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Case Comment: Surendra Koli v State of Uttar Pradesh with Reference to the Recent Acquittal of the Accused in the Nithari Serial Killings

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INTRODUCTION

On November 11, 2025, the Supreme Court acquitted Surendra Koli, the last remaining convict in the Nithari serial killings of 2006¹, and ordered his immediate release from custody after nearly 20 years of incarceration². The judgment was delivered by a bench led by Justice B.R. Gavai, putting an end to one of India's most disturbing criminal cases³. The Nithari killings involved allegations of child abduction, sexual assault, murder, and cannibalism, and the case shocked the entire nation to its core when it came to light.

Beyond the sheer horror of the criminal acts and the crime in its entirety, the Nithari case also exposed deep-rooted problems in India's criminal justice system. These include delayed

¹ *Surendra Koli v State of Uttar Pradesh* (2025) SCC OnLine SC 2384

² 'Looking Back 2025: Top Judgements By Supreme Court This Year' *ABP News* (01 December 2025) <<https://news.abplive.com/news/india/indian-supreme-court-top-judgements-2025-1814316>> accessed 01 December 2025

³ 'Supreme Court Sets Aside Surendra Koli's Conviction in Last Nithari Case' *News on AIR* (11 November 2025) <<https://www.newsonair.gov.in/supreme-court-sets-aside-surendra-kolis-conviction-in-last-nithari-case/>> accessed 01 December 2025

investigations, poorly handled forensic evidence, confessions allegedly obtained through unlawful means like torture, and a judiciary so overburdened that it took 19 years to reach a final verdict. This case comment seeks to critically examine the reasoning adopted by the Supreme Court, evaluate the failures relating to evidence and procedures that led to the acquittal, and assess the wider implications for victims, forensic reform, and constitutional rights in India.

FACTUAL BACKGROUND

The Nithari killings came to the attention of the public in December 2006, when skeletal remains of over 30 children and young women were found in a drain near Sector 31, Noida, a residential area in Uttar Pradesh. The house belonged to Moninder Singh Pandher, a businessman, and Surendra Koli was employed there as a servant⁴. Investigations revealed that children had been disappearing from nearby slums for over two years, and their families had filed complaints with the local police, but these were ignored to a great extent.

Koli had confessed to luring victims on various pretexts, sexually assaulting them, murdering them, and in some cases, eating parts of their bodies. The gruesome details of cannibalism and necrophilia created media outrage, and there was extreme public pressure for a fast and harsh punishment. The CBI took over the case and registered 16 FIRs⁵, charging both Koli and Pandher with multiple offences, including murder, rape, and criminal conspiracy under Sections 302, 376, and 120B of the IPC⁶.

The trial courts convicted Koli in 10 cases, sentencing him to death in two and life imprisonment in eight. Pandher was charged and convicted in two cases and sentenced to life imprisonment. However, the Allahabad High Court in 2023 acquitted both of them in 12 out of 13 cases. The High Court found that the evidence was unreliable, noted that several violations of due procedure had occurred, and held that the standard of guilt established was not beyond the threshold of reasonable doubt. Koli's conviction in the one remaining case

⁴ Geeta Pandey, 'Who killed our children? Indian parents ask as 'house of horrors' convict acquitted' BBC (26 November 2025) <<https://www.bbc.com/news/articles/cvg42g3vp1vo>> accessed 01 December 2025

⁵ 'Nithari killings: Supreme Court acquits prime accused Surendra Koli in last pending case, orders his release' (CDJ Law Journal, 11 November 2025)

<<https://www.cdjlawjournal.com/newslong.php?id=5259>> accessed 01 December 2025

⁶ Indian Penal Code 1860, ss 302, 376, 120B

was also challenged before the Supreme Court, and it was this challenge that led to the November 2025 acquittal⁷.

