

Reading Comprehension

Case: 1

Case Name: K.M. Nanavati v. State of Maharashtra

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

Court: Supreme Court of India

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

Date of Judgment: 24th November, 1961

Parties Involved:

Appellant: K.M. Nanavati

Respondent: State of Maharashtra

Introduction:

The case of *K. M. Nanavati v. State of Maharashtra* has been a landmark case in the history of criminal jurisprudence in India. The judgment made its place as soon as it was pronounced. The appeal upheld the commonplace problem of an alleged murder by an outraged husband of the illicit partner of his wife. Due to the publicity it received and the significant constitutional issue it had raised at the time of its admittance, it generated a great deal of interest in the public's mind. Elimination of jury trials and unprecedented media coverage were some of the factors that brought this case to limelight.

Facts of the case:

Appellant, Kawas Manekshaw Nanavati, a commander in the Indian Navy was charged for murder of deceased Prem Ahuja under Section 302 and 304, Part 1 of IPC.

K. M. Nanavati was second in command of the Indian naval ship "Mysore". He was married to a woman named Sylvia and they had three children. Due to the nature of his service, Nanavati and his family had lived in many different places before shifting to Bombay. It was in Bombay that they were first introduced to the deceased Prem Ahuja through mutual friends.

While he was out of Bombay for his duty, Sylvia had developed an illicit relationship with Prem Ahuja. Nanavati after returning from his long voyage noticed unusual behavior in Sylvia's conduct. He then confronted his wife and she confessed her relationship with Ahuja. Nanavati lost his temper hearing the confession of Sylvia.

That evening, Nanavati dropped Sylvia and their three children at a cinema hall and went to confront Ahuja. He went to his shop and took from the store a semi-automatic revolver and six cartridges on a false pretext and drove himself to Prem Ahuja's office.

On not finding him at his workplace, he then drove to his residence. On reaching Ahuja's flat, he confirmed his presence from a servant. After receiving the confirmation, he went to Ahuja's bedroom while carrying the revolver. Nanavati closed the bedroom door behind him and asked Ahuja about his intentions concerning his wife and children.

When he didn't receive the honorable and desired answer, he shot Ahuja dead after a heated exchange of words. Nanavati headed straight to confess to the Provost Marshal of the Western Naval Command and later turned himself over to the Deputy Commissioner of Police.

Nanavati was declared not guilty by a jury verdict of 8:1 in the Session Court. However, the Sessions Judge disagreed with this decision of the jury and the matter was referred to the honourable High Court under Section 307 of The Code of Criminal Procedure. The Division Bench who held the appellant guilty under Section 302 of IPC. Finally an appeal was finally decided by the Supreme Court. The appellate court held that there were misdirections in the Session Court.

Issues Raised:

- Whether Nanavati shot Ahuja in the "heat of the moment" or whether it was a premeditated murder?
- Whether SLP (Special Leave Petition) can be entertained without fulfilling the order under Article 142?
- Whether the Pardoning power of Governor and Special Leave Petition can be moved together?

Argument of the Petitioner:

The contention put forward by the counsel of Nanavati was that after hearing Sylvia's confession Nanavati wanted to kill himself. Sylvia somehow managed to restrain him. Nanavati wanted to find the answer by himself whether Ahuja wants to marry his wife and take care of children as upon being asked by Nanavati Sylvia could not give any satisfactory answer. Later that day, Nanavati dropped Sylvia and their children at a cinema hall and told that he would come back to pick them up in the evening. Then he drove to his shop.

Nanavati informed the authorities in the shop that he wanted to take a revolver and six cartridges from the store as he would be going to drive alone to Ahmednagar at night while the main

reason behind his action was to shoot himself. He took the revolver and the cartridges and put them in a brown envelope.

He then, drove to Ahuja's office. Not finding him there he then drove to Ahuja's flat. The door was opened by Ahuja's servant. Nanavati went straight to Ahuja's bedroom and shut the door behind him. He then placed the envelope containing the loaded revolver on a cabinet nearby and confronted Ahuja. Nanavati cursed him and asked if Ahuja wants to marry his wife and look after their children. To which Ahuja gave a despicable reply *Am I to marry every woman I sleep with?* Nanavati becomes furious and threatened to thrash Ahuja. Ahuja made a quick move to grab the envelope. Nanavati whipped out the revolver and told him to get back. A scuffle broke between them and during the scuffle two shots went off accidentally resulting in death of Ahuja. After shooting Nanavati drove to the police station and surrender himself.

Hence, Nanavati, the accused shot Ahuja, the deceased under sudden and grave provocation and thus, his act does not amount to murder but comes under the meaning of culpable homicide not amounting to murder.

