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FROM JURIES TO JUDGES: THE NANAVATI VERDICT'S IMPACT ON INDIA'S JUSTICE SYSTEM

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ABSTRACT

KM NANWATI V STATE OF MAHARASHTRA (AIR 1962 SC 605)

This article explores the seminal Supreme Court case of K.M. Nanavati v. State of Maharashtra, which was crucial in the Indian judiciary's decision to abolish jury trials. The case attracted a lot of public attention and started a national conversation about the jury system's effectiveness and fairness.

A Naval officer named K.M. Nanavati was prosecuted in 1959 for the death of his wife's lover, Prem Ahuja. Because of the case's dramatic elements and Nanavati's wealthy upbringing, there were worries about the jury's possible bias and prejudice. Nanavati was found not guilty by the jury, a verdict that sparked outrage and accusations of biased treatment.

The article looks at the case's aftermath, which prompted a thorough assessment of how well the jury system adheres to the social justice ideals stated in the Preamble of the Indian Constitution. It explores the innate prejudices that may result from jurors' makeup, which frequently reflects the social and economic divides that exist in society. The article delves deeper into the reasoning behind India's decision to abolish jury trials, emphasising the Supreme Court's admission that, although the jury system was founded on democratic principles, it had become vulnerable to biases and lacked the protections required to maintain the principles of fair trial for all. A judge-based system was intended to improve impartiality and guarantee that social prejudices would not influence the way justice was administered.

The paper highlights defending the values of social justice via a thorough examination of the Nanavati case and its far-reaching repercussions, which finally results in the elimination of jury trials in India.

FACTS OF THE CASE

Kawas Manekshaw Nanavati, the accused/appellant, married to Sylvia and had three kids. As an officer in the navy, Nanavati's position was transferable. Through a mutual friend, he was introduced to Prem Ahuja upon his arrival in Bombay. As part of his duty, Nanavati was frequently had to travel, leaving his wife and three children behind in Bombay. Prem Ahuja and Nanavati's wife Sylvia became acquainted while Nanavati was away. Subsequently, they engaged in an extramarital affair. When Nanavati got back from his ship on April 18, 1959, he tried to show his wife affection, but she would reject him. On April 27, 1959, the identical situation occurred once more, and Sylvia once more made the decision to ignore Nanavati. When he asked her if she had been true to him while he was away, Sylvia replied no. After Sylvia revealed to Nanavati her extramarital affair with her paramour, Prem Ahuja, Nanavati made the decision to speak with Ahuja about the situation. After dropping off his spouse and kids at the movie theatre, Nanavati promised to pick them up later. Then, on a fake excuse, 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, she drove to Ahuja's flat. Once in Ahuja's flat, Nanavati got word from the staff that he was there. After entering Ahuja's bedroom, Nanavati shut the door. When he inquired about Ahuja's plans for his wife Sylvia and his three kids, as well as if he would wed her and raise them, Ahuja said he wasn't required to wed every woman he had sex with. A furious Nanavati and Ahuja got into a fight after hearing this. He pulled out his handgun and shot Ahuja, killing him in the process. After confessing to his crime, Nanavati hurried to the closest police station, whereupon a case was opened against him.

ISSUES RAISED

- Whether the Sessions Judge's referral was competent, and if the High Court had power to investigate the facts under Section 307 of the CrPC
- Whether the High Court was authorised under Section 307(3) of the CrPC to set aside a jury's verdict due to misdirection in charge.
- Whether there were any misdirections in the charge.
- Whether the murder was planned out or carried out in "the heat of the moment"?
- Is it possible to combine the Governor's pardoning authority with the Special Leave Petition?

PRECEDENTS REFERED

- **Mancini v. Director of Public Prosecutions(1941)¹**- The court in this instance considered whether the provocation may lessen the murder accusation to manslaughter. The court observed that the possibility of lowering the murder to manslaughter under the law is uncommon when the provocation arouses the desire to kill or do great injury. This implies that the crime is more likely to be classified as murder rather than manslaughter if the victim, in the midst of a violent outburst brought on by an abrupt and severe provocation, harbours the intention to kill or seriously hurt another person.
- **Attygalle v. Emperor²**- This case was cited by the court to demonstrate the prosecution's burden of proof. Notwithstanding the restrictions under Section 105 of the Indian Evidence Act, Section 80 of the Indian Penal Code, 1860 is to be referred to in case of proof pertaining to the lack of an accident.
- **Ramanugrah Singh v. King Emperor (1946³)**- .The articular case was cited by court to prove that the jury's decision must be so unreasonable that it cannot be rationally deduced by a reasonable man, according to the court's emphasis on "the ends of justice." The jury's verdict must be evaluated by the court to see whether or not it adheres to the standar of fairness and rationality.

