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Case Comment: K M Nanavati vs The State of Maharashtra

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INTRODUCTION

Citation: - AIR 1962 SC 605

Decided on: - 24th November 1961

Bench: - S.K. Das, RaghubarDayal, K. Subbarao

Appellant: - K.M. Nanavati

Respondent: - The State of Maharashtra

The decision in the K.M. Nanavati case was handed down on November 24, 1961, but it has remained fresh in people's thoughts to this day. The events and circumstances of this case drew unparalleled media attention and sparked numerous novels, serials, and films such as 'Achanak' and 'Rustom' throughout the years. The accused, Naval commander KM Nanavati, was tried for the murder of Prem Ahuja, his wife's boyfriend. Nanavati was found not guilty by a jury and retried in bench trial after the Bombay High Court overturned the jury's verdict. The High Court judged Nanavati guilty of murdering Ahuja on March 11, 1960, and sentenced

him to life in prison. Within hours, the governor of Bombay suspended the sentence. The Governor's decree was suspended by the Supreme Court a few months later, and Nanavati was sentenced to prison. In 1963, he was granted medical parole, and a year later, Vijayalakshmi Pandit the new Bombay governor, and Jawaharlal Nehru's sister pardoned him¹. The case of K.M Nanavati is also credited with bringing jury trials to an end. This case is remembered not only for its widespread popularity, but also for the important legal issues it raised, such as the general exception plea, the burden of proof, the grave, and sudden provocation test, and the power of the high court to determine the competence of a session's judge referral.

FACTS FOR THE CASE

At the time of Prem Ahuja's alleged murder, Nanavati was the second in command of the Indian Naval Ship 'MYSORE'. In the year 1949, Nanavati married Sylvia and they had three children, because of Nanavati's military duties, the couple had been living in different regions since their marriage. They eventually relocated to Bombay in the year 1959. In the year 1956, Nanavati met Prem Ahuja and his sister for the first time in Bombay, thanks to a mutual acquaintance named Agniks. Ahuja was unmarried and around 34 years old when he died. He owned an automobile business in Bombay.²

Nanavati was required to leave Bombay frequently as a part of his military service, leaving his wife and children behind. In his absence, Sylvia and Ahuja developed a friendship that grew into an illicit relationship.³ Nanavati returned from one of his long journeys on April 27, 1959. When he went home, he realized that his wife had changed and was no longer receptive or affectionate to him. Nanavati inquired as to whether his wife had been true to him. She merely shook her head, signaling her disinterest. She admitted that she had an affair with Ahuja. Nanavati decided to settle the dispute with Ahuja.

¹ 'What is K M Nanavati case' (*Business Standard*) < <https://www.business-standard.com/about/what-is-k-m-nanavati-case> > accessed 17 November 2021

² *Ibid*

³ *Ibid*

Nanavati first took his children and wife for a movie, promising to return later. On a fake pretext, he then drove to his ship and obtained a pistol and six bullets. He stuffed them into a brown envelope and drove to Ahuja's office from there. Nanavati drove to his flat when he couldn't find him. When he arrived at Ahuja's flat, he was greeted by a servant who confirmed his existence. He walked to Ahuja's room after getting a confirmation, carrying the brown packet containing the revolver.

Nanavati shut the door to his room and asked Ahuja about his plans for his wife and children. He is claimed to have shot Ahuja, killing him, when he did not receive the honorable and desired reaction. Nanavati then proceeded towards the nearest police station to confess his crime.⁴ The jury found Nanavati not guilty by an 8:1 margin. The sessions judge, on the other hand, disagreed with the jury's decision, believing that "*no reasonable group of men could make that conclusion based on the facts presented*". A division bench heard that case and found the accused guilty. As a result, a special leave appeal was filed with the Hon'ble Supreme Court of India.

ISSUES RAISED

- The High Court dismisses the referral as incompetent if the jury's verdict does not appear to be illogical on its face.
- If the referral is competent, the High Court can review the material to see if the verdict is reasonable.⁵
- The High Court has no authority to overturn a jury's judgment because it was contaminated by misconduct in the jury's charge, according to section 307 of CrPC.⁶
- The accused did not commit murder, but culpable homicide does not amount to murder because the deceased was shot under grave and unexpected provocation.⁷

⁴ *Ibid*

⁵ *Ibid*

⁶ Code of Criminal Procedure 1973, s 307

⁷ *Ibid*

RULES

“Section 307 CrPC (Act V of 1898) - Procedure where Sessions Judge disagrees with the verdict”

It specifies that:- “(1) If in any such as case the Judge disagrees with the verdict of the Jurors, or a majority of the Jurors, on all or any of the charges on sessions which any accused person has been tried, and is clearly of opinion that the ends of justice must submit the case to the High Court, he shall submit the case accordingly, recording the grounds of his opinion, and, when the verdict is one of acquittal, stating the offence which he considers to have been committed.

(2) Whenever the judge submits a case under this section, he shall not record judgment of acquittal or of conviction on any of the charges on which such accused has been tried, but he may either remand to custody or admit him to bail.

