AILET

Last Minute Revision for CLAT PG: Important Judgements for the Month of October- 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 October.

The Allahabad High Court refused to quash charges of cruelty and dowry death against a man who claimed to have been only the live-in partner of a woman who had died by suicide

- Case: Adarsh Yadav vs. State of UP and Anr
- The accused filed an application under Section 482 Cr.P.C. before the High Court, challenging an order from the Trial Court. The accused faced charges under Sections 498-A, 304-B of the IPC, and Section 3/4 of the Dowry Prohibition Act, 1961. The Trial Court had already rejected his discharge application.
- The accused argued that he was in a live-in relationship with the deceased, not a legally wedded husband. However, the state contended that the deceased had divorced her first husband and subsequently married the accused.
- The High Court observed, “In the instant case, even if we assume that the deceased does not fall within the ambit of legally wedded wife, there is ample evidence on record that applicant and deceased were residing together as husband and wife.”
- The Allahabad High Court cited Reema Aggarwal vs. Anupam and Others (2004), in which the Supreme Court noted that Sections 304B or 498A of the IPC could still apply to a man cohabiting with a woman in the role and status of a “husband.”

Courts have the authority to set aside arbitral awards only if their reasoning is deemed perverse: Supreme Court

- Case:OPG Power Generation Private Limited vs. Enexio Power Cooling Solutions India Private Limited and Anr
- The Supreme Court received appeals against a Madras High Court ruling from September 2021 that upheld an arbitral award from July 2020 in favor of Enexio Power Cooling Solutions in a contractual dispute.
- Enexio won a tender for designing and supplying condenser units at a thermal power plant in Tamil Nadu. The arbitral tribunal ruled in Enexio's favor—a decision that a single judge of the Madras High Court initially set aside, though later restored by a Division Bench.
- The Supreme Court upheld the Division Bench's decision, stating, "In cases where reasons are insufficient, the underlying factual or legal reason forming the basis of the award should be discernible and exhibit no perversity for the court to refrain from setting aside the award under Sections 34 or 37 of the 1996 Act."

The Madhya Pradesh High Court ordered the release of a man from jail, noting that he might not be able to afford to approach the Supreme Court to challenge earlier bail rejection orders

- Case: Kusum Sahu v. The State of Madhya Pradesh and Ors
- The detained man's daughter filed a habeas corpus petition to challenge successive High Court orders rejecting her father's bail applications in a cheating case.
- Since December 12, 2023, Jibrakhan Lal Sahu, the accused, has been in jail for alleged misappropriation while serving as a director of Suvidha Land Developers India Pvt. Ltd. His daughter contended he was neither a director nor involved in the company's operations.
- The High Court observed, "In this unique case, intervention is required to save the fundamental rights of the detained individual," noting Sahu had been detained without evidence verifying his role in the company.
- The Court ordered Sahu's release, directing the police to investigate the actual directors and managing officials of Suvidha Land Developers.

Recording conversations within a police station does not constitute an offence under the Official Secrets Act: Bombay

High Court

- Case: Subhash Rambhau Athare and Anr v. State of Maharashtra and Anr
- An FIR was filed against Subhash and Santosh Rambhau Athare, accusing them of conspiracy and intimidation under the IPC and the Official Secrets Act.
- Dissatisfied with police handling of a complaint, Subhash recorded a conversation with the Investigating Officer. The counsel for the accused argued the FIR was retaliatory.
- The High Court made the observation that Section 2 (8) of the Act does not include a police station in its definition of a “prohibited place.” This case does not contain any elements of Section 3 of the Official Secrets Act.
- The Bombay High Court quashed charges under the Official Secrets Act, allowing the IPC charges to proceed.

A candidate applying for a position in a disciplined force, such as the Delhi Police, must be given an opportunity to remove any disqualifying tattoo before being permanently rejected from the recruitment process: Delhi High Court

- Case:Staff Selection Commission & Ors. vs. Bhupendra Singh
- The SSC filed a writ petition to overturn a Central Administrative Tribunal, New Delhi, order that disqualified a candidate for having a tattoo.
- Bhupendra Singh, applying for a Delhi Police post, was declared unfit due to a tattoo on his saluting arm, although he later had it surgically removed.
- The High Court observed, “If a tattoo on the forearm of a candidate is objectionable, an opportunity must be granted to remove it within a time-bound manner.”
- The Delhi High Court dismissed the SSC’s plea, allowing Singh to join the training scheduled in November 2024.

The Delhi Consumer Court ordered United India Insurance Company Limited to compensate a man for the mental agony

and harassment he endured

- Case: The complainant alleged that United India Insurance unjustly denied a claim for his wife's emergency hospitalization.
- The insurance company argued that they rejected the claim because the hospitalization lasted less than 24 hours. The complainant maintains that the duration of hospitalization is not patient-controlled.
- The Consumer Court noted, "The opposite party cannot reject the claim by ignoring factors such as ailment, emergent need, treatment, and recovery."
- The District Consumer Dispute Redressal Commission (DCDRC) ordered the insurance company to reimburse ₹13,525, along with ₹5,000 for mental agony and ₹3,000 for litigation costs.

The Uttar Pradesh government authorities should guarantee the proper training of medical specialists responsible for determining the age of victims in cases under the POCSO Act: Allahabad High Court

- Case: Dharmendra v. State of Uttar Pradesh
- The accused filed a bail application, alleging an inaccurate recording of the victim's age, suggesting she was older than her stated age of 15.
- The High Court observed inconsistencies in age determination, citing that medical reports often lack detailed reasoning, which violates Section 27 of the POCSO Act and Section 164A of CrPC.
- The Allahabad High Court directed the Principal Secretary, Medical Health, and the Director General, Medical and Health, Uttar Pradesh, to ensure proper training for medical specialists under the POCSO Act, with medical reports providing adequate reasons for age determination.