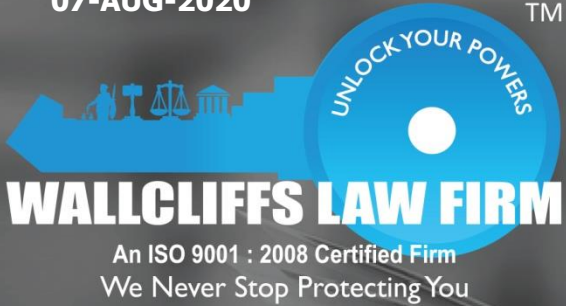


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Hon'ble Supreme Court says that the charge against an accused for offence punishable under the IPC can continue irrespective of the fact that sanction in respect of offence punishable under Prevention of Corruption Act is not forthcoming.

Satyabrat Gupta V. The State of Jharkhand, SLP(Crl.) No(s).2787/2020.

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Hon'ble Supreme Court says that the memorandum of family settlement is not required to be registered and is binding on the parties.

Ravinder Kaur Grewal V. Manjot Kaur, 2020 SCC OnLine SC 612.

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Hon'ble Supreme Court held that the State Government has the power to revoke the "Essentiality Certificate" once granted for the opening of a new medical college on the ground of gross deficiency.

Sukh Sagar Medical College & Hospital V. State of Madhya Pradesh, Civil Appeal No.2843/2020.

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Rajasthan High Court directed the Agricultural Insurance Company of India to release the amount due to the Petitioner under the Pradhan Mantri Fasal Bima Yojna. Poor farmers cannot be denied payment of Insurance due to pending issue between the Insurance Company, the State Government and the Bank.

Moti Singh V. Karan Singh, Civil Writ Petition-530/2019.

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Tripura High Court held there is no legal evidence to show that there existed dishonest intention from the inception of the transaction or the delivery of money was made under inducement. Therefore, the fraudulent or dishonest intention must exist at the time of initial promise or formation of contract.

Uttam Deb V. The State of Tripura, 2020 SCC OnLine Tri 332.

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Delhi High Court held that the exercise of withholding of refund under Sec.214A of the Act, pursuant to notice under Sec.143(2) of the IT Act, without recording justifiable reasons not in consonance with the legislative intent and mandate the aforesaid provision. Therefore, a refund claim cannot be withheld on the mere basis that a notice has been issued under Sec. 143(2) of the IT Act.

Cooner Institute of Health Care and Research Centre Pvt. Ltd. V. Income Tax Officer, MANU/DE/1425/2020.

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Delhi High Court held that on an instrument cannot be termed as a cheque if it does not specify the amount to be paid to a certain person. Thus, if the amount written on the instrument is absurd, the same cannot be called a Cheque and it will not draw any legal consequence under the Negotiable Instruments Act.

M/S Shree Tyres & Others V. State, Crl. Revision No. 742/2019.

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Bombay High Court held that merely because the DNA report of a child born after a gang rape does not establish paternity of the accused, it does not mean that the accused can be released on bail.

Vaibhav Bhanudas Ubale V. The State of Maharashtra, 2019 SCC ONLINE BOM 4499.

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Kerala High Court says that the presumption under Sec.29 of the Protection of Children from Sexual Offence Act, 2012 Act (POCSO) does not, in any way, affect the obligation of the prosecution to produce admissible evidence to prove the essential and foundational facts.

David V. State of Kerala, CRL.A. No 419 of 2019.

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Madras High Court held that all private educational institutions will come under the purview of the ESI Act and will be treated as an establishment for all the purpose under it. The notification issued by the State has extended the provisions of the ESI Act to public, private and aided educational institutions as well and there cannot be any discrimination.

All India Private Institutions Association V. The State of Tamil Nadu, W.P.No.34236 of 2019.

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This write up has been sent to you for information purposes only and is intended merely to highlight recent case laws. The information and/or observations contained in this issue do not constitute legal advice and should not be acted upon in any specific situation without appropriate legal advice. The views expressed in this issue do not necessarily constitute the final opinion of M/s.Wallcliffs Law Firm and should you have any queries in relation to any of the issues set out herein or on other areas of law, please feel free to contact us on mail@wallcliffs.com.

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