



JUSTICE IN 2023:

A collection of 2023's remarkable
judgments

PREFACE

Welcome to the fascinating world of law. Get ready to walk down the corridors of law, as this eBook will take you through some of the most interesting judgments passed in 2023.

India follows a common law system. Therefore, the significance of judgments in our system cannot be exaggerated. Judgments of the courts establish precedents that guide the direction of the future of justice. These judgments are crucial sources of law as they provide clarity on legal principles and interpretation of law. They contribute to making the law consistent.

I extend my gratitude to the Honorable Judges of the Supreme Court and High Courts and legal minds who dedicated their time and expertise to making these judgments possible. Their commitment to the procedure of law to provide justice and equality to all citizens is something to learn from and be inspired by.

Dear readers, prepare to embark on this journey of getting familiar with these interesting judgments of 2023. These judgments await your exploration, so you can appreciate, contemplate, and question the ever-evolving path of law.

Happy reading.

Raghavender Raghav Poddar

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25 interesting judgments of the Supreme Court of India in 2023

1) **Vivek Narayan Sharma v. Union of India**

The case was heard by a five-judge bench consisting of justices S Abdul Nazeer, BR Gavai, AS Bopanna, V Ramasubramanian, and BV Nagarathna. The case looked into the legality of the demonetization of Rs. 500 and Rs. 1000 currency notes by the union government. The judgment was a 4-1 split decision in favor of the union government's decision. Justice BV Nagarathna disagreed with the majority. This gave legal status to the demonetization of 2016.

2) **Association of Old Settlers of Sikkim vs Union of India**

This case was heard by Justice M R Shah and Justice B V Nagarathna. This case challenged the exclusion of Sikkimese women under the exemption provision under Section 10 (26AAA) of the Income Tax Act if they marry a non-Sikkimese after 01/04/2008. The court held that this exclusion of Sikkimese women is unconstitutional and discriminatory.

3) **Common Cause v. Union of India**

In this case, a constitutional bench of the Supreme Court simplified the guidelines on the will to live for terminally ill patients. The Supreme Court modified its previous judgment on the same matter where it held that the Right to Die with Dignity is a part of the fundamental rights under section 21 of the constitution. The court held that the requirement of getting an Advanced Medical Directive (AMD) countersigned by a judicial magistrate as mentioned in its 2018 judgment is no longer required.

4) **Bar Council of India v. Bonnie Foi Law College & Ors.**

The case was heard by Justices Sanjay Kishan Kaul, Sanjiv Khanna, Abhay S. Oka, Vikram Nath, and J.K. Maheshwari. In this case, the court overturned the infamous V Sudheer judgment which placed prohibitions on the powers of the Bar Council of India to set rules regarding the enrolment of advocates under the Bar Council of India. This judgment upheld the powers of the Bar Council of India.

5) **Re Policy Strategy for Grant of Bail**

In this case, a Supreme Court bench gave out guidelines for the release of undertrial prisoners who have been granted bail by the hearing court. The guidelines state that after a bail is granted the judge is required to send a copy of the judgment to the jail superintendent, who will then upload the order on the e-prison website. If the prisoner is not released within 7 days from when the bail is granted a notification will be sent to the DLSA, which then can send a jail-visiting advocate to visit the bail-granted prisoner.

6)The Secretary, Ministry of Consumer Affairs versus Dr. Mahindra Bhaskar Limaye and others

In this case, the Supreme Court held that a person who has a bachelor's degree and 10 years of professional experience in the field of law, consumer affairs, public affairs, or administration is eligible to be appointed as the president or member of the State Consumer Commission and District consumer forum.

7)Narayan Chetanram Chaudhary v. State of Maharashtra

In this case, the Supreme Court released a death row convict who was imprisoned for the last 25 years. Narayan Chetanram Chaudhary was awarded a death sentence after he was found guilty of murdering 7 people. The Supreme Court found that during the commission of the crime, the accused was 12 years of age and should have been awarded a maximum sentence of three years under the Juvenile Justice Act.

8)State Bank of India vs Rajesh Agarwal

In this case, the Supreme Court held that a borrower must be given a chance to explain their positions before classifying their account as fraud. The court held that the principle of “audi alteram partem” (meaning listen to the other side) must be added to the circular of the RBI regarding classifying bank accounts as fraud accounts.

