Cassie

WEDNESDAY
19 AUGUST 2026

DAILY

Court Digest

The day's most significant judgments from India's courts.

IN TODAY'S DIGEST

- Speaker bound by party's recommendation for LoP | Calcutta HC
- S.354(5) CrPC | Hanging upheld; Deena reaffirmed : SC
- S.96 IBC moratorium does not stay S.138 NI Act trial : Bombay HC
- S.64VB | Agent's coverage promise void if premium unpaid : SC
- S.125 CrPC | Civil-standard proof of marriage cannot be demande

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Supreme Court

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Criminal Issues
Hurt, Grievous Hurt & Acid Attacks

SUPREME COURT

Hanging remains constitutional; petitioner must show domestic evidence of botched executions

The dispute. Rishi Malhotra, a petitioner appearing in person, filed a writ under Article 32 challenging hanging as the sole execution method under Section 354(5) CrPC, arguing it was barbaric and violated Articles 14 and 21. The Supreme Court dismissed the writ petition after finding that the binding precedents in Deena v. Union of India (1983) and Shashi Nayar v. Union of India.

The reasoning. A two-judge bench cannot depart from a three-judge or Constitution Bench precedent absent compelling constitutional development, legislative change, or cogent domestic scientific evidence.

> *Constitutional interpretation is organic and must remain responsive, both to the evolution of constitutional doctrine and to advances in scientific knowledge.*
>
> FROM THE JUDGMENT

For your practice. A challenger must produce domestic empirical evidence of botched executions in India.

The order. Writ Petition (Criminal) No. 145 of 2017 dismissed. Section 354(5) CrPC and Section 393(5) BNSS upheld as constitutional. Deena and Shashi Nayar reaffirmed as binding.

§ Section 354(5), Code of Criminal Procedure, 1973

RISHI MALHOTRA vs UNION OF INDIA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	18.08.2026	W.P.(Crl.) No.-000145 - 2017	2026:INSC:873

BENCH
Vikram Nath, Sandeep Mehta

Insurance Law & Claims
Goods, Home, Fire & Other Insurance Claims

SUPREME COURT

Agent's email assurance of continued coverage cannot override Section 64VB premium

The dispute. New India Assurance issued a Marine Cargo Annual Turnover Policy to Louis Dreyfus for INR 1,200 crores. When the insured's turnover crossed the limit in July 2010, the Divisional Manager's email had assured continued coverage. The NCDRC awarded the assessed loss of Rs 22,01,29,271 to the insured; the insurer appealed and the Supreme Court set the award aside.

The reasoning. Section 64VB prohibits assumption of risk before premium is received and is directed at the insurer as principal; an agent's act cannot confer liability the principal is legally incompetent to assume.

For your practice. Any representation by an insurer's employee that extends coverage binds the insurer only if it complies with Section 64VB.

The order. Both civil appeals allowed. NCDRC award dated 21 May 2025 set aside. Respondent's claim for loss dismissed. No compensation, damages or interest awarded. Matter disposed.

§ Section 64VB, Insurance Act, 1938

THE NEW INDIA ASSURANCE COMPANY LIMITED vs M/S LOUIS DREYFUS COMMODITIES INDIA PVT LTD

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	18.08.2026	C.A. No.-007687-007688 - 2025	2026:INSC:876

BENCH
Sanjay Karol, Nongmeikapam Kotiswar Singh

Work & Employment Issues
Service Matters of Government Employees (Transfers, Promotions, etc.)

SUPREME COURT

Illegal deputation and absorption void ab initio; sympathetic retention cannot cure the defect

The dispute. Four Sub-Divisional Officers from Haryana's Development and Panchayat Department were deputed, within months of their probationary appointments, to the Public Works (Buildings and Roads) Department and then absorbed as Assistant Engineers against direct-recruitment vacancies. The Punjab and Haryana High Court found the deputation and absorption bad in law but retained the officers on sympathetic grounds.

The reasoning. Rule 10 of the 1965 Rules permits appointment by transfer only in special circumstances exceeding routine vacancies; accrued vacancies and officers' qualifications do not meet that threshold.

For your practice. When challenging absorption under transfer provisions, demand the specific special circumstance recorded in the absorption order and test it against exigency, not convenience.

The order. Deputation of Pradeep Atri and Praveen Chaudhary held illegal; deputation of Pankaj Gaur and Arun Bhatia held irregular. Absorption of all four declared illegal, non est and void, and set aside.

