

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL/APPELLATE JURISDICTION

WRIT PETITION (CRL.) NO.48 OF 2014

UNION OF INDIA ... PETITIONER(S)

VERSUS

V. SRIHARAN @ MURUGAN AND ORS. ... RESPONDENT(S)

WITH

WRIT PETITION (CRL.) NO.185 OF 2014

WITH

WRIT PETITION (CRL.) NO.150 OF 2014

WITH

WRIT PETITION (CRL.) NO.66 OF 2014

AND WITH

CRIMINAL APPEAL NO.1215 OF 2011

O R D E R

WRIT PETITION (CRL.) NO.48 OF 2014:

1. Vide order dated 9th July, 2014, we had restrained the State Governments from exercising their powers of remission and commutation of sentence under Sections 432 and 433 of the Code of Criminal Procedure, 1973 to life

convicts. The relevant paragraph of the order passed by this Court reads as under :

"In the meanwhile, the State Governments are restrained from exercising power of remission to life convicts".

2. We had issued notice to all the State Governments through their standing counsel.

3. After hearing the arguments advanced by learned counsel for the respective State Governments for some time, we are of the considered view that our order dated 09.07.2014 requires to be modified.

4. Accordingly, we modify our order dated 09.07.2014, whereby we had restrained the State Governments from exercising power of remission or commutation to life convicts. The said order dated 09.07.2014 shall only apply to cases :

1) where life sentence has been awarded specifying that -

(a) the convict shall undergo life sentence till the end of his life without remission or commutation;

(b) the convict shall not be released by granting remission or commutation till he completes a fixed term such as 20 years or 25 years or like.

ii) where no application for remission or commutation was preferred, or considered *suo motu* by the concerned State Governments/authorities.

iii) where the investigation was conducted by any Central Investigating Agency like the Central Bureau of Investigation.

iv) where the life sentence is under any central law or under Section 376 of the Indian Penal Code, 1860 or any other similar offence.

5. However, we clarify that the President of India in exercise of his powers under Article 72 of the Constitution of India and the Governors of the States in exercise of their powers under Article 161 of the Constitution of India are not prevented from exercising their power(s), insofar as the cases referred to in Para 4 above are concerned.

6. We further make it clear that this order shall not be applicable to the respondents in Writ Petition (Crl.) No.48 of 2014.

7. It is also clarified that this order is subject to the final orders that may be passed by us while answering the Referral order.

8. The order passed by us today shall be communicated by the Registry of this Court to all the State Governments and Union Territories.

9. Accordingly, Criminal Miscellaneous
Petition Nos.21421 of 2014, 7510 of 2015 and 11179
of 2015 are disposed of.

.....CJI
(H.L. DATTU)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

.....J.
(PINAKI CHANDRA GHOSE)

.....J.
(ABHAY MANOHAR SAPRE)

.....J.
(UDAY UMESH LALIT)

NEW DELHI,
JULY 23, 2015.

ITEM NO.501

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(Criminal) No. 48/2014

UNION OF INDIA

Petitioner(s)

VERSUS

V. SRIHARAN @ MURUGAN & ORS.

Respondent(s)

(With appln.(s) for stay and intervention and modification and directions and impleadment as party respondent(s) and granting permission to consider and decide appln. of life convicts for seeking remission, for impleadment and to vacate the interim stay, impleadment a/w unregistered appln. for direction, addl. documents, seeking intervention)

WITH W.P.(Crl.) No. 185/2014

(With appln.(s) for bail and Office Report)

W.P.(Crl.) No. 150/2014

W.P.(Crl.) No. 66/2014

(With appln.(s) for directions and Office Report)

Crl.A. No. 1215/2011

Date : 23/07/2015 These petitions/appeal were/was called
on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr.Ranjit Kumar, Sol.Gen.of India

Ms.V.Mohana, Sr.Adv.

Mrs. Binu Tamta, Adv.

Mr. Dhruv Tamta, Adv.

Mr.D.L.Chidananda,Adv.

Ms.Movita, Adv.

Mr.R.K.Verma, Adv.

Mr. B. Krishna Prasad,Adv.

Ms.Sushma Suri, Adv.

Mr. Sinha Shrey Nikhilesh, Adv..

