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(3) s.302 – Murder – Extra-judicial confession in presence of witnesses – Recovery of weapon at the instance of the accused – Held: Witnesses to the extra judicial confession declared hostile, thus it does not inspire confidence – Conviction cannot be sustained merely on the ground of recovery of weapon of crime at the instance of accused – Accused granted the benefit of doubt – Conviction set aside.

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Held: Justified.

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were void votes and prayed for recount of votes of all the candidates – High Court ordered to delete the paragraphs in written statement on the ground that they were in the nature of counter claim and held that only the votes cast in the named polling stations would be liable to be counted and not those which were named in the paragraphs ordered to be deleted from the written statement – Held: Matter is referred to larger bench in view of difference of opinion – Code of Civil procedure, 1908 – O. 8 r.6-A – Election laws – Reference to larger bench.

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(i) Regulations 20(4)(b), 20(12), 2(e)(1) and (2) – Offer price for acquisition of shares in case of indirect takeover of a company – Determination of – Relevant date for determination of ‘person acting in concert’ and for applying regulation 20(4)(b) – Explained – Securities and Exchange Board of India Act, 1992.

(ii) Regulation 2(e)(1) – Concept “person acting in concert” – Held: The concept is based on a target company on the one side, and on the other side two or more persons coming together with the shared common objective or purpose of substantial acquisition of shares etc. of the target company – Unless there is a target company,

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(1) Appointment – Denial of, on the ground that candidate did not get her name sponsored by employment exchange.

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(2) Back-wages and seniority – Appointment illegally denied to a handicapped candidate – High Court directing appointment of claimant from the date the candidate below her in merit list was appointed, with full back wages and seniority – Held: While High Court was fully justified in directing employers to appoint claimant from the date the persons lower in merit were appointed, but, direction given for payment of full salary with retrospective effect cannot be approved – Since claimant has been deprived of her rights for almost 21 years, employers directed to pay her costs of Rs.3,00,000/- – Costs.

(Also See under: Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959)

Union of India and others v. Miss Pritilata Nanda 733

(3) Departmental enquiry – Judicial Officer – Charged with possessing disproportionate assets

– A Judge appointed as Presenting Officer – Application of delinquent for appointing legal practitioner for his defence dismissed – Found guilty in enquiry – Dismissal from service – Held: Denial of engagement of legal practitioner was not violative of the principles of natural justice or the Rules – Engagement of ‘legal practitioner’ is permissible for delinquent only if the Presenting Officer is a legal practitioner – A judge in service cannot be termed as a legal practitioner – On facts, delinquent has not approached the court with clean hands – Judges are expected to apply stringent social and moral values to their standard of living – Finding of facts arrived at by authorities/courts below cannot be interfered with in exercise of jurisdiction under Article 136 – M.P. Civil Services (Classification, Control and Appeal) Rules, 1966 – r. 14(8) – Principles of natural justice – Interpretation of Statutes – Advocates Act, 1961 – s. 2(i) – Central Administrative Tribunals Rules, 1987 – r. 2(e) – Constitution of India, 1950 – Article 136 – Judiciary.

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(4) Military service – Disability pension. (See under: Pension Regulations for the Army, 1961) 490

(5) (i) Pension – Multiple pension options – Appellant opted for pro-rata pension – Later made representation seeking change in option and claiming pension for combined service – Representation rejected by authorities – Writ petition dismissed on ground of unexplained delay

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(ii) Service Law – Settled practice – Held: Normally the matters which are settled should not be permitted to be unsettled on mere asking.

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(6) Termination – Mistake in implementation of roster of reservation and appointment of general candidate on the post of regular lecturer meant for SC category – Held: Collective error on the part of University and College led to the instant situation – Mistake of fact cannot vest indefeasible legal right in general candidate to be appointed or deemed to have been appointed against a reserve category – High Court rightly upheld the termination order of general candidate – Maharashtra Universities Act, 1994 – s. 59(1).

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(1) ss.13(1)(c) and 20 – Agreement to sell – Failure to execute sale deed – Suit for specific performance and alternatively refund of earnest money – First appellate court granting relief of specific performance – High Court affirming the decree – Held: Grant of decree of specific performance is lawful and also justified on the facts as well as equity – Even if the property was mortgaged to Co-operative Society, there is no bar to transfer the property in view of s. 48(d) of

Co-operative Societies Act and ss. 12(1)(c) and 12(2) of Resettlement Act – Increase in the price of suit property cannot be a ground for denying decree of specific performance – Maharashtra Co-operative Societies Act, 1960 – s. 48(d) – Maharashtra Re-settlement of Project Displaced Persons Act, 1976 – ss. 12(1)(c) and 12(2) – Equity.

