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K.M. NANAVATI VS. STATE OF MAHARASHTRA

Court: The Supreme Court of India

Citation: AIR 1962 SC 605

Coram: S.K. Das, K. Subba Rao, Raghubar Dayal

Subject: Criminal Law

Judgement: India

Brief Facts

The accused, Kawas Manekshaw Nanavati was second in command of the Indian Naval Ship Mysore. He lived with his wife Sylvia and three children in the city of Bombay. In 1956 the Nanavatis were introduced to Prem Kumar Ahuja who was a businessman dealing in automobiles and his sister Mamie Ahuja. Nanavati used to frequently stay away from Bombay because of his job of a naval officer and during one of his trips an illicit intimacy developed between his wife Sylvia and Prem Kumar Ahuja, the deceased. On April 27, 1959 Sylvia told Nanavati about her relationship with Ahuja. On hearing this Nanavati went to his ship, withdrew a semi-automatic revolver and six cartridges, then he went to Ahuja's house, went to his room and then after few seconds Ahuja was shot dead. As per the prosecution's version Nanavati was enraged at Ahuja's behaviour and he deliberately shot him. As per the statement made by the accused in his defence he entered Ahuja's room to settle the matter with him and ask him if he intended to marry Sylvia but when he denied a physical struggle

ensued between them during which two shoots went accidentally and killed Ahuja. After this incident Nanavati drove his car to a police station and surrendered himself. ¹

Judgement

The accused was tried by the Sessions Judge with the aid of a special Jury. The jury acquitted the accused by 8:1 but Sessions judge was not convinced with the verdict of the jury and submitted the case to the Bombay High Court which charged the accused of murder under section 302 of the Indian Penal Code and against this order an appeal was filed in the supreme Court of India which after examining the evidence held the conviction of the accused by the High Court as Correct and dismissed the appeal.

Analysis

The Nanavati case is one of the most famous cases in India which gathered huge media and public attention. Movies and web series have been made in reference to this case. It marked a trial by media. Blitz magazine glorified Nanavati and portrayed him as a hero who did the right thing by killing his wife's paramour and at the same time Ahuja was portrayed as a bad businessman who trapped Sylvia. It is because of the media trial that it is said that the jury was biased towards Nanavati and hence gave judgement in his favour.

But it is important to see that no matter what the public's opinion was not of importance in the court and it, after examining all the evidence gave its judgement in the light of rule of law. I am of the opinion that the court's judgement was correct as it can be clearly seen that the conduct of Nanavati after hearing about his wife's relationship, to when he entered Ahuja's apartment, to when he surrendered himself to the police clearly show that he had all the intentions to kill Ahuja. The conversation between Nanavati and Sylvia when Sylvia confessed of her relationship appears to be entirely made up. Also the injuries on the deceased body show that it was not an accidental shooting. Therefore the court was right in observing that the prosecution had proved beyond reasonable doubt that it was Nanavati who murdered Ahuja.

Issues

In this case, there were five major issues that the court had to look into.

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

1. Whether the high court had jurisdiction to examine the evidence and decide the competency of the reference made by the Sessions Judge.
2. Whether the High court had the power to set aside the jury's verdict on the ground of misdirections made by the Sessions Judge.
3. Whether there were any misdirections in the charge made by the Sessions Judge
4. Whether the verdict of the jury was such that a reasonable body of persons could arrive at it on the basis of evidence placed before them.
5. Whether the accused shot the deceased under grave and sudden provocation.

Section 307 was introduced in the code of criminal procedure in order to safeguard against erroneous verdicts of the jury the members of who are usually not experienced enough to deal with and decide upon matters of law. As per section 307, if the judge is not convinced with or disagrees with the verdict given by the jury and is of the belief that the verdict would not lead to justice and that its reversal is important in the ends of justice, then they may refer the case to the High court stating the reasons recording the grounds of their opinion². As per sub section 3 of the same section, in dealing with the case the High court can exercise the same powers as it does on appeal and it shall give its judgement after considering the entire evidence and after giving due weight to the opinions of the Sessions judge and the jury³. The high court needs to decide whether the reference made by the Sessions judge is competent or not and for that it needs to see that the Sessions judge should disagree with the jury and is clearly of the opinion that no reasonable body of person could reach that conclusion on the basis of the evidence. If the court does not find it so, it can reject the reference as incompetent but if it finds so then under section 307 (3) of the code of criminal procedure it will examine the evidence and understand the opinions of the jury and the Sessions judge, and then give its judgement, convicting or acquitting the accused.

