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M. MAHESH REDDY V. STATE OF KARNATAKA & ORS

In a crucial reaffirmation of the constitutional protection of free speech and the rule of law, the Supreme Court in this case intervened to address the de facto censorship of the film Thug Life—starring Kamal Haasan—in Karnataka, despite it being cleared by the Central Board of Film Certification (CBFC). The petitioner, Mahesh Reddy, approached the Court under Article 32 alleging that state inaction in the face of mob threats effectively suppressed the screening of the film, violating the fundamental rights of filmmakers, theatre owners, and the viewing public.

The controversy began when fringe groups in Karnataka threatened violence over certain comments made by Kamal Haasan perceived to be critical of Kannada pride. In response, many theatre owners pulled the film from their listings. Significantly, the State failed to register FIRs or take protective measures, which the petitioner argued amounted to an unconstitutional surrender of public order to mob pressure.

The Supreme Court issued a notice to the Karnataka government, emphasizing that once a film has been certified by the CBFC, its public exhibition cannot be suppressed due to perceived hurt

sentiments or threats of violence. The Court held that such actions undermine the freedom of speech and expression guaranteed under Article 19(1)(a), and the right to practice a profession or carry on any trade under Article 19(1)(g). It reiterated that the State has a constitutional obligation under Article 21—read with the right to dignity and liberty—to ensure citizens can access lawful entertainment without fear or coercion.

Crucially, the Court rebuked the Karnataka High Court's earlier stance that Kamal Haasan should consider apologizing to defuse tensions. The Supreme Court stressed that no individual or institution can impose pre-conditions on constitutional rights, especially not apologies demanded by vigilante groups. Citing the doctrine of "rule of law"—a basic feature of the Constitution—it held that public order cannot be outsourced to mobs.

The Court referred to precedents like S. Rangarajan v. P. Jagjivan Ram and Khushboo v. Kanniamal to affirm that freedom of expression includes unpopular or controversial views, and mere threats of unrest cannot justify suppression unless there is actual incitement to violence as per the reasonable restrictions under Article 19(2).

By transferring the case from the High Court and taking suo motu cognizance of the chilling effect on artistic expression, the Supreme Court asserted its role as the final guardian of fundamental rights. It directed the State to file an affidavit by June 18, 2025, detailing the

steps taken to ensure peaceful screening and to prevent future instances of mob censorship.

This case marks a significant affirmation of constitutional freedoms against the rising trend of societal censorship. The ruling makes it clear that state inaction in the face of threats is not neutrality—it is a constitutional abdication. The right to free expression cannot be conditioned by public outrage or surrendered to street-level coercion.

Read full guidelines:
https://www.verdictum.in/court-updates/supreme-court/m-mahesh-reddy-v-state-of-karnataka-kamal-hassan-thug-life-1581360

WORKING IN A 'SOCIETY' UNDER ARTICLE 12 DOES NOT MAKE ONE A GOVERNMENT EMPLOYEE: SUPREME COURT

PINTU CHOWDHURY vs. UNION OF INDIA

In the case of Pintu Chowdhury vs. Union of India [SLP(C) No. 016733 / 2025], the petitioner, Pintu Chowdhury, had previously worked as a Craft Teacher in the Tripura Tribal Welfare Residential Educational Institutions Society (TTWREIS), an autonomous body funded by the government. While applying for the post of Junior Weaver at the Weavers Service Centre in Agartala under the Ministry of Textiles, he claimed that his earlier employment was equivalent to government service. Relying on this assertion, he was appointed to the new post. However, an inquiry by the Ministry of Handloom and Textiles, later confirmed by the Department of Personnel and Training (DoPT), established that TTWREIS was not a government department. Consequently, his appointment was terminated. When he challenged the termination, both the single bench and the division bench of the Tripura High Court rejected his petition, holding that employment in TTWREIS did not amount to government service as per Rule 2(h) of the CCS (CCA) Rules, 1965.

Key Legal Issues:

1. Whether employment in a society covered under Article 12 automatically confers the status of "government servant"?
2. Whether the petitioner was entitled to claim government service status for appointment purposes?

