

THE CASE OF SHABNAM ALI V. THE STATE OF UTTAR PRADESH

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INTRODUCTION

The case of Shabnam Ali vs the State of Uttar Pradesh has brought the debate over the death penalty to the forefront once again. Shabnam Ali, a well-educated lady of Amroha committed a gruesome murder of her family including her 10-month-old nephew with the help of her lover Saleem. The case became a burning discussion and attracted a lot of attention because of the atrocious nature of the crime. It is considered one of the major episodes in the chapters on the death penalty because of the fact that Shabnam would be the first woman to be hanged after independence.

The case is a remarkable one because of the questions arising that suddenly why the courts are focussing on awarding the death penalty to a woman, considering the fact that in a country like India, women are given the status of a goddess and generally considered the soft, gentle, and caring gender. The verdict has reignited the ongoing debate about the efficacy and morality of the death penalty. It has created two divisions where on one hand the supporters of capital punishment state that it serves as a deterrent and is the right approach to justice whereas, on the other hand, the opposition argues that it violates human rights and fails to address the root cause of the crime.

This case analysis will help in examining the Shabnam Ali case in detail with the help of the background of the case, the facts and evidence involved, the investigation, and the court proceedings. It has also managed to uncover the various aspects of the judgment given by different courts in chronological order and has tried to bring out a clear understanding of the case in a form of a study.

FACTS OF THE CASE

Shabnam Ali, a woman aged 25 years old, lived with her family in Bawankheri, Amroha. Her family consisted of eight members i.e., her father, mother, brother, his wife, their two children, and one other child who was her father's sister's daughter. Shabnam had the educational

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qualifications of a double post-graduate in M.A. and had the job of a teacher in a primary school where she used to teach children.

She fell in love with a man named Saleem who was a class 7th dropout and worked as a daily wage laborer. During this love affair, Shabnam got pregnant. She told her father about the pregnancy and asked his permission to marry Saleem but due to their difference in socio-economic background, her father rejected the approval of the relationship. This rejection aggravated the lovers and they decided to initiate a horrific plan of killing all the members of Shabnam's Family.

As terrifying as the idea sounds, it didn't stop Shabnam to put the plan in the course. On 14th April 2008, she initiated her plan and reportedly mixed sleeping pills in the food of her family members. After they all have fallen asleep, she informed Saleem and he came and they both one by one murdered all of the family members by slitting their throats with an axe. They went on so mercilessly that they didn't even spare the 10-month-old infant and throttled him to death.

The next morning, when police arrived at the crime spot, Saleem had already left the place. When asked by the police about the incident, she told that she was sleeping on the terrace that night and her family was sleeping downstairs. It started raining and when she came down she saw her whole family was murdered and she claimed that a criminal killed her entire family. After further investigation and questioning, it was found out that she was lying about the murders and later confessed that she along with her lover Saleem killed all the family members.

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The police in their investigation found certain shreds of evidence which proved that "the couples" were the killer. The police found the bedsheet on which the family was sleeping in a perfect state, without any wrinkles which proved that if a criminal came to assault and murder her family, they must have tried to protect them in self-defense which should have left some crumples in the bedsheet. The normalcy of the bedsheet showed that the family was peacefully sleeping at the time of the murder. Also, there was no sign of attack or defense in the whole house. The Police officers also found the clothes of Shabnam covered in blood. They were the same clothes she was wearing at the time of the murder. Everything was calm and composed even after the murder. After the body was bought for postmortem, some sort of drugs were found in the victim's body and an empty strip of 10 tablets was found in the house as well. On further investigation, the police went through her phone records and it revealed that her last few calls, before the murder, were to Saleem.

Based on the facts and evidence, the police arrested the couple, Shabnam and Saleem after five days after the murder and they were kept in the Moradabad Jail. After some time, Saleem was sent to Agra Central Jail. Since Shabnam was pregnant at the time of her arrest, she later gave birth to her son, in December 2008, in the jail itself.

When the court proceedings began, it was seen that both the accused turned against each other. Shabnam in her statement claimed that it was Saleem who came and murdered her family while she was sleeping and on the other hand Saleem in his statement mentioned that it was Shabnam who asked him to come and kill her family.

JUDGEMENT

The Session court of Amroha after hearing both sides and analyzing the evidence and postmortem reports, came to the decision of awarding death sentences to both the accused in the year 2010. But this decision was upheld by the Allahabad High Court in the year 2013 and also by the Supreme Court in the year 2015. The Session Court of Amroha focussed on a faster death penalty for both the accused but this was not legally recognized. The court simply rejected the review petition filed by the accused. As per Article 72 of the Indian Constitution, Shabnam also sought mercy from the then President Mr. Pranab Mukherjee on the grounds that she has to look after her son and her son needs his mother but the appeal for mercy was rejected. After the rejection of the mercy plea, Shabnam decided to file a writ petition to quash the death penalty.

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The Supreme Court after re-analyzing the case decided to end the death penalty given by the session court stating the reason that the execution orders by the Session Court were not given as per the legal terms. The session court ignored that the review can be made by the accused within 30 days of the commencement of the judgment which can be filed in the Supreme Court as per Article 137. The right to seek a review petition is given under the Right to Life under Article 21 of the Indian Constitution. Therefore, the Supreme Court mentioned that as per Order VI, Rule 3 of the Supreme Court Rules, 2013 it is stated that in case of death penalties confirmed by the High Court and a review petition is filed in the Supreme Court, the case will be then heard by no less than a 3-judge-bench.

Later in the year 2015, after Shabnam and Saleem filed the review petition in the Supreme Court, a 3-judge bench was formed consisting of the Chief Justice of India SA Bobde, Justice SA Nazeer, and Justice Sanjeev Khanna. The court after hearing both sides, did not change its

decision and went on with the punishment of the death penalty to the accused by stating that the couple had heinously murdered seven people and a 10-year-old infant child and crime like that does not spare any excuse. Shabnam then went on to seek mercy from the Governor of Uttar Pradesh Anandiben Patel and then to the President of India Ram Nath Kovind but her mercy plea was rejected from both places and the preparation for the execution of the death penalty was put into motion.¹

CONCLUSION

In the end, the proceedings ended with the punishment of the death sentence as both the lovers themselves decided each other's fate at the time they committed the crime. But if we look at the irony, the lovebirds turned against each other during the proceedings, the same couple who killed an entire family together. When the sword of the death penalty was hanging around their necks, they decided to save their own lives by throwing each other into the fire.

The case became important because it highlighted the fair and impartial nature of our justice delivery system. It portrayed that irrespective of gender, “no crime should be left unpunished” and that a crime attracts the punishment of the death penalty. Many questions were raised about the adequacy of legal representations provided to Shabnam. But the court on its end looked into all the matters carefully and corrected the faults that occurred and then arrived at its decision because ultimately the decision of the death penalty is complex and not easy to make as it is provided in “rarest of the rare” cases.

However, after long proceedings, the case ended with the death penalty for both accused and now it's just a matter of time to see if Shabnam's new mercy plea will be accepted or not. Ultimately the goal is to create a justice system that is both effective and equitable for all.

¹Aheli Ghosal, “Shabnam v. State of Uttar Pradesh- A case analysis” [2021], The Legal Vidya </>[\[www.jlrjs.com\]\(http://www.jlrjs.com\)](https://www.thelegalvidya.in/shabnam-v-state-of-uttar-pradesh-a-case-analysis#:~:text=%E2%80%9CAn%20innocent%20must%20not%20be,10%2Dmonth%2Dold%20infant/>.”</p></div><div data-bbox=)