As per section 297 of the code of criminal procedure, 1898, the court needs to sum up all the evidence in a case and needs to lay down the law which will guide the jury's verdict⁴. As per section 298 it is the duty of the judge to the questions of all in a case. The jury decides on the matters of fact⁵. Therefore it can be said the jury decides its verdict on the guidance of law by the judge. As per section 423(2), a higher court can only reverse the verdict of a jury if the verdict is erroneous because of misdirection by the judge or misunderstanding of the law.

²The Code of Criminal Procedure, 1898, §307, No. 5, Acts of Parliament, 1898 (India)

³Id § 307(3)

⁴Id § 297

⁵Id § 298

⁶The court held that in cases where the verdict of the jury is such that no reasonable body of men could have reached upon it after examining the evidence, then it can reverse the judgement of the jury even if there are no misdirections in the charge. If there are misdirections vitiating the verdict then after examination of the evidence it can set aside the jury's verdict and give its own judgment.

The Supreme Court agreed that the High court was justified in setting aside the judgment of the jury because it found misdirections in the charge that vitiated the verdict of the jury, which were as follows:

- The Sessions judge had omitted to refer to Section 105 of the evidence act which states that if the accused uses any kind of defence in the trial then the burden of proving the essentials of the defence lies on the accused.
- The Sessions judge could not explain the ingredients of section 80 of the Indian Penal code which defines accident.
- The Sessions judge asked the jury to apply the rule of burden of proof as the prosecution has only relied on circumstantial evidence whereas Puransingh's confession was a direct piece of evidence.
- Three letters written by Sylvia were not read to the jury by the Sessions judge and neither were they told about the effect of those letters in the evidence.
- The Sessions judge allowed submission of contradiction of evidence of Puransingh in the court before the jury by police officer Phansalkar to whom Puransingh stated evidence orally.

There were clear misdirections in the trial and hence the high court was right in setting aside the verdict of the jury.

The evidence given by Nanavati and Sylvia wherein they describe the conversation which took place when Sylvia told Nanavati of her illicit intimation appears unnatural and made up as Nanavati directly came to the conclusion that his wife was not faithful to him just because she was being cold towards him, which could have been due to various other reasons. His reaction when he got to know about his wife's relationships appears to be unnatural. After learning about it Nanavati wanted to see Ahuja to settle things with and ask him if he wants to marry Sylvia. It is unlikely that a man would behave in such a sophisticated manner after hearing that he has been deceived by his own wife. Also letters written by Sylvia make it clear that Ahuja and her had decided to marry but had decided to stay away for a month so

⁶Id § 423 (2)

that they could ascertain for sure if they would like to take such a step and bear the consequences of taking such a step. Therefore the reason why Nanavati went to Ahuja's flat was not to ascertain his intentions but something else altogether. Nanavati in his evidence said that he went to the shop to buy medicine for his sick dog but that is not true and he went on the ship to withdraw a revolver under false pretext. The conduct of Nanavati has been such of an enraged man and not of a person who wants to calmly understand the intention of his wife's paramour. After the shooting when the servants entered the room Nanavati pointed the weapon at one of them and threatened to shoot him. He went out of the room without explaining anything to Ms. Mammie who he owed an explanation and an apology if it were an accident. Nanavati was desperate to surrender himself to the police, but if it were an accident then he would have approached a lawyer for advice. HE had many opportunities to explain himself but he displayed attitude of a man who took revenge. The circumstances at the time of the shooting are such that there must have been an incidental shooting and not an accidental shooting. The revolver was such that bullets can be fired if excessive force is not applied and also the injuries on the body of the deceased show that he had not died by accident but the injuries received were intentional. So after considering the misdirections in charge and the examination of evidence it is clear that no body of reasonable persons could have reached the conclusion reached at by the jury.

The evidence clearly suggested that Nanavati had regained his self-control and had deliberately shot Ahuja and not because of grave and sudden provocation as he was thinking of the future of his wife and went to Ahuja to ascertain his intentions so it cannot be said that he was not in his self-control. Hence, the accused did not shoot under grave and sudden provocation.

Conclusion

In order to avail justice, it is important that rule of law is upheld. The judgement of any case should not be given by a judge whose opinions are based on biases. The verdict of this judgement came in sixty years ago but it is still relevant and one of the most talked about cases. Media trial is still highly prevalent today in various cases from all kinds of subjects, but courts should and they do explore all aspects and examine all the evidence to ensure justice.