

## K.M NANAVATI V. STATE OF MAHARASHTRA

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### INTRODUCTION

The K.M. Nanavati v. State of Maharashtra case is one of the most intriguing and significant cases in the history of Indian jurisprudence. It mainly involved Commander Kawas Manekshaw Nanavati, a naval officer, who was tried for the murder of Prem Ahuja, his wife's lover.

This case is a landmark case involving the concept of Exception 1 of Section 300 of the Indian Penal Code, 1860 (IPC) which mentions the grave and sudden provocation and also on jury trials in India.

### FACTS OF THE CASE

Kawas Manekshaw Nanavati, was a Parsi and a commander in the Indian Navy, posted in Mysore. He was settled with his wife in Mumbai along with his two sons and one daughter. His wife's name was Sylvia, and he was a citizen of England.

To maintain his professional commitments, Nanavati had to travel to various places leaving his wife and children behind. In Bombay, Nanavati met with Prem Bhagwandas Ahuja and his sister Mimi Ahuja, regarding a naval ship purchase consignment.

Later, with time, when Nanavati stayed away due to his work commitments, an adulterous relationship grew between Prem Ahuja and Sylvia.

When Nanavati returned from Bombay, he noticed the change in Sylvia's behaviour towards him. Initially, Nanavati ignored it initially but this behavior became a pattern. This time Nanavati doubted his wife's loyalty towards him.

On questioning, Sylvia confessed everything about her and Prem's relationship. He took his family to a film which he had promised and then headed to confront Prem.

Nanavati headed to the naval base camp and he collected his gun on the false pretext that he was to drive to Ahmednagar by night and needed the gun for safety purposes. He completed the formalities and decided to head towards Prem Ahuja's office after that.

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Not finding Ahuja at his office, Nanavati went to his house and had a verbal confrontation with him. Nanavati asked Ahuja to marry Sylvia and accept the children, as he wanted to secure their future. To which Ahuja replied, “Am I supposed to marry every woman I sleep with?”

This statement provoked Nanavati and they got into an argument and eventually a scuffle, following which bullets were shot.

Three bullets were shot and he was found dead.<sup>1</sup>

After such occurrences, Nanavati surrendered to the Deputy Commissioner of Police.

A majority of 8:1 was used by the jury to acquit the accused and Nanavati was not held guilty of the offence of murder.<sup>2</sup>

The Sessions Judge was not satisfied with the jury’s verdict and the case was referred to the Hon’ble Bombay High Court under Section 307 of the Code of the Criminal Procedure, 1898 (Cr. P.C).

It was observed by the High Court that it was not an accidental death but a premeditated murder.

Nanavati preferred an appeal by Special Leave Application (SLA) under Article 136 of the Indian Constitution against his conviction.

Hon’ble Justice K. Subbarao delivered the verdict.<sup>3</sup>

## **PETITIONER’S AGREEMENT**

The plaintiff's allegation is that –

Nanavati's lawyers argued that Nanavati had tried to commit suicide after hearing Sylvia's confession. Nanavati then wanted to know if Prem Ahuja was ready to marry Sylvia. He dropped his wife and children at the cinema and drove to the ship. He told the ship's manager that he wanted a revolver and six cartridges, then left. The reason given was that he wanted to

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<sup>1</sup> Nimisha Dublish, “K.M. Nanavati v. The State of Maharashtra: case analysis” (*iPleaders*, March 30 2023) <<https://blog.ipleaders.in/k-m-nanavati-v-the-state-of-maharashtra-case-analysis/>> accessed July 8 2024

<sup>2</sup> “K.M. Nanavati V. State Of Maharashtra, 1962 AIR 605, 1962 SCR Supl. (1) 567” (*Drishti Judiciary*, July 29 2023) < <https://www.drishtijudiciary.com/landmark-judgement/indian-penal-code/k-m-nanavati-v-state-of-maharashtra-1962-air-605-1962-scr-supl-1-567>> accessed July 8 2024

<sup>3</sup> “K.M. Nanavati V. State Of Maharashtra, 1962 AIR 605, 1962 SCR Supl. (1) 567” (*Drishti Judiciary*, July 29 2023) < <https://www.drishtijudiciary.com/landmark-judgement/indian-penal-code/k-m-nanavati-v-state-of-maharashtra-1962-air-605-1962-scr-supl-1-567>> accessed July 8 2024

"go to Ahmednagar alone at night", without revealing his true intentions. He placed both the revolver and six cartridges in a brown envelope.

