (2023). This week, in Vijay Kumar Rajpoot v. State of Chhattisgarh, an ex parte externment order passed without the mandatory notice and hearing under section 8 of the Chhattisgarh Rajya Suraksha Adhiniyam was held void ab initio on the authority of Nawabkhan Abbaskhan v. State of Gujarat, so the High Court erred in relegating the petitioner to the statutory appeal under section 9. **[This week's ruling: Vijay Kumar Rajpoot alias Vijju v. State of Chhattisgarh (2026 INSC 926)]**

Q8. Regarding quashing of criminal proceedings on the basis of a settlement between the parties, which statement reflects the law laid down in Gian Singh v. State of Punjab (2012)?

A. The High Court can quash on settlement only those offences that are compoundable under section 320 CrPC.
B. Settlement can never justify quashing, since the inherent power cannot override the statutory scheme of compounding.
C. Any offence, including murder and rape, may be quashed if the victim and the accused have genuinely settled.
D. Non-compoundable offences of a predominantly civil or commercial flavour may be quashed on a genuine settlement with the victim.

> **Ans: D.** Compounding under section 320 CrPC (now section 359 BNSS) and quashing under section 482 CrPC (now section 528 BNSS) are conceptually distinct: Gian Singh v. State of Punjab (2012) 10 SCC 303 held that the High Court may quash even non-compoundable offences arising from commercial, financial, matrimonial or civil disputes where the parties have settled and the chance of conviction is remote, but not heinous offences such as murder, rape or dacoity or offences against society. The settlement must be with the victim as defined in section 2(wa) CrPC (now section 2(1)(y) BNSS), the person who suffered loss or injury, so a mere informant who suffered no loss cannot block it. This week, in Anand Kumar v. State of Madhya Pradesh, the Court quashed forgery and cheating proceedings after the real victim landowner settled, notwithstanding the objection of a non-victim informant. **[This week's ruling: Anand Kumar @ Sanjay Lalwani v. State of Madhya Pradesh (2026 INSC 928)]**

Q9. Under section 44A of the Code of Civil Procedure, 1908, a decree of a superior court of a reciprocating territory:

A. May be executed in India as if passed by the District Court in which its certified copy is filed, subject to section 13.
B. Can be enforced in India only by filing a fresh suit on the foreign judgment within three years of the decree.
C. Is executable in India only after the Supreme Court grants leave under Article 136 recognising the foreign court.
D. Binds an Indian court conclusively and cannot be questioned on any ground once the certified copy is filed.

> **Ans: A.** Section 44A CPC permits a decree of a superior court of a reciprocating territory notified by the Central Government to be executed in India by filing a certified copy in a District Court, which then executes it as if it were its own decree; section 44A(3) preserves the objections listed in section 13 (want of jurisdiction, not on merits, fraud, breach of natural justice, and so on). A decree of a non-reciprocating territory can be enforced only through a suit on the foreign judgment. This week, in Ras Al Khaimah Investment Authority v. Matrix Pharmacorp, the Court treated the UAE decree as prima facie executable under section 44A and, on a prima facie case of asset dissipation, directed additional security of Rs.200 crores so that the decree-holder is not left with a paper decree. **[This week's ruling: Ras Al Khaimah Investment Authority v. Matrix Pharmacorp Private Limited (2026 INSC 932)]**

Q10. In a claim under the Motor Vehicles Act, 1988 for the death of a 33-year-old unmarried salaried employee whose parents are the claimants, the multiplier for computing loss of dependency is to be selected with reference to:

A. The age of the surviving parents, since they are the actual dependents on the income.
B. The average of the ages of the deceased and the dependent parents at the date of accident.
C. The age of the deceased, which for the 31 to 35 bracket gives a multiplier of 16.
D. The remaining years of service of the deceased up to the normal age of superannuation.

> **Ans: C.** Sarla Verma v. Delhi Transport Corporation (2009) 6 SCC 121 standardised the multiplier table by reference to the age of the deceased (16 for the 31 to 35 age bracket), and the Constitution Bench in National Insurance Co. Ltd. v. Pranay Sethi (2017) 16 SCC 680 approved it. Munna Lal Jain v. Vipin Kumar Sharma (2015) 6 SCC 347, affirmed in Sube Singh v. Shyam Singh (2018) 3 SCC 18, settled that the multiplier depends on the age of the deceased and not on the age of the dependents, even where the deceased is a bachelor and the claimants are his parents. This week, in Reliance General Insurance Co. Ltd. v. Priyanka Das, the Court treated the point as no longer res integra and upheld multiplier 16 for a 33-year-old deceased. **[This week's ruling: Reliance General Insurance Company Limited v. Priyanka Das and Others (2026 INSC 950)]**

Mains Q&A — real state mains questions, with model answers

Mains Q1. — **Goa Civil Judge (Junior Division) Mains, 2019 · Criminal Procedure — Compounding of offences (s.320 CrPC / s.359 BNSS) and withdrawal from prosecution (s.321 CrPC / s.360 BNSS)**

Write notes on: Compounding of offences and withdrawal from prosecution.

