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	<p>affected and the consequences-What particular rule of natural justice should apply to a given case must depend to a great extent on the facts and circumstances of that case, the framework of law under which the enquiry is held and the constitution of the body of persons or tribunal appointed for that purpose – Court can refuse relief in exercise of their “discretion” even though natural justice is not followed – Waiving of requirement of notice – Individual benefit and public interest – Exercise of writ jurisdiction is always discretionary which has to keep in view the conduct of the parties.</p>	
6	<p style="text-align: center;"><b>State Bank of India and Another v. Ajay Kumar Sood</b> <b>2022 SCC OnLine SC 1067</b></p> <p>Elements of writing good judgment - Supreme Court remitted the proceeding back to the High Court for consideration afresh because of incomprehensible judgment – The reasoning in the judgment should be intelligible and logical. Clarity and precision should be the goal. All conclusions should be supported by reasons duly recorded - The findings and directions should be precise and specific. Writing judgments is an art, though it involves skillful application of law and logic.</p>	
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8	<p style="text-align: center;"><b>Ashok Kumar Kalra v. Surendra Agnihotri</b> <b>(2020) 2 SCC 394</b></p> <p>Procedural justice and procedural fairness - Interpretation of Order 8 Rule 6-A of the Civil Procedure Code - Filing of counterclaim by a defendant in a suit – Whether the language of Order 8 Rule 6-A of the Civil Procedure Code is mandatory in nature - Procedural rules should not be interpreted so as to defeat justice, rather than furthering it - Even though Rule 6-A permits the filing of a counterclaim after the written statement, the court has the discretion to refuse such filing if it is done at a highly belated stage- Allowing counterclaims after the framing of issues would prolong the trial and will also prejudice the rights that may get vested with the plaintiff over the course of time - In exceptional circumstance the court may entertain a counterclaim even after the framing of issues so long as the court has not started recording the evidence - Apex Court explained considerations that must be borne in mind while allowing the filing of a belated counterclaim - It is not mandatory for a counterclaim to be filed along with the written statement.</p>	

9	<p style="text-align: center;"><b>Dharampal Satyapal Limited v. Deputy Commissioner of Central Excise, Gauhati and Others (2015) 8 SCC 519</b></p> <p>Natural Justice Principle - Withdrawal of exemption of Central Excise in respect of certain goods – Challenge to withdrawal notification – Matter remanded to commissioner (Appeals) by High Court – Commissioner (Appeals) decided the appeals in favour of the appellant and held that issuance of show-cause notice was mandatory before a valid recovery of demand could be made from the appellant and, thus, remitted the matter to the adjudicating authority - Writ appeals of the appellant before the Division Bench were disposed of as infructuous – Parties filed appeals aggrieved against the order passed by the Commissioner (Appeals) - Customs, Excise and Service Tax Appellate Tribunal (“CESTAT”) reversed the orders of the Commissioner (Appeals) - Appellant challenged the order of CESTAT before the High Court of Gauhati was dismissed by the High Court on the ground of res judicata - Review petition also dismissed by the High Court - Appellant challenged both the orders passed in the tax reference as well as the order passed in the review petition - Can the administrative authority dispense with the requirement of issuing notice by itself deciding that no prejudice will be cause to the person against whom the acting is contemplated? - Non-issuance of notice before sending communication dated 23-06-2003 has not resulted in any prejudice to the appellant and it may not be feasible to direct the respondents to take fresh action after issuing notice as that would be a mere formality - Appeals dismissed</p>	
10	<p style="text-align: center;"><b>Uma Nath Pandey v. State of U.P. (2009) 12 SCC 40</b></p> <p>Natural Justice Principle – High Court order allowing the revision petition filed by Respondent 2 without issuing notice to the present appellants and to the other parties under challenge - Whether principles of natural justice have been violated; and if so, to what extent any prejudice has been caused - Impugned order set aside and the matter remitted to the High Court to consider the matter afresh after issuance of notice to the respondents.</p>	
