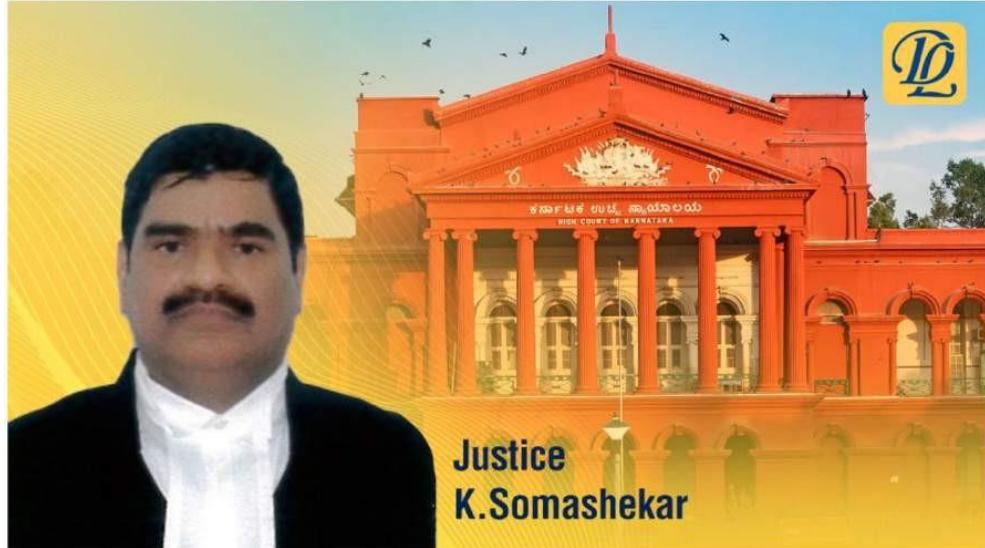


# Daksha Legal Monthly Digest

## October 2022

Mining irregularities. Karnataka High Court upholds discharge of the accused involved in alleged illegal mining.

01-October-2022 12:55



<https://dakshalegal.com/judgements/actionRead/ZV9puTxElmo0VJIVliPcS659J>

**Misquoting or non-quoting of a provision by itself will not make an order bad so long as the relevant enabling provision is in existence and it was correctly applied though without specifically mentioning it.**  
Supreme Court.

01-October-2022 06:52



<https://dakshalegal.com/judgements/actionRead/JqELyaUV45vWO6n8sT7DwGb5x>

**Issue of limitation can be framed and determined as a preliminary issue under Order XIV, Rule 2(2)(b), CPC in a case where it can be decided on admitted facts. Supreme Court.**

01-October-2022 09:22



<https://dakshalegal.com/judgements/actionRead/YrnKn7VdWvQFhElFTgQPvAMzs>



ನ್ಯಾಯಾಲಯದ ಆದೀಶಗಳನ್ನು ನಿಭರ್ಯಾಯಿದಿಂದ ಉಲ್ಲಂಘಿಸಿದಾಗ ನ್ಯಾಯಾರ್ಥಿರು ದೇವೇದೂತರಿಂತೆ ಹೆಸ್ತಿನ ವಹಿಸಲು ಸಾಧ್ಯವಿಲ್ಲ. ಪದೇ ಪದೇ ಕೋಟ್ರ್ಯಾ ಆದೀಶ ನೀಡಿದರೂ ಹೆಸ್ತಿಗೆ ಜೀವನಾಂಶ ಪಾವತಿಸದ ಪತಿಗೆ ಶಿಕ್ಷೆ ವಿಧಿಸಿದ ಕನಾಂಟಕ ಉಳ್ಳ ನ್ಯಾಯಾಲಯ.

01-October-2022 12:40

<https://dakshalegal.com/kannada/actionRead/0LvsmIhKfbU4SgmmiKolinXO6>



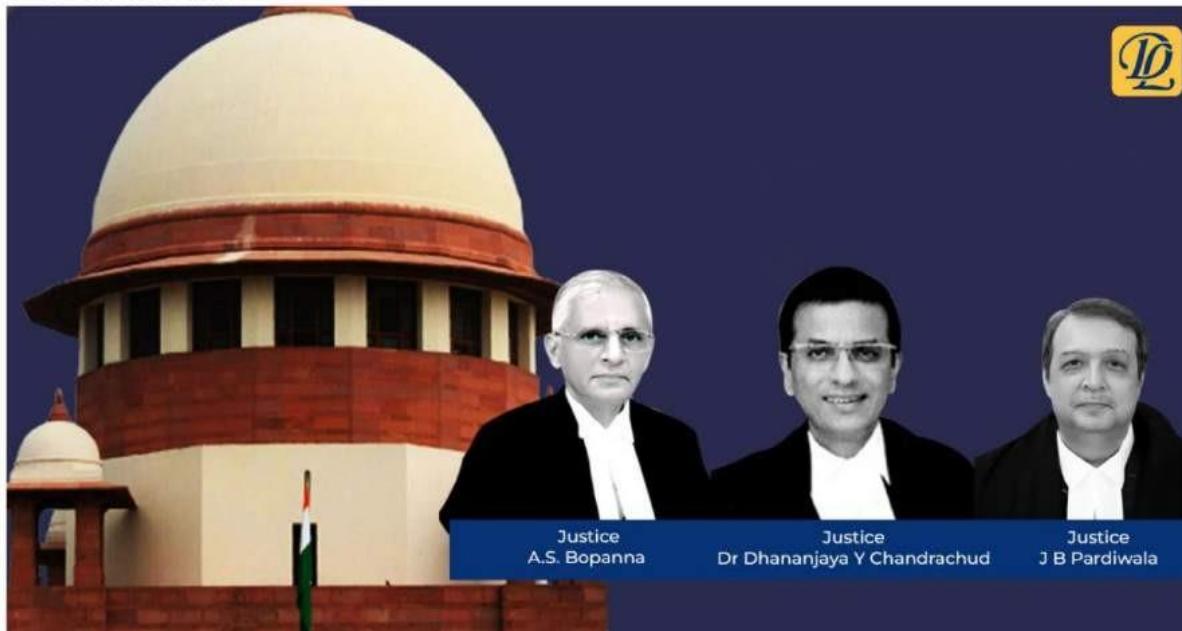
ಶಿಕ್ಷಣ ಸಂಸೈಯನ್ನು ಸಾಹಿಸಲು ಸಂಸೈಯು ಹಕ್ಕನ್ನು ಹೊಂದಿರುತ್ತೇದೆ ಎನ್ನುವೆ ಕಾರಣಕ್ಕಾಗಿ ಅಂತಹ ಅರ್ಥಯೆನ್ನು ಅನುಮತಿಸಲೇಬೇಕು ಎಂದು ಅರ್ಥವಲ್ಲ. ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯ

02-October-2022 06:14

<https://dakshalegal.com/kannada/actionRead/CTeLhnscsGutDVZGSd19Z2ezhf>

**"Transformative constitutionalism promotes and engenders societal change by ensuring that every individual is capable of enjoying the life and liberties guaranteed under the Constitution". Supreme Court.**

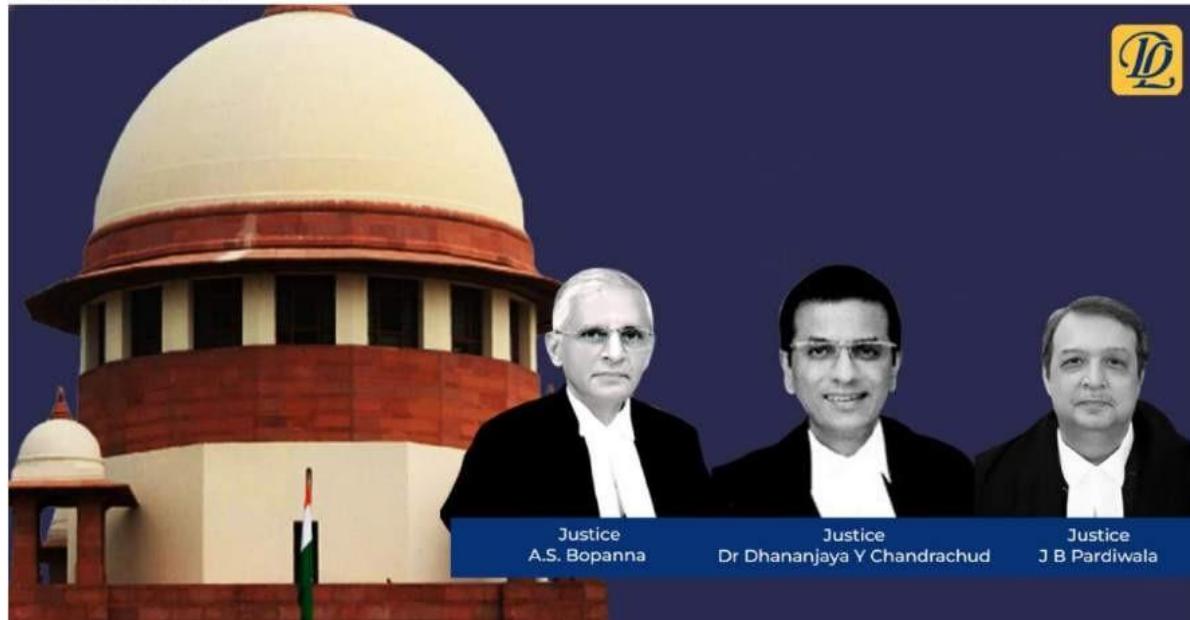
03-October-2022 13:00



<https://dakshalegal.com/judgements/actionRead/aISaX1xgto5GR4Nqz2DZOFOr0>

**The meaning of rape must be understood as including marital rape for the purposes of the Medical Termination of Pregnancy Act 1971 and any rules and regulations framed thereunder. Supreme Court.**

03-October-2022 15:27



<https://dakshalegal.com/judgements/actionRead/VJhl2pDtPSRlofUdVtzIcvSv5>



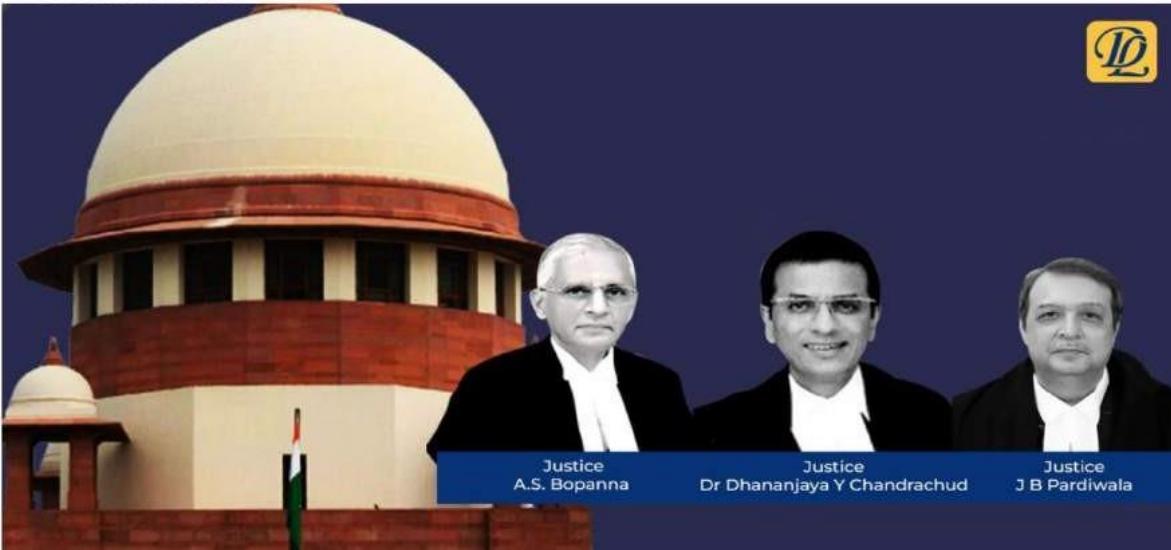
ನಾಯಾಲಯದಲ್ಲಿ ದಾಖಲು ಮಾಡಿದ ಹಲವಾರು ಅಜ್ಞಿಗಳಲ್ಲಿ ಮೊದಲು ದಾಖಲು ಮಾಡಿದ ಅಜ್ಞಿಯನ್ನೇ ಮೊದಲು ಪರಿಗಣಿಸಬೇಕು ಎಂಬ ನಿಯಮವಿಲ್ಲ. ಸ್ವೋರ್ಚಷ್ಟ ನಾಯಾಲಯ.