Compounding is the statutory settlement of a criminal case by the person injured; s.320 CrPC, now s.359 BNSS, is its exclusive code. The first table lists offences such as hurt, assault and defamation, compoundable by the person named against each entry without leave; the second lists graver offences such as grievous hurt, theft and cheating, compoundable only with the permission of the court before which the prosecution is pending. A guardian or a deceased victim's legal representative may compound with the court's permission; abetment, attempt and liability under s.34 or s.149 IPC follow the principal offence. After committal or conviction, composition needs the leave of the trial, appellate or revisional court. Composition has the effect of an acquittal under s.320(8), now s.359(8) BNSS, and s.320(9) forbids compounding of any offence except as the section provides.

Settlement of a non-compoundable offence operates only through the High Court's inherent power under s.482 CrPC, now s.528 BNSS. Gian Singh v. State of Punjab (2012) 10 SCC 303 held that this power is distinct from s.320 and may quash settled private, civil, commercial or matrimonial disputes where conviction is remote, but never murder, rape or dacoity. Narinder Singh (2014) 6 SCC 466 and Laxmi Narayan (2019) 5 SCC 688 made the stage of the case, the injury, the weapon and the accused's antecedents decisive. Anand Kumar @ Sanjay Lalwani v. State of Madhya Pradesh, 2026 INSC 928, restates that compounding under s.359 BNSS and quashing on settlement under s.482 are conceptually different, that offences of a predominantly civil flavour may be quashed though non-compoundable, and that only the real victim under s.2(wa) CrPC and s.2(y) BNSS, not an informant who suffered no loss, can be party to the settlement.

Withdrawal from prosecution under s.321 CrPC, now s.360 BNSS, belongs to the State. The Public Prosecutor or Assistant Public Prosecutor in charge of the case may, with the court's consent, withdraw at any time before judgment from prosecuting any person, generally or for one or more offences. Withdrawal before a charge is framed results in discharge; after the charge, or where no charge is required, in acquittal. The proviso requires the Central Government's permission, where it did not appoint the Prosecutor, for offences touching the Union's executive power, investigated by the Delhi Special Police Establishment, involving Central Government property, or committed by its servants in purported discharge of duty. The BNSS adds a second proviso: no court shall allow withdrawal without hearing the victim.

Sheonandan Paswan v. State of Bihar (1987) 1 SCC 288 (Constitution Bench) held that the Prosecutor must apply an independent mind, that withdrawal is not confined to insufficiency of evidence, and that the court's role is supervisory, not appellate: it checks good faith and legitimate purpose. Rajender Kumar Jain v. State (1980) 3 SCC 435 accepted that broad public justice, public order and peace may justify withdrawal, provided the executive's view passes through the Prosecutor's own judgment. Abdul Karim v. State of Karnataka (2000) 8 SCC 710 refused withdrawal of TADA cases against Veerappan's associates sought to free hostages: the court must be satisfied of the Prosecutor's good faith and that withdrawal serves public justice. State of Kerala v. K. Ajith (2021) 17 SCC 318 refused withdrawal of the prosecution of legislators who vandalised the Assembly: privilege gives no immunity from penal law, and s.321 cannot shield public offenders.

Compounding is thus a private settlement the statute converts into an acquittal, confined to scheduled offences; withdrawal is a public act of the prosecuting agency, open for any offence, requiring the court's reasoned consent and the victim's hearing.

Mains Q2. — **Punjab Judicial Service (PCS-J) Mains, 2023 · Evidence — Circumstantial evidence, last-seen theory and extra-judicial confession**

Enumerate general principles when a conviction can be based on circumstantial evidence. (10 marks)

Circumstantial evidence proves the fact in issue by inference from other proved facts, and that inference must satisfy the definition of 'proved' in s.3 of the Evidence Act, now s.2(1)(j) of the Bharatiya Sakshya Adhiniyam, 2023. Hanumant v. State of Madhya Pradesh (1952) required the circumstances to be fully established, consistent only with guilt, and to form a complete chain leaving no reasonable ground for a conclusion consistent with innocence. Sharad Birdhichand Sarda v. State of Maharashtra (1984) restated this as five conditions. First, the circumstances must be fully established: they 'must or should' be proved, not merely 'may be' proved. Second, the facts so established must be consistent only with the hypothesis of guilt and not explainable on any other hypothesis. Third, the circumstances must be of a conclusive nature and tendency. Fourth, they must exclude every possible hypothesis except the one to be proved. Fifth, the chain must be so complete as to show that in all human probability the act was done by the accused and none else. Suspicion, however grave, is no substitute for proof.

