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Landmark Judgments of the Indian Penal Code

PART -1

Welcome to our **Landmark Judgments of the Indian Penal Code** section, curated for aspirants of **Judiciary, APO, CLAT, and other legal exams**. These judgments define criminal jurisprudence and are crucial for legal reasoning.



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CASE NAME	INTRODUCTION	ISSUE INVOLVED	CONCLUSION
Basdev v. The State of Pepsu (1956)	This is a landmark judgment where the Court talked about Section 86 of Indian Penal Code, 1860.	Whether offence under Section 302 or Section 304 of IPC was committed considering Section 86 of IPC?	This is the landmark judgment which discusses the exception of intoxication as provided under Section 86 of IPC
Jagmohan v. State of UP (1972)	This is a landmark judgment which talks about the constitutionality of the capital punishment.	Whether the challenge to the death sentence imposed by the High Court can be sustained?	Given India's vast social diversity, varying levels of morality and education, and law enforcement needs, the abolition of the death penalty is not feasible.
Aveek Sarkar v. State of West Bengal (1997)	This is a landmark judgment which lays down the	Whether offence under Section 292 of IPC and Section 4 of the IRW	This is a landmark judgment dealing with the law governing



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	contemporary community standards test for obscenity.	has been committed in the present facts?	obscenity in India.
Munshi Ram And Others v. Delhi Administration (1967)	This is a landmark judgment that discusses the right to private defence embodied under Indian Penal Code, 1860.	Whether the appellants have established satisfactorily the right of private defence pleaded by them? Whether the right to private defence was exceeded in this case?	This is a landmark judgment dealing with right to private defence, it's application and limitation.
Virsa Singh v. State of Punjab (1958)	This is a landmark judgment relating to murder under Section 300 of the Indian Penal Code, 1860.	Whether the accused can be held liable for murder under Section 300 of IPC?	This is the landmark judgment which laid down the principles to determine if a particular act falls under Section 300 of IPC.
M Karunanidhi v. Union of India	This is a landmark judgment relating	Whether the State Act, 1973 is repugnant with	This is a landmark judgment which lays



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(1979)	to the rules of repugnancy under the Constitution of India, 1950 (COI).	the Central Act in the present case? Whether Chief Minister is a public servant under Section 21 (12) of IPC?	down what would constitute repugnancy under the COI.
Mithu Etc v. State of Punjab (1995)	This is a landmark judgment relating to the constitutional validity of Section 303 of Indian Penal Code, 1860	Whether Section 303 of IPC infringes the guarantee contained in Article 21 of the Constitution of India, 1950 (COI)?	This is a landmark judgment that talks about the constitutional validity of Section 303 of IPC. It declares Section 303 of IPC unconstitutional as it provides for mandatory death sentence. The Court held that such prescription of mandatory death



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			sentence is violative of Article 21 of the COI as it is arbitrary and deficient of the requisite safeguards.
Rishi Deo Pandey And Others v. State of UP And Ors. (1955)	This is a landmark judgment discussing common intention under Section 34 of Indian Penal Code, 1860.	Whether the two accused persons present along with Ram Lochan will also be liable for committing murder by virtue of Section 34 of Indian Penal Code, 1860 (IPC)?	<p>This is the landmark judgment where the Supreme Court has laid down the law on common intention which emanates from Section 34.</p> <p>Section 34 of IPC lays down the rule of vicarious liability under the Penal Code.</p> <p>The provision makes a person liable for the offence when it is committed in furtherance of</p>



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			common intention.
Deepak Gaba v. State of Uttar Pradesh (2023)	This is a landmark judgment relating to the practice of invoking criminal jurisdiction in cases that are essentially civil in nature.	Whether offences under Section 406, 420, 471 and 120B of IPC have been made out in the present facts?	This case lays down the important ingredients to be satisfied for invoking the offence of criminal breach of trust, cheating and forging. The Court cautioned against the practice of filing criminal cases in those disputes that are purely civil in nature.
Shiv Charan Lal Verma and Anr v. State of Madhya Pradesh (2002)	This is a landmark judgment which lays down that if the marriage is null and void the offence under Section 498A of Indian Penal	Whether the accused should be convicted under Section 498 A of IPC in the light of the fact that the marriage of the accused with Mohini itself was null	The Court held that the conviction under Section 498A of IPC shall not be done when the marriage is null and void.



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	Code, 1860 (IPC) shall not be attracted.	and void? Whether the accused should be convicted under Section 306 of IPC?	Thus, this judgment declared that for the purposes of conviction under Section 498A of IPC valid marriage is an important ingredient.
Chirangi v. State (1952)	This is a landmark judgment where the Bombay High Court laid down the conditions when Section 79 of Indian Penal Code, 1860 (IPC) can be invoked. Section 79 of IPC provides that nothing is an offence which is done by a person who by mistake of	Whether the conviction of Chirangi can be set aside by the virtue of Section 79 of IPC?	The Court in this case laid down the law as to when the provision under Section 79 of IPC can be invoked. The Court held that where a person killed somebody whom he thought to be dangerous animal he would be protected by virtue of Section 79 of IPC as it can be said that the act was done



