



Experience law effortlessly

JUDGEMENTOPEDIA

(Learning Judgements For A Living)

1

Does a teacher's minimal corporal punishment given in good faith to maintain discipline amount to an offence?

2

Whether the Indian Evidence Act, 1872, as amended by the Information Technology Act, 2000, prescribes any mandatory requirements and a specific manner of proof for admitting electronic records as secondary evidence?

3

How should the custody of a minor child be determined in a Habeas Corpus proceeding, and what custody arrangement best serves the welfare of the child?

4

Whether employees who retired under the General Insurance Employees' Special Voluntary Retirement Scheme, 2004 were entitled to the additional five years of notional service for pension under paragraph 30(5) of the General Insurance (Employees') Pension Scheme, 1995?



Nov, 2025
Vol 70



JUDGEMENTOPEDIA

(Learning Judgements For A Living)

1

Abhuthahir Vs. State Of Kerala And Another
[2025:KER:76936]

2

Anvar P.V. Vs. P.K. Basheer and Others
[AIR 2015 SUPREME COURT 180]

3

Vivek Kumar Chaturvedi & Anr. Vs.
State Of U.P. & Ors.
[2025 INSC 159]

4

National Insurance Special Voluntary
Retired/Retired Employees Association
& Anr. Vs. United India Insurance
Co.Ltd. & Anr.
[(2018) 9 SCC 591]



Does a teacher’s minimal corporal punishment given in good faith to maintain discipline amount to an offence?

CONTEXT: The petitioner, a teacher (Abuthahir), was the accused in Crime No. 585 of 2019, pending as S.C. No. 577/2023. The prosecution alleged that on 16.09.2019, while 5th standard students, including the victim, were attacking each other, the petitioner intervened with a cane and beat the children engaged in the clash on their legs. The petitioner filed a petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to quash the proceedings, arguing he was performing his duty to restrain students attacking each other with sticks in the process of maintaining discipline, and had no intention to hurt them.

1 The Criminal Miscellaneous Case (CRL.MC NO. 7164 OF 2024) was allowed and all further proceedings in S.C. No. 577/2023 were quashed.

2 The Kerala High Court held that the teacher's peculiar position grants him authority to enforce discipline. Since the petitioner intervened to enforce discipline when students were attacking with sticks, and used only minimum corporal punishment, striking them only on their legs, he demonstrated a bona fide intention. Citing precedent, the Court noted that Section 75 of the Juvenile Justice (Care & Protection of Children) Act, 2015 (JJ Act) was not attracted when there is no malafide intention.

3 The conduct of the petitioner, being for the purpose of correcting the students and enforcing discipline, does not amount to any offence, including those under Section 324 Indian Penal Code, 1860 and Section 75 of the JJ Act.

ABHUTHAHIR VS.
STATE OF KERALA
AND ANOTHER
[2025:KER:76936]

SECTION 75 OF THE
JUVENILE JUSTICE
(CARE &
PROTECTION OF
CHILDREN) ACT 2015

SECTION 528 OF THE
BHARATIYA NAGARIK
SURAKSHA SANHITA,
2023

Whether the Indian Evidence Act, 1872, as amended by the Information Technology Act, 2000, prescribes any mandatory requirements and a specific manner of proof for admitting electronic records as secondary evidence?

CONTEXT: This appeal arose from an election petition seeking to set aside an election to the Kerala Legislative Assembly based on allegations of corrupt practices. A principal issue was the nature and manner of admission of electronic records (specifically CDs/VCDs) adduced as evidence to prove these corrupt practices. The High Court had dismissed the petition, holding that corrupt practices were not proved.

1 The Supreme Court held that an electronic record by way of secondary evidence shall not be admitted in evidence unless the requirements under Section 65B of the Evidence Act are satisfied.

2 This statutory provision is a complete code for the admissibility of electronic records and, starting with a non obstante clause, takes precedence over the general provisions for secondary evidence found in Sections 63 and 65. The previous legal position regarding admissibility under Sections 63 and 65 was overruled.

3 Since the appellant had not produced the requisite certificate under Section 65B for the CDs, they were inadmissible in evidence, causing the entire case regarding corrupt practices based on songs, announcements, and speeches to fail. The High Court's dismissal of the petition was upheld.

