Weekly Judiciary Digest

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Current & Conceptual Weekly

6th May to 12th May, 2025

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1. Supreme Court Stays Release of Women Army Officers Amid National Security Concerns and Pending Adjudication

Case Title: Lt. Col. Pooja Pal & Ors. v. Union of India & Ors.,

Citation: C.A. No. 9747-9757/2024 (and connected cases)

Court: Supreme Court of India

Bench: Justices Surya Kant and N. Kotiswar Singh

Date of Order: May 10, 2025

In a significant development bearing both national security and gender justice implications, the **Supreme Court of India on May 10, 2025, stayed the release of all currently serving women officers of the Indian Army** till the next date of hearing. The interim relief came while hearing a batch of petitions including that of **Lt. Col. Geeta Sharma**, a Short Service Commissioned (SSC) officer seeking continuation in service.

The bench led by **Justice Surya Kant** emphasized that the matter would be decided strictly on **merits**, but in the meantime, the Army may utilize the services of these officers, particularly in light of heightened **India-Pakistan tensions following the recent Pahalgam terror attack**. The Court refrained from creating any legal equity in favour of the petitioners but clearly directed that **no serving woman officer shall be relieved until further orders**.

Justice Kant, in his oral remarks, lauded the armed forces, stating that this was not the time to have officers "running around in courtrooms" and instead their morale and contribution needed to be preserved and honoured. Noting the sensitivity of the national security situation, he said, "this is not the time we keep these people running around in the Supreme Court... we would like their morale to be kept high like anything."

Appearing for Lt. Col. Sharma, **Senior Advocate Menaka Guruswamy** argued that the officer, though relieved, had not been dismissed and should therefore be allowed to continue serving. She invoked the **Babita Puniya judgment**, highlighting how it had paved the way for officers like **Col. Sofiya Qureshi**, who recently led the media briefing on **'Operation Sindoor'**, to serve in commanding positions.

Additional Solicitor General Aishwarya Bhati, representing the Union of India, contended that Lt. Col. Sharma was not found fit for **Permanent Commission** during a 2020 batch review and was granted a 4-year extension thereafter. Upon its completion, she moved the Armed Forces Tribunal in 2024. The ASG further submitted that as per the applicable rules, **terminal leave benefits are applicable only after formal discharge** on completion of a 14-year term.

Justice Kant acknowledged the Army's **"steep pyramidal structure"**, requiring constant infusion of young officers, but emphasized the need for a **blend of experience and youth**. He observed that **seasoned officers play a vital role in developing the mental resilience of younger personnel**, especially in extreme deployment zones, where courage and experience are indispensable.

In conclusion, the Supreme Court's stay order is **an important interim relief for women officers**, reinforcing judicial oversight over executive decisions affecting service personnel, particularly in gender-sensitive matters. The matter is now pending for final adjudication, which may have far-reaching implications on the policy regarding **retention and commissioning of women officers in the armed forces**, particularly post the Babita Puniya landmark judgment.

2. Supreme Court Seized of PIL to Prevent Trademarking of 'Operation Sindoor' Amid National Sentiment Concerns

Case Title: Dev Ashish Dubey v. Union of India & Ors.

Court: Supreme Court of India

Filed On: May 2025

In a Public Interest Litigation (PIL) invoking concerns of **national honour, public emotion, and ethical misuse of military nomenclature, the Supreme Court of India has been approached to bar the registration of 'Operation Sindoor' as a trademark**. The operation refers to India's military counter-offensive against terrorist infrastructure in Pakistan, following the **Pahalgam terror attack on April 22, 2025**, which led to the death of several civilians and triggered nationwide outrage.

The PIL, filed by **Dev Ashish Dubey**, seeks to restrain five individuals—**Mukesh Chetram Agrawal (Mumbai), Gp. Capt. Kamal Singh Obreh (Retd., J&K), Alok Kothari (Delhi), Jayraj T. (Kerala), and Uttam (Gujarat)**—from proceeding with their applications filed under **Class 41** of the Trade Marks Act, 1999, which relates to **education and entertainment services**. The applications were lodged with various regional Trademark Registries in **Delhi, Mumbai, Chennai, and Ahmedabad**.

The petitioner has contended that **commercializing the term 'Operation Sindoor' amounts to exploitation of patriotic sentiments and the sacrifices of armed forces personnel**. It is argued that such a trademark violates **Section 9 of the Trade Marks Act, 1999**, which bars registration of marks that are **contrary to public morality, order, or capable of causing deception or confusion**.

In support of the plea, the petitioner highlights that **the name 'Operation Sindoor' has come to represent the Indian military's valor and sacrifice**, and must not be diluted by commercial or private appropriation. It is submitted that the attempted registrations are aimed at leveraging **public emotion for private economic gain**, a practice inconsistent with national integrity and ethical jurisprudence.

The PIL also draws attention to a similar registration attempt by **Reliance Industries Limited**, which filed an application for the same name as a **wordmark on May 7, 2025**. However, following public backlash, **Reliance withdrew the application**, clarifying that it was filed by a **junior employee without proper authorization**. The company issued a formal statement of withdrawal, thereby diffusing further controversy.

