

NOVEMBER 2020. ISSUE 03  
20-NOV-2020



## KNOWLEDGE CORNER



+91 75400 75411



mail@wallcliffs.com



www.wallcliffslawfirm.com

# LATEST NEWS

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Main Road, Tiruppur - 641604

**Hon'ble Supreme Court** says that a show cause notice, to constitute the valid basis of a blacklisting order, must spell out clearly, or its contents be such that it can be clearly inferred there from, that there is intention on the part of the issuer of the notice to the blacklist the noticee. **UMC Technologies Pvt. Ltd V. Food Corporation of India, 2020 SCC Online SC 934.**

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**Hon'ble Supreme Court** says that High Court is not required to frame substantial question of law while dismissing a second appeal. The formulation of substantial question of law or reformulation of the same arises only if there are some questions of law and not in the absence of any substantial question of law. **Kirpa Ram (Deceased) V. Surendra Deo Gaur, 2020 SCC Online SC 935.**

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**Hon'ble Supreme Court** reiterated that a document is presumed to be genuine if the same is registered and the onus to prove otherwise is in the person who challenged the stated registered document. **Rattan Singh V. Nirmal Gill, 2020 SCC Online SC 936.**

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**Delhi High Court** has cautioned that providing information regarding an ongoing investigation in an income tax case to its informer is not only appropriate, but also injurious to the investigation. **Principal Director, Income Tax (Investigation-2) V. Rajiv Yadavanshi and Ors., CRL.M.C.2140/2020.**

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**Himachal Pradesh High Court** has held that an employee who has retired on the 31st of a month, cannot claim the benefit of an increment which become due to the 1st of the next month, as on that day his status is not that of an employee but of a pensioner. **Hari Prakash V. State of Himachal Pradesh, 2020 SCC Online SC 2362.**

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**Bombay High Court** says that merely stating that the crime committed by convict was a serious one, without anything else, cannot be a good ground to refuse premature release. Therefore, the petition of a life convict under Sec.302 of IPC is allowed and directed that he be granted premature release, as he has spend almost 20 years of actual imprisonment. **Dilip S. Shetye V. State Sentence Review Board & Ors., Criminal Writ Petition No.255 of 2019.**

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**Karnataka High Court** has dismissed a petition filed by a rape survivor seeking to cancel bail granted to the accused to the ground that he is a habitual offender and has similar cases registered against him. The court also says that in the absence of any cogent material on record, the liberty of any person as envisages under Art.21 of the Constitution of India cannot be curtailed on the mere ground of the number of cases being pending against him. It is settled law that Sec.439(2) of Cr.P.C has to be invoked in exceptions. **Mr.X & State of Karnataka, Criminal Petition No.4598 of 2020.**

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**Rajasthan High Court** directed Registrar to initiate against a Magistrate who issued arrest warrant against accused, despite the fact that High Court had earlier granted then anticipatory bail. **Nanuram Saini V. State of Rajasthan, S.B.Criminal Miscellaneous (Petition) No. 43117/2020.**

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**Kerala High Court** quashed a defamation complaint registered against the Chief Editor, managing Editor and publisher of Malayala Manorama Daily. The Court says that the press has the right to publish a news item with its necessary comments and views. The contemptuous nature of news item, if it is connected with imputation of truth, which required publication for the public good with not attract the offence of defamation. **Philip Mathew V. State of Kerala, Crl.M.C.No.7758 of 2016.**

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**Karnataka High Court** held that an investigating agency cannot retain the username and password of the social media platform of the accused person during the investigation. The court said that the investigating agency should download and store the data required from the social media platforms and should give back the changed login credentials to the accused. **Rakesh Shetty V. State of Karnataka and Others, W.P.No.11169 of 2020.**

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#### **DISCLAIMER**

*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](mailto:mail@wallcliffs.com).*

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