9)Arup Bhuyan vs State of Assam

In this case, Justice M R Shah held that just being a member of an organization banned under the Unlawful Activities (Prevention) Act 1967 is not an offense under the UAPA, 1967. This judgment overturned the judgment of the Supreme Court overturned its judgment made in 2011 on the same case.

10)National Insurance Co. Ltd. v. Harsolia Motors and Ors.

This case was heard by Justice Ajay Rastogi and Justice CT Ravikumar. In this case, the court held that a commercial enterprise cannot be excluded from the category of a consumer merely because it is a commercial enterprise. An enterprise can bring a case to the consumer court if the goods or services availed by the enterprise are not for commercial purposes or profit generation.

11)Jasbir and others vs National Investigation Agency and others

In this case, the Supreme Court held that the right of an imprisoned accused to be released on default bail if the police fail to prepare a chargesheet within 60 or 90 days of arrest is not exercisable merely because the chargesheet is not sanctioned by a valid authority. Hence a chargesheet not sanctioned by a valid authority will not be considered incomplete.

12)Shri Rakesh Raman v. Smt. Kavita

This case was heard by Justice Sudhanshu Dhulia and Justice JB Pardiwala. In this case, the Supreme Court held that if a marriage is broken down irretrievably, it can be dissolved under section 13(1) of the Hindu Marriage Act, 1955. This section sets cruelty as a ground for the dissolution of marriage and staying in a marriage that has broken down irretrievably is cruel to both parties.

13)S. Athilakshmi vs. The State Rep. By The Drugs Inspector

This case was heard by Justice Sudhanshu Dhulia and Justice Krishna Murari. In this case, the Supreme Court held that practicing doctors who store medicines in small amounts will not be charged with the offense under the Drugs and Cosmetics Act of 1940.

14)Ritu Chhabaria v. Union of India and Ors.

In this case, the Supreme Court held that investigating authorities can file a supplementary chargesheet only if the primary chargesheet specifically states that the investigation is ongoing. The court also held that investigating authorities cannot file an incomplete chargesheet just to keep the prisoner from exercising their right to a default bail if the authorities fail to prepare a chargesheet within 60 or 90 days from arrest.

15)Union of India vs Deloitte Haskins and Sells LLP

This case was heard by Justice M.R. Shah and Justice C.T. Ravikumar. In this case, the Supreme Court held that if a public auditor is charged under section 140(5) of the Companies Act 2013, which deals with the actions taken against an auditor who directly or indirectly colludes with the management of a company to commit fraud. Their mere resignation will not end the proceedings against them.

16)Government of NCT of Delhi vs Union of India

this case was heard by a 5-judge bench consisting of CJI D.Y. Chandrachur, Justice M R Shah, Justice K Murari, Justice Hima Kohli, and Justice P S Narasimha. In this case, the Supreme Court held that the government of the national capital territory of Delhi has legislative and executive powers over the administrative services excluding matters of public order, police, and land. Therefore, the Lieutenant Governor of Delhi will be bound by the decision of the Delhi government on all matters apart from the mentioned three topics.

17)Aureliano Fernandes Versus State of Goa and Others

This case was heard by justice Hema Kohli and Justice Bela Trivedi. In this case, the appellant challenged the judgment of the High Court of Bombay in which the appellant was dismissed from services and was prohibited from future employment at Goa University as per the POSH Act, 2013. The Supreme Court noticed serious inefficiency in the implementation of the POSH Act, 2013. Therefore, the Supreme Court issued directions for the proper implementation of this act.

18)Animal Welfare Board of India v. Union of India

This case was heard by a 5-judge Constitution Bench consisting of Justice KM Joseph, Justice Ajay Rastogi, Justice Aniruddha Bose, Justice Hrishikesh Roy, and Justice CT Ravikumar. In this case, the Supreme Court upheld the constitutional validity of the amendments made by the Tamil Nadu government to the Prevention of Cruelty to Animals Act, 1960. By this amendment the state legalized animal sports like bull-cart racing.

19)Coal India Ltd v Competition Commission of India

This case was heard by a 3-judge bench consisting of Justice KM Joseph, Justice BV Nagarathna, and Justice Ahsanuddin Amanullah. In this case, the Supreme Court held that public sector enterprises are not immune to the provisions of the Competition Commission of India. Therefore, these enterprises cannot participate in anti-competitive practices that violate the Competition Act, 2002.

20)Ilvarasan v. Superintendent of Police

This case was heard by Justice S. Ravindra Bhat and Justice Aravind Kumar. In this case, the Supreme Court overturned the judgment of the Madras High Court, which did not recognize the self-respect marriage performed in the offices of advocates as mentioned in Section 7(a) of the Hindu Marriage Act, 1955.