The petitioner seeks two key reliefs:

1. **A writ of mandamus directing the Trademark Registries to reject all applications filed under the name 'Operation Sindoor'**;

2. **A direction for removal of any pending applications for registration of the same name**, arguing that no individual or private entity should be allowed exclusive rights over a term linked to national defence operations.

This case raises **crucial questions at the intersection of intellectual property rights, national security, and ethical governance**, making it particularly relevant for judiciary aspirants. It also underscores the increasing role of courts in **balancing constitutional freedoms with national interest**, especially in contexts where **commercial rights clash with collective national emotion and symbolic identity**. The matter is expected to be closely watched for its wider implications on the scope of permissible trademarks under Indian law.

3. India-Pakistan Agree to Full Ceasefire Post 'Operation Sindoor': A Diplomatic De-escalation

Context: Bilateral Military Engagements following Pahalgam Terror Attack and Operation Sindoor

Event Date: Ceasefire Announced – **May 11, 2025**, Effective From – **17:00 IST**

Authorities Involved: Ministry of External Affairs (India), Directorate General of Military Operations (DGMO), United States (Mediated), Press Conference by Foreign Secretary Vikram Misri

In a significant diplomatic development, **India and Pakistan have agreed to an immediate and comprehensive ceasefire**, bringing a temporary halt to military operations and cross-border hostilities following the Indian counter-terrorism mission dubbed **'Operation Sindoor'**. The operation was a **retaliatory military strike carried out by India on May 7, 2025**, targeting **nine terrorist camps across the Line of Control (LoC)** in response to the **Pahalgam terror attack**, which resulted in the death of several civilians and security personnel.

Addressing a special press conference, **Foreign Secretary Vikram Misri** confirmed that a consensus was reached between the Director **Generals of Military Operations (DGMOs)** of India and Pakistan at **15:35 hours**, wherein both sides **agreed to cease all military actions across land, air, and sea**, effective from **17:00 hours IST on the same day**. Clear instructions were issued to military formations to comply with this agreement, and a follow-up conversation between the DGMOs has been scheduled for **May 12, 2025, at 12:00 hours**.

The announcement was further endorsed by **External Affairs Minister S. Jaishankar**, who affirmed that **India has entered into this understanding without compromising its firm policy against terrorism**. He reiterated India's principled position that while it will work towards peace, **terrorism in any form remains unacceptable**, and the country reserves the right to defend its sovereignty.

Adding an international layer to the situation, **US President Donald Trump** released a statement claiming that the ceasefire was the outcome of **overnight diplomatic mediation by the United States**. However, the **Ministry of External Affairs clarified that the understanding was reached bilaterally, without any third-party involvement**, thus asserting India's **long-standing opposition to external mediation in Indo-Pak affairs**.

The ceasefire comes in the wake of heightened military escalation, with **Pakistan reportedly attempting retaliatory strikes on Indian cities and military installations**, which were effectively **intercepted and neutralized by Indian defense forces**. The developments had led to rising regional tensions and widespread concern over a potential prolonged conflict.

This ceasefire holds strategic and constitutional significance. It reinforces **India's commitment to peaceful resolution of conflicts while maintaining its uncompromising stance on national security and anti-terrorism operations**. For judiciary aspirants, the episode serves as a real-world application of **international law principles**, including **sovereignty, non-intervention, and bilateralism**, as well as the **constitutional power of the executive in foreign affairs and national defense** (Articles 73 and 246, read with the Union List entries).

In conclusion, while the ceasefire marks a de-escalation of immediate hostilities, the larger concerns of **cross-border terrorism and long-term peace-building** remain active areas for legal and diplomatic engagement. The situation may evolve into case studies on **executive diplomacy, just war doctrine, and international humanitarian law**, especially relevant in contemporary legal discourse.

4. Symbol of Unity and Constitutional Values: Women Officers Lead Post-Operation Sindoor Briefing Amidst SC's Legacy Judgment on Gender Equality in Armed Forces

Case Title: The Secretary, Ministry of Defence v. Babita Puniya & Ors.,

Citation: (2020) 7 SCC 469

Court: Supreme Court of India

Bench: Justice D.Y. Chandrachud and Justice Ajay Rastogi

Judgment Date: February 17, 2020

In a powerful display of national unity, **Colonel Sofiya Qureshi of the Indian Army** and **Wing Commander Vyomika Singh of the Indian Air Force**—officers belonging to different faiths—**jointly addressed the nation following 'Operation Sindoor'**, India's military operation targeting terrorist infrastructure across the border. In the aftermath of the **Pahalgam terror attack**, which aimed to provoke communal unrest, the visual of two decorated women officers representing the armed forces underscored India's commitment to **secularism, gender equality, and national harmony**.

This moment is deeply resonant with the **Supreme Court's landmark 2020 ruling** in *Babita Puniya v. Union of India*, where **Justice D.Y. Chandrachud** authored a judgment mandating **Permanent Commission (PC) for Women Officers** in the Indian Army, rejecting the Union Government's stance on gender-based exclusion.

