

Khem Chand Vs. State

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SooperKanoon Citation : sooperkanoon.com/694570

Court : Delhi

Decided On : Nov-03-1989

Reported in : 1990CriLJ2314; 40(1990)DLT168

Judge : S.B. Wad and; M.K. Chawla, JJ.

Acts : [Constitution of India](#) - Article 72

Appeal No. : Criminal Writ Petition No. 676 of 1988

Appellant : Khem Chand

Respondent : State

Advocate for Pet/Ap. : Rajeev Sharma,; Asha Takkar,; Rajender Dutt and;

Judgement :

M.K. Chawla, J.

(1) The petitioner Shri Khem Chand is an old man of 70 years. He has a young and good looking unmarried daughter. One Kishori Lal, though married, had developed intimate relations with the petitioner's daughter. Petitioner came to know of this affair. He asked Kishori Lal either to stop meeting his daughter or marry her. Kishori Lal initially promised, but subsequently resoled. The case of the prosecution is that on the night of 23rd March, 1978, the petitioner in conspiracy with one Babu Lal committed the murder of not only Kishori Lal, against whom he

had a grouse, but also of his wife, Kamla, his daughter Krishna and son Sushil Kumar. The petitioner (and Babu Lal) were convicted and sentenced to imprisonment for life by the order of Additional Sessions Judge, Delhi on 17th November, 1980 as the petitioner was quite old. Against this Judgment, the petitioner preferred an appeal before the High Court, where as the Delhi Administration moved the petition for enhancement of sentence of imprisonment awarded to the petitioner, to that of death. Vide order dated 13th October, 1983, this Court dismissed the appeal of the petitioner but allowed the revision and sentenced the petitioner to death. The special leave petition of the petitioner was dismissed in limine by the Supreme Court on 20th February, 1984.

(2) After few days, the petitioner sent a mercy petition to the President of India. When more than two years elapsed in the disposal of his mercy petition, the petitioner approached the Supreme Court by way of writ petition under Article 32 of the [Constitution of India](#) seeking the issuance of an appropriate writ, order or direction to quash the sentence of death and substituting in its place a sentence of imprisonment for life. Since the mercy petition was still pending, the petition was dismissed in limine by the Supreme Court on 14th April, 1987 as being premature. Ultimately, on 16th December 1988, the petitioner was informed that his mercy petition has been rejected by the President.

(3) In the present petition, the petitioner seeks the issuance of a writ, order or direction for quashing the sentence of death awarded to him and substitute in its place a sentence for imprisonment for life, on the short ground that the inordinate delay of more than 65 months in the execution of the sentence of death has caused inhuman degradation and misery. During this period, he has suffered tuberculosis (TB) and now is at an advanced stage, and without any medical relief, he is being confined to condemned cell. The petitioner is being opposed by the respondent State.

(4) In case reported *Bachan Singh vs . State of Punjab*, : 1980 CriLJ636 . The sentence of death has been held to be constitutional and not violative of Articles 14, 19 and 21. Speaking for the Court, Sarkaria, J. (Bhagwati, J. dissenting) observed :- 'There are several indications in the constitution which show that the

Constitution makers were fully cognisant of the existence of death penalty for murder and certain other offences in the Indian Penal Code. The mention in the Legislative list, right of Governor and President to suspend, commute or remit death sentence and right of appeal to the Supreme Court under Article 134, show that death penalty or its execution cannot be regarded as an unreasonable cruel or unusual punishment. Nor can it be said to defile 'the dignity of the individual' within the preamble to the Constitution. On parity of reasoning, it cannot be said that death penalty violates the basic structure of the Constitution.' So far so good. But the question posed before us is, whether in a case where after the sentence of death is given, the accused person is made to undergo inhuman and degrading punishment and the execution of the sentence is endlessly delayed as a result of which the accused is made to suffer the most excruciating agony and anguish, is its not open to a court of appeal or a court exercising writ jurisdiction, in an appropriate case to take note of circumstances when it is brought to its notice and give relief as prayed for, if necessary.

