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## Case Comment: Surendra Koli v State of U.P.

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### INTRODUCTION

The case revolves around the horrific Nithari Killings and the discovery of crimes that took place in December 2006 in Sector 31, Noida. The decision in the case of Surendra Koli versus the State of Uttar Pradesh is a landmark for Indian criminal law. Nearly twenty years after these terrible crimes took place, this ruling came out. The ruling is not really about how bad the Nithari crimes were, but about whether the courts handled the case after that. The Supreme Court had to think about a question: what if the same court makes two different final decisions about the same case using the same evidence and analysing whether the same is correct in the eyes of the law. The judgment arises out of the Court's exercising its power of curative jurisdiction enshrined under Article 142<sup>1</sup>. The Hon'ble Court, in this case, analysed the issues put forth before it with special reference to Articles 14 and 21<sup>2</sup>.

The decision in this case seems interesting because the Supreme Court used its power to fix a problem and rectify the judicial errors. The counsels of Surendra Koli argued that two sets of outcomes resting on the same evidentiary foundation cannot lawfully coexist.<sup>3</sup>

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<sup>1</sup> Constitution of India 1950, art 142

<sup>2</sup> Constitution of India 1950, arts 14 and 21

<sup>3</sup> *Surendra Koli v State of Uttar Pradesh* (2025) SCC OnLine SC 2384

## **BACKGROUND OF THE CASE**

Surendra Koli, the petitioner in the present case, was the domestic servant at House D5, Sector 31, Noida and the owner of the house and the employer of the petitioner is Moninder Singh Pandher.

**2005:** People in the area started reporting cases of missing children and women.

**2006:** Subsequently, in March and December, human hands were noticed in the open strip and drains respectively between the houses D5 and D6. In December, the local police took charge of the case and on further probe, investigation and digging of the drains, they found multiple skulls with footwear and clothes. Multiple recoveries were made from and around House D5, including a knife from a water tank, certain other articles, and human remains.

**2007:** The State transferred the case to the Central Bureau of Investigation.

Later, there were around thirteen trials that took place, and all the trials were based on the common evidentiary foundation, which is the recoveries made from the alleged disclosure and the confessional statement of Surendra Koli taken under Section 164 of the Criminal Procedure Code 1973.<sup>4</sup>

The present curative petition concerns the Rimpa Haldar Case, a minor who went missing in 2005.

## **THE RIMPA HALDAR CASE: JUDICIAL TIMELINE**

**Trial Court:** The court convicted Surendra Koli, the petitioner, of the death of Rimpa and imposed a death sentence on him. The conviction was based mainly upon the circumstantial chain of evidence, confessional statement and recoveries made inside the house D5 on the basis of the disclosure. The confession was treated as a voluntary one and truthful owing to subsequent corroboration via recovery of skeletal remains and blood stains.

**High Court:** It affirmed the conviction of the petitioner, citing similar reasons of recoveries and a confessional statement. Additionally, it acquitted the co-accused, Moninder Pandhe, in this case due to a lack of sufficient evidence against him. It revealed the modus operandi

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<sup>4</sup> Code of Criminal Procedure 1973, s 164

of the petitioner as luring the victims into D5, sexually assaulting them after their murder, and subsequently dismembering the body parts.

**Supreme Court:** The court, consisting of a two-judge bench, dismissed the appeal and affirmed the conviction, citing similar reasons. The recoveries were considered admissible under Section 27 of the Indian Evidence Act 1872.<sup>5</sup> The court upheld the death sentence, citing that the case fell within the 'rarest of rare' category. A review petition was subsequently filed, which found no error in the previous judgments. Although a mercy petition filed in 2015 commuted the death sentence to life imprisonment.