Within that framework the 'last seen together' circumstance carries its own rule. State of U.P. v. Satish (2005) holds that it applies only where the time gap between the accused and the deceased being last seen alive together and the discovery of the body is so small that the possibility of any other person being the author of the crime becomes impossible. Last seen is one link, not the chain. Its force comes from s.106 of the Evidence Act, now s.109 BSA, which places on a person the burden of proving a fact especially within his knowledge. Trimukh Maroti Kirkan v. State of Maharashtra (2006) holds that where the accused was with the victim shortly before death, or the crime occurred within the secrecy of his house, he must explain what happened, and a false or absent explanation becomes an additional link. Section 106 never shifts the primary burden; it operates only after the prosecution has proved facts raising a reasonable inference of guilt.

An extra-judicial confession is admissible, but Sahadevan v. State of Tamil Nadu (2012) fixes its weight: it is a weak piece of evidence which must be voluntary, truthful and made to a person the accused had reason to confide in, and where it is uncorroborated or surrounded by suspicious circumstances a conviction cannot rest on it alone. A disclosure under s.27, now s.23(2) BSA, adds a link only where it distinctly leads to the discovery of a fact not already known to the police.

The Supreme Court applied these rules in Sahab Singh alias Sat Pal v. State of Haryana, 2026 INSC 945, decided on 2 September 2026, setting aside a murder conviction because PW7 and PW8 did not establish that the six-year-old victim accompanied the accused, PW8's mention of a child surfacing only as an improvement in cross-examination, the confession to the village Sarpanch was uncorroborated and improbable on the Sahadevan test, and the disclosure statement of 14.03.2007 discovered nothing new since the body had been recovered on 12.03.2007 from spots already within police knowledge, so s.27 could not be invoked.

A trial judge must therefore work in two stages: test each circumstance separately for proof beyond reasonable doubt, then ask whether the proved circumstances cumulatively admit of no hypothesis but guilt, using the accused's silence under s.106 only to supplement a chain that is otherwise nearly complete. Where a link is missing, acquittal follows, because the benefit of every reasonable doubt belongs to the accused as a matter of law and not of grace.

Mains Q3. — **West Bengal Judicial Service (WBJS) Mains, 2018 · Constitution — Certiorari and the scope of Articles 226 and 227**

Discuss the circumstances under which various types of writs can be issued under Article 226 of the Constitution of India.

Article 226 empowers every High Court to issue directions or writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari to any person or authority, for the enforcement of fundamental rights and for any other purpose. Each writ answers a distinct wrong. Habeas corpus issues against detention without legal authority, whether by the State or a private person. Mandamus compels performance of a public duty where the petitioner has a legal right, the respondent a corresponding duty, and a demand has been refused. Prohibition restrains a court or tribunal from exceeding its jurisdiction while the proceeding is pending. Quo warranto tests the title of a person holding a substantive public office.

Certiorari quashes a decision already made. Hari Vishnu Kamath v. Ahmad Ishaque (1955) settled the grounds: want or excess of jurisdiction, failure to exercise jurisdiction, violation of natural justice, and error of law apparent on the face of the record. The writ court does not sit in appeal; an error of fact, however grave, is no ground, and the error of law must be self-evident. Syed Yakoob v. K.S. Radhakrishnan (1964) marked the boundary: the sufficiency of evidence is beyond the writ court, but a finding based on no evidence, or reached by shutting out admissible evidence or acting on inadmissible evidence, is an error of law. There an error of fact becomes an error of law, and a finding no reasonable tribunal could reach is perverse in the same sense.

Article 226 must be kept apart from Article 227, which confers superintendence over all courts and tribunals within the High Court's jurisdiction, armed forces tribunals excepted. Waryam Singh v. Amarnath (1954) held that the power extends to judicial superintendence but is exercised sparingly, to keep subordinate courts within their authority, not to correct mere errors. Surya Dev Rai v. Ram Chander Rai (2003) drew the distinctions: Article 226 is original jurisdiction and the writ court can only quash; Article 227 is supervisory and the High Court may also substitute the order that ought to have been passed. Its further holding that certiorari lies against civil court orders was overruled by a three-judge bench in Radhey Shyam v. Chhabi Nath (2015): judicial orders of civil courts are not amenable to Article 226, and the challenge lies under Article 227 or by appeal or revision. Shalini Shyam Shetty v. Rajendra Shankar Patil (2010) added that Article 227 is a power of the court, not a right of the litigant, under which the High Court cannot reappreciate evidence or substitute its own findings.

