

# BIHAR JUDICIAL ACADEMY



## FREQUENTLY ASKED QUESTION

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Director

Bihar Judicial Academy

# Compilation of Frequently asked questions

Topic/ Section	Question	Conclusion	Citation / Link
<b>Discharge CrPC</b>	Can an accused be discharged in warrant triable complaint case even when before charge evidence has not been recorded	Under section 245 (2) Crpc accused may be discharged even prior to examination of before charge witnesses	Ajoy Kumar Ghose Vs state of Jharkhand 2009 (14) SCC 115
	Can the material produced by the accused be looked into at the time of deciding discharge petition?	No provision in the Code grants to the accused any right to file any material or document at the stage of framing of charge. It is well-settled that at the stage of framing of charge, the defence of the accused cannot be put forth.	State of Orissa vs. Debendra Nath Padhi (2005)1SCC568
<b>Electronic Evidence</b>	What is the requirement of certificate in proving of electronic record	Certificate under section 65 B is must whenever copy of electronic record is sought to be proved	Anvar PV Vs Pk Basheer (2014) 10 SCC 473
<b>Electronic Evidence</b>	What procedure should be adopted If the party by whom copy of electronic evidence is sought to be proved is not in control or management of the device	An application can be made to a Judge for production of such a certificate from the requisite person Under Section 65B(4) in cases in which such person refuses to give it.	Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal (2020)7SCC1
<b>Electronic Evidence</b>		Certificate is not required when the original electronic record is produced before the Court	Arjun Panditrao Khotkar vs. Kailash Kushanrao Gorantyal (2020)7SCC1
<b>Electronic Evidence</b>	Who will issue certificate ? Does the word “ official position” in section 65 B (4) means that only a public officer	It is wrong to insist that only a person holding an office or employed in public capacity can issue certificate. The word “official position” in s. 65 B only refers to “a person	<i>Kundan Singh v. State</i> (2014 SCC OnLine Del 6461)
	can issue certificate?	primarily responsible for the management or the use, upkeep or operations of such device”.	
<b>Electronic Evidence</b>	Is it necessary to file the certificate with the charge sheet?	it is fallacious to insist on the production of the certificate at the time of charge sheet. The need for production of such a certificate would arise when the electronic record is sought to be produced in evidence at	State vs. M.R. Hiremath (01.05.2019 - SC) : MANU/SC/0807/201

		the trial.	9 AIR2019SC2377
<b>Commitment CrPC</b>	Can the case be committed in absence of one or more accused	GL 8831-90 of the Hon'ble Court provides that if the accused is deliberately not receiving the copies then the case may be committed	
	Can court entertain counterclaim in an eviction suit based on personal necessity	No if the eviction suit is brought only on the ground of personal necessity then there can be no counter claim	Md Nooruddin Vs Sri Ravindra Sinha 2003(2)PLJR254
<b>Role of Magistrate during Investigation CrPC</b>	Can magistrate interfere in the course of investigation	Magistrate can: 1) Direct for registration of FIR 2) Recommend change of IO 3) Issue Direction for proper investigation 4) Monitor the investigation	Sudhir Bhaskar Rao Tambe Vs Hemant Yashwant Dhage (2016) 6 SCC 277 {in light of Sakiri Vasu (2008) 2 SCC 409}
	Power of the Court to order reinvestigation and further investigation	1) Magistrate has no power to order reinvestigation 2) A magistrate can make an order of further investigation after filing of police report 3) It is a procedure of propriety that the police has to seek permission of the court to continue "further investigation" and file supplementary charge- sheet.	<i>Vinubhai Haribhai Malvi ya v. State of Gujarat</i> , reported in AIR 2019 SC 5233
<b>Acceptance of FF CrPC</b>	Is notice to informant necessary before acceptance of FF	Yes	<i>Union Public Service Commission v. S. Papaiah and Ors.</i> (1997 SCC (Cr.) 1112)
<b>Remand CrPC</b>	Can the magistrate refuse remand of an accused arrested by the police	If there is no justification for arrest then the magistrate can refuse remand .	2014 SCC online All 895 <i>Surendra Kumar v. State of Uttar Pradesh</i>
<b>Remand CrPC</b>		If provisions of section 41 and 41 A have not been complied then the magistrate may refuse remand,	<i>Arnesh Kumar Vs. State of Bihar</i> AIR 2014 8 SCC 273
<b>Remand CrPC</b>	a) Can police remand be granted after lapse of 15 since first remand	No.	<i>Central Bureau Of Investigation, vs Anupam J. Kulkarni</i> 1992 AIR 1768, 1992 SCR (3) 158
<b>Remand CrPC</b>	b) Can a accused in custody in one case, if remanded in another case be sent on police remand in that other case after lapse of 15 days	If both the cases arise out of two completely independent transactions then he can be sent but if there is some sort of nexus between the two cases then he can not be sent to police remand	<i>Central Bureau Of Investigation vs Anupam J Kulkarni</i> 1992 AIR 1768, 1992 SCR (3) 158

	since the first day of arrest in original case if remanded in another case be sent on police remand in that other case after lapse of 15 days since the first day of arrest in original case	after the first 15 days	
<b>Remand CrPC</b>	Can an absconding accused BE arrested in the course of further investigation subsequent to submission of charge sheet be sent on police remand	Yes.	a) <i>Central Bureau of Investigation v. Rathin Dandapat</i> , 2015 SCC OnLine SC 743 b) <i>State v. Dawood Ibrahim Kaskar</i> , (2000) 10 SCC 438
<b>Supervision Notes CrPC</b>	Can supervision note be supplied to accused under section 207 Crpc and can the court or the accused refer to them?	No. Supervision notes are confidential and the court or the accused cannot refer to them and nor should they be supplied to the accused under section 207	<i>Sunita Devi V. State of Bihar AIR 2005 SC498</i>
<b>Enquiry CrPC</b>	The course to be adopted if the complaint case shows that a civil dispute has been given the colour of a criminal case	If the matter is exclusively in the realm of a civil dispute and does not disclose ingredient of any offence then the court should not proceed with the case and the complaint deserves to be dismissed u/s 203	1) Satishchandra Ratanlal Shah vs. State of Gujarat (2019) 9 SCC 148; AIR 2019 SC 1538; 2) Hridaya Ranjan Prasad Verma v. State of Bihar [(2000) 4 SCC 168]S. 3) W. Palanitkar v. State of Bihar [(2002) 1 SCC 241] , Kuriachan Chacko v. State of Kerala [(2008) 8 SCC 708], Md Ibrahim vs state of Bihar
<b>Bail CrPC</b>	Can an accused be released on provisional bail	The Honourable Supreme Court has held that it can be done	<i>Mukesh Kishanpuria v. State Of West Bengal. Supreme Court Of India (2010)15SCC154</i>
<b>Bail CrPC</b>	Can anticipatory bail be given in cases under SC/ ST Act	S18 and 8 A of sc/st act bar applicability of section 438 Crpc. However if no prima facie case is made out under the act the ABP may lie	WRIT PETITION [C] NO. 1015 OF 2018 PRATHVI RAJ CHAUHAN Vs UNION OF INDIA (2020)4SCC727
<b>Bail CrPC</b>	What is the course to be adopted if after the accused is granted	(i) The Accused can surrender and apply for bail for newly added cognizable and non-	

