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Author:

Surya Prakash

Bhartiya Vidyapeeth (Deemed to be University), New law College, Pune

4th Year, BBA LL.B. (Hons.).



**CASE ANALYSIS ON K.M. NANAVATI VS. STATE OF
MAHARASHTRA**

Name of the case: K. M. Nanavati v State of Maharashtra

Citation: AIR 1962 SC 605

Date of Judgment: 24 November 1961

Parties Involved: **Appellant:** K. M. Nanavati

Respondent: State of Maharashtra

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

Laws and Acts Applied in the Case: Indian Penal Code, 1860 (Sections 88, 300 part I, 302),

Code of Criminal Procedure, 1898, and

Indian Evidence Act, 1872

INTRODUCTION

A landmark case of the Indian constitution within the criminal history of India is K.M. Nanavati v. State of Maharashtra (AIR 1962 SC 605). This judgment created its place as shortly because it was pronounced. The charm conferred the commonplace downside of an alleged murder by a furious husband of a paramour of his wife: however it aroused

substantial interest within the public mind by reason of the promotion it received a necessary constitutional purpose it had given rise to at the time of its admission.

Unprecedented media attention and termination of Jury Trials area unit few reasons that got this case the limelight in those times.



FACTS

- Accused/appellant K. M. Nanavati was second in command of the Indian Navy Force in “Mysore”. He was married to a lady named Sylvia and had three children there. Due to the nature of his job, Nanavati and his family had lived in many various places before shifting to Maharashtra. It had been in Maharashtra that they were first introduced to the deceased Prem Ahuja through common friends.¹
- Nanavati had to travel off from Mumbai often as a part of his service, leaving his mate and children behind. In his absence, a relationship developed between Sylvia and Prem Ahuja that later took the shape of an unlawful relationship.
- When Nanavati came back from his ship after April 18, 1959, he, on multiple occasions, tried to be lovable to his mate to that she wasn't being responsive. On April 27, 1959, another time his advance was met by her quality. However, now Nanavati asked his mate if she had been trustworthy to him. She just casually shook her head to point that she wasn't. He guessed that her paramour was Prem Ahuja and determined to settle this matter with him.
- First, Nanavati drove his three children and mate to the cinema and told them that he will return to pick them. He at that point headed to his boat from where he got a pistol and six rounds on a bogus guise. He places these within a brown envelope and from there he drove to Ahuja's workplace. On not discovering him there, Nanavati headed to his house.
- On arriving at Ahuja's flat, he affirmed Prem Ahujha's presence from a worker. After the confirmation, he visited Ahuja's bed-chamber whereas additionally, he was carrying the brown envelope with him that had the revolver in it.
- Nanavati closed the bed-chamber door behind him and asked Ahuja about his intentions regarding his mate and children. After hearing what Ahujh's said he was not satisfied with the answers, he's speculated to have shot Ahuja that resulted in his

¹ K. M. Nanavati v State of Maharashtra, AIR 1962 SC 605

death. From there Nanavati rushes to the closest station to confess concerning his crime.

- Nanavati was declared clean-handed by a jury finding of 8:1. However, the Sessions Judge choose disagreed with this call of the jury and believed that no affordable body of men might reach that finding supported the proof created. The matter was named a Division Bench who made the accused/appellant guilty.²

Hence, this appeal was made before the Hon'ble Supreme Court of India by special leave.

Issues Raised

The learned counsel for the accused/appellant raised the subsequent issues during this appeal:

- Under section 307 of CrPC, the HC has no jurisdiction to go through the proof to determine the competence of the reference created by the Sessions Judge;
- Under section 307(3) of CrPC, the HC has no power to line aside from the decision of the jury on grounds of misdirection in charge;
- There aren't any misdirection within the charge;³
- The verdict given by the jury was specified it can be reached by a body of common men supported by the evidence produced before them;
- The accused/appellant had shot the deceased under grave and sudden provocation, and thus, he didn't commit murder however culpable homicide not amounting to murder.

JUDGMENT ANALYSIS

- The judgment revolved primarily around 2 problems and the initial one was that of sessions court referring to the refer Higher Court because of the judge's disagreement with the choice of the jury⁴.
- Evidence was additionally adduced within the kind of letters written by Slyvia to Ahuja and further Judicial Confessions were taken into consideration. This clearly established the connection between the two of them. The jury howsoever reached to the choice of him being tested guiltless by the majority of 8:1. This became the rationale for the Sessions Judge for referring the case to the Hon'ble judicature of Mumbai under Section 307 of the Code of Criminal Procedure, 1893, which is quoted as follows:

“Section 307: If in any case judges disagrees with the decision of the majority of the jury on all or any of the costs on that any suspect person had been tried and is clearly of opinion that

² Ibid.

³ (1946) 48 BOMLR 768.

⁴ <https://www.latestlaws.com/articles/supreme-court-case-analysis>

it's necessary for the ends of justice to submit the case in respect of such suspect person to the HC, he shall submit the case consequently, recording the grounds of his opinion, and, once the decision is one in all final judgment, stating the offense that he considers to possess been committed, and in such case, if the suspect is additionally charged under the provisions such charge as if such finding of fact had been one in all conviction....

In addressing the case thus submitted the HC could exercise any of the powers that it's going to exercise on an appeal made before the court, and subject to that it shall, once considering the due weight to the opinions of the Sessions Judge and also the jury, acquit or convict such suspect of any offense of that the jury might have condemned him upon the charge framed and placed before it; and, if it convicts him, could pass such sentence as might need been gone the Court of Session.”

