ABC 2019 (I) 102 SC
ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(A.K. Sikri, Ashok Bhushan & Indira Banerjee, JJJ.)
Review Petition (Criminal) No. 324 of 2015
In
Special Leave Petition (Criminal) No. 111 of 2015
(From Madhya Pradesh High Court)
Decided on 1 November, 2018

JITENDRA @ JEETU ***- Petitioner(s).***

Versus

STATE OF MADHYA PRADESH & ORS. ***- Respondent(s).***

Law Covered:- Constitution of India — Article 136 — Criminal Jurisprudence — Special leave petition — Disposal of — in the case of death penalty— Special leave petition was dismissed in limine & without giving reasons— Held, in such cases a deeper scrutiny coupled with reasons in support of death penalty should be given by the Court— Review petition allowed — SLP(Criminal) restored to its original number— Indian Penal Code, 1860 — Section 302. (Para 6)

Facts:- *Two co-accused were convicted u/ss 363, 376(2)(f), 376(2)(g), 201 & 302, IPC. They were awarded 7 years' RI each for offences u/s 363 and 201, LI each for Section 376(2)(f) and (g) and sentence to death u/s 302, IPC. The High Court, by its judgment, affirmed the conviction as well as death sentence awarded to the accused persons. The review petitioner along with co-accused persons challenged the said judgment of the High Court and filed SLP which was dismissed in limine. However, the present review petition was filed by only one person. The Hon'ble Apex Court allowed the review petition and the SLP(Criminal) was restored to its original number.*

Law of relief:- Special leave petition cannot be dismissed in limine, without giving reasons.

Held:- By orders in Review Petition No. 388 of 2015, where also the special leave petition was dismissed in identical manner *in limine* and without giving reasons, we have allowed the review, inter alia, on the ground that in such cases a deeper scrutiny coupled with reasons in support of death penalty should be given by the Court. Adopting the reasoning in the said case, this review petition also

stands allowed and as a consequence, SLP(Criminal) No. 111 of 2015 is restored to its original number. (Para-6)

a

JUDGMENT

A.K. SIKRI, J.: - *1.* This Review Petition is filed seeking review of orders dated January 06, 2015 whereby Special Leave Petition (Crl.) No. 111 of 2015 @ D35737 of 2014 filed by the review petitioner and his co-accused was dismissed *in limine* with one word 'dismissed'.

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2. First Information Report No. 513 of 2012 was registered under Sections 363, 376(2)(g), 201 and 302 of the Indian Penal Code wherein the petitioner and his two co-accused were implicated. They were arrested on June 26, 2012. After the investigation was complete, charge-sheet was filed and charges framed under the aforesaid provisions. Since the review petitioner and his co-accused persons pleaded not guilty, the prosecution led evidence in support of the aforesaid charges. The Additional Sessions Judge, Indore vide judgment dated April 26, 2013 convicted the two accused persons under Sections 363, 376(2)(f), 376(2)(g), 201 and 302, IPC. They were awarded 7 years' rigorous imprisonment (RI) each for offences under Sections 363 and 201, life imprisonment each for Section 376(2)(f) and (g) and sentence to death under Section 302, IPC.

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3. Since death sentence was awarded, Reference was made to the High Court. Both the convicted persons also challenged their conviction by filing a common appeal in the High Court. The said appeal as well as the criminal reference were heard together by the High Court. The High Court, by its judgment dated August 21, 2014, affirmed the conviction as well as death sentence awarded to the accused persons.

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4. The review petitioner along with co-accused persons challenged the said judgment of the High Court and filed Special Leave Petition (Crl.) No. 111 of 2015 (@ D35737 of 2014) which was dismissed *in limine* on January 06, 2015, as pointed out above. However, the review petition against the order dated January 06, 2015 is filed by only one person, i.e., the review petitioner.

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5. Mr. Grover, learned senior counsel appearing for the review petitioner has sought review of the said order primarily on two grounds. In the first instance, it is submitted that when it was a case of death penalty, the special leave petition should not have been

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dismissed without giving any reasons. He also submitted that though the review petitioner had initially approached the Secretary, Supreme Court Legal Service Committee (SCLSC) which assigned the case to its panel lawyer who drafted the special leave petition and filed the same in the Court, even before it could come up for hearing, the family of the review petitioner had made an application dated December 26, 2014 to the Secretary, SCLSC for withdrawal of the legal aid, as the review petitioner wanted the case to be presented through his own advocate. Notwithstanding the same, the advocate who was assigned the case by SCLSC appeared in the matter on January 06, 2015 when the special leave petition of the review petitioner and his co-accused persons was dismissed *in limine*.

6. By orders in Review Petition No. 388 of 2015, where also the special leave petition was dismissed in identical manner *in limine* and without giving reasons, we have allowed the review, inter alia, on the ground that in such cases a deeper scrutiny coupled with reasons in support of death penalty should be given by the Court. Adopting the reasoning in the said case, this review petition also stands allowed and as a consequence, SLP(Criminal) No. 111 of 2015 is restored to its original number.

***Result*:-** Review petition allowed.

ABC 2019 (I) 104 SC
ACQUITTAL & BAIL CASES

SUPREME COURT OF INDIA

(Kurian Joseph, Deepak Gupta & Hemant Gupta, JJJ.)

Criminal Appeal No(s). 1482-1483 of 2018
[Arising Out of S.L.P. (Criminal) No(S). 5898-5899 of 2014]
(From Chhattisgarh High Court)
Decided on 28 November, 2018

CHHANNU LAL VERMA ***- Appellant(s).***

Versus

STATE OF CHHATTISGARH ***- Respondent(s).***

Law Covered*:-** ***(A) Indian Penal Code, 1860 — Sections 302, 307, 506(2) & 450— Conviction under — Death penalty — No evidence as to the uncommon nature of the offence or the improbability of reformation or rehabilitation of the appellant has