PROCEDURAL HISTORY

The proceedings of the Nithari case show how slow India's criminal justice system can be. From the registration of the first FIR in 2006 to the final acquittal in 2025, the case passed through trial courts, the High Court, and ultimately the Supreme Court for about 20 years. During this time, many witnesses went back on their original statements, forensic samples lost their credibility, and public memory of the case faded away as well. All of these factors made it much harder for the prosecution to prove its case.

The turning point came in 2023, when the Allahabad High Court carefully examined the evidence and found serious gaps. Justice Rajesh Singh Chauhan noted that DNA samples had been stored without proper care, skeletal remains did not clearly link to the victims, confessions looked like they had been extracted through torture and unlawful means, and eyewitness testimonies were full of contradictions. Therefore, the High Court acquitted Koli and Pandher in 12 cases and reduced sentences in the remaining one⁸.

The State of Uttar Pradesh and the families of the victims filed special leave petitions in the Supreme Court, asking for the convictions to be restored⁹. Koli challenged his remaining conviction. The Supreme Court heard all the appeals together and delivered a single judgment backing the acquittals and extending them to the final case as well, thereby ordering Koli's release.

ISSUES BEFORE THE SUPREME COURT

The Supreme Court was called upon to decide the following questions:

⁷ Ruchi Bhattar, 'Sentenced to death by three courts. Nithari killings convict Surendra Koli, now free' *The Print* (13 November 2025) <<https://theprint.in/judiciary/sentenced-to-death-by-three-courts-nithari-killings-convict-surendra-koli-now-free/2782509/>> accessed 01 December 2025

⁸ Sadaf Modak, 'Nithari killings, Surendra Koli and the remedy of curative petitions' *The Indian Express* (15 November 2025) <<https://indianexpress.com/article/explained/explained-law/nithari-killings-surendra-koli-and-the-remedy-of-curative-petitions-10367054/>> accessed 01 December 2025

⁹ Sucheta, 'Surendra Koli's acquittal in the 13th criminal case connected to Nithari Killings: Inside Supreme Court verdict' *SCC Online* (12 November 2025) <<https://www.scconline.com/blog/post/2025/11/12/supreme-court-acquits-nithari-killings-accused-surendra-koli/>> accessed 01 December 2025

1. Whether the prosecution had proved Surendra Koli's guilt beyond a reasonable doubt, considering the alleged problems with the evidence and procedural mishaps.
2. Whether the confessions recorded were admissible and could be relied upon.
3. Whether circumstantial evidence was enough to convict in the absence of direct evidence.
4. Whether the investigation was so flawed that it impaired the entire trial.

REASONING OF THE SUPREME COURT

Justice Gavai authored a detailed judgment in which he examined each piece of evidence and found the prosecution's case to be fundamentally weak¹⁰.

Confessional Statements and Allegations of Torture: The Court looked closely at Koli's confessions, which had been recorded before a magistrate under Section 164 of the CrPC. The defence argued that these confessions were not voluntary but had been extracted through continuous physical and mental torture during illegal detention. Medical records showed injuries on Koli's body that were consistent with torture, and he had also retracted his confessions at the first available opportunity. The Court referred to the landmark ruling in D.K. Basu v State of West Bengal (1997)¹¹ and reiterated that confessions made in custody are inherently suspect and must be supported by independent corroboration¹². In this case, no such corroboration was available.

Recoveries Under Section 27: The prosecution placed heavy reliance on recoveries of skeletal remains, weapons, and belongings of the victims, all of which were allegedly made based on disclosure statements given by Koli under Section 27 of the Evidence Act¹³. The Court pointed out that under this provision, only the portion of the statement that leads to a discovery is admissible, not the confessional part. More importantly, the chain of custody for

¹⁰ Paras Nath Singh, 'Judgment Summary: Surendra Koli's acquittal in Nithari killings after 16 years on death row, and why curative jurisdiction remains crucial *The Leaflet* (12 November 2025)