- On an appeal to the HC, it was absolutely contended on behalf of the appellant that under Section 307 of the Code of Criminal Procedure it was absolutely obligatory to the HC to choose the ability of the reference on a perusing of the order of reference by Hon'ble Sessions Court. The very fact that it had no jurisdiction to travel into the proof for the purpose that Hon'ble High Court was not authorized by Section 307(3) of the Code to line aside {the finding of fact that [the decision]} of the jury on the bottom that the jury was inaccurate which the was verdict perverse.
- It was finally commanded that the contentions were while not substance and also that the appeal should fail. Decided by its recorded foundation and appropriately interpreted, Section 307 of the Code of Criminal Procedure was intended to give more extensive forces of impedance on the HC than Section 569 of every an interest for the defence against off base finding of the reality of the jury. This special jurisdiction given on the HC by virtue of the Code is actually completely different from its appellate jurisdiction under different provisions of the code.
- The words "for the ends of justice" in section 307 indicate that the Judge disagreeing with the finding of fact should be of the opinion that the finding of fact was one that no reasonable body of men might reach on the proof, coupled with the words 'clearly of the opinion' gave the choose a good and comprehensive discretion to suit completely different things. Therefore, the choose disagreed with the finding of fact and recorded the grounds of his opinion, the reference was competent, disregard less of the question of whether or not the judge was right in this differing from the jury or forming such an opinion on the finding of fact. There's nothing in Section 307(1) of the Code that lends support to the competition that the HC had complied with the mandatory conditions, the judicature ought to reject the reference while not going into the proof if the explanations given in the order of reference failed to sustain the read expressed by the judge.
- Section 307(3) of the Code by empowering the HC either to acquit or convict the suspect after considering the whole evidence, giving due weight to the opinion of the Sessions Judge and also the jury, just about given the functions each of the juries and also the judge thereon.
- Another issue before the appellate court was that mens rea was concerned with it. Where the prosecution same that it was absolutely a planned murder, the defense visited contend that it absolutely was within the heat of the moment which two shots visited hit the deceased whereas each the parties entered into a grave brawl. While the previous was contending that the suspect ought to be tortured under Section 302 of the Indian Penal code, the latter based mostly its arguments on the exception of the heat

of the moment and grave and sudden provocation as mentioned under section 300 of the Indian Penal code.

- The prosecution established the provision of men's rea by proving that the act of planning to go to the Navy ship, procuring a gun and six cartridges, and carrying all of them during a brown envelope clearly indicate his connotation to hide the very fact that he was planning to murder somebody. Additionally to the current, the prosecution established via witnesses that the suspect sang to his ship crew that he was planning to drive to Ahmednagar and therefore, carrying a firearm for his own safety. Also, the suspect surrendering himself to the police indicates that he had planned to kill the deceased.⁵
- On the opposite hand, the defence has place forth its rivalry expression that on reaching to understand the connection between her wife and Ahuja, the suspect visited provide him a proposal of marrying his better half to that he got a solution “Do I even have to marry each woman that I sleep with” This reply of his, according to defence heated up the argument between two and afterward, the suspect shot him in the grave and sudden provocation within the heat of the moment.
- Relying on the principle of the presumption that the suspect is innocent until proven guilty, Court went through a thorough examination of the witnesses as per the provisions of the Evidence Act and Code of Criminal Procedure. Each of the parties got an equal and valid chance with the Burden of Proof primarily being on the prosecution.

In the view of contentions raised, arguments advanced and evidence adduced, the Supreme Court upheld the social control granted by the High Court of Bombay and guilty him under Section 302 of the Indian Penal code.

CASE COMMENTS

- ❖ According to my, here, the judgment of the Supreme Court is correct because the version given by the accused seems to be extremely inconceivable. The story of his keeping the revolver on the cupboard is extremely unnatural.
- ❖ The jury in the Bombay sessions court articulated Nanavati as not guilty under section 302 under which Nanavati was charged, with a ratio of 8–1 finding of truth. Mr. Ratilal Bhaichand Mehta (the sessions judge) considered the acquittal and transfer the case to the HC of Bombay.
- ❖ The prosecution contended that the jury had been misdirected by the presiding judge on four critical points:
 - I. The concern of proving that it was an absolute accident and not designed murder was on Nanavati.
 - II. Was Sylvia's admission grave provocation for Nanavati, or any particular occurrence in Ahuja's bedroom, or both?
 - III. The judge incorrectly told the jury that the provocation also can return from a 3rd person.

⁵ <https://www.latestlaws.com/manifest.json>

- IV. The jury wasn't instructed that Nanavati's safeguard must be set up, to the degree that there's no reasonable doubt inside the psyche of a reasonable person.
- ❖ The week after week newspaper Blitz, claimed by R. K. Karanjia, a Parsi himself, published the story, revealed exclusive cover stories, and openly supported Nanavati. They addressed him as a violated spouse and upstanding official and were betrayed by a close friend.
 - ❖ Here, it was claimed that the jury had been influenced by media and was hospitable being misled, the govt. of India abolished jury trials soon after in most cases apart from Parsis who still have Jury Trials for his or her married disputes.
 - ❖ The same judgment was ready to grab the eye of the state because of the very fact that the crime of murder not amounting to culpable homicide.
 - ❖ As per the defence case, the accused was thinking of the future of his married woman and kids that indicates that he had not only regained his senses but also was planning for the future. The time-lapse between the confession and murder was sufficient enough to regain his self-control.
 - ❖ The mere proven fact that before the shooting the accused abused the deceased and therefore the abuse evoke equally abusive reply couldn't conceivably be a provocation for the murder.

CONCLUSION

This is a landmark judgment that becomes even a lot relevant within the current times where media trials become common to use. This judgment goes on to point out that the law of the land is often about to be higher than standard belief and important connections. It's the duty and responsibility of the Courts to uphold the principles of the rule of law and natural justice. The Supreme Court has so another time shown that nobody is higher than the law.

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