11	<p style="text-align: center;"><b>Makhan Lal Bangal v. Manas Bhunia, (2001) 2 SCC 652</b></p> <p>Role of a judge – Adversarial v. Inquisitorial approach - Appeal under Section 116-A of the Representation of the People Act, 1951 - Corrupt practices having been committed at the election - Election petition is remanded to the High Court for deciding afresh after compliance with Section 99 of the RPA and in accordance with law - Section 98 of the RPA provides for an order at the</p>	

	<p>conclusion of the trial of an election petition being made by the High Court - Ambit and scope of Sections 98 and 99 of the RP Act - Civil Trial – Stage of framing of issues and recording of evidence - A Judge presiding over any trial needs to effectively control examination, cross-examination and re-examination of the witnesses - Power to disallow questions should be effectively exercised by reference to Sections 146, 148, 150, 151 and 152 of the Evidence Act by excluding improper and impermissible questions - Though the trials in India are adversarial, the power vesting in the court to ask any question to a witness at any time in the interest of justice gives the trial a little touch of its being inquisitorial - An alert Judge actively participating in court proceedings with a firm grip on oars enables the trial smoothly negotiating on shorter routes avoiding prolixity and expeditiously attaining the destination of just decision - Presiding Judge to hold the proceedings so as to achieve the dual objective of search for truth and delivering justice expeditiously cannot be subdued - Courtroom is no place for play of passions, emotions and surcharged enthusiasm.</p>	
12	<p style="text-align: center;"><b>Ram Chander v. State of Haryana (1981) 3 SCC 191</b></p> <p>Section 302 read with Section 34 of the Penal Code, 1860- Examination of witnesses - True role of a Judge trying a criminal case? Is he to assume the role of a referee in a football match or an umpire in a cricket match? - Is he to be a spectator or a participant at the trial? Is passivity or activity to mark his attitude? If he desires to question any of the witnesses, how far can he go? Court must actively participate in the trial to elicit the truth and to protect the weak and the innocent - It is the duty of a Judge to discover the truth and for that purpose he may “ask any question, in any form, at any time, of any witness, or of the parties, about any fact, relevant or irrelevant” (Section 165 Evidence Act) - But this he must do, without unduly trespassing upon the functions of the Public Prosecutor and the defence Counsel, without any hint of partisanship and without appearing to frighten or bully witnesses - Questions Sessions Judge did not adhere to fair trial principles by threatening the witnesses that if they changed their statements they would involve themselves in prosecutions for perjury.</p>	
<b>Session 2: Admissibility and Appreciation of Evidence</b>		
1	<p style="text-align: center;"><b>Securities and Exchange Board of India v. Mega Corporation Limited 2022 SCC OnLine SC 361</b></p> <p>Section 15Z of the Securities and Exchange Board of India Act - Restricting the respondent-company from accessing the capital market for one year and further restraining the promoter directors from buying, selling or otherwise dealing with securities for India - Principles of natural justice would be violated</p>	

	<p>if an opportunity to cross-examine is not granted in a case where a material adverse to the party is taken cognisance by SEBI - There is a right of disclosure of the relevant material - However, such a right is not absolute and is subject to other considerations - There was no necessity for the Tribunal to lay down as an inviolable principle that there is a right of cross-examination in all cases.</p>	
2	<p><b>Reliance Industries Limited v. Securities and Exchange Board of India and Others</b> <b>2022 SCC OnLine SC 979</b></p> <p>Alleged violation of Section 77 of the Companies Act, 1956 – Alleged Violation of Regulations 3, 5 and 6 of the Securities and Exchange Board of India (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 1995 - Whether SEBI is required to disclose documents in the present set of proceedings? – Norms for disclosure of documents - SEBI's attempt to cherry-pick the documents it proposes to disclose - Such cherry-picking by SEBI only derogates the commitment to a fair trial – Direction to SEBI to furnish a copy of the documents to the appellant</p>	