Judgment:

The Supreme Court, dismissing the Special Leave Petition, upheld the findings of the High Court. The bench comprising Justices Ujjwal Bhuyan and Manmohan held that mere employment in a society that qualifies as a "State" under Article 12 of the Constitution does not confer the status of a government servant. A person is considered a government servant only if they hold a civil post under the Union or a State. The Court noted that TTWREIS, being an autonomous society, is not a government department, and thus the petitioner's claim was incorrect. Furthermore, it held that no right or benefit can be claimed through misrepresentation or fraud. The doctrine of estoppel was found inapplicable in such a case, and the appointment obtained through false declarations was voidable. Therefore, the Court concluded that the petitioner was not entitled to continue in the post and his termination was justified.

DAILY-RATED AND CASUAL WORKERS MUST BE COUNTED WHILE DETERMINING GRATUITY ACT APPLICABILITY: CALCUTTA HC

MIDNAPUR DISTRICT SERVICE CUM MARKETING & INDUSTRIAL COOPERATIVE UNION LTD. VS. THE STATE OF WEST BENGAL & ORS.

The Justice Shampa Dutt (Paul) of the Calcutta High Court upheld the right to gratuity of Rejaul Hoque, a former employee of the Midnapur District Service-cum-Marketing & Industrial Cooperative Union Ltd., ruling that the Union falls within the ambit of Section 1(3)(c) of the Payment of Gratuity Act, 1972. The Court observed that denying gratuity after 34 years of service amounted to an unfair labour practice.

Hoque joined the Union in 1974 as a General Assistant and Cashier, and retired as a Manager in 2009. He later filed a claim under Rule 10 of the West Bengal Payment of Gratuity Rules, 1973, seeking ₹1.3 lakhs as gratuity. The Controlling Authority ruled in his favour and directed the employer to pay ₹2.1 lakhs, which was later upheld by the Appellate Authority.

However, the Union challenged this in a writ petition before the High Court. The court initially remanded the matter for fresh consideration. Even after reconsideration, the appellate authority reaffirmed Hoque's gratuity entitlement. The Union once again approached the High Court, contesting both the appellate and controlling authority's orders.

The Union claimed that the Gratuity Act did not apply to them, asserting that they never employed 10 or more workers during any 12-month period as required under Section 1(3)(c). Citing Independent Schools' Federation of India v. Union of India, they argued that, without a specific notification from the Central Government, the Act could not apply.

Hoque countered by highlighting that the Union ran several operational units like tile manufacturing and mat weaving centres, which employed at least 25 workers, including daily wage and welfare-funded employees. He also pointed out that the Union maintained a gratuity fund from 2001 to 2012, acknowledging their obligation under the Act.

The Court clarified that Section 1(3)(c) applies to any establishment employing 10 or more workers, including casual and daily-rated employees, not just permanent staff. Referring to Lakshmi Vishnu Textile Mills v. P.S. Mavlankar, the Court reaffirmed that daily-rated workers are also entitled to benefits under the Gratuity Act.

It was further noted that the burden of proof for establishing non-applicability of the Act lies with the employer, who is in possession of relevant employment records. In this case, the Union failed to discharge that burden. Based on the facts and workforce numbers presented, the Court held that the Union met the threshold under Section 1(3)(c).

Lastly, the Court found it unjust and contrary to natural justice to deny gratuity to an employee after such long, dedicated service, and held that such denial also amounts to an unfair labour practice.

The High Court dismissed the Union's writ petition and upheld the appellate authority's order granting gratuity to Rejaul Hoque.

Read full guidelines:
https://www.livelaw.in/pdf_upload/midnapur-district-service-cum-marketing-and-industrial-cooperative-union-ltd-604754.pdf

PAYMENT OF GRATUITY ACT OVERRIDES OTHER STATE PENSION RULES: BOMBAY HC

CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD, AMRAVATI, TQ. & DISTRICT AMRAVATI. V. GANESH GULABRAO NAWALE

In a significant ruling, the Bombay High Court (single bench of Justice M.S. Jawalkar) held that the Payment of Gratuity Act, 1972 overrides the Maharashtra Civil Services (Pension) Rules, 1982, unless a specific exemption under Section 5 of the Gratuity Act is in place. The Court clarified that pending disciplinary proceedings or minor penalties under the MCS Rules cannot justify the withholding of gratuity under Section 4(6) of the Act.

