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**K.M. NANAVATI V STATE OF MAHARASHTRA AIR 1962 SC 605**

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## **INTRODUCTION**

In 1959, a sensational case of a naval officer led to the end of the jury system in India. The judgment of the Nanavati case took place as soon as it was pronounced, but it aroused considerable interest in the public mind by reason of the hype it entered and the important indigenous point it had given rise to at the time of its admission. It gains unknown media attention. It was a case of a hubby, who was a nonmilitary officer, who contended murder of his woman's paramour. It was a corner case in the felonious history of India, resulting in social pressure between two communities Sindhi and Parsis. It was claimed that the government of India was poisoned in the case of K.M. Nanavati. It was such a notorious case that numerous books and pictures were also made on like The Bollywood film Rustom, released in 2016 starring Akshay Kumar, was a fictionalized account of the KM Nanavati case, The Pooja Bhatt film Love Affair is also grounded on this corner case, indeed the book "IN HOT BLOOD" by Baghi Karkaria grounded on NM Nanavati case This case considered important not just because it gained popularity but also because numerous important legal issue was raised in this case. Invalidation of Jury Trials is also one of the most important reasons behind the fashionability of this case.

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## **FACTS OF THE CASE**

In March 1959, Indian Naval Officer Kevas Manekshaw Nanavati and his family moved to Bombay, where they met Bombay businessman Prem Bhagwandas Ah Puja. When Nanavati is on his duty in Bombay Sylvia, his wife develops a lawless relationship with Prem Ahuja. He was also brazened with the concession of his woman when she revealed details about her connection with Ahuja Kevas first went to toAhuja'sa office then after not finding him there, he went to his house armed with a revolver he banged into Ahuja's bedroom, and shut the door behind him.

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According to Nanavati, he begged him to wed Sylvia and accept their offspring. Prem Ahuja responded negatively, and three bullets were fired before he was discovered dead. Because he was emotionally fragile at the time, Nanavati's only concern was for his wife and kids' future<sup>1</sup>. He thought Prem Ahuja would consent to marry Sylvia and share custody of his kids, but he allegedly asked Nanavati, "Am I supposed to marry every woman I sleep with?" when she questioned him. Nanavati became agitated in response to this, and Ahuja's remark incited Nanavati. Nanavati and Prem Ahuja got into a fight because it became clear to Nanavati that Prem Ahuja did not care for or respect Sylvia. They consequently got into a fistfight, which ended with gunfire<sup>2</sup>.

After the event, Nanavati surrendered to the Nearest Police Station. The jury gave a verdict of 8:1(2 Parsi, 1 Anglo Indian, 1 Christian, 5 Hindu), holding him not guilty under Section 302 of the Indian Penal Code. This Section prescribes that anyone who commits murder will either be penalized with the death penalty, life imprisonment, or a forfeiture. He got a majority of 8 votes by the jury and only 1 vote was against the majority decision of the jury. Still, the judge was not satisfied with the jury's verdict and appertained the case to the Bombay High Court under Section 307 of the Code of Criminal Procedure, CrPC. Section 307 prescribes that at any point between the inauguration of a case and the allocation of a judgement, the Court may offer an amnesty to any existent who's believed to have been directly or laterally involved in the offence under consideration. After examining the case, the Bombay High Court reversed the jury's verdict and found Nanavati guilty of the act in question under Section 302 of the Indian Penal Code. Later, the Indian Supreme Court received an appeal from Nanavati.

### **ISSUE RAISED**

1. Was Ahuja shot by the accused Nanavati in the "heat of the moment" and with severe and sudden provocation, or was it an organized murder?
2. Is it feasible to consider a Special Leave Petition (SLP) without following Article 142 of the Indian Constitution?

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<sup>1</sup> < [https://blog.ipleaders.in/k-m-nanavati-v-the-state-of-maharashtra-case-analysis/#Facts\\_of\\_KM\\_Nanavati\\_v\\_The\\_State\\_of\\_Maharashtra](https://blog.ipleaders.in/k-m-nanavati-v-the-state-of-maharashtra-case-analysis/#Facts_of_KM_Nanavati_v_The_State_of_Maharashtra) >

<sup>2</sup> Ibid

## ARGUMENT FROM BOTH SIDE

### Plaintiff

The petitioner argued that when Sylvia told Nanavati about her relationship with Prem Ahuja, he wanted to commit suicide. Nanavati decided to find out whether Ahuja would marry his woman or not. So, he dropped his woman and three children to the cinema and went to his vessel to take his revolver.<sup>3</sup>

When Nanavati reached Ahuja's house and asked him whether he would marry Sylvia and take care of their three children, Ahuja replied, "Am I bound to marry every woman I sleep with?" Nanavati was enraged on hearing this and both engaged in a scuffle in that fight, Nanavati shot at Ahuja and he died. Nanavati immediately went to the police station to confess his crime and surrender himself. The petitioner argued that Nanavati was provoked by Ahuja's comments and that Ahuja's actions were so severe and abrupt that Nanavati lost control of her wrath and shot Ahuja. As a result, Nanavati was only accountable for culpable homicide that did not qualify as murder.<sup>4</sup>

### Defendant

The respondent's initial claim was that Prem Ahuja had used a towel to dry himself after taking a shower. The towel was still in place when his corpse was discovered in the bedroom. If Nanavati and Ahuja had argued, it should have come out, but it didn't, which cast doubt on their relationship.