🕒 03-October-2022 05:06

<https://dakshalegal.com/kannada/actionRead/xrvB7vF8mHt63j3Cq44jIRSa6>

**Unmarried women have right to access safe and legal abortions if they face a change in their material circumstances, similar to married women. Supreme Court.**

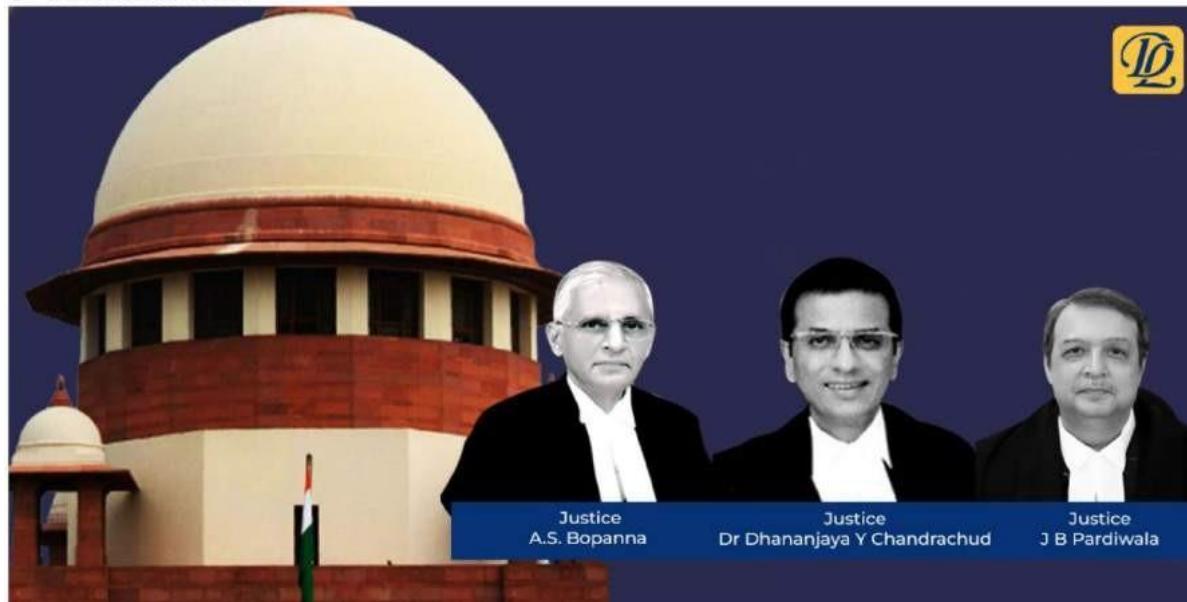
🕒 03-October-2022 08:12



<https://dakshalegal.com/judgements/actionRead/SLIFsTbsq1S5GxmIHQZAczYNc>

**Woman who becomes pregnant as a result of non-consensual sexual intercourse performed upon her by her husband has a right of abortion under the Medical Termination of Pregnancy Act 1971. Supreme Court.**

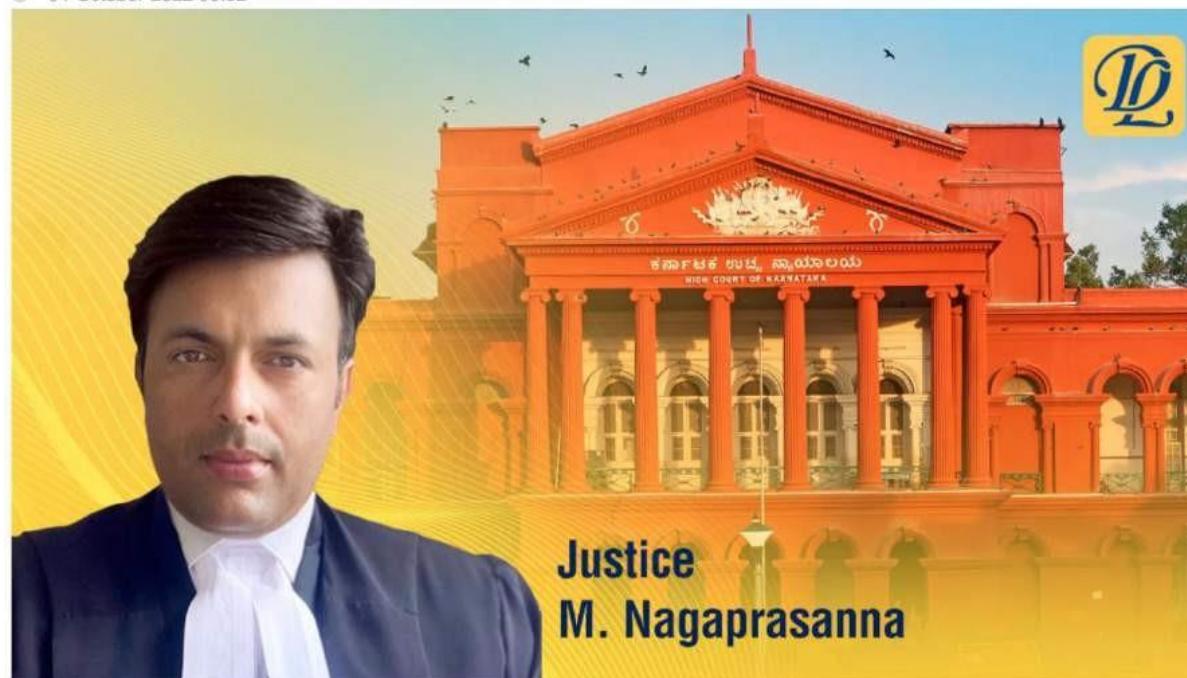
03-October-2022 12:40



<https://dakshalegal.com/judgements/actionRead/mzJscZOVCU7ki3r26VM9GW5Vu>

**Invocation of SARFAESI is not a bar for Bank to initiate criminal action if account is declared fraud. Karnataka High Court.**

04-October-2022 00:02



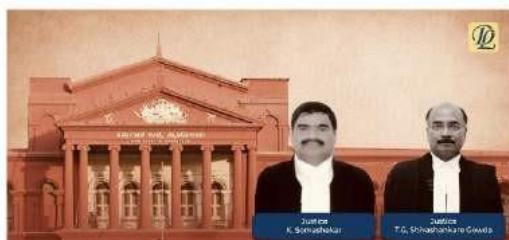
<https://dakshalegal.com/judgements/actionRead/mzJscZOVCU7ki3r26VM9GW5Vu>

Offence of criminal conspiracy can be a standalone offence in certain circumstances particularly in financial transaction cases. Karnataka High Court.

04-October-2022 04:41



<https://dakshalegal.com/judgements/actionRead/cOkww7Zd9JsMjqTa6Y2RPBalm>



ಕ್ರಿಮಿನಲ್ ವಿಜಾರಣೆ. ಅಗತ್ಯಕ್ಕಿಂತ ಹೆಚ್ಚಾಗಿ ಸಾಕ್ಷಿಗಳನ್ನು ಒದಗಿಸುವುದಕ್ಕಿಂತ ನ್ಯಾಯಾಯಲಾಭತ್ವಾಯ ಮೊಡಬಾರದು. ಕನಾಂಟಕ ಉಚ್ಚಾರಣೆಯಾಗಿ.

04-October-2022 05:57

<https://dakshalegal.com/kannada/actionRead/rj6MVaunp5XHc8J3zZajCnAOS>



'ಸರಿಯಾಗಿ ತನಿಖಿ ನಡೆಸದೆ ಪ್ರಾಸಿಕ್ಕೂಷನ್ ಸಂತ್ರಸ್ಯೆಯ ಕುಟುಂಬಕ್ಕೆ ಅನ್ಯಾಯ ಮಾಡಿದೆ.' ಆರು ವರ್ಷದ ಮುಗ್ದವಿನ ಅತ್ಯಾಭಾರ ಮತ್ತು ಕೊಲೆ ಪ್ರಕರಣದ ಆರೋಪಿಯನ್ನು ಖುಲಾಸೆಗೊಳಿಸುವ ಸಂದರ್ಭದಲ್ಲಿ ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯ.

04-October-2022 10:59

<https://dakshalegal.com/kannada/actionRead/oMnphSM0IOVBchSFIUi4KuZ9I>

Direction to give compassionate appointment after a period of 14/24 years will be against the object and purpose for which the appointment on compassionate ground is provided. Supreme Court, while reversing the High Court Judgment.

04-October-2022 09:43



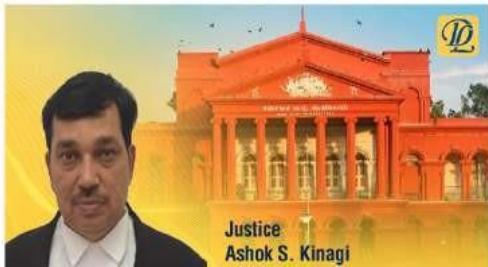
<https://dakshalegal.com/judgements/actionRead/3c4rJU3Q7avvAumIHgYScQK1a>

Can RBI issue directions to Banks to disclose customers information adversely affecting the individuals' fundamental right to privacy? Supreme Court takes up the issue.

04-October-2022 12:54



<https://dakshalegal.com/judgements/actionRead/iJPgH8HD14AH6l062qPamZRfy>



Justice  
Ashok S. Kinagi

ಅನಿವಾರ್ಯ ಸಂದರ್ಭಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ವಿಚಾರಣೆ ಪ್ರಾರಂಭವಾದ ನಂತರ ವಾದಪತ್ರ ಪ್ರತಿವಾದಪತ್ರ ತಿದ್ದುಪಡಿಗಾಗಿ ಅಜ್ಞಯನ್ನು ಪರಿಗಣಿಸಲಾಗುವುದಿಲ್ಲ. ಕನಾಂಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ.

🕒 05-October-2022 06:15

<https://dakshalegal.com/kannada/actionRead/FO0Xh57S2jHua0rG7BlqUbOn2>

**Merely because a client does not succeed in the matter and favourable orders were not passed in his favour, the client cannot make out a case that fraud and offence under Sections 406 and 420 of IPC has been committed by his Advocate. Karnataka High Court**

🕒 06-October-2022 13:13



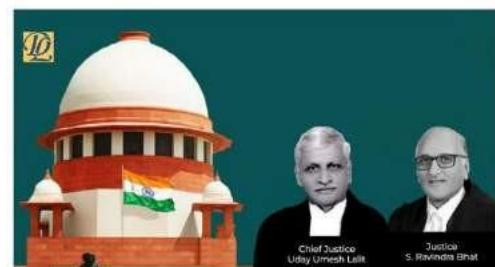
<https://dakshalegal.com/judgements/actionRead/xFLQ3NyVoLpXm3txgLujb0HhR>

**Avoid technicalities in payment of compensation to land losers. If two views are possible, the view that advances the cause of justice must be preferred. Supreme Court.**

🕒 06-October-2022 08:35



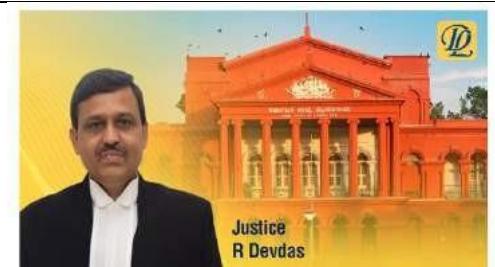
<https://dakshalegal.com/judgements/actionRead/1KJP1mlYyzFvMoRvBW50FriAm>



ಖಾಸಗಿ ಶಿಕ್ಷಣ ಸಂಸ್ಥೆಗಳಲ್ಲಿ ಕೆಲಸ ಮಾಡುವ ಶಿಕ್ಷಕರು. ಸಂಬಳಪು ರಜಿ ನೆಗಡನ್ನು ಕೂಡ ಒಳಗೊಂಡಿರುತ್ತದೆ. ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯ.

🕒 06-October-2022 06:03

<https://dakshalegal.com/kannada/actionRead/1cNXwh1JB2zbPDY0hdynRHEN1>



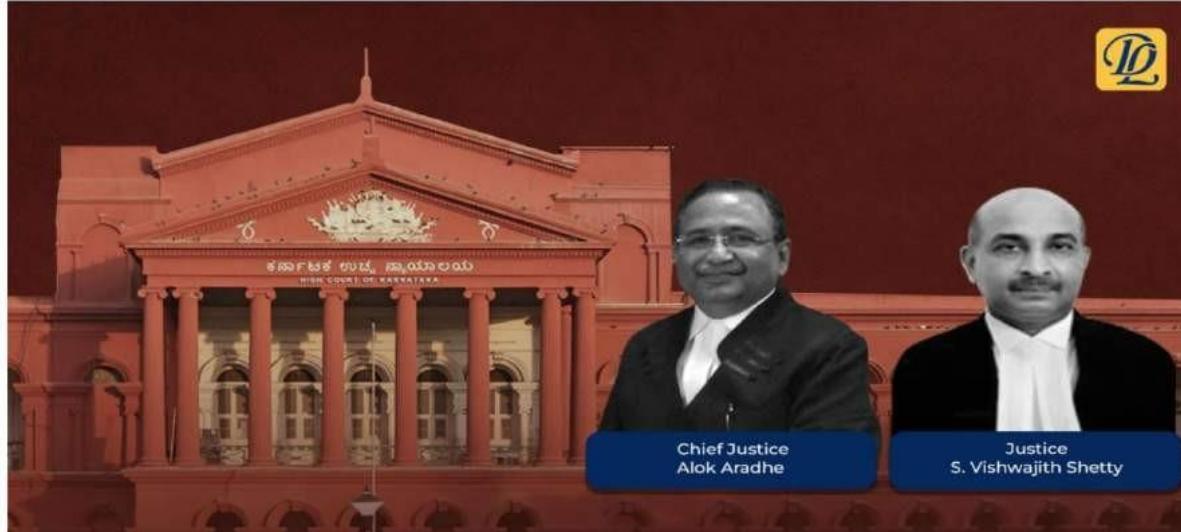
ಮಂಜೂರಾದ ಭೂಮಿಯನ್ನು ಪರಿವರ್ತನೆ ಮಾಡಿ ಅದು ಕೈಗಾರಿಕಾ ವಲಯದಲ್ಲಿ ಸೇರಿದಾಗ ವಸತಿ ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಮಾಡಿದ ಕೌರಣಕಾಗಿ ಅನ್ವಯಾನವನ್ನು ರದ್ದುಗೊಳಿಸಲಾಗುವುದಿಲ್ಲ. ಕನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ.

🕒 08-October-2022 12:49

<https://dakshalegal.com/kannada/actionRead/2tBOKYitbtiuK0m5irMHhvlijO>

**Writ Court cannot direct the Government to frame scheme under Article 162 of the Constitution especially when the parties have alternative remedy for the redressal of their grievances. Karnataka High Court.**

07-October-2022 03:31



<https://dakshalegal.com/judgements/actionRead/oX1BbykGxh0fOqwDVvm5BFxww>

**Standing Counsel of a statutory body cannot be booked for cheating for the adverse Court orders. Karnataka High Court admonishes the Registrar of RGUHS.**

07-October-2022 07:34



<https://dakshalegal.com/judgements/actionRead/IUQft60iqriThmmz0viU4iXNM>

## Cheating in the name of online wellness therapy. Karnataka High Court refuses to quash criminal proceedings against 'Tinder Lurer'.

08-October-2022 03:34



<https://dakshalegal.com/judgements/actionRead/D5j65rrHCNvOax89RbrsDTn7x>

**Female foeticide by polyclinics/diagnostic centres. Karnataka High Court directs Govt to notify Appropriate Authorities to register the crimes committed under the Preconception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.**

08-October-2022 15:17



**Justice  
M. Nagaprasanna**

<https://dakshalegal.com/judgements/actionRead/KYCWDYXsNzaq7ho2WoEqDkHNH>

ಅಗತ್ಯವಾದ ಸ್ವಾಂಪ್ಯ ಕಟ್ಟಡಿ ತಯಾರಾದ ದಾಖಲೆಯ ಮೇಲಿ ತಿಗೆದುಕೊಂಡ ಕ್ರಮಗಳನ್ನು ಕಾನೂನುಬಾಹಿರ ಎಂದು ಕರೆಯಲಾಗುವುದಿಲ್ಲ. ಕನಾಂಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ.