The case involved Ganesh Nawale, a retired Zilla Parishad employee who superannuated on January 31, 2020. Despite retirement, his gratuity payments were withheld by the Zilla Parishad, citing earlier disciplinary actions. Nawale had previously undergone a departmental inquiry in 2014 for using inappropriate language, which resulted in a reduction in pay scale. However, the disciplinary matter had concluded years prior to his retirement.

Nawale filed an application before the Gratuity Authority, seeking full gratuity with interest, and was awarded ₹18.33 lakhs. The Zilla Parishad challenged this before the High Court, arguing that Nawale's gratuity should be governed by the MCS Rules, not the Gratuity Act, and referred to a 2019 Government Resolution capping

Zilla Parishad gratuity at ₹14 lakhs. They also pointed to Rule 130 of the MCS Rules, which permits withholding gratuity if any proceedings are pending.

In contrast, Nawale contended that the Payment of Gratuity Act was the governing law, as it overrides all other provisions through Sections 5 and 14, unless an exemption is granted. He emphasized that no exemption had been granted in his case, and no grounds existed for forfeiture under Section 4(6), as there was no termination or proven misconduct as defined by the Act.

Referring to the precedent in Suresh Laxman Tikhile v. Municipal Council, the Court reiterated that unless a government notification under Section 5 explicitly exempts an organization, employees are covered by the Gratuity Act, irrespective of other service rules.

The Court emphasized that gratuity is a statutory right and that the Gratuity Act, being beneficial legislation, must be interpreted in favor of the employee. It also clarified that Section 4(5) allows for better terms under contracts but does not reduce rights under the Act. Further, the Court noted that Nawale was not terminated and no serious misconduct or financial loss had occurred.

Since Section 4(6) allows forfeiture only for specific, serious acts—such as violence, moral turpitude, or causing loss or damage—the Zilla Parishad's justification was not valid. Concluding that Nawale's gratuity could not be withheld under the Gratuity Act, the Court dismissed the writ petition and ordered the Zilla Parishad to release the gratuity amount due

Read full guidelines:
https://www.livelaw.in/pdf_upload/chief-executive-officer-zilla-parishad-amravati-v-ganesh-gulabrao-nawale-604910.pdf

MERE ABSCONDING AFTER THE COMMISSION OF A CRIME DOES NOT ESTABLISH GUILT

CHETAN VERSUS THE STATE OF KARNATAKA

Th The Supreme Court recently observed that while mere absconding after the commission of a crime does not by itself establish guilt, it is a relevant fact under Section 8 of the Evidence Act, as it reflects the conduct of the accused and may indicate a guilty mind.

Holding thus, the bench of Justices Surya Kant and N. Kotiswar Singh upheld the appellant's conviction for murder, noting that he was last seen with the deceased shortly before absconding from the scene and his failure to explain this abscondence constituted a relevant fact under Section 8 of the Evidence Act, corroborated by other supporting evidence.

"It is trite that mere absconding by itself does not constitute a guilty mind as even an innocent man may feel panicky and may seek to evade the police when wrongly suspected of being involvement as an instinct of self-preservation. But the act of abscondence is certainly a relevant piece of evidence to be considered along with other evidence and is a conduct under Section 8 of the Evidence Act, 1872, which points to his guilty mind. The needle of suspicion gets strengthened by the act.", the court observed, referencing Matru @ Girish Chandra vs. State of Uttar Pradesh, (1971) 2 SCC 75.

The appellant (accused) was last seen with the deceased on the night of the murder (10.07.2006) and absconded from 11.07.2006 until his arrest on 22.07.2006. The court noted his evasive behaviour of giving false information to the deceased's family about his whereabouts and misleading his friend to lie about his location

This conduct, alongside the recovery of the murder weapon (gun) and forensic evidence linking it to the crime, formed a chain of circumstances pointing to the guilt.