	<p>bail further serious non bailable offences are added ?</p>	<p>bailable offences. In event of refusal of bail, the Accused can certainly be arrested.</p> <p>(ii) The investigating agency can seek order from the court Under Section 437(5) or 439(2) of Code of Criminal Procedure for arrest of the Accused and his custody.</p> <p>(iii) The Court, in exercise of power Under Section 437(5) or 439(2) of Code of Criminal Procedure, can direct for taking into custody the Accused who has already been granted bail after cancellation of his bail. The Court in exercise of power Under Section 437(5) as well as Section 439(2) can direct the person who has already been granted bail to be arrested and commit him to custody on addition of graver and non-cognizable offences which may not be necessary always with order of cancelling of earlier bail.</p> <p>(iv) In a case where an Accused has already been granted bail, the investigating authority on addition of an offence or offences may not proceed to arrest the Accused, but for arresting the Accused on such addition of offence or offences it need to obtain an order to arrest the Accused from the Court which had granted the bail.</p>	<p>1) Pradeep Ram vs. The State of Jharkhand and Ors. MANU/SC/0881/2019 (2019)17SCC326</p>
<p><b>Bail CrPC</b></p>	<p>Is the magistrate to be guided by the sections imposed by the police or can he look for the material available in the case diary for deciding whether the bar in case of offences punishable with death sentence or life imprisonment is applicable or not?</p>	<p>Sections invoked by police are not the determining factor. The magistrate is required to look into the case diary to determine the nature of the case</p>	<p>Muniswamy vs State of Karnataka 1983 1 Kar LJ 524</p>
<p><b>Bail CrPC</b></p>	<p>What are the grounds</p>	<p>It is also necessary for the</p>	

	for determining the exercise of discretion for grant of bail	<p>court granting bail to consider among other circumstances, the following factors also before granting bail; they are,</p> <p>(a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;</p> <p>(b) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;</p> <p>(c) (c) Prima facie satisfaction of the Court in support of the charge;"</p>	<p>K kalyan Chandra Sarkar vs. Rajesh Ranjan and Ors. (12.03.2004 - SC) : MANU/SC/0214/2004</p>
<b>Bail CrPC</b>	What are the principles regarding cancellation of bails?	<p>Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking the grounds of cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner, chances of accused absconding. Cancellation of bail must not be done in a mechanical manner.</p>	<p>Dolat Ram and Ors. vs. State of Haryana (24.11.1994 - SC) : MANU/SC/0547/1995</p>
		<p>Mere assertion of an alleged threat to witnesses should not be utilized as a ground for cancellation of bail, routinely. Otherwise, there is ample scope for making such allegation to nullify the bail granted. The Court before which such allegations are made should in each case carefully weigh the acceptability of the allegations and pass orders as circumstances warrant in law.</p>	<p>Mehboob Dawood Shaikh vs. State of Maharashtra (16.01.2004 - SC) : MANU/SC/0048/2004</p>
<b>313 Crpc</b>	a) Does an omission to put forth an incriminating circumstance at the	<p>Accused must show that such non-examination has actually and materially prejudiced him and has</p>	<p>Paramjeet Singh alias Pamma v State of Uttarakhand</p>

	stage of 313 ipso facto vitiates the trial?	resulted in the failure of justice. In other words, in the event of any inadvertent omission on the part of the court to question the accused on an incriminating circumstance cannot ipso facto vitiate the trial unless it is shown that some material prejudice was caused to the accused by the omission of the court	(2010) 10 SCC 439
<b>313 Crpc</b>	If some incriminating circumstance has not been put before the accused then what are the options available with the appellate court?	An omission, to bring the attention of the accused to an inculpatory material does not ipso facto vitiate the proceedings. The accused must show that failure of justice was occasioned by such omission. Further, in the event of an inculpatory material not having been put to the accused, the appellate court can always make good that lapse by calling upon the counsel for the accused to show what explanation the accused has as regards the circumstances established against the accused but not put to him	<b>State (Delhi Admn.) v. Dharampal, (2001) 10 SCC 372</b>
<b>313 Crpc</b>	Can an incriminating circumstance which has not been put up before the accused in statement under section 313 be considered against him ?	No matter how weak the evidence of the prosecution maybe, it is the duty of the court to examine the accused and to seek his explanation as regards the incriminating material that has surface d against him. The circumstances which are not put to the accused in his examination under section 313 crpc cannot be used against him and have to be excluded from consideration.	<b>Rajkumar Singh @ Raju@Batya vs. State of Rajasthan AIR 2013 SC 3150,</b>
<b>313 Crpc</b>	Can an statement under section 313 Crpc be used as an evidence?	Statement under section 313 of the code of criminal procedure is taken into consideration to appreciate the truthfulness or otherwise of the case of the prosecution and it is not an evidence. Statement of an accused under section 313 cr.p.c is recorded without administering oath and therefore, the said statement cannot be treated as evidence within the meaning of section	<b>Dehal Singh v.State of H.P., AIR 2010 SC 3594</b>

		3 of the Evidence Act	
<b>313 Crpc</b>	Is the court required to consider the defence which the accused takes up in his statement under section 313 Crpc	Court's duty is not only up to explain about the incriminating materials but also to adequately consider the defence of accused taken under 313 examination, non consideration can vitiate the conviction	<b>Reena Hazarika Vs State of Assam AIR2018SC5361</b>
<b>313 Crpc</b>	Is the personal appearance of the accused indispensable in every case?	If the accused (who is already exempted from personally appearing in the Court) makes an application to the court praying that he may be allowed to answer the questions without making his physical presence in court on account of justifying exigency the court can pass appropriate orders thereon Note: the decision was prior to 2009 amendment in 313 such procedure of non appearance on recording statement under sec 313 crpc is to be adopted in extremely exceptional cases and dispensing of personal appearance is not a proper procedure.	Basavaraj R. Patil and Ors. vs. State of Karnataka and Ors. (11.10.2000 - SC) : MANU/SC/0632/2000 K Anbazhagan vs Superintendent of Police 2004 (3) SCC 767
<b>313 Crpc</b>	Can an adverse inference be drawn against the accused if he gives false evidence	If the accused gave incorrect or false answers during the course of his statement under Section 313 Cr.P.C., the Court can draw an adverse inference against him	Munna Kumar Upadhyay @ Munna Upadhyaya v. State of Andhra Pradesh, (2012) 6 SCC 174,
<b>313 Crpc</b>	Can accused file written statement in answer to questions put to him under section 313 Crpc?	After the 2009 amendment a new sub section (5) was inserted in section 313 which provides that the accused may file written statement. Such statement may be filed when the accused is unable to attend the court and also when he is present.	SHRI LANGPOKLAKPAM KIRANJIT SINGH v. STATE OF MANIPUR Cril. Petition No. 21 of 2017   07-11-2017 (Manipur High Court)
<b>Complaint CrPC</b>	Whether complaint once dismissed for default can be refilled?	If the dismissal was not on merit but merely due to default in appearance of the complainant then it can be refilled	Supreme Court of India Jatinder Singh & Ors vs Ranjit Kaur (2001)2SCC570
<b>Complaint CrPC</b>	Can complaint be amended?	Easily curable legal infirmity may be cured by formal application for amendment but if the amendment are prejudicial to the accused then they cannot be allowed	S.R.Sukumar vs S.Sunaad Raghuram on 2 July, 2015 Citation;AIR 2015 SC2757,(2015) 9 SCC 609
<b>Speedy trial</b>	What are the	The courts must abstain from	