08-October-2022 11:52

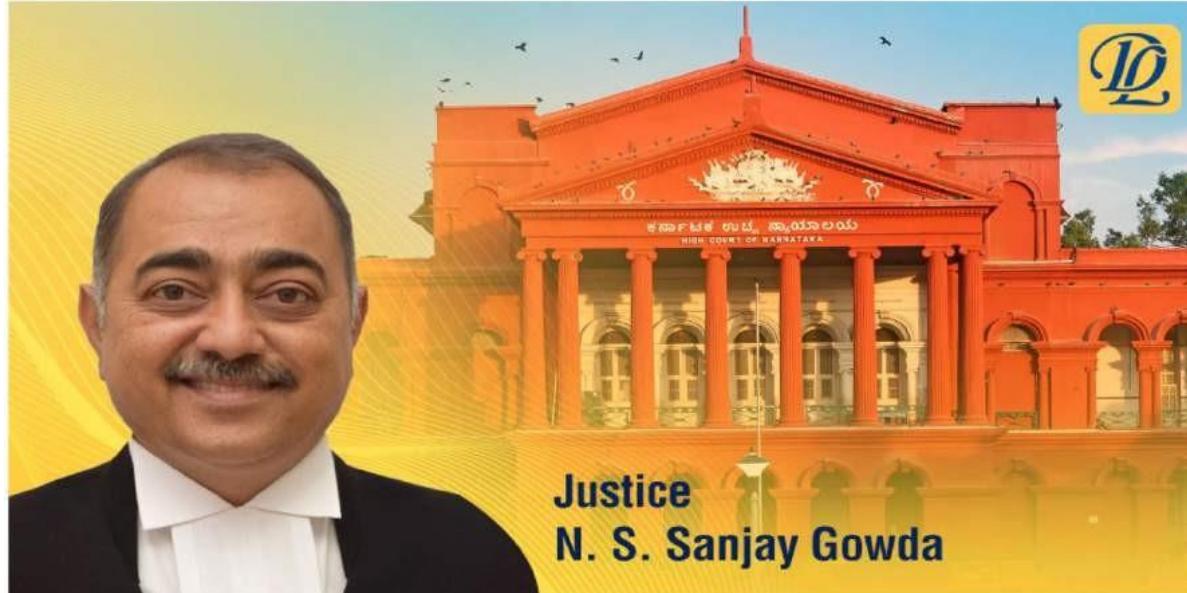


**Justice  
M. G. S. Kamal**

<https://dakshalegal.com/kannada/actionRead/eBSC5ZH0dUARbrNRnl8k9hHrK>

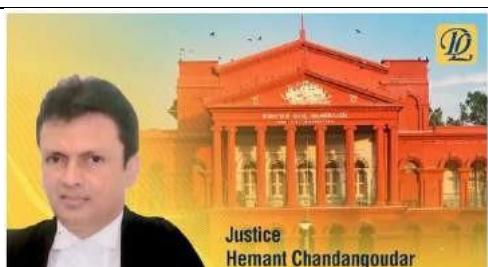
**Karnataka Land Grant Rules, 1969. When temporary lease of land is confirmed upon expiry of the lease period and on payment of fixed price, the Deputy Commissioner cannot impose condition of non-alienation. Karnataka High Court.**

⌚ 10-October-2022 12:51



**Justice  
N. S. Sanjay Gowda**

<https://dakshalegal.com/judgements/actionRead/3zs4tUOWDlpeVTpf6SIOheK9y>



**Justice  
Hemant Chandangoudar**

ವ್ಯಕ್ತಿಗಳ ಆಸ್ತಿಪಣಿ ಕಾರಣಕಾಗಿ ಸೋಂದಾಯಿತ ಮಾರಾಟ ಪತ್ರದ ಮೂಲಕ ಖರೀದಿಸಿದ ಆಸ್ತಿಯ ಖಾತೆ ಬದಲಾವಣೆಗೆ ಮಹಾನಗರಪಾಲಿಕೆ ನಿರಾಕರಿಸುವಂತಿಲ್ಲ. ಕನಾರಟಕ ಉಜ್ಜ್ವಲ ನ್ಯಾಯಾಲಯ.

⌚ 10-October-2022 04:48

<https://dakshalegal.com/kannada/actionRead/B2c9Cv3G9P2XditDMARBIm73w>



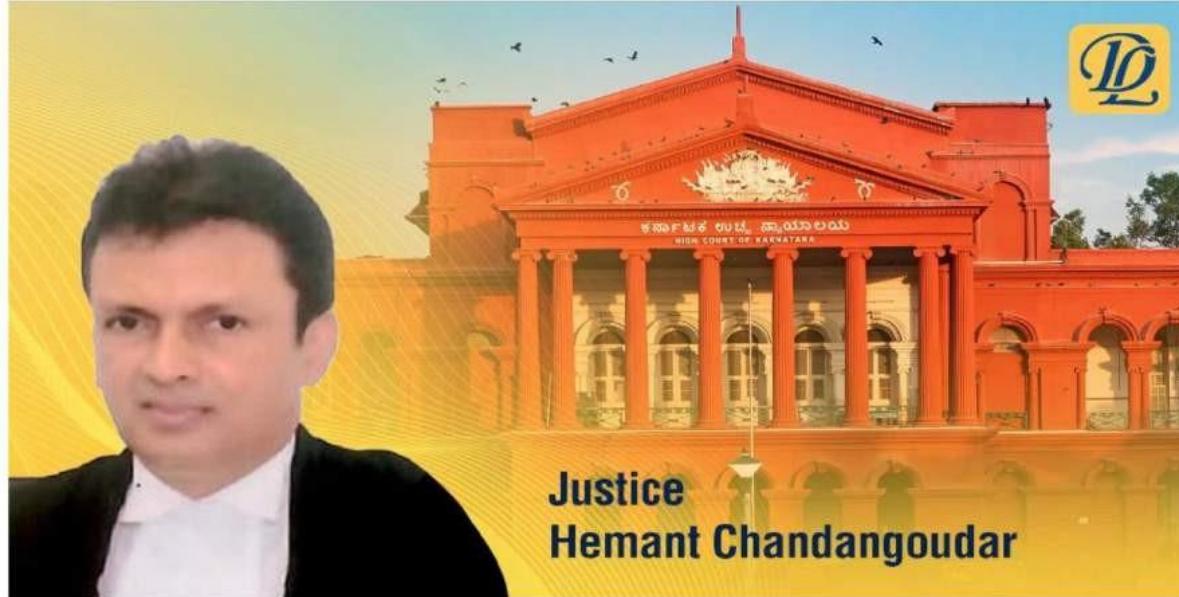
ಹುದೆಗೆ ಸೂಕ ಯೋಗ್ಯತೆಯ ಬಗ್ಗೆ ತಪ್ಪ ಮಾಹಿತಿಯನ್ನೇ ನೀಡಿದೆ ಉದ್ದೇಶಿಯನ್ನು ಯಾವುದೇ ವಿಚಾರಣೆ ನಡೆಸದರ್ದೀ ಪ್ರೋಬೇಷನ್ ಅವಧಿಯಲ್ಲಿ ಸೇವೆಯಿಂದ ವಜಾಗೊಳಿಸಬಹುದು. ಸಮೀಕ್ಷೆ ನ್ಯಾಯಾಲಯ.

⌚ 10-October-2022 08:15

<https://dakshalegal.com/kannada/actionRead/VV4xo182vLE3hSN4HlcggLHY>

**"Elections are the essence of democracy". Karnataka High Court directs the Govt to provide reservation for women in the wards having greater women population and to hold elections at the earliest.**

🕒 10-October-2022 06:50



**Justice  
Hemant Chandangoudar**

<https://dakshalegal.com/judgements/actionRead/gLfviN3dyJsV8kOwPrk4aoGi>

**DNA test result is only a corroborative evidence and cannot be conclusive in crimes involving sexual assault on children. Karnataka High Court.**

🕒 10-October-2022 09:20



**Justice  
M. Nagaprasanna**

<https://dakshalegal.com/judgements/actionRead/chDp7EHHktQJrBHPqaH7qWIhg>

**Drugs and Cosmetics Act, 1940. No prior sanction required for registration of crime or taking cognizance by court in respect of allopathic drugs. Karnataka High Court.**

🕒 10-October-2022 10:38



**Justice  
M. Nagaprasanna**

<https://dakshalegal.com/judgements/actionRead/zoJbIEphD6T7KJeQA5X1apljZ>

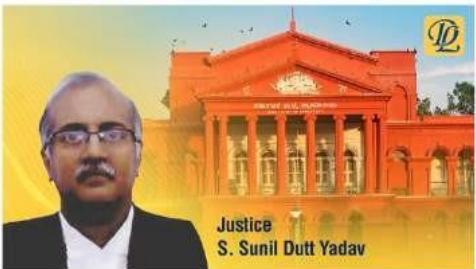
**When a statutory appeal is rejected as not maintainable, the appellate authority cannot make observations on merits touching the rights of the parties. Karnataka High Court.**

🕒 11-October-2022 13:01



**Justice  
Hemant Chandangoudar**

<https://dakshalegal.com/judgements/actionRead/1CD0yWugXJAtYwxUO5fQW1RNd>



ಕರ್ನಾಟಕ ಗ್ರಾಮ ಸ್ವರಾಜ್ ಮತ್ತು ಪಂಚಾಯತ್ರ ರಾಜ್ ಕಾರ್ಯದಲ್ಲಿ ಸಹಾಯ ಮತ್ತು ಪ್ರಾಧಿಕಾರವು ಗ್ರಾಮ ಪಂಚಾಯತ್ರ ಆಗಿರುವುದರಿಂದ ಮುಖ್ಯ ಕಾರ್ಯ ನಿರ್ವಹಣಾ ಧಾರ್ಮಿಕ ಗ್ರಾಮ ಪಂಚಾಯತ್ರ ನೋಕರರನ್ನು ವಜಾಗೊಳಿಸುವಂತಿಲ್ಲ. ಕರ್ನಾಟಕ ಉಚ್ಚ್ ನ್ಯಾಯಾಲಯ.

12-October-2022 09:44

<https://dakshalegal.com/kannada/actionRead/xEQh0F8Vh72aKC8SBeScaJCTd>



ಚಾರ್ಚ್ ಶೀಟ್ ಸಲ್ಲಿಸಲು ಸಮಯ ವಿಸರಣೆಗಾಗಿ ಸಲ್ಲಿಸಿದ ಅಜ್ಞಾ ಪರಿಗಣನೆಯ ಸಮಯದಲ್ಲಿ ಆರ್ಥಿಕ ವ್ಯವಸ್ಥೆಯನ್ನು ನ್ಯಾಯಾಲಯದ ಮುಂದೆ ಹಾಜರುಪಡಿಸುವುದು ಖಡ್ಗಾಯ. ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯ.

12-October-2022 03:29

<https://dakshalegal.com/kannada/actionRead/X4vYwYqiNYog8G8faoS6ljbFN>



ಚಾಲಕನ ನಕಲಿ ಚಾಲನಾ ಪರವಾನಗಿಯನ್ನು ಅನಲೆ ಎಂದು ನಂಬಿದ ವಾಹನದ ಮಾಲೀಕೆ ವಿಮಾ ಕಂಪನಿ ಪಾವತಿಸಿದ ಪರಿಹಾರದ ಮೌತ್ತವನ್ನು ಮರುಪಾವತಿಸಲು ಜವಾಬಾರರಾಗಿರುವುದಿಲ್ಲ. ಕೇರಳ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ

12-October-2022 06:00

<https://dakshalegal.com/kannada/actionRead/65Oo5E1Kstymhv8NHaqXrS4Xf>



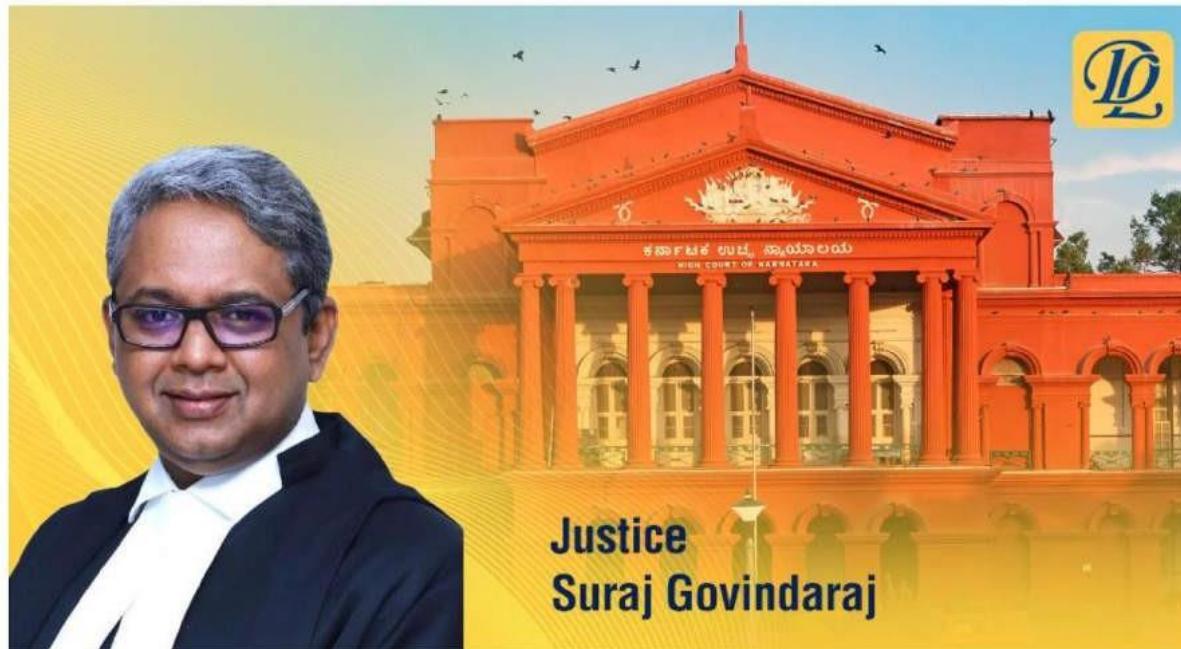
ನಿರ್ದಿಷ್ಟ ಕಾರ್ಯಕ್ರಮತೆಗಾಗಿ ದಾವೆ ಹೂಡಿದ್ದಾಗ ಸ್ವಾಧೀನಕೆ ತೊಂದರೆಯಾಗದಂತೆ ಮಾಲೀಕನ ವಿರುದ್ಧ ತಡೆಯಾಜ್ಞಿಯನ್ನು ಪಡೆಯಲು ಸಾಧ್ಯವಿಲ್ಲ. ಸರ್ವೋಚ್ಚ ನ್ಯಾಯಾಲಯ.

