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Weekly Legal Current Affairs

2–8 November 2026

This week at a glance

- High Court convicted one mother-in-law of murder on an uncorroborated dying declaration after acquitting her co-accused; the Supreme Court restored the acquittal.
- A school pillar kills a twelve-year-old, yet the President and Superintendent escape even Section 304A: their negligence was causa sine qua non, not causa causans.
- The 24 hours under Article 22(2) start when liberty is curtailed at interception, not when the NDPS officer chooses to record a formal arrest.
- A husband's UK divorce on 'irretrievable breakdown' fails Section 13 CPC and cannot defend bigamy; his parents and the second wife walk free.

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Judgments of the week

1. Kamalbai Waman Patil v. State of Maharashtra Evidence

2026 INSC 1196 · U. Bhuyan, A.S. Chandurkar · 5 November 2026

Facts. Sunitabai died of burns on 15.04.2005. Her husband, father-in-law, mother-in-law (the appellant) and brother-in-law were charged under ss.498A, 342, 406 and 302 read with s.34 IPC. Three dying declarations existed: Ex.56 (medico-legal papers) named the appellant as pouring kerosene, while Ex.44 and 48 said her hands and legs were tied by the husband and brother-in-law and the father-in-law set her alight. The Sessions Court acquitted all; the Bombay High Court reversed only as to the appellant, convicting her under s.302 on Ex.56 and her failure to explain the burns.

Issue. Whether the High Court could convict a single accused under s.302 IPC, when the charge was s.302 read with s.34 and the co-accused stayed acquitted, on one uncorroborated dying declaration among inconsistent ones, aided by s.106 of the Evidence Act.

Held. The charge against all four was under s.302 read with s.34, and convicting only A3 on the admission that she alone was at home made out a new accusation prejudicial to her. Krishna Govind Patil v. State of Maharashtra (1962) was applied: once the co-accused are acquitted, constructive liability under s.34 cannot be fastened on the remaining one. Independently, the Court applied the multiple dying declaration principles in Abhishek Sharma v. State (Govt. of NCT of Delhi) (2023) and Jagbir Singh v. State (NCT of Delhi) (2019) and held that, with Ex.44 and 48 rejected, Ex.56 needed corroboration, especially with 94% burns. The first rescuer, Vishwas Desle or Patil, who stood at the history being recorded, was a material witness who was not examined, and no one proved the burnt rope. Section 106 applies only after the prosecution discharges its initial burden, as held in Anees v. State Govt. of NCT (2024), so unexplained burns did not shift the onus. The Court also noted the High Court had not heard her on sentence under s.386(a) CrPC, and observed that an acquittal strengthens the presumption of innocence, so the Sessions Court's view was neither perverse nor illegal.

> ***Why it matters.*** *Link Krishna Govind Patil (s.34 needs acquitted co-accused not to defeat the plan) with s.106 Evidence Act limits and the Abhishek Sharma checklist on multiple dying declarations.*

Provisions: Indian Penal Code 1860, ss.302, 34, 498A, 342, 406; Indian Evidence Act 1872, ss.32, 106; Code of Criminal Procedure 1973, s.386(a)

2. Matin Shankarrao Bhosale v. State of Maharashtra Criminal Law

2026 INSC 1198 · J.B. Pardiwala, Manmohan · 2 November 2026

Facts. A 12-year-old student of an Adivasi Ashram school in Amravati died when a pillar under construction in the premises collapsed on her. The school President and Superintendent were charge-sheeted under Section 304 read with Section 34 IPC on the allegation of sub-standard cement-sand mix and no solid base. The Bombay High Court refused to quash the proceedings, holding that knowledge of likely harm could be inferred from the use of poor material.

Issue. Do the facts, taken at their highest, disclose culpable homicide under Section 304 IPC or even a rash or negligent act under Section 304A IPC against the school administrators, so that the proceedings must continue?

Held. The Court first drew the line between Section 304, which needs intention or knowledge that death is likely, and Section 304A, which covers rash or negligent acts that fall outside Sections 299 and 300, relying on Naresh Giri v. State of M.P. and Empress v. Idu Beg. Knowing that poor construction may cause an accident is not knowledge that death is the probable result, so Section 304 failed. On Section 304A, it applied Kurban Hussein Mohamedalli Rangawalla v. State of Maharashtra and Sushil Ansal v. CBI: the act must be the causa causans, the proximate and efficient cause without the intervention of another's negligence, and not merely a causa sine qua non. The contractor and his team were actually doing the work, so the appellants' omission to supervise was a causa sine qua non and a causa interveniens had broken the chain. Quoting Syed Akbar v. State of Karnataka, Ambalal D. Bhatt v. State of Gujarat, Balwant Singh v. State of Punjab and the passage from Jacob Mathew v. State of Punjab, it held that criminal negligence needs gross or recklessly negligent conduct and not a civil-law lapse. Applying the Bhajan Lal categories, the proceedings against the appellants were quashed, with a prima facie observation that the contractor would be the person responsible, and the trial may proceed against any co-accused.

> ***Why it matters.*** *Pair with Jacob Mathew (2005) 6 SCC 1: civil negligence is not enough for Section 304A, and a negligent omission that is only the causa sine qua non does not make the supervisor criminally liable.*

Provisions: Indian Penal Code 1860, s.304 Part II; Indian Penal Code 1860, s.304A; Indian Penal Code 1860, s.299; Indian Penal Code 1860, s.300; Indian Penal Code 1860, s.34

3. Sujit Das v. Union of India Criminal Procedure

2026 INSC 1195 · Ujjal Bhuyan, Atul S. Chandurkar · 5 November 2026

Facts. Customs officers at Agartala intercepted three truck occupants and a motorcyclist on 29.09.2025 and recovered 11.03 kg of methamphetamine tablets. The appellants were held with the search team from about 2.00 pm, shown arrested at 11.00 am on 30.09.2025 and produced before the Magistrate at 4.45 pm that day. The Tripura High Court refused bail, treating Section 37 NDPS as a bar even if Section 36 BNSS had been breached.

Issue. From what moment does the 24-hour period under Article 22(2) of the Constitution run, from detention or from the formal arrest recorded by the agency, and what follows if it is breached?