Nanavati went to Ahuja's office, but he was not there, so he went to Ahuja's apartment. When he reached there, Ahuja's servant unlocked the door and Nanavati immediately went to Ahuja's bedroom. He closed the door behind him and also carried the envelope containing the revolver and six cartridges.

When Nanavati saw Ahuja in his bedroom, she called him a dirty pig and asked him if he wanted to marry Sylvia and take care of their children. Ahuja became angry and said, "Should I marry every woman I sleep with?" to which Nanavati threatened to hit him.<sup>4</sup>

When Prem Ahuja suddenly reached for the envelope, Nanavati pulled out a revolver and told Ahuja to step back. A scuffle then ensued between them, during which two shots were accidentally fired, resulting in the death of Prem Ahuja.

After all that had happened, Mr Nanavati drove to the police station and surrendered herself. Therefore, the shooting of Prem Ahuja by the plaintiff was the result of violent and sudden provocation and the plaintiff is liable for voluntary manslaughter not amounting to murder.<sup>5</sup>

### **RESPONDENT'S ARGUMENT**

The first contention of the defence lawyer is that Ahuja came out of the shower with a towel in hand. When his body was found in the bedroom, his towel was still intact; it did not come off or fall off the body of the deceased, which is very rare during a fight. Moreover, the defendant calmed Sylvia after her confession, gathered his family, took her to the cinema and after leaving her at the cinema, went to his shop to get his revolver. This shows that he had enough time to calm down, that the provocation was not serious or sudden, and that Nanavati had planned the murder.

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<sup>4</sup>Anushka Bagri, "K.M Nanavati v/s State of Maharashtra (1961)" (*Legal Service India E-Journal*) <<https://www.legalserviceindia.com/legal/article-7724-k-m-nanavati-v-s-state-of-maharashtra-1961-.html>> accessed July 9 2024

<sup>5</sup>Anushka Bagri, "K.M Nanavati v/s State of Maharashtra (1961)" (*Legal Service India E-Journal*) <<https://www.legalserviceindia.com/legal/article-7724-k-m-nanavati-v-s-state-of-maharashtra-1961-.html>> accessed July 9 2024

## THE KEY ELEMENTS OF DEFENSE

Under Section 300 of the Indian penal code (IPC), Exception 1, culpable homicide is not considered murder if it is committed in a sudden fight in the heat of passion, upon a sudden quarrel and without premeditation.

The nature of the provocation must be grave, intense and sudden.

The heat of passion should be the sole reason for the commission of the act. The person must be disturbed enough to lose self-control.

The frequency and the intensity of provocation should be enough for a reasonable person to lose his self-control.<sup>6</sup>

## ISSUES INVOLVED

Whether the Supreme Court lacked jurisdiction to examine the facts to determine the jurisdiction of the Magistrate's reference under Section 307 CrPC.

Whether the Supreme Court had the power to set aside the jury verdict on the grounds of erroneous directions under Section 307 CrPC.

Whether the charge sheet contained erroneous directions.

Whether the jury's decision taken by a group of reasonable people on the basis murder? of

Can the governor's pardon powers and requests for Special Leave Petition be consolidated?<sup>7</sup>

## VERDICT OF THE BOMBAY HIGH COURT

Justice K.L Kapoor presided over the Bombay High Court and reviewed the case.

The high court dismissed the verdict of the jury and the evidences were re-examined.

The High Court was of the opinion that Nanavati's case was premeditated and not an action out of the heat of passion or a spontaneous outburst of emotional turmoil.

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<sup>6</sup> Indrasish Majumder, "K.M Nanavati v. State of Maharashtra: Detailed Case Analysis" (*Lawctopus*, June 14 2024) <<https://lawctopus.com/clatalogue/clat-pg/km-nanavati-v-state-of-maharashtra/>> accessed July 9 2024

<sup>7</sup> "K.M. Nanavati V. State Of Maharashtra, 1962 AIR 605, 1962 SCR Supl. (1) 567" (*Drishti Judiciary*, July 29 2023) <<https://www.drishtijudiciary.com/landmark-judgement/indian-penal-code/k-m-nanavati-v-state-of-maharashtra-1962-air-605-1962-scr-supl-1-567>> accessed July 8 2024

It was determined that Nanavati had enough opportunity to calm down during his scuffle with Ahuja but he did not. Hence, this case was clearly a murder case.<sup>8</sup>

### **VERDICT OF THE SUPREME COURT**

The Supreme Court said that we have to look at the facts of this case keeping in mind that according to the defence, the accused was thinking about the future of his wife and children and had regained his senses.

