

# DEATH PENALTY IN INDIA



PROJECT 39A  
EQUAL JUSTICE  
EQUAL OPPORTUNITY

Annual ■  
Statistics ■  
Report ■

2018



PROJECT 39A  
EQUAL JUSTICE  
EQUAL OPPORTUNITY

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Annual ■  
Statistics ■  
Report ■

2018



# FOREWORD

This is the third edition of *The Death Penalty in India: Annual Statistics* published by Project 39A at National Law University, Delhi and is a continuation of our efforts to compile comprehensive data on the use of the death penalty in India. Since the first edition in 2017, we have constantly broadened our search strategies and improved upon our data collection systems to accurately track death sentence cases across the country. Despite these efforts, we face significant difficulties because of the poor data collection and maintenance by state institutions.

The 162 death sentences imposed by trial courts in 2018 is the highest in a calendar year since 2000. We filed 91 applications under the Right to Information Act, 2005 (RTIs) covering all prison and home departments, and office of the Governors across states to collect information on prisoners sentenced to death. We also regularly mined the High Court and Supreme Court websites to track movement in death sentence cases. Since most Sessions Courts either do not have websites or do not regularly update them, local newspaper reports proved to be the most reliable source of information for tracking death sentences by trial courts in 2018.

We had several concerns with the responses we received from official sources. While numerous responses were incomplete or provided incorrect details, 7 states and 2 union territories did not respond to RTI applications. Most applications resulted in several transfers within the department before we could receive a final response and this process caused significant delays in data collection. Further, many High Court websites were not regularly updated and this made tracking the status of appeals/confirmations more difficult. These concerns required us to monitor our database regularly and collate information from a diverse range of sources to present the figures in this report.

In our efforts to continuously update our data, we have identified certain corrections to the data presented in the 2016 and 2017 editions. These corrections can be found at the end of this report. The lack of coordination between different official sources affects the accuracy of even simple data like this and speaks to larger concerns with data recording and reporting within the criminal justice system. Notwithstanding these limitations, we are confident that this report presents a fairly comprehensive data set on the use of the death penalty in 2018.

Exceptional contributions by Varsha Sharma and Pritam Raman Giriya (III-year law students at National Law University, Delhi) have made this report possible. They have been the backbone of this endeavour since 2017 and were instrumental in filing RTIs, mining court websites, tracking news reports, and the overall maintenance of our database. We would also like to acknowledge the research assistance provided by E. Sarashika and Ananaya Agarwal (I-year law students at National Law University, Delhi).

# OVERVIEW OF LEGAL DEVELOPMENTS IN 2018

162 persons were sentenced to death by trial courts in 2018 and 426 prisoners were under the sentence of death as on 31st December 2018. While 2018 saw the highest number of death sentences imposed by trial courts in nearly two decades, the Supreme Court moved in the opposite direction. In 2018, the Supreme Court confirmed 3 death sentences under its review jurisdiction in the December 2012 Delhi gangrape case. After taking over as the Chief Justice of India in October 2018, Justice Ranjan Gogoi made hearing of death sentence cases a priority and constituted four 3-judge benches towards that end. (*see Page 23 for further details on death sentence cases in the Supreme Court*)

2018 also saw the legislative expansion of the death penalty for non-homicide offences. The Parliament amended the Indian Penal Code (IPC) through the Criminal Law Amendment Act of 2018 (CLA)<sup>1</sup> in August, 2018 to provide for the death sentence as a possible punishment for rape and gang-rape of girls below the age of 12 years. In January 2019, the Union Cabinet approved and introduced in the Lok Sabha amendments to the Protection of Children from Sexual Offences Act, 2012 (POCSO) which brought in the death sentence as a possible punishment for penetrative aggravated sexual assault with children below the age of 18 years. In August 2018, the Cabinet also approved a bill providing death penalty or life imprisonment for crimes involving maritime piracy or piracy at sea. In contrast to the legislative expansion of the death penalty, the Supreme Court indicated its growing concern with the judicial administration of the death penalty by commuting 11 death sentences between November - December 2018. These concerns found their sharpest articulation in Justice Kurian Joseph's dissenting opinion in *Chhannu Lal Verma v. State of Chhattisgarh*<sup>2</sup> where he observed that the time had come to reconsider the need for the death penalty as a punishment, especially its purpose and practice.

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1. Available at [https://mha.gov.in/sites/default/files/2CSdivTheCriminalLawAct\\_14082018\\_0.pdf](https://mha.gov.in/sites/default/files/2CSdivTheCriminalLawAct_14082018_0.pdf)  
2. Criminal Appeal Nos. 1482-1483 of 2018.



**2018 saw the highest number of death sentences imposed by trial courts in nearly two decades.**

**The Supreme Court moved in the opposite direction. Out of the 12 death penalty cases heard in the Supreme Court in 2018, death sentences were commuted in 11 cases to life imprisonment of different kinds.**

**In *Chhannu Lal Verma v. State of Chhattisgarh*, Justice Kurian Joseph called for the reconsideration of the constitutionality of the death penalty.**

**Legislative expansion of the death penalty through Criminal Law Amendment Act, 2018 by introduction of the death sentence as a possible punishment for rape of girls below 12 years. This was followed by amendment of Protection of Children from Sexual Offences Act, 2012 in January 2019 which brings in the death sentence for aggravated penetrative sexual assault with children below the age of 18 years.**

## **MOST NUMBER OF DEATH SENTENCES SINCE 2000**

162 death sentences were imposed by trial courts across India this year and made it the highest in the last 19 years<sup>3</sup>. With 22 death sentences, Madhya Pradesh used the death penalty the most in 2018. This was a dramatic increase (over 4 times) compared to 2017 when 6 persons were sentenced to death in Madhya Pradesh. The government in Madhya Pradesh had consistently pushed for punishing child sexual assault with the death penalty and the 2018 IPC amendments to the IPC introducing the death penalty for the rape of girls below 12 years has been used most in Madhya Pradesh.

## **DEATH PENALTY BENCHES IN THE SUPREME COURT**

2018 saw 11 death sentences being commuted to life imprisonment<sup>4</sup> by the Supreme Court while 3 death sentences (in one case) were confirmed in a review petition hearing. Of the 11 commutations, 7 were in criminal appeals while 4 were in review proceedings. 3 death sentences were confirmed in 1 review petition in July 2018 in the December 16 Delhi gang-rape case. (see Pages 24 and 25 for more details) After assuming office in October 2018, Chief Justice Ranjan Gogoi constituted four 3-judge benches sitting simultaneously for over 6 weeks to decide death sentence cases. The investment of such judicial resources in deciding death sentence cases was missing during the tenures of Chief Justices Dipak Misra (August 2017 to October 2018) and Jagdish Singh Khehar (January 2017 to August 2017). There were no death sentence criminal appeals and 1 review petition decided during the tenure of Chief Justice Dipak Misra. During Chief Justice Khehar's tenure 1 criminal appeal and 2 review petitions<sup>5</sup> were decided. Prior to that, 9 criminal appeals<sup>6</sup> and 1 review petition were decided during the tenure of Chief Justice TS Thakur between December, 2015 to January, 2017.

5 death sentence review petitions were decided by the Supreme Court in 2018 (see Page 25 for details). 2 of these, *Rajendra Prahladrao Wasnik v. State of Maharashtra*<sup>7</sup> and *M. A. Antony v. State of Kerala*<sup>8</sup> were reopened in the light of the decision in *Mohd. Arif v. The Registrar, Supreme Court*. Except for the review petitions filed by those sentenced to death in the December 16 Delhi gangrape case, all review petitions resulted in commutation to life imprisonment.

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3. Project 39A does not have data on annual death sentences prior to 2000.
  4. The sentences in different cases ranged from simple life imprisonment to fixed terms of imprisonment and imprisonment till the end of natural life as per the Supreme Court judgment of 2015 in *V. Sriharan v. Union of India* [(2016) 7 SCC 1] which allows for placing a sentence beyond the pale of executive remission. This however does not have any effect on the powers of the President and the Governor under Article 72 and 161 of the Constitution respectively.
  5. This corresponded to four death sentences all of which were confirmed at the Criminal Appeal stage.
  6. 6 of these 9 cases involving 7 accused persons resulted in commutation of death sentences to life imprisonment. 3 accused persons in the remaining 3 cases were acquitted at the Criminal Appeal stage.
  7. Review Petition (Criminal) No. 306-307 of 2013 in Criminal Appeal No. 145-146 of 2011.
  8. Review Petition (Criminal) No. 245 of 2010 in Criminal Appeal No. 811 of 2009.



## JUSTICE KURIAN JOSEPH'S DISSENTING OPINION

While Justice Kurian Joseph was joined by Justices Deepak Gupta and Hemant Gupta in commuting the death sentence in *Chhannu Lal Verma v. State of Chhattisgarh*, Justice Joseph was in the minority in his call for the reconsideration of the constitutionality of the death penalty. In a powerful dissent that spoke to the future, Justice Joseph drew attention to the 'arbitrary and freakish' imposition of the death penalty, the lack of any legitimate penological purpose in its imposition and the worrying role of 'collective conscience' in death penalty sentencing.