(5) Article 21 of the [Constitution of India](#) clarifies and crystallises the general principle that no person shall be deprived of his life or personal liberty except according to procedure established by law. In *Maneka Gandhi vs . Union of India*, : [1978]2SCR621 an expanded meaning has been given to this Article in accordance with the interpretative principles. The Supreme Court held:- 'No person shall be deprived of his life or personal liberty except according to fair, just and reasonable procedure established by valid law.' In converse positive form, the expanded Article will read as follows: person may be deprived of his life or personal liberty in accordance with the fair, just and reasonable procedure established by valid law. This provision, that no one can be deprived of these lights except according to the procedure established by valid law shall clearly amount to a substantive provision of law and the mere fact that it states that a certain procedure must be followed, if the right to life or personal liberty is to be affected, does not render the article merely a procedural enactment. Even though the offence of murder is proved and the accused is sent to jail it is the duty of the Court to ensure that the deprivation of liberty is accompanied by curative strategy and human dignity. Article 21 of the Constitution is the jurisdictional root for this legal liberalism.

(6) The question whether a prisoner under a lawful sentence of death or imprisonment could claim fundamental rights, was considered in *D. Bhuvan Mohan Patnaik and others vs . State of A.P. and others*, : 1975 CriLJ556 , the court declared :-- 'The convicts are not, by mere reason of the conviction denuded of all the fundamental rights which they otherwise possess. The compulsion under the authority of law, following upon a conviction to live in a prison house entails by its own force the deprivation of fundamental freedom like the right to move freely throughout the country of India or the right to practice a profession. A man of profession would thus stand stripped off his right to hold consultations while serving out his sentence. But the Constitution guarantees other freedoms like the right to acquire, hold and dispose of property for the exercise of which incarceration can be no impediment. Likewise, even a convict is entitled to the precious right guaranteed under Article 21 of the Constitution that he shall not be deprived of his life or personal liberty except according to the procedure established by law.' Taking the said principle to its logical conclusions, the Full Division Bench of the Supreme Court in case reported as *T. V. Vatheeswaran vs. State of Tamil Nadu*, : 1983 CriLJ481 , held: 'So, what do we have now Articles 14, 19 and 21 are not mutually exclusive. They sustain, strengthen and nourish each other. They are available to prisoners as well as free man. Prison walls do not keep out Fundamental Rights. A person under sentence of death may also claim Fundamental Rights. The fiat of Article 21, as explained, is that any procedure which deprives a person of his life or liberty amidst be just, fair and reasonable. Just, fair and reasonable procedure implies a right to free legal services where he cannot avail them. It implies a right to a speedy trial. It implies humane conditions of detention, preventive or punitive. 'Procedure established by law' docs not end with the pronouncement of sentence. It includes the carrying out of sentence. That is as far as we have gone so far. It seems to us but a snort step. but a step in the right direction, to hold that prolonged detention to await the execution of a sentence of death is an* unjust, unfair and unseasonable procedure and the only way to undo the wrong is to quash the sentence of death.'

(7) Having gone so far, the Supreme Court was then faced with the problem as to what should be considered the prolonged delay so as to attract the constitutional protection of Article 21 of the [Constitution of India](#). This question has been the

topic of discussion since the case of *Piare Dusanth vs. Emperor* 1944 ECI. (5). In that case, the Court took into consideration the circumstances that the appellant had been awaiting the execution of his death sentence for over a year to alter the sentence to one of transportation for life.

(8) In *State of U.P. vs. Lalla Singh* 1978 S.C. 368(6), the Division Bench was dealing with the case of gruesome murder of three persons, the head of one of whom was severed. Learned Judges while taking the view that the Sessions Judge was perfectly right in imposing the sentence of death, thought that as the offences had been committed more than 6 years ago, the ends of justice did not require the sentence of death to be confirmed. *Bhagwan Bux Singh vs. State of U.P.*, : 1978 CriLJ153 was another case where the sentence of death was commuted to imprisonment for life having particular regard to the fact that the sentence of death had been imposed more than 2 years before.

(9) In *Sadhu Singh vs. State of U.P.*, : AIR 1978 SC1506 the Constitution Bench of the Supreme Court took into consideration the circumstances that the appellant was under spectre of the sentence of death for over 3 years and 7 months, and altered the said sentence to one of imprisonment for life.

(10) In the case of *State of U.P. vs. Sahai*, : 1981 CriLJ1034, the Supreme Court while holding that the murders were extremely gruesome, brutal and dastardly, nonetheless declined to pass the sentence of death on the ground that more than 8 years had elapsed since the occurrence.

