

Concepts

# CASE STUDY

- **The marriage of Saroj Rani and Sudarshan Kumar took place in March 2021. Both are high caste Hindus belonging to Telangana. The marriage was not registered. Sudarshan Kumar is a Hardware engineer in a Private Company at Hyderabad. Saroj Rani was born in January 2005 and Sudarshan Kumar was born in December 1998. Saroj Rani was quite unhappy with Sudarshan Kumar from the beginning and in fact in December 2021 she left the husband's house without even informing Sudarshan Kumar and started living with her parents in Warangal. Sudarshan Kumar repeatedly requested Saroj Rani to come back and join him mentioning his right for restitution of conjugal rights under section 9 of the Hindu Marriage Act, instead she sent a "consent and no objection letter" for his second marriage requesting him to marry another woman and not to pester her any more.**

## Case Study

- **In August 2023, Sudarshan Kumar made a proposal to one of his colleagues Mini (also a Telugu and a Hindu) explaining the situation and asking her to be his companion. She consulted her parents and agreed to the proposal, after which, both have exchanged garlands in a temple before a small gathering of relatives of Sudarshan Kumar and Mini. They started living together and Mini gave birth to a child in October 2024. Saroj Rani has lodged a complaint in January 2025 against Sudarshan Kumar alleging that he has committed the offence of bigamy as well as filed a petition for maintenance under the BNSS,2023.**

# Ascertaining various sources of law:

1. Law governing registration of marriage =Legislation
2. Law governing child marriage= Legislation
3. Law governing 'restitution of conjugal rights'= Legislation
4. Law governing 'consent and no objection letter for the second marriage'=Precedent
5. Law clarifying the various rites and rituals of marriage=Custom
6. Law clarifying whether exchange of garlands by Hindus constitute marriage= Precedent
7. Law governing legitimacy of a child born out of void marriage is legitimate= Legislation
8. Law governing maintenance of a wife by the husband under the BNSS = Legislation

Sl. No.	CRIME	CIVIL WRONG
1.	Ingredients= 1. Act or Omission 2. Guilty Intention (Mens Rea)	Ingredients= 1. Act or Omission 2. Injury (Infringement of a legal right)
2.	Focus= Accused and his intention	Focus= Victim and his injury or his right
3	Redress= Punishment	Redress= Compensation or some other but not punishment

## Caselet 1:

- **On April 4th, 2024, Raghav, along with his wife Yamini Priya and her two younger sisters, visited a beach. While the others preferred to stay on the shore, Yamini Priya was thrilled and decided to take a dip in the sea. Despite Raghav's warning to his wife, "Yamini, sea thrills but kills," she entered the sea. Subsequently, Yamini Priya found herself in a dangerous situation, unable to extricate herself and began crying out for help. Despite earnest pleas from Yamini Priya's sisters, Raghav did not attempt to assist his wife. Unfortunately, she drowned and died. Interestingly, Raghav is a proficient swimmer, having gained recognition by winning several swimming competitions. Has Raghav committed any wrongdoing by failing to help Yamini Priya?**

## Caselet 2:

- **Rajani and Subhash are wife and husband living in Delhi. Both are Hindus. Subhash wanted to marry another girl named Roja. Subhash and Roja have decided to marry in Dehradun on 11/06/2024 at 11:00 a.m. without Rajani's knowledge. In Delhi, Rajani met with an accident and died on the spot on 11/06/2024 at 10:50 a.m. The marriage was performed at 11:00 a.m. Has Subash committed any wrong and if it is a wrong whether it's a crime or a civil wrong?**

### Caselet 3:

- **In the ticket counter of a Cinema Theatre, there was an altercation between Suresh and Dharm, who were not acquainted with each other at that time. Consequently, Dharm became so impatient that he punched Suresh in the stomach, resulting in Suresh's death. Both are young men around 25. Is Dharm guilty of murder or culpable homicide?**



## Navjot Singh Sidhu's case:

- Sidhu (aged 25 in 1988), along with his friend Sandhu, was accused of assaulting and causing the death of a 65-year-old man named Gurnam Singh. The trial Court acquitted both on the ground that they were falsely implicated. However, the High Court reversed the verdict of the trial court and held both guilty of culpable homicide not amounting to murder for the death of Gurnam Singh and awarded a punishment of 3 years imprisonment. Both the convicts then appealed in the Supreme Court of India. In Appeal, the Supreme Court convicted them but only levied a fine of ₹1,000 without any imprisonment, stating that "there was no evidence to prove that the death was caused by the single blow" dealt by Sidhu. The court mentioned that Sidhu did not use a weapon. The complainants filed a review petition in the Supreme Court. In the review, the Supreme Court convicted him (on 19th May 2022) for voluntarily causing hurt (Section 323 of the Indian Penal Code) and sentenced him to 1-year rigorous imprisonment. Section 323 (punishment for voluntarily causing hurt) of IPC had a maximum jail term of up to one year or a fine up to Rs 1,000 or both.