Held. The Court read 'arrested and detained in custody' in Article 22(2) conjunctively, so arrest and detention mean the same thing and the Constitution knows no detention dehors arrest. It relied on Deepak Mahajan for the meaning of arrest as deprivation of the liberty to go where one pleases, on Niranjan Singh for the rejection of 'informal custody' as a terminological dubiety, and on Khatri v. State of Bihar, D.K. Basu and Directorate of Enforcement v. Subhash Sharma for the mandatory character of the rule and the consequence of breach. The Orissa High Court's Aryaman Pattnayak, Madras High Court's Kannan and Kerala High Court's Arun K. Thomas were held not to state the law, because compliance with NDPS search procedure does not postpone the clock and there is no such thing as temporary disruption of liberty. The Court also expressed reservation about the observations in State of Punjab v. Sukhwinder Singh that Article 21 must be exercised within the framework of Section 37 NDPS. On the facts, interception at 2.00 pm on 29.09.2025 meant production was due by 2.00 pm on 30.09.2025, and an unexplained 18-hour gap between the end of the search and the formal arrest also breached the reasonableness limit in Section 58 BNSS (Section 57 CrPC). The Magistrate must now record the actual time of detention, check the 24 hours, and may refuse remand if the detention was unreasonably long; the High Court order was set aside and the appellants were to be produced before the Special Court within 7 days and released on bail.

> ***Why it matters.*** *Remember the sequence: Article 22(2) clock starts at detention, not at the arrest memo, and Section 58 BNSS (old Section 57 CrPC) adds a separate reasonableness test inside the 24 hours.*

Provisions: Constitution of India, Art. 22(2); Constitution of India, Art. 21; Bharatiya Nagarik Suraksha Sanhita 2023, s.58; Bharatiya Nagarik Suraksha Sanhita 2023, s.36; Code of Criminal Procedure 1973, s.57; Narcotic Drugs and Psychotropic Substances Act 1985, s.37

4. N. Sridhar Reddy v. State of A.P. Family Law

2026 INSC 1191 · Prashant Kumar Mishra, Shree Chandrashekhar · 3 November 2026

Facts. The appellant married in 2003 under Hindu rites in Andhra Pradesh, lost his divorce case in the Guntur court and withdrew his appeal. After gaining UK citizenship in 2013 he obtained a divorce from the Cambridge County Court on irretrievable breakdown, made absolute on 29.01.2014, and married a second wife in Norfolk on 03.03.2014. The first wife filed a complaint in 2016 under Sections 494 and 120B IPC against him, his parents and the second wife; the High Court refused to quash under Section 482 CrPC.

Issue. Is a foreign divorce decree granted on irretrievable breakdown entitled to recognition under Section 13 CPC, and can the husband shield behind it against a bigamy charge; and can the parents and second wife be prosecuted without any overt act?

Held. The Court treated Sections 13 and 14 CPC as the test for any foreign matrimonial decree and applied Y. Narasimha Rao v. Y. Venkata Lakshmi: jurisdiction and grounds must follow the matrimonial law under which the parties married, subject to three exceptions of domicile, voluntary submission and consent. Irretrievable breakdown is not a statutory ground under the Hindu Marriage Act and the wife had objected to jurisdiction, so the decree failed Section 13 and the earlier Satya v. Teja Singh and Kishorekumar Mohan Kale v. Kashmira Kale were followed. The husband's plea under Section 4 IPC that he was a British citizen marrying abroad was rejected because the first marriage was solemnised in India and the legal consequences of a subsisting marriage cannot be defeated by a later change of nationality. Delay in the FIR was no ground since bigamy is a continuing offence, and all findings were limited to the quashing stage. For the parents, relying on S. Nitheen v. State of Kerala as applied in Sivaraman Nair v. State of Kerala, mere knowledge of the second marriage is not an overt act and no agreement to commit bigamy was shown. For the second wife, the investigating agency itself had dropped her, there was no material of knowledge that the first marriage subsisted, and liability had to be examined separately for each accused, so continuing against her would abuse the process of law.

> ***Why it matters.*** *Y. Narasimha Rao (1991) 3 SCC 451 is the cite for recognising foreign divorces; note that Section 494 survives a foreign decree that fails Section 13 CPC.*

Provisions: Indian Penal Code 1860, s.494; Indian Penal Code 1860, s.120B; Indian Penal Code 1860, s.4; Code of Civil Procedure 1908, s.13; Code of Civil Procedure 1908, s.14; Code of Criminal Procedure 1973, s.482; Hindu Marriage Act 1955

In brief — also on the docket this week

5 Goverdhan v. State of Rajasthan — Criminal Law

2026 INSC 1190 · S. Mehta, D.K. Upadhyaya · 3 November 2026

Issue. Whether the letters were proved to be the appellant's, and if so whether they amounted to instigation or abetment under ss.107 and 306 IPC.

Held. A handwriting expert's report is not covered by s.293 CrPC (s.329 BNSS), so the expert must be examined and cross-examined before the report is used; the prosecution had not done so. Relying on Magan Bihari Lal v. State of Punjab (1977) 2 SCC 210 and Patel Babubhai Manohardas v. State of Gujarat (2025), the Court said expert handwriting opinion is weak, needs corroboration and cannot alone carry a conviction. The comparison writings themselves were not proved to be the appellant's, and failure to deny authorship specifically in the s.313 statement cannot relieve the prosecution of its burden. No witness proved that the deceased was distressed by the letters, the inquest statements were silent on suicide, the complaint was 15 days late and no charge under s.498A had been framed. Even if the appellant wrote them, the letters mixed insults and threats with pleas to withdraw the cases and resume cohabitation, and had to be read as a whole. Having lived away for more than two years while actively litigating, the deceased could not be said to have been driven by instigating material that was the immediate cause of her act.

6 J. Rajesh v. M. Kumaran — Family Law

2026 INSC 1208 · Augustine George Masih, Sunita Agarwal · 6 November 2026

Issue. Does a son acquire by birth a coparcenary share in property that his father took on partition of the grandfather's estate among Class I heirs, so as to seek partition against a living father?