<b>and adjournments CrPC</b>	guidelines for adjournment when witness is present	giving long adjournments for cross examination. If the cross has to be deferred then the case must be adjourned to the next working day	Doongar Singh vs State of Rajasthan (2018) 13 SCC 741
<b>Speedy trial and adjournments CrPC</b>		In case the witnesses are not being produced cost may be imposed on the erring officer	Sujay kumar vs State of bihar 2014(2)PLJR793
<b>Payment of compensation to victims CrPC</b>	Is a suit for damages maintainable when in criminal trial accused was acquitted ?	Yes.	Suba Sungh Vs Devinder Kaur (2011) 13 SCC 296
	Can the Courts direct for the payment interim compensation	It is the duty of the courts, on taking cognizance of a criminal offence, to ascertain whether there is tangible material to show commission of crime, whether the victim is identifiable and whether the victim of crime needs immediate financial relief. On being satisfied on an application or on its own motion, the court ought to direct grant of interim compensation, subject to final compensation being determined later. Such duty continues at every stage of a criminal case	Suresh Vs State of Haryana (2015)2 SCC 227
<b>Payment of compensation to victims CrPC</b>	What are the factors that have to kept in mind at the time of payment of compensation?	Just compensation to the victim has to be fixed having regard to the medical and other expenses, pain and suffering, loss of earning and other relevant factors. Some guess work in such a situation is inevitable. The compensation is payable under Sections 357 and 357-A CrPC. While under Section 357 CrPC, financial capacity of the accused has to be kept in mind, Section 357-A CrPC under which compensation comes out of the State funds, has to be invoked to make up the requirement of just compensation."	Manohar Singh v. State of Rajasthan, (2015) 3 SCC 449
<b>Payment of compensation to victims CrPC</b>	If interim compensation is granted to the victim and during trial the victim turns hostile or does not support the case, can such	Rule 9(5) of Bihar Victim Compensation Amendment scheme of 2019 provides that such compensation can be recovered.	1

	compensation be recovered?		
<b>Seizure and release of property CrPC</b>	Can immovable property be seized under Crpc	Power of police to seize property under section 102 does not include the power to seize immovable property.	Nevada Properties Private Limited vs. State of Maharashtra and Ors. (24.09.2019 - SC) : MANU/SC/1311/2019
<b>Seizure and release of property CrPC</b>	Can Court release abandoned property seized by police and not connected with any offence	Criminal Courts have jurisdiction to order disposal of property seized by police even it is found abandoned by the police at a public place and the property is not being connected with any offence.	DS Panday VS RP Singh 1988 All Cr 260.
		once property is seized under circumstances mentioned in section 457 then irrespective of the fact that whether the investigation by the police discloses an offence or not the court has to dispose of the property.	ASS Ahmad AIR 1970 Mad 220
<b>Seizure and release of property CrPC</b>	How should court dispose of property in case the sole accused dies during the trial	Sections 451 and 452 of the New Code cannot be made applicable for the disposal of the property in case the accused dies and on account of death the proceeding has abated and it will not be deemed that proceeding has concluded in absence of final judgment by the Criminal Court. In that circumstance Section 457 of the New Code has a play but the criminal Court will not have a jurisdiction to decide the rival title and ownership claimed by the parties. The Criminal Court will have a jurisdiction only to the extent when there is no serious dispute of title, ownership and possession over the property.	Keshar Singh Vs Bihar of Hon'ble Patna High Court on 16 <sup>th</sup> December 2013 <a href="https://indiankanoon.org/doc/135966175/">https://indiankanoon.org/doc/135966175/</a>
<b>Seizure and release of property CrPC</b>	Can seized goods be released after disposal of the case	Seized goods can be released under section 452 Crpc even after disposal of the case. Merely because the case has been decided long back does not take away the jurisdiction of the court to entertain release petition	Kanhaiya Rai and Ors. vs. State of Bihar and Ors. (28.11.1989 - PATNAHC) : MANU/BH/0243/1989
<b>Seizure and release of property</b>	What course should be adopted at the time of passing of order u/s 452 if there are	A claim of title to the goods which have been seized is a relevant consideration while passing an order Under	Bharat Sanchar Nigam Limited vs.

<b>CrPC</b>	conflicting claims of title with respect to be property to be released	Section 452. Where there are conflicting claims of entitlement to the property, the Magistrate may deal with them or, where it is found that the rival claims need to be resolved after an evidentiary trial, relegate the conflicting claimants to prove their rights and entitlements before a competent court.	Suryanarayanan and Ors. (13.12.2018 - SC) : AIR2019SC99
<b>Seizure and release of property CrPC</b>	Can release of vehicle be refused on the ground that there was no valid license, or registration?	Merely because the license of the petitioner or certificate of pollution etc of vehicle, which is in the custody of police had expired, the prayer for release of the motorcycle ought not to have been rejected	Sanjeet Mahto vs. The State of Bihar (29.08.2017 - PATNAHC) : MANU/BH/1272/2017)
<b>Seizure and release of property CrPC</b>	Should the vehicle be released even if there is genuine apprehension that it will cause destruction of evidence	case property, particularly in serious cases such as murders, has to be maintained in the same condition as far as possible for being produced, if so required, as evidence in the trial for because in a given case it may cause some difficulty in the trial, if the said material exhibit is not present or is not produced	Sarjoo Prasad vs State Of U.P. on 21 July, 1989 ( <a href="https://indiankanoon.org/doc/200991/">https://indiankanoon.org/doc/200991/</a> )
<b>Statement u/s 164 Crpc</b>	Is the magistrate bound to record the statement of a persons if he has not been forwarded by the IO	There is stage at which a Magistrate can take note of a stranger individual approaching him directly with a prayer that his statement may be recorded in connection with some occurrence involving a criminal offence. If a Magistrate is obliged to record the statements of all such persons who approach him the situation would become anomalous and every Magistrate's Court will be further crowded with a number of such intending witnesses brought up at the behest of accused persons.	<b>J Jogendra Nahak v. State of Orissa, (2000) 1 SCC 272 : 2000 SCC (Cri) 210 at page 276</b>
<b>Statement u/s 164 Crpc</b>	Can the statement u/s 164 Crpc be used as evidence or for corroboration if the witness disowns the statement in trial	Where a prosecution witness himself disowned his statement at trial, his statement earlier recorded under 164 cr.p.c would not be available to the prosecution for corroboration. It could to the maximum be used by the	Ram kishan Singh versus Harmit kaur, AIR 1972 SC 468.