The perverse finding is where the two jurisdictions meet, since 'no evidence' is a question of law correctable under either Article. In Prakash Narain Sharma (Dead Through LRs) v. Burmah Shell Co-operative Housing Society, 2026 INSC 927 (31 August 2026), the Supreme Court affirmed the Delhi High Court's quashing under Articles 226 and 227 of concurrent findings of a co-operative Arbitrator and Tribunal that had presumed a claimant's continued membership while ignoring his 1951 resignation and the rejection of his membership application, holding that a finding based on no evidence or in disregard of relevant documents is perverse and therefore an error of law open to certiorari.

The circumstances follow the wrong: unlawful detention, an unperformed public duty, a threatened excess of jurisdiction, a usurped office, and a completed decision vitiated by jurisdictional error, breach of natural justice or patent error of law. In each the High Court polices legality, not merits, and the line between reweighing evidence and quashing a finding that rests on none keeps Article 226 a supervisory remedy.

Mains Q4. — Uttarakhand Judicial Service (Civil Judge) Mains, 2022 · Property / TPA — doctrine of election (s.35)

'A' transfers to 'B' an estate to which 'C' is entitled, and as a part of the same transaction gives 'C' a coal-mine. 'C' takes possession of the mine and exhausts it. Whether 'B' thereby confirms the transfer of the estate? Decide with the help of statutory provisions.

The problem is the illustration to Section 35 of the Transfer of Property Act, 1882, which codifies the doctrine of election. The section applies when a person professes to transfer property he has no right to transfer and the same transaction confers a benefit on the true owner of that property. The owner must then elect either to confirm the transfer or to dissent from it; if he dissents, he must relinquish the benefit, which reverts to the transferor or his representative as if it had never been disposed of. The rule rests on the principle that no one may approbate and reprobate the same instrument. Lord Hatherley in Cooper v. Cooper (1874) LR 7 HL 53 described it as an obligation on the person who accepts a benefit under an instrument to give full effect to that instrument, a formulation the Supreme Court adopted in Beepathumma v. Velasari Shankaranarayana Kadambolithaya, AIR 1965 SC 241. The Privy Council applied the doctrine to a Muslim in Sadik Husain Khan v. Hashim Ali Khan (1916); it is a rule of general equity, not of any one personal law.

On the facts, A professes to transfer to B an estate belonging to C, and in the same transaction gives C a coal-mine. C is therefore the person put to election. Section 35 lays down how election is inferred: acceptance of the benefit with knowledge of the duty to elect and of the circumstances which would influence a prudent man amounts to election to confirm, and the same presumption arises where the owner has enjoyed the benefit for two years without dissent or has done an act which makes it impossible to restore the parties interested in the property to their former position. C has taken possession of the mine and exhausted it. Restoration is now impossible, and C has by his own conduct elected to confirm the transfer to B.

The question asks whether B thereby confirms the transfer, and the answer must be precise on this point: it is C, not B, who confirms. B is the transferee to whom the estate was professed to be conveyed; he has nothing to elect between, and his title becomes secure only because C, the owner, has bound himself by exhausting the mine. The statutory illustration states the result in exactly these terms. B holds the estate as against C, and C keeps the mine, or what remains of it, as the price of his election.

Had C dissented, the relinquished benefit would have reverted to A, and B would have been compensated only in the two situations the section recognises, namely where the transfer is gratuitous and the transferor has died or become incapable of making a fresh transfer before the election, or where the transfer is for consideration; in those cases the reverting benefit is charged with making good to the disappointed transferee the value of the property attempted to be transferred. English law, as in Codrington v. Codrington (1875) LR 7 HL 854, applies compensation throughout, whereas Section 35 adopts forfeiture as the rule and compensation as the exception. The section adds that a person taking only an indirect benefit need not elect, that the transferee may after one year call upon the owner to elect and treat silence beyond a reasonable time as confirmation, and that election by a person under disability is postponed until the disability ceases.

The result is settled by Section 35 and its illustration. C, by exhausting the coal-mine, has made restoration impossible and is deemed to have elected to confirm; the transfer to B stands.

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

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