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Weekly Legal Current Affairs

7–13 September 2026

This week at a glance

- Can a company alone face a mens rea charge when no employee is named? Yes, says a 98-page ruling on corporate attribution.
- Baptismal certificate cannot prove a POCSO victim's age under s.94 JJ Act; accused still convicted of rape without a s.376 charge.
- Unregistered deed in the plaint? That is a trial question — admissibility is no ground to reject a plaint under Order VII Rule 11.
- Child victim never pointed to the accused in court; a TIP alone cannot carry a POCSO life sentence, says the Supreme Court

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Judgments of the week

1. Sanofi India Ltd. v. Central Bureau of Investigation Criminal Law

2026 INSC 957 · J.B. Pardiwala, Manoj Misra · 07 September 2026

Facts. Sanofi India supplied medicines to BARC's Rare Materials Project under tenders in 2011-12, 2013-14 and 2015-16. The CBI chargesheet named Dr. P. Anand, a BARC Scientific Officer, as accused no.1 and the company as accused no.2 for conspiracy under s.120B r/w s.420 IPC and ss.11, 12, 13(2) r/w 13(1)(b) and (d) of the PC Act, alleging inflated purchases causing a wrongful loss of Rs 3,53,361 and a bribe of Rs 42,750, but arraigned no employee or officer of the company. The Karnataka High Court refused to quash under s.482 CrPC, relying on Iridium India Telecom Ltd. v. Motorola Inc., (2011) 1 SCC 74.

Issue. Whether the High Court ought to have quashed proceedings against a company for offences requiring mens rea on the sole ground that no natural person had been identified and arraigned alongside it.

Held. Building on Tesco Supermarkets Ltd. v. Nattrass, [1972] A.C. 153, Meridian Global Funds Management Asia Ltd. v. Securities Commission, [1995] 2 A.C. 500 and the Barclays cases, the Court frames a sequential three-stage test for when a natural person's act and state of mind count as the corporation's own: (1) whether the memorandum and articles, or a rule implied by company law, vest that person with power to do the act; (2) whether that power was delegated, expressly or impliedly, with discretion and independence; (3) whether the statutory purpose, in the abstract or on the facts, calls for a special rule of attribution. Status alone is not a standalone route to attribution, corporate mens rea cannot be assembled from partial states of mind of different individuals, and the framework applies only to offences framed with natural persons in mind that require

mens rea, not to statutes that already supply vicarious or strict liability. At the s.482 stage the chargesheet need only prima facie show that some natural person acted for the corporation, that the action is referable to the offence, and that the circumstances do not make mens rea patently absurd; Aneeta Hada v. Godfather Travels and Tours Pvt. Ltd., (2012) 5 SCC 661 and Hindustan Unilever Ltd. v. State of M.P., (2020) 10 SCC 751 turn on the vicarious-liability scheme of s.141 NI Act and s.17 PFA Act and lay down no general rule that a human accused must be arraigned before a company can be tried. Appeal dismissed; copy to all High Courts.

> ***Why it matters.*** *Pair with Standard Chartered Bank v. Directorate of Enforcement, (2005) 4 SCC 530 (mandatory imprisonment no bar) and Iridium (company can hold mens rea) — this case finally answers how, through whom, and when that mens rea is attributed.*

Provisions: Code of Criminal Procedure 1973, s.482; Indian Penal Code 1860, s.120B; Indian Penal Code 1860, s.420; Prevention of Corruption Act 1988, s.9; Prevention of Corruption Act 1988, s.11; Prevention of Corruption Act 1988, s.12; Prevention of Corruption Act 1988, s.13(1)(b); Prevention of Corruption Act 1988, s.13(1)(d); Prevention of Corruption Act 1988, s.13(2); Negotiable Instruments Act 1881, s.141

2. Pynchemalangaki Bareh v. State of Meghalaya Criminal Procedure

2026 INSC 984 · Prashant Kumar Mishra, N.V. Anjaria · 10 September 2026

Facts. An FIR alleged that the appellant raped the informant's 13-year-old daughter on 26.11.2019 at Sutnga, East Jaintia Hills. The Special Judge (POCSO) convicted him under s.3/4 POCSO Act and s.506 IPC and awarded twenty years' rigorous imprisonment, relying on a Baptismal Certificate issued by the Khasi Jaintia Presbyterian Assembly, the mother's deposition and the MLC to fix the victim's age; no school or municipal birth certificate was produced and no ossification test was done. The High Court of Meghalaya affirmed; no charge under s.376 IPC had ever been framed.

Issue. Whether the victim's minority was proved in the manner required by s.94 of the JJ Act, 2015 so as to sustain a POCSO conviction; and if not, whether the appellant could be convicted under s.376 IPC when no charge under that section was framed.

Held. Applying Jarnail Singh v. State of Haryana, State of Madhya Pradesh v. Anoop Singh and P. Yuvaprakash v. State, the Court held that age of a POCSO victim must be proved by the hierarchy in s.94(2) JJ Act (school/matriculation certificate, then municipal or panchayat birth certificate, then ossification or other medical test); the Baptismal Certificate, though corroborated by the mother, is none of these, and Luis Caetano Viegas v. Estrelina Mariana R.M.A Da'Costa was distinguished because there a birth certificate was also proved and no statutory age mechanism applied. Since the factum of rape was established by medical, forensic and ocular evidence, the omission to frame a s.376 IPC charge was a curable irregularity: under s.464(1) CrPC no finding is invalid unless a failure of justice was in fact occasioned, and applying Dalbir Singh v. State of U.P., Shamnsaheb M. Multtani v. State of Karnataka, Rafiq Ahmad v. State of U.P. and Willie (William) Slaney, the accused knew the ingredients, had the facts explained and got a fair chance to defend against the cognate s.3 POCSO charge. Invoking s.386(b)(iii) CrPC, the Court altered the finding to a conviction under s.376 IPC, sentenced the appellant to ten years' rigorous imprisonment and fine of Rs.10,000 (six months' further RI in default), confirmed the s.506 IPC conviction, and partly allowed the appeal.

> ***Why it matters.*** *Link this to P. Yuvaprakash (2023) on s.94 JJ Act and to Willie Slaney (Constitution Bench) on charge defects: the test is always failure of justice, not the missing charge itself.*

Provisions: Juvenile Justice (Care and Protection of Children) Act 2015, s.94; Protection of Children from Sexual Offences Act 2012, s.3; Protection of Children from Sexual Offences Act 2012, s.4; Protection of Children from Sexual Offences Act 2012, s.34; Indian Penal Code 1860, s.375; Indian Penal Code 1860, s.376; Indian Penal Code 1860, s.506; Code of Criminal Procedure 1973, s.222; Code of Criminal Procedure 1973, s.386; Code of Criminal Procedure 1973, s.464; Juvenile Justice (Care and Protection of Children) Rules 2007, Rule 12

3. Sheo Kumar Singh v. M/s Sharda Educational Society Civil / CPC

2026 INSC 1011 · Ujjal Bhuyan, Atul S. Chandurkar · 09 September 2026

Facts. The plaintiffs let out land to the defendant society under a registered 33-year lease of 17.10.2011 at ₹92,550 per month, and say an unregistered supplementary lease deed of 15.02.2013 revised the rent. After a notice under s.106 of the Transfer of Property Act, they sued in 2022 for eviction and arrears computed under the supplementary deed. The defendants sought rejection of the plaint under Order VII Rule 11(a) and (d) CPC, arguing that s.49 of the Registration Act barred any reliance on the unregistered deed; the trial court refused, but the Patna High Court in revision under s.115 CPC set that aside and remanded the application for fresh decision.

Issue. Can non-admissibility of a document relied on in the plaint, for want of registration, be urged as a ground for rejecting the plaint under Order VII Rule 11(a) or (d) before the trial commences?

