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- 1 State of West Bengal & Others Vs. The Committee for Protection of democratic rights, WB & Others
- 2 S Rajasekaran v. Union of India and Ors.
- 3 Varun Bhatia Vs State and Anr.
- 4 Imran v. State of Delhi through Commissioner of Delhi Police & Ors.
- 5 Mallada K.Sriram vs. State of Telangana and Ors.



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Can CBI probe be ordered by Supreme Court and High Courts in India even if the State Government doesn't consent?

CONTEXT: Section 6 of the Delhi Special Police Establishment Act, 1946 provides that the State Government's consent is mandatory to proceed with CBI investigation within whose jurisdiction the offence has been committed. Police is a State subject under the 7th Schedule of the Indian Constitution.

1 A Five Judge Bench of the Supreme Court of India affirmed that CBI probes can be ordered by the Supreme Court and High Courts without the consent of the State Government to uphold justice.

2 The Court stated: "Being the protectors of civil liberties of the citizens, this Court and the High Courts have not only the power and jurisdiction but also an obligation to protect the Fundamental Rights guaranteed by Part III in general and under Article 21 of the Constitution (protection of life and personal liberty) in particular, zealously and vigilantly."

STATE OF WEST BENGAL & OTHERS
VS. THE COMMITTEE FOR PROTECTION OF DEMOCRATIC RIGHTS, WB & OTHERS
[(2010) 2 S.C.R 979, CIVIL APPEAL NOS.6249-6250 OF 2001]

DELHI SPECIAL POLICE ESTABLISHMENT ACT, 1946

How did the Supreme Court address low compensation issues for 'hit and run' victims under the Motor Vehicles Act, 1988?

CONTEXT: The Supreme Court addressed the low compensation rate for 'hit and run' victims under the Motor Vehicles Act, 1988. Despite 67,387 hit and run accidents in 2022, only 205 claims were made with 95 cases settled.

- 1 The Court pointed out that many victims are unaware of the compensation scheme and instructed the Police to inform them.
- 2 The Supreme Court highlighted the need for a more effective compensation scheme for hit-and-run victims, emphasizing the responsibility of authorities to inform victims of their rights and facilitate the claims process.
- 3 The establishment of a Monitoring Committee at the district level will help ensure proper implementation and support for victims.
- 4 The Court also recommended reviewing the compensation amounts and limitation periods, urging the Central Government to consider these changes and enhance public awareness.

S RAJASEEKARAN
V. UNION OF INDIA
AND OTHERS
[2024 INSC 37]

MOTOR VEHICLES
ACT, 1988

Is being impolite or non-chivalrous towards a woman sufficient to be charged under Section 509 ?

CONTEXT: Section 509 of the Indian Penal Code, 1860 deals with "Word, gesture or act intended to insult the modesty of a woman." This section is designed to protect women from acts that are specifically intended to insult their modesty.

- 1 The complainant claimed that the accused was her senior at work and called her "Gandi Aurat" (Dirty Female) when she refused to give him ₹1,000.
- 2 The Delhi High Court ruled that calling a woman "Gandi Aurat" or being rude to her will not be construed as an offence under Section 509 of the Indian Penal Code, 1860 (IPC).
- 3 The Court emphasized that the word "Gandi Aurat" read in isolation, without context, without preceding or succeeding words indicating intent to outrage modesty of a woman will not bring these words within the ambit of Section 509 of IPC.
- 4 Furthermore, the definition of outraging a woman's modesty does not include insulting, being impolite, or acting in a non-chivalrous manner; hence, the trial court's ruling was overturned.

VARUN BHATIA VS
STATE AND
ANOTHER
[CRL.REV.P.
1032/2018 &
CRL.M.A.
48099/2018 &
CRL.M.A.
48100/2018]

INDIAN PENAL
CODE, 1860

What is the major criteria for initiating a POCSO case? AGE or ATTAINING PUBERTY

CONTEXT: Section 6 of POCSO Act, which provides punishment for aggravated penetrative sexual assault, is not religious specific but age specific. The aim of the POCSO Act is to prevent children from sexual crimes.

- 1 Honble Mr. Justice Jasmeet Singh stated, “I am in agreement with Mr Mahajan (counsel for the respondent) for that POCSO is an Act for the protection of children below 18 years of age from sexual abuse and exploitation.
- 2 It is not customary law specific but the aim of the Act is to protect children below the age of 18 years from sexual abuse.
- 3 The statement of object of the POCSO Act states that the Act is aimed to secure the tender age of the children and ensure they are not abused and their childhood and youth is protected against exploitation.
- 4 For the reasons above, I reject the contention of the petitioner that according to Muslim law since the victim has attained the age of puberty the rigours of POCSO Act will not be applicable.”

IMRAN V. STATE OF DELHI THROUGH COMMISSIONER OF DELHI POLICE & ORS.
[W.P.(CRL) 1449/2022 & CRL.M.A. 12616/2022]
PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

How is the detention order of a person accused of white-collar crimes decided with regard to public order?

CONTEXT: This case deals with the detaining order of persons committing, white collar crimes and assessment of how detaining order shall be provided with regards to protection of public order.

1 It is clear that at the highest, a possible apprehension of breach of law and order can be said to be made out if it is apprehended that the detenu, if set free, will continue to cheat gullible persons.

2 The personal liberty of an accused cannot be sacrificed on the altar of preventive detention merely because a person is implicated in a criminal proceeding. The powers of preventive detention are exceptional and even draconian.

**MALLADA
K.SRIRAM VS.
STATE OF
TELANGANA AND
ORS.
[2022 SCC ONLINE
424]**

**TELANGANA ACT,
1986**