Mr.Sarthak Sachdev,Adv.

Mr.Toyesh Tewari, Adv.

Mr.Jai Sahai Endlaw,Adv.

Mr.Shouryendu Ray,Adv.

Mr. Maanav Kumar, Adv.

Mr.Vinay Navare, Adv.
 Mr.Satyajeet Kr., Adv.
 Mr. Keshav Ranjan, Adv.
 Mr.Gwen K.B., Adv.
 Ms. Abha R. Sharma, Adv.

Mr. Harshvir Pratap Sharma, Adv.
 Mr. Ajay Sharma, Adv.
 Mr.Pankaj Kumar, Adv.

Mr.Varinder Kumar Sharma, Adv.
 Mr. Varun Thakur, Adv.
 Ms. Shraddha Saran, Adv.

Ms. Meera Kaura Patel, Adv.
 Mr.S.C.Patel, Adv.
 Mr. Tejas Patel, Adv.

For Respondent(s) Mr.Rakesh Dwivedi, Sr.Adv.
 Mr.Kabir S.Bose, Adv.
 Mr.Anip Sachthey, Adv.
 Ms. Sansriti Pathak, Adv.
 Ms. Shagun Matta, Adv.
 Ms. Hancy Wadhwa, Adv.

R.Nos.1,2,4 to 7 Mr.Ram Jethmalani, Sr. Adv.
 Mr.Yug Chaudhry, Adv.
 Ms. Lata Krishnamurty, Adv.
 Ms. Mala, Adv.
 Mr. Anirudh Ananad, Adv.
 Mr. Sonanadry Joud, Adv.
 Mr. Rohit Kumar, Adv.
 Mr. N. Chandrasekaran, Adv.
 Mr. Sidharth Sharma, Adv.
 Mr. S. Prabu Ramasubramanian, Adv.
 Ms. Ragini Ahuja, Adv.
 Mr. S. Gowthaman, Adv.

rr.3 Mr. Rishab Sancheti, Adv.
 Mr. K. Paari Vendhan, Adv.
 Mr.S.Gowthaman, Adv.
 Mr.S.Prabu Ramasubramanian, Adv.

Prof.Ravi Verma Kumar, Adv.Genl.
 of State of Karnataka
 Ms. Anitha Shenoy, Adv.
 Ms. Aparna Appaiah, Adv.
 Mr. E.C. Vidya Sagar, Adv.

Mr. Anil Kumar Mishra-I, Adv.

For Manipur

Mr.Sapam Biswajit Meitei, Adv.
 Mr.Z.H.Isaac Haiding, Adv.
 Mr. Ashok Kumar Singh,Adv.

Mr. Balaji Srinivasan,Adv.

For Chhattisgarh

Mr.C.D. Singh, Adv.
 Ms.Sakshi Kakkar, Adv.
 Mr.Atul Jha, Adv.
 Mr.Sandeep Jha, Adv.
 Mr. Dharmendra Kumar Sinha,Adv.

Mr. Gopal Singh,Adv.
 Mr. Chandan Kumar, Adv.
 Mr.Manish Kumar, Adv.

For Tripura

Mr.Gopal Singh, Adv.
 Mr.Rituraj Biswas, Adv.

Mr. Guntur Prabhakar,Adv.
 Ms.Prerna Singh, Adv.

Mr. Kamal Mohan Gupta,Adv.
 Mr.Pramod Kr.Singh, Adv.

Mr. Mishra Saurabh,Adv.
 Ms.Vanshaja Shukla, Adv.
 Mr.Ankit Kr.Lal, Adv.

Mr.Rakesh Dwivedi, Sr.Adv.
 Mr. Subramonium Prasad, Sr. Adv.
 Ms.Sansriti Pathak, Adv.
 Mr. M. Yogesh Kanna,Adv.

Mr. A.N.S Nadkarni, Adv.Gen. for Goa
 Mr. Dattaprasad Lawande, Adv.
 Mr. Pradosh Dangui, Adv.
 Ms. Poorna Bhandari, Adv.
 Mr. Anshuman Srivastava, Adv.
 Mr. S.S. Rebello, Adv.
 Mr. Amogh Prabjhudesai, Adv.
 Mr. Nirnimesh Dube,Adv.