Held. Rejection of a plaint non-suits the plaintiff without trial, so only the plaint averments and documents filed with it can be looked at, and the stand of the defendants in the rejection application is wholly immaterial (P.V. Guru Raj Reddy v. P. Neeradha Reddy, 2015 INSC 113). The proviso to s.49 of the Registration Act, 1908 permits an unregistered document to be received as evidence of a collateral transaction not required to be effected by a registered instrument, so whether a party can claim that benefit must be adjudicated at trial after evidence; shutting the party out at the inception is premature. Since paragraph 6 of the plaint pleaded that the supplementary deed did not require registration, entertaining the defendants' contrary plea would mean ignoring the plaintiffs' averments and relying on material beyond the plaint, which is impermissible under Order VII Rule 11. Both the trial court (which held the deed integral to the registered lease) and the High Court (which held it inadmissible) misdirected themselves; the High Court's order of 17.12.2024 was set aside, the Order VII Rule 11 application rejected, and the suit sent for trial on merits with no finding on admissibility.

> ***Why it matters.*** *K.B. Saha & Sons v. Development Consultant (2008 INSC 639) on collateral use of unregistered deeds is an evidence-stage argument; it cannot be smuggled into an Order VII Rule 11 application.*

Provisions: Code of Civil Procedure 1908, Order VII Rule 11(a) and (d); Code of Civil Procedure 1908, s.115; Registration Act 1908, s.49; Registration Act 1908, s.17; Transfer of Property Act 1882, s.106

4. Dhanraj v. State of Rajasthan Evidence

2026 INSC 958 · Sandeep Mehta, Manmohan · 07 September 2026

Facts. A five-year-old girl went missing at a village function on 5 December 2016 and was brought home bleeding; her father lodged FIR No. 848 of 2016 at PS Kekri, Ajmer on 7 December against an unknown person under s.376 IPC and ss.3/4 POCSO. Dhanraj was arrested two months later on a source informer's report, identified by the child in a Test Identification Parade, and convicted by the Special Judge (POCSO) under ss.376, 376(2)(i)(j), 363 and 323 IPC with life imprisonment for the rest of his natural life. The Rajasthan High Court dismissed his appeal on 20 August 2025; he had been in custody since 5 February 2017.

Issue. Whether identification of the accused in a TIP, without any dock identification by the victim at trial, is substantive proof of identity sufficient to sustain a conviction; and whether medical evidence dating the injuries to 5-7 days before examination is reconcilable with the prosecution's timeline.

Held. Relying on the three-Judge Bench in Rameshwar Singh v. State of J&K (1971) 2 SCC 715, the Court restated that identification during police investigation is not substantive evidence and can only corroborate or contradict the witness's evidence in Court. The child (PW-2) said she could identify Dhanraj if he came before her, and he was in fact present from judicial custody on 2 November 2018, yet neither the Public Prosecutor nor the Presiding Officer had her identify him; the Court called this a fatal omission, invoking s.165 of the Evidence Act, 1872 (s.168 BSA, 2023) and s.311 CrPC (s.348 BNSS, 2023) as read in Zahira Habibulla H. Sheikh v. State of Gujarat (2004) 4 SCC 158 to hold that a trial judge cannot be a mute spectator. The medical jurist (PW-7) found the injuries 5-7 days old on 7 December 2016, which the Court held irreconcilable with an incident on 5 December, and no DNA or serological evidence linked the accused to the biological material recovered. The Investigating Officer's failure to inquire into affidavits alleging false implication at the behest of the local MLA, and non-production of the sketch prepared with the victim at Jaipur, compounded the doubt; the conviction and High Court judgment were set aside and remand refused as the flaw could not be cured belatedly.

> ***Why it matters.*** *Pair this with Rameshwar Singh (1971) and Zahira Sheikh (2004): TIP corroborates, dock identification proves, and the judge must step in under s.165 Evidence Act when the prosecutor skips that step.*

Provisions: Indian Evidence Act 1872, s.165; Bharatiya Sakshya Adhiniyam 2023, s.168; Code of Criminal Procedure 1973, s.311; Bharatiya Nagarik Suraksha Sanhita 2023, s.348; Code of Criminal Procedure 1973, s.313; Indian Penal Code 1860, s.376(2)(i)(j); Indian Penal Code 1860, s.363; Indian Penal Code 1860, s.323; POCSO Act 2012, ss.3/4, 5(m)/6; Constitution of India, Art.136

In brief — also on the docket this week

5 S.S. Das v. Union of India Service / Admin

2026 INSC 980 · Dipankar Datta, Sheel Nagu · 09 September 2026

Issue. Whether the FR 56(j) power was exercised on material capable of sustaining the satisfaction, and whether the record discloses a rational nexus between the material relied upon and the conclusion that compulsory retirement was in the public interest.

Held. Compulsory retirement in public interest is non-punitive, but that label is not a mantra that validates every order; the power remains bound by the limits of a public power and may be reviewed where the order is mala fide, based on no evidence or perverse (Baikuntha Nath Das v. District Medical Officer, (1992) 2 SCC 299). The 'washed-off' theory does not apply to FR 56(j) and the entire record may be seen (Pyare Mohan Lal v. State of Jharkhand, (2010) 10 SCC 693), yet the immediate past must be given due weight and promotion despite earlier adverse entries is a fact in the officer's favour (State of Punjab v. Gurdas Singh, (1998) 4 SCC 92; Rajasthan SRTC v. Babu Lal Jangir, (2013) 10 SCC 551); the Review Committee's selective invocation of only the department-friendly propositions, to justify ex post facto a decision already taken, furnished no rational basis. An 8.75 grading with 'room for improvement' is not an adverse integrity remark, a twenty-year-old note that complaints lacked substance is irrelevant, and the confidential note built on oral accusations the complainants refused to put in writing was 'not worth the paper it had been written on'. The Court set aside the High Court and CAT orders and the retirement order, granted all consequential service benefits including notional promotion, ordered the DGFT to give the officer a formal farewell, awarded Rs 6 lakh costs and Rs 9 lakh compensation for loss of reputation, and gave the Union liberty to recover these from the officers responsible.

6 V. Sumitra Reddy v. K. Ranganadha Reddy Contract

2026 INSC 979 · Ujjal Bhuyan, Vipul M. Pancholi · 09 September 2026

Issue. When a partnership at will is dissolved by one partner's notice, is that partner's share in the firm's immovable assets to be valued as on the date of dissolution or on the date the property is valued and sold in final decree proceedings?

Held. The Court affirmed the High Court's reading that a partner's right on dissolution is two-fold: to settle accounts as on the date of dissolution, and to share in the residue of the assets after liquidation and discharge of liabilities in the order set out in s.48. The new partnership could have retained the land only by purchasing it from the erstwhile firm; selling it today at the value prevailing on 18.10.1983 would cause serious prejudice to the plaintiff and is a wholly impractical proposition. N. Muhammad Ussain Sahib v. S.N. Abdul Gaffoor Sahib, AIR 1950 Mad 758, Addanki Narayanappa v. Bhaskara Krishtappa, AIR 1966 SC 1300 and Pamuru Vishnu Vinodh Reddy v. Chillakuru Chandrasekhara Reddy, (2003) 3 SCC 445 were held not to deal with a partnership at will, the last being a retirement case where the share was valued on the retirement date with interest for delay. Defendants remain free to bid for the land at the auction, but that is for them to explore and not for the Court to suggest.

7 Bhag Singh (D) Thr. Mahant Kashmir Singh v. Basant Kaur (D) Thr. LRs Limitation

2026 INSC 983 · Prashant Kumar Mishra, Shree Chandrashekhar · 10 September 2026

Issue. Whether the High Court could disturb concurrent findings under Section 100 CPC, and whether a revenue entry describing possession for Dharam-Arth plus long possession proves a completed dedication or title by adverse possession.

Held. Relying on Suraj Bhan v. Financial Commissioner, (2007) 6 SCC 186 and Vadiyala Prabhakar Rao v. Government of Andhra Pradesh, 2026 SCC OnLine SC 815, the Court held that Jamabandis and Khasra Girdawaris are kept for fiscal purposes and neither create nor extinguish title; the entry gair marusi bila lagan bawaja Dharam Arth is neither conclusive proof of a completed dedication nor of permissive possession. The burden of proving dedication lies on the party asserting it, and the two pleas of dedication and adverse possession rest on contradictory premises, since adverse possession assumes title initially vested in another; the courts below accepted both without reconciling them. Applying T. Anjanappa v. Somalingappa, (2006) 7 SCC 570 and Government of Kerala v. Joseph, 2023 SCC OnLine SC 961, possession explained as flowing from dedication cannot simultaneously be hostile, and absent a pleaded date on which the true owners' title was repudiated the statutory period under the Limitation Act, 1963 cannot begin to run. Following Kondiba Dagadu Kadam v. Savitribai Sopan Gujar, (1999) 3 SCC 722 and A. Shahul Hameed v. N. Malligarjuna, 2026 SCC OnLine SC 969, concurrent findings vitiated by misapplication of law enjoy no immunity under Section 100 CPC; the vendors could convey only their half share, but each side must succeed on its own title (Ramchandra Sakharam Mahajan v. Damodar Trimbak Tanksale, (2007) 6 SCC 737), so the appeal was dismissed and the High Court decree affirmed.

