

K.M. Nanavati v. State OF Maharashtra
AIR 1962 SC 605

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Introduction

1. One of the landmark judgements of India which received unprecedented media attention.
2. Presents the commonplace problem of an alleged murder by an enraged husband of a paramour of his wife.
3. Sets an example of an upper class crime of passion arousing considerable interest in the public mind.

Facts

- KM Nanavati, at the time of the alleged murder, was second in command of Indian Naval Ship “Mysore”.
- The deceased residing in the same city with his sister met Nanavati and Sylvia through common friends.
- Illicit intimacy developed between Ahuja, the deceased and Nanavati’s wife.

- After returning to Bombay, Nanavati noticed unaffectionate behaviour of his wife towards him.
- When questioned, she confessed of her illicit intimacy with Ahuja.
- He then decided to settle the matter with Ahuja.
- He dropped his wife and children to a cinema and drove to his ship, where he took a revolver on a false pretext.

- Then, he drove to Ahuja's office. On not finding him there, he went to his house where the murder took place.
- After shooting, the accused went to the police station and surrendered himself.

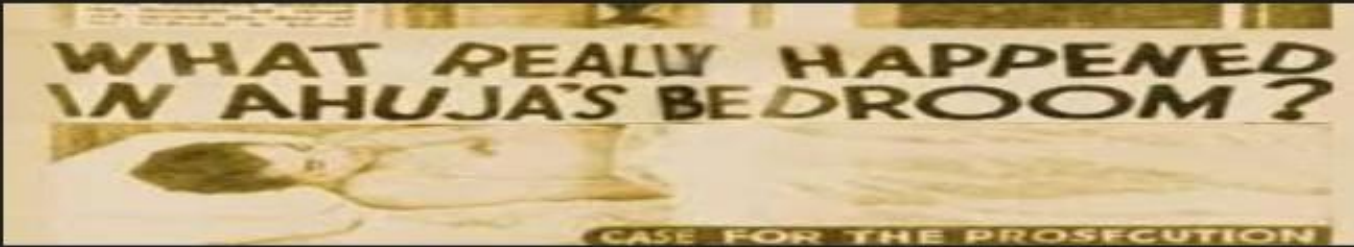


- He went to his ship, took from the ship a revolver on a false pretext.
- He then went to the flat of Ahuja, entered his bedroom and shot him dead.
- Thereafter, he surrendered himself to the police.

Case Of The Defence

- Sylvia, when questioned by the accused about her fidelity, confessed of her being unfaithful to him.
- There was no surety that Ahuja would marry her. The accused then decided to settle the matter with him.
- He Dropped his wife and children to a cinema and took a shot gun from his ship on a *false pretext*.

- Not finding Ahuja in his office, the accused went to his house carrying the envelope containing the revolver.
- The accused on seeing the deceased, abused him and asked whether **he would marry Sylvia and look after the children.**
- The deceased retorted, **“Am I to marry every woman I sleep with?”**



- The accused became enraged, threatened to thrash the deceased.
- During the struggle two shots went off accidentally and hit Ahuja.
- After the shooting, the accused surrendered himself.

The Question Involved

Whether Nanavati shot Ahuja in **“the heat of the moment”** or **whether it was a premeditated murder.**

- In the former scenario, Nanavati would be charged under Section 304, Part I, IPC for culpable homicide not amounting to murder invoking Exception 1 of Section 300 of IPC.
- In the latter scenario, Nanavati would be charged under Section 300 (murder), with the sentence being death or life imprisonment.

The test of grave and sudden provocation is:

- Whether a reasonable man, belonging to the same class of the society as the accused, placed in the same situation would be so provoked as to lose his self control.
- For instance, in India words, gestures and mental background created by the previous act of the victim may also be considered.

- The fatal blow should be clearly traced to the provocation, influence of passion arising from and not after passion has cooled down by lapse of time, or otherwise giving scope for premeditation and calculation.

Judgment

Jury Trial

The jury in the Greater Bombay Sessions Court pronounced Nanavati as not guilty, with an 8-1 verdict. Hon'ble Mr. Justice Ratilal Bhaichand Mehta (the Sessions Judge) considered the acquittal as perverse and referred the case to the High Court.

High Court Verdict

The High Court dismissed the Jury's verdict on the basis of the following arguments made by the prosecutor:

- 1) The onus of proving that it was an accident and not premeditated murder was on Nanavati.

2. Sylvia's confession, or any specific incident in Ahuja's bedroom, or both did not amount to grave and sudden provocation.

3. The judge wrongly told the jury that the provocation can also come from a third person.

4. The jury was not instructed that Nanavati's defense had to be proved, to the extent that there is no reasonable doubt in the mind of a reasonable person.

Supreme Court

The SC upheld the decision of the High court on the following grounds:

1. As per the defence case, the accused was thinking of the future of his wife and children which indicates that he had not only regained his senses but also was planning for the future.

2. The time lapse between the confession and murder was sufficient to regain his self-control.

3. The mere fact that before the shooting the accused abused the deceased and the abuse provoked an equally abusive reply could not conceivably be a provocation for the murder.

Impact

- Abolition of Jury trials.
- There was media scrutiny which brought about Nanavati as a victim of foul play, who even in worst hours stood for honour and well being of his family.
- Nanavati was pardoned by the then Governor Vijay Lakshmi Pandit, after spending 3 years in jail.