

JIN 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
RECORD OF PROCEEDINGS

(With appln.(s) for stay and intervention and modification and

Writ Petition(Criminal) No. 48/2014
UNION OF INDIA VERSUS Petitioner(s)
V. SRIHARAN @ MURUGAN & ORS. Respondent(s)

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

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For H.P.

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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] [Vinod Kulvi]

A.R.-cum-P.S. Asstt. Registrar

[G.V. Ramana] [Neetu Khajuria]

A.R.-cum-P.S. Sr. P.A.

(Signed order is placed on the file)