CASE ANALYSIS:
K.M. NANAVATI V. STATE OF MAHARASHTRA
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INTRODUCTION
A landmark case in the criminal history of India, K.M. Nanavati v. State of Maharashtra (AIR 1962 SC 605) has been a case discussed like ever since now. This judgment made its place as soon as it was pronounced.

The appeal presented the commonplace problem of an alleged murder by an enraged husband of a paramour of his wife: but it aroused considerable interest in the public mind by reason of the publicity it received and the important constitutional point it had given rise to at the time of its admission.

Unprecedented media attention and Abolition of Jury Trials are few reasons which got this case the limelight in those times.

FACTS
• Kexas Manekshaw Nanavati, an Indian Naval Officer shifted to Bombay in March 1959 with his family and got to meet Prem Bhagwandas Ahuja, a businessman in Bombay.
• While he was out of Bombay for his duty, Sylvia, his wife, developed an illicit relationship with Prem Ahuja.
• He was then confronted with the confession of his wife when she opened with her relationship with Ahuja.
• Further, in the heat of his agony, he went to his ship to procure a loaded revolver and drove himself to Prem Ahuja’s office.
• On not finding him at his workplace, he then drove to his residence.
• After an altercation, at his residence, two shots went off accidentally and hit Ahuja.
• Jury voted in favor of the accused.
• The case was referred to hon’ble High Court under Section 307 of The Code of Criminal Procedure.
• The Division Bench of the High Court went on to declare the accused guilty under Section 302 of IPC.
• An appeal was finally decided by the Supreme Court.
• The appellate court held that there were misdirections in the sessions court.

JUDGEMENT ANALYSIS
The judgment evolved mainly around two issues and first one was that of sessions court referring the matter to Higher Court owing to the judge’s disagreement with the decision of the jury.
Evidence was also adduced in the form of letters written by Sylvia to Ahuja and Extra Judicial Confessions were taken into account. This clearly established the relationship between the two. The jury however, reached to the decision of him being proven not guilty by majority of 8:1. This became the reason for the Sessions Judge for referring the case to the Hon’ble High Court of Bombay under Section 307 of the Code of Criminal Procedure, 1893, which is quoted as follows:

“Section 307: (1) If in any such case the Judge disagrees with the verdict of the jurors, or of a majority of jurors, on all or any of the charges on which any accused person had been tried, and is clearly of opinion that it is necessary for the ends of justice to submit the case in respect of such accused person 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, and in such case, if the accused is further charged under the provisions such charge as if such verdict had been one of conviction….

(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.”

On appeal to the High Court, it was contended on behalf of the appellant that under Section 307 of the Code of Criminal Procedure it was incumbent on the High Court to decide the competency of the reference on a perusal of the order of reference by Hon’ble Sessions Court. The fact that it had no jurisdiction to go into the evidence for the purpose that Hon’ble High Court was not empowered by Section 307(3)of the Code to set aside the verdict of the jury on the ground that the jury was erroneous and that the was verdict perverse.

It was finally held that the contentions were without substance and the appeal must fail. Judged by its historical background and properly construed, Section 307 of the Code of Criminal Procedure was meant to confer wider powers of interference on the High Court than Section 569 in an appeal to safeguard against an erroneous verdict of the jury. This special jurisdiction conferred on the High Court by virtue of the Code is essentially different from its appellate jurisdiction under other provisions of the code.

The words "for the ends of justice” in section 307 indicate that the Judge disagreeing with the verdict must be of the opinion that the verdict was one which no reasonable body of men could reach on the evidence, coupled with the words 'clearly of the opinion' gave the Judge a wide and comprehensive discretion to suit different situations. Therefore, the Judge disagreed with the verdict and recorded the grounds of his opinion, the reference was competent, irrespective of the question whether the Judge was right in so differing from the jury or forming such an opinion as to the verdict. There is nothing in Section 307(1) of the Code that lends support to the contention that though the Judge had complied with the necessary conditions, the High Court should reject the reference without going into the evidence if the reasons given in the order of reference did not sustain the view expressed by the Judge.
Section 307(3) of the Code by empowering the High Court either to acquit or convict the accused after considering the entire evidence, giving due weight to the opinion of the Sessions Judge and the jury, virtually conferred the functions both of the jury and the Judge on it.

Another issue before the appellate court was that of mens rea involved. Where the prosecution said that it was a planned murder, the defense went to contend that it was in the heat of the moment and that two shots went to hit the deceased while both the parties entered into a grave brawl. While the former was contending that the accused should be punished under Section 302 of the Indian Penal Code, the latter based its arguments onto to the exception of grave and sudden provocation as provided in section 300 of the Indian Penal Code.

The prosecution established mens rea by proving that the act of going to the Navy ship, procuring a gun and six cartridges and carrying them all in a brown envelope clearly indicate his intention to conceal the fact that he was going to murder someone. In addition to this, the prosecution established via witnesses that the accused lied to his ship crew that he was going to drive to Ahmednagar and hence, carrying a pistol for his own safety. Also, the accused surrendering himself to the police indicates that he had planned to kill the deceased.

On the other hand, the defense has put forth its contention saying that on getting to know the relationship between his wife and Ahuja, the accused went to give him a proposal of marrying his wife to which he got an answer “Do I have to marry every woman that I sleep with” This reply of his, according to defense heated up an argument between two and subsequently, the accused shot him in grave and sudden provocation in the heat of the moment.

Relying on the principle of presumption that accused is innocent until proven guilty, the higher judiciary went through thorough examination of the witnesses as per the provisions of the Evidence Act and Code of Criminal Procedure. Both the parties were given equal and sufficient chance with the Burden of Proof primarily being on the prosecution.

In the light of contentions raised, arguments advanced and evidence adduced, the Supreme Court upheld the punishment granted by the High Court of Bombay and convicted him under Section 302 of the Indian Penal Code.

CONCLUSION

The aforementioned judgment was able to grab the attention of the nation owing to the fact that the crime of adultery had given a birth to the crime of murder not amounting to culpable homicide. The accused moreover was a decorated officer of Indian Navy and such crime committed by him got accepted by the society owing to the pitiful journalism towards him. The burden of proof upon the prosecution was released by establishing the facts to utmost clarity which is indeed an essential in the process of adjudication.

Also, referring the case to higher judiciary and jury being erroneous on point of law was something that pointed out amount of corruption in judiciary resultant of which was abolition of jury system in succeeding Criminal procedure.