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JUDGEMENTOPEDIA

(Learning Judgements For A Living)

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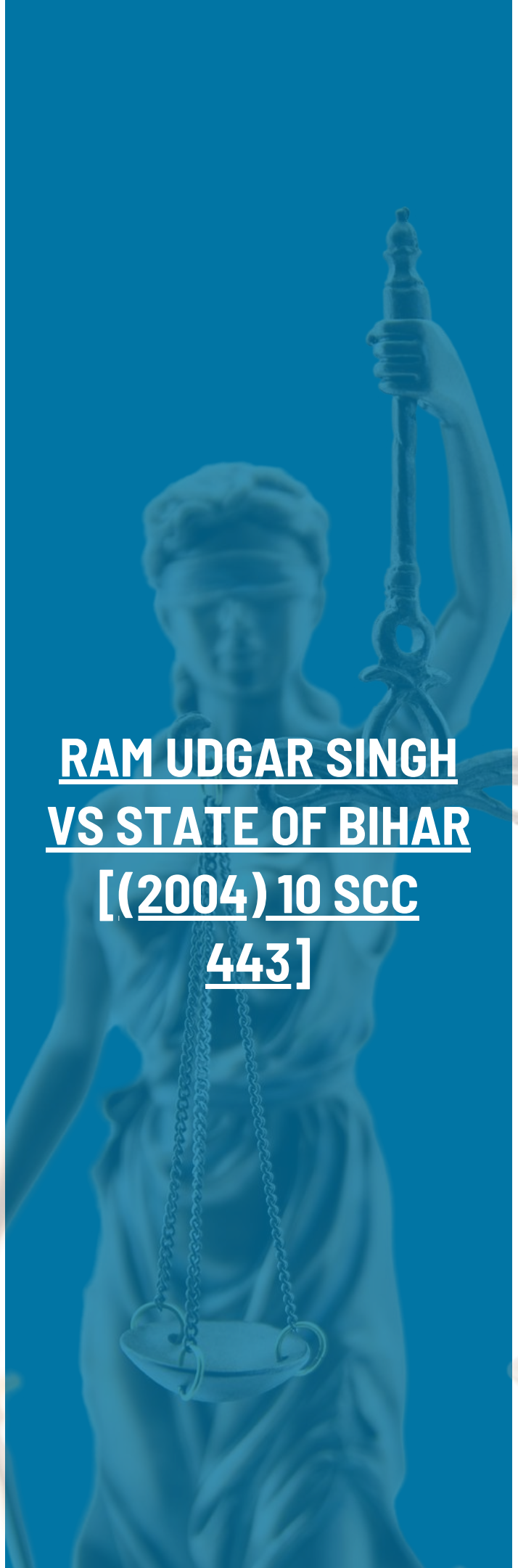


“Falsus In Uno, Falsus In Omnibus” is not a rule of evidence in criminal trial and has no application in India

CONTEXT: The appellant was one of the accused in the murder of one Mr. Ram Anugrah Singh, which is stated to have happened due to political rivalry. The trial court held the accused-appellant guilty while giving the benefit of the doubt to others. On appeal, the High Court also did not find any merit to interfere. Hence this present case before the Supreme Court.

The Hon'ble Supreme Court held that falsus in uno, falsus in omnibus is merely a rule of caution and not a mandatory rule of evidence. It further stated that “....So even if a major portion of evidence is found to be deficient, in case the residue is sufficient to prove the guilt of an accused, held notwithstanding acquittal of other co-accused persons, conviction can be maintained....Duty of the court to separate grain from chaff and appraise in each case as to what extent evidence is worthy of acceptance.”

RELEVANT MAXIM: FALSUS IN UNO, FALSUS IN OMNIBUS (Falsus in uno, falsus in omnibus is a Latin maxim meaning "false in one thing, false in everything". In common law, it is the legal principle which states that a witness who falsely testifies about one matter is not credible to testify about any matter.)



**RAM UDGAR SINGH
VS STATE OF BIHAR
[(2004) 10 SCC
443]**

Is the sole testimony of a sexual abuse victim alone adequate?

CONTEXT: A complaint was lodged against the petitioner, a guest instructor of a paramedic course, alleging that he sexually harassed a female trainee during the return journey from a night training exercise in a truck. Following the complaint, the Inquiry Committee investigated and determined that the petitioner was guilty based on the testimonies of others present during the incident. The petitioner contested these findings through various appeals, which were ultimately upheld by the relevant tribunals. He later brought the matter to the High Court of Uttarakhand, arguing that the Inquiry Committee's reliance on the complainant's testimony alone was insufficient for such serious action, especially in the absence of additional evidence.