3	<p><b>Kavi Arora v. Securities &amp; Exchange Board of India</b> <b>2022 SCC OnLine SC 1217</b></p> <p>Violation of the provisions of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003 - Documents sought from SEBI - Copy of the opinion formed by Respondent SEBI for issuance of the Show Cause Notice to the notice - SEBI Adjudication Rules 1995 - There is apparently no rule which requires SEBI to furnish the opinion under Rule 3 to the noticee in its entirety. The documents relied upon for formation of opinion under Rule 3, are not required to be disclosed to the noticee unless relied upon in the inquiry - In the event, the Petitioner is prejudiced by reason of any adverse order, based on any materials not supplied to the Petitioner, or any prejudice is demonstrated to have been caused to the Petitioner, it would be open to the Petitioner to approach the appropriate forum.</p>	
4	<p><b>T. Takano v. Securities and Exchange Board of India and Another</b> <b>2022 SCC OnLine SC 210</b></p> <p>SEBI (Prohibition of Fraudulent and Unfair Trade Practices) Regulations 2003 - whether an investigation report under Regulation 9 of the PFUTP Regulations must be disclosed to the person to whom a notice to show cause is issued- Party has a right to disclosure of the material relevant to the proceedings initiated against him with some exceptions - The right to disclosure is not absolute - SEBI can withhold disclosure of those sections of the report which deal with third-party personal information and strategic information bearing upon the stable and orderly functioning of the securities market.</p>	

5	<p style="text-align: center;"><b>State Bank of India and Another vs. K.S. Vishwanath 2022 SCC OnLine SC 667</b></p> <p>Bank fraud - False documents - enquiry officer found respondent guilty - confirmed by the Appellate Authority- Appeal - Single Judge set aside the order of punishment and directed the Bank to give all the consequential benefits- Division Bench confirmed judgment of the Single Judge - Whether the High Court can reappreciate evidence of a quasi judicial authority while exercising writ jurisdiction – Standard of proof in enquiry under departmental proceeding - Impugned judgment and order passed by the Division Bench of the High Court and order passed by the learned Single Judge were quashed and set aside - Standard of proof which is required in a criminal case and that of the disciplinary proceedings is different - Standard of proof required in criminal proceedings being different from the standard of proof required in departmental enquiries, the same charges and evidence may lead to different results in the two proceedings, that is, finding of guilt in departmental proceedings and an acquittal by giving benefit of doubt in the criminal proceedings.</p>	
6	<p style="text-align: center;"><b>Lachmi Narain Singh (D) Through Lrs and Others v. Sarjug Singh (Dead) Through Lrs. and Others 2021 SCC OnLine SC 606</b></p> <p>Probate proceeding – Admissibility of Deed cancelling the Will - Genuineness of the cancellation deed - Objection as to the admissibility of a registered document must be raised at the earliest stage before the trial court and the objection could not have been taken in appeal, for the first time - Objection as to the mode of proof must be taken when the document is tendered and before it is marked as an exhibit. It cannot be taken in appeal. Objection as to mode of proof should be taken before a document is admitted and marked as exhibit- Plea regarding mode of proof cannot be permitted to be taken at the appellate stage for the first time, if not raised before the trial Court at the appropriate stage.</p>	
7	<p style="text-align: center;"><b>Z. Engineers Construction (P) Ltd. v. Bipin Bihari Behera (2020) 4 SCC 358</b></p> <p>Power of attorneys - Objection of admissibility of the document on account of being insufficiently stamped - Objection related to deficiency in stamp duty on a power of attorney which the appellants claim to be conveyance, depends upon the finding regarding delivery of possession in terms of the power of attorney - Such objection is required to be decided before proceeding further - However, in a case where evidence is required to determine the nature of the document, it is reasonable to defer the admissibility of a document for insufficient stamp duty at the time of final decision in the suit.</p>	