12-October-2022 09:48

<https://dakshalegal.com/kannada/actionRead/q7J0mrnpjDuaTom4vQSixwq9X>

**A proprietary concern is not required to be arrayed as a separate party in a proceeding under Section 138 of the Negotiable Instruments Act. Karnataka High Court.**

13-October-2022 03:07



**Justice  
Suraj Govindaraj**

<https://dakshalegal.com/judgements/actionRead/d9UvCQ78agpSgKW0UWzT2XTfE>

**Merely because a person is a director of a company, it is not necessary that he is aware about the day today functioning of the company to make him liable for criminal prosecution under the Drugs & Cosmetics Act, 1940. Supreme Court.**

13-October-2022 06:31



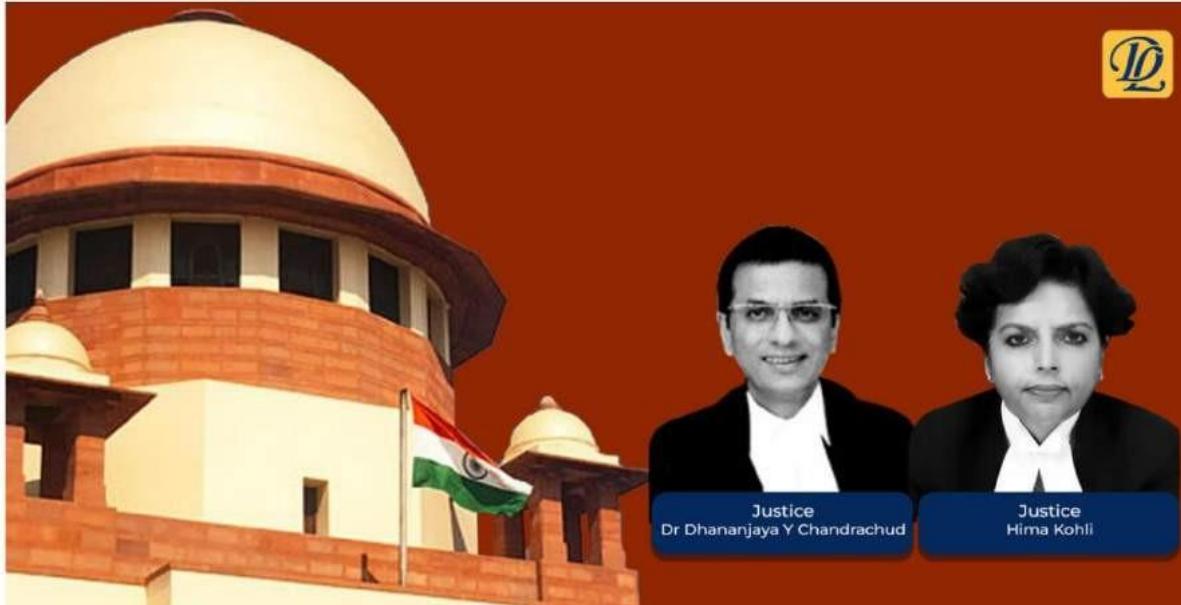
**Justice B. R. Gavai**

**Justice C. T. Ravikumar**

<https://dakshalegal.com/judgements/actionRead/EKJxQLXfYocU7PWovWOPzFsQN>

**When part payment of cheque amount is made before presentation, such payment must be endorsed on the cheque. Otherwise complaint under Section 138, NI Act is not maintainable. Supreme Court.**

🕒 13-October-2022 08:11



<https://dakshalegal.com/judgements/actionRead/a3RhBoRqMz9jXNoXEoKaTRD9n>

**Interpretation of statutes. 'Removal of difficulty clause' cannot be used to change the scheme and essential provisions of a legislation. Supreme Court.**

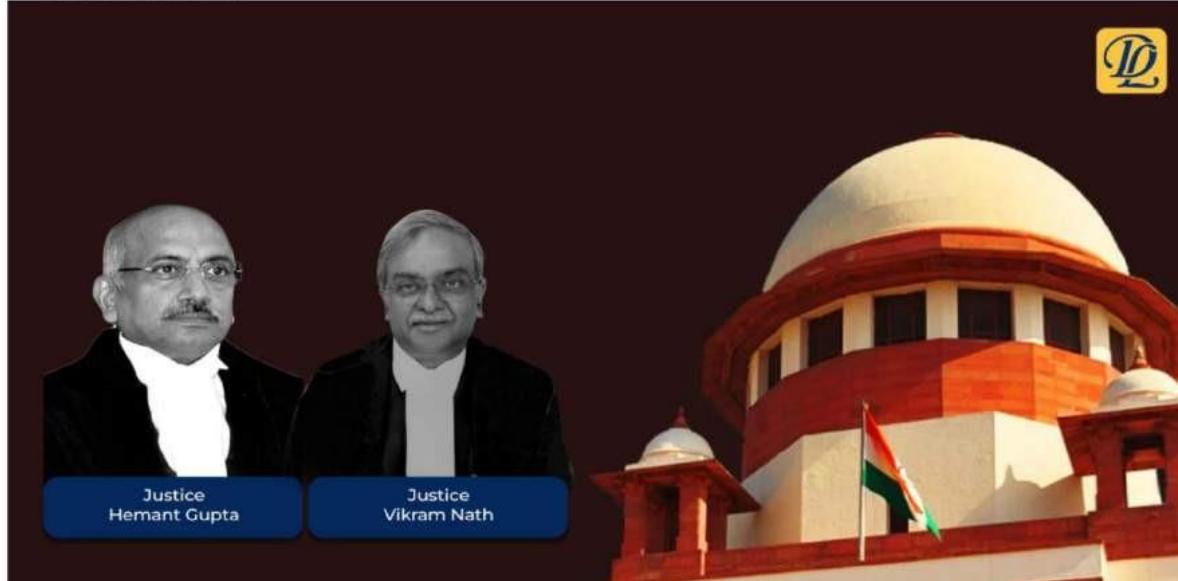
🕒 13-October-2022 10:26



<https://dakshalegal.com/judgements/actionRead/V3sBK9sDIsuCq3QQ9d3oXebyC>

Acquisition for a single company can be made and notifications under Sections 1(3), 3(1) and 28(1) can be issued simultaneously under the Karnataka Industrial Areas Development Act, 1966. Supreme Court.

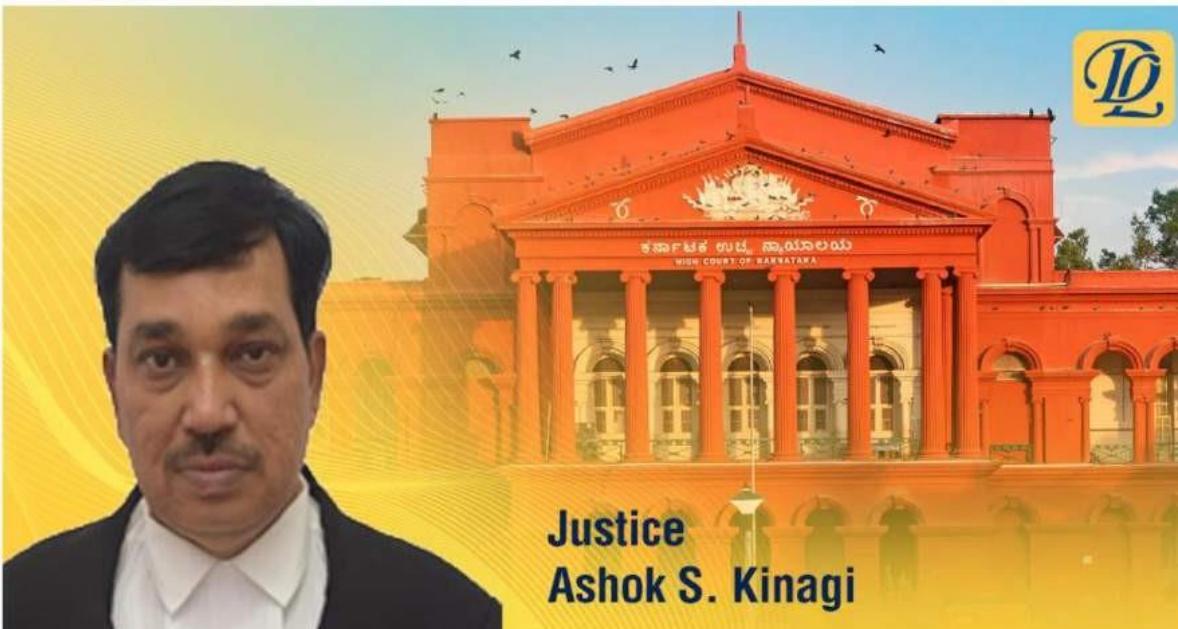
🕒 13-October-2022 12:28



<https://dakshalegal.com/judgements/actionRead/zeyPKsSq9q5iT4JBD6HcwseN>

Corporation cannot demand tax in respect of an industrial plot unless the industrial area is included within the Corporation limits. Karnataka High Court.

🕒 14-October-2022 03:21



<https://dakshalegal.com/judgements/actionRead/RK1tWgpbzRJ8W20fMI68zH1RQ>

**Specific performance. So long as a suit for specific performance is filed within the period of limitation, delay cannot be a ground to refuse the relief of specific performance to the plaintiff. Supreme Court.**

© 14-October-2022 06:36



<https://dakshalegal.com/judgements/actionRead/7d64koQaaDfmGnjxojWlrSfBS>

**Landowners who obtained statusquo order cannot contend that as the award has not been declared, they shall be entitled to the enhanced amount of compensation under the provisions of the Act, 2013. Supreme Court.**

© 14-October-2022 10:06



<https://dakshalegal.com/judgements/actionRead/DTZdoJNxbakCAGBG1zbz8Frmg>

**A stockbroker has to obtain a certificate of registration from SEBI for each of the stock exchanges where he operates by paying ad valorem fee. Supreme Court.**

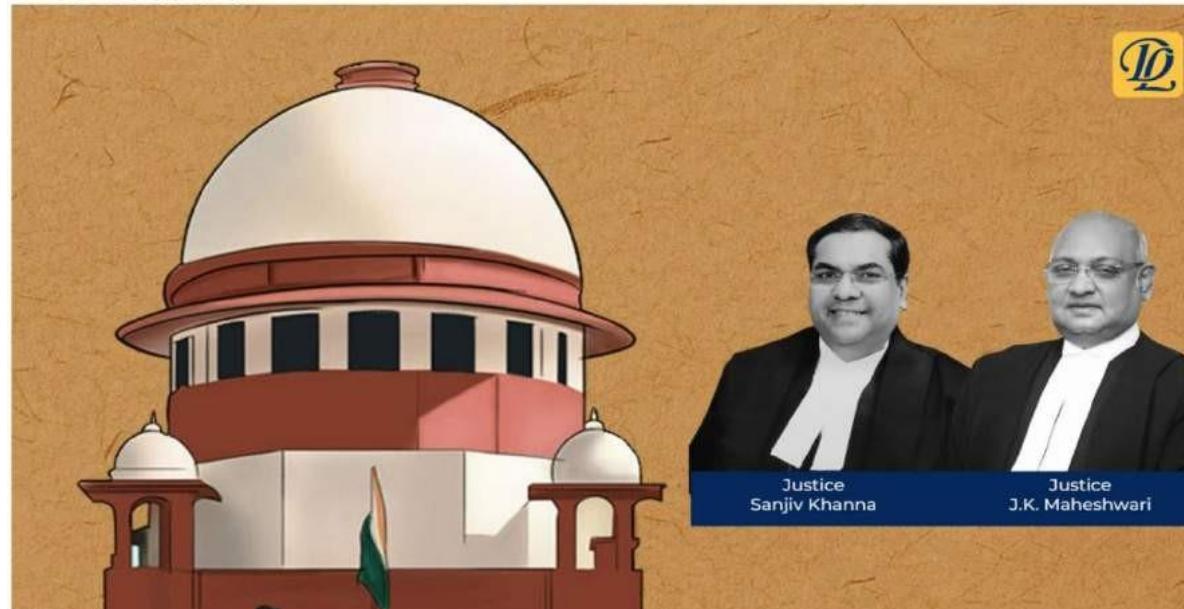
🕒 15-October-2022 06:23



<https://dakshalegal.com/judgements/actionRead/AhkthU9MIEK2mrVUhdccckE1Y>

**Wealth Tax Act, 1957. Equity shares under the lock-in period and not quoted in any recognised stock exchange with regularity from time to time cannot be considered as "quoted shares". Supreme Court.**

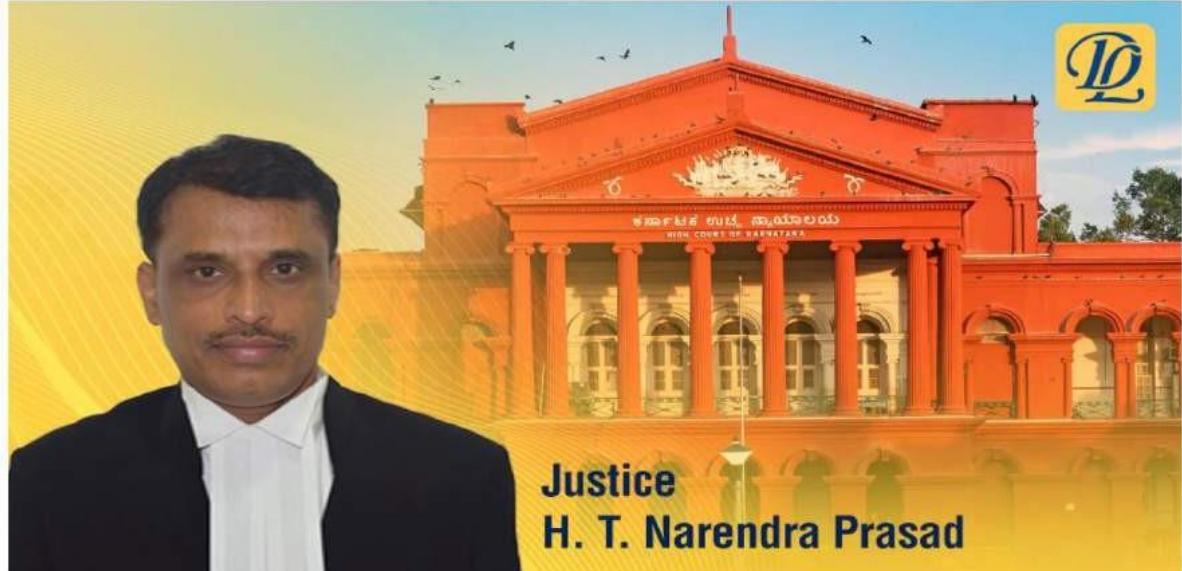
🕒 15-October-2022 09:20



<https://dakshalegal.com/judgements/actionRead/SnEc1JapHcp64lj8j5EHqwYWM>

**Issuance of fifteen days notice for moving no confidence motion under the Karnataka Panchayat Raj Act and the Rules is mandatory.  
Karnataka High Court.**