Argument of the Respondent:

The first contention that was raised, that Ahuja had just come out of the shower wearing a towel. When his dead body was found the towel was still intact and hadn't loosened or fallen of which is highly unlikely in case of scuffle.

Secondly, action to Sylvia's confession, a calm and composed Nanavati took her and the children to the cinema hall, drop them off there and promise to pick them up later in the evening. Then he proceeded to take a revolver on a false pretext from his ship, proves that he had enough time to cool down and that the offence was committed not under sudden and grave provocation, but it was a premeditated murder.

Moreover, Anjani, the servant of Ahuja, who was present at the time of the incident was a natural witness and had testified that there were four consecutive shots and the whole incident occurred in less than a minute. This testimony rules out the probability of scuffle between the two.

Additionally, Nanavati left Ahuja's flat without explaining that it was an accident to his sister Mamie, who was present in the flat at the time of the incident.

Lastly, the Deputy Police Commissioner testified that Nanavati admitted that he had shot Ahuja and also corrected his name's misspelling in the police record, proving Nanavati's capacity to think normally.

Judgment:

Jury Trial Verdict: The case first went to Session Court, where the verdict was 8:1 given by the jury trial and the accused was held not guilty under section 304 of the Indian Penal Code, 1860. However, the Session Judge being dissatisfied with the judgment referred the matter to the Division Bench of Bombay High Court under Section 307 of Code of Criminal Procedure, 1973.

High Court Verdict: the High Court dismissed the Jury's verdict and held the accused guilty under Section 302 of Indian Penal Code on the basis of the following arguments.

- Sylvia's confession, or any specific occurrence in Ahuja's bedroom, or both did not amount to grave and sudden provocation.
- The burden of proof was non Nanavati proving that it was an accident and not a premeditative murder.
- The Jury was ignorant of the fact that Nanavati's defence had to be established to be a point where there would be no reasonable doubt in the mind of a reasonable person.

Supreme Court Verdict: The Supreme Court upheld that the decision of the High Court.

- The Supreme Court contended that there is no doubt that the accused momentarily lost his self control when his wife confessed to him her illicit intimacy with the deceased but his subsequent action clearly shows that had not only regained his self control but also was capable of actually planning the future to his wife and his children.
- The time lapse between his leaving his house and the time of murder was three hours. This was sufficient time for passion to cool down and for self control to be regained.
- The mere fact that before the shooting the accused abused the deceased and the abuse provoked an equally abusive reply could not conceivably be a provocation for murder.
- The Supreme Court also stated that the governor's pardon application and the SLP cannot be pursued simultaneously. If a Special leave petition is issued, the Governor's authority will be revoked. The Supreme Court concluded that the conviction of the accused under Section 302 of the Indian Penal Code and the High Court's sentence of life imprisonment are valid, and there are no reasons for intervention.

The Supreme Court in *K. M. Nanavati Case* summarized the principle of "grave and sudden provocation" as:

- a. The test of “grave and sudden” provocation is whether a reasonable man, belonging to the same class of society as that of the accused, placed in the same situation would be provoked so as to lose his self-control.
- b. In India, words and gestures may also, under particular circumstances, cause grave and sudden provocation to an accused so as to bring his act within the first exception to Section 300.
- c. The mental status created by the previous act of the victim may be taken into consideration while deciding the guilt of the accused.
- d. The fatal blow should be clearly traced to the influence of passion arising from that provocation and not after the passion has cooled down by lapse of time, or otherwise giving scope for premeditation and calculation.

The court held that to invoke the protection under the exception of ‘grave and sudden’ provocation, the act of murder must be directly related to that ‘sudden’ provocation and not once the mind has cooled down.

Conclusion:

The case of *K.M. Nanavati v. State of Maharashtra* is one of the most important and controversial cases dealt with by the Indian Judiciary. Starting from a jury verdict not guilty to being found guilty of murder by the Supreme Court, this case received extraordinary media coverage, which most likely had a crucial impact on the Jury System in India. This case is one of the important examples of *Supremacy of Law* and proves that the law in Indian Legal System the law is above all and the law remains the same for everyone irrespective of one’s status or class. The Latin maxim *‘in quo quis delinquit in eo de jure est puniendus’* means “*in whatever thing one offends, in that he ought to be punished according to law*”. The punishment for a crime ought to be proportionate to the crime committed. Penal laws are strictly interpreted, and the Nanavati case demonstrates the strict interpretation of penal statutes. Through this case, it is observed that the judiciary acts as a shield for the protection of the Indian Constitution and to serve justice.

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