## Caselet 4:

- **Chotu, a six-year-old child, was with his mother in an aquarium when he threw a ball with a lot of force at a fish tank (glass showcase), causing it to shatter. Consequently, the showcase was destroyed, and a few expensive fish died before they could be transferred to another safe tank. Does the child's action constitute a crime or a civil wrong and does his wrongdoing invite liability?**

## Caselet 5:

- **Anand was a qualified voter in a parliamentary election, but Bikram, the returning officer, prevented Anand from exercising his franchise. In fact, no loss was caused to Anand by such prevention because the candidate for whom he wanted to vote, won the election with a huge margin. Furthermore, one vote does not matter. Is there a crime or a civil wrong committed by Bikram, and what about Anand's remedy?**

## Caselet 6:

- **Amod had worked with Dev Medical Shop, owned by Dev, for around 19 years, but he was dismissed from service on 23.02.2024 by Dev due to Amod's misbehavior. In June 2024, Amod started another medical shop named Amod Medical Shop, right opposite Dev Medical Shop, after obtaining all necessary permissions. As a result, the profits of Dev Medical Shop halved in the months of June, July, and August. Now, Dev has brought an action in the Court of Law against Amod for the loss of his profits, alleging that Amod Medical Shop was started with an evil or a bad motive with a vengeance to cause loss of profits to Dev Medical Shop and thus sought an order from the Court directing Amod to compensate Dev for the loss caused as well as to restrain Amod from carrying on the medical shop business, which he has been conducting.**

## Caselet 7:

- **Snoopy is a pet dog of Jaiveer. Snoopy has a vicious or savage propensity (dangerous and harmful by nature), and Jaiveer is aware of this fact. Every day, around 7 A.M., Jaiveer takes his pet dog for a walk. On 1-6-2024, Jaiveer, as usual, was taking Snoopy for a walk. Snoopy was tied to a chain, and Jaiveer had control over the chain. There was a call on Jaiveer's mobile phone, and while answering the call, Jaiveer carelessly left the chain, thus losing control of Snoopy. Before Jaiveer could regain control of Snoopy, it attacked Naresh, a passerby. Discuss the liability of Jaiveer.**

## Caselet 7

- **Situation 2 Caselet 7: What would be the nature of wrong if Naresh is attacked by Snoopy on the instructions of Jaiveer.**
- **Situation 3 Caselet 7: A delivery boy went to deliver a parcel to someone on the fourth floor and suddenly found himself in the presence of a ferocious dog. He jumped from the fourth floor and died as a result. Discuss whether, in such circumstances, it constitutes a crime or a civil wrong.**

## Domestic Violence Act 2005

- **The remedies envisaged under the Domestic Violence Act 2005 Act, are that of the power of the court to pass “protection orders” “residence orders”, (providing for woman’s right to secure housing) *appointment of Protection Officers and NGOs* to provide assistance to the woman with respect to medical examination, legal aid, safe shelter, etc.**

## Pornographic Stuff

- **Downloading or watching pornography in a private space is a crime (True/False).**
- **Storing pornographic stuff per se (by itself) is a crime (True/False).**
- **Uploading, transmitting pornographic stuff is a crime (True/False).**



## SCIENTER RULE

- For the purpose of the scienter rule, the animals have been divided into two categories: (a) animals dangerous by nature (Lions, tigers, bears, elephants, zebras, monkeys etc.,) (b) animals harmless by nature (Horses, camels, cows, dogs, cats, rabbits etc.,). In case of dangerous animals, the knowledge as to its dangerous nature is conclusively presumed and the person having their control will be liable for the damage caused by their escape even without any proof of negligence on his part. With respect to animals harmless by nature, the person having their control (keeper of the animal) is not liable for damage done by them unless it can be proved that the particular animal in question had a vicious or savage propensity and the person having its control had knowledge of the same.