



Experience law effortlessly

JUDGEMENTOPEDIA

(Learning Judgements For A Living)

- 1 Is cause of delay to be determining factor than length of delay in condonation petitions?
- 2 Preservation of rape victims' identities who are adults and child victims of sexual abuse
- 3 Whether the director can be held liable for dishonour of cheque that was issued after his resignation?
- 4 Is financial status and earning capacity of both spouses to be determining factors in maintenance petitions?



Sept, 2024
Vol 11



JUDGEMENTOPEDIA

(Learning Judgements For A Living)

1

Mool Chandra Vs. Union Of India

2

Nipun Saxena and Ors. vs. Union of
India (UOI) and Ors

3

Rajesh Viren Shah Vs. Redington
(India) Limited

4

Shikha v. Avaneesh Mahodaya



Is cause of delay to be determining factor than length of delay in condonation petitions?

CONTEXT: The appellant was appointed to Indian Statistical Services in 1982. The appellant was placed under suspension on 13.10.1997 charged with deserting his wife and children and living with another woman. The inquiry officer appointed by the disciplinary committee despite withdrawal of complaint by the wife went ahead to recommend suspension. Subsequently, the appellant appealed to the Administrative Tribunal and the Tribunal quashed the order of suspension and reinstated him and reverted the case back to disciplinary authority to provide a more proportionate punishment. The disciplinary authority passed a fresh order - stoppage of one increment and pause in promotion for period of suspension. The Appellant aggrieved by this order has preferred a case where the period of limitation has been exceeded by more than a year. The High Court as well refused to intervene on the ground of delay. Hence, this appeal.

The Hon'ble Supreme Court while allowing the appeal held that if the cause for delay would fall within the four corners of sufficient cause, irrespective of the length of delay same deserves to be condoned.

MOOL CHANDRA VS.
UNION OF INDIA
[2024 SCC ONLINE
SC 1878]

RULE 14 OF CCS
(CCA) RULES, 1965

Preservation of rape victims' identities who are adults and child victims of sexual abuse

CONTEXT:One of the issues raised in this case was how and in what manner the identities of adult victims of rape and children who had been victims of sexual abuse should be protected so that they were not subjected to unnecessary ridicule, social discrimination, and harassment. The current judgement was broken into two parts. The first portion dealt with victims of rape under the Indian Penal Code, 1860 ('IPC'), while the second dealt with victims of offences under the Protection of Children from Sexual offences Act, 2012 ('POCSO').

Some important directions by the court:

① "No person can print or publish in print, electronic, social media, etc. the name of the victim or even in a remote manner disclose any facts which can lead to the victim being identified and which should make her identity known to the public at large."

② "An application by the next of kin to authorise disclosure of identity of a dead victim or of a victim of unsound mind Under Section 228A(2)(c) of Indian Penal Code should be made only to the Sessions Judge concerned until the Government acts Under Section 228A(1)(c) and lays down a criteria as per our directions for identifying such social welfare institutions or organisations."

③ "FIRs relating to offences Under Sections 376, 376A, 376AB, 376B, 376C, 376D, 376DA, 376DB or 376E of Indian Penal Code and offences under POCSO shall not be put in the public domain."

④ "In case of minor victims under POCSO, disclosure of their identity can only be permitted by the Special Court, if such disclosure is in the interest of the child."

NIPUN SAXENA AND
ORS. VS. UNION OF
INDIA (UOI) AND ORS.
[MANU/SC/1459/201
8]

**THE PROTECTION OF
CHILDREN AGAINST
SEXUAL OFFENCES
ACT
(POCSO), 2012**

**THE INDIAN PENAL
CODE, 1860**

Whether the director can be held liable for dishonour of cheque that was issued after his resignation?

CONTEXT: The appellant was a former director of Redington(India) Limited. He resigned from his position as director on December 9, 2013, after completing necessary procedures such as completion of Form 32 under the Companies Act, 1956. He was accused under Section 138 of the Negotiable Instruments Act for the dishonor of cheques. The cheques was issued on March 22, 2014 after his resignation. The issue was whether he can be held liable for dishonour of cheque that was issued after his resignation.

1 The Court held that, “The complainant has not placed any materials on record indicating complicity of the present appellant in the alleged crime. The veracity of Form-32 has neither been disputed by the Respondent nor has the act of resignation simpliciter been questioned.”

2 It also mentioned that “The record reveals the resignations to have taken place on 9 th December 2013 and 12th March 2014. Equally, we find the cheques regarding which the dispute has travelled up the courts to have been issued on 22nd March 2014. The latter is clearly, after the appellant(s) have severed their ties with the Respondent Company and, therefore, can in no way be responsible for the conduct of business at the relevant time.” Hence they were not held liable.

RAJESH VIREN
SHAH VS.
REDINGTON (INDIA)
LIMITED
[2024 INSC 111]

SECTION 138 AND
141 OF THE
NEGOTIABLE
INSTRUMENTS ACT,
1881

Is financial status and earning capacity of both spouses to be determining factors in maintenance petitions?

CONTEXT: The wife sought ₹60,000 per month as maintenance, alleging harassment by her husband, a Vice President at Citi Bank in Dubai, earning 13,333 AED monthly. The husband argued for a reduction, citing job loss, high living expenses, and the wife's independent income of ₹75,000 per month from her job and other sources. Both parties filed revision petitions—one for enhancement, the other for reduction.

The Madhya Pradesh High Court held that, “looking into the income of the husband also his liabilities and the fact that wife is a well educated lady, she also has her own source of income, this Court is of the considered opinion that the maintenance amount of Rs.60,000/- per month is on the higher side and the same is required to be reduced to Rs.40,000/- per month”

SHIKHA V.
AVANEESH
MAHODAYA
[2024:MPHC-
IND:26313]

**SECTION 125 OF
THE CODE OF
CRIMINAL
PROCEDURE (CrPC),
1973**