

Leelawati Devi & Anr. v. District Cooperative Bank Ltd

- ❖ **Bench:** Justices P.S. Narasimha and Aravind Kumar



- ❖ **Facts of the Case**

- The case relates to consumer dispute between the District Cooperative Bank Ltd. in Varanasi and their customer (Leelawati Devi and Others) over the non-release of fixed deposit receipts worth Rs. 1,60,000. The appellants claimed that the bank wrongly prevented them from withdrawing their deposited money.
- District Consumer Forum ordered the bank to return the money with 15% interest and an additional Rs. 25,000 for damages.
- State Commission Consumer Dispute Redressal Forum in Lucknow rejected the appeal filed by the Bank.
- National Consumer Disputes Redressal Commission (NCDRC),

in a revision petition, overturned the previous decision of the District Consumer Forum.

- **National Consumer Disputes Redressal Commission (NCDRC) Ruling**

- Records from the bank did not show any money being deposited on the date the fixed deposits were supposedly made (10.07.1993).
- The Commission suggested that the fixed deposit receipts (FDRs) might have been obtained through fraudulent means since there's a record of the deposit amount being transferred in the bank's ledger, but no corresponding record in the day book or supplementary book.
- The discrepancy was discovered during an internal investigation by the bank.
- It was also noted that the FDRs which were issued did not bear the signature from the manager who was not given authority to issue the particular FDRs from the Bank Authorities.

- **Supreme Court's Observation**

- As per the findings of the District Forum, the appellants had in fact handed over Rs. 1,60,000/- to the Bank's officials.
- It was further noted that as per an enquiry committee set up by the Bank, criminal proceedings were also initiated against the concerned



bank officials followed by a due course adopted by the bank.

- The Court expressly held that NCDRC overlooked the District Forum's findings and that the Bank was vicariously liable for the acts of its employees.
- The recipients of a fixed deposit cannot suffer at the cost of the criminal conduct of the Bank officials and that, in such an event the Bank would be held vicariously liable for the conduct of their employees.

Anees v. The State Govt of NCT

- ❖ **Bench:** Chief Justice of India DY Chandrachud, Justices JB Pardiwal and Manoj Misra



- ❖ **Facts of the Case:** The appellant was convicted for the murder of his wife in his home. The only eyewitness was their 5-year-old daughter, who turned hostile.

Supreme Court's Observation

- The Court noted that after the witness was declared hostile, all that the public prosecutor did was to put few suggestions to her for the purposes of cross-examination. Even proper

contradictions were not brought on record.

- It is the duty of the court to arrive at the truth and subserve the ends of justice.
- The trial judges should take a proactive and participatory role in the trial instead of acting as "mere tape recorders" recording witness statements.
- In case of any lapse by the prosecutor, the judge should intervene and ask necessary questions to the witness to elicit relevant information.
- The judge has to monitor the proceedings in aid of justice.

Shankar v. The State of Uttar Pradesh & Ors

- ❖ **Bench:** Justices P.S. Narasimha and Arvind Kumar



- ❖ **Facts of the case**

- The appeal arose out of a decision of the High Court of Judicature at Allahabad dated 04.04.2023 in Application under Section 482 No. 30221 of 2017, whereby the High Court refused to quash a summoning order dated 24.08.2017 passed under Section 319 of Code of Criminal Procedure by the Additional District & Sessions Judge, Kanpur



Dehat, where the Appellants herein were directed to face a trial for offence under **Section 302 of Indian Penal Code**.

- The issue before the Supreme Court of India was whether there is sufficient material against the Appellant prompting the Trial Court to pass a summoning order under **Section 319 of Code of Criminal Procedure**.

Supreme Court's Observation

- The trial court and High Court committed an error in justifying the summons issued to the appellant/accused to face trial under **Section 319 of Code of Criminal Procedure**.
- To summon a person as an additional accused invoking powers under **Section 319 of the Code of Criminal Procedure**, the degree of satisfaction is much stricter.
- The evidence should be such that it should lead to the conviction of the accused if it is unrebutted.
- **Section 319(1) of Code of Criminal Procedure states that** "where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed.

Hardeep Singh v. State of Punjab

- ❖ The extraordinary jurisdiction under **Section 319 of Code of Criminal Procedure** could only be invoked when the evidence to summon the accused is stronger and more reliable than the mere probability of his involvement in the crime.
 - The evidence before the trial court should be such that if it goes unrebutted, then it should result in the conviction of the person who is sought to be summoned.
 - The degree of satisfaction that is required to exercise power under **Section 319 of Code of Criminal Procedure** is much stricter, considering that it is a discretionary and an extraordinary power.
 - Only when the evidence is strong and reliable, can the power be exercised. It requires much stronger evidence than mere probability of his complicity.

Sachin Gupta v. State Of Haryana & Anr.