(11) Quoting with approval, the law laid down in the above said authorities, the Supreme Court in *T.V. Vatheeswaran* (supra) was faced with the ticklish question as to from which date the delay in the execution of the sentence of death be considered justified to attract the provisions of Article 21 of the Constitution. In a nutshell, this question was summarised thus :- Procedure established by law does not end with the pronouncement of sentence but includes the carrying out of the sentence. Prolonged delay in execution of a sentence of death has dehumanising effect whatever may be the cause of delay, be it the time necessary for appeal and consideration of reprieve or some other cause for which the accused himself may be responsible. This dehumanising factor of prolonged delay has the constitutional

implication of depriving the person of his life in an unfair, unjust and unreasonable way so as to offend Article 21. It is open to the Court of appeal or a court exercising writ jurisdiction in appropriate proceedings to take note of the circumstances when it is brought to its notice and give relief where necessary.' 'Having regard to the period considered by the Supreme Court in various cases, to be sufficient to justify interference with the sentence of death and making of reasonable allowances for the time necessary for appeal and consideration of reprieve, it must be held that the delay exceeding 2 years in the execution of a sentence of death is sufficient to entitle the person under sentence of death to invoke Article 21 and demand quashing of the sentence of death.' With this observation, in place of sentence of death, the sentence of imprisonment for life was substituted.

(12) In the subsequent case reported as *Sher Singh & Others vs. State of Punjab*(10), the Supreme Court while disposing of the Special Leave Petition at its admission stage, quoted with approval the interpretation of Article 21 of the [Constitution of India](#) in *T.V. Vatheeswaran* (supra), but partially overruled the said case on the question of delay in the disposal of the mercy petitions and the executions of sentence of death. While disposing of the petition, on the first aspect, the Court held :-- 'Article 21 stands like a sentinel on human misery, degradation and oppression, of procedure at all stages--the trial, the sentence, the incarceration and finally the execution of the sentence--must be just, fair and reasonable. So even if the question of sentence is finally settled by the Supreme Court, Article 21 will not cease to operate at subsequent stages even though the sentence of death was justified when passed, its execution in the circumstances of the case, may not be justified by reason of unduly long lapse of time since the confirmation of that sentence by the Court.' On the second aspect of the grounds of delay caused in executing the sentence of death, the court further observed :- But no absolute or unqualified rule can be laid down that in every case in which there is a long delay in the execution of death sentence, the sentence must be substituted by the sentence of life imprisonment. Moreover, time limit of 2 years execution of death sentence, as fixed by the Court in *T.V. Vatheeswaran's* case (supra) runs in the teeth of common experience as regards the time generally occupied by proceedings in the High Court, the Supreme Court and before the

executive authorities. This is apart from the time which the President or the Governor as the case may be, takes to consider 'petitions filed under Article 72 or Article 161 of the Constitution or the time which the Government takes to dispose of applications filed under Sections 432 and 433 of the Code of Criminal Procedure. The Court further took note of the statistics of the disposal of cases in the High Court and the Supreme Court with a view to appreciate that a period far exceeding 2 years is generally taken by the Courts together for the disposal of matters involving even the death sentence. It is a common experience that very often 4 or 5 years elapse between the imposition of death sentence by the Sessions Court and the disposal of Special Leave Petition or an appeal by the Supreme Court in that matter. The other aspect which weighed with the Court in not agreeing to lay down the time limit of 2 years in the execution of the sentence of death was, that in some cases the delay in execution of death sentence is attributable to the fact that the accused has resorted to a series of untenable proceedings which have the effect of defeating the ends of justice. It is not uncommon that a series of review petitions and writ petitions are filed in the Supreme Court to challenge Judgments and orders which have assumed finality, without any seeming justification. Stay orders are obtained in those proceedings and then at the end of it all comes the argument that there has been prolonged delay in implementing the Judgment or order.

(13) While exercising discretion, the Courts have not only to go by the delay in altering the sentence of death to that of life imprisonment but has also to keep in mind the nature of the offence, the diverse circumstances attended upon it, its impact on the contemporary society and the question whether the motivation and the pattern of the crime was such as was likely to lead to its repetition if the death sentence is vacated.

