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LATEST NEWS

(LEGAL NEWS)

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Hon'ble Supreme Court says that the seriousness of the charge is one of the relevant considerations while considering bail applications. The Apex Court set aside the Kerala High Court order which granting bail to a man accused murder of a lady doctor. **State of Kerala V. Mahesh, Cr.A. 343 of 2021.**

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Hon'ble Supreme Court expressed a prima facie view that deposit made under Section 21(5) of the Mines and Minerals Development and Regulation Act (MMDRA) for unlawful mining cannot be treated as “proceeds of crime” under the prevention of Money Laundering Act (PMLA) which was observed while hearing an application seeking to restraint the Enforcement Directorate from proceedings against a deposit made under Section 21(5) of the MMDRA. **Indrani Patnaik & Anr V. Enforcement Directorate & Ors., Writ Petition (Civil) No. 368/2021.**

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Hon'ble Supreme Court upheld that the views taken by various High Courts that the Goods and Service Tax Act does not affect the right of purchasers of goods not covered by the GST to get Form “C” under Central Sales Tax Act to avail concessional tax rate. **The Commissioner of Commercial Taxed and Another V. The Ramco Cements Ltd., SLP No. 15785-15788/2020.**

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Hon'ble Supreme Court has sentenced a man to three months civil prison for contempt of court after he did not pay an outstanding of Rs.2.60 crore along with Rs.1.75 lakh monthly maintenance to his estranged wife. **Jennifer Arul V. Micheal Arul., Contempt Petition (C) No. 62/2020.**

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Hon'ble Supreme Court held that the Company Law Tribunal cannot interfere with the removal of a person as a Chairman of a Company in a petition under Section 241 of the Companies Act 2013, unless such removal was "oppressive or prejudicial". The apex Court also says that the relief of reinstatement granted by the Tribunal was too big a pill even for the complainant companies to swallow. **Tata Consultancy Services Pvt Ltd V. Cyrus Investments Pvt. Ltd. & Other, 2021 SCC Online SC 272.**

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Hon'ble Supreme Court reiterated that only contradictions in material particulars and not minor contradiction can be a ground to discredit the testimony of the witnesses while dismissing the appeal filed by murder accused against the judgment of Karnataka High Court which had reversed their acquittal by the Trial Court. **Rajendra @ Rajappa V. State of Karnataka, Cr.A.1438 of 2011.**

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Hon'ble Supreme Court says that ordinarily a High Court in its jurisdiction under Article 226 of the Constitution has to decide to entertain a dispute which is arbitrable, unless there is a fundamental issue of public interest. **Rapid Metro Rail Gurgaon Limited V. Haryana Mass Rapid Transport Corporation, Civil Appeal No., 925 - 926 of 2021.**

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Hon'ble Supreme Court reiterated that the judgement of the First Appellate Court should not be interfered with by the High Court in exercise of its jurisdiction under Section 100 of the Code of Civil Procedure, unless there is substantial question of law. **Mallanaguoda V. Ninganagouda, Civil Appeal No. 2331 of 2016.**

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Delhi High Court says that an FIR filed under the Protection of Children from Sexual Offences (POCSO) Act, 2012 cannot be quashed on the ground that the victim after attaining majority decided to compromise the matter with the accused. **Dinesh Sharma & Ors. V. State and Anr., CRL.M.C.1002/2021.**

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Punjab & Haryana High Court held that “U-turn” by the prosecutrix before the trial court is not a ground to grant relief. Merely because the prosecutrix has not supported the allegations in deposition before the Court is not enough to grant bail. **Subash Chander V. State of Haryana, CRM-M No. 12704 of 2021.**

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This write up has been sent to you for information purposes only and is intended merely to highlight latest news. 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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