(3) In dealing with the case so submitted the High-Court may exercise any of the powers which it may exercise on an appeal, and subject thereto it shall, after considering the entire evidence and after giving due weight to the opinions of the Sessions Judge and the jury, acquit or convict [such accused] of any offence of which the jury could have convicted him upon the charge framed and placed before it; and, if it convicts him, may pass such sentence as might have been passed by the Court of Session.”⁸

“Section 105 of Indian Evidence Act- Burden of proving that case of accused comes within exceptions”

It specifies that:- “When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the General Exceptions in the Indian Penal Code, (45 of 1860), or within any special exception or proviso contained in any other part of the same Code, or any law defining the offence, is upon him, and the Court shall presume the absence of such circumstances.”⁹

⁸ *Ibid*

⁹ Indian Evidence Act 1872, s 105

“Section 300 of Indian Penal Code – Murder”

It specifies that: - “Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done to cause death, or

- If it is done to cause such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or
- If it is done to cause bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or
- If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.”¹⁰

“Section 302 of Indian Penal Code – Punishment for Murder”

It specifies that “Whoever commits murder shall be punished with death, or 1[imprisonment for life], and shall also be liable to fine.”¹¹

JUDGEMENT

As per the facts and previous judgments according to the Supreme Court, the following facts emerge the totality of the evidence¹²: -

The accused’s wife i.e., Sylvia was seduced by Ahuja, the deceased. Sylvia had also admitted to Nanavati that she had an unlawful relationship with the deceased i.e., Ahuja. It was only reasonable that the accused was angry by the deceased behaviour and thus had adequate motive to murder him. The accused took the revolver from the ship on a fake excuse, drove to Ahuja’s flat, entered his bedroom abruptly with the loaded revolver in his hand, and emerged with the revolver in his hand a few seconds later. The principal injuries on the deceased’s body

¹⁰ Indian Penal Code 1860, s 300

¹¹ Indian Penal Code 1860, s 302

¹² *K M Nanavati vs State Of Maharashtra* AIR 1962 SC 605

were entirely incongruous with an accidental gunshot while the deceased Ahuja and Nanavati were gripped tightly together. Other evidence revealed that the accused and the deceased, Ahuja could not have fought or struggled. As a result, the court concurred with the High Court that the prosecution had proven beyond a reasonable doubt that Nanavati purposefully shot and killed Ahuja. The court determined that it wasn't necessary to evaluate whether the accused had fulfilled his obligations under section 80 of IPC, especially when learned advocates for the accused in both the Supreme Court and the High court use the section-based defence. The Apex court concurred with the Bombay Court that no reasonable jury could have reached the same result as the jury in this case based on the evidence presented. As a result, the jury's decision had to be thrown out.¹³

Also, on the appeal to the Bombay Court, the appellant argued that it was obligatory on the Bombay High Court, under section 307 of CrPC, based on a study of the honorable sessions court's order of reference to determine the competency of the reference. The fact that it lacked jurisdiction to examine the facts to set aside the jury's verdict because the jury was wrong and the decision was irrational. Finally, the appeal must be dismissed since the arguments were found to be without validity. Section 307 of the CrPC was designed to offer the High Courts broader powers of interference than section 569 in an appeal to defend against a jury's inaccurate decision.¹⁴ The High Court's special jurisdiction provided by the code's appellate authorities is essentially different from that provided by other requirements of the code. Section 307's terms "For the ends of justice" imply that a judge who disagrees with a verdict must conclude that "*no reasonable body of men could reach the same conclusion based on the evidence*". These words, combined with "clearly of the opinion", provided the judge with a lot of leeway in deciding what to do in different scenarios. As a result, the reference was competent, regardless of whether the magistrate was proper in disagreeing with the jury or formulating such an opinion regarding the decision. Section 307(3) of the law effectively gives the high court the roles of both the jury and the judge by permitting it to release or sentence

¹³ *Ibid*

¹⁴ *Ibid*

the prisoner after hearing all evidence and giving fair weight to the views of the sessions judge and the jury.

“If the following requirements are met, culpable homicide does not amount to murder under section 300 of IPC¹⁵”:-

- The deceased must have provoked the defendant;
- Provocation must be serious and unexpected;
- Provocation must have taken away the accused’s ability to control himself;
- During the period of deprivation, he must have killed the deceased;
- Provocation must result in the death of the provocation giver or any other individual accidentally killed as a result of provocation.¹⁶

The Apex Court stated that a precise standard test cannot be established. The court must determine whether the provocation was grave and unexpected in each case based on the facts and circumstances. The court went on to say that the “*test of “grave and immediate” provocation is whether a reasonable individual from the same social class as the accused, in the same scenario, would be so provoked as to lose his self-control*”.¹⁷ The court found after studying the pieces of evidence of the event that not only had the accused gained self-control, but he was also thinking about his family’s future. After his wife confessed her infidelity to him, he had plenty of time to calm down. His actions were calculated and purposeful. As a result, the court decided that the facts of this case did not fall under section 300 of IPC’s exception 1 to section 300. The Apex Court upheld the Bombay High Court’s verdict of the accused being convicted under section 302 of the IPC and dismissed the plea.¹⁸

ANALYSIS

As for, in this case, I believe the Supreme Court’s decision is ideal. This is a landmark decision that has become even more crucial in recent years since media trials have become

¹⁵ Indian Penal Code 1860, s 300

¹⁶ *Ibid*

¹⁷ *Ibid*

¹⁸ *Ibid*

commonplace. The aforementioned judgment was able to catch the attention of the country since the crime of adultery had climbed to the level of murder not comparable to culpable homicide, the ruling was able to capture the attention of the country. The accused was also adorned officer in the Navy, and his crime was thus accepted by society as a result of the sad journalism directed against him. The prosecution's onus of proof was reduced by establishing the facts with the greatest degree of clarity, which is crucial in the settlement process. The fact that the case was referred to a higher court and that the jury was wrong on the law demonstrated the depth of judicial corruption, as a result, the jury system was eliminated in following criminal proceedings.