## IN LIMINE DISMISSALS WITHOUT REASONS NO LONGER POSSIBLE

The Supreme Court's judgment in *Babasaheb Kamble v. State of Maharashtra*<sup>9</sup> comes as a significant development in the death penalty jurisprudence. Previously, the Supreme Court could dismiss the Special Leave Petitions without giving any reasons and not admitting them to be heard as appeals. Such 'in limine' dismissals became constitutionally untenable after the ruling in *Mohd. Arif v. The Registrar, Supreme Court*<sup>10</sup> where the Court held that review petitions in death sentence cases will mandatorily be heard in open court. With this requirement, 'in limine' dismissals of SLPs were absurd because it left nothing for the court to 'review' because there were no reasons. The Supreme Court through its judgment in *Kamble* in November 2018 finally did away with 'in limine' dismissals of SLPs in death penalty cases.

## COMMUTATIONS RESTRICTING REMISSION POWERS

In December 2015, a Constitution Bench of the Supreme Court in *Sriharan*<sup>11</sup> recognised the power of appellate courts to restrict remission powers of governments under the Criminal Procedure Code while imposing life imprisonment. In 2018, 11 death sentences were commuted to life imprisonment by the Supreme Court. Of these, 7 commutations involved a restriction on the state government's remission powers. In 1 case, the Supreme Court declared that the government could not grant remission till the end of natural life. The fixed term restrictions on remission powers in the other 6 cases ranged from 18 years to 30 years. Similarly, in the High Court, 14 of the 58 commutations placed restrictions on remission powers. (*for details of such commutations, see Pages 26 and 27*)

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9. *Mohd. Arif v. The Registrar, Supreme Court, (2014) 9 SCC 737*. In September 2014, a Constitution Bench of the Supreme Court in *Mohd. Arif* carved out cases of death sentence as a distinct category of cases altogether. Considering this distinction, the Court observed that even at the stage of review, cases of this nature are such that oral hearing becomes too precious a right to be parted with. The Court declared that review petitions in all death sentence cases are to be heard in open court.
  10. Review Petition (Criminal) No. 324 of 2015 in Special Leave Petition (Criminal) 111 of 2015. Bench: Justices AK Sikri, Ashok Bhushan and Indira Banerjee.
  11. *Union of India v. V Sriharan @Murugun, (2016) 7 SCC 1* (upholding by a 3:2 majority the decision in *Swamy Shraddhanada @ Murli Manohar Mishra v. State of Karnataka, (2008) 13 SCC 767*)

## **PRISONERS SENTENCED TO DEATH - RIGHT TO ACCESS MENTAL HEALTH PROFESSIONALS**

The Supreme Court in its order dated December 13, 2018 in IA No. 26542 of 2018 as part of the proceedings in *In Re: Inhuman Conditions*<sup>12</sup> recognised the right of prisoners sentenced to death to meet mental health professionals at a reasonable frequency and for reasonable lengths of time, at all stages as part of their right to effective legal representation. This is a significant development given the legal framework of death penalty sentencing, which requires that in imposing the sentence, factors and circumstances pertaining to the convict be presented to and considered by the courts. The circumstances of the convicted individual are to be viewed in the context of their entire lives and location in society. It is in this complex undertaking of contextualising an individual that assistance from a mental health professional becomes crucial and can offer significant insights during the sentencing process.

## **AMENDMENTS INTRODUCING DEATH PENALTY FOR CHILD RAPE**

In the aftermath of the national outrage to the rape of a minor girl in Kathua (Jammu & Kashmir), Parliament amended the Indian Penal Code, 1860 (IPC) through the 2018 Criminal Law (Amendment) Act to provide for the death penalty for rape and gang rape of girls below 12 years<sup>13</sup>. While the IPC amendments came into force in April 2018, the Union Cabinet in December 2018 also approved amendments to POCSO<sup>14</sup> to introduce death penalty for penetrative aggravated sexual assault with children below the age of 18 years. The Bill proposing these amendments were introduced in the Lok Sabha in January 2019.

Madhya Pradesh and Rajasthan were the only 2 states where the sessions courts imposed death sentences under the 2018 IPC amendments. While 9 death sentences (in 8 cases) were imposed using just these amendments, 6 persons (in 6 cases) have already been commuted by the High Courts of Madhya Pradesh and Rajasthan. A further 4 death sentences (in 4 cases) were imposed using the new amendments and section 302 (for murder) of the IPC. The Madhya Pradesh High Court confirmed the death sentence in one of these cases. (*For more details, see Page 14*)

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12. Writ Petition (Civil) No. 406 of 2013.

13. The newly added Section 376 AB and Section 376 DB in the Indian Penal Code have death sentence as a possible punishment for rape and gang rape of girls below the age of 12 years respectively.

14. Available at [http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/1\\_2019\\_LS\\_Eng.pdf](http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/1_2019_LS_Eng.pdf).

## **MADHYA PRADESH’S POLICY TO REWARD PUBLIC PROSECUTORS FOR DEATH SENTENCES**

In a move that has raised serious concerns about interference with principles of prosecutorial independence, the Madhya Pradesh government has devised and implemented a rewards system for Public Prosecutors incentivising the seeking of the death penalty. The scheme awards 100-200 points for maximum punishment at lower courts, 500 for a life sentence and 1000 points for obtaining a death sentence. In an apparent bid to secure faster convictions, the reward system also creates awarding titles like ‘Best Prosecutor of the Month’ and “Pride of Prosecution” to prosecutors earning more than 2000 points while issuing strict warnings to those earning below 500 points.

## **PRESIDENT’S EXERCISE OF CLEMENCY POWER IN 2018**

President Ram Nath Kovind rejected the mercy petition from Jagat Rai on 23rd April 2018<sup>15</sup>. Jagat Rai was accused of burning the house of the complainant and consequently killing his wife and five children inside the house. Jagat Rai and two other co-accused persons<sup>16</sup> were sentenced to death for rioting and murder by Additional District and Sessions Judge, Vaishali. The Patna High Court confirmed the death sentences for all accused persons in August 2010. While commuting the death sentence of Bachcha Babu Rai<sup>17</sup> on the ground that no overt act was performed by him in the crime, the Supreme Court confirmed the death sentences imposed on Jagat Rai and Deepak Rai in September 2013. Jagat Rai sent his mercy petition to the President in January 2014. *(For more details, see Page 28)*

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15. President’s Secretariat Website, available at <https://rashtrapatisachivalaya.gov.in/mercy-petition-0>






16. The other two co-accused are Deepak Rai alias Bipat Rai and Bachcha Babu Rai.

17. The death sentence imposed on Bachcha Babu Rai was commuted to life imprisonment.

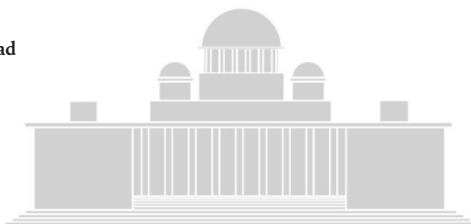
# DEATH PENALTY CASES 2018

*\*Data represented in form of prisoners (cases).*

Two prisoners sentenced to death died in prison. One in Yerwada Central Prison in Pune and the other in Nashik Central Road Prison.

-  Death Sentence
-  Acquittals
-  Commutation
-  Confirmation
-  Remitted

## SUPREME COURT



**11 3**

(11) (1)



## HIGH COURT



**58**

(36)



**23**

(12)



**23**

(18)

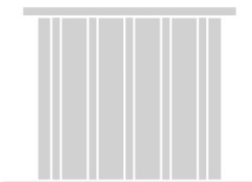


**10**

(06)



