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KM Nanavati v. State of Maharashtra¹, 1961

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INTRODUCTION

The case of KM Nanavati v. State of Maharashtra is a significant case in the history of Indian criminal system. It dealt with various legal issues including the distinction between murder and culpable homicide not amounting to murder. Additionally, this case also revealed the major flaws of the jury trial in India and ultimately led to its abolishment. In this article we will look at the various intricacies of this case including the facts, relevant legal provisions, reasoning of the court, arguments of the parties and the after effects.

BRIEF FACTS OF THE CASE

Naval officer Nanavati was married to Sylvia, an English citizen. They settled in Bombay but Commander Nanavati used to live away due to his work. Meanwhile, Sylvia developed an illicit affair with Prem Ahuja, family friend and a businessman. When Nanavati got to know about this he confronted his wife, who confirmed their affair. In a rage, Nanavati first went to his ship and issued a revolver and then went to Ahuja's residence. There, he had a confrontation with Prem Ahuja and shot him to death.

Nanavati then surrendered himself to the police and submitted that it was a consequence of accident during the verbal altercation which later turned into a scuffle. However, prosecution alleges that it was a preplanned incident.

ISSUES

- Whether the High Court has a jurisdiction under section 307 CrPC to examine the facts in order to determine competency of session judge's referral?
- Whether the High Court has the competence to overturn jury's decision on grounds of misdirection in charge under section 307 CrPC?
- Whether there were any misdirections in charge?
- Whether the decision by jury of such nature that it could be reached by a group of reasonable men based on the facts presented?
- Whether the death caused was impulsive or a pre-planned murder?
- Whether pardoning power of Governor and special leave petition merged together?

¹ KM Nanavati v. State of Maharashtra, (1961) AIR 608

ARGUMENTS OF THE PARTIES

PETITIONER

The petitioner submits that after Nanavati got to know about his wife's affair, he headed towards Prem Ahuja's office, where he does not found him and therefore went to his residence. He was carrying a revolver and six bullets which he got issued from his ship before heading to Prem Ahuja's place. When Nanavati reached to Ahuja's house he went to his room where Ahuja has just taken a shower and came out from the bathroom. For few minutes both had a verbal confrontation where Nanavati asks Ahuja if he will marry his wife to which he responded 'Am I supposed to marry every woman I sleep with?' This made Nanavati infuriated and then started a power struggle during which two bullets accidentally shot Ahuja.

After the whole incident, Nanavati surrendered himself to the police and narrated the whole incident.

RESPONDENT

The respondent argued that according to Nanavati's statement they both had a physical fight. But respondent argues that if it was so, how is it possible that the towel was still intact on the body of Ahuja.

Secondly, they argued that Ahuja's servant who opened the door, was a witness of the incident and he asserts that he heard four shots of bullet and all this happened in 1 minute. So that means no scuffle took place between them and hence it was not a case of grave and sudden provocation.

Thirdly, it is also submitted that after Sylvia confessed to Nanavati about his illicit relationship to him, he calmly drove her and their children to the theatre and issued the revolver on false accounts and then went to Ahuja. This shows that there was enough cooling time for him.

And lastly it is also submitted that Ahuja's sister was in the next room when this incident took place. If according to Nanavati, everything was a mistake then why did not he informed his sister about the incident.

LEGAL PROVISIONS INVOLVED

- Section 302 IPC- Anyone committing murder shall be punished with death penalty, life imprisonment or fine.
- Section 80 CrPC- It talks about general exceptions and says that an act is not an offence if it is done accidentally and without intention.
- Section 105 (Indian Evidence Act)- it says that burden of proof under any exception lies on accused.
- Test for grave and sudden provocation- It says that whether or not reasonable man belonging to the same society will be provoked in same way. There must be sudden provocation and no time for calculation of actions.

HIGH COURT'S JUDGEMENT

The judgement was delivered by the division bench which reached to a consensus that it was a case of murder and the accused shall be punished to death under section 302 IPC. The judges while writing the judgement also observed that the decision given by jury was of such nature that it could not have been reached upon by group of reasonable people and hence held that the judgement given by the jury was irrational.

SUPREME COURT'S JUDGEMENT

The SC observed the various facets of the judgement. While looking into the discretionary power of the judge to refer the case to high court in case of disagreement with the jury, SC opined that the while referring the matter the judge should be sure that the decision given by the jury could not have reached by a group of reasonable people. To bolster this court cited cases like *Akhilakali Hayatalli vs The State of Bombay*² and *Ramanugrah Singh v Emperor*³.

The supreme court after this examined into whether or not the accused acted under Grave and sudden provocation. While delving into this matter the supreme court held that the accused has enough time to cool down and therefore, he shall be guilty of murder and not culpable homicide not amounting to murder.

After this, the court looked into the powers of the governor vested upon him by virtue of Article 161 that empowers him to pardon or forgive the punishment of the convict and contrary there is article 136 which enables the Supreme court to take up appeals from the lower courts. Here the SC held that if one of the powers is used, other can't be used.

The SC in this case, reiterated the stance of the HC and punished the accused with the life imprisonment for causing death.

CONCLUSION

This case is often seen as an infamous case involving various facets of not only criminal laws but also the role of media. It was seen that this case was judged by jury who was highly influenced by the media trial and the emotional sentiments that prevailed rather than the law itself. This case not only provide a clear-cut distinction between murder and culpable homicide but also explored the various intricacies of Indian criminal as well as judicial system. Through this case, a need was felt for abolishing the jury system which was having a lot of shortcomings keeping the fact that jury persons are not like judges who are free from biases rather they are influenced. This case indeed remains as a bedrock in shaping the landscape of Indian legal as well as judicial system.

² *Akhilakali Hayatalli v. The State of Bombay*, (1953) AIR 173

³ *Ramanugrah Singh v The King Emperor*, (1946)48BOMLR768

