

NATIONAL JUDICIAL ACADEMY



NATIONAL ORIENTATION PROGRAMME FOR ADDITIONAL DISTRICT JUDGES

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BACKGROUND READING MATERIAL

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NATIONAL JUDICIAL ACADEMY INDIA

NATIONAL ORIENTATION PROGRAMME FOR ADDITIONAL DISTRICT JUDGES

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JUDGEMENTS		
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2.	V.K. Sasikala v. State rep. by Superintendent of Police(2012)9SCC771 [<i>It is not the stage of making of the request; the efflux of time that has occurred or the prior conduct of the accused that is material. What is of significance is if in a given situation the accused comes to the court contending that some papers forwarded to the Court by the investigating agency have not been exhibited by the prosecution as the same favours the accused the court must concede a right to in the accused to have an access to the said documents, if so claimed.</i>]	167
3.	Prem Kumar Gulati Vs. State of Haryana MANU/SC/0865/2014 [<i>It is well settled that a truthful and reliable dying declaration may form the sole basis of conviction even though it is not corroborated. However, the reliability of declaration should be subjected to a very close scrutiny, keeping in view the fact that the statement has been made in the absence of the accused who had no opportunity of testing the veracity of the statement by cross-examination---- If two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases where in the guilt of the accused is sought to be established by circumstantial evidence]</i>	179

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11.	State of Punjab Vs. Prem Sagar and Ors (2008)7SCC550 [The principle that the court in awarding the sentence must take into consideration a large number of relevant factors; sociological backdrop of the accused being one of them. ---. It would depend upon the circumstances in which the crime has been committed and his mental state. Age of the accused is also relevant.--- The facts and given circumstances in each case, the nature of the crime, the manner in which it was planned and committed, the motive for commission of the crime, the conduct of the accused, the nature of weapons used and all other attending circumstances are relevant facts which would enter into the area of consideration.]	237

12.	A.Shanmugam Vs. Ariya Kshatriya Rajakula Vamsathu Madalaya Nandhavana Paripalanai Sangam Represented by Its President etc (2012)6SCC430 <i>[In civil cases, pleadings are extremely important for ascertaining the title and possession of the property in question.----- Apart from these pleadings, the Court must insist on documentary proof in support of the pleadings.----- Malimath Committee on Judicial Reforms heavily relied on the fact that in discovering truth, the judges of all Courts need to play an active role----- It is imperative for a judge to critically examine the pleadings of the parties before framing of issues. Rule 2 of Order X Code of Civil Procedure enables the Court, in its search for the truth, to go to the core of the matter and narrow down, or even eliminate the controversy.----- Due care, caution, diligence and attention must be bestowed by the judicial officers and judges while granting or refusing injunction----- Imposition of actual, realistic or proper costs and or ordering prosecution would go a long way in controlling the tendency of introducing false pleadings and forged and fabricated documents by the litigants. Imposition of heavy costs would also control unnecessary adjournments by the parties.----- The Court must adopt realistic and pragmatic approach in granting mesne profits----- The principle of restitution be fully applied in a pragmatic manner in order to do real and substantial justice].</i>	245
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20.	<p>Sidhartha Vashisht @ Manu Sharma vs. State (NCT of Delhi) (2010)6SCC1 <i>[Public prosecutor is under a duty of disclosure under the Cr. P.C., Bar Council Rules and relevant principles of common law. Nevertheless, a violation of this duty does not necessarily vitiate the entire trial. A trial would only be vitiated if non-disclosure amounts to a material irregularity and causes irreversible prejudice to the accused----- Delay in recording the statement of the witnesses do not necessarily discredit their testimonies. The Court may rely on such testimonies if they are cogent and credible.— Trial by media should be avoided particularly, at a stage when the suspect is entitled to the constitutional protections]</i></p>	369
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Note: The emphasis on certain paragraphs or sentences in the judgments has been made in the form of bold fonts. Please read the full judgment for conclusive opinion.