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).
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) 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* where he observed that the time had come to reconsider the need for the death penalty as a punishment, especially its purpose and practice.

1. Available at https://mha.gov.in/sites/default/files/2CSdivTheCriminalLawAct_14082018_0.pdf
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. 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 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 were decided. Prior to that, 9 criminal appeals 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 and M. A. Antony v. State of Kerala 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.

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.
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 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 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 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)

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.


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 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. While the IPC amendments came into force in April 2018, the Union Cabinet in December 2018 also approved amendments to POCSO 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)

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.
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. 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 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 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)

---

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.
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

Bihar
- 5
- 11
- 22

Rajasthan
- 13
- 08
- 06

Odisha
- 09
- 00
- 00

Maharashtra
- 16
- 22
- 13

Karnataka
- 15
- 02
- 03

Madhya Pradesh
- 22
- 06
- 13

Kerala
- 05
- 02
- 05

Tamil Nadu
- 12
- 13
- 03

Uttar Pradesh
- 15
- 18
- 32

Uttarakhand
- 07
- 01
- 01

Jharkhand
- 09
- 03
- 03

Odisha
- 09
- 00
- 00

Assam
- 06
- 00
- 00

Bihar
- 5
- 11
- 22

Karnataka
- 15
- 02
- 03
NATURE OF CRIME IN 2018 BY SESSIONS COURT FOR THOSE SENTENCED

The nature of crime for death sentences imposed in 2018 in Madhya Pradesh

- Murder Simpliciter
- Sexual Offences
- Murder Involving Sexual Violence Against Adults (01)
- Sexual Violence Against Girls Below 12 Years Without Murder (07)
- Murder Involving Sexual Violence Against Minors (12)

2016 2017 2018
## DEATH SENTENCES IMPOSED UNDER THE CRIMINAL LAW AMENDMENT ACT, 2018 BY SESSIONS COURTS IN 2018

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

18. 2 persons have been sentenced to death in this case.
### HIGH COURT

#### HIGH COURT CONFIRMATIONS

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 (18)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 (10)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15 (10)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Data represented in form of prisoners (cases).

#### HIGH COURT COMMUTATIONS

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>58 (36)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>54 (32)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56 (37)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### HIGH COURT ACQUITTALS

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 (12)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35 (26)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20 (14)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### REMITTED TO TRIAL COURTS BY HIGH COURTS

<table>
<thead>
<tr>
<th></th>
<th>2018</th>
<th>2017</th>
<th>2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 (6)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10 (5)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11 (1)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

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

**Uttarakhand (Nainital)**

- **04**
  - 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

- **03**
  - Justices Ram Surat Ram (Maurya) and Ifaqat Ali Khan
  - State of Uttar Pradesh v. Irfan @ Naka
  - Justices Sudhir Agarwal and Om Prakash
  - State of Uttar Pradesh v. Sovaran Singh Prajapati

**Uttar Pradesh (Allahabad)**

- **05**
  - Justices Amreshwar Pratap Sahi and Rajeev Misra
  - Justices Ram Surat Ram (Maurya) and Ifaqat Ali Khan
  - State of Uttar Pradesh v. Irfan @ Naka
  - Justices Sudhir Agarwal and Om Prakash
  - State of Uttar Pradesh v. Sovaran Singh Prajapati

**Madhya Pradesh (Jabalpur)**

- **03**
  - 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 Chouktha

**Haryana**

- **02**
  - Justices A. B. Chaudhari and Kuldip Singh
  - State of Haryana v. Naveen Kumar alias Monu and another

**Kerala**

- **02**
  - Justice AM Shafique and Justice P Somarajan
  - State of Kerala v. N. P. Muhammed Abdul Nasser
  - Justices C. T. Ravikumar and K. P. Jyothiradathan
  - State of Kerala v. Rajendran
Madhya Pradesh (Indore)
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
Justices Vivek Agarwal and Sanjay Yadav
State of Madhya Pradesh v. Jitendra Kushwah

Bihar
01
Justices Rakesh Kumar and Arvind Srivastava
State of Bihar v. Munna Pandey

Maharashtra (Bombay)
01
Justices Ranjit V. More and Bharati H. Dangre
State of Maharashtra v. Chandrabhan Sudam Sanap

Tamil Nadu (Chennai)
01
Justices S. Vimala and Ramathilagam
State of Tamil Nadu v. Dashwanth

Uttar Pradesh (Lucknow)
01
Justices Ritu Raj Awasthi and Mahendra Dayal
State of Uttar Pradesh v. Putai

Total number of persons: 23
Total number of cases: 18
HIMAL COURT COMMUTATIONS IN 2018

West Bengal

- **14** Persons
- **03** Cases

- Justices Joymala Bagchi and Moushumi Bhattacharya
  - State of West Bengal v. Kali Singh & Ors.