8 Uttar Pradesh Subordinate Service Selection Commission v. Ashok Yadav & Ors. Service / Admin

2026 INSC 991 · Manoj Misra, Vijay Bishnoi · 09 September 2026

Issue. Whether the High Court was justified in interfering with the Commission's decision to treat option B as the only correct answer, and what the limits of judicial review over an answer key are.

Held. Restating Ran Vijay Singh v. State of U.P., (2018) 2 SCC 357 and U.P. Public Service Commission v. Rahul Singh, (2018) 7 SCC 254, the Court held that the key answer is presumed correct, the onus lies on the candidate to show a glaring and apparent mistake, and in case of mere doubt the benefit goes to the examining body; only where the question itself is wrong or admits two correct answers may the court order its exclusion, and only where a single correct answer exists among the options but the body picked another may it direct marks for that answer. Since question 68 was silent on the basis of pairing, a commonsense subject-wise pairing (whom the book is about) yields option B, and the candidate's assumption that authorship governed was his own assumptive mistake for which the examining body cannot be blamed. A question or answer is to be judged as it stands and not as it ought to have been, so the argument that a General Knowledge section could only mean authorship-based pairing was rejected, and reliance on Siddhi Sandeep Ladda v. Consortium of National Law Universities, 2025 INSC 714 did not help the respondent. The Court also cautioned that laches must be strictly viewed in such matters and that a challenge may be rejected where the prescribed objection procedure was not followed.

9 Abu Salem Abdul Qayoom Ansari v. State of Maharashtra Criminal Procedure

2026 INSC 982 · Vikram Nath, Sandeep Mehta · 10 September 2026

Issue. Whether, under concurrent sentences, the same period can be counted both as undertrial custody and as post-conviction custody towards the 25-year ceiling; and whether jail-earned remission can be added to advance release when the sentence imposed remains life imprisonment.

Held. The appellant counted undertrial custody from 11 November 2005 up to the later conviction of 7 September 2017, yet started post-conviction custody from the earlier conviction of 25 February 2015, so the period 25 February 2015 to 7 September 2017 was counted twice; since the sentences run concurrently, this double benefit has no legal foundation and the period must be computed as directed in the judgment of 11 July 2022 (2022 SCC OnLine SC 852). That judgment did not alter the two life sentences; it recognised an executive act (the extradition assurance) and required the Central Government, on completion of 25 years, to consider Article 72 or ss.432/433 CrPC, a distinction the Court grounds in separation of powers between Legislature, Judiciary and Executive. Because no fixed-term sentence exists, jail-earned remission, which the State computed against a 50-year category under Rule 25(iii) of Chapter XXXIX of the Maharashtra Prison Manual, 1979 (probable release 31 January 2046), cannot be treated as a benefit advancing release. Union of India v. V. Sriharan @ Murugan (2016) 7 SCC 1, Swamy Shraddananda v. State of Karnataka (2008) 13 SCC 767 and Yovehel v. State of Maharashtra 2020 SCC OnLine Bom 1318 are distinguished as involving no sovereign assurance; a precedent cannot be applied divorced from its material facts, and the appeal is dismissed in limine.

10 Bharat Petroleum Corporation Limited v. The District Revenue Officer (Stamps) General

2026 INSC 963 · Dipankar Datta, Sheel Nagu · 07 September 2026

Issue. Whether the machinery under s.47-A of the Stamp Act can be set in motion only on material showing wilful undervaluation with fraudulent intent to evade duty (as V.N. Devadoss holds), or whether a bare reason to believe that market value or consideration is not truly set forth suffices; and when a writ court may interdict a show cause notice at the threshold.

Held. The Court held that a writ court may interfere with a show cause notice only through two narrow doors, want of jurisdiction and mala fide exercise of jurisdiction, and here the District Revenue Officer was no stranger to the statute, so what was assailed was only the manner in which an existing jurisdiction was set in motion. Reading s.47-A on its own terms, the words "wilful undervaluation" and "fraudulent intention" are absent; importing them would be judicial legislation and, as Shanti Bhushan v. State of U.P., 2023 SCC OnLine SC 489 says, a taxing statute is construed literally with no scope to imply what is not expressed, while Ramesh Chand Bansal v. District Magistrate/Collector, (1999) 5 SCC 62 shows the object is to charge duty on true market value and the circle rate is only a prima facie guideline. Using an honest-sale and a fraudulent-sale illustration, the Bench found the Devadoss test too harsh for the honest purchaser and too lax against the cash-dealing one, but since V.N. Devadoss (followed in Registrar of Assurances v. ASL Vyapar (P) Ltd) is a three-Judge decision, judicial discipline barred overruling it. The Court therefore referred two questions, whether Devadoss and ASL Vyapar correctly read a fraudulent-intent requirement into s.47-A, and whether Ramesh Chand Bansal and Shanti Bhushan lay down correct law, to a larger Bench, noting that if Devadoss is upheld the Single Judge's quashing was justified, otherwise not.

11 M/s Punahchakran Private Limited v. Indotech Waste Solution Service / Admin

2026 INSC 956 · J.B. Pardiwala, Manoj Misra · 07 September 2026

Issue. Whether the CPCB's Revised Guidelines, 2016 are mandatory despite non-publication in the Official Gazette; whether land allotment is a precondition to a Form 1 application, EC appraisal and CTE; and whether the first ToR survived the quashing of the first EC.

Held. Section 8 of the EP Act, 1986 and Rules 3(c), 5 and 17 of the Bio-Medical Waste Management Rules, 2016 (made under ss.6 and 25) themselves require the CPCB guidelines to be made and followed, so the RG, 2016 carry a clear statutory mandate; Article 77 non-compliance, per Air India Cabin Crew Assn. v. Yeshaswinee Merchant (2003) 6 SCC 277, only removes an irrebuttable presumption and never invalidates the instrument. On publication, the Court applied B.K. Srinivasan v. State of Karnataka (1987) 1 SCC 658: where the statute prescribes a mode it must be followed; where only the subordinate legislation does, that mode suffices if reasonable; where both are silent, the Gazette is the general rule but "some other reasonable mode" is acceptable, and the RG, 2016 fall in the third category. Gulf Goans Hotels v. Union of India (2014) 10 SCC 673 concerned pre-EP Act guidelines with no statutory backing, and cases such as Pankaj Jain Agencies, Ganesh Das Bhojraj, Nabha Power and Viraj Impex all turned on a Gazette requirement in the parent statute itself. Clause 7(b) permits relaxation to not below 0.5 acre for facilities within municipal limits over 25 lakh or in rural areas, only in consultation with CPCB and with additional control measures; the District Magistrate's report placed the plots in Village Noorpur, a rural area, so relaxation was valid and the UPPCB's wrong statement that the earlier EC was merely "null and void and not illegal" did not amount to malice in law. Clause 6 of the EIA Notification, 2006 needs only "identification of prospective site(s)" at Form 1, the O.M. dated 07.10.2014 needs a credible land document at appraisal, and ss.25 Water Act and 21 Air Act do not make land procurement a precondition to CTE; the Court disagreed with the NGT's contrary reading of Clause 2 of the RG, 2016 in Aniruda Panwar. Whether a ToR survives the quashing of an EC depends on the stage at which the defect crept in; the appellant's concealment under Clause 8(vi) related to appraisal, not Form 1, so the first ToR, valid for 3+1 years under the O.M.s dated 29.08.2017 and 08.06.2022, remained intact.