<<https://thleaflet.in/supreme-court/judgment-summary-surendra-kolis-acquittal-in-nithari-killings-after-16-years-on-death-row-and-why-curative-jurisdiction-remains-crucial>> accessed 01 December 2025

¹¹ *Shri D.K. Basu, Ashok K. Johri v State of West Bengal, State of U.P* (1997) 1 SCC 416

¹² Kathakali Banerjee, 'DK Basu vs State of West Bengal (1997): case analysis' (*iPleaders Blog*, 17 March 2024)

<<https://blog.ipleaders.in/dk-basu-vs-state-of-west-bengal-1997-case-analysis/>> accessed 01 December 2025

¹³ Indian Evidence Act 1872, s 27

the recovered items had been broken¹⁴. Seizure memos were unsigned, forensic seals had been tampered with, and no independent witnesses were present during the recoveries. Because of these lapses, the evidence was held to be inadmissible.

Problems with Forensic and Evidence: A significant part of the judgment dealt with the failure of forensic evidence. DNA profiling of the skeletal remains could not conclusively match any identified victim because the bodies had decomposed extensively, and there were no medical records available for comparison. Mitochondrial DNA testing, which could have helped in this process, was not carried out for most of the victims. Reports from the Central Forensic Science Laboratory contained inconsistencies, and defence experts pointed out that improper storage had created a risk of contamination. The Court observed that forensic science is the backbone of modern criminal investigation, and when that backbone is broken, the prosecution's case collapses¹⁵, which it eventually did in this case.

Circumstantial Evidence and Last Seen Theory: The prosecution also relied on the theory that several victims were last seen near Pandher's residence. The Court rejected this argument, holding that mere proximity to a location, without direct evidence of homicide, cannot maintain a murder conviction. Referring to *Sharad Birdhichand Sarda v State of Maharashtra*¹⁶, the bench reiterated that when a case rests on circumstantial evidence, the chain of circumstances must be complete and must exclude every theory other than guilt¹⁷. In this case, other possibilities, including the operation of human trafficking networks in the area, had neither been investigated nor ruled out¹⁸.

Benefit of the Doubt: Bringing all these findings together, the Court extended the benefit of doubt to Koli, guaranteeing the presumption of innocence. Justice Gavai observed that the investigation had been conducted like a witch hunt driven by public pressure rather than a

¹⁴ 'Lok Sabha passes "The DNA Technology (Use and Application) Regulation Bill - 2019"' (PIB, 08 January 2019) <<https://www.pib.gov.in/Pressreleaseshare.aspx?PRID=1559099®=3&lang=2>> accessed 01 December 2025

¹⁵ Prachi Kathane et al., 'The development, status and future of forensics in India' (2021) 3 *Forensic Science International: Reports* <<https://doi.org/10.1016/j.fsir.2021.100215>> accessed 01 December 2025

¹⁶ *Sharad Birdhi Chand Sarda v State of Maharashtra* AIR 1984 SC 1622

¹⁷ Aishwarya Agrawal, 'Sharad Birdhi Chand Sarda v State of Maharashtra' (*Law Bhoomi*, 31 July 2024) <<https://lawbhoomi.com/sharad-birdhi-chand-sarda-v-state-of-maharashtra/>> accessed 01 December 2025

¹⁸ 'Sharad Birdhichand Sarda v State of Maharashtra' (*Manupatra Academy*)

<https://www.manupatracademy.com/LegalPost/MANU_SC_0111_1984> accessed 01 December 2025

scientific inquiry guided by law. He added that when the procedure takes a toll, justice becomes the casualty.

Upholding Procedural Safeguards: The acquittal of Koli reinforces some of the most basic principles of criminal law, namely proof beyond a reasonable doubt, the presumption of innocence, and the exclusion of tainted evidence. At a time when custodial deaths remain a serious concern in India¹⁹, the judgment serves as a check against state overreach. It is consistent with global practices such as those followed by the Innocence Project in the United States, which has secured the release of over 375 wrongfully convicted persons through DNA evidence since 1989²⁰.

