



Regular¹ Legal Updates & Points

(Date: 09 & 10 April 2022)

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[1]	Word/ Doctrine / Maxims of the Day: Prognosis: It literally means 'fore-knowing' or 'foreseeing'. Elaborately, prognosis is a doctor's judgment of the likely or expected development of a disease or of the chances of getting better. For Examples: The prognosis after the operation was for a full recovery.
[2]	Question (?) / Issue for Discussion of the Day: Discuss the provisions as to summary trial under the Cr.P.C. 1973. How does it is different from the summons trial?
[3]	Law / Bill of the Day: The Indian Wireless Telegraphy Act, 1933: This is small Act consisting of total 11 Sections. The purpose of the Act is to regulate the possession of wireless telegraphy apparatus in India. As per the Act, the phrase "wireless communication" means any transmission, emission or reception of signs, signals, writing, images and sounds, or intelligence of any nature by means of electricity, magnetism, or Radio waves or Hertizian waves, without the use of wires or other continuous electrical conductors between the transmitting and the receiving apparatus. Under the Act, "Radio waves" or "Hertizian waves" means electro-magnetic waves of frequencies lower than 3,000 gigacyles per second propagated in space without artificial guide. This Act mandates, inter alia, that no person shall possess wireless telegraphy apparatus except under and in accordance with a license issued under this Act. As the 1933 Act is turning obsolete, the Government is working on a law tentatively titled as the Wireless & Spectrum Act to replace the 1933 Act which will cover all issues regarding critical airwaves, including allotment, auction and reservation of the scarce natural resource, among other details. The draft legislation is likely to be introduced in monsoon session of the Parliament. The new law will me modelled on the.lines of the U.S. Communications Act of 1934.
[4]	Memorable Case Laws: (1) Bodhisattwa Gautam Vs. Subhra Chakraborty (1966 AIR 922): The present case is a landmark case, establishing the offence of Rape as against the guaranteed right to life under Article 21 of the Indian Constitution. This case made a significant observation in granting compensation to rape victims and considered it to be an integral and undeniable aspect of 'Right to Life'. Sections 357 and 375-A of Code of Criminal Procedure, 1973, provides for compensation to victims of crimes along with various victim compensation schemes by States and Centre. This judgement specifically emphasised the jurisdiction of the Courts to

¹ . Earlier, it was published as "Daily Legal Updates and Points"



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	<p>provide interim compensation to victims of rape, which should be included in such schemes, based on the rationale that if the Court has the jurisdiction to grant compensation after conviction of the offender, the grant to interim compensation would also fall within its overall jurisdiction.</p> <p>(2) Fourth Judges Case (2015): This case is formally known as the Supreme Court Advocate on Record Association Vs Union of India (Fourth Judges Case). In this case constitutional validity of 99th Constitutional Amendment Act 2014 (whereby Arts. 124-A, 124-B & 124-C were inserted) & the NJAC Act, 2014 were challenged before the Hon'ble Supreme Court of India. These amendments and the Act were dealt with the appointment of the judges to the higher judiciary by the National Judicial Appointments Commission (NJAC) instead of the current appointment procedure through collegium system. Putting it simply, through this amendment, the Indian Parliament in one way or the other tried to abrogate the power of appointing judges by the collegium system. The Supreme Court with a majority of 4:1 struck down the 99th Constitutional Amendment Act & the NJAC Act stating it "unconstitutional & void" as it violated the basic structure of Indian Constitution i.e. independence of Judiciary. In order to have holistic understanding as to background of this fourth judges case the previous three judges cases [<i>i.e.</i> <u>S.P. Gupta v. U.O.I. (1st Judges Case—1981)</u> ; <u>S.C.O.R.A. v. U.O.I. (2nd Judges Case—1983)</u>; In Re: <u>Under Article 143(1) of the Constitution of India (Third Judges Case—1998)</u>] may please be referred.</p>
[5]	<p>Memorable Points (Cr.P.C.): Memorable points² as to Criminal Procedure Code, 1973 (total 24 points as to Cr.P.C. already covered under previous issues of "Regular Updates") are as under —</p> <p>(1) Section _____ of the Cr.P.C., 1973 deals with the order for notifying address of previously convicted offender—Section 356.</p> <p>(2) When any person, having been convicted by a Court in India of an offence punishable with imprisonment for a term of three years, or upwards, is again convicted of any offence punishable under the same section with imprisonment for a term of _____ years or upwards by any Court other than that of a Magistrate of the second class, such Court may, if it thinks fit, at the time of passing a sentence of imprisonment on such person, also order that his residence and any change of, or absence from, such residence after release be notified—Three Years.(Refer Section 356 of the Cr.P.C.)</p> <p>(3) Any person, having been convicted by a Court in India of an offence punishable with imprisonment for a term of three years, or upwards, is again convicted of any offence punishable under the same section with imprisonment for a term of three years or upwards by any Court other than that of a Magistrate of the second class, such Court</p>

². The readers please be informed that total **83 points** (the Indian Penal Code, 1860) , **84 points** (CPC) and **93** (Indian Evidence Act) **memorable points** have been covered under previous issues of "Daily Legal Updates & Points" now known as "**Regular Legal Updates and Points**".