Statutes, appointments & policy

NEW LAWS, AMENDMENTS & KEY BILLS

- **Bankers' Books Evidence Act, 2026 to commence on 1 October 2026.** The Department of Financial Services, Ministry of Finance, issued a notification dated 10 September 2026 under section 1(2) of the Bankers' Books Evidence Act, 2026 (Act 15 of 2026) appointing 1 October 2026 as the date on which the Act comes into force. The Act, assented to by the President on 13 August 2026, repeals the Bankers' Books Evidence Act, 1891. It recognises bank records kept in physical, electronic, digital, virtual and cloud-based form, permits certification by manual, digital or electronic signature, and requires a court to record a 'special cause' in writing before summoning a bank official where the bank is not a party. Relevant for Evidence law and the interplay with section 63 of the Bharatiya Sakshya Adhiniyam, 2023. — 10 September 2026 · ddnews.gov.in
- **Consumer Protection (E-Commerce) Amendment Rules, 2026 notified.** The Ministry of Consumer Affairs, Food and Public Distribution notified the Consumer Protection (E-Commerce) (Amendment) Rules, 2026 on 9 September 2026 under the Consumer Protection Act, 2019, amending the E-Commerce Rules, 2020, with effect from 1 January 2027. E-commerce entities must conduct an annual self-audit against the Guidelines for Prevention and Regulation of Dark Patterns, 2023 and display a compliance certificate, show the lowest price of the preceding 30 days alongside any discounted price, and must not manipulate search results. Grievance officers must acknowledge complaints within 48 hours and resolve them within one month. Marketplace platforms must disclose seller details and cannot collect bundled fees for unrelated services. — 9 September 2026 · scconline.com

APPOINTMENTS & INSTITUTIONS

- **High Court Judges and Additional Judges (Articles 217(1) and 224(1)):** Rohit Kapoor (P&H); Santosh Sharma, Sushma Sawant, Sudhir Kumar (Chhattisgarh); Mozhui, Dawngliani (Gauhati) — By notifications dated 8 September 2026, the Department of Justice notified the President's appointment under Article 217(1) of Justice Rohit Kapoor, Additional Judge, as Judge of the Punjab and Haryana High Court, and of judicial officers Santosh Sharma, Sushma Sawant and Sudhir Kumar as Judges of the Chhattisgarh High Court. Separately, under Article 224(1), advocate Nchumbemo Mozhui and judicial officer Helen Dawngliani were appointed Additional Judges of the Gauhati High Court for two years. All six appointments follow Supreme Court Collegium recommendations of 18 August 2026 and take effect from the date each appointee assumes charge. **— 8 September 2026 · scconline.com**
- **Supreme Court Collegium recommendations for High Court judgeship (Article 217):** 15 judicial officers for Delhi (8), Jharkhand (3), Karnataka (3) and J&K and Ladakh (1) High Courts — At its meeting on 10 September 2026, the Supreme Court Collegium headed by CJI Surya Kant recommended 15 judicial officers, including five women, for appointment as High Court judges. Delhi High Court: Gurvinder Pal Singh, Nivedita Anil Sharma, Nisha Sahay Saxena, Sanjay Sharma-I, Bharat Parashar, Aditi Choudhary, Dinesh Bhatt and Arun Bhardwaj. Jharkhand High Court: Manoj Prasad, Akhil Kumar and Ram Sharma. Karnataka High Court: Usharani, K.S. Bharath Kumar and Nerale Veerabhadraiah Bhavani. Jammu & Kashmir and Ladakh High Court: Yash Paul Bourney. The recommendations were forwarded to the Union Government for processing under the Memorandum of Procedure. **— 10 September 2026 · scconline.com**

Clear Concepts — textbook revision of two core concepts

The Charge: Framing, Alteration and the Effect of Errors (ss.211-224, 464 CrPC / ss.234-247, 510 BNSS)

Criminal Procedure

CrPC 1973, ss.211-224, 386, 464; BNSS 2023, ss.234-247, 427, 510

A charge tells the accused what he must answer. The Code treats it as a means, not an end: a defect vitiates a conviction only if the accused was misled and justice failed. In Pynchemalangaki Bareh v. State of Meghalaya (2026 INSC 984) a POCSO conviction fell for want of s.94 JJ Act age proof, yet ss.222, 386(b)(iii) and 464 CrPC sustained a s.376 IPC conviction without any framed charge.

Contents and particulars (ss.211-215 / ss.234-238).

- s.211 (BNSS s.234): the charge states the offence, its statutory name or definition, and the section.
- s.212 (s.235): particulars of time, place and person; for breach of trust a gross sum within a year suffices.
- s.213 (s.236): where those particulars give no adequate notice, the charge states the manner of commission.
- s.214 (s.237): charge words carry their legal sense; s.215 (s.238): errors immaterial unless the accused was misled.

Alteration and joinder (ss.216-223 / ss.239-246).

- s.216 (s.239): court may alter or add a charge any time before judgment; s.217 (s.240) permits witness recall.
- s.218 (s.241) is the rule: a separate charge and a separate trial for every distinct offence.
- s.219 (s.242): three offences of the same kind within twelve months; s.220 (s.243): offences in one transaction.
- s.221 (s.244): doubt about which offence the facts constitute; s.223 (s.246): when several accused are tried jointly.

Errors, omissions and conviction without charge (ss.222, 464 / ss.245, 510).

- s.222 (s.245): conviction for a minor offence, or an attempt, though uncharged, where proved facts constitute it.
- s.464 (s.510): no finding or sentence is invalid for a charge defect unless failure of justice was occasioned.
- Where justice did fail, the remedy is a fresh charge and retrial from that point, not acquittal (s.464(2)).
- Bareh (2026): ss.464, 222 and 386(b)(iii) (BNSS ss.510, 245, 427) sustained an uncharged s.376 IPC conviction, both offences sharing one actus reus.

Leading cases.

- Willie (William) Slaney v. State of MP (1956) — charge omission not fatal absent prejudice and failure of justice.
- Kantilal Chandulal Mehta v. State of Maharashtra (1969) — s.216 alteration power is wide, even in appeal.
- Dalbir Singh v. State of UP (2004) — uncharged offence conviction stands where proved facts constitute it.
- Shamnsaheb M. Multtani v. State of Karnataka (2001) — s.304B is no minor offence of s.302; unrebutted s.113B presumption caused prejudice.
- P. Kartikalakshmi v. Sri Ganesh (2017) — s.216 power is the court's alone; no party may demand alteration.

Exam tip. Examiners bait you into calling a defective charge automatically fatal; the only test is whether the accused was misled and justice failed (ss.215, 464).

Adverse Possession: Articles 64-65, Animus and the Sword-or-Shield Question

Limitation / Property

Limitation Act 1963, ss.3, 27; Articles 64, 65, 112

Adverse possession turns a trespasser's open, hostile occupation into ownership once the limitation period runs out; s.27 then extinguishes the owner's right. Article 64 protects prior possession, Article 65 title. This week, Bhag Singh v. Basant Kaur (2026 INSC 983) held revenue entries prove possession, not title, and dedication and adverse possession are contradictory pleas.

Article 64 vs Article 65.

- Article 64: suit on prior possession, not title; 12 years from dispossession, plaintiff proving only earlier possession.
- Article 65: suit on title; 12 years run from when the defendant's possession becomes adverse, not from the title.
- Under Article 65 the defendant must plead and prove adverse possession; the plaintiff proves title and limitation is presumed.
- Section 27 extinguishes the owner's right itself, not merely the remedy; Article 112 gives Government 30 years.

Ingredients and what defeats the plea.

- Possession must be nec vi, nec clam, nec precario: without force, secrecy or permission, and exclusive of the owner.
- It must be actual, open, continuous and hostile to the owner's knowledge for 12 years, with animus possidendi against him.
- Permissive possession (tenant, licensee, co-owner) never turns adverse without an open hostile assertion; a co-owner must prove ouster.
- Bhag Singh (2026): possession explained by dedication cannot also be hostile, and revenue entries neither create nor extinguish title.

Pleading, proof and use as a sword.

- The plea must state when possession began, its nature and when it turned adverse; bare long possession fails (Karnataka Board of Wakf).
- Proof is strict and cannot be inferred from lapse of time, revenue entries or silence (Government of Kerala v. Joseph).
- Gurdwara Sahib v. Sirthala (2014) treated the plea as shield only; Ravinder Kaur Grewal (2019, three judges) overruled it.
- Once title matures under Article 65, the possessor may sue as plaintiff for declaration and possession, even against the former owner.