1 “As the sole testimony of a prosecutrix, in a criminal case involving sexual harassment and molestation, would suffice if it is otherwise reliable, there is no justifiable reason not to accept the sole testimony of a victim, of sexual harassment and molestation, in a departmental inquiry as the enquiry held by a domestic Tribunal is not, unlike a Criminal Court, governed by the strict and technical rules of the Evidence Act. A disciplinary proceeding is not a criminal trial. The standard of proof required is that of preponderance of probabilities, and not proof beyond reasonable doubt.”

BHUWAN CHANDRA
PANDEY VS UNION OF
INDIA AND OTHERS
[MANU/UC/0115/202
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Can the search and seizure under the PCPNDT Act be quashed if not signed by all the appropriate authorities?

CONTEXT: The police received a complaint about Dhanpati, who was allegedly running an illegal sex determination and abortion racket at the appellant's clinic. A decoy patient was sent to confirm the sex of her fetus, and Dhanpati reportedly charged Rs. 15,000 for this service. Following a raid, police seized cash and an ultrasound report signed by Dr. Kumar, leading to an FIR against him and others under Section 23 of the PCPNDT Act. Dr. Kumar claimed the search and seizure was illegal, as proper procedures u/s 30 of the Act were not followed. The Punjab and Haryana High Court denied his petition to quash the FIR, and thus, this appeal was filed in the Supreme Court.

1 Section 30 of the Act provides power to the Appropriate Authority for search and seizure. The Court stated that “The Appropriate Authority for the district consists of the Civil Surgeon, the District Program Officer of the Women and Child Development Department, and the District Attorney”

2 The Court also stated that “The Civil Surgeon is the Chairman of the appropriate authority. Looking at the object of sub-section (1) of Section 30 and the express language used therein, only the Chairman or any other member acting alone cannot authorize search under subsection (1) of Section 30. If a single member of the Appropriate Authority authorizes a search, it will be completely illegal being contrary to sub-section (1) of Section 30.”

3 The appeal was allowed and the previous order was set aside.

RAVINDER KUMAR
VS. STATE OF
HARYANA
[2024 INSC 684]

**SECTIONS 23 AND 30
OF THE
PRECONCEPTION
AND PRENATAL
DIAGNOSTIC
TECHNIQUES
(PROHIBITION OF SEX
SELECTION) ACT,
1994(PCPNDT ACT)**

At what point in time must the presence or lack of novelty or originality of a design be ascertained in determining its validity under the Designs Act?

CONTEXT: The plaintiff, Casio, is a well-known manufacturer of musical keyboards. They hold Design Registration No. 224547 for an "Electronic Keyboard" design, valid until September 2, 2024. The defendants are alleged to have adopted a near-identical design for their keyboard sold under the brand name "Nexus32". Casio sought an injunction against the defendants to prevent the manufacture and sale of keyboards with the allegedly infringing design.

1 The Delhi High Court confirmed the ad interim injunction granted by the Additional District Judge on June 25, 2021, pending disposal of the suit.

2 The court held that the plaintiff is entitled to interlocutory injunction as the defendants' design is an obvious imitation of the plaintiff's registered design, and the defendants failed to substantiate their claim of lack of novelty or originality in the plaintiff's design.

PRECEDENTS:

1. RECKITT BENKISER INDIA LTD V. WYETH LTD, AIR 2013 DEL 101 (FB)
2. BHARAT GLASS TUBE LTD V. GOPAL GLASS WORKS LTD, (2008) 10 SCC 657

CASIO KEISANKI
KABUSHIKI KAISHA
D/B/A CASIO
COMPUTER CO.
LTD. V. RIDDHI
SIDDHI RETAIL
VENTURE AND ANR.
[CS(COMM)
537/2022]

**SECTION 22(1),
22(3), 19(1)(b) AND
(c), 4(a) AND (b) OF
THE DESIGNS ACT,
2000**

Kerala High Court quashes proceedings for allegedly smoking ganja-filled beedi

HAMJITH V STATE OF
KERALA
[2024:KER:76353]

CONTEXT: The prosecution alleged that the petitioner was caught smoking a beedi filled with ganja, an offence punishable under Section 27(b) of the NDPS Act, 1985. However, the beedi was not subjected to forensic examination to confirm the presence of any narcotic substance. The petitioner sought quashing of the proceedings, arguing that without forensic evidence, the prosecution lacked legal basis.

Justice Bechu Kurian Thomas of the Kerala High Court quashed the proceedings, holding that the prosecution could not proceed without forensic examination. The Court emphasized that relying on the smell identified by officers was insufficient evidence, referring to the rulings in *Ibnu Shijil v. State of Kerala* (2024 (5) KHC 476) and *Anurag Shaji v. State of Kerala* (2023 KHC Online 9406).

The Court stated:

1 "In the absence of any forensic examination of the beedi, the prosecution against the petitioner for the offence under Section 27(b) of the Act is without any legal basis."

**SECTION 27(b) OF
THE NDPS ACT, 1985**