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

- Justices Joymalya Bagchi and Ravi Krishan Kapur
  - State of West Bengal v. Sukol Tudu alias Chhattu

Uttar Pradesh

(Allahabad)

- **07** Persons
- **07** Cases

- Justices Pankaj Naqvi and Krishna Pratap Singh
  - State of Uttar Pradesh v. Shyamjiit alias Motiram

- Justices Amreshwar Pratap Sahi and Bachchoo Lal
  - State of Uttar Pradesh v. Rajesh Manjhi
  - State of Uttar Pradesh v. Anil Kashyap

- Justices Naheed Ara Moonis and Krishna Singh
  - State of Uttar Pradesh v. Firoz

- Justices Sudhir Agrawal and Omprakash Saptam
  - State of Uttar Pradesh v. Manoj Kumar

- Justices Bala Krishna Narayan and Arvind Kumar Mishra
  - State of Uttar Pradesh v. Patanjali Bhardwaj & Ors.

Kerala

- **04** Persons
- **03** Cases

- Justices A. M. Shaffique and P. Somarajan
  - State v. Vishwarajan @ Podi @ Karumadi
  - State of Kerala v. Nazar & Abdul Gafoor
  - State of Kerala v. Unni

Haryana

- **03** Persons
- **01** Cases

- Justices Rajiv Sharma and Gurvinder Singh Gill
  - State of Haryana v. Arun & Ors

Bihar

- **02** Persons
- **02** Cases

- Justices Rakesh Kumar and Arvind Srivastava
  - State of Bihar v. Rohan Bind
  - State of Bihar v. Hari Kishun Sada
Madhya Pradesh (Jabalpur)

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 Rafig and Goverdhan Bardar
State of Rajasthan v. Kapil @ Anna & Ors.

Justices Dinesh Somani and Munishwar Nath Bhandari
State of Rajasthan v. Prashant @ Pari
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 (Aurangabad)

02 01

Justices S. Muralidhar and L. S. Mehta

Maharashtra

02 01

Justices S. S. Shinge and A. M. Dhavale
State of Maharashtra v. Bhagwat @Rahul @ Satish

Punjab

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

01 01
Justices C. Praveen Kumar and T. Rajani
State of Andhra Pradesh v. Kukkapalli Venkatesh

Tamil Nadu

(Madurai)

01
Justices S. Vimala and T. Krishnavalli
State of Tamil Nadu v. Sankaranarayanan

Gujarat

06 04
Justices M. R. Shah and Mohinder Pal
State of Gujarat v. Bhavan Bhikubhai Sodha

Madhya Pradesh

(Indore)

01 01
Justices P. K. Jaiswal and Virender Singh
State of Madhya Pradesh v. Munna @ Shahnwaj

Telangana

01 01
Justices C. Praveen Kumar and T. Rajani
State of Telangana v. Jakkula Venkataswamy
HIGH COURT ACQUITTALS IN 2018

**Total number of persons**: 23

**Total number of Cases**: 12

**Bihar**
- No. of Persons: 6
- No. of Cases: 2
- Coram: Justices Rakesh Kumar and Arvind Srivastava
- Case Name: State of Bihar v. Suman Devi @ Guriya
- Case Name: State of Bihar v. Rattu Kora & Ors.

**Maharashtra**
- No. of Persons: 6
- No. of Cases: 1
- Coram: Justices P. N. Deshmukh and M. G. Giratkar
- Case Name: State of Maharashtra v. Manoj @ Lalya Vasantrao Atram & Ors.

**Tamil Nadu**
- No. of Persons: 3
- No. of Cases: 3
- Coram: Justices S. Vimala and T. Krishnavalli
- Case Name: Saranatharayanan & Anr. v. State of Tamil Nadu
- Coram: Justices C. T. Selvam and A. M. Basheer Ahamed
- Case Name: State of Tamil Nadu v. Mari
- Coram: Justices S. Vimala and S. Ramathilagam
- Case Name: State of Tamil Nadu v. P. Manikandan

**Uttar Pradesh**
- No. of Persons: 3
- No. of Cases: 2
- Coram: Justices Bala Krishna Narayana and Rajiv Gupta
- Case Name: State of Uttar Pradesh v. Monu alias Chandu Prakash & Anr.
- Coram: Justices Amreshwar Pratap Sahi and Rajeev Misra
- Case Name: State of Uttar Pradesh v. Jaikam & Anr.