(14) The question of delayed execution of capital sentence was re-agitated in the Supreme Court before a Constitution Bench in case *Smt Trivenibi vs. State of Gujarat*, : 1990 CriLJ1810 to resolve the conflict of decisions of a two-Judge Bench in *T.V.Vatheeswami* (supra) and a three-Judge Bench in *Sher Singh* (supra). The delay which was sought to be relied upon by the accused was at two stages. The first stage covered the time taken in the judicial proceedings. It was

the time that the parties had spent for trial, appeal, further appeal and review. The second stage took into its fold the time utilised by the Executive in the exercise of its prerogative of clemency. As per the majority opinion. 'The delay which could be considered while considering the question of commutation of sentence of death into one of life imprisonment could only be from the date the Judgment of the Apex Court is pronounced when the judicial process has come to an end. The time that has elapsed from the date of the offence till the final decision is taken into account by the courts and often lesser sentence is ordered only on this account by the Supreme Court.' Thus, the only delay which would be material for consideration will be subsequent to the final decision of the Court, i.e. the delay in disposal of the mercy petitions or delays occurring at the instance of the Executive. therefore, when such petitions under Article 72 or 161 are received, by the authorities concerned, it is expected that the petitions shall be disposed of expeditiously.

(15) The Constitution Bench was further of the opinion, that so long as the matter is pending in any court before final adjudication, even the person who has been condemned or who has been sentenced to death has a ray of hope and he does not suffer that mental torture which a person suffers when he knows that he is to be hanged but waits for the doom's day. 'As between the funeral fire and mental worry, it is the latter which is more devastating, for, funeral pyre burns only the dead body while the mental worry burns the living one.' This mental torment may become acute when, the judicial verdict is finally set against the accused. If, therefore, there is inordinate delay in execution, the condemned prisoner is entitled to come to the Court requesting to examine, whether it is and fair to allow the sentence of death to be executed. Even thereafter, the Court has still to consider as observed in Sher Singh's case (supra), the nature of offence, diverse circumstances attending upon it, its impact on the contemporary society and the question whether the motivation and the pattern of crime are such as are likely to lead to its repetition which must enter into the verdict as to whether the sentence should be vacated for the reasons that its execution is delayed.

(16) In the latest Judgment of the Supreme Court reported as Madhu Meta vs. Union of India and others 1989(3) J.T. 465(12), the Division Bench quoted with approval, the law laid down in the above said noted decisions of the Supreme

Court and finally held that as in the instant case. Gyasi Ram has suffered a great deal of mental agony for over 8 years, we do not find reasons sufficiently commensurate to justify such long delays. As the convict has suffered mental agony of living under the shadow of death far too long, he should not suffer that agony any longer. Sentence of death imposed upon him was altered to Imprisonment for life.

(17) Admittedly, in this case, there is a long delay of about 4 years in the consideration and disposal of the mercy petition. This delay is sought to be explained by the respondents in their counter thus:- 'Consideration of the mercy petition took sometime as the relevant documents viz. Judgments of the trial court, High Court and the Supreme Court, Police diary and paper books were not received with the mercy petition and had to be obtained. These documents were received by July, 1986. However, there has been no inordinate delay in reaching a decision on the mercy petition of the petitioner.' We are not impressed with this Explanation. It can hardly be termed as a valid and convincing Explanation for the disposal of the mercy petition. The petitioner was convicted and sentenced by the Additional Sessions Judge, Delhi. His appeal and special leave petition were disposed of by the High Court and Supreme Court respectively. The records of the case, including the police diaries were available at Delhi and could have been relinquished within no time. Under no circumstances, this process could take more than 4 years. The Explanation thus is untenable and rejected.

(18) Applying the law laid down by the Supreme Court as discussed earlier, so far as the petitioner is concerned, he has been under spectre of sentence of death since 20-2-84 when his Special Leave Petition was dismissed by the Supreme Court. Thereafter, he has sent the mercy petition to the President on 1-3-84. The said petition was disposed of only on 16-11-88. No reasonable justification for the delay of more than 4 years in the consideration of the mercy petition has been furnished by the respondents in their counter-affidavit. Ever since the dismissal of his appeal by this Court in October, 1983, the petitioner has been kept in the condemned cell. Because of the prolonged anguish and in the alternating hope and despair, the agony of uncertainty, coupled with the consequences of such suffering on the mental, emotional and physical integrity, he has gone so weak

that the advanced stage of tuberculosis is causing concern to his life. Keeping in view his old age, we are of the opinion that there is no likelihood of his repeating the offence if his sentence is converted to imprisonment for life. He has also not been guilty of prolonging the disposal of judicial process by filing frivolous petitions in this Court or in the Supreme Court, nor has he obtained any stay of execution of his sentence. He has thus made out a case for the acceptance of his petition.