The Court in this case **explicitly acknowledged the achievements of Col. Sofiya Qureshi**, noting that she was **the first Indian woman officer to lead a contingent in a multinational military exercise (Exercise Force 18)** and had served with distinction in **UN Peacekeeping Operations in Congo in 2006**, tasked with **ceasefire monitoring and humanitarian assistance**.

Twelve women officers were named in the judgment as exemplars of capability and valour, including:

- **Lt. Col. Anuvandana Jaggi**, UN Military Observers Team Leader in Burundi
- **Major Madhumita**, the **first woman Gallantry Awardee (Sena Medal)** for bravery against Taliban forces in Afghanistan
- **Lt. A. Divya**, who received the **Sword of Honour** in OTA, Chennai
- **Maj. Gopika Ajitsingh Pawar**, awarded the **UN Peacekeeping Medal**
- Other commendable officers like Maj. Madhu Rana, Preeti Singh, Anuja Yadav, Capt. Ashwini Pawar, and Capt. Shipra Majumdar

The Court held that the argument based on **biological differences and societal roles** to deny women a Permanent Commission was **deeply disturbing and constitutionally impermissible**, affirming that **gender cannot be a ground for exclusion** in the armed forces. The judgment emphasized that the **Indian Constitution mandates institutional equality**, and the Indian Army must reflect this in practice.

It was also observed that since **2004**, women officers have **actively participated in UN peacekeeping operations and combat logistics**, being entrusted with complex duties in conflict zones like **Syria, Lebanon, and Northeast India**. The Court affirmed that their **service record is beyond reproach**, and any **disparagement of their capabilities affronts not only their dignity but that of the Indian Army itself**.

In light of this precedent, **the joint address by Col. Qureshi and Wg. Cdr. Singh during a national security crisis symbolizes the realization of judicially upheld constitutional ideals**—gender equity, national integration, and dignified representation in uniformed service. This serves as a vital case study for judiciary aspirants, connecting constitutional values, military service, and evolving gender jurisprudence.

5. Supreme Court Emphasizes Zero Tolerance for Hate Speech: Upholds Constitutional Morality Amid Waqf Law Controversy

Case Title: Vishal Tiwari v. Union of India

Citation: 2025 LiveLaw (SC) 547

Court: Supreme Court of India

Bench: Chief Justice Sanjiv Khanna and Justice Sanjay Kumar

Date of Order: May 2025

In a significant judicial observation upholding the values of **constitutional morality and communal harmony**, the **Supreme Court of India strongly condemned hate speech** and attempts to spread **communal hatred**, stating that such conduct must be **"dealt with an iron hand"**. The remarks were made while hearing a Public Interest Litigation (PIL) filed by **Advocate Vishal Tiwari**, seeking action against politicians delivering inflammatory speeches, particularly in the context of **ongoing petitions challenging the Waqf (Amendment) Act, 2025**.

Although the Court **declined to entertain the writ petition on procedural grounds**, it issued a categorical reminder to authorities about the **constitutional and statutory mandate to act against hate speech**. The bench observed that **"hate speech cannot be tolerated"** in a multicultural democracy where equality and human dignity are cornerstones of the constitutional vision. The Court noted that hate speech **alienates and humiliates targeted communities**, disrupts **communal harmony**, and **undermines open-mindedness and tolerance**—values essential for the functioning of an inclusive society.

Quoting from the order, the Court stated:
"Any attempt to cause alienation or humiliation of the targeted group is a criminal offence and must be dealt with accordingly."

The PIL also sought initiation of **suo motu criminal contempt proceedings** against **BJP MP Nishikant Dubey** for his **provocative comments against the judiciary**, specifically targeting the Chief Justice of India, Sanjiv Khanna, following the apex court's intervention in the Waqf Amendment matter.

While the Court **deplored the MP's comments**, terming them **"highly irresponsible"** and **"attention-seeking"**, it chose **not to initiate contempt proceedings**, asserting that **"such absurd comments" cannot shake public faith in the judiciary**. The bench added that the remarks revealed a **"deep ignorance about the functioning of constitutional courts"**, but affirmed that **judicial dignity is not undermined by uninformed political rhetoric**.

The observations reaffirm the Supreme Court's consistent jurisprudence on hate speech. Notably, in **April 2023**, the Court had directed **State authorities to register FIRs suo motu against hate speeches**, even in the absence of a formal complaint, thereby reinforcing a **proactive duty on law enforcement** to curb incitement.

For judiciary aspirants, this case reiterates the **importance of balancing freedom of speech (Article 19(1)(a)) with reasonable restrictions under Article 19(2)**. It also reflects how **judicial restraint, combined with moral clarity**, can guide public discourse without overstepping institutional boundaries. Furthermore, it provides a live example of **how constitutional courts defend pluralism and social cohesion** amidst politically sensitive controversies.

The matter stands as a **judicial reminder that freedom cannot be misused to propagate hate**, and that **constitutional values must prevail over populist provocation**. It serves as a crucial reference point for understanding **contempt jurisprudence, hate speech regulation, and the role of judiciary as the guardian of constitutional ethics**.

