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CASE COMMENTARY – K.M.NANAVATI VERSUS STATE OF MAHARASHTRA

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I. ABSTRACT:-

This Landmark case, KM Nanavati v. State of Maharashtra, AIR 605 (1962), was made possible by jury trials (this case was one of the case that last to be heard in India as a jury trial; a jury trial is when a group of people makes a decision). The chapter on jury trials in the Code of Criminal Procedure was closed in 1974. One of the most significant rulings in the history of the Indian judiciary came from the case of K.M. Nanavati v. the State of Maharashtra. Unprecedented media attention was paid to this case.

II. KEYWORDS – Illicit Relationship , Murder , Court , Heat of the Moment , Provocation , Surrender

Case Title	K.M.Nanavati Vs. State of Maharashtra
Citation	1962 AIR 605, 1962 SCR Supl. (1) 567
Judgement Date	24/11/1961
Court	The Supreme Court Of India
Quorum	A. The Hon'ble Justice K.Subbarao B. The Hon'ble Justice S.K.Dayal C. The Hon'ble Justice Raghubar D.The Hon'ble Justice K.Das
Author of the Judgement	K.Subbarao
Appellant	K.M. Nanavati
Respondent	State of Maharashtra
Acts and Sections Involved	Section 304 of the Indian Penal Code Section 307 of Code of Criminal Procedure Section 302 of the Indian Penal Code Section 300 of the Indian Penal Code

III. INTRODUCTION AND BACKGROUND OF THE JUDGEMENT:-

The K M Nanavati case was a notable Indian court trial from 1995 that sparked widespread interest. K M Nanavati, a Naval Commander, went on trial in this case for the alleged murder of Prem Ahuja, his wife's lover. After being found not guilty at first by a jury, the Bombay High Court overruled the jury's decision, and Nanavati was retried in a bench trial.

The HC judged Nanavati guilty of murdering Ahuja on March 11, 1960, and gave him a life sentence. Within hours, the Bombay Governor suspended the sentence. A few months later, the Governor's order was revoked by the Supreme Court, and Nanavati was jailed. In 1963, on the basis of his health, he was granted release. A year later, Vijayalakshmi Pandit, the new governor of Bombay, pardoned him. It caused an enormous amount of interest in the public because of the coverage it gained and the major constitutional question it had presented at the time of its admission. Jury trials were abolished, and the case received extraordinary media attention, among other things.

IV. FACTS AND ISSUE:-

Kawas Manekshaw Nanavati, the accused/appellant, was wed to Sylvia and had three kids. Nanavati had a transferrable job as a navy officer. He met Prem Ahuja when he first arrived in Bombay through to a mutual friend. As part of his job responsibilities, Nanavati was frequently required to go outside of Bombay, leaving his wife and three children behind. Prem Ahuja and Sylvia Nanavati, who was Nanavati's wife, developed a relationship while he was away. Later, they involved in an unlawful affection together. When Nanavati returned from his ship on April 18, 1959, he attempted to show his wife his love, but she rejected him. On April 27, 1959, the same incident happened again, and Sylvia once more opted to ignore Nanavati. When he asked her if she had been true to him while he was away, Sylvia gave a

negative response. Sylvia informed Nanavati of her extramarital affair with Prem Ahuja, and Nanavati made the decision to speak with Ahuja about it.

Nanavati dropped off his wife and kids at the theatre and promised to pick them up later. Then, under false pretences, he drove to his ship and obtained a pistol and six bullets. He then took a car to Ahuja's workplace. When Nanavati didn't see him there, he drove to Ahuja's flat. When Nanavati arrived at Ahuja's flat, the housekeeper told him he was there. Nanavati entered Ahuja's bedroom and locked the door. He questioned Ahuja about his intentions for his wife Sylvia and his three children, asking whether he would marry her and raise them. Ahuja responded that he was not required to marry every woman he had sexual relations with. Hearing this, furious Nanavati and Ahuja got into a fight. He pulled out his revolver and fired at Ahuja, killing him. Then, after rushing to the nearest police station to confess to his crime, a case was filed against Nanavati.