The ruling also has echoes of concerns raised in *Manohar Lal Sharma v Union of India*²¹, the Pegasus spyware case, where the Supreme Court had to deal with the problem of unchecked state power in surveillance without any meaningful oversight. Just as Pegasus exposed how executive agencies can operate beyond the bounds of law²², the Nithari case shows how investigative agencies, when under public pressure, can bypass procedural safeguards. Both cases highlight the need for institutional checks, whether it is judicial oversight over surveillance or forensic protocols in criminal investigations, to prevent misuse of power.

Failure of Victim Justice: At the same time, the acquittal leaves the families of the victims without any sense of closure. Most of these families belonged to marginalised communities, and their children had disappeared without a trace. Nithari is located right next to wealthy neighbourhoods, and the fact that disappearances of poor children were ignored for years until skeletal remains were discovered points to deep class biases in policing. Some critics have argued that the Court applied the benefit of doubt doctrine too strictly and may have overlooked the cumulative weight of circumstantial evidence, such as Koli's bloodstained clothing, traces of human fat found in kitchen utensils, and his own initial admissions.

¹⁹ 'Custodial deaths in India' (Grokikipedia)

<https://grokipedia.com/page/Custodial_deaths_in_India> accessed 01 December 2025

²⁰ 'DNA Exonerations in the United States (1989–2020)' (Innocence Project) <<https://innocenceproject.org/dna-exonerations-in-the-united-states/>> accessed 01 December 2025

²¹ *Manohar Lal Sharma v Union of India* (2023) 11 SCC 401

²² 'Pegasus Spyware Probe' (Supreme Court Observer, 16 July 2025)

<<https://www.scobserver.in/cases/manohar-lal-sharma-v-union-of-india-pegasus-spyware-probe-case-background/>> accessed 01 December 2025

In comparison, courts in the United Kingdom have sometimes adopted more flexible standards in forensic cases. In *R v Adams* (1996)²³, probabilistic DNA evidence was considered sufficient for conviction when supported by other circumstances, even without a definitive match. India's insistence on conclusive proof may, in some situations, end up benefiting perpetrators in investigations where forensic infrastructure is weak.

No Accountability for Institutional Failures: While the judgment thoroughly criticises the failures of the investigation, it does not go further to fix accountability. No action was taken against the police officers or CBI officials who were responsible for the flawed probe. The NK Singh Committee, which was set up after the Nithari case in 2007 to suggest forensic reforms, saw most of its recommendations ignored. Even the 2025 amendments to the POCSO Act²⁴, which mandate child-friendly investigation procedures, remain largely unimplemented. This allows systemic impunity to continue.

Caste, Class, and Gender Dimensions: A closer look at the case through the lens of gender and caste reveals deeper patterns of structural violence. The victims were mostly young girls from slum dwelling families, among the most invisible citizens in India. Similarly, in the Kannagi Murugesan honour killing case decided in April 2025, the Supreme Court upheld life sentences for caste-motivated murder, showing a clear intent to deter such crimes²⁵. The difference in outcomes suggests that judicial rigour may vary depending on who the victim is, raising difficult questions about equal protection under Article 14 of the Constitution.

SUGGESTIONS FOR REFORM

The Nithari acquittal should serve as a wake-up call for systemic reform across investigation, forensics, and the judiciary.

1. India's forensic infrastructure needs urgent expansion. The current ratio of forensic laboratories to population is around 1 to 10 lakhs, which is grossly inadequate. The National Forensic Science University must be expanded, and DNA profiling under the

²³ *R v Adams* [1996] EWCA Crim 222

²⁴ Protection of Children from Sexual Offences Act 2012

²⁵ Suchitra Kalyan Mohanty, 'Kannagi-Murugesan honour killings: SC rejects convicts' appeals challenging life sentences' *The New Indian Express* (28 April 2025)

<<https://www.newindianexpress.com/nation/2025/Apr/28/kannagi-murugesan-honour-killings-sc-rejects-convicts-appeals-challenging-life-sentences>> accessed 01 December 2025

DNA Technology (Use and Application) Regulation Act of 2019²⁶ must be implemented on a wider scale.