🕒 17-October-2022 03:22



**Justice  
H. T. Narendra Prasad**

<https://dakshalegal.com/judgements/actionRead/uFQX1cP0kouUytzJDxeG92Oi3>

**Cooling machine capable of producing hot water cannot be considered as 'heat pump' to gain concessional tariff benefits under the Central Excise Tariff Act, 1985. Supreme Court.**

🕒 17-October-2022 06:56



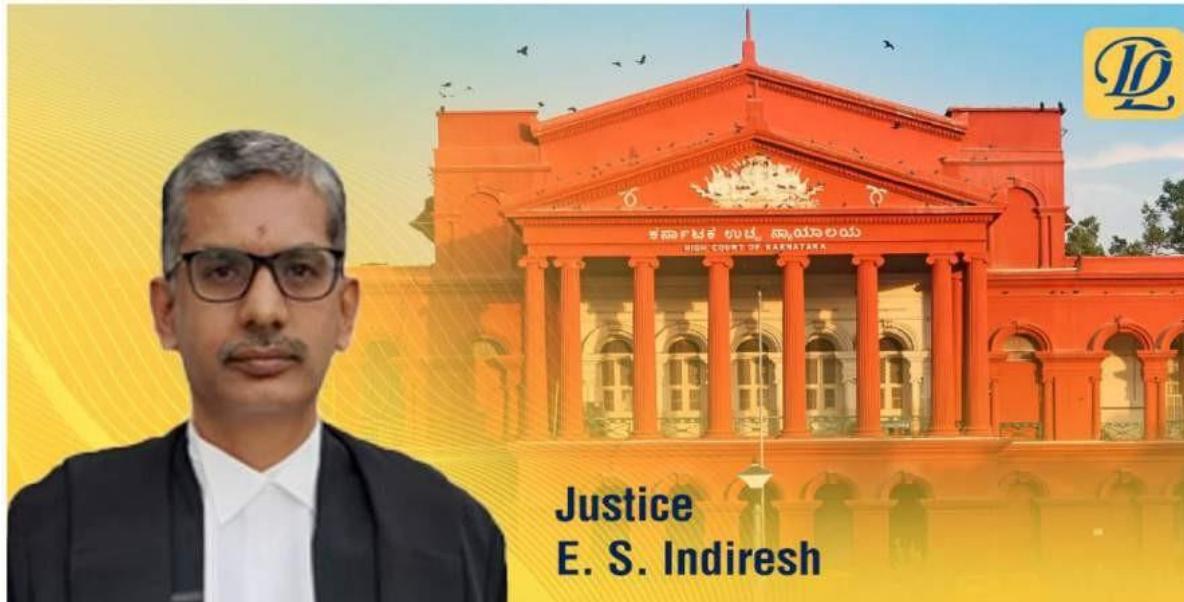
**Justice  
K.M. Joseph**

**Justice  
Hrishikesh Roy**

<https://dakshalegal.com/judgements/actionRead/FphUBytT2gGrz9D9c0biLQQM6>

**Passing of second award for lands acquired under the National Highways Act, 1956 is without jurisdiction which can be quashed by a Writ despite the availability of alternate remedy under the Act.**  
**Karnataka High Court.**

⌚ 17-October-2022 08:54



<https://dakshalegal.com/judgements/actionRead/Kjni3zORSBUNhtUMCggBFFKul>

**Suit for specific performance. Merely because the agreement does not stipulate any time, the same cannot be expected remain unperformed for all the time to come. Karnataka High Court.**

⌚ 17-October-2022 10:48



<https://dakshalegal.com/judgements/actionRead/ls2xoQe158EfjdSBGKEL8Tj7P>

**Income Tax Act. When employer deposits employees contribution towards the EPF and ESI belatedly such sums received by the employer constitutes income. Supreme Court.**

⌚ 17-October-2022 19:38



<https://dakshalegal.com/judgements/actionRead/OelAleFM34NnMYatkGkUaxgQq>

**Cheque bounce case. Complainant is not expected to appear on every date of hearing and the Court cannot dismiss the complaint for default on that ground. Karnataka High Court.**

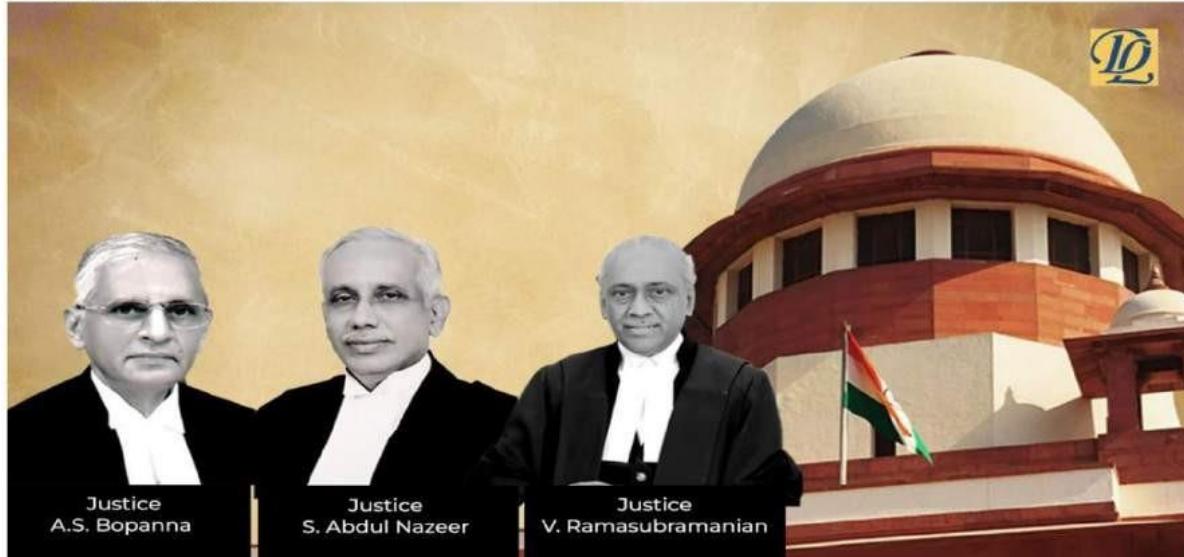
⌚ 18-October-2022 03:21



<https://dakshalegal.com/judgements/actionRead/KGqfPftJkB8oyevEyMmAlhDr4>

**Land Acquisition Act, 1894. Taking possession of land invoking Section 17 without tendering and paying eighty per cent of the estimated compensation cannot be considered as legal and the vesting is not absolute. Supreme Court.**

○ 18-October-2022 05:48



<https://dakshalegal.com/judgements/actionRead/TwWL5g6eNaNJFljuMO4TfKxtX>

**Section 319 Cr.P.C is applicable to proceedings under Section 138 of the Negotiable Instruments Act and the Court can add other person as accused at a later stage. Karnataka High Court.**

○ 18-October-2022 08:46



<https://dakshalegal.com/judgements/actionRead/YXTeSKKyWsjZ7tAMOv8LhRWT>

**Promissory estoppel. Where the change of policy is in the larger public interest, the State cannot be prevented from withdrawing an incentive which it had granted through an earlier notification. Supreme Court.**

🕒 18-October-2022 10:30



<https://dakshalegal.com/judgements/actionRead/qKyhQel9ne6GEs1xSrWepsSlz>

**Federation of Karnataka Chambers of Commerce and Industry is not 'State' within the meaning of Article 12 of the Constitution of India. Karnataka High Court.**

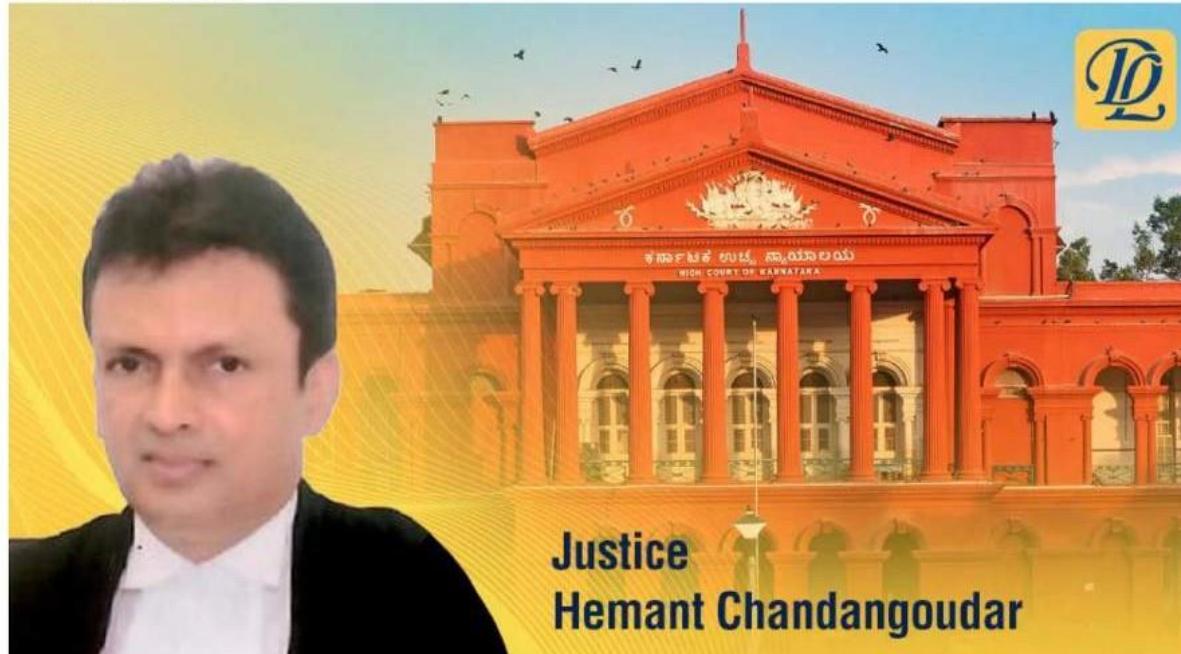
🕒 18-October-2022 12:28



<https://dakshalegal.com/judgements/actionRead/w8OKzSagZSr25UtjhQzQN5qsf>

Limitation to apply for cancellation of khata under Section 114A of the Karnataka Municipal Corporations Act is three years from the date of the order and not from the date of knowledge of the order. Karnataka High Court.

⌚ 19-October-2022 09:07

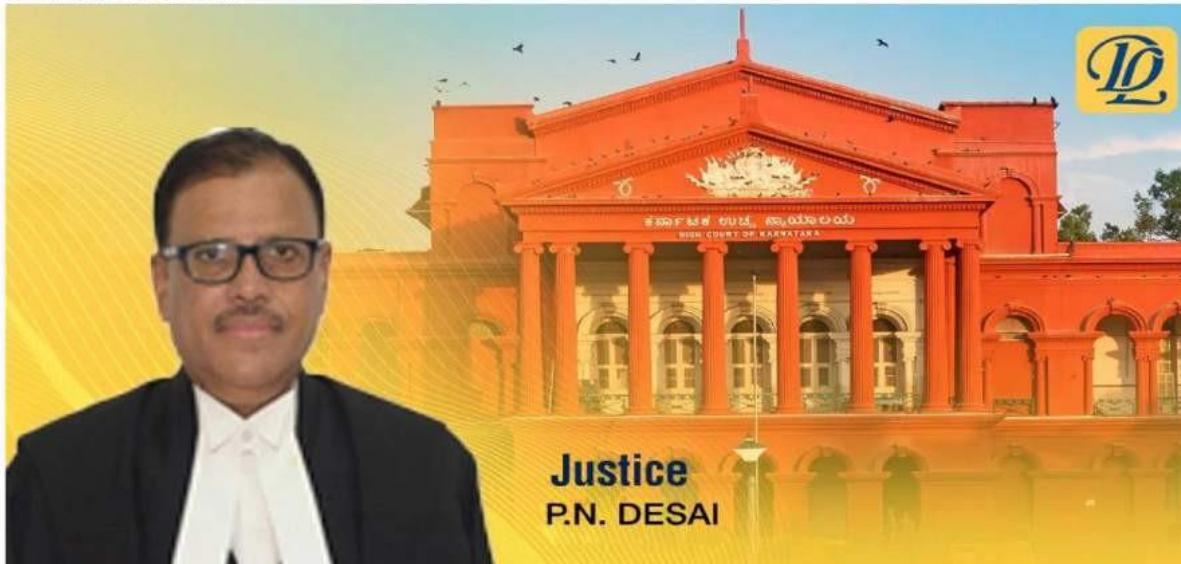


**Justice  
Hemant Chandangoudar**

<https://dakshalegal.com/judgements/actionRead/tylImX3RgHtkSWu8dZY0behJQ>

**Cheque bounce case. Payment of interim compensation applies only in respect of offences committed after Section 143(A) of N.I.Act came into force in the statutory book. Karnataka High Court.**

⌚ 20-October-2022 15:44



**Justice  
P.N. DESAI**

<https://dakshalegal.com/judgements/actionView/7e7dwYqBTENTpmAt4bFbc66IA>

**Gratuity is paid to safeguard financial security of a person at the time of retirement. Bank cannot adjust gratuity amount payable to its employee towards outstanding loan account. Karnataka High Court.**