The Court noted that although absconding alone is insufficient to prove guilt, it forms a relevant piece of evidence when the accused does not give a plausible explanation for his absconding from the crime scene.

Since the Appellant failed to offer a plausible explanation for fleeing, and his abscondence was corroborated by other incriminating evidence such as last seen, motive, recovery of weapons, etc., the Court found such instances benefited the prosecution's case.

Accordingly, the appeal was dismissed and the conviction was upheld.

OFFENCE UNDER SECTION 387 OF THE INDIAN PENAL CODE DOESN'T REQUIRE ACTUAL DELIVERY OF PROPERTY

M/S. BALAJI TRADERS VERSUS THE STATE OF U.P. & ANR.

Ther The Supreme Court recently observed that the offence under Section 387 of the Indian Penal Code doesn't require actual delivery of property; instead, putting a person in fear of death/grievous hurt for the purpose of extortion is sufficient.

Holding thus, the bench comprising Justices Sanjay Karol and Manoj Misra set aside the Allahabad High Court's decision, which had quashed the summons issued to the accused in connection with a complaint registered under Section 387 IPC (Putting a person in fear of death or of grievous hurt to commit Extortion).

The Court rejected the High Court's view that an offence under Section 387 IPC requires actual delivery of property. It clarified that extortion under Section 387 is complete as soon as the victim is put in fear of death or grievous hurt. Unlike Section 383, which defines extortion and necessitates the delivery of property, Section 387 does not require any transfer of valuable property for the offence to be established.

The case involved a criminal complaint under Section 387 IPC (extortion by threat of death/grievous hurt) filed by Appellant's proprietor, alleging that Respondent No.1 and his associates threatened him at gunpoint to either shut down his betel nut business

or pay ₹5 lakh/month.

The Trial Court issued a summons, but the Allahabad High Court quashed the proceedings, holding that no extortion occurred since no money/property was actually delivered. Aggrieved by the High Court's decision, the Appellant moved to the Supreme Court.

Setting aside the impugned decision, the judgment authored by Justice Karol observed that the High Court erred in applying the ingredients of Section 383 IPC, as the complainant/victim was put to fear of death on gunpoint pressurizing him to deliver Rs. 5 Lakhs per month, and such an overt act was sufficient to invoke Section 387 IPC despite there was no actual delivery of property.

"Putting a person in fear would make an accused guilty of an offence under Section 387 IPC; it need not satisfy all the ingredients of extortion provided under Section 383 IPC.", the court said.

"we are of the view that the instant case is not fit for quashing as the two essential ingredients for prosecution under Section 387 IPC, as discussed supra have been prima facie disclosed in the complaint, (a) that the complainant has been put in fear of death by pointing a gun towards him; and (b) that it was done to pressurize him to deliver Rs.5 lakhs. The High Court, while quashing, has wrongly emphasized the fact that the said amount was not delivered; it failed to consider whether the money/property was delivered or not, is not even necessary as the accused is not charged with Section 384 IPC. The allegations of putting a person in fear of death or grievous hurt would itself make him liable to be prosecuted under Section 387

IPC.”, the court added.

In this regard, the Court cited the case of Somasundaram v. State, (2020) 7 SCC 722, where the accused threatened the victim to sign documents but killed him before compliance, still held guilty under Section 387.

In terms of the aforesaid, the Court allowed the appeal, restored the case to the file of the trial court, and the parties were directed to fully cooperate, and the hearing was expedited.

PRINCIPLE OF RES JUDICATA APPLIES EVEN TO DIFFERENT STAGES OF THE SAME PROCEEDINGS.

SULTHAN SAID IBRAHIM V. PRAKASAN & ORS. (2025)

Background:

This case stemmed from a long-standing litigation over the specific performance of a contract to sell a commercial property in Palakkad, Kerala. The dispute originally began in 1996 when Prakasan (the original plaintiff) filed a suit against Jameela Beevi (the original defendant), seeking enforcement of a 1996 sale agreement. The agreement concerned a 1-cent shop property, for which a total consideration of ₹6,00,000 was fixed, of which ₹1,50,000 was balance due. Notably, the appellant, Sulthan Said Ibrahim, was a witness to this agreement and claimed later to be a tenant through inheritance.