8	<p style="text-align: center;"><b>Yellapu Uma Maheswari v. Buddha Jagadheeswararao (2015) 16 SCC 787</b></p> <p>Partition suit – Admissibility of documents – Nomenclature given to the document is not decisive factor but the nature and substance of the transaction has to be determined with reference to the terms of the documents and that the admissibility of a document is entirely dependent upon the recitals contained in that document but not on the basis of the pleadings set up by the party who seeks to introduce the document in question - Compulsorily registrable documents if not registered then inadmissible in evidence for the purpose of proving the factum of partition- Whether unregistered documents can be used for any collateral purpose - In a suit for partition, an unregistered document can be relied upon for collateral purpose i.e. severancy of title, nature of possession of various shares but not for the primary purpose i.e. division of joint properties by metes and bounds. An unstamped instrument is not admissible in evidence even for collateral purpose, until the same is impounded.</p>	
9	<p style="text-align: center;"><b>SEBI v. Kishore R. Ajmera (2016) 6 SCC 368</b></p> <p>What is the degree of proof required to hold brokers/sub-brokers liable for fraudulent/manipulative practices under the Securities and Exchange Board of India (Prohibition of Fraudulent and Unfair Trade Practices Relating to Securities Market) Regulations and/or liable for violating the Code of Conduct specified in Schedule II read with Regulation 9 of the SEBI (Stockbrokers and Sub-brokers) Regulations, 1992 - It is a fundamental principle of law that proof of an allegation levelled against a person may be in the form of direct substantive evidence or, as in many cases, such proof may have to be inferred by a logical process of reasoning from the totality of the attending facts and circumstances surrounding the allegations/charges made and leveled - While direct evidence is a more certain basis to come to a conclusion, yet, in the absence thereof the Courts cannot be helpless - It is the judicial duty to take note of the immediate and proximate facts and circumstances surrounding the events on which the charges/allegations are founded and to reach what would appear to the Court to be a reasonable conclusion therefrom - Test would always be that what inferential process that a reasonable/prudent man would adopt to arrive at a conclusion – Appeal is dismissed and the order passed by SAT is affirmed.</p>	
10	<p style="text-align: center;"><b>Omprakash v. Laxminarayan (2014) 1 SCC 618</b></p> <p>Suit for specific performance of contract, possession and permanent injunction in respect of unirrigated land - Admissibility of agreement to sell as evidence -</p>	

	Deed of agreement having been insufficiently stamped, the same was inadmissible in evidence.	
11	<p style="text-align: center;"><b>H. Siddiqui v. A. Ramalingam (2011) 4 SCC 240</b></p> <p>Agreement to sell- Power of attorney – Whether the power of attorney had been executed by the respondent in favour of his brother enabling him to alienate his share in the property? Whether the same had been proved in accordance with law- Secondary evidence - In a case where the original documents are not produced at any time, nor has any factual foundation been laid for giving secondary evidence, it is not permissible for the court to allow a party to adduce secondary evidence - Secondary evidence relating to the contents of a document is inadmissible, until the non-production of the original is accounted for - Mere admission of a document in evidence does not amount to its proof- Documentary evidence is required to be proved in accordance with law.</p>	
12	<p style="text-align: center;"><b>Shalimar Chemical Works Ltd. v. Surendra Oil &amp; Dal Mills (2010) 8 SCC 423</b></p> <p>Infringement of its registered trade mark - Photocopies of registration certificates under the Trade and Merchandise Marks Act, 1958 along with the related documents attached to the certificates - Admitting the original trade mark registration certificates at the appellate stage as additional evidence - Trial court should not have “marked” as exhibits the xerox copies of the certificates of registration of trade mark in face of the objection raised by the defendants. It should have declined to take them on record as evidence and left the plaintiff to support its case by whatever means it proposed rather than leaving the issue of admissibility of those copies open and hanging, by marking them as exhibits subject to objection of proof and admissibility - Division Bench was again wrong in taking the view that in the facts of the case, the production of additional evidence was not permissible under Order 41 Rule 27. Additional documents produced by the appellant were liable to be taken on record as provided under Order 41 Rule 27(b) in the interest of justice.</p>	