Held. The Court relied on C.W.T. v. Chander Sen: the Class I schedule lists the son of a predeceased son but not a son's son, and giving the latter a birth right would create two classes among Class I heirs contrary to Section 8 and Section 4. It followed Bhanwar Singh v. Puran, where after partition the heirs held as tenants in common under Section 19 and could alienate their shares, and Radha Bai v. Ram Narayan, which held that a granddaughter has no higher right than her father. Here the grandfather's property devolved on his Class I heirs under Section 8 and with the 1994 compromise decree each took an exclusive share, so no joint family property survived. The unamended Section 6 did not help since the appellant was not a surviving coparcenary member on the grandfather's death, and Section 29-A of the Tamil Nadu amendment (daughters' rights in a subsisting coparcenary) was held to have no application. The appellant had also never challenged the compromise decree or the sale deeds. The appeal was dismissed with no order as to costs.

7 Piyush v. State of Maharashtra — Criminal Procedure

2026 INSC 1183 · B.V. Nagarathna, Manmohan · 2 November 2026

Issue. Whether, on these allegations, the FIR against the husband disclosed ss.304B, 498A, 323 or 504 IPC or the Dowry Prohibition Act offences, or whether continuing the prosecution was an abuse of process warranting quashing under s.482 CrPC.

Held. The Court set out the ingredients of s.304B IPC (death otherwise than under normal circumstances within seven years of marriage, cruelty or harassment for dowry, soon before death) and noted that the s.113-B Evidence Act presumption arises only after those are established. It found no complaint of dowry for the 29 months between marriage and death, the first allegation surfacing only after the death, with no step taken by the complainant in the meantime. The suicide note, whose handwriting was undisputed, mentioned neither the husband nor dowry, and the Toronto reports recorded no police history and no struggle. Gold given to the couple at the wedding and gifts at the first Diwali were treated as customary presents rather than dowry, and the Rs.1,00,000 transfer was one entry among many bank transactions and not shown to be a demand. Calling the wife 'stupid and useless' and being short-tempered reflected temperament, not cruelty under s.498A or intimidation under s.504, and the allegations of hurt and intimidation were vague and omnibus. Citing CBI v. A. Ravishankar Prasad (2009) 6 SCC 351 on s.482 and State of Haryana v. Bhajan Lal 1992 Supp (1) SCC 335, para 102, the Court quashed the proceedings and cautioned that matrimonial complaints must be scrutinised with care.

8 Shekappa v. State of Karnataka Evidence

2026 INSC 1189 · K.V. Viswanathan, Arun Palli · 3 November 2026

Issue. Was the High Court justified in reversing the acquittal and relying on the two widows' testimony despite the alleged omission of eyewitnesses from the inquest report, the doctor's digestion-based time gap and the delay in the FIR?

Held. Citing Arulvelu v. State, the Court accepted that an appellate court may re-appreciate evidence but must find the acquittal perverse, and held the Trial Court had glorified non-essential aspects. Motive pales when trustworthy direct evidence exists, and here it was also shown. Related witnesses are not automatically interested, and PW-18 was in addition an injured witness. On the inquest, the Court applied Radha Mohan Singh v. State of U.P. and Section 174 CrPC (now Section 194 BNSS), which is confined to the apparent cause of death, so the names of eyewitnesses and overt acts need not appear. The doctor's answer that one death was four hours after the other, based on digestion, was rejected following Nihal Singh v. State of Punjab and Shivaji Sahabrao Bobade v. State of Maharashtra, since digestive timings vary and cannot override clear ocular evidence of two killings in quick succession. The delay in the FIR was explained by the night-time incident, grief, no bus facility and the six-kilometre distance to the police station. Medical evidence of the injuries corroborated the ocular version, and the appellants were directed to surrender.

9 Mangala Bhimrao Ingle v. Additional Commissioner, Amravati Constitution

2026 INSC 1193 · P.S. Narasimha, Alok Aradhe · 4 November 2026

Issue. Whether the law laid down in Javed v. State of Haryana upholding the two-child norm for panchayat elections needs reconsideration after demographic changes, and whether it should be referred to a larger Bench.

Held. The vires of the Maharashtra provision was not challenged, but the Court held it could still say that the foundation of Javed no longer stands. India's Total Fertility Rate fell from about 3.0 in 2003 to 1.9, below the replacement rate of 2.1, and the Court drew on the Chinese and Japanese experience of ageing populations. Using the doctrine of temporal reasonableness from Malpe Vishwanath Acharya v. State of Maharashtra, Satyawati Sharma v. Union of India and State of Maharashtra v. Super Max International, it held that a law valid when enacted may become arbitrary as circumstances change, and quoted Raghubir Singh and the concurring opinion of Justice H.R. Khanna in Maganlal Chhaganlal on adapting precedent, with cessante ratione cessat ipsa lex. It added that such laws exclude classes from political representation, bear harder on women in a patriarchal setting, and burden reproductive autonomy under Article 21 as recognised in Suchita Srivastava v. Chandigarh Administration. It noted Rajbala v. State of Haryana had relied on Javed and that Sukanya Shantha v. Union of India questioned Rajbala. The matter was referred to the Chief Justice to constitute a larger Bench, and the Court expressly did not decide the validity of the statutory provision.

10 Chatur Singh Dhruw v. State of Chhattisgarh Service / Admin

2026 INSC 1205 · Manmohan, Shree Chandrashekhar · 6 November 2026

Issue. Whether the compulsory retirement orders were punitive or stigmatic, arbitrary or discriminatory, or vitiated by reliance on uncommunicated adverse entries and entries overtaken by promotion and regularisation.

Held. Applying Baikuntha Nath Das v. Chief District Medical Officer (1992) 2 SCC 299, the Court said a compulsory retirement order is neither punitive nor stigmatic, so audi alteram partem and Article 311(2) do not apply. Subjective satisfaction must rest on valid material, as Nand Kumar Verma v. State of Jharkhand (2012) 3 SCC 580 requires, but courts do not re-weigh it as an appellate forum. The charge of discrimination failed, since the Committee applied one numerical scheme to all 14 and retired three others, and Article 14 does not support a claim of negative equality, relying on Union of India v. M.K. Sarkar (2010) 2 SCC 59 and Basawaraj v. Special Land Acquisition Officer (2013) 14 SCC 81. The Baikuntha Nath rule that adverse remarks lose their sting after promotion covers only entries before the promotion, not ACRs of the promoted post, and regularisation of an existing post is not a merit promotion. The orders were plainly worded, and the Committee's internal minutes did not make them stigmatic. Uncommunicated entries can be considered for compulsory retirement; Dev Dutt v. Union of India (2008) 8 SCC 725 and Sukhdev Singh v. Union of India (2013) 9 SCC 566 operate in the field of promotion and were distinguished.