Leading cases.

- Karnataka Board of Wakf v. GOI (2004) — plea must specify commencement, nature and date possession turned adverse.
- P.T. Munichikkanna Reddy v. Revamma (2007) — animus possidendi is the core; owner's human right to property weighs in.
- Hemaji Waghaji Jat v. Bhikhabhai (2009) — doctrine called harsh and irrational; Parliament urged to reconsider.
- Ravinder Kaur Grewal v. Manjit Kaur (2019) — three judges: matured adverse possession is a sword, not only a shield.
- M. Siddiq (Ayodhya) (2020) — no adverse possession without exclusive, hostile possession.

Exam tip. Examiners pair permissive entry with long occupation and ask when limitation began: never, until a hostile assertion is pleaded with a date.

Revision capsule — one-line recap of every ruling

- **Sanofi India Ltd.:** Non-identification and non-arraignment of a natural person is no ground by itself to quash a mens rea prosecution against a company under s.482 CrPC — attribution of the human actor's mind to the corporation is a matter for trial, tested under a three-stage framework the Court lays down.
- **S.S. Das:** A merit-based promotion earned shortly before a compulsory-retirement order, with no intervening adverse material, negates the order's foundation that the officer is dead wood or of doubtful integrity — the order was set aside as arbitrary, perverse and vitiated by malice in law.
- **Pynchemalangaki Bareh:** A Baptismal Certificate is not a document prescribed by s.94(2) of the JJ Act, so minority stood unproved and the s.4 POCSO conviction fell; but because s.375 IPC and s.3 POCSO share the same actus reus and the accused had a full chance to defend, s.464 read with s.222 and s.386(b)(iii) CrPC permitted conviction under s.376 IPC without a charge, with sentence reduced to ten years.
- **Sheo Kumar Singh:** Admissibility of a document filed with the plaint is a matter for trial and not for Order VII Rule 11 — the plaint averments must be taken at face value and the defendants' plea of non-registration is wholly immaterial at that stage.
- **Dhanraj:** TIP is only corroborative and dock identification is the substantive evidence; with the accused unnamed in the FIR, his name fed to the child by police, the sketch withheld and injuries dated days before the alleged incident, the conviction collapses and the appellant is acquitted after nine years in custody.
- **V. Sumitra Reddy:** Appeal dismissed — the cut-off date 18.10.1983 governs only ascertainment of profits and losses; under ss.46 and 48 the outgoing partner's 25% share in the residue is realised from sale of the land at present value, and retention of the dissolved firm's land by a reconstituted firm without buying it is illegal.

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- **Bhag Singh (D) Thr. Mahant Kashmir Singh:** Revenue entries prove possession, not title; a plea of dedication is inconsistent with adverse possession, and long possession without pleaded and proved hostile animus never starts the Limitation Act clock — concurrent findings built on such misapplied law are open to correction under Section 100 CPC.
- **Uttar Pradesh Subordinate Service Selection Commission:** A court may disturb an answer key only where the mistake is so glaring that no inferential process or reasoning is needed to see it; the question fixed no pairing parameter, the Commission's subject-wise reading was neither arbitrary nor irrational and the expert report never called option B wrong, so the High Court overstepped its jurisdiction, that too in review, and the writ petition stands dismissed.
- **Abu Salem Abdul Qayoom Ansari:** Concurrent sentences operate simultaneously so the same custody period cannot be counted twice towards the 25-year ceiling; the sovereign assurance to Portugal fixes an outer limit on imprisonment without converting life imprisonment into a fixed 25-year term, so jail-earned remission cannot be notionally added to accelerate release.
- **Bharat Petroleum Corporation Limited:** Section 47-A on its plain text requires only reason to believe that market value or consideration is not truly set forth, not a culpable mindset — the fraudulent-intent gloss in Devadoss (2009) 7 SCC 438 and ASL Vyapar (2024) 17 SCC 572 is doubted and the questions referred to a larger Bench.
- **M/s Punahchakran Private Limited:** The RG, 2016 are mandatory and binding though never gazetted — where neither the parent Act nor the rules prescribe a mode of publication, Srinivasan permits any reasonable mode and posting on the CPCB website suffices; Gulf Goans has no application to guidelines issued under statutory backing; identification of a site is enough at the Form 1 stage, a credible land document is needed only at appraisal, and land allotment is not a condition precedent to a CTE; the first ToR was not invalidated when the first EC was set aside; NGT judgment set aside and appeal allowed.

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

Q1. A CBI chargesheet arraigns a private company as an accused for criminal conspiracy under s.120B read with s.420 IPC, along with a public servant, but names no director or employee of the company. The company moves the High Court under s.482 CrPC to quash the proceedings solely on the ground that no natural person from the company has been arraigned. Which of the following is the correct legal position?

A. The proceedings must be quashed, because a company cannot be tried for an offence requiring mens rea unless the individual whose mind is attributed to it is also an accused
B. The proceedings need not be quashed on that ground alone; whether a natural person's act and state of mind can be attributed to the company is a question for trial
C. The proceedings must be quashed, because a company cannot be sentenced to imprisonment and s.420 IPC carries a mandatory custodial sentence
D. The proceedings must be quashed, because a company can be prosecuted only under statutes that expressly create vicarious liability, such as s.141 NI Act

Ans: B. A company can hold mens rea through the natural persons who are its directing mind (Iridium India Telecom v. Motorola, (2011) 1 SCC 74), and the impossibility of imprisoning it is no bar to prosecution (Standard Chartered Bank v. Directorate of Enforcement, (2005) 4 SCC 530). At the quashing stage the chargesheet need only prima facie show that some natural person acted for the company and that the act is referable to the offence; attribution itself is decided at trial. Old to new: s.482 CrPC is s.528 BNSS, s.120B IPC is s.61(2) BNS and s.420 IPC is s.318(4) BNS. In Sanofi India v. CBI this week, the Supreme Court refused to quash on precisely this ground and laid down a three-stage attribution test to be applied at trial. **[This week's ruling: Sanofi India Ltd. v. Central Bureau of Investigation (2026 INSC 957)]**

Q2. Which of the following statements correctly states the settled law on prosecuting a corporation for an offence that requires a guilty mind?

A. A corporation is a juristic person without a mind of its own and therefore cannot be prosecuted for any offence requiring mens rea
B. A corporation may be prosecuted for a mens rea offence only where the statute creating the offence expressly provides for vicarious liability
C. The state of mind of the natural person who is the directing mind and will of the corporation in relation to the act is treated as the corporation's own
D. The requisite mens rea may be built up by aggregating the partial knowledge of several officers, none of whom individually had the guilty intent

Ans: C. 'Person' under s.11 IPC (now s.2(26) BNS) includes a company, and since Standard Chartered Bank (2005) and Iridium India Telecom v. Motorola (2011) a company can be tried for offences requiring mens rea; the mind of the human agent who is its directing mind and will (Tesco Supermarkets v. Nattrass, [1972] AC 153) is attributed to it. Where a statute itself supplies vicarious or strict liability, such as s.141 NI Act or s.17 PFA Act, no attribution exercise is needed, but such a provision is not a precondition for prosecuting a company. Sanofi India v. CBI this week framed a three-stage attribution test (power under the company's constitution, delegation with discretion, and any special rule the statute demands) and clarified that corporate mens rea cannot be assembled from partial states of mind of different individuals. **[This week's ruling: Sanofi India Ltd. v. Central Bureau of Investigation (2026 INSC 957)]**

Q3. In a prosecution for rape of a child, the victim identified the accused at a Test Identification Parade during investigation. At trial she deposed that she could identify the assailant if he were shown to her, but although the accused was present in the dock, she was never asked to identify him. What is the evidentiary position?