## SESSIONS COURT

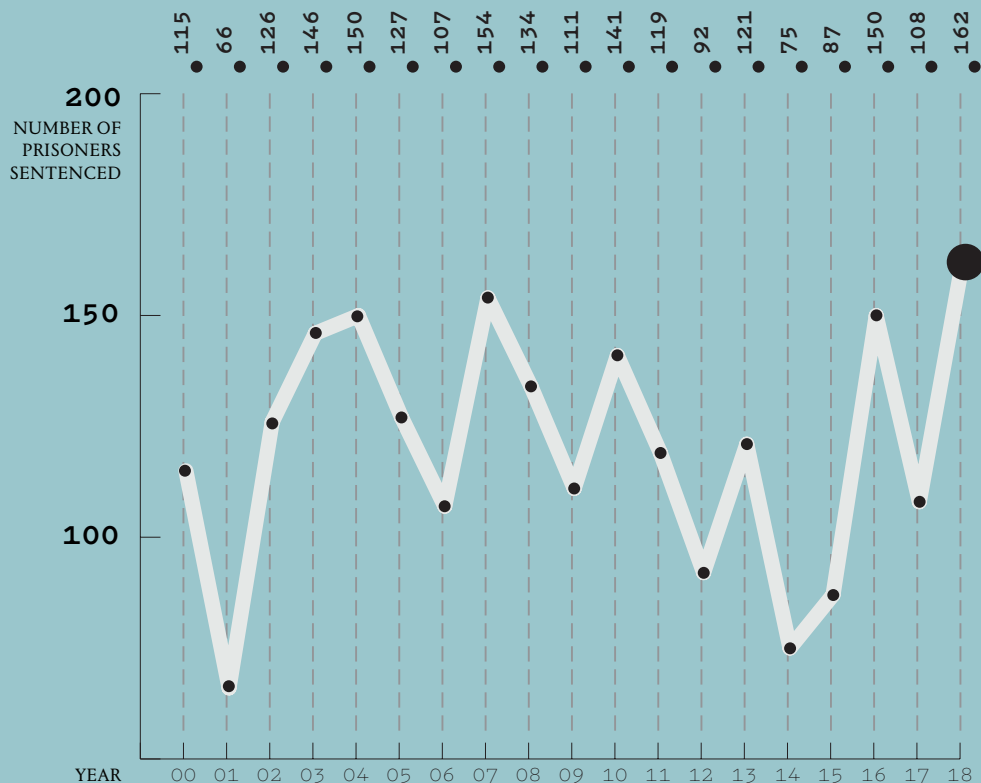


**162** 

(110)

# SESSIONS COURT

**NUMBER OF PRISONERS SENTENCED TO DEATH BY SESSIONS COURTS BETWEEN 2000-2018**



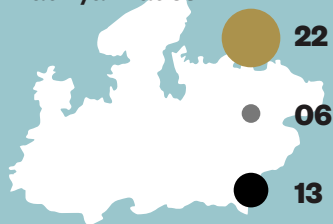
**THERE WERE NO DEATH SENTENCES IN THE FOLLOWING STATES IN 2018:**

- Arunachal Pradesh
- Goa
- Jammu and Kashmir
- Meghalaya
- Mizoram
- Nagaland
- Sikkim
- Tripura

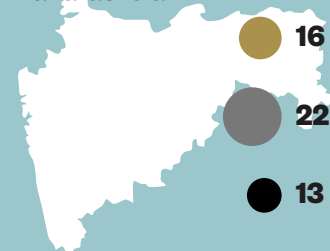
# STATE-WISE DISTRIBUTION OF PERSONS SENTENCED TO DEATH IN 2018

■ 2016 ■ 2017 ■ 2018

Madhya Pradesh



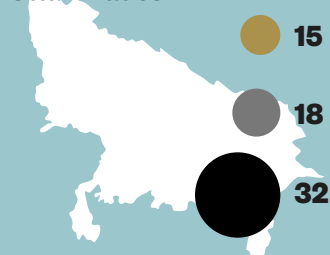
Maharashtra



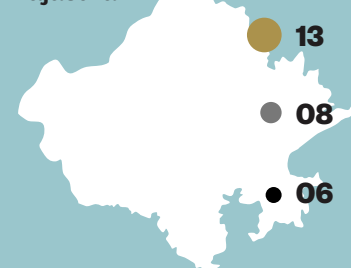
Karnataka



Uttar Pradesh



Rajasthan



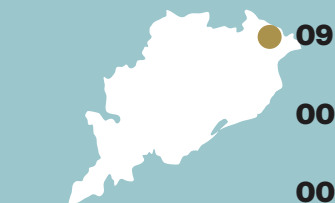
Tamil Nadu



Jharkhand



Odisha



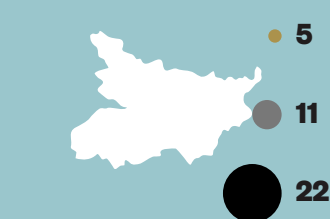
Uttarakhand



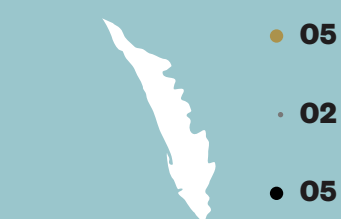
Assam

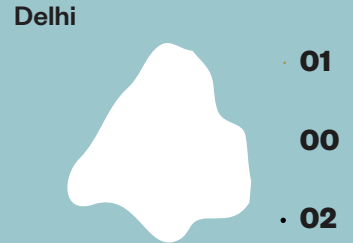
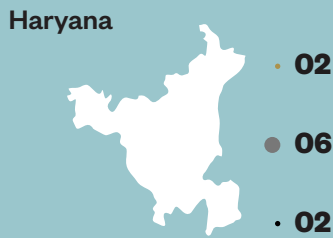
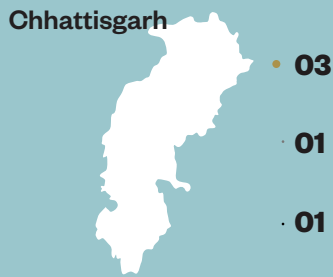
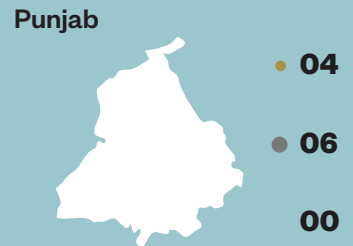
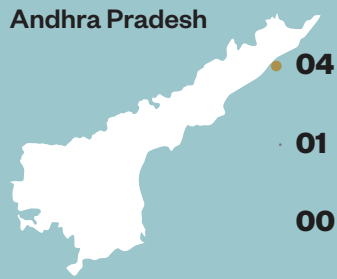
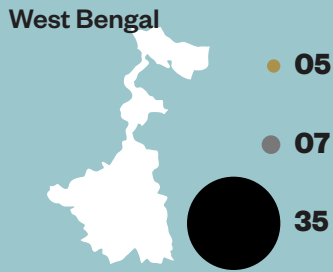