		prosecution for their contradiction.	
<b>Statement u/s 164 Crpc</b>	Can the magistrate put questions at the time of recording of statement u/s 164	In a case where the Magistrate has to perform the duty of recording a statement under Section 164 CrPC, he is under an obligation to elicit all information which the witness wishes to disclose. The Magistrate should ask the witness explanatory questions and obtain all possible information in relation to the said case.	<b>R. Shaji v. State of Kerala, (2013) 14 SCC 266 : (2014) 4 SCC (Cri) 185 : 2013 SCC OnLine SC 114 at page 279</b>
<b>Statement u/s 164 Crpc</b>	Is it necessary to call the magistrate who has recorded statement u/s 164 Crpc for proving the statement	If any Magistrate records the statement of a witness under <u>Section 164</u> Cr.P.C, it is not necessary for the Sessions Judges to summon that Magistrate to prove the contents of the statement recorded by him. When a Magistrate, discharging his official functions as such, records the statement of any witness under <u>Section 164</u> Cr.P.C, such statement is a 'public document' and it does not require any formal proof	<b>Guruvindapalli Anna Rao And Three ... vs State Of Andhra Pradesh, ... on 6 March, 2003</b>
<b>Statement u/s 164 Crpc</b>	Can certified copies of statement of victim in rape cases can be given?	It cannot be given till the filing of charge sheet.	<b>State Of Karnataka vs Shivanna @ Tarkari Shivanna SPECIAL LEAVE PETITION (CRL.) NO. 5073/2011 ( Supreme Court) &amp; also in Miss A Vs State of Uttar Pradesh 2021(1) PLJR SC 116</b>
<b>Determination of age of child victims</b>	What are the criterion for determining the age of victims of sexual offences	The procedure prescribed in rule 12 of JJ Act has to be followed.	<b>Jarnail Singh Vs state of Haryana 2013 (7) SCC 263</b>
<b>Release of minor victims in cases of elopement</b>	Can a girl whose age by medical procedures has been assessed as 16-17 years be released to go with her husband if she refuses to go to her family in the light of the decision in Sahiba Khattoon's case	Sahiba Khattoon's case has been declared to be bad in law. A girl of 16-17 years if she refuses to go with her parents may be sent to Protection homes etc.	<b>Shikha Kumari vs The State Of Bihar Through ... on 5 March, 2020 ( Hon'ble Patna High Court)</b> <b><a href="https://indiankanoo.in/doc/183090179/">https://indiankanoo.in/doc/183090179/</a></b>

<b>Probation of offenders Act</b>	Is it mandatory to procure report from probation officer before releasing a convict under section 4 of POA	Yes	<b>MCD VS STATE OF DELHI AIR 2005 SC 2658</b>
<b>Probation of offenders Act</b>	Can the benefit of POA be extended in cases under section 304 (A)	In majority of the cases the Hon'ble SC has said that benefit of POA will not be extended in cases under 304 (A) IPC. However the view has not been consistently followed and there have been cases where the SC has extended the benefit.	<b>Cases in which benefit of POA was denied in 304 (A): Dalbir Singh vs State Of Haryana (2005) SCC 82 S tate of Punjab vs Saurabh Bakshi (2015) 5 SCC 182 Cases in which it was said that benefit of POA may be gratned in 304 (A) : State Vs Sanjiv Bhalla: 2015 (13) SCC 444</b>
<b>Probation of offenders Act</b>	Whether the age of the offender for POA Act has to reckoned from the date of offence or on the date of conviction>	The age has to be reckoned on the date of conviction	<b>Sudesh Kumar Vs State of Uttarakhand (2008) 3 SCC 111</b>
<b>Sanction</b>	Is sanction required for a prosecution of a police officer who while making an arrest or attachment uses force	If the force was used for removal of obstruction then sanction will be required but if there was no nexus between discharge of duty and use of force then there is no need for sanction	<b>Ashwini Kumar Sinha vs Kameshwar Deo And Anr. Equivalent citations: 1963 CriLJ 573 gauri shankar pd. V. State of bihar (2000) 5 scc 15</b>
<b>Sanction</b>	Is sanction required for prosecution of a Police for conducted a search without warrant in the house of the appellant who was not named in the FIR in a case relating to dacoity	In the facts of the particular case it was held that sanction is required as the act was in the discharge of official duties.	<b>Rakesh Kumar Mishra Vs The state of Bihar. (2006) 1 SCC 557</b>
<b>Sanction</b>	Is sanction required to prosecute a retired public servant?	Yes	<b>Rakesh Kumar Mishra Vs The state of Bihar. (2006) 1 SCC 557</b>
<b>Sanction</b>	Can sanction once refused be granted again	Power to review can not be exercised on the same material however if some fresh material comes on record then sanction	<b>State of punjab v. Md. iqbal Bhatti AIR 2010</b>

		once refused may be granted	<b>SCW1186</b>
<b>Sanction</b>	Is the entire trial vitiated by any error or irregularity in trial	A mere error, irregularity or omission in sanction is not fatal unless it has occasioned a failure of justice	<b>CBI Vs Ashok Kumar Aggarwal AIR 2010 SCW1186</b>
<b>Sanction</b>	If the accused is acquitted in a trial for want of proper trial then on subsequent sanction can he be prosecuted again	If the sanction was not there or if it was not proper then the accused can not be acquitted rather he can only be discharged. Therefore subsequent trial on proper sanction is not barred	<b>Balbir Singh Vs State of Delhi (2007) 6 SCC 226</b>
<b>Sanction</b>	Can the court direct the competent authority to grant sanction	Since to give sanction or not is the discretion of the competent authority therefore Court can not give direction .	<b>Mansukhlal Vithaldas Chauhan Vs state of Gujarat 1997 (7) SCC 622</b>
<b>Sanction</b>	Is sanction required before ordering registration of FIR against a public servant under section 156 (3) CRPC for offences committed in discharge of public duty	In such a scenario sanction is pre requisite to grant of permission under section 156 (3) Crpc	<b>L Naryan Swamy Vs State of Karnataka(2016) 9 SCC 598</b>
<b>Sanction</b>	Can a sanction once granted be withdrawn	NO	
<b>Sanction</b>	Is it necessary to call the sanctioning authority to depose in the Court	Examination of sanctioning authority be done in cases where sanction does not disclose that it was granted after provision of entire material on record or if there is some sort of lacuna in the sanction which could be resolved only after the examination of the sanctioning authority.	Shivachallappa v State of Maharashtra 1993 MahLJ 573, Chitaranja T Mirke Vs State of Maharashtra. 1993 MahLJ 602.
<b>Issue estoppel</b>	If for an occurrence two FIR's are drawn for distinct offences then will a finding of fact in one trial be binding in the second trial .	Issue estoppel would apply and the finding in one trial will be binding in the second trial .	On Issue estoppel: Masud khan vs state of UP 1974 SC Pritam singh vs State of punjab 1956 SC
<b>Section 302 and 304 IPC</b>	What are the essential considerations for holding that a case falls within the ambit of clause "thirdly" of section 300 IPC	The prosecution must prove the following facts before it can bring a case under Section 300 "thirdly". First, it must establish, that a bodily injury is present. Secondly, the nature of the injury must be proved. Thirdly, it must be	