A. The TIP is not substantive evidence; without identification in court it has nothing to corroborate, and identity remains unproved
B. The TIP conducted before a Magistrate is itself substantive evidence of identity and can independently sustain the conviction
C. The TIP becomes substantive evidence once the Magistrate who conducted it proves the TIP memo in court as a public document
D. The omission is cured by the accused's failure to deny identity when examined under s.313 CrPC at the close of the prosecution case

Ans: A. Identification of an accused during investigation, including at a TIP, is a step in the investigation and not substantive evidence; its only use is to corroborate or contradict the identification the witness makes in court, which is the substantive evidence (Rameshwar Singh v. State of J&K, (1971) 2 SCC 715; Malkhansingh v. State of M.P., (2003) 5 SCC 746). The TIP is relevant under s.9 of the Evidence Act (s.7 BSA), identification of an arrested person is regulated by s.54A CrPC (s.54 BNSS), and the accused's examination under s.313 CrPC (s.351 BNSS) is not evidence that can fill a gap in the prosecution case. In Dhanraj v. State of Rajasthan this week, the absence of any dock identification was held fatal and the accused was acquitted after nine years in custody. **[This week's ruling: Dhanraj v. State of Rajasthan (2026 INSC 958)]**

Q4. Under which provision of the Indian Evidence Act, 1872 may the judge, in order to discover or obtain proper proof of relevant facts, ask any question he pleases, in any form, at any time, of any witness or of the parties, about any fact relevant or irrelevant?

A. Section 137, which lays down the order of examination-in-chief, cross-examination and re-examination of a witness
B. Section 138, which permits questions in re-examination directed to the explanation of matters referred to in cross-examination
C. Section 154, which permits a party, with the court's permission, to put to its own witness questions that might be put in cross-examination
D. Section 165, which confers on the judge the power to put questions to witnesses or to order the production of any document or thing

Ans: D. Section 165 of the Evidence Act (now s.168 BSA) gives the trial judge a wide power to question witnesses and order production of documents, subject to the provisos that the judgment must rest on facts duly proved and that parties may not cross-examine on the judge's questions without leave. It complements s.311 CrPC (s.348 BNSS), which allows the court to summon or recall any witness at any stage if essential to a just decision. Zahira Habibulla Sheikh v. State of Gujarat, (2004) 4 SCC 158 holds that a judge cannot be a mute spectator; in Dhanraj v. State of Rajasthan this week the Supreme Court faulted the trial judge for not invoking this power when the prosecutor failed to have the child identify the accused in court. **[This week's ruling: Dhanraj v. State of Rajasthan (2026 INSC 958)]**

Q5. Plaintiffs sue for eviction and arrears of rent, pleading a registered lease and an unregistered supplementary deed revising the rent, and averring that the supplementary deed did not require registration. The defendants apply under Order VII Rule 11 CPC contending that s.49 of the Registration Act bars any reliance on the unregistered deed. How should the court deal with the application?

A. Reject the plaint under Order VII Rule 11(d), since a suit resting on an unregistered document is barred by s.49 of the Registration Act
B. Reject the plaint under Order VII Rule 11(a), since without the supplementary deed the plaint discloses no cause of action for the arrears claimed
C. Dismiss the application, since admissibility of a document filed with the plaint is a matter for trial and the defence plea is immaterial at this stage
D. Reject the plaint in part, confining the suit to the reliefs that can be supported by the registered lease deed alone

Ans: C. For Order VII Rule 11 only the averments in the plaint and the documents filed with it are examined, taken at face value; the defendant's version, whether in the written statement or in the rejection application, is wholly immaterial (Saleem Bhai v. State of Maharashtra, (2003) 1 SCC 557; P.V. Guru Raj Reddy v. P. Neeradha Reddy, (2015) 8 SCC 331). A plaint also cannot be rejected in part (Sejal Glass Ltd. v. Navilan Merchants, (2018) 11 SCC 780). Whether an unregistered deed can be received for a collateral purpose under the proviso to s.49 is decided on evidence at trial. In Sheo Kumar Singh v. Sharda Educational Society this week, the Supreme Court set aside the High Court's remand order, rejected the Order VII Rule 11 application and sent the suit for trial on this reasoning. **[This week's ruling: Sheo Kumar Singh v. M/s Sharda Educational Society (2026 INSC 1011)]**

Q6. A document that is compulsorily registrable under s.17 of the Registration Act, 1908 has not been registered. Which of the following correctly states the effect of s.49 of that Act?

A. The document is void for all purposes and cannot be received as evidence of any transaction whatsoever between the parties
B. It cannot affect the immovable property, but may be received as evidence of a collateral transaction not required to be effected by a registered instrument
C. It may be received as evidence of the very transaction affecting the property that it purports to effect, provided the parties admit its execution
D. It may be received in evidence for all purposes once the deficit registration fee and the prescribed penalty are paid before the court

Ans: B. Section 49 provides that an unregistered document required to be registered shall not affect any immovable property comprised in it or be received as evidence of any transaction affecting such property, but the proviso allows it to be received as evidence of a contract in a suit for specific performance or of any collateral transaction not required to be effected by a registered instrument (K.B. Saha & Sons v. Development Consultant Ltd., (2008) 8 SCC 564). The pay-the-penalty-and-admit route in the last option belongs to s.35 of the Stamp Act, not the Registration Act. Sheo Kumar Singh v. Sharda Educational Society this week held that whether a party can claim the benefit of this proviso must be decided at trial after evidence, not at the Order VII Rule 11 stage. **[This week's ruling: Sheo Kumar Singh v. M/s Sharda Educational Society (2026 INSC 1011)]**

Q7. In a POCSO trial the prosecution seeks to prove that the victim was below eighteen by producing a baptismal certificate issued by a church, supported by her mother's testimony. No school certificate, municipal birth certificate or medical age test is placed on record. Which of the following is correct?

A. Minority is not proved, because a baptismal certificate is not among the documents prescribed by s.94(2) of the JJ Act, 2015
B. Minority is proved, because s.94(2) of the JJ Act permits any documentary evidence of age once it is corroborated by a parent
C. Minority is proved, because s.34 of the POCSO Act makes a parent's statement of the child's age conclusive against the accused
D. Minority is not proved, because only an ossification test can establish the age of a victim in a sexual offence trial

Ans: A. Section 94(2) of the JJ Act, 2015 lays down a hierarchy for age determination: (i) the date of birth certificate from the school or the matriculation certificate; (ii) in its absence, the birth certificate issued by a corporation, municipal authority or panchayat; and (iii) only in the absence of both, an ossification test or other medical age-determination test. Jarnail Singh v. State of Haryana, (2013) 7 SCC 263 and P. Yuvaprakash v. State (2023) apply this scheme to POCSO victims, the Special Court determining age under s.34(2) POCSO. In Pynchemalangaki Bareh v. State of Meghalaya this week, a baptismal certificate was held to fall outside the statutory list, and the POCSO conviction fell for want of proof of minority. **[This week's ruling: Pynchemalangaki Bareh v. State of Meghalaya (2026 INSC 984)]**

Q8. An accused is charged only under s.4 of the POCSO Act for penetrative sexual assault on a girl said to be thirteen. At trial the act of forcible intercourse is proved by medical, forensic and ocular evidence, but the victim's minority is not proved in the manner the law requires. No charge under s.376 IPC was ever framed. Can the court convict him of rape under s.376 IPC?

A. No, because s.211 CrPC mandates that the charge state the offence, and a conviction for an uncharged offence is a nullity
B. No, because s.222 CrPC permits conviction for a lesser offence only where both offences are created by the same enactment
C. Yes, but only after remanding the case for a fresh trial on a freshly framed charge under s.376 IPC with fresh evidence
D. Yes, if no failure of justice has in fact been occasioned, since the ingredients of s.375 IPC are contained in the s.3 POCSO charge he defended

Ans: D. Under s.464(1) CrPC (s.510 BNSS) no finding or sentence is invalid merely because no charge was framed, unless a failure of justice has in fact been occasioned; the Constitution Bench in Willie (William) Slaney v. State of M.P., AIR 1956 SC 116 treats a defect in the charge as curable where the accused knew what he had to meet and had a fair chance to defend. Section 222 CrPC (s.244 BNSS) permits conviction for a minor or cognate offence made up of some of the particulars charged, s.211 CrPC is now s.234 BNSS, and the appellate court may alter the finding and sentence under s.386(b) CrPC (s.427(b) BNSS). Old to new: s.376 IPC is s.64 BNS and s.506 IPC is s.351 BNS. In Bareh v. State of Meghalaya this week, the Supreme Court altered a s.4 POCSO conviction to one under s.376 IPC on this basis and reduced the sentence to ten years. **[This week's ruling: Pynchemalangaki Bareh v. State of Meghalaya (2026 INSC 984)]**

Q9. A government servant is compulsorily retired in public interest under FR 56(j) shortly after being promoted on merit to a higher grade, with no adverse material arising between the promotion and the order. On which of the following grounds can a court interfere with such an order?