§ **Rule 10, Punjab Service of Engineers, Class II, P.W.D. (Buildings and Roads Branch) Rules, 1965**

HEMANT KUMAR vs THE STATE OF HARYANA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	18.08.2026	C.A. No.-010930-010931 - 2026	2026:INSC:878

BENCH
Ujjal Bhuyan, Atul S. Chandurkar

High Courts

5 judgments in this edition

KEEP SWIPING >>>

Government & Public Body Interactions

CALCUTTA HC

Speaker must act on party's recommendation for Leader of Opposition, not legislator majority

The dispute. After the 2026 West Bengal Assembly election, the AITC formally nominated Sobhandeb Chattopadhyay as Leader of the Opposition and informed the Speaker in writing, but two of its MLAs were expelled on 1 June 2026 for anti-party activities. The Single Judge refused interim relief and declined to stay the Speaker's order, whereupon the appellant moved a Division Bench on appeal.

The reasoning. Explanation 1 of Section 3 of the 1937 Act refers to the political party's decision, not to a majority of legislators who may regroup post-election.

For your practice. Compile and file the political party's official communications and internal resolutions early.

The order. Single Judge's order modified. Speaker's recognition of respondent No. 5 as Leader of the Opposition and respondent No. 6 as Chief Whip declared provisional for two months or until further orders. Stay of the June 3 2026 order refused.

§ **Section 3, Explanation 1 and 2, West Bengal Legislative Assembly (Members' Emoluments) Act, 1937**

SOBHANDEB CHATTOPADHYAY v. HON'BLE SPEAKER, WEST BENGAL LEGISLATIVE ASSEMBLY & ors.

COURT	DECIDED	CASE NO.	CITATION
Calcutta High Court	18.08.2026	APOT/110/2026	2026:CHC-OS:354-DB

BENCH

Shampa Sarkar, Ajay Kumar Gupta

Criminal Issues
Cheque Bounce

BOMBAY HC

Section 96 IBC moratorium cannot shield directors from Section 138 criminal prosecution

The dispute. National Spot Exchange Ltd. filed a criminal complaint under Section 138 NI Act against directors of M/s Mohan India Private Limited after a Rs 30 crore cheque issued in partial discharge of a Rs 771 crore settlement was dishonoured in February 2014. Magistrate courts rejected the stay applications; the directors renewed the challenge before the Bombay High Court.

The reasoning. Section 96 IBC stays civil actions in respect of any debt but does not extend to the penal components of a Section 138 prosecution.

For your practice. Filing an insolvency application under Section 94 or 95 IBC no longer provides directors a route to halt cheque-dishonour trials.

The order. All applications and writ petitions were dismissed, interim orders vacated, and the Section 138 prosecution directed to proceed unabated. No monetary relief was granted to any applicant.

§ Section 96, Insolvency and Bankruptcy Code, 2016

JAGMOHAN GARG vs NATIONAL SPOT EXCHANGE LTD AND ANR

COURT	DECIDED	CASE NO.	CITATION	BENCH
Bombay High Court	18.08.2026	APL/1690/2024	2026:BHC-AS:34126	N. J. Jamadar

Criminal Issues
UAPA, NSA, Preventive Detention, Sedition, etc.

DELHI HC

UAPA reference to CrPC 167 reads as BNSS 187; 180-day detention ceiling survives repeal

The dispute. Jasir Bilal Wani was arrested in November 2025 in connection with an IED explosion at Lal Qila Metro Station and charged under the UAPA. The trial court rejected the default bail application and extended remand to 180 days.

The reasoning. A statutory citation of a repealed provision constitutes legislation by reference, not legislation by incorporation, so Section 8(1) of the General Clauses Act mandates reading the reference as to the re-enacted provision, here Section 187 BNSS.

> *the reference to Section 167 of the Cr.P.C. has to be construed as reference to Section 187 of the BNSS in terms of Section 8(1) of the General Clauses Act, 1897.*
>
> FROM THE JUDGMENT

For your practice. In every UAPA custody matter, calculate detention against the 180-day ceiling and raise any objection to an extension order at the earliest opportunity.

The order. Appeal dismissed. Extension orders dated 13 February 2026 and 27 March 2026 upheld. Default bail application dismissed. Remand to 180 days confirmed. Appellant left to pursue other remedies available in law.