**West Bengal**
- No. of Persons: 2
- No. of Cases: 1
- Coram: Justices Nadira Patherya and Devi Prosad Dey
- Case Name: State of West Bengal v. Sri Shyamal Karmakar & Ors.

**Jammu and Kashmir**
- No. of Persons: 1
- No. of Cases: 1
- Coram: Justices Badar Durrez Ahmed and Sanjeev Kumar

**Karnataka**
- No. of Persons: 1
- No. of Cases: 1
- Coram: Justices Ravi Malimath and Sreenivas Harish Kumar
- Case Name: Mohammed Sultan v. State of Karnataka
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.
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.

### Supreme Court Confirmations

<table>
<thead>
<tr>
<th>Year</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>03 (1)</td>
</tr>
<tr>
<td>2017</td>
<td>07 (3)</td>
</tr>
<tr>
<td>2016</td>
<td>01 (1)</td>
</tr>
</tbody>
</table>

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

### Supreme Court Commutations

<table>
<thead>
<tr>
<th>Year</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>11 (11)</td>
</tr>
<tr>
<td>2017</td>
<td>01 (1)</td>
</tr>
<tr>
<td>2016</td>
<td>07 (6)</td>
</tr>
</tbody>
</table>

### Supreme Court Acquittals

<table>
<thead>
<tr>
<th>Year</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>00</td>
</tr>
<tr>
<td>2017</td>
<td>00</td>
</tr>
<tr>
<td>2016</td>
<td>03 (3)</td>
</tr>
</tbody>
</table>

### Remitted to Trial Courts by Supreme Court

<table>
<thead>
<tr>
<th>Year</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>00</td>
</tr>
<tr>
<td>2017</td>
<td>00</td>
</tr>
<tr>
<td>2016</td>
<td>00</td>
</tr>
<tr>
<td>Date of Judgment</td>
<td>Case Name</td>
</tr>
<tr>
<td>------------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>20.11.2018</td>
<td>Sukhlal v. State of Madhya Pradesh, Criminal Appeal No. 1563-1564 of 2018</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>27.11.2018</td>
<td>Rakesh Manohar Kamble @ Niraj Ramesh Wakekar v. State of Maharashtra, Criminal Appeal No 1767/2014</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total**

SEVEN PERSONS IN SEVEN CASES
## REVIEW PETITIONS DECIDED IN THE SUPREME COURT IN 2018

<table>
<thead>
<tr>
<th>Date of Judgment</th>
<th>Case Name</th>
<th>Dates of Judgement</th>
<th>Nature of offence</th>
<th>Sentence imposed by SC in review</th>
<th>Coram</th>
</tr>
</thead>
<tbody>
<tr>
<td>09.07.2018</td>
<td>Vinay Sharma &amp; Anr. v. State of NCT of Delhi along with Mukesh v. State of NCT of Delhi, Review Petition Criminal No. in 570 of 2017 in Criminal Appeal No. 607 of 2017</td>
<td><strong>Supreme Court</strong> 05.05.2017</td>
<td>Murder involving sexual violence</td>
<td>Death sentence confirmed</td>
<td>Chief Justice Dipak Misra (as he then was), Justices Ashok Bhushan and R Banumathi</td>
</tr>
<tr>
<td>01.11.2018</td>
<td>Jitendra alias Jeetu v. State of Madhya Pradesh &amp; Ors., Review Petition Criminal No. 324 of 2015 in Special Leave Petition (Criminal) No. 111 of 2015</td>
<td><strong>Supreme Court</strong> 06.01.2015</td>
<td>Murder involving sexual violence</td>
<td>Life imprisonment with no remission for 30 years</td>
<td>Justices AK Sikri, Ashok Bhushan and Indira Banerjee</td>
</tr>
<tr>
<td>01.11.2018</td>
<td>Babasaheb Maruti Kamble v. State of Maharashtra, Review Petition Criminal No. 388 of 2015 in Special Leave Petition (Criminal) No. 458 of 2015</td>
<td><strong>Supreme Court</strong> 06.01.2015</td>
<td>Murder involving sexual violence</td>
<td>Life imprisonment with no remission for 30 years</td>
<td>Justices AK Sikri, Ashok Bhushan and Indira Banerjee</td>
</tr>
</tbody>
</table>