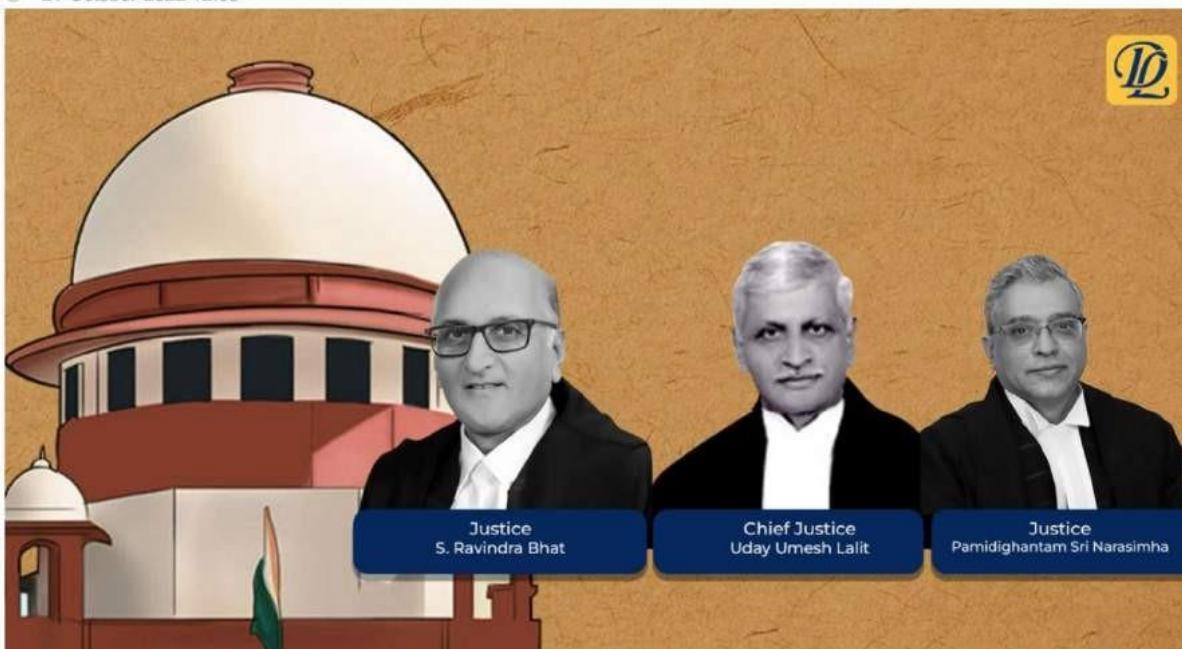
© 21-October-2022 03:22



<https://dakshalegal.com/judgements/actionView/hgJPVdTYBoN4sJFB7JO37BxK6>

**If the predominant object of an educational institution is not profit, but advancement of general public utility, that some profits were earned would not debar it from claiming to be a charitable organization. Supreme Court.**

© 21-October-2022 12:06



<https://dakshalegal.com/judgements/actionView/RtGIPOgLvZKKHalRu31ho8kHY>

**Land Acquisition Act, 1894. It is not safe to determine the compensation relying upon those sale deeds which are nearer to Section 4 notification. Supreme Court.**

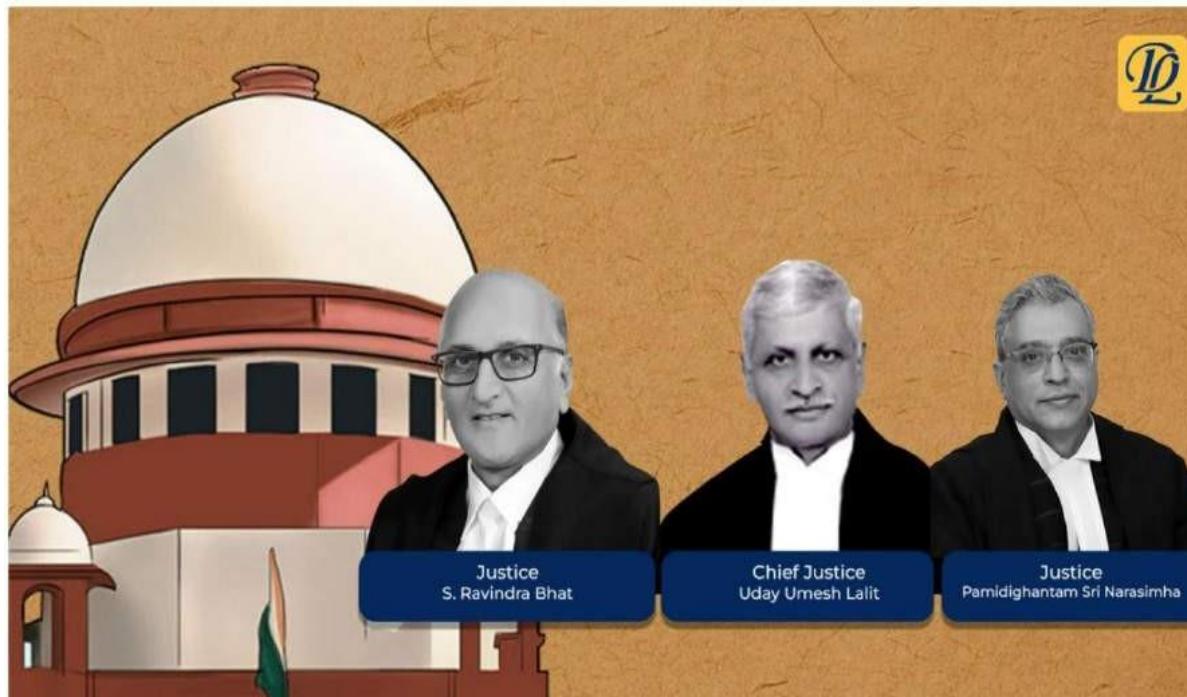
⌚ 21-October-2022 08:26



<https://dakshalegal.com/judgements/actionView/v9gtDlnxLYW0zmfQciCvvoMyB>

**Income Tax exemption to educational institutions. The institution must engage itself in education or educational activities, and not engage in any activity of profit. Such institutions cannot have objects which are unrelated to education. Supreme Court.**

⌚ 21-October-2022 10:37



<https://dakshalegal.com/judgements/actionRead/fQznldqpgTXA8s8VKegHh2UpC>

**Commercial Courts can deal with applications under Section 9, 14 and 34 of the Arbitration and Conciliation Act, 1996 though they are subordinate to Principal Civil Judge. Supreme Court.**

⌚ 21-October-2022 12:02



<https://dakshalegal.com/judgements/actionRead/9qSPUTIU0gY5iBHSYnwY819tF>

**NDPS Act. Owner of logistic company cannot be prosecuted if he was not aware of transportation of contraband in his vehicle. Karnataka High Court.**

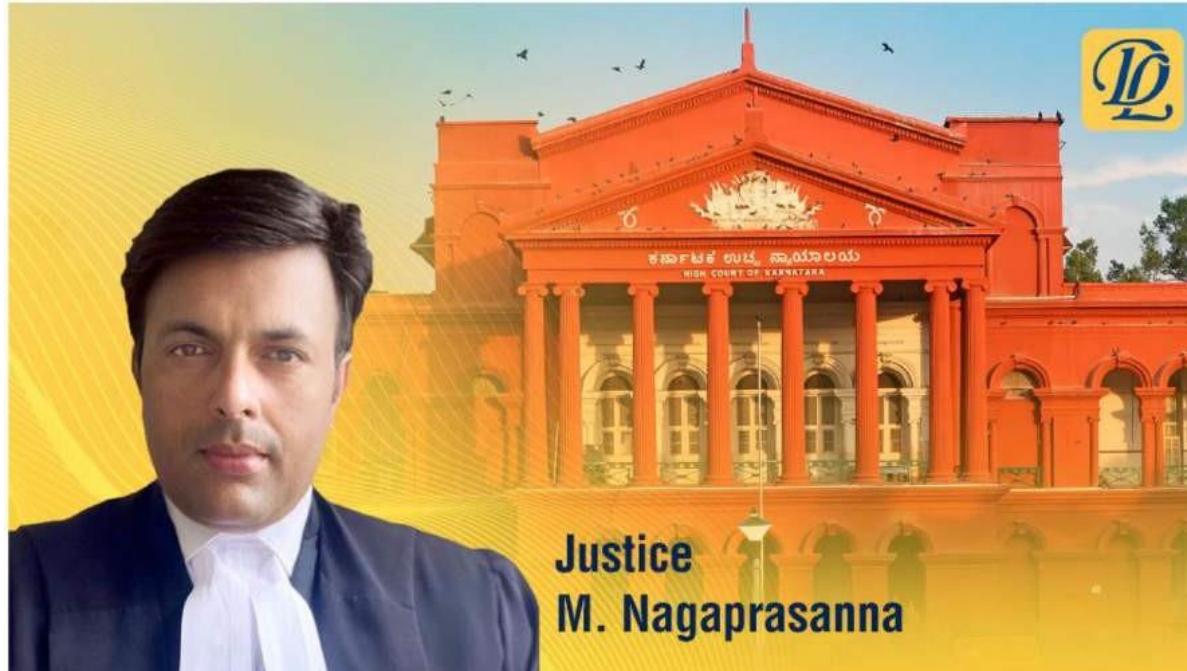
⌚ 22-October-2022 03:22



<https://dakshalegal.com/judgements/actionRead/UZ9NoJpaTHwvI1KfgnnQTyWBw>

**Exporter switching off tamper alert notifications is a serious crime. Business houses generating vested interest of business cannot be permitted to sacrifice the interest of the nation. Karnataka High Court refuses to quash criminal proceedings.**

🕒 22-October-2022 10:30

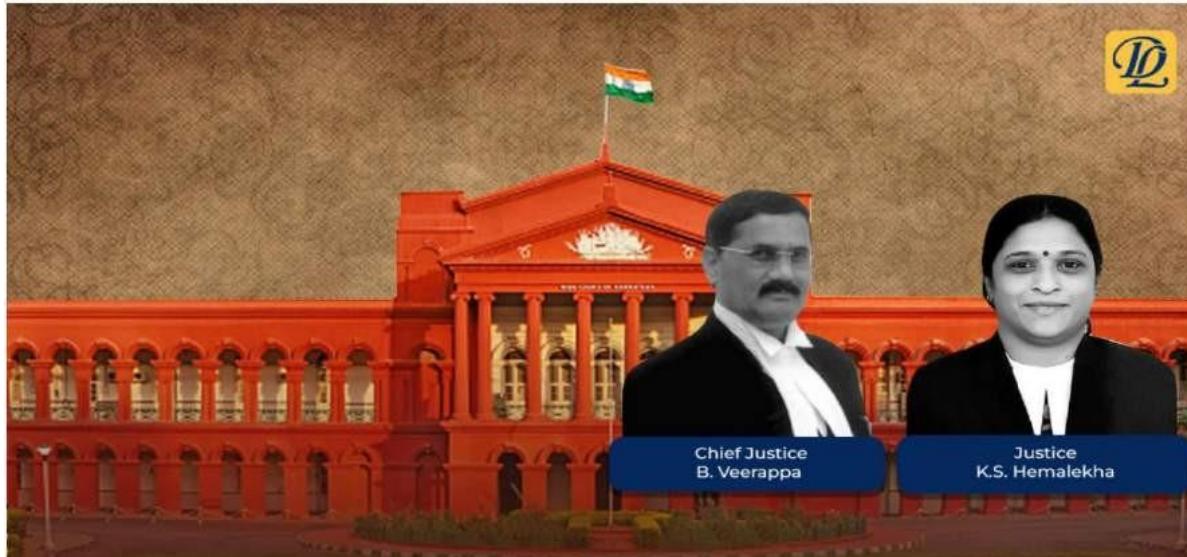


**Justice  
M. Nagaprasanna**

<https://dakshalegal.com/judgements/actionRead/IIUGnPamCfGkURwqqWgMHLRRO>

**Karnataka High Court deprecates speculative litigation by colleges harming educational prospects of the students. Imposes exemplary costs.**

🕒 22-October-2022 07:10



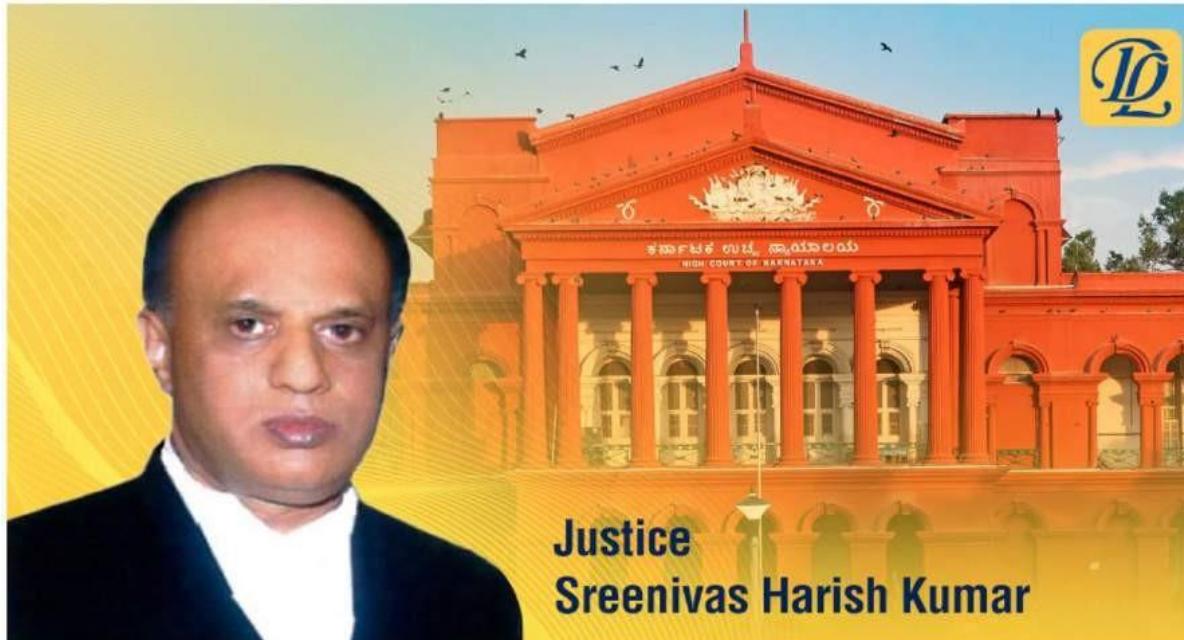
**Chief Justice  
B. Veerappa**

**Justice  
K.S. Hemalekha**

<https://dakshalegal.com/judgements/actionRead/e66BRxeHwkda3cRTpaVBQyuGB>

**Cheque bounce case. Single complaint in respect of several cheques issued from Company account as well as personal account is maintainable if the transaction is same. Karnataka High Court.**