§ Section 43D, Unlawful Activities (Prevention) Act, 1967

JASIR BILAL WANI @ DANISH vs NATIONAL INVESTIGATION AGENCY

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	18.08.2026	CRL.A.-444/2026	2026:DHC:6814-DB	Prathiba M. Singh

Relationships & Family Matters
Maintenance for Spouse & Children

CALCUTTA HC

Section 125 CrPC is a summary remedy; civil-standard proof of marriage cannot be demanded

The dispute. Jyotsnara Bibi claimed she was married to MD Azam Ali Sarkar under Muslim law in May 2014 and was driven from the matrimonial home four months later. The trial magistrate awarded Rs 6,000 monthly maintenance; the Additional Sessions Judge reversed that order on revision.

The reasoning. Section 125 CrPC is a summary, ameliorative provision and its evidentiary standard is prima facie satisfaction based on cumulative material, not the documentary proof required in a civil matrimonial suit.

> *The standard of proof required in a proceeding under Section 125 Cr.P.C. is not as rigorous, exacting, or formalistic as that required in a criminal trial for bigamy or a full-dress civil suit for declaration.*
>
> FROM THE JUDGMENT

For your practice. Police charge sheets, Aadhaar cards, and voter identity documents showing a spouse relationship can establish a prima facie marriage in Section 125 proceedings.

The order. The revision order of 25 February 2022 was set aside, the trial magistrate's order of 18 November 2020 restored.

§ **Section 125, Code of Criminal Procedure, 1973**

JYOTSNARA BIBI v. MD AZAM ALI SARKAR AND ANR.

COURT	DECIDED	CASE NO.	BENCH
Calcutta High Court	18.08.2026	CRR/1349/2022	Uday Kumar

Tort and Personal Injury
Road Accidents

CALCUTTA HC

An intentional act by a driver still qualifies as an accident under the Motor Vehicles Act

The dispute. Sergeant Jewel Saha was fatally struck by a speeding vehicle on CGR Road in June 2014 and died four days later. His widow, father, and mother claimed compensation under Section 166 of the Motor Vehicles Act. The Additional District Judge, Alipore, awarded Rs 50,59,560 with 6% interest; the insurer appealed to the Calcutta High Court.

The reasoning. The Motor Vehicles Act does not define accident, and its ordinary meaning includes events caused by positive or intended acts, not only negligent ones; a charge-sheet under IPC does not convert a Motor Accident Claim Tribunal proceeding into a criminal one.

> *We are, however, of the opinion that an accident within the meaning of the Act may occur not only from the negligent act but also from positive or intended act.*
>
> FROM THE JUDGMENT

For your practice. Counsel for claimants should resist any insurer argument that an IPC charge-sheet forecloses a Section 166 claim.

The order. Compensation enhanced to Rs 60,00,000, apportioned as Rs 30,00,000 to Barnali Biswas and Rs 15,00,000 each to Pradip Saha and Sikha Saha, with interest at 6% per annum from 24 June 2016; the insurer directed to deposit within eight weeks.

§ Section 166, Motor Vehicles Act, 1988

United India Insurance Company Limited Versus Barnali Biswas & ors.

COURT	DECIDED	CASE NO.	CITATION
Calcutta High Court	18.08.2026	COT/89/2023	2026:CHC-AS:1294

BENCH
Biswaroop Chowdhury

Tribunals

1 judgment in this edition

KEEP SWIPING →

Judgment

CESTAT

Customs refund interest runs from application date, not re-assessment order

The dispute. An importer paid excess customs duty on yellow peas cleared in early 2018 and filed a refund claim under Section 27 in November 2018, but revenue delayed re-assessment for seven years while litigation proceeded to the Supreme Court. The Commissioner (Appeals) allowed interest at 6% from February 2019.

The reasoning. Applying Ranbaxy Laboratories and Hamdard (Waqf) Laboratories, the Tribunal held that the three-month interest clock under Section 27 starts from receipt of the refund application, not from the re-assessment order.

For your practice. File Section 27 refund claims promptly even while Section 149 re-assessment is pending; preserve Sevottam receipt dates.

The order. Revenue appeal dismissed; importer appeal allowed. Interest at 12% per annum on Rs. 2,89,56,399 runs from 20 February 2019 to 20 January 2026. Revenue must pay the balance 6% differential within eight weeks of order communication.

