Cassie

THURSDAY
5 NOVEMBER 2026

DAILY

Court Digest

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

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- **Art 226 | Declaratory consent decree on title binds State : Bombay HC**
- **Art 12 | Proportionality bars blanket freeze of bank account : Cal HC**
- **MV Act | Third-party cover holds though premium cheque bounced : Guj HC**
- **S.105 BNS | Drunkenness alone cannot prove homicide knowledge : P&H HC**

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Criminal Issues
Bail, Arrest & Custody Issues

PUNJAB AND HARYANA HC

Drunken driving deaths require proof of knowledge, not mere intoxication, under BNS 105

The dispute. The petitioner was arrested after his speeding car struck a motorcycle, killing a couple and their five-year-old child. The police booked him for culpable homicide under Section 105 BNS, exposing him to ten years' imprisonment. The Sessions Judge dismissed his bail plea, prompting this petition before the High Court after five months of pre-trial custody.

The reasoning. Intoxication does not relieve the prosecution from proving knowledge through road conditions, speed, and impact dynamics. Classifying the offence under Section 105 rather than Section 106 BNS is an evidentiary issue for trial, not bail.

For your practice. Defence counsel can secure bail in drunken driving deaths by demonstrating that Section 105 knowledge requires trial evidence beyond intoxication.

The order. Regular bail was granted upon furnishing personal and surety bonds to the satisfaction of the trial court. The prosecution may seek cancellation if the petitioner commits any subsequent offence.

§ Section 105, Bharatiya Nyaya Sanhita, 2023

KULVEER SINGH vs STATE OF PUNJAB

COURT	DECIDED	CASE NO.	BENCH
Punjab and Haryana High Court	03.11.2026	CRM-M/47497/2026	Manisha Batra

Property & Asset Disputes
Property Ownership, Title, Registration, Mutation, Division

BOMBAY HC

Consent decrees declaring title operate in rem and cannot be defeated by limitation

The dispute. Four family trusts held title to extensive suburban lands recognized under a 1963 High Court consent decree. After the State acquired five hundred acres for an educational institute, authorities failed to demarcate and record seventy-eight balance acres for six decades. When revenue authorities refused mutation citing limitation and non-execution of the decree, the trusts moved the High Court seeking mandamus.

The reasoning. A decree declaring title operates in rem and binds the State along with all its statutory bodies. Such final judicial declarations cannot be defeated by limitation, and authorities have an affirmative duty to demarcate unacquired balance lands.

For your practice. Practitioners enforcing historical title decrees against the State should seek writ mandamus for survey and demarcation rather than civil execution vulnerable to limitation.

The order. The High Court allowed the petition and directed revenue authorities to demarcate the subject property by metes and bounds within six weeks. Authorities must update property cards and survey records accordingly, with no order as to costs.

§ Article 226, Constitution of India

SIR MOHAMED YUSUF TRUST vs STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY

COURT	DECIDED	CASE NO.	CITATION
Bombay High Court	02.11.2026	WPL/22020/2026	2026:BHC-OS:23764-DB

BENCH
Kamal Khata

Criminal Issues
Bail, Arrest & Custody Issues

MADRAS HC

Section 91 BNSS appearance bond does not operate as bail once capital charges are framed

The dispute. Four police officials facing custodial death allegations executed appearance bonds before the committal magistrate. The Sessions Court subsequently framed capital murder charges against them and ordered their remand to judicial custody. They petitioned the High Court under Section 528 BNSS to quash the Sessions Court's remand order and secure their release.

The reasoning. A Section 91 BNSS bond secures appearance but does not operate as bail when capital charges are framed. Once grave offences are framed, accused persons must seek regular bail on merits rather than challenging remand under Section 528.

For your practice. Practitioners must file regular bail applications immediately when grave charges are framed instead of relying on committal stage appearance bonds.

The order. All four petitions were dismissed and the remand order was confirmed. The trial court was directed to complete the trial of all ten accused within nine months.

§ **Section 91, Bharatiya Nagarik Suraksha Sanhita, 2023; Section 346, Bharatiya Nagarik Suraksha Sanhita, 2023**

S.P.Ramesh Kumar vs The Union of India

COURT	DECIDED	CASE NO.	BENCH
Madras High Court	04.11.2026	CRL OP(MD).20517/2026	P. Murugan

Criminal Issues
Corporate Criminal Liability

PUNJAB AND HARYANA HC

Managing directors are not vicariously liable under the Insecticides Act by designation alone.

The dispute. An insecticides inspector filed a criminal complaint against a pesticide company's managing director, sales manager, and retail dealer after a pesticide sample failed quality tests. The sample was drawn from an untampered, original sealed packet manufactured months earlier. A judicial magistrate summoned all accused for trial, prompting the corporate officers and dealer to seek quashing before the High Court.

