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(Learning Judgements For A Living)

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Can an Advocate apply for RTI on behalf of the client or should the client apply in his/her personal capacity?

CONTEXT: A Lawyer had applied for an RTI seeking information on certain land details on behalf of his client to the Deputy Director of Public Information, Central Land Survey Office, Chennai and the same was forwarded to the Tahsildar to furnish necessary information. There was no response for the same. Hence the Petitioner filed a Writ of Mandamus under Article 226 of the Constitution of India to direct the respondents to furnish information.

1 The Madras High Court held that “Unless there is a specific prohibition under the Act prohibiting the Advocate from acting on behalf of his client while seeking information under the RTI Act, the information sought cannot be denied.”

2 The Court finally directed the respondents to furnish the details as requested by the Petitioner.

G.DHANALAKSHMI
VS THE STATE
PUBLIC
INFORMATION
COMMISSIONER,
TNSPIC & OTHERS
[W.P.(MD) NO.6403
OF 2018]

RIGHT TO
INFORMATION ACT,
2005

How has money laundering become a serious issue due to the development of technology?

CONTEXT: Tarun Kumar, the appellant, was the Vice President (Purchases) of Shakti Bhog Foods Ltd. and a director in various Shakti Bhog Group companies. He was arrested on 22nd June 2022 concerning a money laundering case involving financial irregularities and bank fraud committed by Shakti Bhog Foods Ltd.

1 In this case, it was mentioned that “With the advancement of technology and Artificial Intelligence, the economic offences like money laundering have become a real threat to the functioning of the country's financial system.”

2 There was also a reference to the precedent, State of Gujarat vs. Mohanlal Jitamalji Porwal and Another [1987 AIR 1321] , “The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books.”

3 The bail application was denied.

TARUN KUMAR VS.
ASSISTANT
DIRECTOR
DIRECTORATE OF
ENFORCEMENT
[2023 INSC 1006]

**PREVENTION OF
CORRUPTION ACT,
1988**

**PREVENTION OF
MONEY LAUNDERING
ACT, 2002**

How are government departments accountable in cases involving foreign nationals?

CONTEXT: The case involves a Chinese woman who was arrested for allegedly smuggling gold into India. Customs Department refused her Exit Permit to return to China.

1 The petitioner was arrested for allegedly smuggling 10 kg of gold into India.

2 She was acquitted by the Additional Chief Metropolitan Magistrate. The acquittal was upheld by the Additional Sessions Judge. Despite the acquittals, the Customs Department (Respondent No. 2) was opposing the issuance of an Exit Permit, claiming they were in the process of challenging the Sessions Court's order.

3 The Court emphasized that foreign nationals in India are protected under Articles 20, 21, and 22 of the Constitution, which guarantee certain fundamental rights to all non-citizens and not just citizens.

4 The High Court directed Respondent No. 2 to issue a No-objection Certificate to FRRO (Respondent No. 1) for issuing an Exit Permit to the petitioner.

5 The Court ordered Respondent No. 2 to pay a compensation of Rs. 10,00,000 to the petitioner and the same to be recovered from the salary of the concerned authorities responsible for filing the appeal.

CONG LING
CHINESE NATIONAL
V. FRRO BUREAU OF
IMMIGRATION AND
OTHERS
[CRIMINAL WRIT
PETITION [STAMP]
NO. 7816 OF 2024]

**THE CUSTOMS ACT,
1962**

**CODE OF CRIMINAL
PROCEDURE, 1973**

**CONSTITUTION OF
INDIA**

Whether two separate incidents be combined in a single FIR?

CONTEXT: The Court held that the Protection of Children from Sexual Offences (POCSO) Act, 2012 is silent on whether two separate incidents can be combined in a single First Information Report (FIR). Hence, the provisions of the Code of Criminal Procedure, 1973 (CrPC) would apply, allowing joint trial if the offences were committed during the same transaction.

① “Insofar as mentioning of two incidents in one FIR is concerned, it suffices to note that on both occasions, it was accused Nikhil Arya who committed the offence against the child victim within a span of one month, which is punishable under Section 6 POCSO Act and Section 377 IPC.

② In other words, the child victim and the accused are common in both the incidents. In fact, both the incidents were committed at the same place i.e., the Gurukul. Section 219 CrPC provides that a person who has committed three offences of same kind within the space of twelve months could be tried in one trial. Both the offences are punishable with the same amount of punishment under the same Sections of IPC and the POCSO Act. In this view, both the offences form the same transaction.”

③ “This Court is of the opinion that the offences committed by Nikhil Arya and the present petitioners have been committed in the course of “same transaction” and a joint trial is permissible.”

HARI DEV ACHARYA
@ PRANAVANAND
& ORS. VS STATE
[2021 SCC ONLINE
DEL 4955]

**PROTECTION OF
CHILDREN FROM
SEXUAL OFFENCES
ACT, 2012**

What led to the Karnataka HC's dismissal of the claimant's appeal and the acceptance of United India Insurance's appeal?

CONTEXT: The claimant sought compensation under Section 166 of the Motor Vehicles Act for injuries from a motorbike accident. The insurance company disputed the claim, arguing that the claimant was at fault and pointed to a 30-day delay in filing the complaint, raising doubts about the incident.

1 The Karnataka High Court held that the burden of proof lies on the claimant to provide independent evidence of the vehicle's involvement and negligence.

2 Mere acceptance of guilt by the vehicle's owner/driver is insufficient.

3 The court dismissed the claimant's appeal for enhanced compensation and allowed United India Insurance's appeal, stating the tribunal erred in holding the insurance company liable.

**UNITED INDIA
INSURANCE CO.
LTD VS GANESH
ACHAR
[NC:2023:KHC:356
20]**

**MOTOR VEHICLES
ACT, 1988**