§ Section 27, Customs Act, 1962

Kolkata-Port vs M/S Atcorp Global Pvt. Ltd.

COURT
Customs Excise and Service Tax Appellate Tribunal

DECIDED
18.08.2026

CASE NO.
Customs Appeal No.75641 of 2026 and Customs Appeal No.75647 of 2026

BENCH
R. Muralidhar, K. Anpazhakan

Also decided today

§ Rules 52 and 67, Railway Protection Force Rules, 1987 SUPREME COURT

Deliberate suppression of pending criminal cases at verification justifies RPF probationer

Under Avtar Singh paragraph 38.7, deliberate suppression of multiple pending criminal cases in the verification form is itself sufficient ground for discharge of a probationer in a security force, without requiring the employer to further assess the gravity.

C.A. No.-010906-010906 - 2026 · 2026:INSC:882 · 18.08.2026

§ Article 226, Constitution of India; Public Procurement Policy MSE Order, 2012 SUPREME COURT

Tender challenge accrues on publication day; four-month delay by non-participants is fatal

Delay in procurement is measured by what occurred during the period, not by calendar alone: a challenge accrues on the day conditions are published.

C.A. No.-010772-010772 - 2026 · 2026:INSC:881 · 18.08.2026

§ Section 6, Arunachal Pradesh Urban Local Bodies (Disqualification on Grounds of D... GAUHATI HC

Minister-in-Charge appeal over defection orders creates unconstitutional institutional bias

The Court held that the constitutional independence of the State Election Commission under Articles 243K and 243ZA attaches only to its constitutional functions, not to statutory jurisdictions created by the Legislature.

WP(C)/45/2025 · 2026:GAU-AP:802-DB · 18.08.2026

Also decided, continued

§ Section 528, Code of Criminal Procedure, 1973 — MEGHALAYA HC

POCSO proceedings may be quashed by consent even under a special statute

The Court held that Section 528 CrPC confers discretionary power to quash POCSO proceedings by consent, even though POCSO is a special statute, where the victim's consent is informed, the parties are in a recognised union, and a child exists.

Crl.Petn./113/2026 · 2026:MLHC:901 · 18.08.2026

§ Guardian and Wards Act, 1890 — DELHI HC

Group Activities Directed To Build Father-Child Bond

Courts now treat supervised visitation as active therapeutic intervention, not passive access. Lawyers must seek specific activity directions, enforceable decorum clauses, and phased transition milestones. Make-up sessions for holiday misses are enforceable rights. Child Counselor presence is mandatory oversight, not optional.

CONT.CAS(C)-1353/2026 · 2026:DHC:6833 · 17.08.2026

§ Section 138, Negotiable Instruments Act, 1881 — CHHATTISGARH HC

Corporate representative must have board authority

Lawyers must now verify board-approved authority before a company can prosecute under Section 138. Failure to produce a valid authority letter or to ensure the authorised representative appears can lead to dismissal of the complaint as discontinued, irrespective of the underlying cheque dishonour.

ACQA/295/2017 · 2026:CGHC:36631-DB · 17.08.2026

Also decided, continued

§ Section 11(6), Arbitration and Conciliation Act, 1996 DELHI HC

Prior Award Does Not Exhaust Clause For Subsequent Disputes

Lawyers can now confidently invoke arbitration for new claims crystallising after an award (e.g., tax liabilities on payment). Courts will not entertain cause-of-action splitting or arbitrability objections at Section 11 stage - all go to the arbitrator. DIAC becomes default institution with 3-week entry deadline.

ARB.P.-965/2026 · 2026:DHC:6845 · 17.08.2026

§ Order XXVI, Rule 4A, Code of Civil Procedure, 1908 DELHI HC

Local Commissioner can be appointed without parties' consent

Practitioners must now recognise that a court may appoint a Local Commissioner under Order XXVI Rule 4A irrespective of the parties' agreement, and that such appointments can be reviewed separately from transfer petitions, ensuring procedural flexibility in evidence collection.

CM(M)-1808/2026 · 2026:DHC:6783 · 17.08.2026

§ Section 58, Narcotic Drugs and Psychotropic Substances Act, 1985 PUNJAB AND HARYANA HC

Section 58 NDPS Act requires the officer to have personally conducted the vexatious act

Section 58 of the NDPS Act punishes only the person who personally performs a vexatious entry, search, seizure or arrest; supervisory or administrative involvement in a case where another officer conducted those acts is insufficient.