11 State of Uttarakhand v. M.C. Bhandari Constitution

2026 INSC 1194 · S.V.N. Bhatti, N.V. Anjaria · 4 November 2026

Issue. Whether deducting the service pension from the salary of a retired government servant appointed Chairman or Member of a State Public Service Commission violates equal pay for equal work, or the proviso to Article 318, or could be applied by a later Governor's determination.

Held. Regulation 7(2) lets the Governor decide whether pension is held in abeyance or the pay reduced by the pension amount. The Court held that this does not alter conditions of service to the member's disadvantage, as the pension is only deferred and revives when the tenure ends, so nothing is withdrawn. Equal pay for equal work had no application, because the issue was not different pay for the same work, and adding pension to salary would produce more than the highest post earns. The Court cited Gurmesh Prakash Bishnoi v. State of Haryana (1998) 5 SCC 260, where a proviso similarly barred pension as Member during service as Chairman and lifted the embargo afterwards. The Governor's determination did not have to precede appointment, the file notings showed the decision was properly taken, and the 16.09.2008 Office Memorandum at most operated retroactively, which the Regulation permitted. The Court also relied on para 526 of the Civil Service Regulations and the UPSC (Members) Amendment Regulations 2007 as parallel provisions. Having accepted office knowingly and challenged the rule at the tail end of a two-year tenure, the respondents were barred by estoppel and acquiescence, as one who plays the game cannot challenge its rules.

Statutes, appointments & policy

APPOINTMENTS & INSTITUTIONS

- **:** — On 5 November 2026 the Union Law Ministry notified Ajay Sharma, a judicial member of CESTAT, Mumbai, as an Additional Judge of the Bombay High Court for two years from the date he assumes charge. The notification followed the Collegium's recommendation of 26 October 2026. The other name recommended with his, advocate Vaibhav Anant Sugdare, had not been notified at the time of reporting. **— 5 November 2026 · livelaw.in**

POLICY & JUSTICE ADMINISTRATION

- **CJI Surya Kant inaugurates Jharkhand High Court data centre and digital services.** On 2 November 2026 the Chief Justice of India inaugurated a data centre at the Jharkhand High Court, Ranchi to host the Case Information System, document management and video-conferencing under the e-Courts Mission Mode Project. Launched alongside were a new High Court website, online certified-copy applications, personalised cause lists, speech-to-text software and an iOS app. **— 2 November 2026 · indianmasterminds.com**

Clear Concepts — textbook revision of two core concepts

Appeal Against Acquittal and the Inquest Report: ss.372, 378, 379, 386 and 174 CrPC

Criminal Procedure

Code of Criminal Procedure 1973, ss.174, 372 proviso, 378, 379, 386(a) (BNSS 2023, ss.194, 413, 419, 420, 427)

An acquittal carries a double presumption of innocence, so appellate courts handle it with care. This week Shekappa v. State of Karnataka upheld a High Court reversal that rested on two natural eyewitnesses, rejecting a defence built on an inquest report silent about them. Sau. Kamalbai Patil v. State of Maharashtra set aside a reversal resting on one uncorroborated dying declaration.

Who may appeal an acquittal.

- Victim: the proviso to s.372 (BNSS s.413) allows appeal against acquittal, conviction for a lesser offence or inadequate compensation; it is prospective, in force from 31 December 2009 (NCW v. State of Delhi).
- State: under s.378(1) the District Magistrate directs the Public Prosecutor to appeal to the Sessions Court from a Magistrate's acquittal in a cognizable, non-bailable offence; the State appeals to the High Court in other cases, with High Court leave under s.378(3).
- Complainant in a private complaint case: special leave of the High Court under s.378(4), sought within 60 days (six months if a public servant) under s.378(5); refusal bars the State's appeal under s.378(6).
- Accused: where the High Court on appeal reverses an acquittal and imposes death, life or ten years or more, appeal lies to the Supreme Court under s.379 (BNSS s.420).

How an appellate court treats the acquittal.

- Its power to review and reappraise the evidence is as wide as in an appeal against conviction (Chandrappa).
- Presumption of innocence is strengthened by the acquittal; if two reasonable views are possible, the view favouring the accused prevails, and the trial court's advantage of seeing demeanour counts.
- The court must meet each ground of acquittal and give reasons for finding it unreasonable or perverse (C. Antony v. K.C. Raghavan).
- Section 386(a) (BNSS s.427) lets it order further inquiry, retrial or committal, or convict and sentence; the sentence cannot exceed what the trial court could have passed, and the accused must be heard on sentence.

The inquest report, s.174 (BNSS s.194).

- Its object is narrow: the apparent cause of death, with wounds and the weapon that seems to have caused them, drawn up before two or more respectable inhabitants; BNSS requires the report to the Magistrate within 24 hours.
- Names of the accused, of eyewitnesses and the overt acts need not appear in it; their omission is no ground to reject an eyewitness (Radha Mohan Singh, Pedda Narayana).
- Any statement a witness makes to the police at the inquest is a s.162 statement, usable only to contradict (Razik Ram v. Chouhan).
- A related witness need not be an interested or partisan witness; the court weighs the evidence on its merits (Shekappa).

Leading cases.

- Chandrappa v. State of Karnataka (2007) 4 SCC 415 — appellate court has full power on an acquittal appeal, but a possible second view favouring the accused must prevail.
- C. Antony v. K.C. Raghavan (2003) 1 SCC 1 — appellate court must weigh every ground given for acquittal and record why it cannot stand.
- Radha Mohan Singh v. State of U.P. (2006) 2 SCC 450 — an inquest report need not name the accused or eyewitnesses or give the gist of their statements.
- Shekappa v. State of Karnataka (2026 INSC 1189) — acquittal reversed rightly where two widows' direct account was natural and the trial court relied on trivial contradictions.
- Sau. Kamalbai Waman Patil v. State of Maharashtra (2026 INSC 1196) — reversal set aside; a lone uncorroborated dying declaration, inconsistent with two earlier ones, could not displace the acquittal.

Exam tip. Only the complainant's special-leave application under s.378(4) carries the 60-day (six months for a public servant) bar in s.378(5); do not apply it to the State's appeal or the victim's appeal.