(19) This aspect can also be looked into from another angle. It is well settled that the power of judicial review extends to the examination of the orders passed under Articles 72 and 161 of the [Constitution of India](#). These orders are justiciable on any of the following grounds :-

(1) That the authority, which purported to have exercised the power has no jurisdiction to exercise the same;

(2) That the impugned order goes beyond the extent of the power conferred by the provisions of law under which it is purported to be exercised.

(3) That the order has been obtained on grounds of fraud or that the same having been passed taking into account extraneous considerations not germane to the exercise of the power conferred or, in other words, that the order is a result of mala fide exercise of power.

(20) It may, however, be observed that the exercise of power in this regard cannot be questioned on the ground of adequacy or inadequacy of the reasons which resulted into the passing of the said order. The court is uol 204). Scc 1989(1) and 107 1981(1) 157. 1976(1) 148, Haryana, & Punjab 1975 (AIR not. or fide mala exercised been has given power the whether question into go certainly can but merits on matter investigate to

(21) The contention of the petitioner is that the President has not exercised his powers vested in him inasmuch as he has not examined the case, on merits. Learned counsel in this behalf relies upon the case Kehar Singh and another vs. Union of India and another 1989(1) Sc 204} 13.

(22) It is an admitted case that in his mercy petition,, the petitioner has requested the President to go into the merits of his case as according to him, his conviction was not sustainable in law. This mercy petition, as observed earlier, was dismissed by the President on 16th November, 1988.

(23) Kehar Singh one of the accused in Indira Gandhi murder case was convicted of an offence u/s 120-B read with A Section 302 Indian Penal Code and sentenced to death by the Addl.Sessions Judge, New Delhi. His appeal to the High Court and Special Leave Petition and a review petition to the Supreme Court were dismissed. On 14th October, 1988, his son Rajinder Singh presented a petition to the President of India for grant of pardon under Article 72 of the Constitution. Along with this petition, an opportunity of a personal hearing was prayed for. The counsel for the petitioner also wrote to the President requesting for an opportunity to present the case before him. This request was declined by mentioning that in accordance with 'the well established practice in respect of a consideration of mercy petitions, it has not been possible to accept the request for hearing' On November 3, 1988, another letter was addressed to the President by the counsel, refuting the existence of any practice not to accord a hearing on a petition under Article 72 and requesting him to reconsider his decision to deny a hearing. On November 15, 1988, the Secretary to the President wrote to the counsel as follows :- 'Reference is invited to your letter dated November 3 1988 on the subject mentioned above, the letter has been perused by the President and its contest carefully considered. The President is of the opinion that cannot go into the merits of a case finally decided by the highest court of the land. Petition for grant of pardon, on be halt of Shri Kehar Singh will be dealt with in accordance with the provisions of the [Constitution of India](#).' The President thereafter rejected the petition under Article 72 and on November 24, 1988 and, Kehar Singh was daily informed of the order.

(24) Aggrieved from the order of not affording an opportunity of hearing by the President, Kehar Singh filed a petition before the Supreme Court, raising the question as to whether there is jurisdiction for the view that when exercising his power Under Article 72, the President is precluded from entering into the merits of the case decided finally by this Court. This question was duly considered in the

case of Kehar Singh (supra) The Constitution Bench on consideration of the relevant law on the subject and the contentions raised at the Bar. held that the question , the area of President's power under Article 72 falls squarely within the judicial domain and can be examined by the court by way of Judicial review. However, there is no right in the condemned prisoner to insist on his oral hearing before the President. The manner of consideration of the petition lies within the discretion of the President audit is for him to decide how best he can acquaint himself with all the information that is necessary for its proper and effective disposal. The President may consider sufficient the information furnished before him in the first instance or he may send for further material relevant to the issue which he consists pertinent and he may if he considers it will assist him in treating with the petition giving an oral hearing to the parties. In fact the matter lies entirely within his discretion. In the end, it was held :- In the result, having regard to the view taken by as on the question concerning the area and scope of the President's power under Article 72 of the Constitution we hold that the petition invoking that power shali be deemed to be pending before the President to be dealt with and disposed of afresh. The sentence of death imposed on Kehar Singh shall remain abeyance meanwhile Subsequently, on reconsideration of the mercy petition, the President was pleased to reject the same.

