BLOGS

Important Supreme Court Cases & Decisions: November 2021 (Part 1/2)

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CLAT-PG and many other law examinations across the country require the applicants to stay updated with the latest legal developments, especially the important Supreme Court cases. This post is a part of a series by CLATalogue, where we enlist and briefly explain the important parts of a case law judgment and/or order. To read important individual case studies, click here.

1. Jaswant Singh State of Punjab [i]

***Bench*:** Dinesh Maheshwari and Vikram Nath, JJ.

In this case, the relevant High Court refused to quash the proceedings on the application of the petitioner, under Section 482 of the Cr.P.C. The Supreme Court in turn held that the case was a fit one for the exercise of quashing an F.I.R. to secure the ends of justice, mainly because the substance of the F.I.R. had a predominantly "civil flavor".

The Court also considered its previous judgments [like, **Gian Singh** v. **State of Punjab** [ii]. The Court also emphasized how these powers should only be exercised when the necessary conditions warrant it: to prevent abuse of power or to prevent miscarriage of justice.

2. Goutom Roy and Anr State of West Bengal, Sudipta Bhowmick v. State of West Bengal [iii]

Bench: A.M. Khanwilkar & Ajay Rastogi, JJ.

Setting aside the order of Calcutta High Court, the Supreme Court held that a complete ban on firecrackers by the High Court required that all parties must have been given a chance to represent themselves. The Court made a reference to the "green crackers" as mandated by the Supreme Court in a previous judgment.

3. Nandlal Lohariya Jagdish Chand Purohit[iv]

Bench: MR Shah & BV Nagarathna, JJ.

This case related to an order of National Consumer Disputes Redressal Commission, a case which was filed against advocates. The Court interpreted if losing a case constitutes 'deficiency in service'.

"Losing the case on merits after the advocate argued the matter cannot be said to be deficiency in service on the part of the advocate. In every litigation, either of the party is bound to lose and in such a situation either of the party who will lose in the litigation may approach the consumer fora for compensation alleging deficiency in service, which is not permissible at all."

4. Newtech Promoters & Developers Pvt. Ltd. v. State of U.P.[v]

Bench: Uday Umesh Lalit, Ajay Rastogi & Aniruddha Bose, JJ.

In this case, the Court permitted the **retroactive application** of RERA [i.e., Real Estate (Regulation and Development) Act, 2016] to the real estate projects that were ongoing during the commencement of the Act. The Court further held that all projects that began prior to the Act but completion certificate was not granted by then will be governed by RERA.

5. Mithun Chatterjee State of Odisha [vi]

Bench: L. Nageshwar Rao & B.R. Gavai, JJ.

In this case, the Court made an important observation with respect to conditions of bail. The Court held that "imposition of onerous conditions for grant of bail tantamount to denial of bail". For context, the lower Courts imposed a heavy cash and immovable property security for Rs. 20 Lakhs each on the bail-applicant which the apex Court set aside.

6. Jitul Jentilal Kotecha State of Gujarat[vii]

Bench: DY Chandrachud & BV Nagarathna, JJ.

In this case, the Court clarified that the exercise of powers under Section 482 of the Criminal Procedure Code, 1973 cannot be done simply on the basis of a "draft chargesheet". The Court said, "… the High Court cannot place reliance on a "draft charge-sheet" which is yet to be placed before the Magistrate to quash the criminal proceedings under Section 482."

Click here to read important Supreme Court cases of August, 2021.

[i] Criminal Appeal No. 1233 of 2021, decided on 20 October 2021

[ii] (2012) 10 SCC 303

[iii] Special Leave Petition (Civil) No.17991 of 2021, decided on 1 November, 2021

[iv] Special Leave Petition (Diary) 24842 of 2021, decided on 8 November 2021

[v] CA 6745 6749 of 2021, decided on 11 November 2021

[vi] Petition(s) for Special Leave to Appeal (Criminal) No(s).4705/2021, decided on 12 November, 2021

[vii] Criminal Appeal No. 1328-1333 of 2021, decided on 12 November 2021