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	fact and not by mistake of law believes himself to be justified by law.		by reason of mistake of faith by a person who believes himself to be justified by law.
Reema Aggarwal v. Anupam and Ors (2004)	This is a landmark judgment which lays down that the provisions under Section 498A and Section 304B of Indian Penal Code, 1860 will apply even in those cases where a woman is not legally married to the offender.	Whether the offence under Section 304B of IPC is made out in cases where the husband and wife are not legally married by virtue of it being a second marriage?	This judgment lays down that offences under Section 304B and Section 498A of IPC can be made out even in those cases where parties are not legally married. Thus, the judgment further protects the rights of women even outside the institution of marriage.
Kavita Chandrakant Lakhani v. State of Maharashtra	This is a landmark judgment which lays down that mere abduction	Whether in the present facts the appellant has made out a case under Section 366 of IPC?	This judgment lays down the conditions for constituting an offence under Section



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(2018)	does not bring the offender within the ambit of Section 366 of Indian Penal Code, 1860.		366 of IPC. This case conclusively establishes that for establishing an offence under Section 366 of IPC mere abduction is not enough, rather requisite intention on the part of the accused also has to be proved. [Original Judgment]
Mobarik Ali Ahmed v. The State of Bombay (1957)	This is a landmark judgment where the Supreme Court laid down the the law on the applicability of Indian Penal Code, 1860.	Whether a person who is not an Indian citizen would be subject to IPC? Whether a person who committed an offence outside India would be held accountable?	The Court in this case laid down the law on the applicability of IPC. While Section 2 of IPC provides for intra territorial jurisdiction, Section 3 and 4



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			<p>provide for extra territorial jurisdiction.</p> <p>Thus, any person who commits an offence within the territories of India would be liable for the offence under IPC.</p>
Anversinh @ Kiransinh Fatesinh Zala v. State of Gujarat (2021)	<p>This case raises pertinent questions regarding the interpretation of consent in cases involving minors and the appropriate sentencing in such matters, particularly when consensual relationships are at issue.</p>	<p>Whether a consensual affair can be a defense against the charge of kidnapping a minor?</p> <p>Whether the punishment awarded is just, given the unique circumstances of the case?</p>	<p>The appeal was partly allowed, with the conviction upheld but the sentence reduced to time served. The appellant was set free, and bail bonds discharged.</p>
Naeem Khan @ Guddu v. State	<p>This is a landmark judgment where the</p>	<p>Whether the accused should be convicted</p>	<p>This Landmark judgment highlighted</p>



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(2013)	Court convicted the accused under Section 307 of Indian Penal Code, 1860 (IPC) for committing acid attack on the victim.	under Section 307 of IPC for the offence of attempt to murder?	how gruesome the act of throwing acid on a woman is. The Court called it a crime of passion fueled by jealousy and revenge. The Court observed that in view of increasing instances of such an obnoxious act the punishment granted should be commensurate as the act not only affects the victim physically but also affects her mentally traumatizing her for life.
M/s Alpine Housing	This is a landmark judgment where the	Whether the Applicant can be permitted to	The Court in this case held that since the



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Development Corporation Pvt. Ltd v. Ashok S. Dhariwal & Others (2023)	Court discussed furnishing additional evidence at the stage of filing an application under Section 34 of the Arbitration and Conciliation Act, 1996 (A&C Act).	adduce evidence to support the ground relating to Public Policy in an application filed under Section 34 of the A&C Act?	aim of the 1996 Act is to expedite the process of dispute resolution the object of the Act would be defeated if at the stage of Section 34 application anything more than the record of the arbitral tribunal is produced. However, the same can be allowed in certain exceptional circumstances when absolutely necessary.
Topan Das v. State of Bombay (1956)	This is a landmark judgment that laid down that one person cannot be held liable for criminal	Whether the accused could be convicted under Section 120B of IPC in view of the fact that the other alleged conspirators had been	The Supreme Court in this case held that for the purpose of offence of criminal conspiracy there must be two or more persons.



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	conspiracy.	acquitted?	Thus, one person cannot be convicted for the offence of criminal conspiracy under Section 120A of IPC.
Ranjit D Udeshi v. State of Maharashtra 1965 AIR 881	This case replaces the " Hicklin Test " with the " Community Standard Test " to check the obscenity in the material.	Whether Section 292 of IPC is in violation with Article 19(1)(a) of the Constitution and is invalid? Whether knowledge of the seller of the obscene material required to held him guilty for the offence? Whether contents of the book in issue amount to corrupt the mind of the readers?	The Supreme Court held that the book in issue is obscene and held the book sellers liable under the provisions. [Original Judgment]



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<p>Shakti Vahini v. Union of India AIR 2018 SUPREME COURT 1601</p>	<p>In this case various measures such as remedial, preventive and punitive were issued by the Supreme Court to stop honour killing.</p>	<p>Whether Right to select one's partner is a fundamental right under the Constitution of India?</p> <p>Whether institutes like Khap Panchayat have any legal validity?</p> <p>Whether the current legal system has the efficiency to curb out these conservative practices?</p>	<p>The Supreme Court allowed the present petition and issued the preventive, remedial and punitive measures to curb out the practice of honour killing.</p> <p>Note:</p> <p>Section 300 of IPC is now covered under Section 101 of Bharatiya Nyaya Sanhita, 2023(BNS).</p> <p>Section 302 of IPC is now covered under Section 103 of BNS.</p>
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