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Hon'ble Supreme Court held that the evidence of interested person can be considered provided such evidence is corroborated by other evidence on record. A close relative who is a natural witness cannot be regarded as an interested witness.

Rahul V. State of Haryana, CRA. 262 of 2021.

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Hon'ble Supreme Court has ordered a stay on impugned order of the High Court whereby HC had refused to quash the disciplinary proceedings and charge memo framed against the Labour Judge, holding that it was a premature stage for the petitioner to raise any plea with regard to any infirmity in the initiation of the Disciplinary Proceedings.

S.Nambirajan V. the Registrar General, SLP No. 1276/2021.

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Hon'ble Supreme Court held that an application under Section 34 of the Arbitration and Conciliation Act to set aside an award is covered by moratorium under Section 14 of the Insolvency and Bankruptcy Code. Section 34 proceeding is a proceeding against the corporate debtor in a court of law pertaining to a challenge to an arbitral award and would be covered just as an appellate proceeding in a decree from a suit would be covered.

P.Mohanraj and Others V. M/s Shah Brothers Ispat Ltd., 2021 SCC online SC 152.

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Hon'ble Supreme Court says that false explanation or non-explanation of the accused to the questions posted by the court under Section 313 of the Code of Criminal Procedure cannot be used as a link to complete the chain. It can only be used as an additional circumstance, when the prosecution has proved the chain of circumstances leading to no other conclusion than the guilt of the accused.

Shivaji Chintappa Patil V. State of Maharashtra, 2021 SCC Online SC 158.

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Hon'ble Supreme Court held that the obligation on the persons mentioned in Section 195 of the Income Tax Act to deduct tax at source, as the distribution agreements in the facts of these cases does not create any interest or right in such distributors/end-users, which would amount to the use of or right to use any copyright. Therefore, the consequences of Section 201 of the Income Tax Act will not fall in the residence companies for not deduction TDS from foreign software companies.

Central Engineering Analysis Centre for Excellence Private Ltd V. The Commissioner of Income Tax, 2021 SCC Online SC 159.

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Hon'ble Supreme Court held that the High Court invoking its powers under Article 226 of the Constitution of India can quash an FIR if the same is found to be an abuse of process of law. The inherent jurisdiction under Section 482 Cr.P.C and or under Article 226 of the Constitution is designed to achieve salutary purpose that criminal proceedings ought not to be permitted to degenerate into weapon of harassment.

Kapil Agarwal V. Sanjay Sharma, 2021 SCC Online SC 154.

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Hon'ble Supreme Court held that a petition either under Section 7 or Section 9 of the Insolvency and Bankruptcy Code is an independent proceeding which is unaffected by winding up proceedings that may be filed against the same company. A secured creditor stands outside the winding up and can realise its security de hors winding up proceedings.

A.Navinchadra Steels Private Limited V. SREI Equipment Finance Limited, 2021 SCC Online SC 149 .

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Hon'ble Supreme Court held that a contract is void if prohibited by a statute under a penalty, even without express declaration that the contract is void. The condition predicated in section 31 of the Foreign Exchange Regulation Act, 1973 of obtaining 'previous' general or special permission of the Reserve Bank of India for transfer or disposal of immovable property situated in India by sale or mortgage by a person, who is not a citizen of India is mandatory. The Apex Court also says that the transaction which has already become final including by virtue of the decision of the court of competent jurisdiction need not be reopened or disturbed in any matter.

Asha John Divianathan V. Vikram Malhotra, 2021 SCC Online SC 147.

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Madhya Pradesh High Court held that Commercial matters involving Arbitration disputes can only be heard by Commercial Court of the status of District Judge or Additional District Judge. The Court also says that a Civil Judge would not be the competent authority to entertain cases under Sections 9, 14, 34, & 36 of the Arbitration and Conciliation Act, 1996.

Yaswardhan Raghuwanshi V. District & Sessions Judge & Anr., WP - 19656 - 2020.

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Kerala High Court emphasised that a person could not be charged for murder as well as abatement of suicide simultaneously. The Court held that underscored that the offences of murder and suicide, punishable under Section 302 and 306 respectively, were mutually exclusive and could not co-exist.

Rajesh V. State of Kerala, Crl.Rev.Pet. No.654 of 2011.

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DISCLAIMER

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