Ancestral Property and the Grandson's Birth-Right: ss.6, 8 and 19 Hindu Succession Act

Hindu Law

Hindu Succession Act 1956, ss.6, 8, 19 (as amended 2005); Hindu Succession (Tamil Nadu Amendment) Act 1989, s.29-A

A son's son once took an interest by birth in property that came to his father from the grandfather. After the 1956 Act, that depends on how the property reached the father. This week in J. Rajesh v. M. Kumaran the Supreme Court held that a minor grandson had no birth-right in property which his father took as a Class I heir and then sold.

Old Mitakshara rule and section 6.

- Each coparcener took an interest by birth in joint family property, and property inherited by a son from his father, grandfather or great-grandfather was ancestral in his hands as against his own sons.
- Unamended s.6 (1956): on the death of a coparcener his interest passed by survivorship, unless he left a Class I female relative or a male claiming through her, when it passed by succession (Gurupad Khandappa Magdum).
- Explanation I to s.6 fixed his interest as the share he would have got on a partition immediately before death.
- The 2005 amendment made the daughter a coparcener by birth, like a son, and s.6(3) abolished survivorship in favour of deemed partition and succession; Tamil Nadu's s.29-A had done this for daughters from 1989.

Section 8 and Chander Sen.

- Section 8 sends the property of a male dying intestate first to Class I heirs: son, daughter, widow, mother, and the children and widow of a predeceased son, among others; a living son's son is not among them.
- Under s.19 heirs take as tenants in common, per capita, so there is no joint tenancy and no survivorship.
- Chander Sen: property a son inherits from his father under s.8 is his separate property, not HUF property in his hands for his own sons; the old three-ancestor rule stands abrogated.
- Yudhishter reiterated this reading; in Bhanwar Singh a grandson born after the grandfather's death and the heirs' partition could not call the property coparcenary.

Applied in J. Rajesh (2026).

- N. Ramakrishnan's property passed to his Class I heirs; a daughter's suit (1993) ended in a compromise partition on 3 February 1994, and the father took the plot absolutely.
- The grandson, born 6 January 1994, sued in 1997 for half of it while his father was alive, against the father's purchasers; the partition decree and sale deeds were never challenged.
- Held: succession opened before his birth, he was no surviving coparcener, and neither s.6 nor s.29-A applied; the father could sell as sole owner.
- The preliminary decree for partition therefore could not stand; the Supreme Court found no infirmity in the impugned judgment and dismissed the appeal.

Leading cases.

- Commissioner of Wealth Tax v. Chander Sen (1986) 3 SCC 567 — property inherited under s.8 is separate in the son's hands, not HUF property vis-à-vis his sons.
- Yudhishter v. Ashok Kumar (1987) 1 SCC 204 — reiterated Chander Sen's reading of s.8.
- Bhanwar Singh v. Puran (2008) 3 SCC 87 — after partition among Class I heirs, a grandson born after the grandfather's death has no interest by birth.
- Gurupad Khandappa Magdum v. Hirabai (1978) 3 SCC 383 — unamended s.6 proviso with Explanation I gave a Class I female heir a share by notional partition.
- J. Rajesh v. M. Kumaran (2026 INSC 1208) — minor grandson has no coparcenary claim against his living father's share inherited under s.8.

Exam tip. Ask how the property reached the holder: inheritance under s.8 makes it separate, and the examiner's trap is to treat it as ancestral because it once was in the grandfather's hands.

Revision capsule — one-line recap of every ruling

- **Kamalbai Waman Patil:** The conviction cannot stand because the appellant was never charged with s.302 simpliciter, the lone dying declaration lacked corroboration amid inconsistent ones, and s.106 of the Evidence Act cannot fill gaps in the prosecution case.
- **Matin Shankarrao Bhosale:** Mere failure to maintain the standard of care is not culpable homicide and the administrators' negligence was at most a remote cause with the contractor as the intervening actor, so the proceedings against them are quashed.

- **Sujit Das:** The 24 hours under Article 22(2) run from the moment a person's liberty is curtailed and not from the formal arrest memo, so production after interception plus 24 hours vitiates the detention and entitles the accused to release.
- **N. Sridhar Reddy:** A foreign divorce on a ground not available under the Hindu Marriage Act that the wife contested on jurisdiction is not conclusive under Section 13 CPC and cannot shield the husband from Section 494 IPC, while proceedings against his parents and the second wife are quashed for want of any overt act.
- **Goverdhan:** The s.306 conviction is set aside because the handwriting report was not proved through the expert, the causal link between the letters and the suicide was unproved, and the letters in context were not instigation under s.107 IPC.
- **J. Rajesh:** Property devolving on a son as Class I heir under Section 8 of the Hindu Succession Act 1956 is held in his individual capacity and not as coparcenary property, so his own son acquires no right by birth.
- **Piyush:** The FIR and chargesheet against the husband are quashed because no dowry demand soon before death, no nexus with the suicide and no specific act of cruelty, hurt or intimidation was disclosed, so the case fell within Bhajan Lal categories 1, 2, 3, 5 and 7.
- **Shekappa:** Reliable eyewitness accounts of the victims' wives cannot be discarded because eyewitnesses are absent from the inquest report, because of stomach-content timing or because of explained delay, and the conviction is upheld.
- **Mangala Bhimrao Ingle:** Because the Total Fertility Rate has fallen below replacement level and the premise of Javed has collapsed, the ratio in Javed is referred to a larger Bench for reconsideration and the interim stay continues.
- **Chatur Singh Dhruw:** The orders are valid because compulsory retirement is not punishment, is judicially reviewable only for absence of material, mala fides, arbitrariness or perversity, and may rest on uncommunicated ACR entries.
- **State of Uttarakhand:** Regulation 7(2) is valid because withholding pension during the tenure is neither a variation to disadvantage under the Article 318 proviso nor a breach of equal pay for equal work, and the petitioners who accepted office with the Regulations in force are estopped from challenging it.

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

Q1. What is the primary object of an inquest report under Section 174 of the Cr.P.C.?