21)Bachpan Bachao Andolan v. Union of India

The case was heard by Justice Dalveer Bhandari and Justice A.K. Patnaik. In this case, the Supreme Court recognized the importance of a support person for a victim under the POCSO Act. The court believes that a support person can provide emotional support and practical assistance to a child who faced a crime and then the proceeding in court. The court passed an order for the appointment and qualification of the support person.

22)Revanasiddappa vs. Mallikarjun

This case was heard by the CJI D.Y. Chandrachud. In this case, the Supreme Court gave a landmark judgment that gives the right of succession of property from parent to child to an illegitimate child. However, the illegitimate child can only inherit the direct property of the parent and cannot have rights in the ancestral property of the parent.

23)Supriyo v. Union of India

This case was heard by Chief Justice of India D.Y. Chandrachud, Justice S.K. Kaul, Justice S.R Bhat, Justice Hima Kohli, and Justice P.S. Narasimha. In this case, the Supreme Court refused to legalize same-sex marriages. The Supreme Court stated that the right to recognize same-sex marriage lies with the Parliament of India. The supreme court also asked the Union government to form a committee to determine the rights of the queer community.

24)The State of Punjab v Principal Secretary To The Governor Of Punjab And Anr.

In this case, the Supreme Court interprets Article 200 of the Constitution as the article does not specify what happens when the governor does not assent to a bill of the legislative assembly. The Supreme Court held that a governor has to send the bill back to the legislation for reconsideration if they decide to not assent to a bill.

25)Re Article 370 of the Constitution of India

This case was heard by CJI D.Y. Chandrachud, Justices B.R. Gavai and Surya Kant, Justice Sanjiv Khanna, and Justice S.K. Kaul. In this case, the court held that the abrogation of Articles 370 and 35a from the Constitution of India by the Union Government was legal. The territory of Jammu and Kashmir has no individual sovereignty and has been an integral part of India. Article 370 was a temporary provision that is now abrogated by following a legal process.

10 interesting judgments of the Delhi High Court in 2023

1)ARUSHI MEHRA & ANR. v. GOVT. OF NCT OF DELHI & ANR.

This case was heard by Justice P. M. Singh. In this case, the Delhi High Court observed that the Special Marriage Act of 1954 does not make it a compulsion that at least one of the two parties that are trying to register their marriage under this act have to be a citizen of India. Therefore, non-citizens of India can also register their marriage under the Special Marriage Act of 1954.

2)PSV v. THE INDIAN SCHOOL & ANR.

This case was heard by Justice Mini Pushkarna. In this case, the Delhi High Court noticed that denying students from taking examinations because they have not paid the fee violates their Right to Education and the Right of a Child as mentioned in Article 21 of the Constitution of India.

3)SURJEET KUMAR v. STATE

This case was heard by Justice Jasmeet Singh. In this case, The Delhi High Court held that there is no requirement for a birth certificate for a POCSO victim to prove their age. Any school certificate will be considered sufficient evidence.

4)MINOR R THR MOTHER H v. STATE NCT OF DELHI & ANR.

This case was heard by Justice S. K. Sharma. In this case, the Delhi High Court held that denying the right of a woman to terminate her pregnancy resulting from being sexually assaulted violated her right to live with dignity as it is her right to make decisions about her body and decide whether to be a mother or not.

5)SR. SEPHY v. CBI & ORS.

This case was heard by Justice S. K. Sharma. In this case, the Delhi High Court held that conducting virginity tests on women in prisons is unconstitutional and violates the right to live with dignity given to them by the Constitution of India. Conducting a virginity test is sexist and barbaric and is not supported by science.

6)SANJAY MALIK @ SANT SEVAK DAS v. THE STATE & ANR.

This case was sheard by Justice A. S. Jhambhani. In this case, the Delhi High Court held that the mere consent of a women for being in the company of a man cannot amount to her consent for a sexual relation. The court highlighted the difference between consent to a situation and consent to sexual liaison.

7)MAHESH KUMAR v. STATE of NCT of Delhi

This case was heard by Justice S. K. Sharma. In this case, the Delhi High Court granted bail to a teenager charged under the POCSO Act. The High Court observed that the accused did not have any criminal intent and was in love with the said victim. Their involvement in a sexual relationship was out of love and their not being aware of the law of the land can not turn their act of love into a crime.

