
THE END OF JURY TRIAL: K. M. NANAVATI VS STATE OF MAHARASHTRA

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Case Number: Criminal Appeal No. 195 of 1960

Equivalent Citation: 1962 AIR 605 1962 SCR Supl. (1) 567

Date of Judgment: 24th November, 1961

Bench: Subbarao. K, Das. S.K, Dayal Raghubar

ABSTRACT

The case of K. M. Nanavati V. State of Maharashtra is one of the major landmark cases in the history of Indian Judiciary. The case highlights the importance of grounds for 'Grave and Sudden Provocation'. It is also known as the last Jury Trial in the Indian History and the circumstances of this case has led to the abolishment of Jury Trial in India.

INTRODUCTION

Murder is defined under Section 300 of Indian Penal Code, 1860, while on the Contrary, Culpable Homicide, or Death by Negligence, is defined under Section 299 of Indian Penal Code, 1860. Murder is defined as anything which is not considered as Culpable Homicide and Culpable Homicide is defined as causing death of the other person with the intention to cause death in the spur of the moment, without pre-planning. Punishment for Murder is stated under Section 302 of Indian Penal Code, 1860 as they should be punished for death or life imprisonment along with fine, whereas Punishment for Culpable Homicide is given under Section 304 of Indian Penal Code, 1860 as the person shall be liable for life imprisonment, or imprisonment for a term which may extend to ten years and shall pay fine.

PARTIES INVOLVED

Sylvia- Wife

Nanavati- Naval Officer, Husband of Sylvia

Prem Ahuja- Businessman, Neighbor of Sylvia and Ahuja, Sylvia's Affair

FACTS OF THE CASE

- Nanavati, a naval officer, came home on 27th April, 1960 and noticed the contrasting behavior of Sylvia. When questioned about the same, Sylvia disclosed about her illicit relationship with Prem Ahuja, neighbor of their house. After such confession, Nanavati tries to kill himself, but Sylvia convinces him not to take such an impulsive step.
- Later that day, Nanavati dropped his wife and children in the theatre to watch a movie and promised to come pick them up later. He went to his Naval ship and took his revolver along with cartridges with a false context saying that he needs it for protection as he is travelling in the night.
- Nanavati goes to the Office of Ahuja, and upon finding him undiscovered, he goes to Ahuja's house and enters into the bedroom where Nanavati asks of Ahuja is ready to marry his wife, Sylvia, and take care of the children, Ahuja replied with a sarcastic tone saying that if he had to marry every women he has slept with, then the count will go endlessly. This leads to a heated argument between Nanavati and Ahuja. In the heat of

the moment, Ahuja takes his revolver and uses three bullets on Ahuja, out of which one is missed, and the other two killed Ahuja.

- Nanavati, as soon as this incident happens, goes to the Police Station and confesses of about the situation and the circumstances which led him to act impulsively. The case is posted to the Sessions Court.

JUDGMENT GIVEN BY THE SESSIONS COURT

The case was handed to the Jury for Trial. There were 9 Jury and the Ratio was 8:1, i.e., 8 Jury addressed that Nanavati was not guilty and 01 Jury held that he was guilty after the pleadings of the Defendants. They claimed that Nanavati took the gun just to threaten Ahuja and when Ahuja was trying to snatch the gun from Nanavati, he got shot and died. Nanavati also pleaded that he never had the intention to kill Ahuja. The Judge of the Sessions court was not satisfied with the Jury's decision and recommends this case to the Hon'ble High Court under Section 307 of Criminal Procedure Code, 1973.

K. M. Nanavati V. State of Maharashtra was the last Jury case and Hon'ble Bombay High Court dismissed the verdict given by the Jury and transferred the case to Bench Trial. As a result of this, the Jury Trial was abolished in India.

MEDIA COVERAGE

The case of K. M. Nanavati V. State of Maharashtra received an unprecedented media coverage. The Media portrayed Nanavati as Ram as he has accepted his wife the way she is, just like how Ram accepted Sita as she is. The media, in a way, influenced the Judges of various Courts as well.