Intervenor

Mr.Sanjay Parikh, Adv.
 Mr. Pukhrambam Ramesh Kumar,Adv.
 Mr. Sumit Kumar Vats, Adv.

Mr. P.V. Kovilan, Adv.
 Mrs. Geetha Kovilan,Adv.
 Mr. V. Vasudevan, Adv.

For Jharkhand Mr. Ajit Kumar Sinha, Sr. Adv.
Mr. Tapeshe Kumar Singh, Adv.
Mohd. Waqas, Adv.

For Puducherry Mr. V. G. Pragasam, Adv.
Mr. Prabu Ramasubramanian, Adv.

Prof. Ravi Verma Kumar, Adv. Gen., Karnataka
Ms. Anitha Shenoy, Adv.
Ms. Visruti Vijay, Adv.

Mr. A. Mariarputham, Adv. Gen. Sikkim
Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. K. Vijay Kumar, Adv.
For M/s Arputham, Aruna & Co., Adv.

Ms. Vartika S. Walia, Adv.
for M/s Corporate Law Group, Adv.

For Andaman & Nicobar Admn. Mr. Balasubramanian, Adv.
Mr. K. V. Jagdishvaran, Adv.
Ms. G. Indira, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Jesal Wahi, Adv.

For U.P. Mr. Gaurav Bhatia, AAG
Ms. Pragati Neekhara, Adv.

For H.P. Mr. Suryanaryana Singh, Addl. Adv. Gen.
Ms. Pragati Neekhara, Adv.

Applicant Ms. Madhavi Divan, Adv.
Ms. Ranjeeta Rohtagi, Adv.
Mr. Manan Verma, Adv.

Maharashtra Mr. Nishant Ramakantrao Katneshwarkar, Adv.

Ms. Rachana Srivastava, Adv.
Mr. Ashutosh Kr. Sharma, Adv.

Mr. V. Madhukar, AAG
Ms. Anvita Cowshish, Adv.
Mr. Jagjit Singh Chhabra, Adv.
Mr. Kuldip Singh, Adv.

Mr. Renjith B. Marar, Adv.
Ms. Lakshmi N. Kaimal, Adv.
Mr. Kumar Gaurav, Adv.
Mr. Anil Dixit Kaushik, Adv.

For Rajasthan

Mr.S.S.Shamshery, AAG.
Mr.Amit Sharma, Adv.
Mr.Sandeep Singh, Adv.
Ms.Ruchi Kohli, Adv.

Mr.Ramesh Babu, M.R.,Adv.

Mr. Jogy Scaria, Adv

Mr.Suryanarayana Singh, Sr.AAG
Ms.Pragati Neekhara, Adv.

Impleader

Mr.Ram Sankar, Adv.
Mr.G.Ananda Selvam, Adv.
Mr.K.Mayil Samy, Adv.
Mr.R.V.Kameshwaran,Adv.

Mr. Manoj Kumar, Adv.
Mr. Aditya Narayan Singh, Adv.
Mr.Samir Ali Khan, Adv.

Mr. Atmaram N.S. Nadkarni, Adv.Gen.
Mr. V. Madhukar, Adv.
Mr. Mohit D. Ram, Adv.
Mr. Pradesh Dangvi, Adv.
Ms. Purna Bhandari, Adv.
Mr. S.S. Rebero, Adv.
Mr. Amogh Prashudesai, Adv.

Mr. Sushil Karanjkar, Adv.
Mr. Ratan Wasekar, Adv.

Mr. Yatendra Sharma, Adv.
Mr. Prashant Kumar, Adv.

Mr. Anil Grover, AAG
Ms. Noopur Singhal, Adv.
Mr. Sanjay Visen, Adv.

For Nagaland

Ms. K. Enatoli Sema, Adv.
Mr. Edward Belho, Adv.
Mr. Amit Kumar Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

CRLMP Nos.21421/2014, 7510/2015 and 11179/2015 are
disposed of, in terms of the signed order.

Main Matters remained part-heard.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[G.V. Ramana]
A.R.-cum-P.S.

[Neetu Khajuria]
Sr. P.A.

(Signed order is placed on the file)