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(2) s.26 – Applicability of – Suit for specific performance of agreement to sell – Decreed – Decree challenged on the ground that the agreement in question suffered from ambiguity as regards description of the property and therefore, rectification of the agreement u/s.26 was a condition precedent for passing a decree for specific performance – Held: Relief of rectification can be claimed in case of fraud or a mutual mistake of the parties and real intention of the parties is not expressed in relation to an instrument – Since, the agreement in question related to sale of specific property and there was no ambiguity or mutual mistake therein, decree is affirmed.

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(ii) s. 15 – Confessional Statement under – Evidentiary value of – Need for corroboration – Held: If the confession is voluntary and truthful and relates to accused himself, no corroboration necessary – Conviction can be solely based on it. (Also See under: Ranbir Penal Code, Samvat 1989 (AD 1932) as also Code of Criminal Procedure (Jammu & Kashmir), Samvat 1989 (AD 1933))

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(Registrar)

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JUDGES OF THE SUPREME COURT OF INDIA

(From 13.05.2010 to 8.07.2010)

1. Hon'ble Shri Justice S. H. Kapadia, Chief Justice of India
2. Hon'ble Mr. Justice Altamas Kabir
3. Hon'ble Mr. Justice R. V. Raveendran
4. Hon'ble Mr. Justice Dalveer Bhandari
5. Hon'ble Mr. Justice D. K. Jain
6. Hon'ble Mr. Justice Markandey Katju
7. Hon'ble Mr. Justice H. S. Bedi
8. Hon'ble Mr. Justice V. S. Sirpurkar
9. Hon'ble Mr. Justice B. Sudershan Reddy
10. Hon'ble Mr. Justice P. Sathasivam
11. Hon'ble Mr. Justice G. S. Singhvi
12. Hon'ble Mr. Justice Aftab Alam
13. Hon'ble Mr. Justice J. M. Panchal
14. Hon'ble Dr. Justice Mukundakam Sharma
15. Hon'ble Mr. Justice Cyriac Joseph
16. Hon'ble Mr. Justice Asok Kumar Ganguly
17. Hon'ble Mr. Justice R.M. Lodha
18. Hon'ble Mr. Justice H. L. Dattu
19. Hon'ble Mr. Justice Deepak Verma
20. Hon'ble Dr. Justice B. S. Chauhan
21. Hon'ble Mr. Justice A. K. Patnaik
22. Hon'ble Mr. Justice T. S. Thakur
23. Hon'ble Mr. Justice K. S. Radhakrishnan
24. Hon'ble Mr. Justice Surinder Singh Nijjar
25. Hon'ble Mr. Justice Swatanter Kumar
26. Hon'ble Mr. Justice C. K. Prasad
27. Hon'ble Mr. Justice H. L. Gokhale
28. Hon'ble Mrs. Justice Gyan Sudha Misra
29. Hon'ble Mr. Justice Anil R. Dave

**MEMORANDA
OF
JUDGES OF THE SUPREME COURT OF INDIA
(From 13.05.2010 to 8.07.2010)**

Hon'ble Mr. Justice H. S. Bedi, Judge, Supreme Court of India was on leave for one day on 08.07.2010 on full allowances.

Hon'ble Mr. Justice Cyriac Joseph, Judge, Supreme Court of India was on leave for one day on 05.07.2010 on full allowances.

Hon'ble Dr. Justice B. S. Chauhan, Judge, Supreme Court of India was on leave for four days from 05.07.2010 to 08.07.2010 on full allowances.

ERRATA

Page No.	Line No.	Read for	Read as
852	17	HELD: 1.1 The respondent No. 1....	HELD: 1.1 That the respondent No. 1...

CORRIGENDA

SCR Volume	Page No.	Para No.	Line No.	Read for	Read as
(2010) 7	421	18	4 (from bottom)	v. State of Karnataka reported	v. State of Haryana reported
(2010) 7	1041	10 Cont..	17	the exculpatory of the admission,	the exculpatory nature of the admission,
(2010) 7	1046	17	19	conviction but all	conviction but if all
(2010) 7	1046	17	22	used for collaborating the case	used for corroborating the case
(2010) 7	1047	19	14	or by break opening the lock	or by breaking open the lock
(2010) 7	1058	4 Cont..	7 (from bottom)	legal preposition advanced	legal proposition advanced
(2010) 7	1076	1 Cont..	2-3	It appear that,	It appears that,
(2010) 7	1091	12 Cont..	12	completed his period.....	completed his probation period.....
			15	completed or has not passed...	completed or the probationer has not passed...