A. To know the name of the assailants of the deceased
B. To know the motive for the commission of the offence
C. To know the apparent cause of death
D. To know the place of occurrence

Ans: C. Section 174 CrPC asks the police to report the apparent cause of death, describing the wounds and marks of injury and the weapon or instrument that seems to have caused them. Names of the accused, names of eyewitnesses, motive and overt acts need not appear in it, and their absence is no ground to doubt an eyewitness (Pedda Narayana v. State of A.P. (1975) 4 SCC 153; Radha Mohan Singh v. State of U.P. (2006) 2 SCC 450). Old: s.174 CrPC → New: s.194 BNSS, 2023. This week, in Shekappa v. State of Karnataka (2026 INSC 1189), the Court rejected the trial court's doubt about two widow-eyewitnesses based on their omission from the inquest panchnama. **[Andhra Pradesh Judicial Service Prelims, 2011]**

Q2. 'X' was acquitted by the trial. However, on appeal filed by the State, the High Court reversed the order of acquittal, convicted him and sentenced him to imprisonment for a term of ten years. The remedy available to 'X' will be-

A. Appeal to the Supreme Court.
B. Writ Petition before the High Court.
C. Writ Petition before Supreme Court.
D. Appeal before the Division Bench of the High Court.

Ans: A. Section 379 CrPC gives an accused a right of appeal to the Supreme Court where the High Court, on appeal, reverses an acquittal and sentences him to death, imprisonment for life or imprisonment for ten years or more (the 1970 Enlargement of Criminal Appellate Jurisdiction Act supplies the same reach). The High Court was already the first appellate court, so there is no Division Bench appeal, and a writ is not a substitute for a statutory appeal. Old: s.379 CrPC → New: s.420 BNSS, 2023. This week, in Sau. Kamalbai Waman Patil v. State of Maharashtra (2026 INSC 1196), the Supreme Court heard such an appeal against a life sentence imposed on reversal of an acquittal and restored the acquittal. **[Delhi Judicial Service Prelims, 2023]**

Q3. A husband, married under Hindu rites in India, obtains a divorce from a foreign court on the ground of irretrievable breakdown, over his wife's objection to that court's jurisdiction, and then marries again abroad. In his prosecution for bigamy under s.494 IPC, which proposition is correct?

A. The foreign decree is conclusive under s.14 CPC until an Indian civil court sets it aside, so the second marriage is no offence
B. A foreign matrimonial decree is recognised only if it satisfies s.13 CPC and the matrimonial law under which the parties married, so this decree cannot shield him and the bigamy proceeding survives
C. Section 4 IPC bars the prosecution, as he had become a British citizen and the second marriage took place abroad
D. The complaint fails as time-barred, since bigamy is complete on the day of the second marriage

Ans: B. Following Y. Narasimha Rao v. Y. Venkata Lakshmi (1991) 3 SCC 451, a foreign matrimonial judgment must rest on a jurisdiction and a ground that accord with the law under which the parties married; irretrievable breakdown is not a Hindu Marriage Act ground, and the wife had objected to jurisdiction. The Court also refused to confine bigamy to the place of the second marriage and treated it as a continuing offence, so neither s.4 IPC nor delay helped him. The parents and the second wife, against whom no overt act was shown, had their proceedings quashed. Old: s.494 IPC → New: s.82(1) BNS, 2023. **[This week's ruling: N. Sridhar Reddy v. State of A.P. (2026 INSC 1191)]**

Q4. After the Hindu Succession (Amendment) Act, 2005, the Mitakshara Hindu coparcener does not include whom as its member?

A. Son
B. Married daughter
C. Adopted son
D. Daughter-in-law

Ans: D. Section 6(1) HSA, as substituted in 2005, makes the daughter of a coparcener a coparcener by birth in her own right, in the same manner as the son, and marital status does not matter. An adopted son stands in the position of a natural-born son. A daughter-in-law is a member of the joint family but never a coparcener, because coparcenary is confined to those who take an interest by birth in the family property. This week J. Rajesh v. M. Kumaran (2026 INSC 1208) added the other limit: a grandson has no birth-right in property that reached his father from the grandfather as a Class I heir under s.8. **[Bihar Judicial Service Prelims, 2021]**

Q5. Presumption under Section 113A of the Indian Evidence Act, 1872, can be raised if the abetment of suicide by the married woman is committed.

A. Within 7 years of marriage
B. Within 9 years of marriage
C. Within 12 years of marriage
D. None of the above

Ans: A. Section 113A lets the court presume abetment by the husband or his relative when a married woman commits suicide within seven years of marriage and she had been subjected to cruelty; the presumption is permissive ("may presume"), and the court weighs all circumstances. Old: s.113A Evidence Act → New: s.117 BSA, 2023; the offence itself is s.306 IPC → s.108 BNS. This week, in Goverdhan v. State of Rajasthan (2026 INSC 1190), the marriage was of 1996 and the death of 2011, so the prosecution had to prove instigation under s.107 IPC (s.45 BNS) on its own, failed, and the conviction under s.306 IPC was set aside. **[Karnataka Judicial Service Prelims, 2018]**

Q6. Which of the following is true;

A. The pendency of suit in a foreign court precludes the courts in India from a trying a similar suit
B. The pendency of a suit in a foreign court precludes the courts in India from trying a similar suit provided the suit is founded on the same cause of action
C. The pendency of a suit in a foreign court does not preclude the courts in India from trying similar suit even if it is founded on the same cause of action
D. None of the above

Ans: C. The Explanation to s.10 CPC says that the pendency of a suit in a foreign court does not preclude courts in India from trying a suit founded on the same cause of action. The stay under s.10 operates only where the earlier suit is pending in a court in India (or one set up by the Central Government beyond India). What a foreign court has already decided is dealt with differently, under ss.13 and 14 CPC, which this week's N. Sridhar Reddy v. State of A.P. (2026 INSC 1191) applied to a foreign divorce decree. **[Haryana Judicial Service Prelims, 2013]**

Q7. Which of the following statements is correct with respect to an accomplice?

A. An accomplice shall not be a competent witness against an accused person
B. An accomplice shall be a competent witness against an accused person
C. No conviction shall be made based on the uncorroborated testimony of an accomplice
D. An accomplice's testimony shall always be corroborated

Ans: B. Section 133 of the Evidence Act makes an accomplice a competent witness and says a conviction is not illegal merely because it rests on his uncorroborated testimony. Illustration (b) to s.114 lets the court presume that an accomplice is unworthy of credit unless corroborated in material particulars, so corroboration is a rule of prudence, not of law. That is why options C and D overstate the position. Old: s.133 and s.114 ill.(b) Evidence Act → New: ss.138 and 119 BSA, 2023. **[Chhattisgarh Judicial Service Prelims, 2015]**

Q8. In Mangala Bhimrao Ingle v. Additional Commissioner, Amravati, a Sarpanch's election was set aside under s.14(1)(j-1) of the Maharashtra Village Panchayats Act, 1959 for having more than two children. What did the Supreme Court do?