### THE OTHER TWELVE CASES

The petitioner was held guilty in all the other twelve cases arising from the same circumstances between 2010 and 2021, based on the same foundational evidence. But the case took a shocking turn in 2023 when the Hon'ble Allahabad High Court acquitted the petitioner in all twelve cases, citing reasons such as:

- A statement made under Section 164 CrPC<sup>6</sup> is inadmissible as it is not voluntary and hence not reliable. Petitioner was kept in custody for 60 days before the confession was taken. Procedural safeguards were not followed
- Confession barred under Section 24<sup>7</sup>, as the confession has references to torture.
- Discoveries and recoveries were held inadmissible and unreliable as there were contradictions between the panchnama narrative and the remand papers.
- The discoveries being made from the drain, which is open and easily accessible to all, further negated their reliability.
- There were certain forensic discrepancies, such as semen stains on the bed sheet, which neither matched the petitioner nor the accused.
- The prosecution failed to establish certain important elements, such as that the petitioner possessed the necessary capability for carrying out such acts.
- The Organ Trade Angle was not probed into and was completely neglected.

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<sup>5</sup> Indian Evidence Act 1872, s 27

<sup>6</sup> Code of Criminal Procedure 1973, s 164

<sup>7</sup> Indian Evidence Act 1872, s 24

## **ISSUE IN THE PRESENT CASE**

What remains a really concerning and the focal point of the curative petition is the fundamental defect that impeaches the integrity of the adjudicatory process. The question arises as to how someone is found guilty based on evidence whose evidentiary value is rejected in other twelve cases. If a conviction based on such evidence sustains, then it clearly violates the due process under Article 21<sup>8</sup> and Article 14<sup>9</sup>, i.e. the right to be treated equally. Thus, it warrants consideration *ex debito justitiae*. The case strengthens the need to think about the principle of finality when we have conflicting final decisions that hurt the integrity of the judicial process and peoples trust in the justice system, specifically the principle of finality and the justice system.

Hence, the issue at hand is:

1. Whether two different sets of outcomes of this Court can stand together when they rest on an identical evidentiary foundation.

## **JUDGEMENT AND RATIONALE GIVEN BY THE JUDGEMENT**

The court accepted the curative petition in order to cure a manifest miscarriage of justice where there are different results based on the same foundation. The court held that all the cases were to be set aside and the petitioner was to be released forthwith. The petitioner is acquitted of all the charges, fines and imprisonment.

**Curative Jurisdiction and Manifest Injustice:** The Court stated that a curative petition is distinct from a review as established in *Rupa Ashok Hurra v Ashok Hurra*. In *Rupa Ashok Hurra v Ashok Hurra*,<sup>10</sup> the Constitution Bench of this Court recognised that this power flows from the inherent authority of this Court to do complete justice and to protect the integrity of its judgments. The petition allows the courts to prevent any type of miscarriage of justice, establish the fairness of the actions of the court and uphold the legitimacy of the judicial process.

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<sup>8</sup> Constitution of India 1950, art 21

<sup>9</sup> Constitution of India 1950, art 14

<sup>10</sup> *Rupa Ashok Hurra v Ashok Hurra and Anr* (2002) 4 SCC 388

**Article 14: Equality Before Law:** Article 14 establishes equality before law in every situation, and the accused also has the fundamental right. Thus, it is unjust to convict the petitioner when all other accused, along with the petitioner, are acquitted in other cases based on the same evidence. Equal treatment should be established in all sorts of similar circumstances. The Court clarified that finality alone does not guarantee fairness, and the finality of decisions should not be sufficient grounds for allowing unequal judgments.

**Article 21: Fair Procedure:** This article focuses on the fair, just and reasonable procedure, and this fair procedure becomes more important where capital punishment is involved. Affirming a conviction based on evidence that this Court has later considered involuntary or inadmissible in the same situation violates Article 21. In the landmark *Maneka Gandhi* case,<sup>11</sup> the court interpreted Article 21 and stated that depriving anyone of their freedom based on the evidence that was not obtained voluntarily is unjust. It would be the gravest form of injustice not only to the person so concerned but also to society as a whole if a person is convicted and given a death sentence (later turned into life imprisonment) based on inadmissible evidence, and violates the due process of the law.