		<p>proved that there was an intention to inflict that particular bodily injury, that it was not accidental or unintentional, or that some other kind of injury was intended.</p> <p>Fourthly, it must be proved that the injury is sufficient to cause death in the ordinary course of nature.</p> <p>Once these four elements are established by the prosecution the offence is murder under Section 300 “thirdly”. It does not matter that there was no intention to cause death or that there was no intention to cause an injury of a kind that is sufficient to cause death in the ordinary course of nature or that there is no knowledge that an act of that kind will be likely to cause death. Once the intention to cause the bodily injury actually found to be present is proved, the rest of the enquiry is purely objective and the only question is whether, as a matter of purely objective inference, the injury is sufficient in the ordinary course of nature to cause death. No one has a licence to run around inflicting injuries that are sufficient to cause death in the ordinary course of nature</p>	<p><b><i>Virsa Singh v. State of Punjab, 1958 SCR 1495 : AIR 1958 SC 465 : 1958 Cri LJ 818</i></b></p>
<p><b>Section 302 and 304 IPC</b></p>	<p>In every case of single blow, is the act taken out of the mischief of section 302 IPC ?</p>	<p>There is no principle that in all cases of a single blow Section 302 IPC is not attracted. A single blow may, in some cases, entail conviction under Section 302 IPC, in some cases under Section 304 IPC and in some other cases under Section 326 IPC. The question with regard to the nature of offence has to be determined on the facts of each case. The nature of the injury, whether it is on the vital or non-vital part of the body, the weapon used, the circumstances in which the</p>	<p><b><i>Mahesh Balmiki v. State of M.P., (2000) 1 SCC 319 : 2000 SCC (Cri) 178</i></b></p>

		injury is caused and the manner in which the injury is inflicted are all relevant factors.	
<b>Sentencing in murder cases</b>	What does the term life imprisonment mean ?	The life imprisonment cannot be equivalent to imprisonment for 14 years or 20 years, rather it always meant as the whole natural life.	State of Uttar Pradesh vs. Sanjay Kumar [(2012) 8 SCC 537],
<b>Sentencing in murder cases</b>	Can the court in a murder case instead of passing a death sentence, sentence the accused to imprisonment for a period exceeding fourteen years with a clause that he will not be entitled to remission make an order that	a special category of sentence instead of death can be substituted by the punishment of imprisonment for life or for a term exceeding 14 years and putting that category beyond application of remission. This power can only be exercised by the High Court and Supreme Court.	Union of India Vs V Sriharan (2016) 7 SCC 1
<b>Criminal Revision</b>	What is intermediate and interlocutory order	Interlocutory order is a converse of the term final order. There may be an order passed during the course of a proceeding which may not be final but yet it may not be interlocutory order pure or simple. Some kinds of orders may fall in between two and these kinds of orders may be termed as intermediate orders	AIR 1978 SC 47
<b>Criminal Revision</b>	Can a criminal revision be dismissed in limine	Yes, it can be. If court finds that impugned order doesn't need interference then revision can be dismissed in limine. Petitioner has no right to be heard	Ravinder Bhatia Vs Satnam Singh 1990 Cr LJ 2467
<b>Criminal Revision</b>	Whether order made under sec 204 CrPC revisable ?	Yes it is an intermediate order	AIR 1978 SC 47
	Whether order made under section 311 Crpc is revisable	No as it has been held to be an interlocutory order	Sethuraman Vs Rajamanivkam (2009 Cr LJ 2247
<b>Criminal Revision</b>	Whether criminal revision can be disposed of in default?	No, A criminal revision once admitted can't be rejected in default, it has to be decided on merits irrespective of the matter of presence and absence of revisionist.	Siyaram Yadav Vs State of Bihar 1989 PLJR 645
<b>Criminal Revision</b>	Whether criminal revision can be withdrawn?	No, once a revision is admitted for hearing, it has to be decided on merit. A revision can't be dismissed as not pressed or withdrawn.	Sanat Kumar Patnaik Vs Binoy Kumar Nayak 1999 Cr LJ 351

<b>Criminal Revision</b>	Whether criminal revision abates on the death of the accused?	No, there is no provision like Sec 394 of CrPC in respect of revision. On the death of accused / convict during the pendency of his revision petition, the revision does not abate. Death of revisionist does not cause the proceedings to abate, the court is bound to decide the revision on merits, even if the legal heirs of the revisionist do not pursue the revision	Rev. Bishop Chacko Vs Jayaprakash <a href="https://indiankanoon.or g/doc/1667150/">https://indiankanoon .or g/doc/1667150/</a>
<b>Criminal Revision</b>	Whether criminal revision can be disposed of without calling LCR?	Yes, it can be.	Shankar Dhondiba Hambheer Vs Janabai 1978 Cr LJ 888
<b>Criminal Revision</b>	Whether a revision lies against preliminary order passed under section 145 (1)	No	Mathuralal v. Bhanwarlal 1980 CriLJ 1
<b>Criminal Appeal</b>	Whether a plea of new fact can be entertained in appeal	Plea of new fact is as per settled law is not taken in Appeal save and except under exceptional circumstances	Karanpura Development Co., Ltd vs Raja Kamakshya Narain Singh 1956 AIR 446, 1956 SCR 325
<b>Criminal Appeal</b>	Can Court look into Jurisdiction of court?	Court can look, when the jurisdiction ,on the point of competency of court to try a case strikes at the root of a case as well as when other Jurisdictional errors occurs	Suresh Kumar Vs State of Haryana (2013) 16 SCC 353.
<b>Criminal Appeal</b>	When two views are possible which view should be taken by the appellate court	Following are general principles regarding powers of the appellate court while dealing with an appeal against an order of acquittal : (1) An appellate court has full power to review, reappraise and reconsider the evidence upon which the order of acquittal is founded. (2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law. (3) Various expressions, such as, "substantial and	<b>Chandrappa v. State of Karnataka, (2007) 4 SCC 415 : (2007) 2 SCC (Cri)</b>

		<p>compelling reasons”, “good and sufficient grounds”, “, etc. are intended to emphasise the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.</p> <p>An appellate court must bear in mind that in case of acquittal, there is double presumption in favour of the accused. <i>Firstly</i>, the presumption of innocence is under the fundamental principle of criminal jurisprudence <i>Secondly</i>, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.</p> <p>(4) (5) If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.</p>	<b>325</b>
<b>Criminal Appeal</b>	Can a victim file an appeal under section 372 crpc without permission to appeal	Yes	<b>Mallikarjun Kodagali vs State of Karnatka(2019) 2 SCC 752</b>
<b>Criminal Appeal</b>	Whether complainant of sec 138 N.I act is a victim within the meaning of sec 372 crpc?	<p>Hon’ble Bombay High court has opined that complainant is not a victim:-Kushal Kawaduji Singanjude vs Ramnarayan Durgaprasad Aggarwal: Crimnal Appeal 201 of 2018.It held that the appeal shall lie as per sec 378(4) crpc.</p> <p>2. Same context ,Hon’ble Allahabad Highcourt has held that victim/complainant has to approach Hon’ble court in case of appeal under sec 378(4) against acquittal though no leave to appeal shall be necessary-Anil kumar Aggarwal vs State of U.P delivered on 25.02.2020(Criminal appeal 3171/2016 &amp; 7792/7793/7795 of 2017)</p>	
	Whether there is any	1. Appeals are clubbed, as to	