8)DAWYOUNG JUNG v. BAR COUNCIL OF INDIA & ANR.

This case was heard by justice Yashwant Verma. In this case, a South Korean citizen was denied enrolment as an advocate in the Bar Council of India. The Delhi High Court dismissed the decision of the BCI of not considering the South Korean citizen eligible to enroll in the BCI.

9)COMMISSIONER (FOOD SAFETY), GNCTD v. SUGANDHI SNUFF KING PVT. LTD. AND ORS.

This case was heard by Chief Justice S. D. Sharma and Justice Yashwant Varma. In this case, the High Court overturned the judgment of a single judge's bench that dismissed the notifications issued by the Food Safety Commissioner of Delhi that disallowed the sale, storage, distribution, and manufacturing of tobacco-related chewing products. The Divisional Bench of the High Court allowed these notifications released by the Food Commissioner of Delhi.

10)RENUKA v. UNIVERSITY GRANTS COMMISSION & ANR.

This case was heard by Justice P. K. Kaurav. In this case, a woman who was completing her Master of Education was denied maternity leave for relaxation from the attendance policy. The Delhi High Court held that a woman cannot be made to choose between her Right to Education and her right to become a mother.

10 interesting judgments of the Madras High Court in 2023

1) **People's Watch v. The Home Secretary, Home Department (Prison) and anr.**

This case was heard by Justice R Mahadevan and S N Prasad. In this case, the Madras High Court observed the poor condition of the prison administration in the state. The court passed directions for better managing the prisons and ordered the authorities to prepare the prisoner's rights handbook that would be given to each prisoner.

2) **Mohammed Rafi v. State of Tamil Nadu and Ors.**

This case was heard by Justice C Saravanan. In this case, the Madras High Court held that the dissolution of marriage by Khula under Muslim law can not be registered by bodies like the Shariat Councils or Khazis. If a Muslim married couple wants to mutually dissolve the marriage by Khula they should approach the family court to register their divorce.

3) **R Rajesh v. Union of India and Ors.**

This case was heard by Justice R Mahadevan and M Shaffiq. In this case, the Madras High Court held that tribunals like the National Company Law Tribunal do not hold the power to frame rules on the dress code of advocates appearing before them. This power can only be exercised by the high courts.

4) **Shiva Sankar Baba v. State and another**

This case was heard by Justice R. N. Manjula. In this case, the judge disclosed that she received threatening letters to pass an order in favor of the petition filed by Shiva Sankar Baba for quashing the FIR registered against him in a case of sexual harassment. Justice R. N. Manjula stated that this displays the cheap attitude of the petitioner, and no threat will come in her way of delivering justice.

5) **Saravanan and another v. Semmayee and others**

This case was heard by Justice S. M. Subramanian. In this case, the Madras High Court held that as per the Hindu Succession Act, tribal communities were exempted from following the Hindu Succession Act. However, this exclusion was not to discriminate against them but to support their customs. However, this exemption will not be used against tribal women in getting an equal part in the inheritance in communities that follow Hinduism or Buddhism.

6) **Kannaian Naidu and Ors. v Kamsala Ammal and Ors.**

This case was heard by Justice Krishnan Ramasamy. In this case, the Madras High Court held that a wife who performs the duties of a homemaker may not contribute to the family financially but contributes to the family by performing household chores and taking care of the children for which, she sacrifices her dreams and devote their lives to their family. Therefore, she will hold an equal share in the property acquired by her husband.

7) Amalraj v State and Another

This case was heard by Justice K. K. Ramakrishnan. In this case, the Madras High Court held that not paying the maintenance is a violation of the Domestic Violence Act and hence is a ground for the police to register an FIR against the violator. The court also held that if this interpretation of the Act invites a huge volume of cases in the courts, it is not a limitation as it will only strengthen the faith of the people in the judiciary.

8) Mohamed Dayan v The District Collector and Ors.

This case was heard by Justice S. M. Subramanian. In this case, the Madras High Court held that the gift deed through which parents give their property to their children as inheritance contains an implied condition. Therefore, if parents are neglected by their children, the deed will be considered violated by the children and the parents will have the right to reclaim their property.

9) B. Saravanan vs. The Deputy Inspector General of Police

This case was heard by Justice L. V. Gowri. In this case, the Madras High Court recognized the role of the person in taking care of his pregnant wife and helping to take care of the newborn child, especially in a nuclear family setting. Therefore, the court highlighted the need for paternity leave laws in India.

