

# **IMPORTANT JUDGMENTS**

**MARCH 2022**

**BY  
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Lingeswaran vs Thirunagalingam

Supreme Court

**CORUM**

Justices MR Shah and BV Nagarathna

**OBSERVATION**

The Supreme Court observed that an application for condonation of delay has to be dismissed if it is found that the delay is not properly explained and that the period of limitation cannot be extended on equitable ground.

Tulsh Kumar Sahu v State of Chattisgarh

Supreme Court

**CORUM**

Justices UU Lalit, S Ravindra Bhat and PS

Narasimha

**OBSERVATION**

The Supreme Court recently set aside the conviction of a person for the offence of murder, after noting that the only evidence which linked him to the offence was the alleged recovery of stolen article from him.

The Bench referred to the tests laid down in paragraph 33 of Ashish Jain vs. Makrand Singh (2019) 3 SCC 770 :

- "i. The first thing to be established is that the theft and murder forms part of one transaction.*
- ii. The nature of the stolen article;*
- iii. The manner of its acquisition by the owner;*
- iv. The nature of evidence about its identification;*
- v. The manner in which it was dealt with by the accused;*
- vi. The place and the circumstances of its recovery;*
- vii. The length of the intervening period;*
- viii. Ability or otherwise of the accused to explain its possession"*

Rama Negi vs Union of India

Supreme Court

**CORUM**

Justices KM Joseph and Hrishikesh Roy

**OBSERVATION**

The Supreme Court observed that unblemished or clean record of an employee is a significant factor while considering his/her suitability for promotion to a 'selection post'.

Jayashree vs Director Collegiate Education

Supreme Court

**CORUM**

Justices KM Joseph and Hrishikesh Roy

**OBSERVATION**

The Supreme Court observed that the appointments to the reserved vacancies are meant only for those who are deserving by being members of reserved community alone.

State of Orissa vs Utkal Distilleries Ltd

Supreme Court

**CORUM**

Justices L. Nageswara Rao and BR Gavai

**OBSERVATION**

The Supreme Court observed that States have power to levy excise duty only in respect of the alcoholic liquor for human consumption.

Alcoholic liquors other than for human consumption have been left to the Central Legislature for levy of duty of excise.

Sukhdev Singh vs State of Punjab

Supreme Court

**CORUM**

CJI NV Ramana, Justices AS Bopanna and Hima  
Kohli

**OBSERVATION**

*The physical nature of the material is not relevant for  
determining whether the contents of the sample  
analyzed were actually opium or not.*



Rakesh Kumar vs State of Bihar

Supreme Court

**CORUM**

Justices KM Joseph and Hrishikesh Roy

**OBSERVATION**

The Supreme Court reinstated a judicial officer whose appointment was cancelled since he could not join the service before stipulated date on account of the nationwide lockdown imposed in view of Covid-19 pandemic.

State of MP vs Ramji Lal Sharma

Supreme Court

**CORUM**

Justices MR Shah and BV Nagarathna

**OBSERVATION**

The Supreme Court observed that once it is established that all the accused came at the place of incident with a common intention to kill the deceased, it is immaterial whether any of the accused who shared the common intention had used any weapon or not and/or any of them caused any injury on the deceased.

OLX India BV vs State of Haryana

Supreme Court

**CORUM**

Justices UU Lalit, S. Ravindra Bhat and PS

Narasimha

**OBSERVATION**

The Supreme Court quashed the directions issued by Punjab and Haryana High Court to OLX India to adopt a screening mechanism with respect to the sellers who could post an advertisement on its Platform.

OLX India BV vs State of Haryana

Supreme Court

**CORUM**

Justices UU Lalit, S. Ravindra Bhat and PS

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**OBSERVATION**

The Supreme Court quashed the directions issued by Punjab and Haryana High Court to OLX India to adopt a screening mechanism with respect to the sellers who could post an advertisement on its Platform.

