Cassie

TUESDAY
22 SEPTEMBER 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

- **Art. 22 | State compensation & judicial sanction for re-arrest : SC**
- **S.86(1)(f) | Legal member required on Commission bench : P&H HC**
- **Guarantee Deed | Primary liability clause beats property cap : NCLAT**
- **S.482 CrPC | De novo probe post-acquittal for flawed inquiry : SC**
- **Maintenance under S.125 for disabled child continues past majority**

16	3	11	2
JUDGMENTS IN ALL	SUPREME COURT	HIGH COURTS	TRIBUNALS

Swipe to read all 16 judgments >>>

Inside this digest

16 judgments reported in full on cassie.in

— SUPREME COURT

Illegal arrest requires State compensation and judicial sanction 4

Courts may order de novo investigation post-acquittal for flawed probes 5

SC refers trademark jurisdiction under Commercial Courts Act to larger ben... 13

— HIGH COURTS

Maintenance duty under Section 125 for disabled child continues past major... 7

Electricity Commission bench requires a legal member for adjudication 8

Acquiescence to separate housing society grants proportionate conveyance 9

Arbitral dispute may be remitted under Section 34(4) on consent for reasons 10

Migrant label on OBC certificate cannot disqualify absent prospectus bar 13

Proximate dowry harassment shifts statutory burden under Section 113-B 13

Rape on promise to marry requires proof of dishonest intent at inception 14

FIR impermissible for cheque bounce; cognizance requires complaint 14

Due diligence test bars plaint amendment when parallel NCLT case is pendi... 14

Contractual staff absorption must consider initial qualifications 15

Merged cooperative employees retain seniority from date of amalgamation 15

— TRIBUNALS

Earlier guarantee clause prevails over subsequent security valuation cap 12

Bank may freeze savings account of legal heir who guaranteed farm loan 15

Supreme Court

2 judgments in this edition

KEEP SWIPING >>>

Criminal Issues
Bail, Arrest & Custody Issues

SUPREME COURT

Illegal arrest requires State compensation and judicial sanction for any re-arrest

The dispute. An accused arrested in a POCSO case was detained beyond twenty-four hours without being furnished written grounds of arrest. The magistrate ordered his immediate release after finding the initial arrest unconstitutional. The High Court refused to restrain re-arrest and directed him to pursue remedies against erring officers, which the accused appealed.

The reasoning. Article 22(2) breaches mandate public law compensation payable by the State rather than leaving victims to sue individual police officers. Any subsequent re-arrest requires prior written grounds and formal judicial sanction.

For your practice. Custody challenges can now directly seek State compensation while forcing police to obtain judicial leave before attempting re-arrest.

The order. The Supreme Court allowed the appeal, set aside the High Court order, and directed compliance with procedural safeguards and compensation principles.

§ **Article 22 of the Constitution of India**

JASKARAN JEET SINGH DEOL vs STATE OF PUNJAB

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	21.09.2026	Crl.A. No.-004234-004234 - 2026	2026 INSC 1022

BENCH
Ujjal Bhuyan, Atul S. Chandurkar

Criminal Issues
Quashing of Cases

SUPREME COURT

Courts can direct de novo investigation post-acquittal if original inquiry was flawed

The dispute. A seventeen-year-old student was raped and murdered in 2012, and the sole accused was acquitted by the trial court due to compromised forensic handling and missing evidence. The victim mother sought a fresh independent probe into unnamed suspects. The High Court dismissed her writ petition holding reinvestigation impermissible after acquittal, prompting an appeal to the Supreme Court.

The reasoning. Inherent constitutional powers permit ordering a de novo investigation even after acquittal where fundamental investigative lapses cause a failure of justice. The double jeopardy bar protects the acquitted individual but cannot shield unexplored suspects.

For your practice. Victims can reopen stalled criminal cases by proving specific chain-of-custody failures rather than accepting an acquittal as final closure.

The order. The Supreme Court set aside the dismissal and directed Karnataka to constitute a fresh special investigation team to complete the inquiry in three months.

§ Section 482, Code of Criminal Procedure, 1973

KUSUMAVATI GOWDA vs THE GOVERNMENT OF KARNATAKA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	21.09.2026	Crl.A. No.-004477-004477 - 2026	2026 INSC 1030

BENCH
Sanjay Kumar, Sanjeev Sachdeva

High Courts

4 judgments in this edition

KEEP SWIPING >>>

Relationships & Family Matters
Maintenance for Spouse & Children

CALCUTTA HC

Father obligation to maintain a disabled child under Section 125 does not end at majority

The dispute. A father challenged an order directing him to pay three thousand rupees monthly maintenance to his adult son suffering from severe locomotor and cognitive impairment. The father argued that maintenance duties ceased upon the child turning eighteen. The High Court dismissed the father's criminal revision and directed the trial court to expedite recovery of accumulated arrears.

The reasoning. Under Section 125(1)(c) of the CrPC, a father remains legally obligated to maintain a child who has attained majority if physical or mental disability prevents self-sustenance. The attainment of adulthood does not extinguish parental maintenance duties.