**ANVAR P.V. VS. P.K.
BASHEER AND OTHERS**
**[AIR 2015 SUPREME
COURT 180]**

**SECTIONS 59, 65A,
AND 65B OF THE
INDIAN EVIDENCE
ACT, 1872
[CORRESPONDING
SECTIONS 54, 62, AND
63 IN THE BHARATIYA
SAKSHYA ADHINIYAM,
2023]**

**THE INFORMATION
TECHNOLOGY ACT,
2000**

How should the custody of a minor child be determined in a Habeas Corpus proceeding, and what custody arrangement best serves the welfare of the child?

CONTEXT: This appeal challenged the order of the Writ Court (High Court) in a Habeas Corpus petition. The appellant, the father and natural guardian of a minor child, sought custody following the death of the mother in 2021. The child was residing with his maternal grandparents. The High Court had initially denied the father's custody, citing the paramount consideration of the child's welfare, as the child was comfortable with the grandfather. The father, an Administrative Service Officer who has re-married, argued that the child should be with the natural guardian. The grandparents argued that a detailed enquiry under the relevant statutory provisions was necessary.

① The appeal was disposed of, and custody was ultimately awarded to the father.

② The Supreme Court found that the welfare of the child was best served by placing him with the father, the natural guardian. The Court observed that the grandparents could not have a better claim than the father.

③ Relying on precedents such as ***Gautam Kumar Das vs. NCT of Delhi and Another (2024 10 SCC 588)*** and ***Tejaswini Gaud and Others vs. Shekhar Jagdish Prasad Tewari and Others (2019 7 SCC 42)***, the Court held that the writ petition was maintainable where the natural guardian sought custody from those who lacked a legal right.

④ The father's position, education, financial provisions, and the undertaking given by his second wife supported the decision.

VIVEK KUMAR
CHATURVEDI & ANR.
VS. STATE OF U.P. &
ORS.
[2025 INSC 159]

**THE GUARDIAN AND
WARDS ACT, 1890**

**ARTICLE 226 OF THE
CONSTITUTION OF
INDIA**

Whether employees who retired under the General Insurance Employees' Special Voluntary Retirement Scheme, 2004 were entitled to the additional five years of notional service for pension under paragraph 30(5) of the General Insurance (Employees') Pension Scheme, 1995.

CONTEXT: The appellants, ex-employees of the respondent Insurance Companies, opted for special voluntary retirement under the SVRS-2004 Scheme. They claimed entitlement to the notional benefit of five (5) years of added service for calculating pension, a benefit available under the earlier 1995 Scheme (Paragraph 30(5)). The SVRS-2004 Scheme, however, specifically provided that this five-year benefit would not be admissible for those retiring under the 2004 Scheme. Earlier related litigation involving pay revisions had created ambiguity regarding whether this five-year benefit was conceded by the insurers, leading to the current dispute.

① The appeals were dismissed. The Supreme Court upheld the Division Bench's conclusion. The SVRS-2004 Scheme was statutory in character (under Section 17-A of the General Insurance Business (Nationalisation) Act, 1972) and had to be strictly adhered to.

② Voluntary retirement schemes were packages, and their terms could not be varied or imported from other schemes. Clause 6(1)(c) of the SVRS-2004 Scheme clearly stated that the notional benefit of five years of added service under the 1995 Scheme was not admissible.

③ Employees who had voluntarily retired under the 2004 Scheme, fully aware of its terms, could not subsequently claim additional benefits available under the 1995 Scheme.

**NATIONAL INSURANCE
SPECIAL VOLUNTARY
RETIRED/RETIRED
EMPLOYEES
ASSOCIATION & ANR. VS.
UNITED INDIA
INSURANCE CO.LTD. &
ANR.
[(2018) 9 SCC 591]**

**THE GENERAL INSURANCE
(EMPLOYEES) PENSION
SCHEME, 1995**

**THE GENERAL INSURANCE
EMPLOYEES' SPECIAL
VOLUNTARY RETIREMENT
SCHEME, 2004**

**THE GENERAL INSURANCE
BUSINESS
(NATIONALISATION) ACT,
1972**