Chronology and Procedural History:

The plaintiff obtained an ex parte decree in 1998. After a failed attempt by the defendant to set it aside, the suit was restored and contested, eventually culminating in a 2003 decree for specific performance. The defendant's appeals up to the Supreme Court failed. Following the defendant's death in 2008, her legal heirs—including the appellant—were impleaded in execution proceedings. Years later, in 2012, the appellant filed an application under Order I Rule 10(2) CPC, seeking deletion from the party array, arguing that he was not a legal heir and instead a tenant with independent possession. The trial court dismissed this, noting his delayed objections and participation in earlier proceedings without protest. The Kerala High Court affirmed this in 2021. Hence, the appellant

approached the Supreme Court.

Appellant's Arguments:

The appellant contended:

- He was wrongfully impleaded as a legal heir under Mohammedan Law, as descendants of pre-deceased children are excluded.
- He was a tenant of the property, protected under Section 11 of the Kerala Rent Control Act.
- The decree for specific performance did not grant possession, and without such a direction, the execution proceeding was overreaching.
- The impleadment under Order XXII had been mechanical and should not bar deletion under Order I Rule 10.

Respondent's Arguments:

The respondent (plaintiff) argued that:

- The appellant raised no objections for over four years despite multiple opportunities.
- His actions, including involvement in other applications and litigations, signified acquiescence.
- The claim of tenancy was an afterthought aimed at frustrating execution.
- The sale deed had already been executed, and the appellant was blocking possession.

Key Legal Issues:

1. Whether the application for deletion from party array was barred by res judicata.
2. Whether the appellant could claim tenancy rights.
3. Whether possession was implicit in the specific performance decree.

Court's Analysis:

- The Court held that the principle of res judicata applies even to different stages of the same proceedings. The appellant, having failed to object at the implement stage, could not seek deletion later under Order I Rule 10.
- The delay of over four years, combined with active participation in prior proceedings, showed a lack of bona fides.
- Regarding tenancy, the Court found no credible evidence of actual tenancy—there were no rent receipts or continuous possession shown. Licenses obtained later were deemed a litigation tactic.
- The decree for specific performance, per precedent, implicitly included possession unless expressly denied, especially when the seller was in exclusive possession at the time of the agreement.

Conclusion & Directions:

The Supreme Court dismissed the appeal with ₹25,000 costs, noting the appellant's tactics to delay justice. It directed the executing court to ensure possession is handed over to the plaintiff within two months, using police assistance if needed.

UPHELD THE 30-DAY GRACE PERIOD, NOTING NO FAULT ON PART OF INSURED

HARVINDER SINGH V. SHRIRAM GENERAL INSURANCE CO.

Court: Uttarakhand State Consumer Disputes Redressal Commission, Dehradun

Relevant Law: Motor Vehicles Act provisions on licence renewal / insurance validity + Consumer Protection Act

Facts

- In April 2017, Harvinder Singh's car met with a fatal accident after a retaining wall collapsed. His driver (Jagdish Chauhan) lost his life.
- Chauhan's driving licence had expired on March 23, 2017—just before the accident. The insurer rejected compensation based on this expiry.
- Singh argued that under the Motor Vehicles Act, a 30-day grace period applies after expiry, during which the licence remains valid.

Claim Procedure

- District Consumer Commission (October 2022): Ruled in Singh's favor, including full com-pensation plus interest.
- Shriram General Insurance appealed to the State Commission.

State Commission's Judgment (June 10, 2025)

- Bench: Kumkum Rani (President) and B. S. Manral (Member).
- Upheld the 30-day grace period, noting no fault on part of insured.
- Rejected insurer's repudiation, while slightly reducing compensation from ₹6 lakh to ₹4 lakh.
- Awarded 9% annual interest from the 2017 filing date plus ₹5,000 litigation costs

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