JUDGMENT: JURY TRIAL

The jury trial was held at the session court where the case was initially brought. According to Section 304 of the Indian Penal Code, Nanavati was found not guilty by a majority of 8:1 at the jury trial. Under Section 307 of the Code of Criminal Procedure, the Session Judge forwarded the matter to the Bombay High Court's Division Bench because he was dissatisfied with the jury trial's verdict.

HON'BLE HIGH COURT'S JUDGEMENT

Hearing the case was a division bench of the aforementioned High Court, made up of Justices Shelat and Naik. Although the two learned judges reached different conclusions, they both concluded that the accused should spend the remainder of his life in jail for murder in accordance with Section 302 of the Indian Penal Code. Shelat, J. considered all the evidence and came to the

¹ Mancini v. Director of Public Prosecutions,[1943],UKHL,J1016-1

² Attygalle v. Emperor, (1936)38BOMLR700

³ Ramanugrah Singh v. King Emperor (1946), (1946)48BOMLR768

conclusion that the accused was clearly guilty of murder; alternatively, he expressed the opinion that the jury's verdict was perverse, illogical, and, in any event, against the overwhelming weight of the evidence. Shelat, J. determined that the jury had been misled. Naik, J., chose to base his decision on the counterargument that the jury's verdict could not have been reached by a reasonable collection of persons. The two experienced judges concurred that there was no evidence to lower the charge of murder to culpable homicide, which does not qualify as murder. The current appeal has been filed in opposition to the aforementioned conviction and punishment.

HON'BLE SUPREME COURT'S JUDGEMENT

The Supreme Court noted that although the wife's admission of adultery was serious, Ahuja was not there when the confession was made, thus the element of the killing's suddenness was absent. The Court came to the conclusion that a reasonable individual had had ample time to calm down since the provocation since three hours had passed between the time of confession and the killing.

The accused's conviction under Section 302 of the Indian Penal Code and the High Court's life sentence were both found to be lawful, and the Supreme Court decided that there was no need to interfere.

- The Honourable Supreme Court said that the judge may submit the matter to the High Court in accordance with paragraph (1) of section 307 of the CrPC if he is not in agreement with the jury's verdict. Two requirements must be fulfilled: The jury's decision must be rejected by the judge in the first place, and he must also think that no reasonable man could have arrived at that conclusion. If and only if these two requirements are satisfied, the referral order will be considered competent and will be denied by the High Court.
- The obligations outlined in paragraph (3) of section 307 of the CrPC must be fulfilled by the High Court upon its determination that the order of reference is competent. This clause requires the High Court to consider all available evidence, give the jury's and judge's verdicts appropriate weight, and then find the accused not guilty or not guilty. The experienced counsel for the defendant argued that the alternative interpretation would go against the purpose of this provision.
- The Court agreed with the High Court's findings on the misdirection charge made by the Judge. It said that the probable effect the misdirection had on the lay jury must be taken into account when determining whether or not it contaminated the jury's verdict. The

Supreme Court continued by stating that the judge's charge to the jury is intended to elucidate and clarify the case's facts and circumstances to them. It is the judge's responsibility to ensure that the jury is aware of the law and its implications and to provide them with all relevant evidence so they may reach the most informed verdict.

- The Honourable Court concluded, after considering all the evidence, that the appellant's actions were at odds with his defense—that the dead was accidentally shot—after considering all the material. On the other hand, he possessed the mindset of someone who had deliberately and methodically taken revenge on his wife's mistress. He took the handgun, loaded it, and made his way into Ahuja's bedroom on a made-up pretence. He had plenty of opportunity to inform people that he accidentally shot the dead, but he waited until his trial to do so. The deceased's corpse was discovered with injuries that were consistent with a targeted gunshot. Consequently, the jury's decision could not be upheld. Consequently, the Court concluded that, in light of the facts, no reasonable group of men could have arrived at the same verdict as the jury.
- The accused/appellant had not only acquired self-control, the court concluded after reviewing the case's circumstances, but he was also thinking about his family's future. He had plenty of time to cool off after his wife told him about her adultery. It was obvious that he was acting with purpose and calculation. The defences of grave and sudden provocation and deliberate murder did not apply in this case.
- The Supreme Court ruled that the Governor's pardoning authority and the special leave petition could not coexist. The Governor's authority will be terminated upon the filing of a Special leave petition.