A. That the officer was not given a hearing before the order, since compulsory retirement visits him with evil consequences
B. That the review committee took into account adverse remarks that had never been communicated to the officer
C. That the order is based on no evidence or is perverse, since a recent merit promotion negates the finding that the officer is dead wood
D. That no departmental inquiry was held as required by Article 311(2) of the Constitution before bringing his service to an end

Ans: C. Compulsory retirement in public interest is not a punishment, so Article 311(2) and the rules of natural justice are not attracted, and the government may consider the entire record including uncommunicated adverse entries; judicial review is confined to whether the order is mala fide, based on no evidence, or perverse (Baikuntha Nath Das v. Chief District Medical Officer, (1992) 2 SCC 299). But the recent record, and particularly a promotion earned despite earlier entries, must be given due weight (State of Punjab v. Gurdas Singh, (1998) 4 SCC 92). In S.S. Das v. Union of India this week, the Supreme Court set aside an FR 56(j) order passed within three months of a merit promotion as arbitrary, perverse and vitiated by malice in law. **[This week's ruling: S.S. Das v. Union of India (2026 INSC 980)]**

Q10. In a suit for declaration of title based on a registered sale deed, the defendants plead that the land had earlier been dedicated to their religious institution and, in the alternative, that they have perfected title by adverse possession through more than forty years of possession recorded in the Jamabandi. Which of the following is correct?

A. Both defences fail; possession explained as flowing from a dedication cannot be hostile, and revenue entries prove possession but not title
B. Adverse possession succeeds; possession recorded in revenue entries for over twelve years ripens into title under Article 65 of the Limitation Act
C. Dedication is proved; a Jamabandi entry showing possession for a religious purpose is conclusive proof of a completed dedication
D. Both defences succeed; long possession is itself evidence of dedication, and dedication is a valid foundation for a plea of adverse possession

Ans: A. Adverse possession presupposes that title vests in another and requires pleading and proof of the date from which possession became hostile (nec vi, nec clam, nec precario) so that limitation under Article 65 of the Limitation Act, 1963 can start running; a defendant who explains his possession as permissive or as flowing from a dedication has pleaded himself out of adverse possession (T. Anjanappa v. Somalingappa, (2006) 7 SCC 570; Karnataka Board of Wakf v. Government of India, (2004) 10 SCC 779). Revenue records such as Jamabandis are maintained for fiscal purposes and neither create nor extinguish title (Suraj Bhan v. Financial Commissioner, (2007) 6 SCC 186). In Bhag Singh v. Basant Kaur this week, the Supreme Court held the two pleas mutually inconsistent and affirmed the decree in favour of the sale-deed holders. **[This week's ruling: Bhag Singh (D) Thr. Mahant Kashmir Singh v. Basant Kaur (D) Thr. LRs (2026 INSC 983)]**

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

Mains Q1. — Haryana Civil Service (Judicial Branch) Mains, 1996 · Criminal Law — Criminal liability of corporations and attribution of mens rea

What is meant by mens rea? Explain the dictum 'Actus non facit reum nisi mens sit rea'. How far is a motive necessary for determining a crime? Are there any exceptions to the dictum of mens rea? Illustrate your answer.

The maxim actus non facit reum nisi mens sit rea means that an act does not make a person guilty unless the mind is guilty too. Crime is the coincidence of a prohibited act with a culpable state of mind, which the Penal Code expresses through graded terms such as "voluntarily" (s.39 IPC / s.2(33) BNS), "dishonestly" (s.24 / s.2(7)) and "fraudulently" (s.25 / s.2(9)). Motive is the reason behind the intention; evidentially useful, it is legally irrelevant: a good motive is no defence and a bad one no offence. The dictum is a presumption, not a command: a statute may displace it by express words or necessary implication, as strict liability offences show (State of Maharashtra v. M.H. George).

The sternest test of the dictum is the corporation. Section 11 IPC, now s.2(26) BNS, defines "person" to include a company, so a company can commit an offence. Two objections once seemed decisive: a company has no mind to be guilty and no body to be jailed. The Constitution Bench in Standard Chartered Bank v. Directorate of Enforcement, (2005) 4 SCC 530, answered the second: a company can be prosecuted even for an offence carrying mandatory imprisonment and fine, the court imposing the fine alone. Iridium India Telecom Ltd. v. Motorola Inc., (2011) 1 SCC 74, answered the first via Lennard's Carrying Co. v. Asiatic Petroleum and Tesco Supermarkets v. Nattrass: the state of mind of the company's directing mind and will is the company's own, so a prosecution for cheating and conspiracy (ss.420 and 120B IPC, now ss.318(4) and 61(2) BNS) could proceed against it.

Attribution runs one way. Sunil Bharti Mittal v. CBI, (2015) 4 SCC 609, held that a director is not automatically an accused because the company is; there is no vicarious criminal liability unless statute creates it or the material shows his own active role with criminal intent. Where a statute does create it, its scheme governs: Aneeta Hada v. Godfather Travels and Tours Pvt. Ltd., (2012) 5 SCC 661, held that under s.141 of the Negotiable Instruments Act an officer cannot be prosecuted vicariously unless the company itself is arraigned. Shiv Kumar Jatia v. State (NCT of Delhi), (2019) 17 SCC 193, applied Mittal to quash a s.338 IPC (now s.125(b) BNS) charge against a hotel company's managing director, nothing beyond his office having been alleged.

This week, Sanofi India Ltd. v. CBI, 2026 INSC 957, supplied the method Iridium left open: a natural person's act and mind become the corporation's under a three-stage test asking whether the company's constitution or company law vests that person with power to do the act, whether the power was delegated with discretion and independence, and whether the statutory purpose demands a special rule of attribution, status alone never sufficing and the framework governing only mens rea offences framed for natural persons, not statutes already imposing vicarious or strict liability. The Court accordingly refused to quash a s.120B/420 IPC and PC Act prosecution merely because no employee had been arraigned with the company: at the s.482 CrPC (now s.528 BNSS) stage the chargesheet need only prima facie show that some natural person acted for the corporation referably to the offence, Aneeta Hada being confined to s.141 NI Act.

The dictum stands, but it has learnt to find a mind rather than demand a body. Guilt still requires a culpable mental state; for a corporation it lies in the person whose act the law treats as the company's, imprisonment yields to fine, and the only true exceptions are statutes that have themselves dispensed with the guilty mind.

Mains Q2. — **Bihar Civil Judge (Junior Division) Mains, 2014 · Evidence — Identification of the accused: TIP, dock identification and s.165 IEA / s.168 BSA**

Explain the judge's power to put questions or require production of documents from a party during trial of a case.

Section 165 of the Indian Evidence Act, 1872, carried forward as s.168 of the Bharatiya Sakshya Adhiniyam, 2023, gives the trial judge the widest power in the statute. In order to discover or to obtain proper proof of relevant facts, the judge may ask any question he pleases, in any form, at any time, of any witness or of the parties, about any fact relevant or irrelevant, and may order the production of any document or thing. Neither the parties nor their agents may object to such a question or order, nor cross-examine a witness on an answer given to it without leave of the court.

The width of the power is bounded by its proviso. The judgment must still rest on facts declared relevant by the Act and duly proved; an irrelevant answer may unlock a relevant fact but cannot found the verdict. The section does not authorise the judge to compel a witness to answer a question, or produce a document, that the witness could lawfully refuse under the privilege provisions, nor to put a question that would be improper if put by counsel. Nor does it let the judge dispense with primary evidence of a document except where the Act itself permits secondary evidence. Its procedural companion is s.311 CrPC (s.348 BNSS), which lets the court at any stage summon, examine or recall any person whose evidence is essential to a just decision.

In Ram Chander v. State of Haryana (1981) 3 SCC 191, Chinnappa Reddy J. described the judge as a participant who must not be a mute spectator, while cautioning against descending into the arena and cross-examining the accused with the hostility of a prosecutor. Zahira Habibulla H. Sheikh v. State of Gujarat (2004) 4 SCC 158 read ss.165 and 311 together as instruments to prevent a miscarriage of justice, holding that a judge who lets the truth escape because the parties failed to bring it out has failed in the duty the sections cast on him.