JUDGMENT GIVEN BY THE HON'BLE HIGH COURT

The main issue that was arose in the Hon'ble High Court was whether Nanavati should be punished under Section 302 of IPC or Section 304 of IPC which details about the punishment for Murder and Culpable Homicide respectively. The Two-Judge-Bench declared that Nanavati is guilty of Murder under Section 302 of IPC as he was in correct state of mind and punished him with imprisonment for life.

The same was concluded from one of the incidents that happened in the Police Station. The Hon'ble Judges stated that when a person murders another one, then they won't be still and will not be able to make out the difference between right and wrong. They continued that Nanavati corrected a spelling in his name from the FIR which proves that he was in correct state of mind.

Aggrieved by this decision, Nanavati approaches the Governor under Article 161 under Indian Constitution which lays down about the Pardoning Powers of the Governor for reducing his sentence. Simultaneously, Nanavati also applied for a Special Leave Petition under Article 136 of Indian Constitution.

ISSUES IN HAND AT THE HON'BLE SUPREME COURT

1. Whether the High Court lacked jurisdiction under Section 307 of the CrPC to examine the facts in order to determine the competency of the Sessions Judge's referral?
2. Whether the High Court had the power to strike aside a jury's decision on the grounds of misdirection in charge under Section 307(3) of the CrPC?
3. Whether there were any misdirections in the charge?
4. Whether the jury's decision was such that it might have been reached by a group of reasonable men based on the facts presented to them?
5. Whether the act was done in "the heat of the moment" or whether it was a premeditated murder?
6. Whether the pardoning power of the Governor and the Special Leave Petition can be clubbed together?

JUDGMENT GIVEN BY HON'BLE SUPREME COURT

The Hon'ble Supreme Court observed that the element of suddenness is missing in the present case as Ahuja was not present during the confession made by Sylvia. They pointed out that there was a three hour gap between the murder that took place and the confession. The Hon'ble Supreme Court held Nanavati guilty to Murder under Section 302 of Indian Penal Code, 1860 and that the sentence imposed on Nanavati by Bombay High Court is legitimate and valid.

The Hon'ble Supreme Court held that if the Sessions Court Judge disagrees with the decision taken by the Jury, then he/she can approach/recommend the case to the High Court. The High Court must entertain such case after fulfilling the following two conditions:

- The Judge must disagree to the Jury's decision
- The Judge must believe that no reasonable man can conclude such a judgment.

If these conditions are not fulfilled, then the High Court will deem the case to be incompetent.

The Hon'ble Supreme Court held that if the High Court is entertaining such cases, then they must fulfil the duties listed under Section 307(3) of CrPc which is to review the evidences and circumstances and give due weightage to the Jury's and Judge's point of view before condemning or acquitting the accused. And thus, the High Court can strike down the Jury's decision.

The Hon'ble Supreme Court also held that the duty of the Judge's charge to the Jury is to present the facts, evidence and circumstances and to make sure that the Jury has the correct understanding of the Law.

The Court contended that the defense pleaded by the accused is not valid as his mentality was such of a man who would plan and calculate a murder with the vengeance of the lover of his wife. The Court also held that though Nanavati had many opportunities to disclose about shooting Ahuja accidentally, the same was not confessed by Nanavati until the Trial. The Court observed that the place of bullets in Ahuja's body were exact and were not of a nature which usually arises from accidental/deliberate shooting. On this note, the Court held that no reasonable man can come to such a conclusion and held Jury's decision invalid.

The Apex Court held that Ahuja had enough time to calm down, and Nanavati not only has self-control, but also thought about the future of the family before such an act. The Court declared that his actions were purely calculated and purposeful and held Nanavati Guilty for Murder.

The Hon'ble Supreme Court held that the Article 161 and Article 136 of Indian Constitution, i.e., Pardoning Powers of the Governor and Special Leave Petition cannot be clubbed together. In a case where such clubbing is done, then the powers of the Governor will cease to exist in that particular instance.

CONCLUSION

The case of K. M. Nanavati V, State of Maharashtra is one of the most important Landmark Judgments in Indian Judiciary. This was the last Jury case to be heard in the Indian History and also received extraordinary media coverage. This case is a perfect demonstration that not even a small incident should be left out, like the changing of name in the Police Station while filing the FIR, as it acted as the most important evidence that he was in the right state of mind. This case exhibits the strict interpretation of penal studies.