

**Some important decision of Hon'ble Supreme Court of India on Criminal Law.**

<b>Sr. No.</b>	<b>Subject matter and citation of the case.</b>	<b>Ratio laid down by the Hon'ble Supreme Court of India.</b>	<b>Source.</b>
01.	<p>F.I.R. Aleque Padamsee and Ors. V/s Union of India and Ors</p> <p>DATE OF JUDGMENT: 18/07/2007</p> <p>BENCH: Dr. ARIJIT PASAYAT P.K. BALASUBRAMANYAN &amp; D.K. JAIN</p> <p>JUDGMENT BY J U D G M E N T Dr. ARIJIT PASAYAT, J.</p>	<p>The correct position in law, therefore, is that the police officials ought to register the F.I.R whenever facts brought to its notice show that cognizable offence has been made out. In case the police officials fail to do so, the modalities to be adopted are as set out in Sections 190 read with Section 200 of the Code.</p> <p>(1) If any person is aggrieved by the inaction of the police officials in registering the F.I.R, the modalities contained in Section 190 read with Section 200 of the Code are to be adopted and observed.</p> <p>(2) It is open to any person aggrieved by the inaction of the police officials to adopt the remedy in terms of the aforesaid provisions.</p>	<p>This judgment is available on <a href="http://www.judis.nic.in">http://www.judis.nic.in</a></p>
02.	<p>F.I.R. (JUDGEMENT BY THE HIGH COURT OF JUDICATURE AT BOMBAY CRIMINAL APPELLATE ) CRIMINAL WRIT PETITION NO.89 OF 2007</p> <p>Kalpana Kutty, Versus The State of Maharashtra. CORAM : R.M.S.KHANDEPARKAR, &amp; SMT.V.K.TAHILRAMANI, JJ.</p> <p>DATE OF RESERVING THE JUDGMENT : 2ND AUGUST, 2007.</p> <p>DATE OF PRONOUNCING THE JUDGMENT: 2ND NOVEMBER, 2007.</p> <p>JUDGMENT (PER SMT.V.K.TAHILRAMANI, J.) :</p>	<p>(a) When an information relating to the commission of a cognizable offence is received by an officer in charge of a police station, he would normally register a F.I.R. as required by section 154 (1) of the Code.</p> <p>(b) <u>If the information received indicates the necessity for further inquiry, preliminary inquiry may be conducted.</u></p> <p>(c) Where the source of information is of doubtful reliability i.e. an anonymous complaint, the officer in charge of the <u>police station may conduct a preliminary inquiry to ascertain the correctness of the information.</u></p> <p>(d) Preliminary inquiry must be expeditious and as far as possible, it must be discreet.</p> <p>(e) Preliminary enquiry is not restricted only to cases where the accused are public servants or doctors or professionals holding top positions. As to in which case preliminary inquiry is necessary will depend on facts and circumstances of each case. So also the type of preliminary inquiry to be conducted will depend on the facts and circumstances of each case.</p>	<p>This judgment is available on <a href="http://www.judis.nic.in">http://www.judis.nic.in</a></p>

		<p>(f) Whether a writ petition under Article 226 of the Constitution of India or a petition under section 482 of the Code filed by a person making a grievance that though the complaint filed by him discloses a cognizable offence, the police have not registered offence, should be entertained by this court or not will depend on facts and circumstances of each case.</p> <p>(g) Ordinarily, aggrieved person should be relegated to the alternative remedy of filing a private complaint.</p> <p>(h) However, in gross cases of grave injustice, such petitions can be entertained by this court. Such cases would obviously be exceptional.</p>	
2.	<p>The Maharashtra Control of Organised Crime Act, 1999.  S.L.P. (Crl.) No.3320-21 of 2005, with S.L.P. (Crl.) No.1101 of 2006, S.L.P. No.(Crl.) No.4581 of 2006 and S.L.P. (Crl.) No.4611 of 2006 State of Maharashtra &amp; Ors. V/s Lalit Somdatta Nagpal and Anr.  Date of Judement:/13/02/2007.  Bench:- AR.Lakshmanan &amp; Altamas Kabir.  Judgement by: Altamas Kabir,J.</p>	<p>The main question for determination in the said S.L.P. was as to the applicability of M.C.O.C. Act, 1999 to offences under the Essential Commodities Act, 1955, having particular regard to the enactment of the Essential Commodities (Special Provisions) Act, 1981.</p> <p>The Hon'ble Supreme Court of India had laid down the ratio that "the view taken by the Bombay High Court offences punishable under the provisions of the 1955 Act, committed during the period when the 1981 Act was in force, could not be said to be offences which could be considered for the purpose of continuing unlawful activity as defined in Section 2 (d) of the M.C.O.C. Act, is incorrect inasmuch as t6he offences under the 1955 Act continued to attract the provisions of Section 7thereof. The only change brought about by the 1981 Act was to limit the power of the Special Court to impose punishment for a Maximum period of two years. The offence continues to remain punishable up to a maximum period of seven years so as to attract the provisions of M.C.O.C. Act, 1999.</p>	<p>This judgment is available on the Web Site:  <a href="http://www.judis.nic.in">http://www.judis.nic.in</a></p>