Furthermore, after Sylvia revealed to Nanavati her relationship with Ahuja, Nanavati took her and their kids to the movies, pointing out that he had enough time to cool down, that the provocation was not serious, and that the murder was premeditated.

Furthermore, four rounds were fired in all, and the entire incident took place in less than a minute, according to Ahuja's servant Anjani, who was present at home during the whole incident. The deputy director further asserted that Nanavati's admission of killing Ahuja did not cause him any confusion, proving beyond a shadow of a doubt that the murder was premeditated.

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<sup>3</sup> <<https://www.legalserviceindia.com/legal/article-9188-case-analysis-km-nanavati-v-s-state-of-maharashtra-1961-.html>>

<sup>4</sup> Ibid

## JUDGEMENT

### **District Court:**

The jury trial was held in 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 during the jury trial. Under Section 307 of the Code of Criminal Procedure, the Session Judge transferred the case to the Bombay High Court's Division Bench because he was dissatisfied with the jury trial's verdict.

### **High Court:**

Justice Shelat and Justice Naik, the division bench of the Bombay High Court, heard the case. Even though the judges reached different conclusions in the case, they ultimately concurred that the accused was guilty of murder in accordance with Indian Penal Code Section 302. They concluded that the jury had been misled, and the judges had found Nanavati guilty of murder after considering all the available evidence. In addition, he believed that the jury's conclusions were illogical and perverse. They occasionally ran opposite to the overwhelming body of evidence.

On the other hand, Justice Naik believed that the jury's conclusion could not have been reached by any reasonable group of people. The judges reached a unanimous agreement that there was insufficient 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 mentioned earlier conviction and sentence.

### **Supreme Court:**

Nanavati filed an appeal with the Indian Supreme Court, which carefully considered his case. The Supreme Court took into account a number of important factors, such as Nanavati's ability to collect himself after learning of the affair and the fact that he was not acting out of control during the shooting. The court denied Nanavati's Special Leave Petition (SLP), stating that he was not entitled to it because he had not surrendered in accordance with Article 142 of the Indian Constitution.

In addressing the question of pursuing a pardon and SLP concurrently, the Supreme Court made it clear that pursuing an SLP would render any pardon the governor might have granted void, underscoring the importance of adhering to procedure and maintaining legal clarity.

In order to undermine Nanavati's argument of provocation, the Supreme Court also emphasized his delay in disclosing the shooting's accidental nature until after his trial. Ahuja's wounds were more in line with a planned, intentional act than a scattered response to a provocation.

In the end, the Supreme Court found no reason to interfere and maintained Nanavati's conviction under Section 302 IPC as well as the life sentence imposed by the High Court.

### **ANALYSIS OF JUDGEMENT**

One of the most significant landmark cases in the history of criminal law is KM Nanavati. Due to the unwavering media attention and the elimination of the jury trial system in India, it gained more popularity than any other case. This case served as a perfect illustration of how the government might interfere with the judiciary, diminishing the court's role in addressing public concerns. When I discuss the district court jury's judgement, I mean that it was made under the influence of the public and media rather than in accordance with the law. A reasonable person would never have arrived at such a conclusion, even after reviewing all the evidence, much of which was against KM Nanavati. If the judge decides to let the jury's verdict stand and instead sends it to a higher court, Nanavati might not need to pay a price for his misconduct.

After referring to the case the high court started this case from the very start and due to that all the deformities of the jury decision came to light and the high court dismissed the judgement of the jury and later the high court.

The High Court viewed this case as the most significant one and began proceedings by overturning the jury's verdict, even if the court did not agree with the verdict. Later, the bench of Justice Shelat and Justice Naik began the trial. After several legal proceedings, KM Nanavati was found guilty of murder under Sec 302. This case served as a prime example of how a victim can still go to the higher court if the offender is not punished at a lower court. The high court once again demonstrated that it did not base its decision on the opinions of the public or of the media.

Later an appeal was also filed in the Supreme Court, which later was rejected and the Supreme Court upheld the high court decision.

## POST JUDGEMENT

While Nanavati was serving, he maintained relationships with the Nehru-Gandhi dynasty. Jawahar Lal Nehru's sister, Vijaylakshmi Pandit, served as Maharashtra's governor at the time. Nanavati was sent from military custody to a civilian jail on September 8, 1960. He was only incarcerated for three years. On the basis of her health, Nanavati was granted parole and sent to a hill resort house.

He was a member of the Parsi community, which organised protests and offered Nanavati a lot of media backing. The general public saw Nanavati as an honest and sincere officer who had been duped by his wife and duped by a friend. Ahuja was regarded as Ravana, and Nanavati as the Ram of the modern era. The Maharashtra governor at the time, Vijaylakshmi Pandit, pardoned Nanavati in 1964.

## CONCLUSION

The supremacy of law is demonstrated in the case of *K.M. Nanavati v. The State of Maharashtra*. The jury rendered an unfair but well-received verdict, swayed by public opinion and the media. After that, it was brought before higher courts, who ultimately found the accused guilty of the crime he had committed. This proves that the law is the greatest thing in the nation and that it is applicable to all people, regardless of class or position. The jury system was eliminated in *KM Nanavati v. State of Maharashtra* because of its corruption and ineffectiveness. Unlike what the jury believed in *KM Nanavati v State of Maharashtra*, the prosecution does not have the burden of proof if the facts are established with the utmost clarity and beyond a reasonable doubt, which is a prerequisite for an efficient adjudication.