Bihar



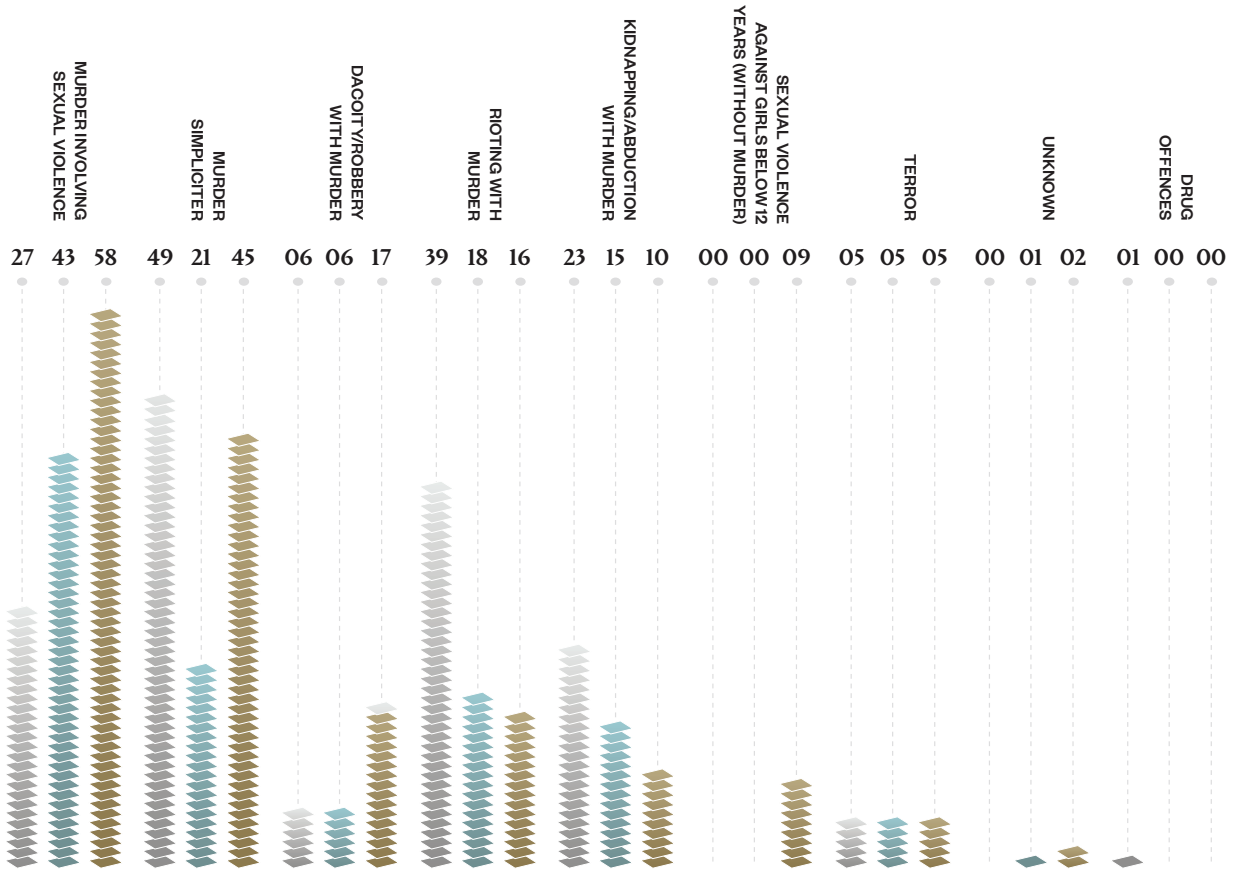
Kerala



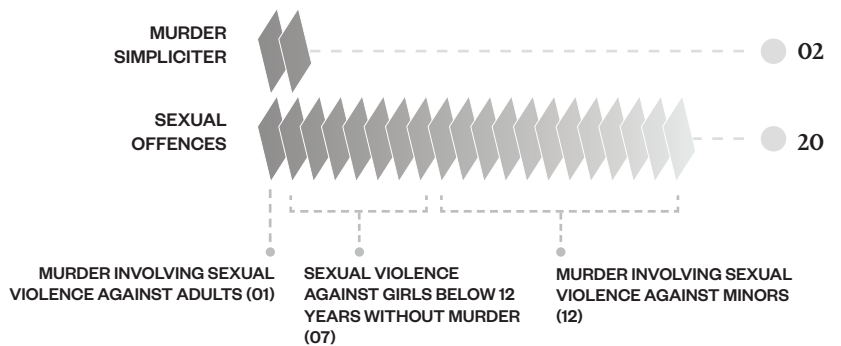


# NATURE OF CRIME IN 2018 BY SESSIONS COURT FOR THOSE SENTENCED

■ 2016 ■ 2017 ■ 2018



## THE NATURE OF CRIME FOR DEATH SENTENCES IMPOSED IN 2018 IN MADHYA PRADESH



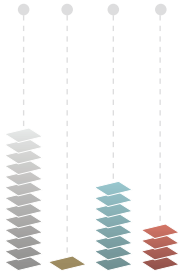


# DEATH SENTENCES IMPOSED IN 2018

Madhya Pradesh



13 01 08 04



MURDER INVOLVING  
SEXUAL VIOLENCE

00 02 00 00

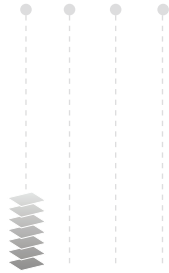


KIDNAPPING/ABDUCTION  
WITH MURDER

Maharashtra



07 00 00 00



SEXUAL VIOLENCE  
AGAINST GIRLS BELOW  
12 YEARS (WITHOUT  
MURDER)

00 02 03 00

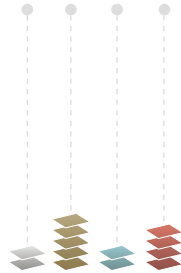


ROBBERY/DACOITY  
WITH MURDER

Karnataka



02 05 02 04



MURDER  
SIMPLICITER

00 00 01 00

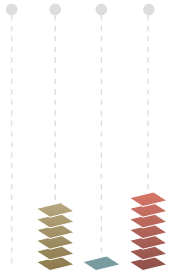


UNKNOWN

Uttar Pradesh



00 06 01 07



RIOTING  
WITH MURDER

■ Madhya Pradesh  
■ Maharashtra  
■ Karnataka  
■ Uttar Pradesh

## DEATH SENTENCES IMPOSED UNDER THE CRIMINAL LAW AMENDMENT ACT, 2018 BY SESSIONS COURTS IN 2018

Case Name	District, State	Provisions of Law under which death penalty has been imposed	Status in High Court
State of Madhya Pradesh v. Bhagirath alias Bhaggu	Sagar, Madhya Pradesh	Section 376AB IPC	Commuted (imprisonment for natural life)
State of Rajasthan v. Pintu	Alwar, Rajasthan	Section 376AB IPC	Commuted (20 years imprisonment)
State of Madhya Pradesh v. Jitendra Kushwaha	Gwalior, Madhya Pradesh	Section 376AB IPC and 302 IPC	Confirmed
State of Madhya Pradesh v. Rajkumar Kol	Katni, Madhya Pradesh	Section 376AB IPC	Commuted (20 years imprisonment)
State of Madhya Pradesh v. Mohammad Touhid	Chhatarpur, Madhya Pradesh	Section 376AB IPC	Commuted (imprisonment for natural life)
State of Madhya Pradesh v. Naresh	Sagar, Madhya Pradesh	Section 376AB IPC	Commuted (20 years imprisonment)
State of Madhya Pradesh v. Irfan & Asif <sup>18</sup>	Mandsaur, Madhya Pradesh	Section 376DB IPC	Pending
State of Rajasthan v. Vinod Kumar	Jhunjhunu, Rajasthan	Section 376AB IPC	Commuted (20 years imprisonment)
State of Madhya Pradesh v. Mahendra Singh	Satna, Madhya Pradesh	Section 376AB IPC	Pending
State of Madhya Pradesh v. Jitendra Uikey	Raisen, Madhya Pradesh	Section 376AB IPC and 302 IPC	Pending
State of Madhya Pradesh v. Waris Khan	Jaora, Madhya Pradesh	Section 376AB IPC and 302 IPC	Pending
State of Madhya Pradesh v. Anand Kushwaha	Jabalpur, Madhya Pradesh	Section 376AB IPC and 302 IPC	Pending

<sup>18</sup>. 2 persons have been sentenced to death in this case.

# HIGH COURT

## HIGH COURT CONFIRMATIONS

*\*Data represented in form of prisoners (cases).*

**23 (18)**

2018

**11 (10)**

2017<sup>19</sup>

**15 (10)**

2016

## HIGH COURT COMMUTATIONS

**58 (36)**<sup>20</sup>

2018

**54 (32)**

2017

**56 (37)**

2016

## HIGH COURT ACQUITTALS

**23 (12)**

2018

**35 (26)**

2017

**20 (14)**

2016

## REMITTED TO TRIAL COURTS BY HIGH COURTS

**10 (6)**

2018

**10 (5)**

2017


**11 (1)**


2016

19. The death reference of one person was recalled by the Allahabad High Court.


20. Out of these, 14 commutations in 10 cases were under the Sriharan dicta.

# HIGH COURT CONFIRMATIONS IN 2018

 No. of Persons

 No. of Cases

 Coram


 Case Name

## Uttar Pradesh

(Allahabad)

 **05**  **03**

 **Justices Amreshwar Pratap Sahi and Rajeev Misra**

 *State of Uttar Pradesh v. Jaikam & Anr. decided with State of Uttar Pradesh v. Smt. Nazra & Ors.*

**Justices Ram Surat Ram (Maurya) and Ifaqt Ali Khan**

*State of Uttar Pradesh v. Irfan @ Naka*


**Justices Sudhir Agarwal and Om Prakash**

*State of Uttar Pradesh v. Sovaran Singh Prajapati*

## Uttarakhand

(Nainital)

 **04**  **03**


 **Justices Alok Singh and Rajiv Sharma**

 *State of Uttarakhand v. Karandeep Sharma @ Razia @ Raju*  
*State of Uttarakhand v. Mehtab and Sushil @ Bhura*  
*State of Uttarakhand v. Sehzaad Ali*

## Madhya Pradesh

(Jabalpur)

 **03**  **02**

 **Justices S. K. Seth and Nandita Dubey**

 *State of Madhya Pradesh v. Bhagwani and Satish*


**Chief Justice Hemant Gupta and Justice Vijay Kumar Shukla**

*State of Madhya Pradesh v. Vinod alias Chouhtha*

## Haryana

 **02**  **01**

 **Justices A. B. Chaudhari and Kuldip Singh**

 *State of Haryana v. Naveen Kumar alias Monu and another*

## Kerala

 **02**  **02**

 **Justice AM Shaffique and Justice P Somarajan**

 *State of Kerala v. N. P. Muhammed Abdul Nasser*

**Justices C. T. Ravikumar and K. P. Jyothindranath**

*State of Kerala v. Rajendran*

23

Total number of persons

18

Total number of Cases

### Madhya Pradesh

(Indore)

**02** **02**

**Justices P. K. Jaiswal and S. K. Awasthi**  
*State of Madhya Pradesh v. Karan @ Fatiya*  
*State of Madhya Pradesh v. Naveen @ Ajay*

### Madhya Pradesh

(Gwalior)

**01** **01**

**Justices Vivek Agarwal and Sanjay Yadav**  
*State of Madhya Pradesh v. Jitendra Kushwah*

### Bihar

**01** **01**

**Justices Rakesh Kumar and Arvind Srivastava**  
*State of Bihar v. Munna Pandey*

### Maharashtra

(Bombay)