**Total**

SEVEN PERSONS IN FIVE CASES
## HIGH COURT COMMUTATIONS
### RESTRICTING REMISSION POWERS IN 2018

<table>
<thead>
<tr>
<th>No. of Convicts</th>
<th>Date of Judgement</th>
<th>Case Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>11.01.2018</td>
<td>The Addl. Sessions Judge, Hingoli v. Bhagwat &amp; Rahul, Confirmation Case No. 1 of 2017, Bombay High Court, Aurangabad bench</td>
</tr>
<tr>
<td>02</td>
<td>17.01.2018</td>
<td>State v. Vishwarajan @ Podi @ Karumadhi, Death Reference No. 3 of 2012, Kerala High Court</td>
</tr>
<tr>
<td>01</td>
<td>09.02.2018</td>
<td>State of West Bengal v. Shyamal Karmakar, Death Reference No. 5 of 2016, Kolkata High Court</td>
</tr>
<tr>
<td>02</td>
<td>28.02.2018</td>
<td>State of Kerala v. Nazar &amp; Abdul Gafoor, Death Sentence Reference No. 2 of 2013, Kerala High Court</td>
</tr>
<tr>
<td>01</td>
<td>17.07.2018</td>
<td>State of Telangana v. Jakkula Venkataswamy, Referred Trial No. 1 of 2017, Hyderabad High Court</td>
</tr>
<tr>
<td>03</td>
<td>06.12.2018</td>
<td>State of Haryana v. Arun &amp; others, Murder Reference 3 of 2017, Punjab &amp; Haryana High Court</td>
</tr>
<tr>
<td>26</td>
<td>18.12.2018</td>
<td></td>
</tr>
</tbody>
</table>

**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 | Life imprisonment with no remission for 20 years | 01.11.2018 | Jitendra 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
07 | Total number of persons | 01.11.2018 | Swapan Kumar Jha v. State of Jharkhand, Criminal Appeal Nos. 1396-1397 of 2012
07 | Total number of Cases | 01.11.2018 | Sukhlal v. State of Madhya Pradesh, Criminal Appeal Nos. 1563-1564 of 2018
07 | Total number of persons | 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
Rakesh Manohar Kamble @ Nitaj Ramesh Wakekar v. State of Maharashtra, Criminal Appeal No. 1767/2014
01 | Life imprisonment with no remission for 25 years | 15.11.2018 | Swapan Kumar Jha v. State of Jharkhand, Criminal Appeal Nos. 1396-1397 of 2012
01 | Life imprisonment with no remission for 20 years | 20.11.2018 | Sukhlal v. State of Madhya Pradesh, Criminal Appeal Nos. 1563-1564 of 2018
01 | Life imprisonment with no remission for 25 years | 27.11.2018 | Rakesh Manohar Kamble @ Nitaj Ramesh Wakekar v. State of Maharashtra, Criminal Appeal No. 1767/2014
01 | Life imprisonment with no remission for 20 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 18 years | 27.11.2018 | Jitendra 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 25 years | 27.11.2018 | 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 | 20.11.2018 | Sukhlal v. State of Madhya Pradesh, Criminal Appeal Nos. 1563-1564 of 2018
01 | Life imprisonment with no remission for 30 years | 27.11.2018 | Rakesh Manohar Kamble @ Nitaj Ramesh Wakekar v. State of Maharashtra, Criminal Appeal No. 1767/2014
01 | Life imprisonment with no remission for 20 years | 05.12.2018 | Viran Gyanlal Rajput v. State of Maharashtra, Criminal Appeal Nos. 1558-1559 of 2018

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.
Prisoners Sentenced to Death as on 31st December 2018

