BLOGS

Last Minute Revision for CLAT PG: Important Judgements for the Month of January- Part I

Indrasish Majumder · 01 Nov 2024

Preparing for CLAT 2025 and looking for comprehensive resources? Read this post to go through Part I of the important judgements of January.

Right to Default Bail Ends Once Chargesheet Is Filed Within the Prescribed Period: Bombay High Court

Case: Amit Bhogale v. State of Maharashtra

Background: The applicants, Amit Bhogale and Vaibhav Aglave, were arrested in a murder case under Sections 302 and 120B of the IPC.

Later, additional charges under the Maharashtra Control of Organised Crime Act (MCOCA) were added due to evidence of organised criminal activity. The applicants sought default bail under Section 167(2) CrPC, arguing that no chargesheet related to the MCOCA charges had been filed within the prescribed period.

Court's Observation: The Bombay High Court held that the addition of MCOCA charges did not constitute a fresh case requiring a new investigation timeline. Since the chargesheet for the original murder charges had been filed within the statutory period, the applicants lost their right to default bail. The Court clarified that the investigation under MCOCA was a continuation of the original case and did not reset the statutory timeline.

Decision: The bail application was rejected, affirming that filing a chargesheet within the original timeframe extinguished the right to default bail, even if additional charges were later added during the investigation.

Sexual Perversion Against Spouse Constitutes Cruelty: Kerala High Court

Background: A woman filed for divorce, alleging that her husband compelled her to engage in degrading sexual acts during their brief marriage. She claimed that her husband inflicted physical abuse when she resisted and subsequently abandoned her after leaving for work abroad. Her in-laws reportedly denied her access to the marital home.

Court's Observation: The Kerala High Court ruled that unwanted sexual conduct within a marriage amounts to mental and physical cruelty. It stressed that marital intimacy must be based on mutual consent and respect for personal dignity. The Court emphasised that compelling a spouse into degrading or abusive behaviour violates personal liberty and marital rights.

Decision: The court granted the woman a divorce, stating that non-consensual sexual acts constitute mental cruelty under Indian personal law. It reaffirmed that the marital contract does not permit violating a spouse's autonomy or bodily integrity.

Scrutiny of Halal Certification Ban Under Constitutional Rights: Supreme Court

Case: Halal India Pvt Ltd v. State of Uttar Pradesh

Background: Halal India Pvt Ltd challenged the Uttar Pradesh government's notification banning Halal-certified products in public institutions, arguing that the ban infringed upon fundamental rights, including religious freedom (Article 25), protection of cultural rights (Article 29), and freedom of trade (Article 19). The petitioners contended that the ban was arbitrary and lacked constitutional validity.

Court's Observation: The Supreme Court observed that religious practices, including Halal certification, fall under protected cultural and religious freedoms. It noted that any restriction on religious practices must be legally justified and narrowly tailored to avoid infringing constitutional rights. The Court also highlighted the potential economic impact on businesses and interstate commerce due to the ban.

Decision: The Court issued notice to the State of Uttar Pradesh, directing its Standing Counsel to file a detailed response on the constitutional and economic rationale behind the ban. It underscored the necessity of balancing cultural rights with regulatory policies.

Unmarried Daughter Entitled to Maintenance Irrespective of Religion or Age: Allahabad High Court

Case: **Naimullah Sheikh v. State of Uttar Pradesh**

Background: Three daughters of a Muslim father petitioned the Allahabad High Court for maintenance under the Domestic Violence (DV) Act, alleging that their father and stepmother mistreated them after the death of their biological mother. The father argued that he was elderly, lacked income, and was financially unable to support them.

Court's Observation: The High Court ruled that an unmarried daughter is entitled to maintenance irrespective of her age, religion, or marital status if she is economically dependent. It clarified that personal law provisions could not override protections granted under the DV Act, which ensures basic economic security for women and children. The Court stated that fathers cannot evade their responsibility by citing financial hardship or advanced age.

Decision: The court directed the father to provide interim maintenance to his daughters and reminded him of his parental obligations under both civil and constitutional law. It emphasised that maintenance claims under the DV Act are enforceable even if personal laws suggest otherwise.

Right to Know Biological Parents Balances Against Right to Privacy: Calcutta High Court

Case: Anonymous Adoption Case

Background: An Indian-born individual, adopted by a Swiss couple in 1988, petitioned the Calcutta High Court to access the identity of his biological mother. He argued that knowing his origins was essential for establishing his personal identity and cultural heritage. However, the adoption agency cited confidentiality policies and the biological mother's right to privacy as grounds for denying his request.

Court's Observation: The Calcutta High Court acknowledged that the petitioner's right to know his biological parents is integral to his right to life and dignity under Article 21 of the Constitution. However, the Court also recognised the biological mother's right to privacy and autonomy. It ruled that these competing rights must be balanced carefully to avoid violating

either party’s constitutional protections.

Decision: The court directed the adoption agency to contact the biological mother confidentially and seek her explicit consent before disclosing any personal information. If she declined, her identity would remain confidential. This ruling balanced the right to personal identity with privacy protections enshrined in Indian constitutional law.