⌚ 22-October-2022 14:19



<https://dakshalegal.com/judgements/actionRead/dNCPL15SjH5pR7a4w8Lc6uUl>

**Only the Special Court and not the Magistrate can exercise powers under the Prevention of Money Laundering Act, 2002. Karnataka High Court.**

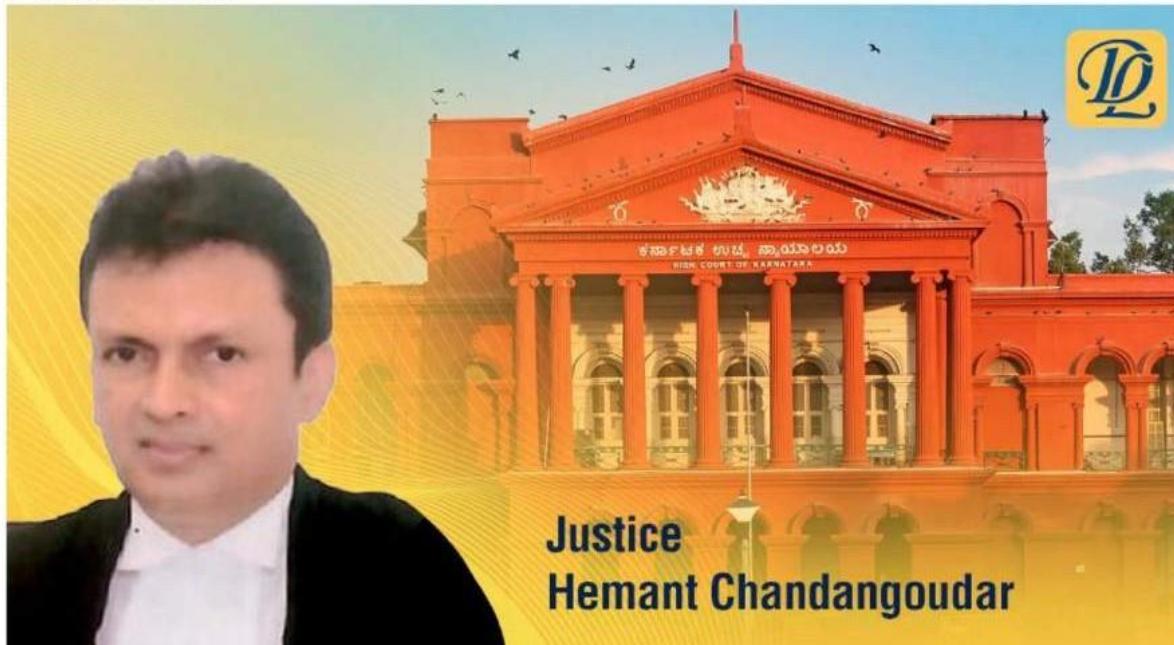
⌚ 24-October-2022 03:23



<https://dakshalegal.com/judgements/actionRead/1ni6hrxYMoJ20IJbO4s8EEYZ6>

**Power of the Deputy Commissioner to demarcate Panchayat area also includes inclusion or exclusion of fishing lakes. Karnataka High Courts**

🕒 24-October-2022 08:25



<https://dakshalegal.com/judgements/actionRead/Smgn3SIW2hXOMjB1Pbj8ohdW4>

**Termination of an employee without following the procedure does not amount criminal breach of trust or cheating. Karnataka High Court.**

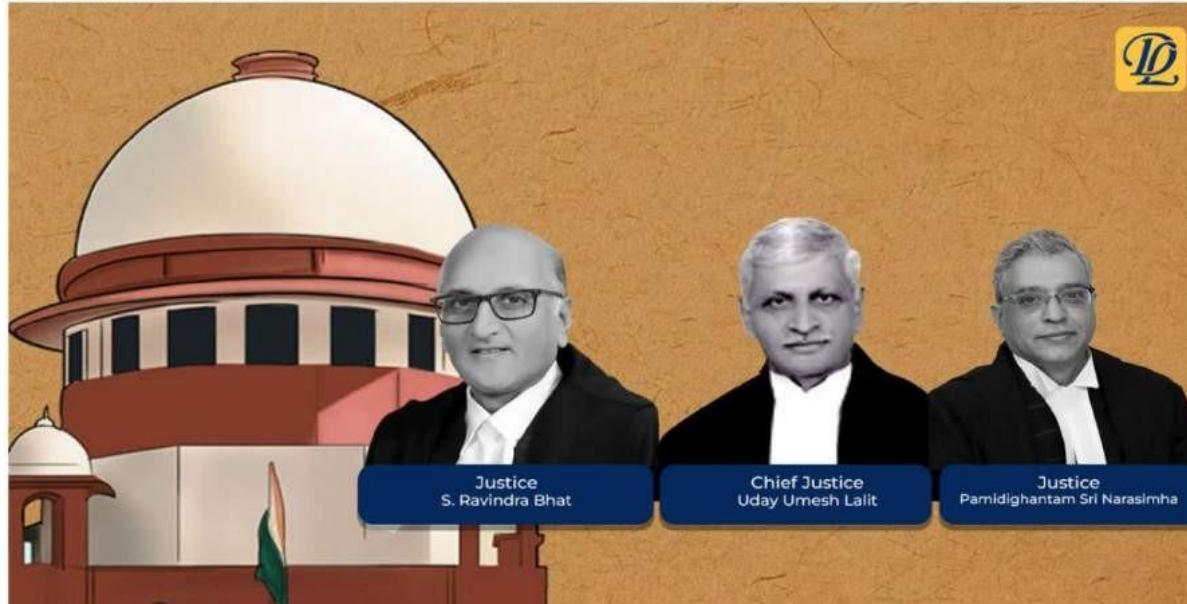
🕒 25-October-2022 03:33



<https://dakshalegal.com/judgements/actionRead/gSzK5Povcq7RNzYpJS4A8p7vi>

**Interpretation of statutes. Courts can look at the previous history of the statute, and the changes it underwent to discern what is intended by the lawmakers when an amendment is introduced, or a new law enacted. Supreme Court.**

🕒 25-October-2022 07:24



<https://dakshalegal.com/judgements/actionRead/v0Hh5AnN9o3M5IQyzsoDVkVcG>

**Once it is established that the seized poppy straw tests positive for the contents of morphine and meconic acid, no other test would be necessary for bringing home the guilt of the accused under the provisions of Section 15 of the NDPS Act. Supreme Court.**

🕒 26-October-2022 03:33



<https://dakshalegal.com/judgements/actionRead/pxU1YNc1JZR4fLfp5BGY6NumW>

**Accused is not entitled for default bail under Section 167 (2) Cr.P.C. in the event of charge sheet having already been filed before his arrest. Karnataka High Court.**

🕒 27-October-2022 03:23



<https://dakshalegal.com/judgements/actionRead/uleBUCyliptfoYgeWS5bbDJ4>

**Appointment of Vice Chancellor of University on the recommendation of Search Committee constituted contrary to UGC Regulations is void ab initio. State Act must be amended to bring it on a par with UGC Regulations. Supreme Court.**

🕒 27-October-2022 07:19



<https://dakshalegal.com/judgements/actionRead/pvVSfRJrpI2w5TaHnAOBxRe9O>

**An absconder cannot claim benefit of default bail under Section 167 (2) Cr.P.C. Karnataka High Court.**

○ 27-October-2022 09:15

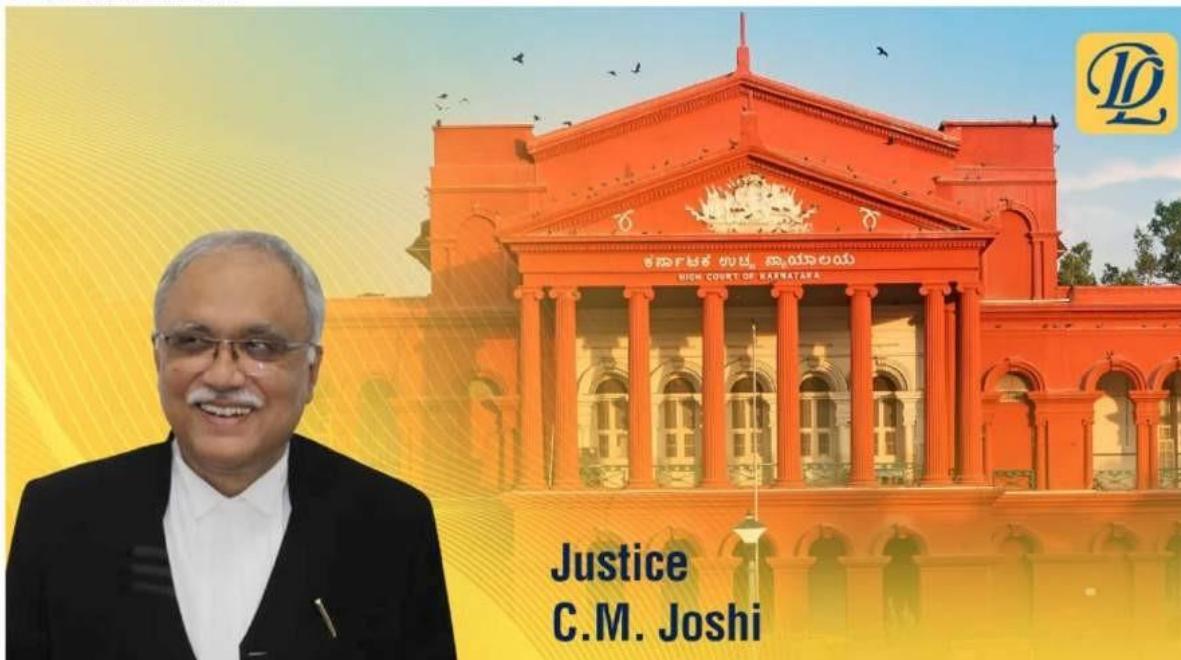


**Justice  
Suraj Govindaraj**

<https://dakshalegal.com/judgements/actionRead/o2ZF5wuxJCJHHBYB7pudKwzYL>

**Motor Vehicle Act. When a claim petition is filed under Section 163A and the evidence on record shows the income is above Rs.40,000/- p.a, the claim petition is liable to be rejected,unless it is converted to one under Section 166. Karnataka High Court**

○ 27-October-2022 10:59



**Justice  
C.M. Joshi**

<https://dakshalegal.com/judgements/actionRead/M3DQf8Bqn8yuh7DRIj9iiwWfQ>

**Suit against public trust. Court cannot entertain application seeking appointment of receiver by deferring the application seeking leave to prosecute the suit under Section 92 of CPC. Karnataka High Court.**

⌚ 27-October-2022 12:15

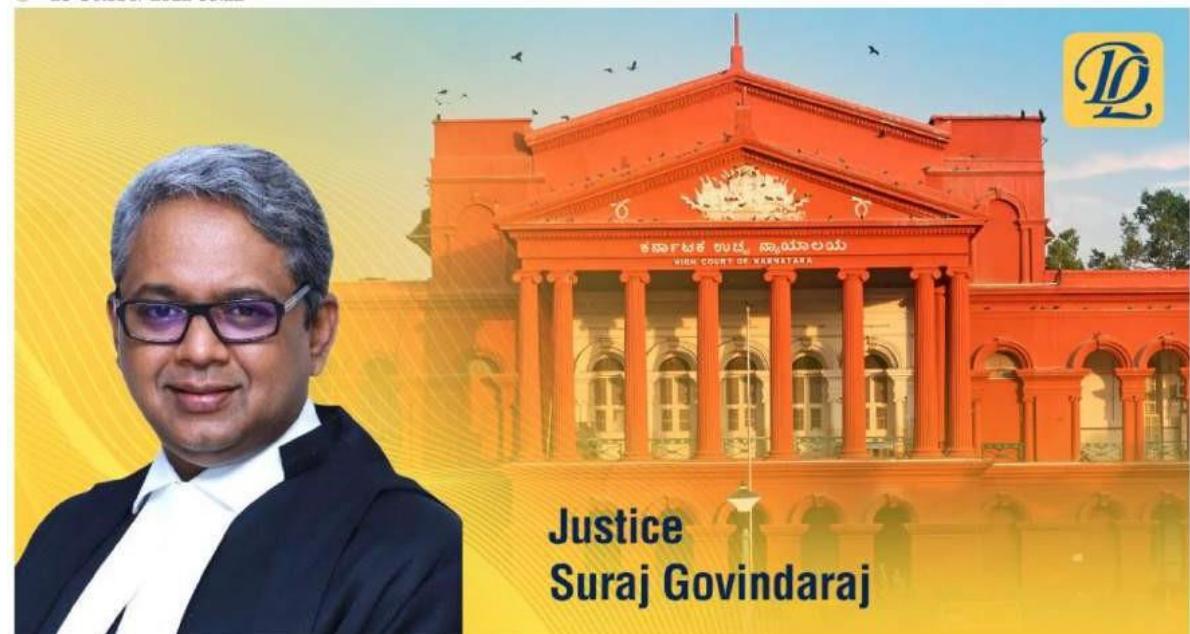


**Justice  
Sachin Shankar Magadum**

<https://dakshalegal.com/judgements/actionRead/99kJJbmjcpeU6HZvF6QdO95nI>

**When a document is fabricated before the Sub-Registrar, bar under Section 195(1)(a)(i) Cr.P.C applies only to proceedings under Section 177 and not under Sections 419, 420, 468 and 471, IPC. Karnataka High Court.**

⌚ 28-October-2022 03:22



**Justice  
Suraj Govindaraj**

<https://dakshalegal.com/judgements/actionRead/RnJeaWZqBHmNfrh4W8OieBWzi>

**Trademarks Act. Names of Holy Books such as Quran, Bible, Guru Granth Sahib, Ramayan cannot be claimed as a trade mark for goods or services. Supreme Court.**