For your practice. Practitioners must now argue that maintenance obligations under Section 125(1)(c) persist for major disabled children, that asset disclosure is not required in static continuation proceedings under Section 127, and that parents can act as next friends for disabled adult children.

The order. The Court affirmed the impugned orders dated 31 March 2022 and 10 January 2023, maintained the monthly maintenance amount at Rs. 3,000 as fixed in July 2012, directed the trial court to expedite execution proceedings and ensure strict compliance with payment of arrears and costs, and passed no order as to costs.

§ Section 125(1)(c), Code of Criminal Procedure, 1973

Samit Pramanick v. State of West Bengal & ors.

COURT	DECIDED	CASE NO.	BENCH
Calcutta High Court	21.09.2026	CRR/534/2023	Uday Kumar

Government & Public Body Interactions

PUNJAB AND HARYANA HC

Electricity Commission bench must include a legal member when exercising adjudicatory powers

The dispute. An industrial consumer that funded a dedicated transmission line challenged a utility order permitting a rival unit to tap into the line. The state electricity commission dismissed the review petition through a purely technical two-member bench. The consumer filed a writ petition challenging the order as coram non judice for lack of a judicial member.

The reasoning. Whenever a regulatory commission exercises judicial power deciding private rights, its bench must include a member possessing judicial qualifications or legal practice experience. Orders passed by technical members alone are void for want of jurisdiction.

> *The impugned order does not fall under any of these categories, as it simply decides the dispute concerning tapping of an existing dedicated line and does not pertain to any of these powers/functions.*
>
> FROM THE JUDGMENT

For your practice. Litigators can void adverse regulatory tribunal orders by examining bench coram where adjudications proceed without a qualified legal member.

The order. The High Court set aside the commission order and remanded the matter for fresh hearing before a reconstituted bench containing a legal member.

§ Section 86(1)(f), Electricity Act, 2003

M/S AMBEY INDUSTRIES vs PUNJAB STATE POWER CORPORATION LIMITED (PSPCL) & ors.

COURT	DECIDED	CASE NO.	BENCH
Punjab and Haryana High Court	21.09.2026	CWP/4732/2026	Tribhuvan Dahiya

Property & Asset Disputes
Co-operative Housing Society Property Disputes

BOMBAY HC

Acquiescence to separate housing society grants proportionate deemed conveyance and FSI

The dispute. Flat purchasers of a building in a multi-plot layout formed an independent cooperative society instead of joining the parent society. The competent authority rejected their deemed conveyance application citing plot boundaries and an electrical substation. The petitioner society challenged the rejection in a writ petition before the Bombay High Court.

The reasoning. Acquiescing to an independent society's registration estops a parent society from denying proportionate conveyance.

> *As observed above, with sanction of a common plan for all the three plots, the individuality of Plot Nos. 1, 2 and 3 was lost.*
>
> FROM THE JUDGMENT

For your practice. Redevelopment litigators can secure proportionate conveyance in composite layouts based on sanctioned BUA rather than original plot boundaries.

The order. The High Court set aside the rejection and remanded the matter to issue deemed conveyance for 2139.14 square metres within four months.

§ **Government Resolution dated 22 June 2018 issued by Urban Development Department, Government of Maharashtra**

BEAU MONDE PLOT NO. 1 CO-OPERATIVE HOUSING SOCIETY THR REP RAJESH PATEL vs DISTRICT DEPUTY REGISTRAR & ors.

COURT	DECIDED	CASE NO.	CITATION	BENCH
Bombay High Court	21.09.2026	WP/9139/2026	2026:BHC-AS:38444	Sandeep V. Marne

Contracts & Business Disputes
Arbitration Agreements, Proceedings & Enforcement

DELHI HC

Courts may remit arbitral dispute under Section 34(4) on consent where award lacks reasoning

The dispute. Government and a contractor filed cross-petitions under Section 34 challenging an arbitral award where specific financial claims had been decided without supporting rationale. Both disputants agreed that the tribunal had omitted foundational analysis. Both parties jointly sought remission before the High Court rather than setting aside the entire award.

The reasoning. Where arbitral findings suffer from absent or inadequate reasoning on specific claims, Section 34(4) permits remission to the arbitrator if the parties are ad idem. Consensual remission preserves the arbitral process while ensuring reasoned determinations.

For your practice. Arbitration counsel can cure unreasoned award defects through consensual Section 34(4) remission without incurring the expense of de novo arbitration.

The order. The Delhi High Court disposed of the petitions and remitted the matter to the arbitrator for fresh adjudication with directions to return the record.

§ Section 34(4), Arbitration and Conciliation Act, 1996

UNION OF INDIA vs M/S SATISH BUILDER

COURT	DECIDED	CASE NO.	CITATION
Delhi High Court	21.09.2026	O.M.P. (COMM)-38/2020	2026:DHC:8123

BENCH
Om Prakash Shukla

Tribunals

1 judgment in this edition

KEEP SWIPING >>



Banking Law, Debt & Money Matters
Surety, Guarantor & Co-borrower Liability Disputes

NCLAT

Earlier guarantee clause imposing total liability prevails over later mortgage valuation cap

The dispute. Promoter guarantors of a corporate debtor faced recovery proceedings for crystallised bank dues exceeding one hundred and forty-nine crore rupees. They sought to restrict their liability under a deed of guarantee to the market value of mortgaged properties. The NCLT rejected their limited liability plea in insolvency proceedings, and the guarantors appealed.