6. Supreme Court Suggests Structural Reforms to Reduce 7.24 Lakh Pending Criminal Appeals in High Courts

Case Title: In Re Policy Strategy For Grant Of Bail

Case No.: SMW(Crl) No. 4/2021

Court: Supreme Court of India

Bench: Justice Abhay S. Oka and Justice Ujjal Bhuyan

Date: May 2025

In a crucial step toward addressing the rising backlog of criminal cases, the **Supreme Court of India** observed that as of **March 22, 2025**, there were **7,24,192 pending criminal appeals** (including appeals against convictions and acquittals) across all High Courts. The Court urged High Courts to **adopt a model action plan** and implement procedural reforms to ensure **speedy and just disposal** of these cases.

The suo motu proceedings were initiated to formulate a **policy strategy for granting bail** in cases where appeals remain pending for prolonged durations. The Court reiterated that in cases involving **fixed-term sentences**, High Courts should **liberally exercise powers under Section 389 CrPC** to suspend the sentence unless exceptional circumstances exist. This principle aligns with earlier judgments in *Bhagwan Rama Shinde Gosai v. State of Gujarat (1999), Atul @ Ashutosh v. State of MP (2024)*, and *NCB v. Lakhwinder Singh (2025)*.

A comprehensive set of **institutional and technological reforms** was endorsed to streamline the appellate process. Key among them were:

- **Digitisation of trial court records**, starting with Sessions Courts and special courts.
- **Use of AI-based translation tool SUVAS**, developed by the Supreme Court, for faster and accurate translation of documents.
- **Creation of the post of Registrar (Court and Case Management)** in all High Courts to ensure timely readiness of case files.
- **Automatic requisition of trial records** upon issuance of notice in appeals to avoid procedural delays.
- **One-time physical verification** of case data to correct discrepancies on court portals and the National Judicial Data Grid.

The Court also highlighted the disparity in pendency rates across High Courts. The **Allahabad High Court had the highest pendency** (2.77 lakh), followed by Madhya Pradesh (1.15 lakh), Punjab & Haryana (79,326), and others like Patna, Rajasthan, Bombay, and Chhattisgarh with significant backlogs.

Further, the Court endorsed **video conferencing (VC) hearings between benches** with lower pendency and the principal seat of the same High Court. This would allow a more balanced distribution of the judicial workload. Suggestions were also made to rationalise **rosters, appoint domain-specific benches**, and **minimise routine adjournments**, particularly where legal aid

counsel could be appointed in case of non-cooperation from defence advocates (as per *Bani Singh v. State of UP*).

Importantly, the Court emphasized that **priority should be given to appeals involving undertrial prisoners**, followed by serious offences, elderly accused, and life sentence cases where the convict is out on bail.

The **Model Action Plan for Reduction of Arrears**, prepared by the Supreme Court's Committee for Case Flow Management, has been **approved by the Chief Justice of India** and forwarded to all High Courts. While acknowledging the **constitutional independence of High Courts**, the Supreme Court requested them to **formulate and submit action plans within four months**, enabling **cross-learning and adoption of best practices**.

This landmark intervention reflects the judiciary's commitment to **Article 21's guarantee of speedy justice** and reinforces the urgency of **institutional efficiency and procedural reform** in India's criminal justice system. It is an essential reference for judiciary aspirants, especially concerning **judicial administration, bail jurisprudence, CrPC Section 389, and constitutional rights of accused persons**.

7. Supreme Court Clarifies Admissibility of Unregistered Agreements in Specific Performance Suits

Case Title: Muruganandam v. Muniyandi (Died) through LRs

Citation: 2025 LiveLaw (SC) 549

Court: Supreme Court of India

Bench: Justices PS Narasimha and Joymalya Bagchi

Date of Judgment: May 2025

In a judgment significant for contract and property law, the **Supreme Court of India held that an unregistered agreement to sell may be admitted as evidence to prove the existence of a contract in a suit for specific performance**, provided it is not being used to **prove transfer of title. The Court invoked the proviso to Section 49** of the Registration Act, 1908, which allows an unregistered document affecting immovable property to be used **as evidence of a contract** or for proving **a collateral transaction**.

The case arose from **Tamil Nadu**, where a **State amendment mandates registration of agreements to sell**. The appellant had entered into an unregistered agreement to sell dated 01.01.2000 with the respondent and later filed a suit for specific performance, contending that **part payment had been made and possession had been handed over**, but the respondent failed to execute the sale deed.

Both the **trial court and the High Court dismissed the suit**, holding that the unregistered agreement was inadmissible under the **Registration Act and the Indian Stamp Act**. Challenging this, the appellant approached the Supreme Court.

The apex court **set aside the lower courts' findings**, holding that the appellant's plea falls squarely under the **proviso to Section 49 of the Registration Act**. The Court clarified that the agreement was not being used to prove ownership or title, but to **establish the existence of a contract**, which is legally permissible under the statute.