The reasoning. The High Court held that Section 33 vicarious liability requires specific operational control, not mere corporate designation. Additionally, Section 30(3) shields retailers selling insecticides in original sealed manufacturer packaging.

For your practice. Defence counsel can secure pre-trial quashing for corporate directors by showing nominated compliance officers, and for dealers by producing sealed-batch invoices.

The order. Petitions allowed. The High Court quashed the complaint and summoning orders against the managing director, sales manager, and dealer, allowing trial to proceed against the manufacturing company and nominated officers.

§ Section 33, Insecticides Act, 1968

SYED MOHAMMAD vs STATE OF PUNJAB

COURT	DECIDED	CASE NO.	BENCH
Punjab and Haryana High Court	03.11.2026	CRM-M/34503/2016	Manisha Batra

Property & Asset Disputes
Property Ownership, Title, Registration, Mutation, Division

ORISSA HC

Unilateral alteration voids sale deeds and limitation runs from discovery of fraud

The dispute. An illiterate landowner conveyed a small land parcel in 2001, but the purchaser altered the registered deed to annex additional property. The buyer subsequently transferred the usurped plots to her brothers, who mutated revenue records and raised constructions on the site. Upon discovering the fraud nineteen years later, the vendor sued to cancel all deeds, prompting this second appeal against concurrent decrees.

The reasoning. Limitation to cancel a fraudulently manipulated deed runs strictly from discovery of the fraud rather than the date of registration.

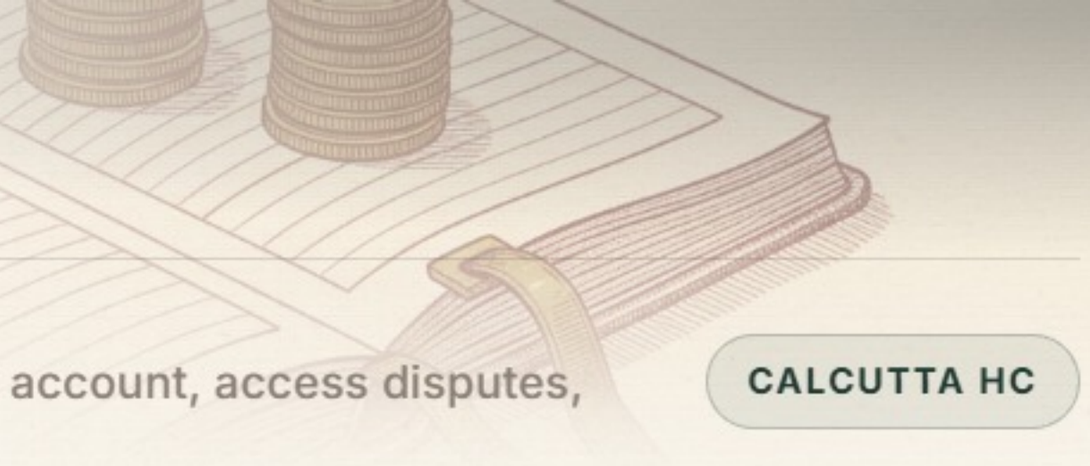
For your practice. Practitioners challenging altered property conveyances can overcome decades of delay by specifically pleading the date of fraud discovery backed by certified registry copies.

The order. Dismissing the appeal, the High Court upheld concurrent decrees declaring the original 2001 deed and subsequent conveyances void.

§ **Article 59, Limitation Act, 1963; Section 20, Registration Act, 1908; Section 31, Specific Relief Act, 1963**

BHARATIBALA BISOYI vs SHANTILATA SWAIN

COURT	DECIDED	CASE NO.	BENCH
Orissa High Court	02.11.2026	RSA/640/2025	R. K. Pattanaik



Banking Law, Debt & Money Matters
Account & Locker Matters (Account freeze/lien, joint account, access disputes, theft, etc.)

CALCUTTA HC

Banks cannot freeze entire bank accounts when only a fraction of funds is disputed

The dispute. A licensed liquor shop maintained a current account that received ordinary retail customer payments during daily business. Acting on an out-of-state police inquiry into cyber fraud, the bank froze the entire account though only a fraction of the disputed sum was traced to it. After a Single Judge refused interim prayers to defreeze the commercial account, the account holder appealed before the Division Bench.

The reasoning. Writ jurisdiction lies where the branch operates since public sector banks act as constitutional authorities. Imposing a blanket account freeze violates proportionality when police notices implicate only a specific partial sum and the holder is unaccused.

For your practice. Lawyers challenging cyber police freezes can invoke local writ jurisdiction where the branch is situated and demand restriction of the freeze strictly to the disputed amount.