<b>Criminal Appeal</b>	guideline for clubbing of appeals, when there are different appeals arising out of same Judgement?	avoid the multiplicity of finding and opinion on the same judgment under appeal hence as a rule of prudence, the appeals are clubbed so that a verdict come through a common Judgment. • Court of Sessions ,has no statutory powers to make order against or favour of co convict who is not an appellatant but Hon'ble Court has done that consistently under Article 136	<b>Deep Narayan Chourasia vs State of Bihar(Criminal Appeal 180 of 2019)Refer :Para 27/32.</b>
<b>Criminal Appeal</b>	Whether Appellant Court can dispose an Appeal without calling for LCR.	where the parties agree, the appellatant court, if it sees no necessity of calling for LCR, it can dispose the appeal without any summoning of record of lower court.	HANUMANT DASS V. VINAY KUMAR AND OTHERS Citation:-1982 (2) SCC 177
<b>Criminal Appeal</b>	How to deal with Appeal when LCR has been lost/destroyed and reconstruction is not possible	If reconstruction is not possible court can order retrial if there is no time lag between the date of Judgment and date of Appeal.	Sita Ram Vs State of UP 1981 cri LJ 65
<b>Criminal Appeal</b>	Can the appellate court in an appeal against acquittal remand the case directing that it may be taken up from pre trial stage	In an appeal from an order of acquittal, the appellate Court can put the proceedings at the pre-trial stage meaning at a stage before the framing of the charge but after the filing of the police report. No such power is conferred on the Court in an appeal from a conviction	Jetha Nand vs State Of Haryana 1983 CriLJ 305
<b>Criminal Appeal</b>	When can the appellatant court order retrial and what are the general principles to be kept in mind while ordering retrial	Normally, retrial should not be ordered when there is some infirmity rendering the trial defective. A retrial may be ordered when the original trial has not been satisfactory for particular reasons like, appropriate charge not framed, evidence wrongly rejected which could have been admitted or evidence admitted which could have been rejected etc. Retrial cannot be ordered when there is a mere irregularity or where it does not cause any prejudice, the Appellate Court may not direct retrial. The power to order retrial should be exercised only in exceptional cases. the power of ordering retrial is to be exercised only in exceptional cases, where the appellate	Issac @ Kishor Vs. Ronald Cheriyan and Ors. Reported in 2018 (2) SC 57  Ajay Kumar Ghoshal v. State of Bihar AIR2017SC804,

		<p>court is satisfied that the omission or irregularity has occasioned in failure of justice. The circumstances that should exist for warranting a retrial must be such that where the trial was undertaken by the court having no jurisdiction, or trial was vitiated by serious illegality or irregularity on account of the misconception of nature of proceedings. An order for retrial may be passed in cases where the original trial has not been satisfactory for some particular reasons such as wrong admission or wrong rejection of evidences or the court refused to hear certain witnesses who were supposed to be heard."</p>	
		Retrial may be ordered where warrant trial case was tried as summons case	Gopi Chand v. Delhi Administration AIR 1959 SC 609
<b>Criminal Appeal</b>	Does an appeal against a composite sentence of fine and imprisonment abate on the death of appellants	NO	Ramesan (Dead) through L.R. Vs State of Kerala. <b>2020 SCC OnLine SC 56</b>
<b>Criminal Appeal</b>	Is the appellate court required to give notice to the legal representatives when the appeal does not abate on the death of the appellants	Yes	Ramesan (Dead) through L.R. Vs State of Kerala. <b>2020 SCC OnLine SC 56</b>
<b>Criminal Appeal</b>	Can a witness who has already deposed be called to depose in appeal	Yes but it would strong extremely strong and cogent reason to do so	Anil Sharma v. State of Jharkhand, (2004) 5 SCC 679
<b>Criminal Appeal</b>	What are the general principles to be kept in mind while ordering additional evidence to be taken in appeal	The law on the point can be summarized to the effect that additional evidence can be taken at the appellate stage in exceptional circumstances, to remove an irregularity, where the circumstances so warrant in public interest. Generally, such power is exercised to have formal proof of the	Ashok Tshering Bhutia v. State of Sikkim, (2011) 4 SCC 402

		documents, etc. just to meet the ends of justice. However, the provisions of Section 391 CrPC cannot be pressed into service in order to fill up lacunae in the prosecution case.	
<b>Criminal Appeal</b>	What should the appellate court do if neither the party nor the counsel turns up for hearing	It is the duty of the appellant and his lawyer to remain present on the appointed day, time and place when the appeal is posted for hearing. This is the requirement of the Code on a plain reading of Sections 385-386 of the Code. The law does not enjoin that the Court shall adjourn the case if both the appellant and his lawyer are absent. If the Court does so as a matter of prudence or indulgence, it is a different matter, but it is not bound to adjourn the matter. It can dispose of the appeal after perusing the record and the judgment of the trial court	Bani Singh & Ors vs State Of U.P on 9 July, 1996  1996 SCC (4) 720,
<b>Criminal Appeal</b>	Can an appeal once filed be withdrawn	NO	Khadi Mahto vs state of ( 1970) 2 SCC 450
<b>Criminal Appeal</b>	What is deemed acquittal and can an appeal be filed in case of deemed acquittal	Where in a case for major offence the accused has been convicted for minor offence then the accused is deemed to be acquitted of major offence. In such circumstances appeal can be filed acquittal for major offence.	KISHAN SINGH V. EMPEROR AIR 1928 PC 254
<b>Sc/ST Act</b>	In the amended Act, whether a private complaint is maintainable under the amended SC/ST Act? If it is maintainable, then where and how to file it?	Private complaint is maintainable. The special court has exclusive authority to deal with it as if it was the court of first instance.	Bisheshwar Mishra vs. State of Bihar 2016 (4) PLJR 1058.
<b>Sc/ST Act</b>	If a member of Sc/St community is insulted behind closed doors of the house then will it constitute offence within the act?	A public view is the view, which is of public access. Once it is inside any house, it will not be a public view  and in the case of lack of above basic ingredient, the offences of Section 3(1)(X) of the unamended Act and 3(1)(r) of the amended act is not completed.	Gorige Pentaiah v. State of Andhra Pradesh (2008) 12 SCC 531