The judgment referred to the earlier ruling in ***S. Kaladevi v. V.R. Somasundara, (2010) 5 SCC 401***, where the Court had held that an **unregistered sale deed may be used to prove an oral agreement of sale** in a suit for specific performance. In that case, it was emphasized that the document is admissible **not as evidence of a completed sale**, but **only to establish that an agreement existed**.

The Court observed:
"When an unregistered sale deed is tendered in evidence, not as evidence of a completed sale, but as proof of an oral agreement of sale, the deed can be received in evidence…under the proviso to Section 49 of the 1908 Act."

Accordingly, the Supreme Court allowed the appeal and permitted the unregistered agreement dated 01.01.2000 to be brought on record to support the appellant's claim of contract formation.

This decision is crucial for judiciary aspirants as it reinforces the interpretation of **Section 49 of the Registration Act, 1908**, and distinguishes between proof of contract formation and **proof of title or ownership**. It also underscores the principle that **substantive rights under contract law are not defeated merely by procedural lapses in registration**, provided the claim is for specific performance and not transfer of title.

This ruling bridges the technicalities of registration laws with equitable remedies in contract enforcement, and is especially relevant in civil litigation and property law contexts.

8. Supreme Court Reserves Judgment in Suo Motu POCSO Monitoring Case Amid Concerns Over Shortage of Special Courts and Judges

Case Title: In Re: Alarming Rise in the Number of Reported Child Rape Incidents

Case No.: SMW(Crl) No. 1/2019

Court: Supreme Court of India

Bench: Justice Bela M. Trivedi and Justice PB Varale

Date of Hearing: May 7, 2025

In a crucial development concerning the implementation of the **Protection of Children from Sexual Offences (POCSO) Act, 2012**, the **Supreme Court reserved judgment** in a 2019 **suo**

motu writ petition initiated to address **systemic deficiencies in child protection and justice delivery**. The proceedings stemmed from the **alarming increase in child rape cases** and the lack of adequate judicial infrastructure to address them expeditiously.

Senior Advocate and Amicus Curiae Uttara Babbar informed the bench that although significant directions have been issued over the years—including for the **creation of Special POCSO Courts, appointment of Special Public Prosecutors**, and **training of stakeholders—many States remain non-compliant**, particularly in **establishing the required number of Special Courts**. Babbar urged the Court to continue monitoring the matter to ensure adherence to its previous directives.

States flagged for non-**compliance with the 2019 order** on Special Court establishment include:

- **Andhra Pradesh, Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh** – short by **5 courts each**
- **Kerala** – short by **8 courts**
- **Odisha** – short by **17 courts**
- **Bihar** – short by an additional **18 courts**
- **Maharashtra** – short by **19 courts**
- **Tamil Nadu** – short by **36 courts**
- **West Bengal** – short by **53 courts**

The **bench expressed serious concern** over the structural challenges in implementing special laws through judicial machinery. **Justice Bela Trivedi** pointedly remarked that **creating special courts without adequate judicial manpower is futile**, noting the **nationwide shortage of judges**. She stated:

“Special Acts are being enacted...but only regular judges are conducting the special courts. We are short of judges. This is a hard reality.”

The Court was also apprised of pending applications in the **All India Judges case**, where the creation of special courts was directed under various statutes. However, concerns were raised that this could further weaken the functioning of general courts, as the judiciary faces **severe understaffing**.

During the proceedings, **State counsels failed to provide concrete responses**, repeatedly seeking time to obtain instructions. Justice Trivedi criticized the continued adjournments and lack of action, saying:
“This matter is adjourned from time to time to allow you to take instructions.”

Although the Court had earlier expressed an inclination to close the proceedings on the grounds that circumstances had improved since 2019, it acknowledged during this hearing that **many gaps in compliance persist**, particularly regarding judicial capacity and court infrastructure under the POCSO framework.

For judiciary aspirants, this case is a vital illustration of the **judiciary's role in policy monitoring**, especially concerning **Article 21 rights of child victims**, judicial infrastructure under **special statutes**, and **constitutional governance through suo motu jurisdiction**. It highlights the

tension between **legislative intent and practical enforcement**, raising broader questions about **access to justice, court delays, and systemic reform** in India's overburdened criminal justice system.

9. Supreme Court Clarifies Threshold for Summoning Additional Accused Under Section 319 CrPC

Case Title: Harjinder Singh v. State of Punjab & Anr.

Citation: 2025 LiveLaw (SC) 543

Court: Supreme Court of India

Bench: Justices Vikram Nath and K.V. Viswanathan

Date of Judgment: May 2025

In a significant ruling interpreting **Section 319 of the Code of Criminal Procedure, 1973**, the **Supreme Court of India** has held that **proof beyond reasonable doubt is not required** to summon an additional accused during the course of a trial. Instead, the standard is **prima facie evidence indicating the person's involvement in the offence**.

