Cassie

TUESDAY
3 NOVEMBER 2026

DAILY

Court Digest

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

IN TODAY'S DIGEST

- **S.106 Evidence Act | False defence completes dowry murder chain : SC**
- **Rule 15 UP Rules | Hospital medical report overrides police board : SC**
- **S.96 MV Act | 15-year age limit on school transport vehicles : HP HC**
- **S.6 POCSO | Pre-2019 sentence reduced where FSL is neutral : Delhi HC**
- **S.148 NI Act | Court cannot reduce deposit below 20% : Uttarakhand HC**

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Supreme Court

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Criminal Issues
Murder, Culpable Homicide & Attempt to Murder

SUPREME COURT

False matrimonial defence completes circumstantial chain for dowry murder conviction

The dispute. A woman died of manual strangulation in her matrimonial home within nine months of marriage. Her husband set up an alibi of an epileptic seizure during intercourse, but medical evidence revealed hyoid bone fractures establishing homicidal throttling. The High Court affirmed dowry death convictions and convicted the husband of murder under Section 302 IPC, which he appealed to the Supreme Court.

The reasoning. When homicidal death occurs within the privacy of a home, Section 106 Evidence Act requires inmates to provide a credible explanation. A demonstrably false defence supplies the missing link in the circumstantial chain to establish guilt for murder.

For your practice. In matrimonial homicide trials, setting up a fabricated medical defence allows courts to infer guilt where death occurs in privacy.

The order. Appeals dismissed. Conviction and life sentence under Section 302 IPC affirmed, with direction to surrender within four weeks.

§ Section 106, Indian Evidence Act, 1872

R.D.J. v. State of MAHARASHTRA

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	02.11.2026	Crl.A. No.-001849-001849 - 2013	2026 INSC 1187

BENCH
Vikram Nath, Sandeep Mehta, Aparesh Kumar Singh

Government & Public Body Interactions
Service Matters of Government Employees (Transfers, Promotions, etc.)

SUPREME COURT

Independent apex hospital medical report overrides departmental board in recruitment

The dispute. A candidate cleared physical and written examinations for police constable recruitment but was disqualified by the departmental medical board for squint eye. Two district government hospitals and premier referral hospital KGMU certified normal vision. The High Court dismissed the candidate's writ petition citing concluded selection, leading to an appeal before the Supreme Court.

The reasoning. Departmental medical opinions cannot prevail over detailed objective findings by premier referral institutions. A meritorious candidate wrongly disqualified on erroneous medical grounds cannot be denied appointment merely because recruitment concluded.

For your practice. Recruitment authorities cannot rely on conclusory departmental medical rejections when contradicted by specialized institutional assessments.

The order. Appeal allowed. Department directed to issue an appointment order if otherwise eligible, without retrospective seniority.

§ **Rule 15(6)(d), Uttar Pradesh Police Constable and Head Constable Service Rules, 2015 (as amended 2017)**

AKANKSHA DEVI vs STATE OF UP

COURT	DECIDED	CASE NO.	CITATION
Supreme Court of India	02.11.2026	C.A. No.-014041-014041 - 2026	2026 INSC 1184

BENCH
Aravind Kumar, Vipul M. Pancholi

High Courts

3 judgments in this edition

KEEP SWIPING >>>

Traffic & Motor Vehicle Law
License & Permit Issues

HIMACHAL PRADESH HC

State can prescribe a fifteen-year operational age limit on school transport vehicles

The dispute. Following a 2018 bus accident claiming twenty-seven lives, Himachal Pradesh barred school transport vehicles over fifteen years old. Twenty-one educational institutions challenged the rule, arguing that well-maintained buses remain roadworthy and replacement burdens are unviable. The petitioners approached the High Court under Article 226, arguing that only the Central Government could fix vehicle age limits.

The reasoning. Section 96 authorizes States to attach transport permit conditions without encroaching on the Centre's Section 59 vehicle-life powers. The fifteen-year cap is a valid preventive safety measure that applies uniformly across all educational institutions.

For your practice. Regulatory challenges to state transport caps must show direct statutory conflict, as courts prioritise student safety over institutional financial burdens.

The order. The High Court dismissed all twenty-one writ petitions and vacated interim stay orders. Rule 73-A(1)A(xi) was upheld, barring vehicles over fifteen years from student transport across all institutions without costs.

§ **Section 96, Motor Vehicles Act, 1988**

Shivalik Institute of Nursing through its President Shri Khushi Ram Thakur v. State of Himachal Pradesh & ors.

COURT	DECIDED	CASE NO.	CITATION
Himachal Pradesh High Court	31.10.2026	CWP/16446/2026	2026:HHC:47922

BENCH
Yogesh Jaswal

Criminal Issues
Sexual Offences, POCSO & Domestic Crimes

DELHI HC

Pre-2019 POCSO sentence exceeding statutory minimum warrants reduction where FSL is neutral

The dispute. An accused was convicted for kidnapping and repeatedly sexually assaulting a minor girl over two months, resulting in pregnancy. Forensic DNA reports were inconclusive, but school records established the victim was under fifteen years of age. The trial court sentenced the convict to thirty years simple imprisonment, which was challenged as disproportionate on appeal.