**01** **01**

**Justices Ranjit V. More and Bharati H. Dangre**  
*State of Maharashtra v. Chandrabhan Sudam Sanap*

### Tamil Nadu

(Chennai)

**01** **01**

**Justices S. Vimala and Ramathilagam**  
*State of Tamil Nadu v. Dashwanth*





### Uttar Pradesh

(Lucknow)

**01** **01**

**Justices Ritu Raj Awasthi and Mahendra Dayal**  
*State of Uttar Pradesh v. Putai*

# HIGH COURT COMMUTATIONS IN 2018

-  No. of Persons
-  No. of Cases
-  Coram
-  Case Name

## West Bengal



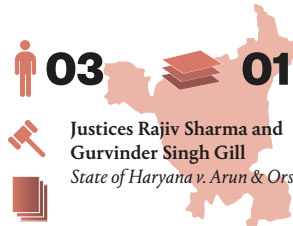
## Uttar Pradesh



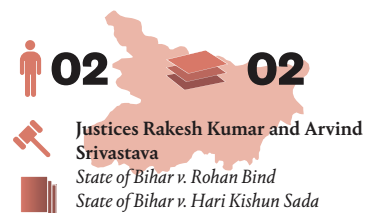
## Kerala



## Haryana



## Bihar



# 58

Total number of persons

# 36

Total number of Cases

## Madhya Pradesh

(Jabalpur)

 **06**  **06**



**Justices P. K. Jaiswal and B. K. Shrivastava**

*State of Madhya Pradesh v. Baadu*  
*State of Madhya Pradesh v. Naresh*



**Chief Justice Hemant Gupta and Justice Vijay Kumar Shukla**

*State of Madhya Pradesh v. Raj Kumar Kol*  
*State of Madhya Pradesh v. Bhaggi @ Bhagirath @ Naran*

**Justices J. K. Maheshwari and Akhil Kumar Srivastava**

*State of Madhya Pradesh v. Suni Adiwasi*

**Justices S. K. Seth and Anjuli Palo**  
*State of Madhya Pradesh v. Touheed Musalman*

## Rajasthan

(Jaipur)

 **06**  **04**



**Justices Mohammad Rafiq and Goverdhan Bardar**

*State of Rajasthan v. Kapil @ Anna & Ors.*



**Justices Dinesh Somani and Munishwar Nath Bhandari**

*State of Rajasthan v. Prashandeep @ Parra*  
*State of Rajasthan v. Pintu*

**Justices Banwari Lal Sharma and Munishwar Nath Bhandari**

*State of Rajasthan v. Vinod Kumar*

## Tamil Nadu

(Chennai)

 **05**  **01**



**Justices C. T. Selvam and M. Nirmal Kumar**

*Judgment unavailable*



## Delhi

 **02**  **01**



**Justices S. Muralidhar and I. S. Mehta**

*State of NCT of Delhi v. Ravi Kapoor & Anr*



## Maharashtra

(Aurangabad)

 **02**  **01**



**Justices S. S. Shinge and A. M. Dhavale**

*State of Maharashtra v. Bhagwat & Rahul @ Satish*



## Punjab

 **01**  **01**



**Justices A.B. Chaudhari and Surinder Gupta**

*State of Punjab v. Ashok Kumar @ Pintu Kumar*





**Justices Rajiv Sharma and Gurvinder Singh Gill**

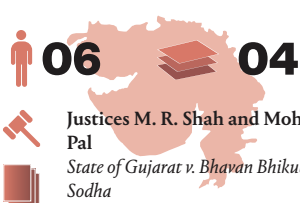
*State of Punjab v. Kala Ram alias Kala Singh*

## Andhra Pradesh



 Justices C. Praveen Kumar and T. Rajani  
 *State of Andhra Pradesh v. Kukkapalli Venkatesh*

## Gujarat





 Justices M. R. Shah and Mohinder Pal  
 *State of Gujarat v. Bhavan Bhikubhai Sodha*

## Madhya Pradesh

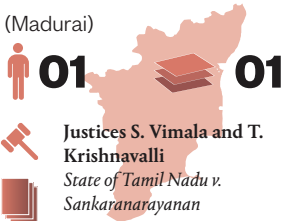
(Indore)



 Justices P. K. Jaiswal and Virender Singh  
 *State of Madhya Pradesh v. Munna @ Shahmuj*

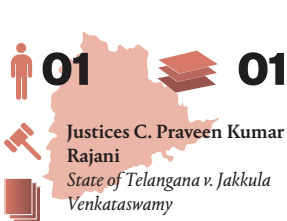
## Tamil Nadu



(Madurai)



 Justices S. Vimala and T. Krishnavalli  
 *State of Tamil Nadu v. Sankaranarayanan*

## Telangana



 Justices C. Praveen Kumar and T. Rajani  
 *State of Telangana v. Jakkula Venkataswamy*




# HIGH COURT ACQUITTALS IN 2018


# 23

Total number  
of persons

# 12

Total number  
of Cases

 No. of Persons



 No. of Cases

 Coram

 Case Name

## Bihar

 **06**  **02**

 Justices Rakesh Kumar and Arvind Srivastava  
*State of Bihar v. Suman Devi @ Guriya*  
 *State of Bihar v. Rattu Kora & Ors.*

## Maharashtra

(Nagpur)

 **06**  **01**


 Justices P. N. Deshmukh and M. G. Giratkar  
*State of Maharashtra v. Manoj @ Lalya Vasantrao Atram & Ors*

## Tamil Nadu

(Madras)

 **03**  **03**

 Justices S. Vimala and T. Krishnavalli  
*Sankaranarayanan & Anr. v. State of Tamil Nadu*

 Justices C. T. Selvam and A. M. Basheer Ahmed  
*State of Tamil Nadu v. Mari*

Justices S. Vimala and S. Ramathilagam  
*State of Tamil Nadu v. P. Manikandan*

## Uttar Pradesh

(Allahabad)

 **03**  **02**

 Justices Bala Krishna Narayana and Rajiv Gupta  
*State of Uttar Pradesh v. Monu alias Chandra Prakash & Anr.*

 Justices Amreshwar Pratap Sahi and Rajeev Misra  
*State of Uttar Pradesh v. Jaikam & Anr. decided with State of Uttar Pradesh v. Smt. Nazra & Ors.*

## West Bengal


 **02**  **01**

 Justices Nadira Patherya and Devi Prosad Dey  
*State of West Bengal v. Sri Shyamal Karmakar & Ors.*

## Jammu and Kashmir

(Jammu)

 **01**  **01**

 Justices Badar Durrez Ahmed and Sanjeev Kumar  
*State of Jammu and Kashmir v. Subash Chander Sharma*

## Karnataka

(Kalaburagi)

 **01**  **01**

 Justices Ravi Malimath and Sreenivas Harish Kumar  
*Mohammed Sultan v. State of Karnataka*

# HIGH COURT REMITTED CASES IN 2018

# 10

Total number  
of persons

# 06

Total number  
of Cases



**Rajasthan**  
(Jodhpur)

**04** **01**

**Justices Vinit Kumar Mathur and Sandeep Mehta**  
*State of Rajasthan v. Aatma Ram & Ors.*

**Uttar Pradesh**  
(Allahabad)

**02** **01**

**Justices Sudhir Agarwal and Om Prakash**  
*State of Uttar Pradesh v. Jeetu Nat & Another*

**Bihar**

**01** **01**

**Justices Rakesh Kumar and Arvind Srivastava**  
*State of Bihar v. Ram Prit Mandal*

**Karnataka**  
(Kalaburagi)

**01** **01**

**Justices Budial R. B. and B. A. Patil**  
*State of Karnataka v. Anil Balagar @ Anil*

**Maharashtra**  
(Nagpur)

**01** **01**

**Justices Ravi K. Deshpande and Arun Upadhye**  
*State of Maharashtra v. Raju @ Rajkumar Keshavrao Landget*

**Rajasthan**  
(Jaipur)

**01** **01**

**Justices Munishwar Nath Bhandari and Dinesh Chandra Somani**  
*State of Rajasthan v. Ankur Padiya*

6 cases (10 accused) were remitted to the trial courts by the High Courts in 2018. The reasons included the following:

- failure to provide the legal aid to the accused persons at the state expenses
- accused person not given an opportunity to provide his statement under section 313 of CrPC irregularity in the sentencing order of the trial court
- violation of section 219 CrPC which lays down that offences of same kind within year should be charged together
- recording of statement of witnesses in the absence of accused at the hearing.

In *State of Rajasthan v. Ankur Padiya (Criminal Death Reference 01 of 2018)* involving one accused person, the Jaipur bench of the Rajasthan High Court on 14.09.2018 remitted a death penalty case back to the trial court noting the irregularity in the sentencing hearing. On 19.12.2018, the trial court sentenced the accused again to death in the subsequent trial.

