

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 847 OF 2018

(Arising out of S.L.P. (CRL.) NO. 4585 OF 2018)

NITIN BALKISAN GAIKWAD

APPELLANT(S)

VERSUS

THE STATE OF MAHARASHTRA

RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

The appellant was convicted for the offence punishable under Sections 302, 498-A and 506 of the Indian Penal Code ("IPC") and awarded death sentence by the trial court. However, the High Court converted the said death penalty into life imprisonment stating that it was not a rarest of the rare case justifying the death sentence. However, while awarding life sentence, the High Court has also stated that it would be for a minimum period of thirty years without remission.

In the present case, notice was issued only on the aforesaid aspect, namely, whether the High Court was justified in putting a cap of thirty years life imprisonment.

No doubt, the case pertains to murder by the appellant of his wife. However, we also find that there are some extenuating circumstances and one of these was that after killing his wife the appellant tried to kill himself and there were blade injuries on his neck, chest and both wrists, which was found in the hands of the appellant at the time when people arrived at the place of occurrence and he was found unconscious.

Going by these circumstances, we are of the opinion that the High Court should not have stated that the life sentence for a minimum period of thirty years must be served in jail without remission. Therefore, we delete that portion of the impugned order and make it a case of life imprisonment simpliciter.

The appeal is disposed of as indicated above.

.....J.  
(A.K. SIKRI)

.....J.  
(ASHOK BHUSHAN)

NEW DELHI,  
JULY 9, 2018

ITEM NO.37

COURT NO.5

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4585/2018

(Arising out of impugned final judgment and order dated 20-03-2017  
in CRLA No. 701/2016 passed by the High Court of Judicature At  
Bombay At Aurangabad) NITIN BALKISAN GAIKWAD

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(FOR ADMISSION and I.R. and IA No.15175/2018-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.15178/2018-EXEMPTION FROM  
FILING O.T.)

Date : 09-07-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Sudhanshu S. Choudhari, AOR Mr.  
Shakul R. Ghatole, Adv.  
Ms. Surabhi Guleri, Adv.

For Respondent(s) Mr. Nishant R. Katneshwarkar, Adv.  
Ms. Deepa Kulkarni, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

Pending applications, if any, shall also stand disposed of.

(SUSHIL KUMAR RAKHEJA)  
COURT MASTER (SH)

(RAJINDER KAUR)  
BRANCH OFFICER

(Signed Order is placed on the file.)