The reasoning. Section 6 POCSO prior to the 2019 amendment prescribed a ten-year minimum sentence. While inconclusive forensic evidence and minor recovery lapses do not invalidate consistent victim testimony, sentencing must reflect statutory proportionality.

> *A sentence of 15 years' rigorous imprisonment falls within the punishment prescribed under Section 6 of the POCSO Act as it stood at the relevant time.*
>
> FROM THE JUDGMENT

For your practice. Inconclusive forensic DNA does not outweigh credible victim testimony, while pre-2019 POCSO sentencing mandates statutory proportionality and rigorous imprisonment.

The order. Conviction upheld. High Court modified the Section 6 POCSO sentence from thirty years simple imprisonment to fifteen years rigorous imprisonment, running concurrently with set-off for custody since 2015. Appeal partly allowed.

§ **Section 6, Protection of Children from Sexual Offences Act, 2012**

M.A.A. v. State (NCT of Delhi)

COURT	DECIDED	CASE NO.	CITATION	BENCH
Delhi High Court	02.11.2026	CRL.A.-276/2025	2026:DHC:9648	Madhu Jain

Criminal Issues
Cheque Bounce

UTTARAKHAND HC

Appellate courts lack discretion to reduce the statutory twenty percent appeal deposit

The dispute. The applicant was convicted under Section 138 of the Negotiable Instruments Act, receiving six months' imprisonment and a fine of ₹9.5 lakh. On appeal, the Sessions Judge granted bail but directed him to deposit twenty percent of the fine within thirty days. The Sessions Judge later reduced the deposit to ten percent and cancelled bail for non-deposit, prompting this challenge before the High Court.

The reasoning. The statutory floor of twenty percent under Section 148 is mandatory and admits no judicial reduction. An appellate court cannot cancel bail for failure to deposit an illegally reduced sum that violates this statutory threshold.

For your practice. In cheque appeal litigation, counsel should seek extensions of time rather than reductions, as any deposit condition below twenty percent is void.

The order. The High Court set aside the Sessions Judge's orders reducing the deposit and cancelling bail, thereby restoring the applicant's bail. The criminal miscellaneous application was disposed of with no order as to costs.

§ Section 148, Negotiable Instruments Act, 1881

CHAMAN DAS vs STATE OF UTTARAKHAND

COURT	DECIDED	CASE NO.	CITATION	BENCH
Uttarakhand High Court	31.10.2026	C528/2419/2026	2026:UHC:9944	Alok Mahra

Also decided today

§ Section 306, Indian Penal Code, 1860 — GUJARAT HC

Abetment of suicide requires active instigation with mens rea proximate to death

Section 306 IPC requires clear mens rea and an active act intended to drive the deceased to commit suicide. General domestic friction without proximate instigation cannot sustain conviction or displace the double presumption shielding an acquittal.

R/CR.A/415/2013 · 2026:GUJHC:69666 · 02.11.2026

§ Section 119, Indian Evidence Act, 1872 — JAMMU & KASHMIR AND LADAKH HC

Lack of videography does not invalidate speech-impaired witness testimony absent prejudice

Omitting videography under Section 119 is a curable irregularity where no prejudice is shown to the accused. Negative medical reports do not disprove rape when the victim's credible testimony is corroborated by forensic clothing stains.

Crl A(S)/10/2022 · 31.10.2026

§ Section 98, Gujarat Prohibition Act, 1949 — GUJARAT HC

Prohibition statute embargo does not bar interim release of commercial vehicle under BNSS

Section 98(2) of the Prohibition Act does not operate as an absolute bar to interim vehicle release. Courts retain wide discretion under Section 497 BNSS to release seized commercial vehicles on solvent surety to prevent deterioration during trial.

R/SCR.A/15646/2026 · 2026:GUJHC:69656 · 02.11.2026

Also decided, continued

§ Section 54, Land Acquisition Act, 1894

PUNJAB AND HARYANA HC

Land acquisition appeal delay is condonable but statutory benefits are denied for the delay

Land acquisition appeals warrant a liberal approach to delay condonation so that landowners receive just compensation. However, the acquiring authority cannot be burdened with statutory interest and solatium accrued solely during the delay period.

RFA/725/2024 · 31.10.2026

§ Section 19, Prevention of Corruption Act, 1988

JAMMU & KASHMIR AND LADAKH HC

Sanction order date discrepancy alone cannot terminate prosecution at the pre-charge stage

A date discrepancy between a sanction order and the official signature does not automatically vitiate prosecution absent substantive illegality. Whether the mismatch represents a clerical error requires examination of official records during trial.

CRM(M)/918/2026 · 31.10.2026

Can a husband's false factual explanation under Section 106 of the Evidence Act supply the decisive link to sustain a murder conviction in a matrimonial home?

10 judgments **2** Supreme Court **8** High Courts

Every judgment here, analysed in full.

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

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