Prisoners Sentenced to Death as on 31st December 2017

Prisoners Sentenced to Death as on 31st December 2016

CUMULATIVE FIGURES ON PRISONERS SENTENCED TO DEATH

PRESIDENT’S EXERCISE OF CLEMENCY POWER IN 2018

MERCY PETITIONS REJECTED

MERCY PETITIONS ACCEPTED

2016 2017 2018
STATE-WISE DISTRIBUTION OF PERSONS ON DEATH ROW AS ON 31ST DECEMBER 2018

<table>
<thead>
<tr>
<th>State</th>
<th>Persons on Death Row</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maharashtra</td>
<td>66</td>
</tr>
<tr>
<td>Karnataka</td>
<td>14</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>14</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>10</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>9</td>
</tr>
<tr>
<td>Haryana</td>
<td>9</td>
</tr>
<tr>
<td>Punjab</td>
<td>14</td>
</tr>
<tr>
<td>Haryana</td>
<td>9</td>
</tr>
<tr>
<td>Telangana</td>
<td>7</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>10</td>
</tr>
<tr>
<td>Odisha</td>
<td>9</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>4</td>
</tr>
<tr>
<td>Bihar</td>
<td>22</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>12</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>3</td>
</tr>
<tr>
<td>Jammu and Kashmir</td>
<td>10</td>
</tr>
<tr>
<td>Delhi</td>
<td>6</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>40</td>
</tr>
<tr>
<td>Gujarat</td>
<td>7</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>66</td>
</tr>
<tr>
<td>Gujarat</td>
<td>7</td>
</tr>
<tr>
<td>Odisha</td>
<td>9</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>4</td>
</tr>
<tr>
<td>Bihar</td>
<td>22</td>
</tr>
<tr>
<td>Jharkhand</td>
<td>12</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>3</td>
</tr>
<tr>
<td>Jammu and Kashmir</td>
<td>10</td>
</tr>
<tr>
<td>Delhi</td>
<td>6</td>
</tr>
</tbody>
</table>

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\(^3\). 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\(^3\). 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\(^4\), 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.

---


\(^3\) Available at https://tbinternet.ohchr.org/Treaties/CCPR/SharedDocuments/1_Global/CCPR_C_GC_36_8785_E.pdf

\(^4\) 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\(^{33}\) and 2017\(^{34}\) 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\(^{35}\). 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\(^{36}\).

<table>
<thead>
<tr>
<th>Total number of death sentences in 2016</th>
<th>Prisoners Sentenced to Death as on 31st December 2016</th>
<th>Total number of death sentences in 2017</th>
<th>Prisoners Sentenced to Death as on 31st December 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>As recorded in Annual Statistics Report 2016</td>
<td>136</td>
<td>397</td>
<td>----</td>
</tr>
<tr>
<td>As recorded in Annual Statistics Report 2017</td>
<td>149</td>
<td>399</td>
<td>109</td>
</tr>
<tr>
<td>As recorded in Annual Statistics Report 2018 (Current figures)</td>
<td>150</td>
<td>400</td>
<td>108</td>
</tr>
</tbody>
</table>

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\(^\text{37}\) 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\(^\text{38}\) 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.


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

39. Only one out of the two accused persons sentenced to death have been commuted to life imprisonment under the Sriharan dicta.
41. Two out of the five persons sentenced to death were given life imprisonment under Sriharan dicta in two separate trials.
<table>
<thead>
<tr>
<th>Date</th>
<th>Case Details</th>
<th>Sentence Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>28.02.2017</td>
<td><strong>State of Madhya Pradesh v. Shyam,</strong> Criminal Reference No. 04/2016, Madhya</td>
<td>1 Life imprisonment with no remission for 30 years</td>
</tr>
<tr>
<td></td>
<td>Pradesh High Court, Jabalpur bench</td>
<td></td>
</tr>
<tr>
<td>12.10.2017</td>
<td><strong>State of Jharkhand v. Kailash Sao &amp; Birendra Ram,</strong> Death Reference No. 3</td>
<td>2 Life imprisonment with no remission for rest of natural life</td>
</tr>
<tr>
<td></td>
<td>of 2013, Jharkhand High Court</td>
<td></td>
</tr>
<tr>
<td>12.10.2017</td>
<td><strong>Registrar General, High Court of Karnataka v. Mohan Kumar,</strong> Criminal</td>
<td>1 Life imprisonment with no remission for rest of natural life</td>
</tr>
<tr>
<td></td>
<td>Reference Case No. 5 of 2014, Karnataka High Court (Bengaluru bench)</td>
<td></td>
</tr>
<tr>
<td>17.10.2017</td>
<td>**IV Additional District &amp; Sessions Judge, Madhugiri, Tumkur District v.</td>
<td>1 Life imprisonment with no remission for 25 years</td>
</tr>
<tr>
<td></td>
<td>Nanjappa,** Criminal Reference Case No. 1 of 2017, Karnataka High Court</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Bengaluru bench)</td>
<td></td>
</tr>
<tr>
<td>23.11.2017</td>
<td><strong>In Reference v. Vinay,</strong> CRRFC 4/2017, Madhya Pradesh High Court, Jabalpur</td>
<td>1 Life imprisonment with no remission for rest of natural life</td>
</tr>
<tr>
<td></td>
<td>bench</td>
<td></td>
</tr>
</tbody>
</table>

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.