<b>Sc/ST Act</b>	Is anticipatory bail maintainable in offences relating to SC/ ST Act	The position of anticipatory bail under the SC/ST Act continues to be govern by the principle that it wont lie under ordinary circumstance but if no case is made out absolutely then the court may grant Anticipatory Bail.	Prathvi Raj Chauhan vs. Union of India (UOI). 2020(1)MLJ(CrI)378  Vilas Pandurang Pawar v. State of Maharashtra: (2012) 8 SCC 795  Pappu Singh V. State Of Bihar, 2017 (3) PLJR 923
<b>Sc/ST Act</b>	Is section 41 A Crpc applicable to SC/Act	Yes	Rajesh Mishra Vs State of UP Allahabad High Court in Misc. Bench No 25669 of 2018
<b>Sc/ST Act</b>	Can a police officer below the rank of Dy SP investigate an offence under the Act	In the light of Bihar government's notification no Bihar Govt's notification "No. - 3/YA-80-26/2002-H(p)-6104 in Bihar even an SI or ASI can investigate the offence under the Act	State of Bihar Vs. Anil Kumar, AIR 2017 SC 2716
<b>Sc/ST Act</b>	Does sending private insulting messages on whats app constitute an offence under the act?	No, since private messages are not in public view. ( when case relates to period before the 2015 Amendment)	Pramod Suryabhan Pawar case (2019) 9 SCC 608
<b>Sc/ST Act</b>	Does sending private insulting messages in a group constitute an offence	Yes such acts may constitute an offence.	Ms Gayatri @Aparna Singh vs State (Delhi Administration)
<b>Sc/ST Act</b>	Does the use of the word chamar attract penalty under the act?	use of the caste word for intentionally insulting and humiliating a member of the SC/ST community will be covered as an offence under section 3(1)(x) of the Act.	Swaran Singh v. State, (2008) 8 SCC 435
<b>N.I.Act</b>	Is a prosecution based on second or successive presentation of cheque followed by fresh notice within the validity period of cheque valid?	Yes	MSR Leathers v. S. Palaniappan AIR 2014 SC 642
<b>N.I.Act</b>	Since when is the 15 days period to be calculated when the acknowledgement of notice has not been received	period of reckoning of 15 days as required under Section 138(c) read with section 142 of the N.I. Act in a case where the complainant cannot bring on record any evidence as to when the notice of demand of	

		the cheque amount was received by the accused is to start from the 30th day from the date of dispatch of the demand-cum-legal notice hence the complaint at the earliest can be filed only after 45 days from the date of dispatch of demand notice.	Subodh S. Salaskar vs. Jayprakash M. Shah and Another reported in: 2009 (3) SCC (Cri) 834
<b>Protection of women from Domestic Violence Act 2005</b>	Can an order for payment of maintenance be passed exparte	Yes.	<i>Manish kr soni vs state of Bihar</i> MANU/BH/0919/2015
<b>Protection of women from Domestic Violence Act 2005</b>	What is the nature of proceedings under Domestic Violence Act?	The reliefs provided under sections 17 to 22 are of Civil nature and not of Criminal offences. Nevertheless, a breach of protection order or an interim protection order by the respondent shall be an offence as per section 31 of the PWDV Act, 2005 and In the proceedings under section 31 the Magistrate has to frame charge and follow all the formalities of trial. it is clear that even though section 28(1) specifically provides that all proceedings under section 12 shall be governed by the provisions of Cr.P.C., 1973, it is directory in nature and any departure from the provisions of Code of Criminal Procedure will not vitiate a proceeding initiated under section 12.	ShNaorem Shamungou Singh, <i>v.</i> S. Moirangthem Guni Devi <i>AIR 2014 Manipur 25.</i>
<b>Protection of women from Domestic Violence Act 2005</b>	What should be the mode of execution of maintenance order passed under section 20 of the Act?	For enforcement/execution of orders of maintenance, it is directed that an order or decree of maintenance may be enforced Under Section 28A of the Hindu Marriage Act, 1956 (sic1955); Section 20(6) of the D.V. Act; and Section 128 of Code of Criminal Procedure, as may be applicable. The order of maintenance may be enforced as a money decree of a civil court as per the provisions of the Code of Civil Procedure, more particularly Sections 51, 55, 58, 60 r.w. Order XXI.	Rajnesh vs. Neha and Ors. (04.11.2020 - SC) MANU/SC/0833/2020 : (2021)2SCC324

<p><b>Protection of women from Domestic Violence Act 2005</b></p>	<p>Can magistrate issue NBW in proceedings under D.V. Act?</p>	<p>Section 28(3) D.V. ACT authorizes the magistrate to adopt his own procedure. Therefore in suitable cases he may issue NBW.</p>	<p><b>Sagar Sudhakar vs naina Sagar</b> Criminal Writ Petition No.236 of 2013 Decided On, <u>04 April 2013 (Bombay H.C)</u></p>
<p><b>Protection of women from Domestic Violence Act 2005</b></p>	<p>Can a woman who is not legally married take the shelter of this Act?</p>	<p>If the relationship was in the nature of marriage she can claim maintenance</p>	<p>D.Velusamy vs D.Patchaiammal, (2010) 10 SCC 469</p>
<p><b>Protection of women from Domestic Violence Act 2005</b></p>	<p>What does a shared household mean?</p>	<p>shared household' - From the above definition, following is clear: (i) it is not requirement of law that aggrieved person may either own the premises jointly or singly or by tenanting it jointly or singly; (ii) the household may belong to a joint family of which the Respondent is a member irrespective of whether the Respondent or the aggrieved person has any right, title or interest in the shared household; and (iii) the shared household may either be owned or tenanted by the Respondent singly or jointly. The definition of shared household given in Section 2(s) cannot be read to mean that shared household can only be that household which is household of the joint family of which husband is a member or in which husband of the aggrieved person has a share.</p>	<p>Satish Chander Ahuja vs. Sneha Ahuja (15.10.2020 - SC) : MANU/SC/0767/2020 : (2021)1SCC414</p>
<p><b>Protection of women from Domestic Violence Act 2005</b></p>	<p>Can a divorced woman claim relief under the act?</p>	<p>An act of domestic violence once committed will not absolve the respondent from liability even after divorce.</p>	<p>Juveria Abdul Majid Patni v. Atif Iqbal Mansoori And Another Supreme Court Of India 18 Sep, 2014 <a href="https://www.casemine.com/judgement/in/56b48d63607dba348fff2a53">https://www.casemine.com/judgement/in/56b48d63607dba348fff2a53</a></p>
<p><b>Order 7 Rule 11</b></p>	<p>Can a plaint be rejected at any stage</p>	<p>Yes, a plaint can be rejected at any stage but it is</p>	<p>Samar Singh v.</p>