13	<p style="text-align: center;"><b>Dayamathi Bai v. K.M. Shaffi (2004) 7 SCC 107</b></p> <p>Property suit – Certified copy of a registered sale deed - Where copies of the documents are admitted without objection in the trial court, no objection to their admissibility can be taken afterwards in the court of appeal - When a party gives in evidence a certified copy, without proving the circumstances entitling him to give secondary evidence, objection must be taken at the time of admission and such objection will not be allowed at a later stage.</p>	



Session 3: Electronic Evidence: New Horizons, Collection, Preservation and Appreciation		
1	<p><b>Emerging Cyber Crimes in India: A Concise Compilation</b> (2021), National Cyber Crime Research &amp; Innovation Centre (NCR&amp;IC), Modernization Division, Bureau of Police Research &amp; Development, New Delhi</p> <p><a href="https://bprd.nic.in/WriteReadData/userfiles/file/202204050353115253612EmergingCyberCrimesinIndia.pdf">https://bprd.nic.in/WriteReadData/userfiles/file/202204050353115253612EmergingCyberCrimesinIndia.pdf</a></p>	
2	Ajay Kumar Goel, <b>Cybercrime : A Cesspool in Virtual World</b> , IP Tech LJ (2020) 136	
3	Tarun Krishnakumar, <b>Law Enforcement Access to Data in India : Considering the Past, Present, and Future of Section 91 of the Code of Criminal Procedure</b> , 1973, 15 IJLT (2019) 67	
4	Rolf van Wegberg, Jan-Jaap Oerlemans, Oskar van Deventer, <b>Bitcoin money laundering: mixed results? An explorative study on money laundering of cybercrime proceeds using bitcoin</b> , Journal of Financial Crime, Emerald Publishing Limited	
5	<p style="text-align: center;"><b>Ravinder Singh v. State of Punjab</b> <b>(2022) 7 SCC 581</b></p> <p>Two children kidnapped and murdered - Section 302 read with Section 120-B IPC – Death penalty by trial court – High Court acquitted two accused and partly allowed the appeal filed by third accused and while setting aside the death penalty, sentenced him to undergo rigorous imprisonment for 20 years under Section 302 IPC – Conviction and sentence challenged - Electronic evidence produced before the High Court should have been in accordance with the statute and should have complied with the certification requirement, for it to be admissible in the court of law - Oral evidence in the place of such certificate cannot possibly suffice as Section 65-B(4) is a mandatory requirement of the law - Appeal is allowed and the impugned order of the High Court is set aside</p>	
6	<p style="text-align: center;"><b>Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal</b> <b>(2020) 7 SCC 1</b></p> <p>Admissibility of electronic records - interpretation of Section 65-B of the Evidence Act, 1872 - Election petitions - Sections 80 and 81 of the Representation of the People Act, 1951, challenging the election of the appellant – Late presentation of Nomination Forms and filing after the stipulated time - Reliance upon video-camera arrangements that were made</p>	

	<p>both inside and outside the office of the Returning Officer - Certificate required under Section 65-B(4) is a condition precedent to the admissibility of evidence by way of electronic record, as correctly held in Anvar P.V. v. P.K. Basheer, (2014) 10 SCC 473, and incorrectly “clarified” in Shafhi Mohammad v. State of H.P., (2018) 2 SCC 801 - Oral evidence in the place of such certificate cannot possibly suffice as Section 65-B(4) is a mandatory requirement of the law - General directions to cellular companies and internet service providers to maintain CDRs and other relevant records for the period concerned (in tune with Section 39 of the Evidence Act) in a segregated and secure manner if a particular CDR or other record is seized during investigation in the said period- The parties concerned can then summon such records at the stage of defence evidence, or in the event such data is required to cross-examine a particular witness - Anvar P.V. v. P.K. Basheer, (2014) 10 SCC 473 is the law declared by this Court on Section 65-B of the Evidence Act. The judgment in Tomaso Bruno [Tomaso Bruno v. State of U.P., (2015) 7 SCC 178 being per incuriam, does not lay down the law correctly. Also, the judgment in Shafhi Mohammad [Shafhi Mohammad v. State of H.P., (2018) 2 SCC 801 and the judgment dated 3-4-2018 reported as Shafhi Mohd. v. State of H.P., (2018) 5 SCC 311 do not lay down the law correctly and are therefore overruled - Appeals dismissed with costs.</p>	
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