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	<p>may, if it thinks fit, at the time of passing a sentence of imprisonment on such person, also order that his residence and any change of, or absence from, such residence after release be notified for a term not exceeding _____ years from the date of the expiration of such sentence—Five Years.(Refer Section 356 of the Cr.P.C.)</p> <p>(4) If any previous conviction and punishment with three years is repetitive and the subsequent order is set aside on appeal or otherwise, an order as to notification of address under Section 356 shall become—Void. (Refer Section 356 of the Cr.P.C.)</p> <p>(5) Section 357-A of the Cr.P.C., 1973 talks about—Victim Compensation Scheme.</p> <p>(6) Whenever any person causes a police officer to arrest another person, if it appears to the Magistrate by whom the case is heard that there was no sufficient ground for causing such arrest, the Magistrate may award such compensation, not exceeding Rs._____, to be paid by the person so causing the arrest to the person so arrested, for his loss of time and expenses in the matter, as the Magistrate thinks fit—Rs.1000. (Refer Section 358 of the Cr.P.C.)</p>
<p>[6]</p>	<p>Memorable Points (Misc.): Memorable points under Indian Constitution and various miscellaneous important Acts are as under (total 390 points already covered under previous issues of "Daily Updates")—</p> <p>(1) Constitution of India, 1950: As per Article_____ of the Indian Constitution, business in Parliament shall be transacted in Hindi or in English—Article 120</p> <p>(2) Code of Civil Procedure: The Court has general power to amend any defect or error in any proceeding in a suit under Section_____ of the C.P.C.—Section 153</p> <p>(3) Indian Evidence Act, 1872: True/ False: A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding, upon the ground that the answer to such question will criminate, or may tend directly or indirectly to criminate, such witness, or that it will expose, or tend directly or indirectly to expose, such witness to a penalty or forfeiture of any kind—True (Refer Section 132 of the Indian Evidence Act, 1872)</p> <p>(4) Indian Penal Code, 1860: True/ False: The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act—True (Refer Explanation to Section 108 of the IPC, 1860)</p> <p>(5) Transfer of Property Act, 1882: No transfer of property can operate to create an interest which is to take effect after the lifetime of one or more persons living at the date of such transfer, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the interest created is to belong. This rule is known as—Rule against Perpetuity True (Refer Section 14 of the TPA, 1822)</p>



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- (6) **Indian Contract Act, 1872**: An agreement to do an act impossible in itself is _____—Void (Refer Section 56 of the ICA, 1872)
- (7) **Partnership Act, 1932**: Who shall have power at all time to rectify any mistake in order to bring the entry in the Register of Firms relating to any firm into conformity with into documents relating to that firm—**Registrar of Firms** (Refer Section 64 of the Partnership Act, 1932)
- (8) **Sale of Goods Act, 1930**: **True/ False**: For the purpose of Sale of Goods Act, 1930, delivery of goods sold may be made by doing anything which the parties agree shall be treated as delivery or which has the effect of putting the goods in the possession of the buyer or of any person authorised to hold them on his behalf—**True** (Refer Section 33 of the SOGA, 1930)
- (9) **Specific Relief Act, 1963**: **True/ False**: Where the contract is voidable or terminable by the plaintiff or where the contract is unlawful for causes not apparent on its face and the defendant is more to blame than the plaintiff, any person interested in a contract may sue to have it rescinded—**True** (Refer Section 27 of the Specific Relief Act, 1963)
- (10) **Negotiable Instrument Act, 1881**: If the indorser signs his name only, the indorsement is said to be “_____”, and if he adds a direction to pay the amount mentioned in the instrument to, or to the order of, a specified person, the indorsement is said to be “_____”, and the person so specified is called the “_____” of the instrument.—**In Blank; In Full; Indorsee** (Refer Section 16 of the NI Act, 1881)

[7]

G. K. / Current Affairs:

- (1) T M A Pai Foundation vs State of Karnataka case relates to—**Rights of Minority Educational Institutions.**
- (2) Who shall be the patron-in-chief of the National Legal Services Authority in India—**The Chief Justice of the Supreme Court.** (Refer the Legal Services Authorities Act, 1987)
- (3) Bodhisattwa Gautam vs Subhra Chakraborty case relates to—**rape is violative of Right to Life under Article 21 of Indian Constitution.**
- (4) Enforcement Directorate (ED) in India works under which enactment?—**Prevention of Money Laundering Act, 2002 (PMLA)**
- (5) IRDAI stands for—**Insurance Regulatory and Development of India.**
- (6) The Court Fees Act as applicable in India is of the year?—**1870**

Thanking You!