<b>CPC</b>	of the suit	desirable to raise preliminary objection as to maintainability as early as possible	Kedar Nath AIR 1987 SC 1926
<b>Jurisdiction of Civil Courts CPC</b>	Presumption regarding jurisdiction of civil Court	There is a presumption that a civil court has jurisdiction. Ouster of civil court's jurisdiction is not to be readily inferred. A person taking a plea contra must establish the same. Even in a case where jurisdiction of a civil court is sought to be barred under a statute, the civil court can exercise its jurisdiction in respect of some matters particularly when the statutory authority or tribunal acts without jurisdiction.	Rajasthan State Road Transport Corporation Vs Bal Mukund Bairwa (2009) 4 SCC 299
<b>Jurisdiction of Civil Courts CPC</b>	Does the existence of a special tribunal bars the jurisdiction of civil court in all the cases	where there is a special tribunal conferred with jurisdiction or exclusive jurisdiction to try a particular class of cases even then the civil court can entertain a civil suit of that class on availability of a few grounds .An exclusion of jurisdiction of civil court is not to be readily inferred.	Ramesh Chandra Ardawatiyas v Anil Panjwani AIR2003 SC2508
<b>Documentary evidence in civil cases</b>	Can an unregistered hukumnama w.r.t to property worth more than 100 Rs be admitted in evidence and can such a hukumnama create a valid raiyati right.	An unregistered hukumnama in such a case can be looked into for collateral purposes. Lease of an agricultural land may be created orally as well. If such lease and subsequent acceptance of rent is proved then creation of valid raiyati right may be construed.	<b>Mt. Ugni And Anr. vs Chowa Mahto And Ors. on 13 November, 1967 1968 (16) BLJR 93</b>
<b>Documentary evidence in civil cases</b>	Can marking of exhibit be equated with proof of documents	Mere marking of exhibits does not dispense with the proof of documents	<b>Sait Taraji khimchand vs Yelamarti Satyam (1972) 4 SCC 562</b>
<b>Documentary evidence in civil cases</b>	Is a compromise decree compulsorily required to be registered	As per section 17 (2) of Registration Act A decree or order of a Court is not compulsorily registerable except a decree or order expressed to be made on a compromise and comprising immovable property other than that which is the subject- matter of the suit or proceeding	

	Can a insufficiently stamped document be admitted in evidence?	Section 35 of Stamp Act bars admitting of insufficiently stamped document in evidence. Order 13 Rule 8 should be resorted to	
<b>Documentary evidence in civil cases</b>	What procedure should be adopted when an objection is raised regarding admissibility of a document	Whenever an objection is raised during evidence taking stage regarding the admissibility of any material or item of oral evidence the trial court can make a note of such objection and mark the objected document tentatively as an exhibit in the case (or record the objected part of the oral evidence) subject to such objections to be decided at the last stage in the final judgment.	<b>Bipin Shantilal Panchal vs State Of Gujarat And Anr on 22 February, 2001 (2001) 3 SCC 1</b>
<b>Documentary evidence in civil cases</b>	Can a document be marked as exhibit as a public document without formal proof	Document issued by the District Magistrate, somebody on behalf of the Department shall come before the Court and mark the same as an exhibit and where the document, though available in the record, has not been marked as an exhibit, the same cannot, therefore, be used as evidence.	<b>MANU/AP/0741/2002 : 2002 Cri.L.J. 2892</b> <b>Madhusudan Harijan vs. State of Assam (05.12.2000 - GUHC) : MANU/GH/0228/2001 2000(3)GLT596</b>
<b>Eviction Suit</b>	Can an alternative remedy of declaration of title and recovery of possession be added by amendment in eviction suit	Since the jurisdiction of civil court under BBC Act is different therefore such an amendment cannot be permitted	2016(4)PLJR1
<b>Eviction Suit</b>	Can an amendment seeking conversion of eviction suit into title suit be allowed	Yes such an amendment may be allowed.	Balram Medical Hall Vs. Rajendra Prasad and Ors.  Balram Medical Hall vs. Rajendra Prasad and Ors. (17.07.2007 - PATNAHC) : MANU/BH/0987/2007 2007(3)PLJR778
<b>Eviction Suit</b>	What course should be adopted if during the trial it is discovered that the sanction was improper	The only course available in such a situation is to discharge the accused whatever may be the stage of the trial	<b>Nanjappa VS state of Karnataka (2015) 14 SCC 186</b>
<b>Interim Injunction</b>	Can an interim injunction be granted against termination of contract of service	The refusal of injunction could not cause any irreparable injury to him as he could be compensated by way of damages in terms of	Hazrat Surat Shah Urdu Education Society vs.

		money in the event of his success in the suit. He was therefore not entitled to any injunction order.	Abdul Saheb (16.09.1988 - SC) : MANU/SC/0651/1988
<b>Injunction</b>	Can an injunction be granted against a co sharer	Where both Plaintiffs and the Defendants are co-sharers and they got their right absolutely over their share of the immovable property, then no restraint can be put on any co-sharer regarding alienation etc. with regard to their shares	Raghubir Prasad and Ors. vs. Amir Sah and Ors. (06.08.2003 - PATNAHC) : MANU/BH/0850/2003
<b>Injunction</b>	Can injunction be granted against a karta at the instance of a co parcenor preventing the karta to alienate a property	A coparcener can not generally move the court for injunction against the karta for blanket prohibition restraining him from alienating the suit property	Sunil Kumar v. Ram Parkash, (1988) 2 SCC 77
<b>Injunction</b>	Dose section 52 of TPA effect the court's power to grant injunction against alienation?	Section 52 of Transfer of Property Act ( doctrine of lis pendens) does not take away the plaintiffs right to apply for interim injunction for restraining alienation.	Shri Prakash Gobindram Ahuja vs Shri Ganesh Pandharinath Dhonde ... on 4 October, 2016 APPEAL FROM ORDER NO.256 OF 2013 (Bombay High Court) <a href="https://indiankanoon.or g/doc/90153193/">https://indiankanoon .or g/doc/90153193/</a>
<b>Injunction</b>	Can injunction be granted against a person who is not a party to the case	NO	L.D. Meston School Society VsKashi Nath Misra AIR 1951 All 558
<b>Injunction</b>	If the injunction order is vacated on appeal then is the person committing the breach before the the injunction order was overturned liable for its breach ?	A party is bound to obey the injunction and not to commit a breach of the same and if he disobeyed the injunction or committed a breach of it, he was certainly liable to be proceeded against under Order 39 Rule 2 Clause (3) even though the injunction might have been subsequently vacated by the lower appellate Court.	Thakorlal Parshottamdas v. Chandulal Chunilal, 1966 SCC OnLine Guj : AIR 1967 Guj 124 :
<b>Injunction</b>	If a suit dismissed for default is restored then will the injunction be automatically restored	When a suit which was dismissed for default is restored to file after setting aside the order of dismissal for default all the interlocutory orders made before dismissal of the suit are automatically restored.	Mutyalu vs. Rajyalaxmamma, AIR 1978 AP 316
<b>Injunction</b>	What is the duty of the court to preserve the status quo	Ordinarily the Court must preserve the status quo and not allow a party to raise construction or	Maharwal Khewaji Trust (Regd.) v. Baldev Dass, (2004) 8 SCC

		alienate the property	488
<b>Injunction</b>	Can injunction be granted in Probate proceedings	It can be granted	<b>Amrendra Dhwaj Singh &amp; Anr vs Prem Kumar Singh on 27 August, 2012 of Hon'ble Patna High Court</b>

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