AILET

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

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

No Person Has the Right to Call Someone Corrupt as Long as Defamation Law Exists: Himachal Pradesh High Court

Case: Jagat Singh Negi v. Surat Singh Negi

Background: Jagat Singh Negi, a senior state minister, filed a defamation suit against opposition leader Surat Singh Negi, alleging that the latter falsely accused him of corruption and misappropriation of public funds. The accusations were made during a widely publicised press conference. The trial court dismissed the complaint on procedural grounds, prompting the minister to file an appeal in the High Court.

Court's Observation: The High Court ruled that public figures, including politicians, cannot be accused of corruption without evidence. The Court emphasised that freedom of speech under Article 19(1)(a) is subject to reasonable restrictions, including the protection of personal reputation. It stressed that accusing someone of corruption inherently damages public trust and personal dignity if made without factual basis.

Decision: The court allowed the appeal and reinstated the defamation proceedings. It ruled that making defamatory statements under the guise of political rivalry undermines democratic principles and disrupts public trust in governance.

Banks Cannot Retain Passports or OCI Cards Without Legal Authority: Karnataka High Court

Case: Koshy Varghese v. Union of India

Background: Koshy Varghese, a UK citizen holding an Overseas Citizen of India (OCI) card, was implicated in a loan default case involving Vijaya Bank. While negotiating to settle his accounts, bank officials allegedly demanded he surrender his passport and OCI card as security against outstanding dues. He complied but later realised that banks lack the legal authority to seize travel documents.

Court's Observation: The Karnataka High Court held that banks and private institutions cannot seize or retain travel documents such as passports or OCI cards, even with the individual's consent. Only government agencies authorised under the Passport Act, 1967, have the legal authority to impound or confiscate such documents. The Court stressed that surrendering such essential documents could restrict personal liberty, including the right to travel abroad.

Decision: The Court directed the bank to return the passport and OCI card, ruling that the unauthorised retention was illegal and violated the petitioner's constitutional rights. The Court further instructed the bank to refrain from making similar demands in the future.

Juvenility as a Defence in Serious Crimes: Supreme Court

Case: **Pramila v. State of Chhattisgarh**

Background: Pramila, convicted of murder and sentenced to life imprisonment, filed an appeal claiming that she was a juvenile at the time of the crime. She presented documentary evidence, including a birth certificate, showing she was under 18 when the incident occurred. The High Court dismissed her plea, arguing that her claim came too late, after nearly a decade of incarceration.

Court's Observation: The Supreme Court ruled that juvenility is a legally protected right under the Juvenile Justice Act, 2015, which overrides procedural timelines. It stated that even if the defence of juvenility is raised years after conviction, the Court must investigate its validity. Juveniles are entitled to rehabilitation, not punishment, regardless of the severity of the offence.

Decision: The Supreme Court verified Pramila's age at the time of the crime and ruled that her incarceration exceeded the maximum penalty that a juvenile offender could face under the Juvenile Justice Act. The Court ordered her immediate release, emphasising the legal system's duty to safeguard juvenile rights, even in heinous crime cases.

Release on Bail Cannot Be Cancelled for Non-Appearance Without Malicious Intent: Supreme Court

Case: Krishna Kumar Sharma v. State of West Bengal

Background: Krishna Kumar Sharma, accused of financial fraud, was granted bail by a trial court. He missed one court appearance due to a major traffic disruption caused by a VIP convoy, resulting in his bail being canceled. The High Court upheld the cancellation, prompting an appeal in the Supreme Court.

Court's Observation: The Supreme Court ruled that bail can only be cancelled if there is clear evidence of misuse, such as tampering with evidence, absconding, or influencing witnesses. It is observed that procedural lapses like missing a court date due to unavoidable circumstances cannot justify revoking bail unless repeated instances show intent to evade the law. The Court criticised the lower courts for failing to consider the genuine reason for Sharma's absence.

Decision: The Court reinstated Sharma's bail, ruling that fair procedure and due process must be followed when deciding bail revocation. It directed lower courts to be cautious while considering bail cancellations and ensure that justice is not compromised by administrative delays.

Investigating Agencies Cannot Seize Passports Without a Clear Connection to a Crime: Kerala High Court

Case: Davood v. State of Kerala

Background: Davood was implicated in an NDPS Act case after authorities intercepted a courier package containing illegal substances allegedly addressed to him. During the investigation, his passport was seized, even though there was no clear evidence linking the document to the crime. Davood petitioned the Kerala High Court, arguing that the passport seizure violated his fundamental right to travel.

Court's Observation: The Kerala High Court ruled that a passport is a fundamental travel document protected under Article 21 of the Constitution (Right to Life and Liberty). It held that investigating agencies must obtain proper judicial authorisation before seizing such documents, ensuring that personal liberty is not compromised without due process. The Court criticised law enforcement for overstepping their legal authority, emphasising that passports can only be

impounded by the passport authority under the Passports Act, 1967.

Decision: The court ordered the immediate return of Davood's passport, ruling that its seizure was unauthorised and unrelated to the ongoing investigation. It directed agencies to strictly adhere to legal procedures when dealing with sensitive documents that impact personal freedoms.