

## **Abridged Index**

## Latest decisions - 06/11/2024

Power to impose conditions while granting bail—Conditions that can be imposed while granting bail cannot be arbitrary or fanciful—Conditions must be proportional to the reason for imposing them and balance has to be struck between the liberty of the accused, his right to fair trial and the need to ensure his participation in trial—Directions which are in the nature of blanket orders that broadly restrict a person's right to express his opinion cannot be imposed under the pretense of setting conditions for granting bail - Sunil Mathew v. Station House Officer, I.L.R. 2024 (4) Kerala 526. Neutral Citation 2024:KER: 71524

Nature of Judicial Review—In rare instances where a decision made by the primary decision maker violates a citizen's constitutional rights, whether fundamental or not, or does not meet the legal standard of proportionality, the reviewing court may conduct a primary review and replace the primary authority's judgment with its own - Satheesan V.D. (M.L.A) v. State of Kerala, I.L.R. 2024 (4) Kerala, 498. Neutral Citation 2024:KER: 69161

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Reliance on circumstantial evidence for conviction— The chain of evidence needs to be both consistent and comprehensive to eliminate any reasonable doubt about the innocence of accused— It should demonstrate that in all probability the act was committed by the accused and the accused alone - Abraham @ Jose v. State of Kerala, I.L.R. 2024 (4) Kerala 511. Neutral Citation 2024:KER: 71760

The exact information given by the accused while in custody which led to recovery of the articles has to be proved and not the opinion formed on it by the police officer - Abraham @ Jose v. State of Kerala, I.L.R. 2024 (4) Kerala 511. Neutral Citation 2024:KER: 71760

Where a particular time is prescribed from a certain date within which an act is to be performed, the first day is to be excluded—Effect of defining period from such a day until such a day within which an act is to be done is to exclude the first day and to include the last day—Date of receipt of intimation was on 16.12.1999, and the said day has to be excluded, which would make the lawyer notice sent on 31.12.1999 within the statutory period— Alexander M.G. v. Biju Chellapan, I.L.R. 2024 (4) Kerala 533. Neutral Citation No. 2024:KER: 66003

If the necessary ingredients to constitute the offence under the Act are not disclosed on a prima facie reading of the allegations leveled in the complaint or FIR, the bar under Section 18 of SC and ST [Prevention of Atrocities] Act, 1989 will not apply and court can grant pre-arrest bail -Shajan Skariah v. State of Kerala, I.L.R. 2024 (4) Kerala 453 (S.C.). Neutral Citation No. 2024 INSC 625

Court should examine whether prima facie, the offence has been made out - For satisfying itself, the court should examine whether all the ingredients which are necessary to constitute the offence are prima facie disclosed in the complaint or not - Shajan Skariah v. State of Kerala, I.L.R. 2024 (4) Kerala 453 (SC). Neutral Citation No. 2024 INSC 625

Section 3(1)(r) of the SC and ST [Prevention of Atrocities] Act, 1989 is attracted where the reason for the intentional insult or intimidation is that the person who is subjected to it belongs to a Scheduled Caste or Scheduled Tribe - Shajan Skariah v. State of Kerala, I.L.R. 2024 (4) Kerala 453 (SC): Neutral Citation No. 2024 INSC 625.

'Humiliation'—The term denotes infliction of humiliation against members of the Scheduled Castes and Scheduled Tribes wherein such humiliation is intricately associated with the caste identity of such members - Shajan Skariah v. State of Kerala, I.L.R. 2024 (4) Kerala 453 (SC). Neutral Citation No. 2024 INSC 625

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