2. Investigative protocols must be tightened. Mandatory videography of crime scenes, seizures, and interrogations, as suggested in recent BNSS provisions²⁷, should be strictly enforced to prevent tampering with evidence and custodial torture.
3. India should consider setting up a Cold Case Bureau along the lines of the FBI's Violent Criminal Apprehension Program in the United States²⁸. Such a body could revisit unresolved cases using advanced forensic methods and provide some measure of closure to victims' families.
4. Victim compensation under the Victim Compensation Scheme of 2009 needs to be made more meaningful. The families of the Nithari victims deserve enhanced reparations, psychological support, and legal aid to pursue further remedies.
5. The 19-year procedural journey in this case is a stark reminder of the problem of delayed justice. The Supreme Court's ruling in *Ravindra Pratap Shahi v State of UP*²⁹, which mandates timelines for the pronouncement of judgments under Article 21³⁰, must be implemented seriously to prevent evidence from decaying over time³¹.

CONCLUSION

Surendra Koli's acquittal in the Nithari serial killings presents a complex and deeply troubling challenge for the Indian criminal justice system. On one hand, the Supreme Court's decision upholds fundamental constitutional and human rights principles by refusing to convict individuals based on tortured confessions, contaminated forensic evidence, and broken chains of custody. This sets an important precedent for the protection of due process and the presumption of innocence, reaffirming the judiciary's role as a safeguard against

²⁶ 'The DNA Technology (Use and Application) Regulation Bill, 2019' (PRS India) <<https://prsindia.org/billtrack/the-dna-technology-use-and-application-regulation-bill-2019>> accessed 01 December 2025

²⁷ Bharat Chugh, 'BNSS : Mandatory Videography of Search & Seizure – A few thoughts.' (*The Blog of Bharat Chugh*) <<https://bharatchugh.in/2024/10/01/bnss-mandatory-videography-of-search-seizure-a-few-thoughts/>> accessed 01 December 2025

²⁸ David R Champion, 'Violent Criminal Apprehension Program' (EBSCO) <<https://www.ebsco.com/research-starters/computer-science/violent-criminal-apprehension-program>> accessed 01 December 2025

²⁹ *Ravindra Pratap Shahi v State of UP* (2025) SCC OnLine SC 1813

³⁰ Constitution of India 1950, art 21

³¹ 'Justice Delayed, No More - The Supreme Court's New Deadline' (IIPRD, 27 September 2025) <<https://www.iiprd.com/justice-delayed-no-more-the-supreme-courts-new-deadline/>> accessed 01 December 2025

m miscarriages of justice and arbitrary state action. However, on the other hand, the outcome leaves the families of the victims without answers or closure, compounding their trauma and sense of injustice. It also raises uncomfortable questions about the possibility of perpetrators escaping accountability and highlights the continued existence of systemic failures such as police incompetence, inadequate forensic infrastructure, and lack of institutional oversight, which made the acquittal inevitable.

As India continues to grapple with urgent issues relating to child safety, gender-based violence, and growing social inequality, the Nithari case stands as a painful and enduring reminder of what can go wrong when institutions falter. The case calls for more than mere procedural correctness; it demands genuine introspection and comprehensive institutional reform. Procedural formality without meaningful change only breeds public distrust, while the modernisation of forensic science without robust checks and accountability mechanisms can inadvertently shield the powerful from conviction. The way forward must involve a holistic strengthening of investigative processes, enhanced judicial oversight, investment in forensic capacity building, and a victim-centric approach that prioritises the dignity and rights of those most affected. Only by addressing these root causes can the justice system restore public confidence, ensure accountability, and prevent similar tragedies from recurring in the future.