- ❖ **Bench:** Justices JB Pardiwala and Manoj Misra





Supreme Court's Observation

- The court did not deny the possibility of there being a genuine case of ill-treatment and harassment by the husband and his family members towards the wife.
- The court cautioned "mechanically" applying the offence of domestic cruelty punishable under Section 498A of the Indian Penal Code (IPC) in all FIRs registered over complaints filed by wives against husbands and in-laws.
- In all cases, where the wife complains of harassment or ill-treatment, Section 498A of the IPC cannot be applied mechanically. Every matrimonial conduct, which may cause annoyance to the other, may not amount to cruelty. Mere trivial irritations, quarrels between spouses, which happen in day-to-day married life, may also not amount to cruelty.
- Often the disputes between couples get complicated due to the interference of the parents and relatives.
- Many times, the parents, including the close relatives of the wife, make a mountain out of a mole. Instead of salvaging the situation and making all possible endeavours to save the marriage, their action either due to ignorance or on account of sheer hatred towards the husband and his family members, brings about complete destruction of marriage on trivial issues.
- The foundation of a sound marriage is tolerance, adjustment and respecting

one another. Tolerance to each other's fault to a certain bearable extent has to be inherent in every marriage. Petty quibbles, trifling differences are mundane matters and should not be exaggerated and blown out of proportion to destroy what is said to have been made in heaven.

- The Court must appreciate that all quarrels must be weighed from that point of view in determining what constitutes cruelty in each particular case, always keeping in view the physical and mental conditions of the parties, their character and social status.
- The Court stated that the utilization of the Police machinery should be of last resort, and that too in a very genuine case of cruelty and harassment.

State of Rajasthan And Ors. v. Anisur Rahman



❖ Facts of the case

- The State authorities had increased the superannuation of Allopathic Doctors from 60 years to 62 years w.e.f 31.3.2016.
- In this case it was contended by the petitioners that such a selective enhancement of retirement age was



discriminatory against the Ayurvedic Doctors and therefore violative of Article 14 of the Constitution.

- The Rajasthan High Court on February 28 allowed a batch of writ petitions seeking enhanced age of superannuation for Ayurvedic Doctors at parity with the Allopathic Doctors.
- The High Court noted that the Supreme Court had, in a similar case of *State of Rajasthan and Ors. v. Dr. Mahesh Chand Sharma & Ors*, dismissed the challenge by the State against the order of the Rajasthan High Court granting superannuation relief to Ayurvedic Doctors at parity with Allopathic ones.
- The High Court directed the state authorities to pass orders to reinstate those Ayurvedic Doctors yet to attain the age of 62 years and also provide an enhanced superannuation in line with earlier cases of the similar nature.

Supreme Court's Observation

- CJ1 initially was of the view that there exists no difference in the quality of service and efforts of Ayurveda and Allopathic Doctors, thus it would be logical to grant such parity.
- The Supreme Court issued notice on a petition filed by the State of Rajasthan against the Rajasthan High Court order directing grant of enhanced superannuation for

Ayurvedic Doctors at parity with Allopathic ones.

- The Court observed that the directions of reinstating retired doctors may impinge upon matters of policy.

Deependra Yadav and Others v. State of Madhya Pradesh

- ❖ **Bench:** Justices C.T. Ravikumar and Sanjay Kumar



❖ Facts of the Case

- An amendment was brought to Rule 4 of Madhya Pradesh State Service Examination Rules, 2015 ("2015 Rules"). The difference between the old rule and the new rule was about the adjustment and segregation of meritorious students.
- The old rule provides that the adjustment and segregation of meritorious reservation category candidates with meritorious unreserved category candidates would be at the time of the preliminary results, whereas the new rule prescribes such adjustment and segregation only at the time of the final selection and not at the time of the preliminary/main examination.



Supreme Court's Observation

- The Supreme Court of India affirmed the decision of the M.P. High Court.
- The Court observed that despite not availing the reservation, if the meritorious candidates of the reserved category are treated as belonging to those reservation categories, then it would impact the benefit of the reservation to other deserving reservation category candidates lower down in the merit list of that category.
- If the meritorious candidates from the reserved category had not availed any reservation benefit/relaxation, then such reserved category candidates would be treated at par with unreserved/general category candidates on the strength of their marks.
- Rule 4(3)(d)(III) of the Madhya Pradesh State Service Examination Rules, 2015 patently harmed the interests of the reservation category candidates, as even

meritorious candidates from such categories, who had not availed any reservation benefit/relaxation, were to be treated as belonging to those reservation categories and they were not to be segregated with meritorious unreserved category candidates at the preliminary examination result stage. As a result, they continued to occupy the reservation category slots which would have otherwise gone to deserving reservation category candidates lower down in the merit list of that category, had they been included with meritorious unreserved category candidates on the strength of their marks.

□□□□