The order. The Court allowed the appeal, directing the bank to defreeze the account after retaining Rs. 89,415. The appellant may operate excess balances within three working days upon production of the server order copy.

§ Article 12, Constitution of India

TEJHATI FL ON SHOP vs THE CENTRAL BANK OF INDIA & ors.

COURT	DECIDED	CASE NO.	BENCH
Calcutta High Court	02.11.2026	MAT/1900/2026	Arindam Mukherjee, Arjun Ray Mukherjee

Tribunals

1 judgment in this edition

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Work & Employment Issues
Workplace Discrimination (Caste, Religion, Disability, etc.)

CAT

Vertical reservation must precede horizontal reservation in civil service appointments

The dispute. The applicant cleared the Civil Services Examination under SC and disability categories, but fell below the benchmark. The Union denied him appointment while allocating the Indian Revenue Service to lower-ranked SC candidates. He moved the Central Administrative Tribunal challenging his non-allocation and seeking appointment on SC merit.

The reasoning. Vertical reservation quotas must be filled first in order of merit before horizontal reservations are accommodated. An applicant qualifying on vertical merit cannot be excluded for failing the horizontal disability benchmark.

For your practice. Candidates claiming dual reservations retain vertical quota rights even if they fail the disability benchmark.

The order. The Tribunal directed the Union to appoint the applicant to the Indian Revenue Service under the SC category. The appointment must be finalized with consequential benefits and seniority within eight weeks.

§ **Rule 20(4)(a)(1), Civil Services Examination Rules, 2023**

Vasanth Kumar G vs Department Of Personnel And Training

COURT	DECIDED	CASE NO.
Central Administrative Tribunal	03.11.2026	OA.No.170/00605/2024/CAT/BANGALORE

BENCH
S. Sujatha, Sanjiv Kumar

Also decided today

§ Article 14, Constitution of India

JHARKHAND HC

AYUSH doctors are entitled to retirement age parity with allopathic doctors under Article 14.

The High Court held that differential retirement ages violate Article 14 since both medical cadres perform identical patient care. Mode of treatment is not an intelligible differentia, and pay-scale precedents cannot justify unequal superannuation.

WPC/6500/2025 · 2026:JHHC:32105 · 03.11.2026

§ Article 311(2)(b), Constitution of India, 1950

PUNJAB AND HARYANA HC

Mere apprehension of witness influence cannot justify dispensing with a departmental inquiry

Dispensing with an inquiry requires objective proof that proceedings are impracticable, not mere apprehensions of witness influence. Additionally, disciplinary authorities must explicitly consider length of service and pension rights before ordering dismissal.

CWP/24029/2022 · 02.11.2026

§ Section 173, Motor Vehicles Act, 1988

GUJARAT HC

Absence of a driving licence cannot establish contributory negligence without a causal link

Absence or non-production of a driving licence cannot establish contributory negligence without a proven causal link to the accident. Procedural licensing defaults cannot dilute substantive tort liability where the other driver is charge-sheeted.

R/FA/4300/2025 · 2026:GUJHC:70048 · 03.11.2026

Also decided, continued

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

Cheque bounce complaint filed before statutory notice period expires is a nullity

Cognizance cannot be taken on a complaint instituted before the mandatory 15-day statutory demand period expires. Such premature filings are non est, though complainants may refile afresh seeking delay condonation.

APPLICATION U/s 482 No. - 39950 of 2017 · 2026:AHC:227186 · 02.11.2026

§ Section 146, 147, 149, Motor Vehicles Act, 1988; Rule 142, Central Motor Vehicles Ru... — GAUHATI HC

Cover note remains valid for sixty days and protects third-party motor claims

Temporary cover notes remain operative for sixty days under statutory insurance rules. Pay-and-recover principles mandate indemnifying third-party victims despite driver licensing defects lacking a direct causal link to the accident.

MACApp./2/2023 · 02.11.2026

§ Fundamental Rules 24 and 26; DoPT O.M. No. 35014/4/83-Estt.A (1985) — CAT

Missing performance appraisals due to employer lapse cannot bar career progression

An administration cannot withhold career progression benefits because appraisal records were lost through its own procedural inaction. Screening committees must evaluate entitlements on available valid records pursuant to DoPT norms.

O.A No. 181/00290/2023 · 02.11.2026

Can investigative agencies impose a blanket freeze on an entire commercial bank account when only an isolated fraction is linked to an alleged cyber fraud? Today's consolidated edition brings together landmark High Court and Tribunal rulings across constitutional proportionality, property titles in rem, third-party motor insurance, and the emerging boundaries of the Bharatiya Nyaya Sanhita.

13 judgments **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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