

MARCH 2021. ISSUE 03
19-MAR-2021



KNOWLEDGE CORNER



+91 75400 75411



mail@wallcliffs.com



www.wallcliffslawfirm.com

LATEST NEWS

(LEGAL NEWS)

Coimbatore Office

#49, West Club Road, Near
Vilvam Apartments, Race Course,
Coimbatore - 641 018.

High Court Office

#103, I - Floor,
Armenian Street,
Parrys, Chennai - 600 001.

Tiruppur Office

544, Room No.2, I-Floor,
Opp. to TKT Motors, Palladam
Main Road, Tiruppur - 641604

Hon'ble Supreme Court held that the time period for investigation specified under Section 167 of the Code of Criminal Procedure cannot be extended by seeking to the supplementary charge qua UAPA of offence. A person accused under Section 18 of the UAPA Act, that default bail under first proviso of Section 167(2) of the Cr.P.C is a fundamental right and not merely a statutory right.

Fakhrey Alam V. State of Uttar Pradesh, Cr.A. 319 of 2021.

.....

Hon'ble Supreme Court held that Family Court does not have plenary powers to do away with the mandatory procedural requirements. Family Court is expected to follow procedure known to law, which means insist for a formal pleading to be filed by both sides, then frame issues for determination, record evidence of the parties to prove the facts asserted by the concerned party and only thereafter, to enter upon determination and render decision thereon by recording reasons for such decision.

Aman Lohia V. Kiran Lohia, Transferred Case (Civil) No.25 of 2021.

.....

Hon'ble Supreme Court has issued a slew of directions regarding the process of disbursement of compensation as well as expediting the matter before the MACTs across the country. According to these directions, jurisdictional police station has to submit an Accident Information Report about the accident to the tribunal and insurer within first 48 hours either over email or dedicated website. They shall submit a detained accident report to them within three months.

Bajaj Allianz General Insurance Company Private Ltd V. Union of India, WPC 534/2020.

.....



Hon'ble Supreme Court held that an accused can be summoned under Section 319 of the Code of Criminal Procedure on the basis of even examination in-chief of the witness and the Court need not wait till his cross examination. If on the examination in chief of the witness the Court is satisfied that there is a prima facie case against the proposed accused, the Court may in exercise of powers under Section 319 CrPC array such a person as accused and summon him to face the trial.

Sartaj Singh V. State of Haryana, 2021 SCC Online SC 217.

.....

Hon'ble Supreme Court held that a person who is eligible under Section 29A of the Insolvency Bankruptcy Code to submit a resolution plan, cannot propose a scheme of compromise and arrangement under Section 230 of the Companies Act, 2013. The Apex Court also upheld the constitutional validity of Insolvency and Bankruptcy Board of India(Liquidation Process) Regulation, 2016 which stipulates that a person who is not eligible under the IBC to submit a resolution plan for insolvency resolution of the corporate debtor shall not be a party in any manner to such compromise or arrangement.

Arun Kumar Jaratramka V. Jindal Steel and Power Ltd., 2021 SCC Online SC 220.

.....

Hon'ble Supreme Court held that the prosecution by the investigation agency for offence punishable under Section 193 of IPC, for fabrication false evidence committed during the stage of investigation will no be barred under Section 195(1)(b)(i) CrPC if the investigating agency has lodged complaint or registered the case prior commencement of proceedings and production of such evidence before the Trial Court. In such circumstance, the offence would not be considered an offence committed in, or in relation to, any proceedings in any Court for the purpose of Section 195(1)(b)(i), CrPC.

Bhima Razu Prasad V. State, 2021 SCC Online SC 210.

.....



Hon'ble Supreme Court held that the existence of civil remedies by itself is not a ground to quash criminal proceedings. As there is a remedy provided for breach of contract or arbitral proceedings initiated at the instance of the complainant, that does not by itself clothe the court to come to a conclusion that civil remedy is the only remedy and the initiation of criminal proceedings, in any manner, will be an abuse of the process of the court for exercising inherent powers of the High court under Section 482 CrPC for quashing such proceedings.

Priti Saraf V. State of NCT of Delhi, 2021 SCC Online SC 206.

.....

Delhi High Court held that though the accused has submitted his application for bail under Section 439 CrPc, he had indicated as required under the Proviso(a) to section 167(2) of CrPc he was prepared to furnish bail and therefore "in substance, the said condition is met". The High Court has granted bail in a case where the accused was prepared to furnish bail and comply with the conditions under Section 167(2) of the Code of Criminal Procedure but had submitted his application under Section 439 CrPc.

Subash Bahadur @ Upender V. The State (NCT of Delhi), Bail Appl.314/2020.

.....

Kerala High Court held that a demand notice under Section 138 of the Negotiable Instrument Act need not disclose the nature of transaction leading to the issuance of cheque and also ruled that the Negotiable Instruments Act did not mandate a format for a demand notice.

K.Basheer V. C.K.Usman Koya and others, CRL.A.No. 41/2005.

.....



Delhi High Court held that in a trial for the offence of cheque dishonour under Section 138 of the Negotiable Instrument Act, the accused can seek the conversion of summary trial as summons trial only after disclosing his plea of defence. As per Section 143 of the Negotiable Instrument Act, the offence has to be tried summarily. However, as per Section 145(2), the accused or the prosecution can seek that the case be tried as a Summons case.

Sumit Bhasin V. State of NCT of Delhi & Anr., Crl.MC.26/2021 & 1529/2021.



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.



Coimbatore Office

#49, West Club Road, Near
Vilvam Apartments, Race
Course, Coimbatore - 641 018.



High Court Office

#103, 1 - Floor, Armenian Street,
Parrys, Chennai - 600 001.



Tiruppur Office

544, Room No.2, 1-Floor, Opp.
to TKT Motors, Palladam Main
Road, Tiruppur – 641604.



+91 75400 75411



mail@wallcliffs.com



www.wallcliffslawfirm.com