(25) The sequence of Kehar Singh's case goes to show that between November 15, 1988 and November 24. 1988, the President was under a mistaken view that he could not entertain the merits of the case in exercise of his jurisdiction under Article 72, once it has finally been settled by the Apex Court. The petitioner's mercy petition was dismissed on November 16, 1988. Having regard to the common course of natural events and human conduct, the only conclusion possible is that while disposing of the mercy petition of the present petitioner, the President did not go into the merits of the case and as such did not exercise jurisdiction vested in him or alternatively he has exercised jurisdiction vested in him with material irregularity.

(26) Learned counsel for the respondent submitted that the only course open to the petitioner under the circumstances was to file the petition to the Supreme Court under Article 32 of the [Constitution of India](#) and the present petition is not

maintainable. We do not agree with this submission. Independently of any fundamental rights provided by any written constitution, it is an established principle of law that the Executive cannot take away the life and liberty of a person on its own responsibility unless it has the support of some legal provisions for doing so. In effect, Article 21 has only guaranteed a principle which was already well established insofar as the right of a person to his life or liberty, is concerned. The Article has crystalised any given a permanent place as a fundamental principle of the constitution to a principle which was previously only a part of the common law. Under this Article, the Court has to examine under the authority of which law, action is being taken. The Court in fact has to see what is the procedure required by law for depriving a person of his life or personal liberty and whether such a procedure has been followed in the particular case, for the Constitution has provided that unless such procedure is followed, a person cannot be deprived of his life and personal liberty.

(27) The right under this Article may be enforced by application under Article 32 of the Constitution or by the High Court under Article 226 of the Constitution. This court is equally under an obligation to safeguard and protect the life and personal liberty of an individual if the Executive threatened to invade without due process of law. The plea thus has no merit.

(28) In this view of the matter, there are two options open to this Court, either to remand the case back to the President for reconsideration of the mercy petition or to pass an appropriate order keeping in view the circumstances of the case. Initially, the President delayed the consideration of the petitioner's mercy petition for 4 years and 8-1 {2 months. It was rejected on the grounds not tenable under law. The result of the delayed disposal of the mercy petition of a condemned prisoner can be an old and ailing person has been kept on tenterhooks for the last more than 5-112 years. During this period, he has undergone tremendous mental torture and agony. The remittance of the matter to the President for his fresh decision would only add to the further agony of uncertainty, mental torture, physical pain and the anguish of alternating hope and despair. It is in the fitness of things that the petitioner's petition is disposed of here and now.

(29) Before parting with the petition, we may express our concern and displeasure on the working of the Department dealing with the mercy petitions. Time over again, it has been brought to the notice of the Government that any inordinate delay in the disposal of the mercy petition of a condemned prisoner can be taken serious note of by the courts. A sentence of death of many of the prisoners has been reduced to imprisonment for life on that score. In the case of *Hermans Singh vs. Up and others*, 81 CWP 7453 (14) the Supreme Court allowed the revision petition and reduced the sentence of death imposed upon the petitioner to imprisonment for life on the short ground that even after remand, the President failed to reconsider the mercy petition within a reasonable time, while disposing of the petition, the Court observed : 'It cannot be too eloquently and emphatically emphasised that there is imperative urgency in matters concerning life and death. We would have been happier and the petitioner Harbans Singh could have been spared the pangs of the death cell if the Government had responded to our recommendation within a reasonable time. That time has passed by any lest. Accordingly, we reduce the sentence of death imposed upon the petitioner to imprisonment for life.' In order to avoid suchlike delays, it is desirable that the Department should maintain the record of chronological dates of the events which have a bearing on the disposal of the petition and the steps taken from the date the mercy petition is received. There should also be a periodical review of the cases as to why the delay is being caused, by the concerned authorities. This would obviate the possibility of any undue delay in the disposal of the mercy petition, in future.

(30) .IN the circumstances of the case, we consider it to be a fit. case where the sentence of death imposed upon the petitioner be reduced to imprisonment for life. Ordered accordingly..

(31) In the end, we place on record our high appreciation of the hard work and able arguments put forth by Shri Rajiv Sharma appearing for the petitioner in this legal-aid matter. He was fully prepared with the facts and the latest authorities of the Supreme Court on the subject.