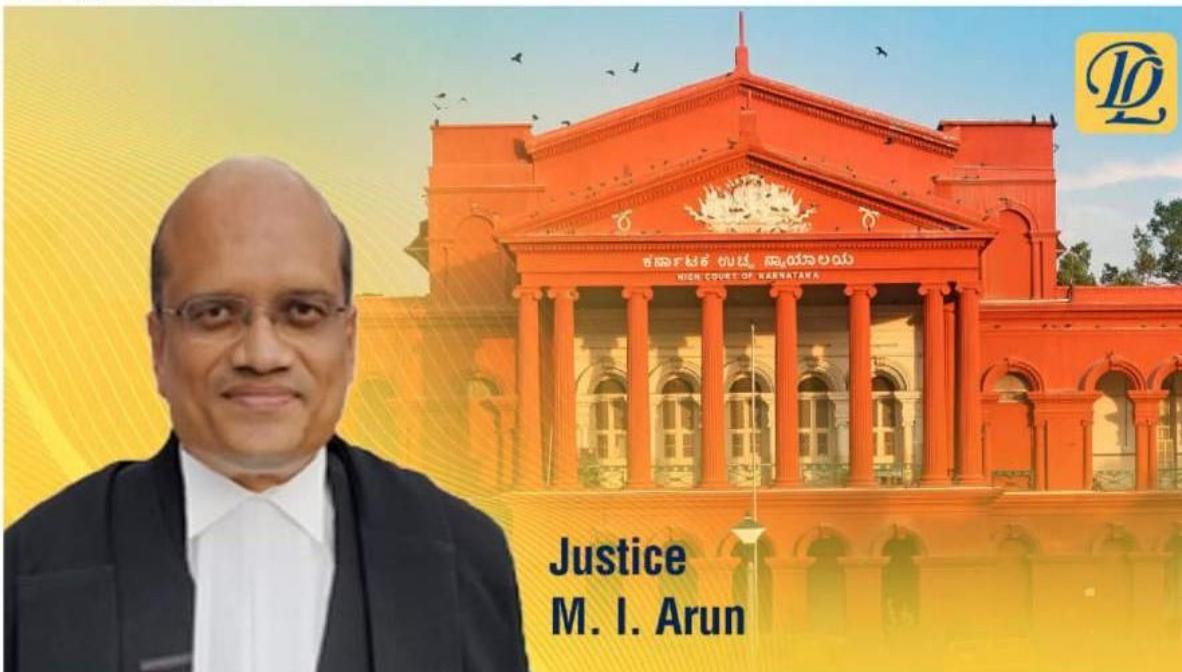
🕒 28-October-2022 12:19



<https://dakshalegal.com/judgements/actionRead/m5pqYQabGfhuFCbTq7ccfz81A>

**National Calamity Contingent Duty is a surcharge which can be levied independently of the excise duty. NCCD can be levied even in the absence of levy of excise duty. Karnataka High Court.**

🕒 28-October-2022 08:47



<https://dakshalegal.com/judgements/actionRead/aeJfaSq1x3KpxzUwGyTCLfRnX>

**Legal Metrology (Packed Commodities) Rules, 2011. When liquid item is sold, the declaration in terms of weight/measures can be done either by weight or volume. Karnataka high Court.**

⌚ 28-October-2022 10:30

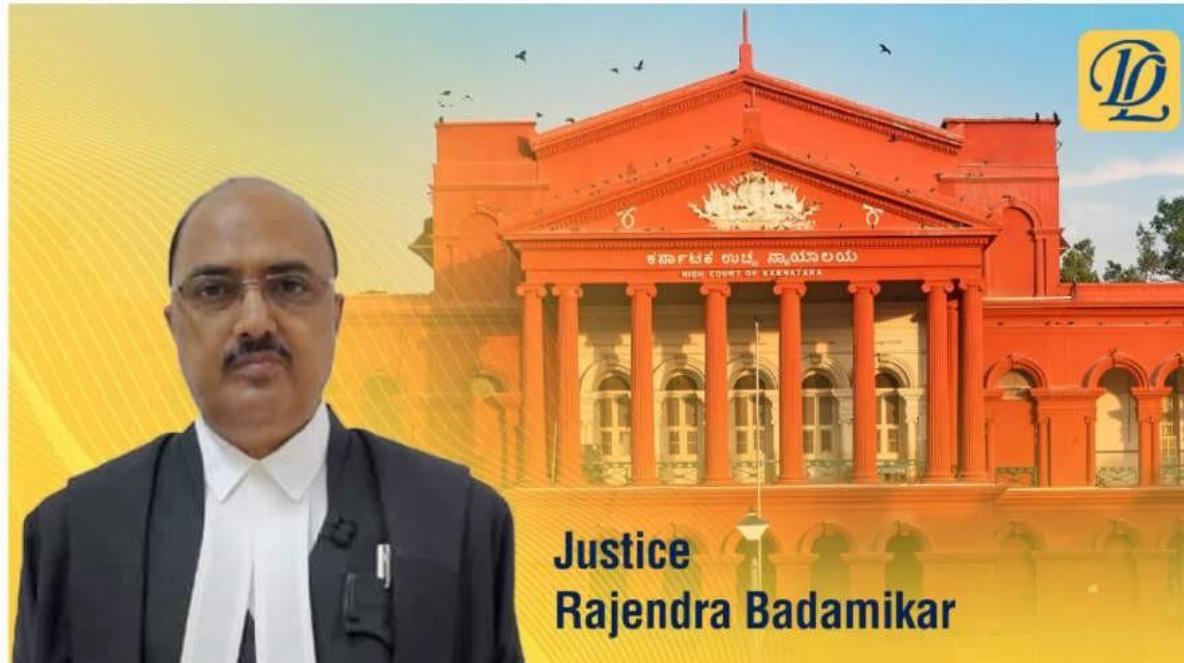


**Justice  
Suraj Govindaraj**

<https://dakshalegal.com/judgements/actionRead/QCpAbgVQTNqGl4xNjjCGT1t8c>

**Motor Vehicles Act. Amount received under the Group Insurance Policy cannot be deducted from the compensation when no premium was paid by the employee under the Group Insurance Policy. Karnataka High Court.**

⌚ 28-October-2022 12:22



**Justice  
Rajendra Badamikar**

<https://dakshalegal.com/judgements/actionRead/aEtzi8AHHAAqnpQnzev9k4ZjQU>

**Accident involving pet or animal does not attract the provisions of the Motor Vehicles Act or the Indian Penal Code. Karnataka High Court.**

⌚ 29-October-2022 08:52

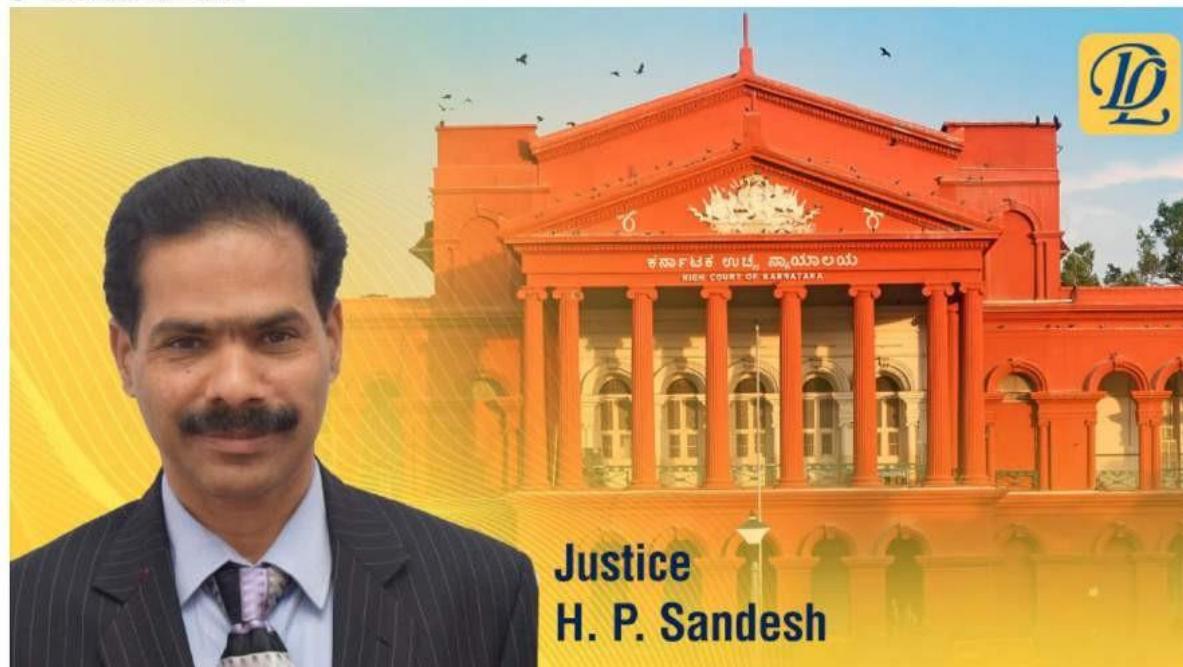


**Justice  
Suraj Govindaraj**

<https://dakshalegal.com/judgements/actionRead/NcIKN2TRD2T8GJH4cJK18DNX2>

**Motor Vehicle Act. Karnataka High Court exercises power under Order 41 Rule 33 CPC to enhance compensation from 11 lakhs to 44 lakhs in the appeal filed by the Insurance Company.**

⌚ 29-October-2022 06:36



**Justice  
H. P. Sandesh**

<https://dakshalegal.com/judgements/actionRead/FvwDAUhvvr21fdTqcRQcRVFwZ>

**Legal Metrology (Packed Commodities) Rules, 2011. Compounding of an offence by one accused will not prevent the other accused from seeking quashment of the proceedings. Karnataka High Court.**

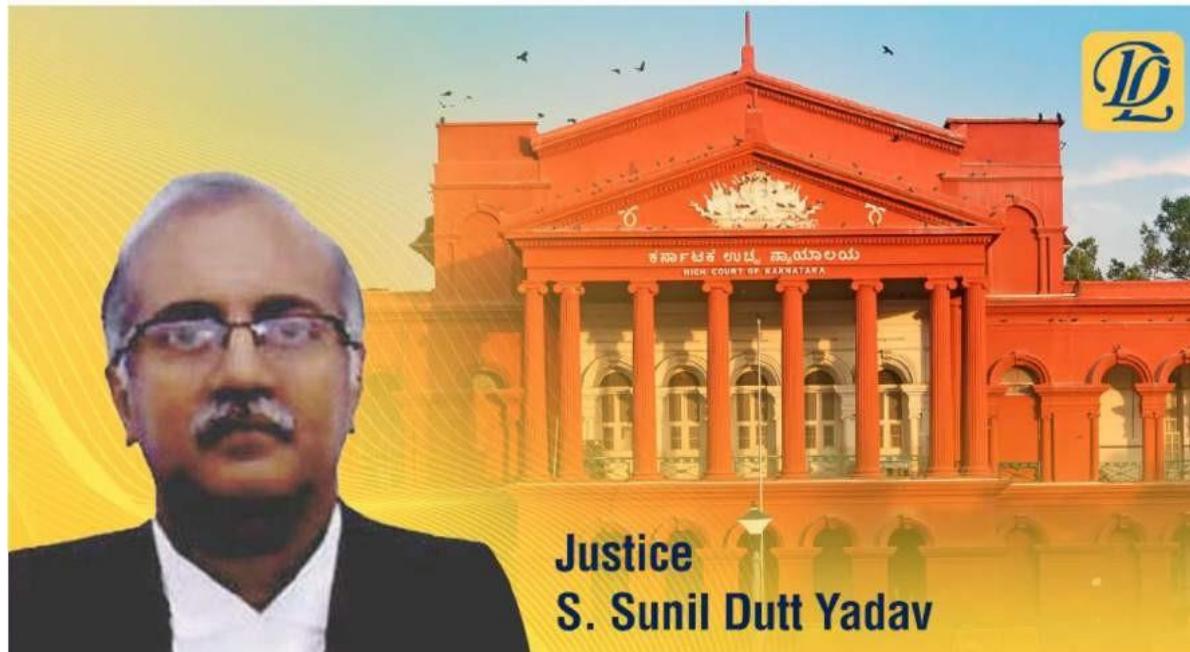
⌚ 29-October-2022 08:38



<https://dakshalegal.com/judgements/actionRead/O6ebbbxRZOAdYRHPjaxH5i2AT>

**There must be a specific allegation that the action complained of amounts to interference or attempt to interfere with the free exercise of electoral right by undue influence at an election to constitute offence under Section 171C,IPC.Karnataka High Court**

⌚ 29-October-2022 11:27



<https://dakshalegal.com/judgements/actionRead/4QcASXXRVSpLS3uPidokneM7i>

**Mines And Minerals (Development And Regulation) Act, 1957.**  
**Geologist can initiate criminal proceedings under Mines and Minerals for the offences under the Act.**

⌚ 31-October-2022 03:20



**Justice  
Suraj Govindaraj**

<https://dakshalegal.com/judgements/actionRead/e5u4oU63V0Deggh1klpeu0F5A>

**Even an employee on a contractual basis is entitled to provident fund  
There is no requirement of a master-servant relationship with the master exercising supervision and control over the employee.**  
**Karnataka High Court.**

⌚ 31-October-2022 06:30



**Justice  
Suraj Govindaraj**

<https://dakshalegal.com/judgements/actionRead/76AUUKKbA2igRzYDOe5ohDGv5Y>

**Land Acquisition Act. In respect of the awards passed after 2013 Act, appeal is maintainable only under Section 74 of the 2013 Act and not under Section 54 of the 1894 Act. Karnataka High Court.**

⌚ 31-October-2022 08:45



<https://dakshalegal.com/judgements/actionRead/yYoD3YIUODtHxWYw0ay4VJtmq>

**Mischief by killing or maiming animals. Mens rea, animus or intention is required to be established to constitute offences under Section 428 or Section 429 of IPC. Karnataka High Court.**

⌚ 31-October-2022 11:06



<https://dakshalegal.com/judgements/actionRead/DQNuFFbQo5xmzvkMbqCqm5w9L>

**Arbitration and Conciliation Centre being run under the aegis of the High Court of Karnataka can appoint an Arbitrator if any of the parties individually or both the parties jointly were to approach the centre for such appointment. Karnataka High Court.**

🕒 31-October-2022 12:25



<https://dakshalegal.com/judgements/actionRead/yJp8xzkv7KRvUcF4ImxebZWvr>