The case involved a challenge to the **Punjab & Haryana High Court's order**, which had quashed the **trial court's decision to summon Respondent No.2** as an additional accused in an **abetment to suicide case**. The trial court had summoned the individual based on materials that warranted further examination during trial. However, the High Court reversed the summoning order, relying heavily on **unverified documentary evidence produced by Respondent No.2 claiming an alibi**, such as a parking chit, chemist's bill, and an OPD card.

Setting aside the High Court's ruling, the Supreme Court, in a judgment authored by **Justice Vikram Nath**, emphasized that at the stage of summoning under Section 319 CrPC, **the appearance of involvement in the offence is sufficient**, and there is **no requirement to conclusively establish guilt**. The Court observed:

"Indeed, it is difficult to conceive of what stronger material could be demanded at the summoning stage short of a confession. The threshold is not proof beyond reasonable doubt; it is the appearance of involvement which is apparent from evidence adduced in the proceeding."

Further clarifying the role of **defence of alibi**, the Court held that it is a **matter to be tested at trial** and cannot be considered conclusive at the stage of summoning. The documents relied upon by the proposed accused had not been formally proved and remained **"untested pieces of paper"**, not sufficient to bar a summoning order.

The Court added:

"To treat [alibi evidence] as conclusive at the threshold would invert the established order of criminal proceedings, requiring the Court to pronounce upon a defence before the prosecution is allowed to lead its full evidence."

Reaffirming the position laid down in previous judgments like *Hardeep Singh v. State of Punjab* (2014) 3 SCC 92, the apex court reiterated that **Section 319 CrPC empowers courts to summon any person appearing to be guilty of an offence based on evidence during trial**, even if not originally named in the FIR or charge sheet.

Accordingly, the Supreme Court **allowed the appeal, restored the trial court's summoning order**, and directed that **Respondent No.2 face trial** along with the other accused.

This judgment is particularly relevant for judiciary aspirants as it elucidates the **procedural dynamics of criminal trials**, particularly the scope of **Section 319 CrPC**, the evidentiary threshold at different stages, and the **role of judicial discretion** in balancing the interests of justice with procedural fairness. It also reiterates that **premature evaluation of defences like alibi undermines due process** and the sequential flow of criminal adjudication.

10. Supreme Court Holds Long-Term Live-in Relationship Implies Consent; Quashes Rape Case Based on False Promise of Marriage

Case Title: Ravish Singh Rana v. State of Uttarakhand & Anr.

Citation: 2025 LiveLaw (SC) 540

Court: Supreme Court of India

Bench: Justices Sanjay Karol and Manoj Misra

Date of Judgment: May 2025

In a significant ruling on the legal nuances surrounding **live-in relationships and allegations of rape based on false promises of marriage**, the **Supreme Court quashed criminal proceedings** against a man who had cohabited with the complainant for over two years. The Court observed that **when two consenting adults voluntarily live together for a prolonged period, the presumption is that they did so knowingly and willingly, not solely due to a promise of marriage**.

The case arose from an FIR lodged on **November 23, 2023**, alleging that the appellant had forcible sexual intercourse with the complainant on **November 18, 2023**. However, the Court noted that just a day later, the parties had executed a **settlement deed affirming their mutual affection and intention to marry**. Moreover, they had cohabited in a **live-in relationship for over two years** without any prior complaints.

Rejecting the High Court's refusal to quash the FIR, the **Supreme Court allowed the appeal**, holding that the **continuance of criminal proceedings would amount to an abuse of the process of law**. The Court emphasized that **no specific allegation was made in the FIR that**

physical relations occurred solely due to a promise of marriage. Therefore, the foundational requirement for prosecuting a rape case under such grounds was lacking.

The Court observed:

"Physical relationship continued for over two years without a complaint. In such circumstances, a presumption would arise of there being a valid consent for initiating and maintaining the relationship."

Further elaborating on the legal implications of live-in relationships, the Court held:

"If two able-minded adults reside together as a live-in couple for more than a couple of years and cohabit with each other, a presumption would arise that they voluntarily chose that kind of a relationship fully aware of its consequences."

The judgment also contextualized the evolving socio-economic dynamics, noting the rise in live-in relationships, especially due to the increased financial independence of women. The Court advised that judicial forums must avoid a rigid or pedantic approach and instead consider the length of the relationship, mutual conduct, and the nature of cohabitation while determining consent.

"Financial freedom has led to proliferation of such live-in relationships... Courts must not adopt a pedantic approach but should assess the nature and longevity of the relationship to infer implied consent."

In this case, the fact that the couple **lived together in separate rented accommodation**, cohabited for years, and had voluntarily entered into a settlement, was viewed by the Court as clear indicators of **valid consent**, making the allegation of a false promise of marriage **untenable**.

This judgment is highly relevant for judiciary aspirants as it touches upon critical issues of **consent, cohabitation, evolving societal norms, and the misuse of criminal law provisions in intimate relationships**. It reinforces that **false promise of marriage must be substantiated by clear evidence**, and that **live-in relationships, per se, do not give rise to such presumption unless explicitly established by the complainant**.