A. It referred Javed v. State of Haryana, which upheld such two-child disqualification, to a larger bench and continued the stay on the High Court's order
B. It struck down the two-child disqualification as violating Article 14 and restored the Sarpanch's election
C. It followed Javed v. State of Haryana and dismissed the appeal, unseating the Sarpanch
D. It held the disqualification inapplicable because the third child was born before the Sarpanch took office

Ans: A. Javed v. State of Haryana (2003) 8 SCC 369 upheld the disqualification of persons with more than two living children from panchayat office, applying the Article 14 test of intelligible differentia and rational nexus. The two-judge bench in Mangala Ingle (2026 INSC 1193) held that the foundation of that reasoning, population explosion, has fallen away (fertility rate down from 3.02 to 1.9), that the law burdens reproductive autonomy under Article 21, and referred Javed to a larger bench. It did not itself strike the provision down; the interim order protecting the Sarpanch continues. **[This week's ruling: Mangala Bhimrao Ingle v. Additional Commissioner, Amravati (2026 INSC 1193)]**

Q9. Which of the following persons has/have the right to file an appeal under Section 372 Cr.P.C against an order of acquittal?

A. Victim
B. Victim's guardian
C. Victim's legal heir
D. All the above

Ans: D. The proviso to s.372 CrPC, inserted in 2009, gives the victim a right of appeal against an acquittal, conviction for a lesser offence or inadequate compensation, to the court to which an appeal ordinarily lies from the conviction. Section 2(wa) defines "victim" to include the guardian or legal heir, so all three can appeal, and the Supreme Court has held that no leave of the High Court is needed, unlike a complainant's appeal under s.378(4) (Mallikarjun Kodagali v. State of Karnataka (2019) 2 SCC 752). Old: s.372 proviso CrPC → New: s.413 BNSS; s.2(wa) CrPC → s.2(1)(y) BNSS, 2023. **[Delhi Judicial Service Prelims, 2019]**

Q10. Inherent powers under Section 482 of the Code of Criminal Procedure, 1973 can be exercised by_____

A. only the Supreme Court.
B. only the High Courts.
C. only the Sessions Courts.
D. Any Court.

Ans: B. Section 482 saves only the inherent powers of the High Court, to give effect to any order under the Code, to prevent abuse of the process of any court, or to secure the ends of justice. Sessions Courts and Magistrates have no such residuary power; the Supreme Court acts under Article 142. Old: s.482 CrPC → New: s.528 BNSS, 2023. This week, in Piyush Narlawar v. State of Maharashtra (2026 INSC 1183), the Supreme Court set aside a High Court order refusing to quash an FIR under ss.304B, 498A IPC against a son-in-law whose wife's suicide note blamed only her own failure to find a job. **[Karnataka Judicial Service Prelims, 2022]**

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

Mains Q1. — Assam Judicial Service Mains, 2019 · Evidence — Dying declaration when the maker survives (s.32(1) IEA / s.26 BSA)

When the person making the dying declaration survives, can the declaration be proved as dying declaration? If yes, given reason, if not, whether can it be proved for any other purpose?

A dying declaration is a statement by a person who has died, and that single fact decides the question. Section 32(1) of the Indian Evidence Act, 1872 (section 26 of the Bharatiya Sakshya Adhiniyam, 2023) makes relevant a person's statement about the cause of his death, or the circumstances of the transaction that resulted in it, because the maker can no longer be called as a witness. The exception to the hearsay rule rests on necessity. A survivor can go into the box, so the necessity disappears and the statement is not a dying declaration. State of Uttar Pradesh v. Ramesh Prasad Misra (AIR 1996 SC 2766) says so in terms: a statement made in expectation of death by a person who does not die is not a dying declaration.

Notice what the test is not. Indian law does not require expectation of death when speaking. Pakala Narayana Swamy (AIR 1939 PC 47) treats the statement as relevant whether or not death was expected, and Sharad Birdhichand Sarda v. State of Maharashtra (AIR 1984 SC 1622) records that the Indian provision is wider than the English rule. Expectation of death goes to weight, not admissibility: a man who knows he is dying is unlikely to lie, so such a statement is as good as sworn evidence (Laxman v. State of Maharashtra, AIR 2002 SC 2973). The decisive condition is death: a victim who lingers and dies weeks later leaves a valid dying declaration; one who recovers leaves none.

The statement is still not wasted. Maqsoodan v. State of Uttar Pradesh (AIR 1983 SC 126) allows it to be used as a former statement of the survivor, to corroborate his testimony in court. The route is therefore different: the injured person must be examined and cross-examined, and the earlier statement supports his sworn account but cannot replace it. The accused gets the cross-examination that a true dying declaration denies him.

Where a statement does qualify, care is still needed. It may be the sole basis of conviction (Pathan Kareemulla v. State of Andhra Pradesh), but the court must be satisfied the maker was fit and untutored, and where declarations differ, the one corroborated by other evidence is preferred (Sudhakar v. State of Madhya Pradesh, AIR 2012 SC 3265). Kamalbai Waman Patil v. State of Maharashtra, 2026 INSC 1196, decided this week, applied this: with inconsistent declarations, the lone one relied on needed corroboration and the conviction fell.

Mains Q2. — Kerala Judicial Service Mains, 2022 · Criminal Procedure — Further investigation after the police report (s.173(8) CrPC / s.193(9) BNSS)

What are the circumstances under which the police can conduct further investigation after laying the final report? Is the investigating officer required to take formal permission from any authority?

A police report does not shut the door on the investigation. Section 173(8) of the Code of Criminal Procedure, 1973, now section 193(9) of the Bharatiya Nagarik Suraksha Sanhita, 2023, says that nothing in the section precludes further investigation after the report has been forwarded to the Magistrate. If the officer obtains further evidence, oral or documentary, he sends a further report in the prescribed form, and the provisions on the first report apply to it. This covers a charge-sheet and a closure report alike: a Magistrate who accepted a final report may take cognizance on a later report built on fresh material, which is not a review of his earlier order (State of Rajasthan v. Aruna Devi).

