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(Learning Judgements For A Living)

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Whether consistent and cogent 'ocular evidence' regarding sexual assault on a child may prevail over medical evidence that fails to fully corroborate the incident, specifically concerning the absence of external injuries or bleeding?

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Whether the Constitution (103rd Amendment) Act, 2019, which grants Economically Weaker Sections (EWS) reservations based solely on economic criteria and excludes SCs, STs, and SEBCs/OBCs already covered under Articles 15(4), 15(5), and 16(4), violates the basic structure of the Constitution, including the Equality Code and the 50% ceiling on reservations?

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Whether isolated acts affecting only private individuals can be used to invoke preventive detention under the Telangana Prevention of Dangerous Activities Act, 1986, by classifying the accused as a 'Goonda', when ordinary criminal law is adequate?

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Whether the paternal grandfather is legally entitled to maintain a petition under Section 125 of the Criminal Procedure Code, 1973, on behalf of the minor child against the mother, when the father, the natural guardian, is alive, financially solvent, and had undertaken by a consent decree to maintain the child?



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1 Dinesh Kumar Jaldhari Vs. State of Chhattisgarh
[2025 INSC 1317]

2 Janhit Abhiyan Vs. Union of India
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4 Minor.Vikash, Rep. by his Grandfather
and Guardian Karuppanan, Vs. Priya
[CRL RC(MD)No.1148 of 2024]



Whether consistent and cogent 'ocular evidence' regarding sexual assault on a child may prevail over medical evidence that fails to fully corroborate the incident, specifically concerning the absence of external injuries or bleeding?

CONTEXT: The appellant, Dinesh Kumar Jaldhari, challenged the High Court's confirmation of his conviction for offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act). The incident took place on 15.08.2021. The victim's mother (PW-3) found the appellant, wearing only half shorts, sitting near her minor daughter, aged 4 years. The appellant fled when confronted. The mother noticed the child's clothing was inappropriate and that she was crying in pain, complaining of discomfort in her private part. The Trial Court had convicted and sentenced the appellant to seven years of rigorous imprisonment.

1 The appeal was partly allowed. The conviction of the appellant under the POCSO Act, as affirmed by the High Court, was upheld. The Supreme Court found the ocular evidence of the mother (PW-3) consistent and reliable.

2 Furthermore, the victim's profound fright upon seeing the accused in the courtroom was considered "tale-telling" and a strong pointer establishing the offence. Although the medical evidence noted no external injury, the Court held that ocular evidence, when consistent and cogent, prevailed over non-corroborating medical evidence.

3 However, the imposed sentence of seven years' rigorous imprisonment (the maximum under Section 10) was modified and reduced to six years' rigorous imprisonment, considering the totality of facts and the appellant's custody period of about four years and five months.

DINESH KUMAR
JALDHARI VS. STATE
OF CHHATTISGARH
[2025 INSC 1317]

SECTIONS 9(m) AND
10 OF THE
PROTECTION OF
CHILDREN FROM
SEXUAL OFFENCES
ACT, 2012

Whether the Constitution (103rd Amendment) Act, 2019, which grants Economically Weaker Sections (EWS) reservations based solely on economic criteria and excludes SCs, STs, and SEBCs/OBCs already covered under Articles 15(4), 15(5), and 16(4), violates the basic structure of the Constitution, including the Equality Code and the 50% ceiling on reservations?

JANHIT ABHIYAN VS.
UNION OF INDIA
[2022 INSC 1175]

CONTEXT: The Constitution (One Hundred and Third Amendment) Act, 2019, which came into effect on 14.01.2019, inserted new clauses in Articles 15 and 16, enabling the State to make special provisions, including up to ten per cent reservation, for Economically Weaker Sections of citizens. The challenge was primarily based on the grounds that reservation solely on economic criteria violates the basic structure, that the exclusion of SCs, STs, and non-creamy layer OBCs is discriminatory, and that the provision breaches the fifty-per-cent ceiling limit on reservations.

① The challenge raised to the 103rd Amendment to the Constitution fails. Consequently, the Writ Petitions and other proceedings stand dismissed. The majority decision upheld the constitutional validity of the Amendment.

② The Supreme court concluded that the 103rd Amendment does not breach the basic structure of the Constitution by permitting special provisions, including reservation, based on economic criteria. The inclusion of economic criteria is consistent with the goal of socio-economic justice promised by the Preamble and Directive Principles.