11. PRELIMS Q&A

1. Who adopted the Constitution of India?
    a. Indian Parliament
    b. Governor General
    c. British Crown
    d. Constituent Assembly

Correct Answer: D

Explanation: The Constitution of India was adopted by the Constituent Assembly. This body comprised representatives from various regions and communities, reflecting the diverse makeup of the country and ensuring broad-based participation.

2. Sovereignty under Constitution belong to _____
    a. the President
    b. the Parliament
    c. the People
    d. the Executives, Judiciary and Legislature

Correct Answer: C

Explanation: Sovereignty in India, as established by the Constitution, rests with the people. This principle underscores the democratic foundation of the nation, where ultimate power is vested in its citizens.

3. Which Indian artist decorated the hand written copy of the Constitution ?

a. Mihir Sen
b. S.N. Banergi
c. Mukesh Bandhopadhyaya
d. Nand Lal Bose

Correct Answer: D

Explanation: Nand Lal Bose, a renowned Indian artist, decorated the handwritten copy of the Indian Constitution. His artwork includes intricate illustrations that add cultural and aesthetic value to the document.

4. Which among the following is described as 'Lawyers' Paradise?

a. Constitution of India
b. Indian Penal Code
c. Criminal Procedure Code
d. Supreme Court of India

Correct Answer: A

Explanation: The Constitution of India is often referred to as 'Lawyers' Paradise' due to its detailed provisions and complexity. It serves as a comprehensive guide and a source of extensive legal interpretations and arguments.

5. In India we follow-

a. Adversary system of justice
b. Inquisitional system of justice
c. Amicus Cure system of justice
d. Both (a) and (b)

Correct Answer: A

India follows the adversary system of justice, where two opposing parties present their cases to an impartial judge. This system ensures that both sides have the opportunity to present evidence and arguments, aiming for a fair and just resolution of disputes.

6. Which one of the following is not immovable property?

a. Surface of land
b. Rivers on surface of land
c. Standing timbers
d. Things attached to earth

Correct Answer: C

7. Under Section 3 of the Transfer of Property Act, 1882 'Immovable Property' does not include:

a. standing Timber
a. Land
a. Building
a. Machinery, permanently attached to earth

Correct Answer: A

8. Which of the following is not an immovable property under the Transfer of Property Act?

a. A debt secured by mortgage of an immovable property
b. A right of worship in a specific temple
c. A lake
d. A right to catch and carry fish from a pond

Correct Answer: B

9.Standing Timbers under the Transfer of Property Act, 1882 are:—

a. immovable properties only so long as not severed from the earth
b. immovable properties unless there is a contract tO sever the same from the earth
c. not immovable properties
d. immovable properties if value exceeds Rs. 100

Correct Answer: C

10. Which of the following properties has not been recognized by courts as immovable property?

a. Right of way

b. Right to collect rent of immovable property
c. A right of worship
d. Right of fishery

Correct Answer: C

12. MAINS Q&A

Question

Under what circumstances may an offence outside India be tried as an offence committed in India?

Marks: 10

Answer

Offences Committed Outside India and Their Trial in Indian Courts
The territorial jurisdiction of Indian criminal courts is primarily governed by the **Code of Criminal Procedure, 1973 (CrPC)** and the **Indian Penal Code**, 1860 (IPC). Generally, criminal law is territorial in nature. However, the Indian legal framework recognizes exceptions where **extraterritorial jurisdiction** may be invoked to try offences committed outside India.

1. Statutory Basis for Extraterritorial Jurisdiction
A. Indian Penal Code, 1860

- **Section 3 – Punishment of offences committed beyond India but by a citizen of India**
  "Any person liable, by any Indian law, to be tried for an offence committed beyond India shall be dealt with according to the provisions of this Code for any act committed beyond India in the same manner as if it had been committed within India."
- **Section 4 – Extension of Code to extraterritorial offences**
  IPC applies to:
  - (a) any offence committed by a **citizen of India** outside India;
  - (b) any offence committed by any person on any **ship or aircraft registered in India**;
  - (c) any **computer-related offences** under Section 4(1A) introduced by the Information Technology Act, 2000, committed outside India by any person.

Thus, **Indian citizens** and persons committing offences on Indian-registered ships/aircraft or committing cyber offences impacting India can be prosecuted under Indian law even for acts committed outside Indian territory.

B. Code of Criminal Procedure, 1973

- **Section 188 – Offences committed outside India**

"When an offence is committed outside India by a citizen of India or by a person on a ship or aircraft registered in India, he may be dealt with in respect of such offence as if it had been committed at any place within India at which he may be found:

Provided that no such offence shall be inquired into or tried in India except with the previous sanction of the Central Government."

This provision establishes the **procedural requirement of Central Government's sanction** before trial of such offences in India, thus acting as a safeguard against arbitrary exercise of jurisdiction.

2. Categories of Offences That May Be Tried in India Despite Being Committed Abroad

A. Offence by Indian citizens abroad
An Indian citizen committing murder in a foreign country can be prosecuted in India under Sections 3 and 4 of the IPC, read with Section 188 CrPC, subject to sanction.