V. ISSUES RAISED:-

1. Whether Prem Ahuja's death was preplanned by K.M.Nanavati or It was totally a sudden provocation or "Heat of the moment" ?
2. Can a Special Leave Petition (SLP) be considered without complying with the order under Article 142?

VI. ARGUMENTS:-

A. ARGUMENTS IN FAVOUR OF THE PETITIONER:

1. The argument put into effect by Nanavati's lawyers was that Nanavati planned to kill himself after hearing Sylvia's confession, but his wife was able to convince him out of it. She didn't let him know whether Ahuja wanted to marry her or not, so he intended to find out. As a result, he drove to his ship after dropping off his wife and two kids at the theatre for the movie.
2. Nanavati informed all the officers on board the ship, that he was going to drive alone to

Ahmednagar by night and needed a revolver and six rounds, but his real motive was to shoot himself. After receiving them, he packed the revolver and six rounds inside a brown envelope.

3. Ahuja was called a dirty swine by Nanavati when he entered the bedroom and pleaded with Ahuja to marry Sylvia and take care of his children. "Am I supposed to marry every woman I sleep with?" Ahuja raged. In an outburst of rage, Nanavati hid the revolver in an envelope and placed it in a nearby cupboard before attempting to beat him. Ahuja abruptly reached for the packet, but Nanavati pulled out his revolver and ordered him to put it back. Two shots were accidentally discharged during the struggle, which led to the death of Ahuja.

B. ARGUMENTS IN FAVOUR OF THE RESPONDENT :

1. The first point of disagreement was that Ahuja was still wearing a towel after just completing his shower. When his body was found, his towel was still on it. In the case of a fight, it is quite impossible to believe that it did not become loose or fallen off.

2. After Sylvia's acceptance, calm and composed Nanavati drove them to a movie theatre, dropped them off, and then, under false pretenses, went to his ship to grab his gun. This proves that he had enough time to cool off, that the provocation was not an heat of the moment or unexpected, as well as Nanavati had planned the murder.

3. The Deputy Commissioner of Police stated that Nanavati acknowledged of shooting Ahuja and even corrected Ahuja's name's spelling in the police file, proving Nanavati's capacity for rational thought.

VII. JUDGEMENT:-

The Supreme Court noted that although the wife's confession of infidelity was serious, Ahuja wasn't present when it was made, so the element of the killing being unexpected was absent. The Court reasoned that a normal

individual would have had plenty of time to calm down following the provocation because three hours had passed between the time of the confession and the murder.

According to the Supreme Court, there is no justification for interfering with the accused's conviction under Section 302 of the Indian Penal Code and life sentence imposed by the High Court. The Court concluded after reviewing the case's facts that the accused/appellant had gained self-control and was also thinking about the future of his family. He had plenty of time to cool off after his wife told him that she had been unfaithful. His acts were obviously deliberate and intentional. The argument of "grave and sudden provocation" and that "the murder was premeditated" did not apply in this case.

According to the Supreme Court, the Governor's pardoning authority and the Special Leave Petition cannot coexist. The Governor's authority will end with the filing of a Special leave petition. The Bombay High Court's views were affirmed by the Supreme Court, which came to the same conclusion that the jury had been misled. The Bombay High Court must evaluate the evidence, take into account the opinions of the judges and jury, and then decide whether to find the defendant guilty or not after the Session's Judge made a reference under Section 307 of the Code of Criminal Procedure, 1898.

VIII. CONCLUSION:-

The K.M. Nanavati v. State of Maharashtra case is regarded as one of the most significant cases in Indian legal history. In this instance, it was noted that while the burden of proof initially rested with the prosecution, it later changed to the accused and Section 105 of the Indian Evidence Act, 1872, became applicable during the application of exceptions under Section 300 of the Indian Penal Code.

As a result of this case, jury trials were abolished. The Bombay High Court and the Supreme Court of India both agreed that the jury had been misled. In view of the facts and



circumstances of the current case, we must follow the decision of the Court.

Punishments should not be presumptively imposed out or presumed. The punishment for a crime should be proportionate with the offence. The Nanavati case serves as a demonstration of how rigidly penal statutes are to be read.

IX. REFERENCES:-

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