The reasoning. Where earlier clauses in a deed impose joint and several liability for the entire debt, a subsequent security clause cannot override that primary obligation.

For your practice. Guarantors cannot shield personal assets by relying on subsequent property schedules when earlier recitals undertake unconditional debt liability.

The order. The appellate tribunal dismissed the appeals and affirmed the guarantors joint and several personal liability for the full adjudicated sum.

§ **Section 114, Insolvency and Bankruptcy Code, 2016**

Nilay R. Shah vs Prawincharan Prafulcharan Dwary Rp Of ...

COURT
National Company Law Appellate Tribunal

DECIDED
21.09.2026

CASE NO.
COMPANY APPEAL (AT) (INS) 702/2026

BENCH
Yogesh Khanna

Also decided today

§ Section 134, Trade Marks Act, 1999 — SUPREME COURT

Supreme Court refers trademark jurisdiction clash under Commercial Courts Act to larger bench

The clash between Section 134 of the Trade Marks Act requiring suits before District Judges and state notifications empowering Civil Judges under the Commercial Courts Act involves substantial legal questions warranting decision by a larger bench.

SLP(C) No.-006793 - 2026 · 21.09.2026

§ Clause AT7, Prospectus for Admission to MBBS Course, Government ... — PUNJAB AND HARYANA HC

Migrant label on OBC certificate cannot disqualify candidate absent express prospectus bar

Selection criteria cannot be altered after an admission process begins. An admitting authority is bound by its published prospectus, and absent an express disqualifying provision therein, extraneous executive instructions cannot bar eligible candidates.

CWP/27180/2026 · 21.09.2026

§ Section 113-B, Indian Evidence Act, 1872 — JHARKHAND HC

Proof of proximate harassment for dowry triggers statutory burden shift under Section 113-B

Once the prosecution establishes unnatural death within seven years of marriage following proximate dowry cruelty, Section 113-B of the Evidence Act mandates a presumption of dowry death. The burden shifts to the accused to rebut the statutory presumption.

Cr.A(SJ)/55/2017 · 2026:JHHC:28475 · 21.09.2026

Also decided, continued

§ Section 376, Indian Penal Code, 1860 — JHARKHAND HC

Rape on false promise of marriage requires proof of dishonest intention at inception

Breach of promise to marry does not constitute rape unless the prosecution proves the accused had no intention to marry at the time of the promise. Consensual relations during prolonged courtship negate misconception of fact.

Cr.A(SJ)/157/2017 · 2026:JHHC:28478 · 21.09.2026

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

FIR is impermissible for cheque bounce; cognizance requires a statutory written complaint

Offences under Section 138 of the Negotiable Instruments Act cannot be investigated through a police FIR or police report. Cognizance is strictly barred under Section 142 except upon a formal written complaint filed by the payee or holder in due course.

Cr.Misc.-21715/2019 · 21.09.2026

§ Order VI Rule 17 of the Code of Civil Procedure, 1908 — DELHI HC

Lack of due diligence bars plaint amendment when parallel NCLT share proceedings are pending

Under Order VI Rule 17 CPC, post-trial amendments cannot be permitted where the applicant knew the facts and failed the due diligence test. Belated amendments that duplicate issues already pending before the company law tribunal prejudice opposing parties.

CM(M)-673/2021 · 2026:DHC:8085 · 21.09.2026

Also decided, continued

§ Article 229(2) of the Constitution of India

CALCUTTA HC

Contractual staff absorption must consider original appointment qualifications

When regularising contractual staff under judicial ICT schemes, authorities must evaluate initial appointment qualifications rather than downgraded designations. Degrading service nomenclature contravenes fair absorption norms.

WPO/1642/2022 · 2026:CHC-OS:405 · 21.09.2026

§ Section 149(2-A), Tamil Nadu Cooperative Societies Act, 1983

MADRAS HC

Employees of merged cooperative societies retain seniority from the date of amalgamation

Under Section 149(2-A) of the TNCS Act, transferor staff are deemed to join the transferee society from the merger date for seniority. Writ petitions challenging departmental show-cause notices are premature where statutory revisions lie.

WA(MD).373/2024 · 2026:MHC:3862 · 21.09.2026

§ Section 2(11), Consumer Protection Act, 2019

SCDRC

Bank may freeze savings account of legal heir who signed agricultural loan as guarantor

A legal heir executing loan papers as guarantor assumes personal liability for unpaid credit. A bank exercising its banker lien to freeze his savings account for outstanding dues commits no deficiency in service under consumer law.

SC/5/A/67/2023 · 21.09.2026

When police bypass Article 22 safeguards and detain citizens unlawfully, does holding the State directly liable for monetary compensation finally create institutional accountability for custodial violations?

16 judgments **3** Supreme Court **11** High Courts **2** Tribunals

Every judgment here, analysed in full.

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

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