The occasion is fresh facts or fresh information coming to light (Ram Lal Narang, 1979). The power adds to the investigation; it is not a licence to take a second look at the same material. It sits beside the Magistrate's power to direct investigation under section 175(3) BNSS (section 156(3) CrPC), exercisable before cognizance. State of Bihar v. J.A.C. Saldanha (AIR 1980 SC 326) holds that police need no order of the

Magistrate to investigate or to investigate further.

On permission, the text is silent, as Rama Chaudhary v. State of Bihar ((2009) 6 SCC 346) noted. But Vinay Tyagi v. Irshad Ali ((2013) 5 SCC 762) read prior leave of the court into section 173(8) as a necessary implication, since agencies had long sought it. Vinubhai Haribhai Malaviya v. State of Gujarat ((2019) 17 SCC 1) approved this and Peethambaran v. State of Kerala (2023) repeated it. The proviso is explicit for the stage of trial, when further investigation needs the permission of the court trying the case and must be completed within ninety days, extendable by that court. The authority to be approached is therefore the Magistrate or trial court, not the superior police officer or the State.

Two recent rulings complete the picture. Robert Lalchungnunga Chongthu v. State of Bihar (2025 SCC OnLine SC 2511) holds that the court is not functus officio once it grants leave and must supervise the investigation; an unduly long one can be taken to the High Court under section 528 BNSS. In Palaniswamy Veeraraja v. State of Karnataka (26 May 2026), police investigated a third time after two closure reports with no Magistrate's permission on record, and the Supreme Court quashed the FIR and charge-sheet.

Mains Q3. — **Uttar Pradesh Judicial Service Mains, 2018 · Hindu Law — Reopening of partition (fraud, minors, afterborn and omitted coparceners)**

Can a partition be re-opened? Explain the grounds on which a partition may be re-opened.

Manu's maxim is that a partition is made once and for all, and the Smritikaras spoke of redistribution of what was afterwards discovered, withheld or ill-distributed rather than of reopening. Courts keep that spirit. A partition made by the coparceners of their own volition and with consent cannot be reopened, unless it is shown to have been obtained by fraud, coercion, misrepresentation or undue influence, and strict proof is required because an act inter vivos should not be lightly set aside. Property left out by oversight, lost and later recovered, or concealed by fraud is simply redistributed.

The strongest ground is the interest of a minor. A partition that includes minor coparceners binds them if it was made in good faith and with their interest in view. If it was unjust and unfair to them, the Supreme Court has held it can be reopened whatever the length of time since it took place. The onus lies on the party supporting the partition to prove it was just and fair. The minor must sue within three years of attaining majority. Where immovable and movable property were divided in distinct and separable transactions, the court may uphold the fair one and reopen only the unfair one.

A second set of grounds concerns persons whose share was ignored. A child in the womb at the time of partition, for whom no share was reserved, may have it reopened on being born alive. A son conceived and born after partition may do so where the father took no share. Where the father took a share, the later son takes that share and there is nothing to reopen. An absent coparcener whose share was not reserved, and a disqualified coparcener who recovers, stand similarly. A family arrangement that has become impracticable, unnecessary and unjust can also be reopened.

Mere inequality is not enough. Hindu law favours equal division, but unequal acreage does not by itself prove unequal division; the attacker must show inequality that shocks the conscience.

The modern layer is section 6(5) of the Hindu Succession Act, 1956, as amended in 2005, which recognises a pre-20 December 2004 partition only if made by a registered deed or by a court decree. It was inserted to stop false pleas of oral partition that deprive daughters of their coparcenary share, though a bona fide oral partition acted upon before the amendment was mooted is not open to challenge.

Mains Q4. — **Delhi Judicial Service Mains, 2019 · Torts — Strict and absolute liability; municipal negligence (open manhole)**

"H", an ordinary person was returning to his home on a bicycle in the night. There was little light on the road and visibility was poor. When he was pedalling his bicycle, its front wheel slipped into an open manhole on the road and he fell down and received head injuries. He brought an action for damages against the Municipality of the city claiming that it was duty bound to kept the manhole covered. The Municipality denied its liability by stating that in the night somebody must have stolen the cover of the manhole though it was covered in the day time. The officials would have got covered the manhole in the day time. Distinguish between absolute and strict liability. Is the principle of strict liability applicable in this case? Is the Municipality liable to pay damages to "H"?

Strict liability comes from Rylands v. Fletcher (1868). A person who for his own purposes brings on his land and keeps there something likely to do mischief if it escapes must answer for the damage, on three conditions: a dangerous thing collected, an escape beyond his control, and a non-natural use of land. The exceptions are the plaintiff's default, act of God, consent, act of a stranger and statutory authority. Absolute liability is the Supreme Court's own rule in M.C. Mehta v. Union of India, the oleum gas case. An enterprise engaged in a hazardous or inherently dangerous activity is liable for harm from an accident in that activity, and none of the Rylands exceptions applies.

Neither rule fits H's case. An uncovered manhole is not a dangerous thing accumulated on the Municipality's land that escaped, and a drain is not a hazardous industrial activity. The Municipality's plea that a stranger stole the cover would defeat a strict liability claim, but the rule is not in play, and even there the defence fails where the stranger's act could be foreseen, as in M.P. Electricity Board v. Shail Kumar, where a snapped live wire killed a cyclist at night.

The case is one of negligence. The authority in control of a public road must keep it reasonably safe for passers-by. Municipal Corporation of Delhi v. Subhagwanti held the Corporation liable for a clock tower it had not inspected, and Municipal Corporation of Delhi v. Sushila Devi for a dead branch that fell on a pedestrian. Most closely, in Municipal Board, Jaunpur v. Brahm Kishore a cyclist fell into a ditch on a public road in the dark. The Board was liable for want of a light, a danger signal or a barricade, and the absence of a lamp on the cycle made no difference.

> The Municipality's story proves little. It does not say who covered the manhole or that anyone inspected it that evening; the officials only "would have" done so. Where an open manhole is in the exclusive control of the Municipal Corporation, courts apply res ipsa loquitur and shift the burden to the Corporation to explain, and a bare theory of theft does not discharge it. Contributory negligence needs fault that contributed to the harm, and a cyclist who fell into a hole he could not see contributed nothing.
>
> H can therefore recover damages for his head injuries on the ground of negligence, not strict liability.

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

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