③ The Amendment also does not breach the basic structure by permitting special provisions relating to admission to private unaided institutions. Furthermore, the exclusion of SEBCs/OBCs/SCs/STs from the scope of EWS reservation is justifiable, as it constitutes a reasonable classification and is an inevitable differentiation to prevent double benefit and ensure the scheme's true operation.

**ARTICLES 15, AND 16
OF THE
CONSTITUTION (ONE
HUNDRED AND THIRD
AMENDMENT) ACT,
2019**

Whether isolated acts affecting only private individuals can be used to invoke preventive detention under the Telangana Prevention of Dangerous Activities Act, 1986, by classifying the accused as a 'Goonda', when ordinary criminal law is adequate?

CONTEXT: The appeal challenged a judgment of the High Court for the State of Telangana dated 28th June 2023, which upheld the Detention Order (dated 24th March 2023) passed by the Commissioner of Police, Hyderabad City. The Detention Order was issued against the Detenu, classifying him as a 'Goonda', based on 5 (five) specific FIRs alleging habitual offenses including outraging the modesty of women, cheating, and extortion. The Commissioner stated that the ordinary law was insufficient and that detention was necessary to prevent the Detenu from acting in a manner detrimental to public order.

① The appeal was allowed, and the Detention Order along with the impugned judgment of the High Court was quashed. The Detenu was ordered to be released from detention forthwith.

② The Court found that the offenses cited in the Detention Order were separate and stray acts affecting private individuals and related only to 'law and order', not prejudicially affecting the maintenance of 'public order'.

③ The essential distinction is that "Public order if disturbed, must lead to public disorder", which these individual acts did not achieve. Preventive detention is an exceptional measure and cannot be used if the ordinary law (Indian Penal Code and other penal statutes) is sufficient to deal with the situation.

④ The Detention Order was further vitiated because the detaining authority displayed frustration over the Detenu being granted bail, reflecting an intent to detain him "at any cost", which constitutes the consideration of extraneous factors. The detention was deemed illegal as it circumvented the ordinary criminal procedure.

**AMEENA BEGUM VS.
THE STATE OF
TELANGANA & ORS
[2023 INSC 788]**

**SECTION 3(2) OF THE
TELANGANA
PREVENTION OF
DANGEROUS ACTIVITIES
OF BOOTLEGGERS,
DACOITS, DRUG-
OFFENDERS, GOONDAS
ACT 1986**

**ARTICLE 21 OF THE
CONSTITUTION OF INDIA**

Whether the paternal grandfather is legally entitled to maintain a petition under Section 125 of the Criminal Procedure Code, 1973, on behalf of the minor child against the mother, when the father, the natural guardian, is alive, financially solvent, and had undertaken by a consent decree to maintain the child?

**MINOR.VIKASH, REP. BY
HIS GRANDFATHER AND
GUARDIAN
KARUPPANAN, VS. PRIYA
[CRL RC(MD)NO.1148 OF
2024]**

**SECTION 125 OF THE
CRIMINAL PROCEDURE
CODE, 1973
[CORRESPONDING TO
SECTION 144 OF THE
BHARATIYA NAGARIK
SURAKSHA
SANHITA,2023]**

**SECTION 6 OF THE HINDU
MINORITY AND
GUARDIANSHIP ACT,
1956**

**ARTICLE 21 OF THE
CONSTITUTION OF INDIA**

CONTEXT: This Criminal Revision Petition challenged the Family Court's dismissal of a maintenance petition (M.C. No.62 of 2023) filed under Section 125 Cr.P.C. by the minor child, represented by his paternal grandfather, against the respondent-mother (Priya). The child's parents, Anandaraj and Priya, dissolved their marriage by mutual consent on 14.02.2014. The divorce decree stipulated that custody of the minor would vest with the father, who undertook to maintain the child, and the mother would not claim maintenance. The minor's grandfather sought maintenance from the mother, who had since remarried.

The Criminal Revision Petition was dismissed, and the order of the learned Family Court, Karur, dated 21.12.2023, was confirmed. The Court held that the paternal grandfather had

1 no locus standi to file the petition, particularly when the father, the natural guardian under Section 6 of the Hindu Minority and Guardianship Act, 1956 was alive and financially capable of caring for the child.

It further observed that the mutual consent divorce decree, in

2 which the father had undertaken full responsibility for the child's maintenance, had attained finality and could not be indirectly nullified.

The Court also found that the proceedings were initiated as an act of vengeance by the former father-in-law with the intent

3 to disturb the mother's settled and peaceful new family life, which stood protected under Article 21 of the Constitution of India.