# SUPREME COURT

## SUPREME COURT CONFIRMATIONS<sup>21</sup>

*\*Data represented in form of prisoners (cases).*

**03 (1)**

2018

**07 (3)**

2017

**01 (1)**

2016

## SUPREME COURT COMMUTATIONS<sup>22</sup>

**11<sup>23</sup> (11)**

2018

**01 (1)**

2017

**07<sup>24</sup> (6)**

2016

## SUPREME COURT ACQUITTALS

**00**

2018

**00**

2017

**03 (3)**

2016

## REMITTED TO TRIAL COURTS BY SUPREME COURT

**00**

2018

**00**

2017

**00**

2016

**21.** In 2018, all confirmations were at the review stage.

**22.** In 2018, seven commutations were at the criminal appellate stage while four commutations were at the review stage in the Supreme Court.

**23.** Seven of these commutations involved the Supreme Court restricting remission powers of the State government (invoking the option recognised in Sriharan).

**24.** Out of these, commutation in one case was under the Sriharan dicta.





## CRIMINAL APPEALS DECIDED IN THE SUPREME COURT IN 2018

Date of Judgment	Case Name	Dates of Judgment	Nature of offence	Sentence imposed by SC	Coram
14.II.2018	Vijay Kumar v. State of Jammu and Kashmir, Criminal Appeal Nos. 1391-1393 of 2018	High Court 06.03.2014 Sessions Court 16.II.2009	Murder Simpliciter	Life imprisonment with no remission for rest of natural life	Justices NV Ramana, MM Shantanagoudar, and MR Shah
14.II.2018	Prahlad v State of Rajasthan, Criminal Appeal no 1794-1796 of 2017,	High Court 01.09.2016 Sessions Court 18.09.2015	Murder involving sexual violence	Life imprisonment simpliciter	Justices NV Ramana, MM Shantanagoudar, and MR Shah
15.II.2018	Swapan Kumar Jha v. State of Jharkhand, Criminal Appeal No. 1396-1397/2012	High Court 29.07.2011 Sessions Court 07.07.2010	Kidnapping/ Abduction with Murder	Life imprisonment with no remission for 25 years	Justices NV Ramana, MM Shantanagoudar, and MR Shah
20.II.2018	Sukhlal v. State of Madhya Pradesh, Criminal Appeal No. 1563-1564 of 2018	High Court 11.08.2014 Sessions Court 30.05.2014	Murder Simpliciter	Life imprisonment with no remission for 18 years	Justices AK Sikri, Ashok Bhushan and S Abdul Nazeer
27.II.2018	Rakesh Manohar Kamble @ Niraj Ramesh Wakekar v. State of Maharashtra, Criminal Appeal No 1767/2014	High Court 20.03.2014 Sessions Court 21.03.2013	Murder involving sexual violence	Life imprisonment with no remission for 30 years	Justices AK Sikri, Ashok Bhushan and MR Shah
28.II.2018	Chhannu Lal v State of Chhattisgarh, Criminal Appeal No 1482-1483 of 2018	High Court 11.04.2014 Sessions Court 25.06.2013	Murder Simpliciter	Life imprisonment simpliciter	Justices Kurian Joseph, Deepak Gupta and Hemant Gupta
05.II.2018	Viran Gyanlal Rajput v. State of Maharashtra, SLP (Criminal) Nos. 5416-5417/2015	High Court 16.02.2015 Sessions Court 25.06.2014	Murder involving sexual violence	Life imprisonment with no wremission for 20 years	Justices NV Ramana, MM Shantanagoudar, and Hemant Gupta
<b>Total</b>	<b>SEVEN PERSONS IN SEVEN CASES</b>				


## REVIEW PETITIONS DECIDED IN THE SUPREME COURT IN 2018

Date of Judgment	Case Name	Dates of Judgement	Nature of offence	Sentence imposed by SC in review	Coram
09.07.2018	<b>Vinay Sharma &amp; Anr. v. State of NCT of Delhi along with Mukesh v. State of NCT of Delhi</b> , Review Petition Criminal No. in 570 of 2017 in Criminal Appeal No. 607 of 2017	<b>Supreme Court</b> 05.05.2017	Murder involving sexual violence	Death sentence confirmed	Chief Justice Dipak Misra (as he then was), Justices Ashok Bhushan and R Banumathi
		<b>High Court</b> 13.03.2014			
		<b>Sessions Court</b> 13.09.2013			
01.11.2018	<b>Jitendra alias Jeetu v. State of Madhya Pradesh &amp; Ors.</b> , Review Petition Criminal No. 324 of 2015 in Special Leave Petition (Criminal) No. 111 of 2015	<b>Supreme Court</b> 06.01.2015	Murder involving sexual violence	Life imprisonment with no remission for 20 years	Justices AK Sikri, Ashok Bhushan and Indira Banerjee
		<b>High Court</b> 21.08.2014			
		<b>Sessions Court</b> 26.04.2013			
01.11.2018	<b>Babasaheb Maruti Kamble v. State of Maharashtra</b> , Review Petition Criminal No. 388 of 2015 in Special Leave Petition (Criminal) No. 458 of 2015	<b>Supreme Court</b> 06.01.2015	Murder involving sexual violence	Life imprisonment with no remission for 20 years	Justices AK Sikri, Ashok Bhushan and Indira Banerjee
		<b>High Court</b> 10.07.2014			
		<b>Sessions Court</b> 27.09.2013			
12.12.2018	<b>Rajendra Pralhadrao Wasnik v. State of Maharashtra</b> , Review Petition (Criminal) No. 306-307 of 2013 in Criminal Appeal No. 145-146 of 2011	<b>Supreme Court</b> Review 07.03.2013 Criminal Appeal 29.02.2012	Murder involving sexual violence	Life imprisonment with no remission for 30 years	Justices Madan B Lokur, S Abdul Nazeer, and Deepak Gupta
		<b>High Court</b> 26.03.2009			
		<b>Sessions Court</b> 10.09.2008			
12.12.2018	<b>M.A. Antony v. State of Kerala</b> , Review Petition (Criminal) No. 245 of 2010 in Criminal Appeal No. 811 of 2009	<b>Supreme Court</b> Review 13.04.2010 Criminal Appeal 22.04.2009	Robbery with Murder	Life imprisonment simpliciter	Justices Madan B Lokur, S Abdul Nazeer, and Deepak Gupta
		<b>High Court</b> 18.09.2006			
		<b>Sessions Court</b> 02.02.2005			
<b>Total</b>	<b>SEVEN PERSONS IN FIVE CASES</b>				

# HIGH COURT COMMUTATIONS RESTRICTING REMISSION POWERS IN 2018


-  No. of Convicts
-  Sentence
-  Date of Judgement
-  Case Name

11.01.2018

 *The Addl. Sessions Judge, Hingoli v. Bhagwat & Rahul,*  
Confirmation Case No. 1 of 2017,  
Bombay High Court, Aurangabad bench

 **02**  Life imprisonment with no remission for 30 years

17.01.2018

 *State v. Vishwarajan @ Podi @ Karumadi,*  
Death Reference No. 3 of 2012,  
Kerala High Court

 **01**  Life imprisonment with no remission for 25 years

09.02.2018

 *State of West Bengal v. Shyamal Karmakar,*  
Death Reference No. 5 of 2016,  
Kolkata High Court


 **01**<sup>25</sup>  Life imprisonment with no remission for 30 years

28.02.2018

 *State of Kerala v. Nazar & Abdul Gafoor,*  
Death Sentence Reference No. 2 of 2013,  
Kerala High Court

 **02**  Life imprisonment with no remission for 25 years

11.07.2018

 *State of Telangana v. Jakkula Venkataswamy,*  
Referred Trial No. 1 of 2017,  
Hyderabad High Court

 **01**  Life imprisonment with no remission for rest of natural life

17.08.2018

 *State of Kerala v. Unni,*  
Death Sentence Reference No. 8 of 2009,  
Kerala High Court


 **01**  Life imprisonment with no remission for 25 years

27.09.2018

 *State of West Bengal v. Sukol Tudu,*  
Death Sentence Reference No. 2 of 2016,  
Kolkata High Court


 **01**  Life imprisonment with no remission for 20 years

06.12.2018

 *State of Haryana v. Arun & others,*  
Murder Reference 3 of 2017,  
Punjab & Haryana High Court


 **03**  Life imprisonment with no remission for 20 years

14.12.2018

 *State of Punjab v. Kala Ram alias Kala Singh,*  
Murder Reference 2 of 2018,  
Punjab & Haryana High Court

 **01**  Life imprisonment with no remission for 20 years

18.12.2018

 *State of Uttar Pradesh v. Patanjali Bharadwaj & Anr,*  
Capital Cases No. 4810 of 2014,  
Allahabad High Court, Allahabad bench

 **01**<sup>26</sup>  Life imprisonment with no remission for rest of natural life

**14**





Total number of persons

**10**

Total number of Cases

25. One out of the eight accused persons (sentenced to death by the trial court) was commuted as per the Sriharan dicta.
26. The death reference of the co-accused person was abated because he died during the proceedings.