CRM-M/43429/2018 · 18.08.2026

Also decided, continued

§ Article 227, Constitution of India

HIMACHAL PRADESH HC

Supervisory Jurisdiction Barred Against Trial Court Order Allowing Secondary Evidence For Will

Lawyers must stop filing premature Article 227 petitions against interlocutory evidence orders. The judgment confirms Section 96 CPC appeal is the proper remedy, and trial courts have broad discretion on secondary evidence when originals are genuinely unavailable.

CMPMO/20/2026 · 2026:HHC:34763 · 17.08.2026

§ Article 226, Constitution of India

RAJASTHAN HC

No Territorial Jurisdiction at Jodhpur for Jaipur Railway Contract Dispute; Arbitration Required

Reinforces that registered office location and bank guarantee issuance are incidental for Article 226(2) jurisdiction. Contractors must file at the seat of contract performance. Where arbitration clauses exist and facts are disputed (progress, drawings, hindrances), writ courts will not intervene absent 'gross or palpable' illegality.

CW / 983 / 2026 · 2026:RJ-JP:37928 · 17.08.2026

Also decided, continued

§ Section 483, Bharatiya Nagarik Suraksha Sanhita, 2023 — PUNJAB AND HARYANA HC

Disclosure Statements Barred By BSA 2023 Cannot Sustain Detention; Parity With Co-Accused On Bail

Lawyers can now cite this ruling to argue that disclosure statements inadmissible under Section 23 BSA 2023 cannot be the sole basis for denying bail. Parity applies even in NDPS cases when main accused and co-accused are on bail. Protracted trial with charges unframed weighs decisively for bail. File bail applications early with co-accused bail orders and trial timeline data.

CRM-M/34752/2026 · 17.08.2026

§ Articles 64 and 65, Limitation Act, 1963 — HIMACHAL PRADESH HC

Adverse possession founded on forcible ouster of a co-sharer cannot succeed

Adverse possession requires inception that is peaceful, open, and continuous; a plea of forcible ouster is the antithesis of peaceful possession.

RSA/527/2014 · 2026:HHC:34793 · 18.08.2026

§ Section 138, Negotiable Instruments Act, 1881 — PUNJAB AND HARYANA HC

Non-Signatory Cannot Be Prosecuted; Complaint Quashed On Consent

Lawyers must verify signatory status before or at summoning stage. Non-signatories can secure quick quashing under Section 482 CrPC, especially when complainant concedes. Vicarious liability under Section 141 still requires specific averments. Narrow prayers protect co-accused.

CRM-M/42031/2019 · 17.08.2026

Also decided, continued

§ Article 226, Constitution of India

PUNJAB AND HARYANA HC

Expert Answer Keys Final, No Judicial Review of 'Most Appropriate Answer'

Lawyers can no longer file Article 226 petitions merely disputing an expert panel's academic judgment on answer keys. The 'most appropriate answer' standard and OMR instructions create a complete bar. Challenges must now target procedural defects in the expert review process itself, not substantive correctness.

CWP/23206/2026 · 17.08.2026

§ Section 29, Trade Marks Act, 1999

DELHI HC

Interim Injunction Upheld for Deceptive Similarity

Lawyers must now appreciate that appellate courts will not readily disturb a trial judge's discretionary injunction in trademark cases, especially where goodwill and a dominant prefix are proven, making the burden of overturning such orders substantially higher.

FAO(OS) (COMM)-143/2026 · 2026:DHC:6751-DB · 17.08.2026

§ Section 166, Motor Vehicles Act, 1988

PUNJAB AND HARYANA HC

Joint Tortfeasors Liable Jointly Severally; Student Income at Minimum Wage

Clarifies that Tribunals cannot apportion liability to non-impleaded tortfeasors in composite negligence. Establishes minimum wage benchmark for student victims. Raises pain-and-suffering floor for multi-fracture injuries. Lawyers must plead all special damage heads and implead all identifiable tortfeasors to avoid liability disputes.

FAO/2912/2003 · 17.08.2026

Today's lead asks when, if ever, domestic scientific evidence of a botched execution would be enough to displace a Constitution Bench precedent. The Court left the door open but declined to say what crossing the threshold would actually require.

26 judgments **5** Supreme Court **20** High Courts **1** Tribunal

Every judgment here, analysed in full.

The facts, the reasoning and the precedents each court engaged with.

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