RATIO DECIDENDI

In the beginning, the case of *KM Nanavati v. State of Maharashtra* was tried by a jury under section 302 of the IPC. The jury found Nanavati not guilty of murder but responsible under section 304A of the IPC, which deals with death by carelessness. The matter was submitted to the High Court due to the verdict's misdirection, which led to an unreasonable conclusion. The Court concluded that the verdict rendered by the jury should not be taken into consideration since it was formed under the excessive influence of the media and other considerations. It was decided that the first exemption, 'Grave and Sudden Provocation' cannot be applied in *KM Nanavati vs State of Maharashtra* as the accused was well in his senses and had an intention to kill the deceased.

In the Nanavati case, the court held that the following elements must be satisfied in order to claim the defense of 'Grave and Sudden Provocation' -

1. The person should not have sufficient self-control and there should not be a passion which induces him to
2. The resentment mode must be related to the provocation in some
3. To qualify as a qualified defense under this exemption, the provocation must be both serious and
4. There must not have been sufficient time between the occurrence of the provocation and the killing for the accused's blood to it happened

CONCLUDING REMARKS

In Indian legal history, "K.M. Nanavati v. State of Maharashtra" is a seminal case due to its resonance with social justice values entrenched in the preamble of the Constitution, as well as its ramifications for the jury system.

The case was crucial in highlighting the flaws in the jury system that was in place in India at the time. The jury system, which dates back to British colonial control, was designed to decide whether or not a group of laypeople would find someone guilty or not in a criminal trial. However, worries about biases, jurors' lack of legal experience, and their susceptibility to other influences called into doubt the system's effectiveness. These shortcomings were brought to light in the Nanavati case, when the conclusion of the first trial, which resulted in an 8:1 ratio, was greatly affected by public opinion and media sensationalism.

Consequently, the Criminal Procedure Code (Amendment) Act, 1973, implemented by the Indian government, eliminated the jury system. The elimination of the jury system was mainly driven by the need for unbiased justice and the desire to reduce the possibility of injustice resulting from the jury's subjective decision-making.

The nation's dedication to ensuring justice, liberty, equality, and fraternity for all people is embodied in the preamble of the Indian Constitution and these principles are a part of the basic structure of the constitution. The Nanavati case demonstrated the shortcomings of the jury system, which ran counter to these ideals, especially social justice which is again a part of basic structure of Indian Constitution.

Fair and equal distribution of resources, opportunities, and advantages throughout society is a prerequisite for social justice. The jury's makeup and method of decision-making in the Nanavati case were fundamentally biased and prejudiced going totally against the principle of justice in the preamble leading to a violation of the basic structure. If we examine the aforementioned instance, As we've read, in that instance, the accused was backed by the public and media alike, who believed that the actions he took were appropriate.

The suit was retried in the Bombay High Court by a division bench since the jury found no legal breach in the accused's behaviour, solely due to peer external pressure. Consequently, due process was disregarded, and the party with more resources and favorability was seen to be in a better position than the other. It's possible that the jury, which was made up of people from particular socioeconomic backgrounds, did not fairly represent the variety of Indian society. Furthermore, the defendant's right to a fair trial and equal treatment before the law was compromised by the impact of public opinion and media sensationalism, which distorted the trial's impartiality. The jury's blatant bias made it clear that the fundamental tenet of the Indian Constitution justice was being violated.

By abolishing the jury system, India took a significant step towards ensuring greater adherence to principles of social justice in its legal system. The shift towards judge-led trials aimed to enhance objectivity, expertise, and accountability in criminal proceedings, aligning with the constitutional mandate to uphold justice for all citizens, irrespective of their social status or background.

In conclusion, the Nanavati case serves as a poignant reminder of the jury system's inadequacies and its incongruence with principles of social justice enshrined in the Indian Constitution. The subsequent abolition of the jury system reflects India's commitment to strengthening its legal framework to better uphold the ideals of justice, equality, and fairness for all its citizens.