# SUPREME COURT COMMUTATIONS RESTRICTING REMISSION POWERS IN 2018


-  No. of Convicts
-  Sentence
-  Date of Judgement
-  Case Name



**01.11.2018**

 *Jivendra v. State of Madhya Pradesh, Review Petition (Criminal) No. 388 of 2015 in Special Leave Petition (Criminal) 458 of 2015*

 **01**  Life imprisonment with no remission for 20 years

**01.11.2018**

 *Babasaheb Maruti Kamble v. State of Maharashtra, Review Petition (Criminal) No. 324 of 2015 in Special Leave Petition (Criminal) 111 of 2015*

 **01**  Life imprisonment with no remission for 20 years

**15.11.2018**

 *Swapan Kumar Jha v. State of Jharkhand, Criminal Appeal Nos. 1396-1397 of 2012*


 **01**<sup>27</sup>  Life imprisonment with no remission for 25 years



**20.11.2018**

 *Sukhlal v. State of Madhya Pradesh, Criminal Appeal Nos. 1563-1564 of 2018*


 **01**  Life imprisonment with no remission for 18 years

**14.11.2018**

 *Vijay Kumar v. State of Jammu and Kashmir, Criminal Appeal Nos. 1391-1393 of 2018*


 **01**  Life imprisonment with no remission for rest of natural life

**27.11.2018**

 *Rakesh Manohar Kamble @ Niraj Ramesh Wakekar v. State of Maharashtra, Criminal Appeal No. 1767/2014*

 **01**<sup>28</sup>  Life imprisonment with no remission for 30 years

**05.12.2018**

 *Viran Gyanlal Rajput v. State of Maharashtra, Criminal Appeal Nos. 1558-1559 of 2018*

 **01**  Life imprisonment with no remission for 20 years

**07**

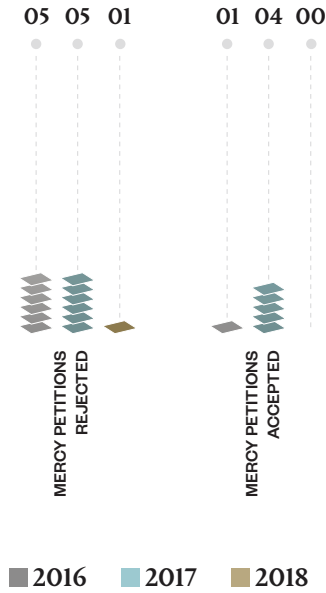
Total number of persons

**07**

Total number of Cases

27. The other two co-accused persons (Amarendra Kumar Sharma and Rocky Dutta ) were sentenced to life imprisonment by the trial court.
28. The co-accused Amarsing was given death sentence by the trial court which was commuted to life imprisonment with a cap of 30 years by the Bombay High Court.

## PRESIDENT'S EXERCISE OF CLEMENCY POWER IN 2018



## CUMULATIVE FIGURES ON PRISONERS SENTENCED TO DEATH

**400**

Prisoners Sentenced to Death as on 31st December 2016

**366**

Prisoners Sentenced to Death as on 31st December 2017

**426**

Prisoners Sentenced to Death as on 31st December 2018



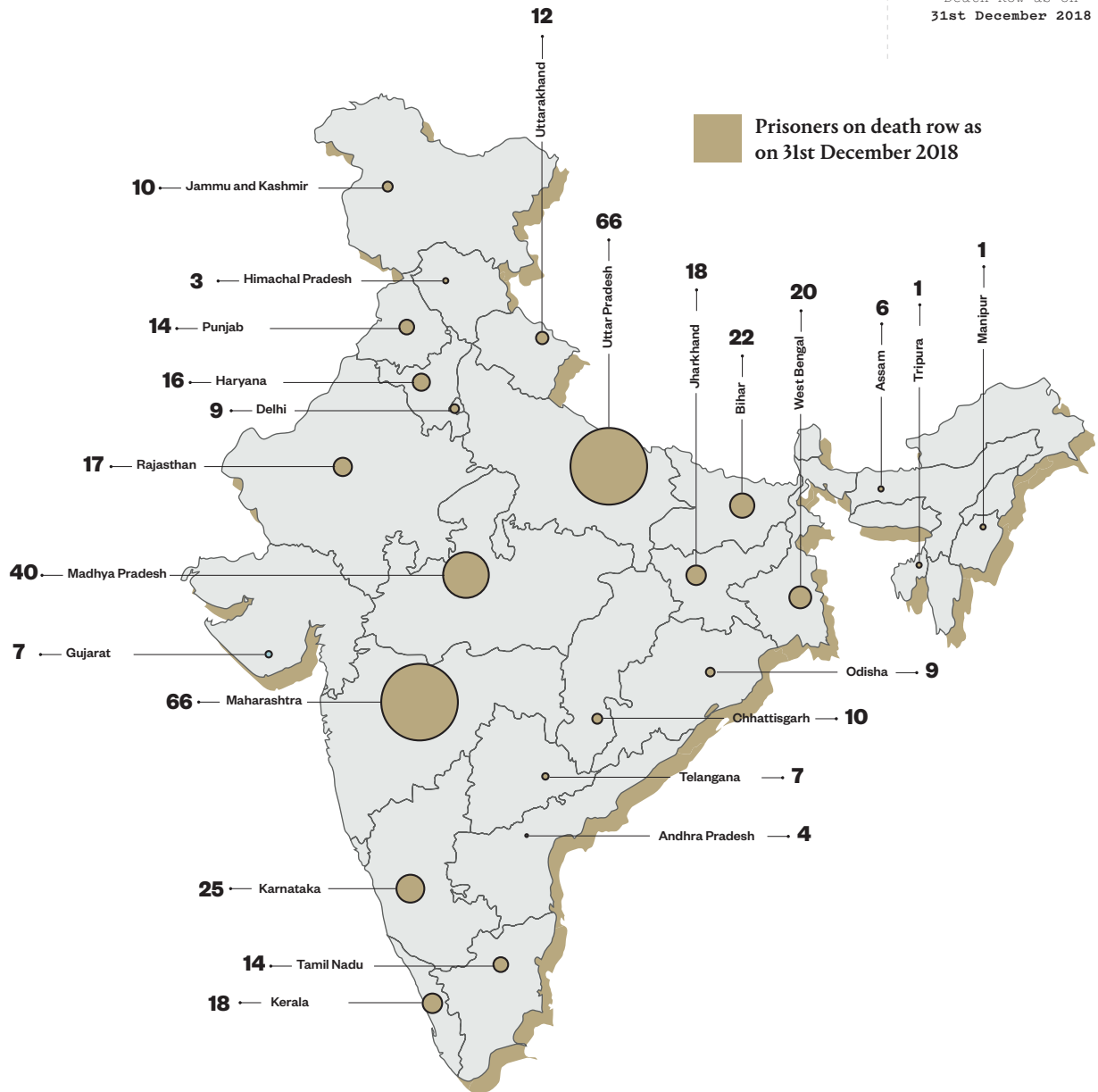
# STATE-WISE DISTRIBUTION OF PERSONS ON DEATH ROW AS ON 31ST DECEMBER 2018

# 11

Army Act, 1950<sup>29</sup>

# 426

Total Persons on Death Row as on 31st December 2018



29. 11 persons have not been classified state-wise as they were sentenced to death under the Army Act, 1950. The status of these cases is currently unknown.

# POLITICAL DEVELOPMENTS

## **MP SHASHI THAROOR'S PRIVATE MEMBERS BILL FOR ABOLISHING DEATH PENALTY**

Dr. Shashi Tharoor, Member of Parliament from Thiruvananthapuram, introduced a Private Members Bill titled “Death Penalty (Abolition) Act, 2017” . It was introduced during the 2018 Monsoon Session in Parliament and is currently pending. The reasoning in the Bill for abolishing the death sentence is that such forms of ‘retributive justice’ are ‘untenable with our historic traditions of non-violence’ and that in the 21st century, India needs to focus more on ‘strengthening preventive and reformatory models’ of the legal system. The Bill also mentions the subjectivity of the ‘rarest of rare’ doctrine and points to the extremely low rate of death sentence confirmations in the appellate courts. The Bill also discusses the ineffectiveness of death penalty as a deterrent and its discriminatory impact on persons from marginalised socio-economic backgrounds. In the recent past, similar bills have been moved in the Parliament by Mr. D. Raja (Communist Party of India) and Ms. Kanimozhi (Dravida Munnetra Kazhagam).