10) All India Gaming Federation v State and Ors.

This case was heard by Chief Justice S. P. Gangapurwala and Justice P. D. Audikesavalu. In this case, the Madras High Court held that the Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Act of 2022 is legal. However, the court recognizes that the act only bans the games of chance and not the games of skills like poker. The Madras High Court also recognizes the right of the government to regulate both games of skills and chance.

10 interesting judgments of the Calcutta High Court in 2023

1) **Sri Uttam Kumar Bose v. State of West Bengal**

This case was heard by Justice Shampa Dutt. In this case, the Calcutta High Court held that the infertility of the partner is neither a ground to file for divorce nor a reason to ask their partner to file for a mutual divorce. Doing so will be considered mental cruelty and there are multiple other ways to become parents.

2) **Salim Ahmed & Anr. v. The State of West Bengal & Ors.**

This case was heard by Justice R. Mantha. In this case, the Calcutta High Court on the untimely death of a 23-year-old boy in IIT Kharagpur stated that ragging can adversely impact the intellectual growth, well-being, and development of a student. Hence the court directed the director of IIT Kharagpur to personally look into adopting measures so that such incident is not repeated and also ensure appropriate counselling sessions for students.

3) **Rabi Saha @ Sarkar v. State of West Bengal**

This case was heard by Justice Ananya Bandyopadhyay. In this case, the accused lured a minor child using an ice cream and then asked the victim to remove her pants, and later removed it himself. The High Court of Calcutta held that removing the pants of a minor would be considered an attempt to rape.

4) **Dr. Raunak Hajari & Anr. v. The State of West Bengal & Anr.**

This case was heard by Justice Shampa Dutt. In this case, the accused medical professional allegedly engaged in anal intercourse with a first-year medical student at Sagar Dutta Medical College. The medical examination did not show a complete anal intercourse. The High Court held that penetration is enough for the act to be a crime, penetration however little or incomplete is an offence.

5) **Hasin Jahan v. State of West Bengal & Ors.**

This case was heard by Justice Shampa Dutt. In this case, the High Court put a stay on the arrest warrant of Indian cricketer M. Shami. M. Shami was accused of cruelty and assault against his wife. The High Court held that a non-bailable warrant should only be issued if 1. It is reasonable to believe the person will not voluntarily appear in court. 2. The police are unable to find the person to serve them a summon. 3. There is reason to believe the person can harm others if not put under custody.

6) Priyanka Naskar & Ors. v. The Union of India & Ors.

This case was heard by Justice Abhijit Gangopadhyay. This was a writ petition application filled by 140 petitioners. These petitioners qualified the Teacher Eligibility Test but did not get recruited. In this case, the Calcutta High Court canceled the recruitment of 36000 untrained primary school teachers recruited by the West Bengal Board of Primary Education.

7) Ujjwal Trivedi v The State of West Bengal and Ors.

This case was heard by Justice T. S. Sivagnanam and Justice H. Bhattacharyya. In this case, the High Court of Calcutta rejected the plea for the removal of the Election Commissioner of West Bengal. The High Court of Calcutta said that the Election Commissioner is an independent body that obtains its powers from the Constitution of India. Hence the divisional bench rejected this petition.

8) Ranjan Das v The State of West Bengal & Anr.

This case was heard by Sugato Majumder. In this case, the Calcutta High Court held that regular small fights between husband and wife do not amount to cruelty as per Section 498A of the Indian Penal Code. Stating this the High Court of Calcutta quashed the conviction of the accused under Section 498A of the IPC.

9) Bholanath Naskar @ Bholanath Naskar Vs. State of West Bengal

This case was heard by Justice Joymalya Bagchi and A. K. Gupta. In this case, the Calcutta High Court reduced the sentence of some accused and acquitted one accused convicted for committing gang rape and murder of a 20-year-old girl. The court couldn't be sure about the prior planning of the accused men. The court also said that the injuries to the victim were not extensive and brutal.

10) Apollo Mult-speciality Hospitals Limited and Anr. v West Bengal Clinical Establishment Regulatory Commission.

This case was heard by Justice Moushumi Bhattacharya. This case was a writ petition filed against the orders passed by the West Bengal Clinical Establishment Regulatory Commission fixing the prices of medical services. In this case, the Calcutta High Court held that the regulatory commission does not hold the power to pass such orders, and such orders violate the fundamental right to trade given to medical practitioners by the Constitution of India.