

P. V. Jeevesh v. Union of India and Others

- ❖ **BENCH:** Chief Justice A J Desai and Justice V G Arun



- ❖ **FORUM:** Kerala High Court

❖ **FACTS OF THE CASE**

- Advocate, P. V. Jeevesh filed a Public Interest Litigation challenging the act of Union of India giving titles in Hindi to the 3 new Criminal Acts – Bharatiya Nyaya Suraksha Sanhita, Bharatiya Nyaya Sanhita and Bharatiya Sakshya Adhiniyam.
- The plea seeks the Court to declare the action of the Union giving Hindi/ Sanskrit name to the Acts as ultra vires.
- Further it seeks that the Court direct the Union to provide English nomenclature to the three Acts and declare that the Parliament cannot give name to the Acts in any language other than English.
- Article 348 of the Constitution states that the authoritative texts of all Bills to be introduced or amendments thereto to be moved in Parliament or State Legislatures and all Acts passed by the Parliament or State Legislature and all Ordinances passed by the President or the Governor shall be in English language.
- The nomenclature of an Act is part of the Act.
- One of the intentions of Article 348 was the widespread use and acceptance of English language across various linguistic groups in the country and thereby to bridge the barriers and promote unity and understanding amongst the diverse groups in the country.
- Focusing on the dominance of any one language can lead to language based tensions and undermine the country's unity.
- Hindi is spoken only by 41% of the total population of India. The majority of the members of the legal fraternity in the southern part are not conversant with it.
- Names of the New Acts can create confusion, ambiguity and difficulty for the

legal community of non-Hindi and non-Sanskrit speakers.

- The names are hard to pronounce for the non-Hindi/ non-Sanskrit speakers . Therefore, it violates the fundamental right to occupation given under Article 19(1) (g) of the Constitution of India.

Bijay Kumar Manish Kumar HUF v. Ashwin Bhanulal Desai

- ❖ **BENCH:** Justices JK Maheshwari and Sanjay Karol



- ❖ **FORUM:** Supreme Court of India

❖ **COURT'S OBSERVATION**

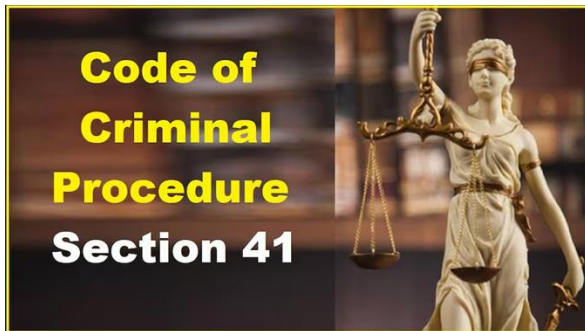
- If the tenant continues to remain in the rented premises even after the tenancy rights are extinguished, then the landlord would be entitled to receive compensation in the form of 'mesne profit' from the tenant.
- The above-stated position is generally accepted, it is also within the bounds of the law that a tenant who once entered the property in question lawfully, continues in possession after his right to do so stands extinguished, is liable to compensate the landlord for such a time period after the right of occupancy expires.
- The tenant would be liable to pay compensation to the landlord in the form of 'mesne profit' when there was no eviction order against the tenant but continued to remain in the rented premise.
- The tenant would be liable to pay the mesne profit to the landlord for the period he had been a 'tenant at sufferance'.
- "Tenant at sufferance" is a tenant who enters upon the land by lawful title but continues in possession after the title has ended.
- **Indian Oil Corporation Ltd. v. Sudera Realty Private Limited, 2022 LiveLaw (SC) 744:** It was observed that the tenant while continuing in possession after the expiry of the lease became liable to pay mesne profits.



- The effect of the words 'determination', 'expiry', 'forfeiture' and 'termination' would, subject to the facts applicable, be similar, i.e., when any of these three words are applied to a lease, henceforth, the rights of the lessee/tenant stand extinguished or in certain cases metamorphosed into weaker iteration of their former selves. Therefore, in any of these situations, mesne profit would be payable.

Bibhav Kumar v. State

- ❖ **FORUM:** Delhi High Court



❖ **FACTS OF THE CASE**

- Delhi Chief Minister Arvind Kejriwal's aide Bibhav Kumar has moved the Delhi High Court challenging his arrest in the alleged Swati Maliwal assault case.
- Bibhav Kumar was denied bail by the trial court on May 27, 2024.
- Bibhav Kumar contended that his arrest by the Delhi Police was illegal and in gross violation of Section 41A of CrPC.
- Bibhav Kumar contended that his arrest is violative of the Supreme Court rulings in **Arnesh Kumar v. State of Bihar** and **Amandeep Singh Johar v. State of NCT of Delhi**.

Bibhav Kumar also sought Departmental Action in terms of the law laid down in **Arnesh Kumar v. State of Bihar**, against the erring officials, who were involved in the decision making of his arrest.

Vaibhav Singh Sunita Kejriwal & Ors.

- ❖ **FORUM:** Delhi High Court
- ❖ **FACTS OF THE CASE**
 - A PIL has been filed seeking action against Sunita Kejriwal and various others for allegedly recording the trial court proceedings when Chief Minister Arvind Kejriwal addressed court personally after

his arrest by the Enforcement Directorate (ED) and reposting the same on social media.



- The plea seeks formation of an SIT to investigate and register FIR against those who conspired to record and share the audio and video of the court proceedings and putting the life of the trial court judge at high risk.
- The petition seeks a thorough investigation to identify the individuals responsible for allegedly recording and sharing audio and video recordings of the court proceedings.
- The plea also seeks issuance of directions to social media platforms to prevent the recurrence of such unauthorized recordings and their subsequent dissemination and impose penalties for non-compliance of directions on any individual or entity.

Diksha Kumari @ Disksha Kumari v. The State of Jharkhand

- ❖ **BENCH:** Justice Anil Kumar Choudhary



- ❖ **FORUM:** Jharkhand High Court
- ❖ **FACTS OF THE CASE**

- The opposite party No. 2 was granted bail based on a compromise between the parties, without any stipulation in the bail order regarding the cancellation of bail if the accused fails to adhere to the terms of the agreement.
- Subsequently, a petition was moved seeking the cancellation of bail, which was rejected by the magistrate.



- This decision was then challenged through a criminal revision, which was ultimately dismissed.
- Then, the petition was filed under Section 439(2) CrPC, seeking to overturn the order issued by the learned Sessions Judge.
- The Petitioner argued that Opposite Party No.2 had declined to allow the Petitioner back into the matrimonial home, prompting a request for the cancellation of bail.
- The State argued that it is firmly established that mere non-compliance with the terms and conditions of a compromise cannot serve as grounds for bail cancellation.



COURT'S OBSERVATION

- Jharkhand High Court emphasized that bail once granted to an accused cannot be cancelled solely based on noncompliance with the terms of a compromise agreement.
- Bail can only be revoked if the accused violates the conditions of bail or impedes a fair trial.
- Bail once granted to an accused person cannot be cancelled unless he violates the condition of the bail or does any act, deed or thing to impede a fair trial of the case concerned.
- Bail cannot be cancelled on the sole ground that the accused has failed to comply with the terms and conditions of the agreement entered into between the parties.

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