The time between the confession and the murder was sufficient for him to regain control of himself. The mere fact that the accused had abused the deceased before the shooting and that abuse had provoked a similar abusive response cannot be considered an inducement to murder.

The Supreme Court dismissed the SLP in the second suit holding that it could not be claimed without surrender under Article 142.

The Supreme Court also ruled that the pardon applications addressed to the Governor and the SLP could not be processed in parallel. If an SLP is filed, the Governor's powers in this case will lapse.

The Supreme Court held that the facts of the case do not fall within the provisions of Exception 1 to Section 300 of the Indian Penal Code. The accused is guilty of murder under Section 302 of the Indian Penal Code and the sentence of life imprisonment awarded to the accused by the High Court is also correct.

The Supreme Court also held that there was no reason to interfere. Then, the Supreme Court dismissed the appeal.<sup>9</sup>

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<sup>8</sup> Indrasish Majumder, "K.M Nanavati v. State of Maharashtra: Detailed Case Analysis" (*Lawctopus*, June 14 2024) <<https://lawctopus.com/clatalogue/clat-pg/km-nanavati-v-state-of-maharashtra/>> accessed July 9 2024

<sup>9</sup> Anushka Bagri, "K.M Nanavati v/s State of Maharashtra (1961)" (*Legal Service India E-Journal*) <<https://www.legalserviceindia.com/legal/article-7724-k-m-nanavati-v-s-state-of-maharashtra-1961-.html>> accessed July 9 2024

## JUDGEMENT OF THE CASE

Nanavati was sentenced to life imprisonment.

### Significance

Focused on the ‘premeditation’ (considering and planning for an act beforehand) aspect of the case and dismissed the defence of ‘provocation’.<sup>10</sup>

## LEGAL IMPLICATIONS

### Abolition of the Jury System

The case of *K.M Nanavati v. State of Maharashtra* is often cited as the main reason for the abolition of the jury system in India. The jury's decision highlighted the vulnerability of the jury system and the potential to undermine judicial fairness, and it was highly influenced by media and public sentiment.

### Murder vs. Manslaughter

The case established a clear distinction between murder and culpable homicide under the Indian Penal Code (IPC). Section 300 of the IPC defines murder, while Section 304 deals with voluntary culpable homicide, which does not qualify as murder. The court's interpretation in this case set a precedent on how emotional provocation and premeditation should be considered in murder trials.

### Presidential Pardon

The case also brought into focus the power of Presidential pardon under Article 72 of the Indian Constitution. After widespread advocacy and public sympathy for Nanavati, he was eventually pardoned by the then Governor of Maharashtra and released after serving three years of his life sentence.<sup>11</sup>

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<sup>10</sup> Indrasis Majumder, “K.M Nanavati v. State of Maharashtra: Detailed Case Analysis” (*Lawctopus*, June 14 2024) <<https://lawctopus.com/clatalogue/clat-pg/km-nanavati-v-state-of-maharashtra/>> accessed July 9 2024

<sup>11</sup> Indrasis Majumder, “K.M Nanavati v. State of Maharashtra: Detailed Case Analysis” (*Lawctopus*, June 14 2024) <<https://lawctopus.com/clatalogue/clat-pg/km-nanavati-v-state-of-maharashtra/>> accessed July 9 2024

## CONCLUSION

The verdict attracted national attention because the crime of adultery led to a murder that was not considered intentional homicide. He was also a high-ranking naval officer, and that fact, along with the unflattering press coverage, made the crime socially acceptable.

The presentation of crystal clear facts reduced the burden of proof for the prosecution. The referral of the case to higher courts and juries that misjudged the key points of law also highlighted the extent of judicial corruption, leading to the subsequent abolition of the jury system in the 1973 Criminal Procedure Code amendments.<sup>12</sup>



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