**Evidentiary Defects:** The Court concurred with the High Courts' findings regarding the confession and the evidence presented. The confession was obtained by the petitioner after detaining him in custody for 60 days. He was not even provided with adequate access to legal aid. As a result, it did not satisfy the procedural safeguards of Section 164 of the Code of Criminal Procedure<sup>12</sup>, and thus it was deemed involuntary under Section 24 of the Evidence Act.<sup>13</sup> The police failed to report the discoveries immediately after they were made, and there were material discrepancies in the Panchnama and the remand papers. Also, the court could not ignore the facts that the discoveries were made from locations which were known to all. The forensic evidence was helpful to the point of identifying the victims and not leading to the conclusion that the petitioner was in any way involved in the said crimes. Thus, all the findings of the Allahabad High Court play a very crucial role and cannot be ignored.

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<sup>11</sup> *Maneka Gandhi v Union of India* (1978) 1 SCC 248

<sup>12</sup> Code of Criminal Procedure 1973, s 164

<sup>13</sup> Indian Evidence Act 1872, s 24

## **CRITICAL ANALYSIS**

**Prioritising Constitutional Integrity over Emotional Responses:** This ruling clearly sets an example that the severity of the offences should never overshadow one's constitutional rights. The offenders also ought to be treated in view of the rights they hold, guaranteed by the Constitution of India and on the basis of the due process of the law. The conclusion asserts that utilising inadmissible evidence against individuals breaches constitutional tenets, reaffirming the Court's dedication to justice.

**Fairness, Uniformity, and the Challenge of Conflicting Outcomes:** Article 14, thus, here plays a very crucial role, claiming that different outcomes on the same facts and evidence are unjust. These discrepancies threaten equality and shake society's belief in justice. Comparable cases can lead to different rulings, creating confusion as evidence perceptions evolve, which potentially further impacts decisions. The Court believes it should reevaluate verdicts under these conditions to ensure a just legal framework. They highlight that a conclusive ruling may require re-examination if it seems inequitable or inconsistent with others, and is thus a vital aspect of constitutional assessments.

**Article 21 and the Importance of Just Procedure:** The judgment stands as an affirmation of 'due process' asserted by Article 21. Liberty of anyone shouldn't be hampered due to procedural lapses or improper evidence. The courts thus advocate a thorough approach to fairness in society where personal freedom is given. Thus, the court reaffirmed that a judgment cannot stand correct based on inadmissible evidence. The judgment highlights the necessity of identifying victims for families to find closure, while also underscoring the importance of identifying the true offender. Distinguishing between recognising victims and establishing guilt is crucial, as criminal law demands solid proof. The ruling tightly governs the evidence admissible in court, which is advantageous.

**Investigative Shortcomings and the Boundaries of Judicial Redress:** The court recognised the drawbacks in the investigative process, noting delays in securing the crime scenes and inconsistencies in gathering evidence. There were serious procedural lapses in the case, and documentation was mishandled, too. The failure of all thirteen trials illustrates the repercussions of inadequate investigative practices, hindering the pursuit of genuine justice.

**Remedial Authority and the Principle of Finality:** This ruling broadens the court's capacity to intervene with the help of the exercise of its curative jurisdiction. It is clearly established that if there are constitutional breaches or miscarriage of justice, then there are grounds to rectify, building on ideas from *Rupa Ashok Hurra*. However, the court stresses that such intervention should be limited to circumstances where the judicial system is compromised.

## CONCLUSION

The 2025 judgment in *Surendra Koli v State of U.P.* stands as a landmark affirmation of the 'Due Process' clause in India. It demonstrates that even in the face of the most heinous crimes, the judiciary must remain a sentinel on the qui vive against flawed investigations, coerced confessions, and inconsistent evidentiary standards. The case shows how equality, fairness and consistency are all interconnected. The justice system ensures that everyone is treated equally, even the offenders. The case also highlights an important aspect of the extent to which things can go wrong when the investigation is flawed and there are severe lapses.