The power becomes decisive on identity of the accused. Under s.9 IEA (s.7 BSA), facts establishing identity are relevant, and a test identification parade held during investigation under s.54A CrPC (s.54 BNSS) is the usual means of testing a witness who saw a stranger. But the parade belongs to the investigation, not the trial: Kanta Prashad v. Delhi Administration (1958), Malkhansingh v. State of M.P. (2003) 5 SCC 746 and Munshi Singh Gautam v. State of M.P. (2005) 9 SCC 631 settle that the substantive evidence is the identification made in court, and the parade merely corroborates it. Absence of a parade is not fatal where the dock identification is otherwise reliable, though a first-time identification in court must be weighed with caution, and where the witness already knew the accused a parade is pointless (Dana Yadav v. State of Bihar (2002) 7 SCC 295).

This is where the s.165 duty bites. In Dhanraj v. State of Rajasthan, 2026 INSC 958, the child victim had picked out the accused in a parade and said in the box that she could identify him, yet he stood in the dock and neither the prosecutor nor the presiding officer had her point to him; the Supreme Court, relying on Rameshwar Singh v. State of J&K (1971) 2 SCC 715 and Zahira Sheikh, called the omission fatal, reiterated that a trial judge cannot be a mute spectator, and acquitted after nine years in custody. Section 165 is not a decorative power but a duty to see that proof the parties have left unmade is made before judgment.

Mains Q3. — Telangana State Judicial Service (Civil Judge) Mains, 2023 · Civil Procedure — Rejection of plaint (Order VII Rule 11 CPC)

Explain the difference between 'Return of Plaint' and 'Rejection of Plaint' with reference to relevant provisions of the Civil Procedure Code, 1908. Elucidate your answer with case law. (10 marks)

Return and rejection of a plaint sit side by side in Order VII CPC but answer different defects. Order VII Rule 10 directs that a plaint be returned, at any stage, for presentation to the court in which it should have been instituted; the only question is jurisdiction, and the plaint itself may be flawless. Order VII Rule 11 looks at the plaint alone and requires rejection where it discloses no cause of action (clause a), the relief is undervalued and not corrected within the time fixed (clause b), the plaint is insufficiently stamped and the deficiency is not made good (clause c), the suit appears from the statement in the plaint to be barred by any law (clause d), the plaint is not filed in duplicate (clause e), or Rule 9 is not complied with (clause f). The power is exercisable at any stage before trial, suo motu or on application (Saleem Bhai v. State of Maharashtra (2003) 1 SCC 557).

The controlling principle of Rule 11 is that the plaint must be read as a whole, its averments and the documents filed with it taken as true, without any glance at the written statement. Saleem Bhai and Popat and Kotecha Property v. State Bank of India Staff Association (2005) 7 SCC 510 hold the defence irrelevant, because rejection non-suits the plaintiff without trial and can rest only on his own pleading. The reading is meaningful, not formal: T. Arivandandam v. T.V. Satyapal (1977) 4 SCC 467 requires clever drafting that creates an illusion of a cause of action to be nipped in the bud, and Dahiben v. Arvindbhai Kalyanji Bhanusali (2020) 7 SCC 366 applied that test to a suit time-barred on its own dates. Limitation is a ground under clause (d) only where the bar appears from the plaint itself; a mixed question goes to trial. This week, in Sheo Kumar Singh v. Sharda Educational Society, 2026 INSC 1011, the Supreme Court held that a defendant's plea that a supplementary lease deed relied on in the plaint is inadmissible for want of registration under section 49 of the Registration Act is wholly immaterial at the Rule 11 stage, since the plaint pleaded that the deed needed no registration and admissibility is a trial question.

Two consequences follow. A plaint cannot be rejected in part; if any relief survives, the whole plaint survives (Sejal Glass Ltd. v. Navilan Merchants (P) Ltd. (2018) 11 SCC 780). And an order of rejection is expressly a decree under section 2(2), appealable under section 96, yet it decides nothing on the merits: Order VII Rule 13 preserves the plaintiff's right to present a fresh plaint on the same cause of action once the defect is cured. That separates rejection from dismissal, which follows adjudication and attracts res judicata under section 11.

Return has a different afterlife. The judge endorses the dates of presentation and return, the presenting party and the reasons (Rule 10(2)); on re-presentation the suit is treated as freshly instituted in the proper court, and the plaintiff must invoke section 14 of the Limitation Act to exclude time spent in the wrong forum (Amar Chand Inani v. Union of India (1973) 1 SCC 115). Rule 10A lets the plaintiff have a date fixed for appearance before the transferee court, and an order of return is appealable as an order under Order XLIII Rule 1(a), not as a decree. Rejection kills the plaint for a defect within it; return merely redirects a good plaint to the court competent to hear it — hold the two apart on ground, consequence and remedy.

Mains Q4. — Gujarat Civil Judge Mains, 2011 · Partnership — Dissolution of a firm and settlement of accounts (ss.39–48, Indian Partnership Act 1932)

Write short notes on the following: (a) Partnership at will. (b) Dissolution of firm.

Section 39 of the Indian Partnership Act 1932 defines dissolution of a firm as the dissolution of partnership between all the partners. Where one partner retires or dies and the others carry on, the firm survives in reconstituted form and the outgoing partner's claim lies under s.37, not under the winding-up provisions. A partnership at will is one in which the contract makes no provision for the duration of the partnership or for its determination (s.7). Under s.43 any partner may dissolve such a firm by written notice to all the other partners, and it stands dissolved from the date named in the notice or, failing that, from the date of communication. Banarsi Das v. Kanshi Ram (AIR 1963 SC 1165) treats a plaint seeking dissolution as notice, dissolution dating from service of summons.

The Act recognises five modes of dissolution. Section 40 permits it with the consent of all partners or under their contract. Section 41 compels it when all partners, or all but one, are adjudicated insolvent, or the business becomes unlawful. Section 42, subject to contract, dissolves the firm on expiry of a fixed term, completion of the adventure, death of a partner or his insolvency. Section 44 lets the court dissolve the firm on a partner's suit for unsoundness of mind, permanent incapacity, prejudicial conduct, persistent breach, transfer of a partner's whole interest, a business that runs only at a loss, or any just and equitable ground.

Under s.45 the partners remain liable to third parties for acts that would have bound the firm until public notice is given, save for a deceased or insolvent partner's estate and a dormant retiring partner. Section 46 entitles every partner to have the firm's property applied to its debts and the surplus distributed, and s.47 continues each partner's authority for winding up. Section 48 fixes the order: losses are met first from profits, then from capital, and lastly by the partners individually in their profit-sharing ratio; assets go first to third-party debts, then to partners' advances, then to capital, and the residue is divided in the profit-sharing ratio. Property brought into or acquired for the firm is partnership property (s.14), and Addanki Narayanappa v. Bhaskara Krishnappa (AIR 1966 SC 1300) settles that a partner's interest in it, even

land, is movable property: he owns a share in the surplus, not a specific asset. S.V. Chandra Pandian v. S.V. Sivalinga Nadar ((1993) 1 SCC 589) applied this to an award allotting immovable assets on dissolution, which therefore needs no registration; Erach F.D. Mehta v. Minoo F.D. Mehta (1970) upheld a partner's contractual option to take over the other's share.

That distinction decided V. Sumitra Reddy v. K. Ranganadha Reddy (2026 INSC 979) this week: a partner had dissolved a partnership at will by notice in 1983 and the remaining partners kept the firm's land in a reconstituted firm; the Supreme Court held that the dissolution date governs only the ascertainment of profits and losses, so under ss.46 and 48 the outgoing partner's 25% share in the residue is realised from sale of the land at present value. It distinguished Pamuru Vishnu Vinodh Reddy, a retirement case valued on the retirement date with interest: retirement is not dissolution. Section 37 covers that case: where the survivors carry on with the firm's property without final settlement, the outgoing partner may elect profits attributable to the use of his share or interest at six per cent per annum, unless an option to purchase his share has been duly exercised. A partner owns a share in the surplus, not a slice of the land.

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

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