B. Offences on Indian ships and aircraft
If a person commits an offence aboard an Indian-registered vessel or aircraft in international territory, Indian courts have jurisdiction.

C. Cybercrimes impacting India
Under Section 75 of the Information Technology Act, 2000, cyber offences committed outside India are also punishable if the act involves a computer or network located in India.

3. Landmark and Relevant Case Law

i. Mobarik Ali Ahmed v. State of Bombay, AIR 1957 SC 857
Held that Section 4 IPC applies to Indian citizens abroad. Even if the accused is not physically present in India during commission, as an Indian citizen, he is subject to Indian criminal law.

ii. Ajay Aggarwal v. Union of India, (1993) 3 SCC 609
A significant case involving conspiracy initiated outside India to cause an offence within India. The Court held that **extraterritorial jurisdiction may be invoked when the offence has repercussions or is intended to be completed within Indian territory**.

iii. Abdul Rashid v. State of West Bengal, AIR 1965 SC 6
The Court clarified that Section 188 CrPC is not a fetter on the **taking of cognizance**, but rather **prevents the trial from commencing** without prior sanction.

iv. State of Andhra Pradesh v. Satyanarayana Rao, AIR 1962 SC 1788
Recognized that **sovereignty** over ships and aircraft implies jurisdiction over crimes committed on them, even if they are outside India.

4. International Law and Comity

India, as a responsible sovereign, also respects the principles of **international comity** and **non-intervention**. Accordingly, the sanction requirement under Section 188 ensures that prosecution does not violate diplomatic norms or create conflicts with other jurisdictions.

India is also a party to various **bilateral extradition treaties and mutual legal assistance treaties (MLATs)** to prosecute offences committed abroad with cooperation from foreign jurisdictions.

5. Conclusion

To summarize, **Indian courts have jurisdiction to try offences committed outside India under specific statutory provisions**, especially when the accused is an Indian citizen, the offence involves Indian-registered vehicles, or the act impacts India (such as cybercrime). The **requirement of prior sanction of the Central Government under Section 188 CrPC** ensures procedural fairness and international respect. The principle laid down by the **Supreme Court in Mobarik Ali Ahmed** and **Ajay Aggarwal** reinforces that **jurisdiction is not confined by geography when national interest, citizenship, or territorial impact is involved**.

Thus, while India follows the general rule of **territorial jurisdiction**, it makes carefully carved exceptions based on **nationality, registration, cyber impact**, and **sovereign control**, harmonizing **domestic law with global legal principles**.

13. CLEAR CONCEPTS

Key Concept in Constitutional Law: Emergency Provisions and the Defense of India

Concept Overview:

One of the most crucial constitutional doctrines in the context of **war and national defense is the Emergency Provisions under Part XVIII (Articles 352 to 360) of the Constitution of India**. These provisions empower the Union to respond effectively to threats arising from **external aggression, armed rebellion**, or **war**, ensuring both the **security of the nation** and **continuity of governance**.

For judiciary aspirants, understanding the balance between **executive expansion of power during emergencies** and **constitutional safeguards** is essential.

Relevant Provision: Article 352 – National Emergency

- Invoked when there is a threat of or actual **war, external aggression**, or **armed rebellion**.
- It permits the **centralization of power,** suspension of certain **Fundamental Rights**, and allows the **Parliament to legislate on matters in the State List**.

Judicial Interpretation & Landmark Case Laws:

1. ADM Jabalpur v. Shivkant Shukla, AIR 1976 SC 1207 **(Habeas Corpus Case)**

- During the Emergency declared in 1975 (under Article 352), the Supreme Court controversially held that **a person cannot seek enforcement of Fundamental Rights under Article 21** during Emergency.
- It upheld the government's power to detain individuals without disclosure of reasons.

Criticism: Widely criticized for **subverting civil liberties**. This case represents a low point in judicial independence.

***2. Minerva Mills v. Union of India*, (1980) 3 SCC 625**

- Struck down parts of the 42nd Amendment that attempted to **curtail judicial review** during Emergency.
- The Court emphasized that even during an Emergency, the **basic structure of the Constitution**, including judicial review, cannot be abrogated.

Significance: Reinforces that emergency powers are not absolute and must operate within constitutional boundaries.

***3. K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1**

- Though not war-related directly, this judgment reaffirmed the **primacy of fundamental rights**, including the right to privacy, even when the **State justifies restrictions on grounds like national security.**
- It is significant for understanding that **any defense-related restrictions** on rights must meet **tests of necessity, proportionality, and legality**.

Practical Relevance:

Understanding this concept helps judiciary aspirants analyze:

- **Scope and limits of executive power during war or threat to national security.**
- **Judicial role in checking abuse of emergency powers.**
- **Impact on fundamental rights and federal structure.**

Conclusion:

The **Emergency provisions under Article 352**, while intended to safeguard national defense and integrity, have been subject to judicial scrutiny to prevent their misuse. Landmark cases like *ADM Jabalpur and Minerva Mills* demonstrate the **evolving jurisprudence on the tension between national security and civil liberties**—a crucial theme in constitutional law and for every aspiring judge to understand and uphold.