## **INDIA'S VOTE AGAINST THE UN GENERAL ASSEMBLY MORATORIUM ON USE OF THE DEATH PENALTY**

On 14 November 2018, India voted against the UN General Assembly’s Draft Resolution to establish a moratorium on the death penalty. The resolution was cited to be in contravention to the statutory domestic law prevalent in the country where execution is only permitted in the ‘rarest of rare’ cases. The resolution was approved with 126 votes in favour of the moratorium, 36 against and 31 abstentions.

## **DEATH SENTENCE INTRODUCED FOR MARITIME PIRACY**

On August 1 2018, the Union Cabinet approved a bill providing death penalty or life imprisonment for crimes involving maritime piracy or piracy at sea<sup>30</sup>. The draft law aims to encourage greater safety and security of India's maritime trade in light of the increased attacks along important sea routes. The law is being brought in as part of India's commitment to have a law on piracy as per the United Nations Convention on the Law of the Sea (UNCLOS), signed by India in 1982 and ratified in 1995.

## **GENERAL COMMENT NO. 36 (2018) ON ARTICLE 6 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

General comment No. 36 (2018) on Article 6 of the ICCPR, on the right to life was published in October 2018<sup>31</sup>. The General Comment takes the view that under Article 6 States parties are under an obligation to review their criminal laws so as to ensure that the death penalty is not imposed for crimes which do not qualify as the most serious crimes. The term "the most serious crimes" is required to be restrictively and appertain only to crimes of extreme gravity, involving intentional killing. According to the draft, crimes not resulting directly and intentionally in death, such as attempted murder, corruption and other economic and political crimes, armed robbery, piracy, abduction, drug and sexual offences, although serious in nature, can never serve as the basis, within the framework of Article 6<sup>32</sup>, for the imposition of the death penalty. Many provisions in Indian law allowing for the death sentence are likely to be in violation of Article 6 of the ICCPR.

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30. Available at [http://www.prsindia.org/sites/default/files/bill\\_files/piracy\\_bill\\_text\\_\\_2012.pdf](http://www.prsindia.org/sites/default/files/bill_files/piracy_bill_text__2012.pdf).

31. Available at [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/CCPR\\_C\\_GC\\_36\\_8785\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf)

32. Article 6, ICCPR: Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

# CORRECTIONS TO 2016 AND 2017 ANNUAL STATISTICS

During the course of consolidation of information for 2018, the numbers that we released for 2016<sup>33</sup> and 2017<sup>34</sup> also underwent significant revision. The total number of persons sentenced in 2016 now stand at 150 and the total death row population at the end of 2016 remained at 400<sup>35</sup>. The total number of persons sentenced in 2017 now stand at 108 and the total death row population at the end of 2017 decreased to 366<sup>36</sup>.

	Total number of death sentences in 2016	Prisoners Sentenced to Death as on 31st December 2016	Total number of death sentences in 2017	Prisoners Sentenced to Death as on 31st December 2017
As recorded in Annual Statistics Report 2016	136	397	....	....
As recorded in Annual Statistics Report 2017	149	399	109	371
As recorded in Annual Statistics Report 2018 (Current figures)	150	400	108	366

33. The Death Penalty in India: Annual Statistics 2016, Centre on the Death Penalty, National Law University Delhi, March 2017.

34. The Death Penalty in India: Annual Statistics 2017, Centre on the Death Penalty, National Law University Delhi, January 2018.

35. The number of persons sentenced in 2016 increased by one each in Karnataka and Madhya Pradesh; decreased by one in Chhattisgarh. The overall number of persons in Andhra Pradesh and West Bengal decreased by one and; increased by one each in Karnataka, Madhya Pradesh and Tripura.

36. The number of persons sentenced in 2017 in Maharashtra and Uttar Pradesh decreased by one each, and increased in West Bengal by one. The overall number of persons decreased in Andhra Pradesh and West Bengal by one, Maharashtra by two and Uttar Pradesh by two (out of which one person died in 2017) and; increased by one in Tripura.

Sentence of two accused persons in different cases in Madhya Pradesh and Kerala was incorrectly recorded as being 'commuted' in 2016, they were acquitted by the Supreme Court. Death sentence given to one person in Madhya Pradesh was commuted to life imprisonment without possibility of remission for a period of 30 years by the Madhya Pradesh High Court (Jabalpur bench) comprising Justices S. K. Gangele and Anurag Shrivastava in 2017. Commutation of the death sentence of a person was incorrectly recorded twice in 2016. The death penalty reference case involving 11 accused persons in West Bengal was remitted to the trial court by the Calcutta High Court in 2016 and not (as previously recorded) in 2017. *Judgment in State of Kerala v. Pradeep Borah @ Joji*<sup>37</sup> where the Kerala High Court commuted the death sentence of a person to life imprisonment in 2017 was made available this year. Commutation of death sentence of one accused person in *State of Orissa v. Banabihari Behera @ Haria*<sup>38</sup> decided by the Orissa High Court was not accounted for in the 2017 High Court commutation figures.

**There were five additional commutations in the High Courts in the year 2017 as per the Sriharan dicta that could not be reported in the last year's edition due to unavailability of judgments by the end of 2017. The list of commutations in the High Courts in 2017 is provided on the next page with the five additional cases being highlighted in red.**

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37. Death Reference No. 2 of 2011, Kerala High Court, decided on 12.04.2017.

38. 2017 SCC OnLine Ori 856 : 2018 Cri LJ (NOC 434) 153.

<b>Date of Judgment</b>	<b>Case Name</b>	<b>Number of Convicts</b>	<b>Sentence imposed by SC in review</b>
10.02.2017	<b>State of West Bengal v. Lakhikanta Adhikary</b> , Death Reference No. 4 of 2016, Calcutta High Court	1	Life imprisonment with no remission for 30 years
10.02.2017	<b>State of West Bengal v. Lal Chand Mia @ Abdul Latif &amp; Ors</b> , Death Reference No. 4 of 2016, Calcutta High Court	1	Life imprisonment with no remission for 20 years
06.03.2017	<b>State of Uttar Pradesh v. Nanku @ Brahm Sahai and Chhatrapal Pasi</b> , Capital Cases No. 1435 of 2016, Allahabad High Court, Allahabad bench	1 <sup>39</sup>	Life imprisonment with no remission for rest of natural life
20.03.2017	<b>State of Maharashtra v. Nitin Balkisan Gaikwad</b> <sup>40</sup> , Criminal Confirmation No. 4 of 2016, Bombay High Court, Bombay bench	1	Life imprisonment with no remission for 30 years
30.05.2017	<b>State of Uttar Pradesh v. Bobby</b> , Capital Cases No. 1445 of 2016, Allahabad High Court, Allahabad bench	1	Life imprisonment with no remission for 25 years
06.06.2017	<b>State of Kerala v. Rasheed</b> , Death Sentence Reference No. 2 of 2012, Kerala High Court	1	Life imprisonment with no remission for 40 years
23.06.2017	<b>State of Orissa v. Mata Munda and others</b> , DSREF No. 03 of 2015, Orissa High Court	2	Life imprisonment with no remission for 35 years
25.10.2017	<b>State of Tamil Nadu v. Kamraj and Elangovan</b> , Referred Trial No. 2 of 2017, Madras High Court, Madras bench	2 <sup>41</sup>	Life imprisonment with no remission for 30 years

**39.** Only one out of the two accused persons sentenced to death have been commuted to life imprisonment under the Sriharan dicta.

**40.** On appeal, the Supreme Court in Nitin Balkisan Gaikwad v. State of Maharashtra, (2018) 7 SCC 685 changed the sentence to life imprisonment simpliciter.

**41.** Two out of the five persons sentenced to death were given life imprisonment under Sriharan dicta in two separate trials.

28.02.2017	<b>State of Madhya Pradesh v. Shyam,</b> Criminal Reference No. 04/2016, Madhya Pradesh High Court, Jabalpur bench	1	Life imprisonment with no remission for 30 years
12.10.2017	<b>State of Jharkhand v. Kailash Sao &amp; Birendra Ram,</b> Death Reference No. 3 of 2013, Jharkhand High Court	2	Life imprisonment with no remission for rest of natural life
12.10.2017	<b>Registrar General, High Court of Karnataka v. Mohan Kumar,</b> Criminal Reference Case No. 5 of 2014, Karnataka High Court (Bengaluru bench)	1	Life imprisonment with no remission for rest of natural life
17.10.2017	<b>IV Additional District &amp; Sessions Judge, Madhugiri, Tumkur District v. Nanjappa,</b> Criminal Reference Case No. 1 of 2017, Karnataka High Court (Bengaluru bench)	1	Life imprisonment with no remission for 25 years
23.II.2017	<b>In Reference v. Vinay,</b> CRRFC 4/2017, Madhya Pradesh High Court, Jabalpur bench	1	Life imprisonment with no remission for rest of natural life

The data on nature of crime, state-specific population, movements in High Courts and Supreme Court have also been corrected in this edition. These corrections are an inevitable consequence of the unreliability of official data. Our dependence on the website maintenance of courts and RTIs leaves this process susceptible to errors.



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