



# The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

---

## BLOG – LANDMARK SUPREME COURT CASE

### K.M. NANAVATI V. STATE OF MAHARASHTRA

*S Pranati Rao*

#### CASE DETAILS

Citation – A.I.R. 1962 SUPREME COURT 605

Court – Supreme Court of India

Date of judgement – November 24, 1961

Appellant – Commander Kawas Manekshaw Nanavati

Respondent – State of Maharashtra

Bench – Justice K. Subba Rao, Justice Raghubar Dayal, Justice J.R. Mudholkar

#### FACTS OF THE CASE

Kawas Manekshaw Nanavati, being a Parsi and an Indian Navy commander, married Sylvia, a British woman, and lived in Bombay along with their three children. Nanavati being away on his duties, Sylvia started having an affair with Prem Bhagwandas Ahuja, a rich businessman. Nanavati, suspicious of his wife's change in conduct, confronted Sylvia, who told him of her affair.

Nanavati, in response to her assertion, took his family to the movies and proceeded to the naval base under false pretences to obtain his service revolver, having already planned to go looking for Ahuja-again at his office and then at his home. There, Nanavati questioned Ahuja in private about marrying Sylvia and taking care of their children. Reportedly, Ahuja's reply was dismissive, and then, following a confrontation, Nanavati shot him to death.

Nanavati surrendered to the police immediately after and was charged with murder (Section 302, IPC, 1860) and culpable homicide (Section 304, IPC, 1860). The jury, under an overwhelming influence of public sympathy and media projection, acquitted him with the majority. Dissatisfied, the Sessions Judge directed the case to the Bombay High Court, which overturned the jury verdict and convicted Nanavati.

## LEGAL ISSUES

- (1) Under Section 307 of the CrPC, 1898; did the High Court have no jurisdiction to enquire into those facts with a view to determining the question of the competence of the Sessions Judge's referral?
- (2) Under Section 307(3) of the CrPC, 1898; could the High Court have set aside the verdict of a jury on the ground that there was misdirection in the charge?
- (3) Was the act done either "in the heat of passion" or was it premeditated murder?
- (4) Was the deceased killed by the appellant on account of grave and sudden provocation as contemplated in Exception 1 to Section 300 of the Indian Penal Code of 1860?

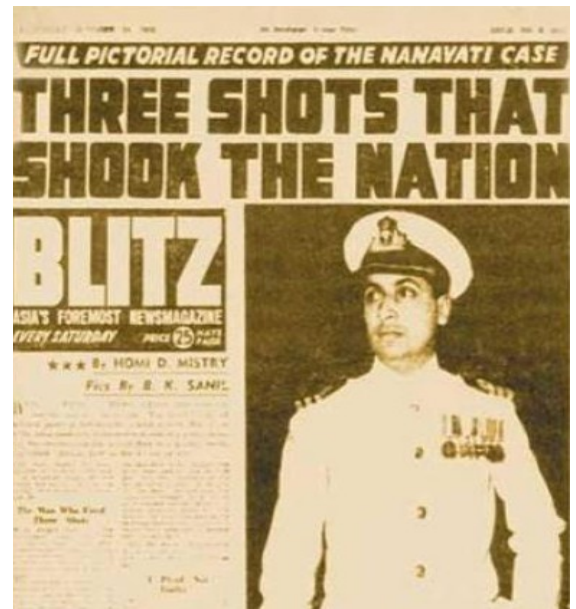
## LEGAL PROVISIONS INVOLVED

Section 300 of the IPC, 1860

Section 302 of the IPC, 1860

Section 304 of the IPC, 1860

Section 307 of the CrPC, 1898



## TRIAL AND JUDGMENT AT SESSIONS COURT

This case, which was tried by a jury in the Sessions court of Bombay, drew huge public attention and press scrutiny. The media duly recorded every action of the parties and the jury; there was intense media coverage. The influence-that being sympathy and emotion-the jury felt they had exerted on them was regarded by the judge as a matter of concern.

According to the sessions judge, the defence of "grave and sudden provocation" could not reasonably apply due to the interval between Sylvia's confession and the shooting, given the facts established a motive and deliberate preparation. However, by a majority of 8 to 1, the jury found KM Nanavati not guilty of murder, accepting his plea of grave and sudden provocation.

Based on a series of events, with time for reflection and action on Nanavati's part, the judge came to the conclusion that no reasonable group, properly instructed on the law, could have returned a verdict of not guilty of murder.

The Sessions judge was of the view that the jury had gone astray in its verdict. According to Section 307(1) of the CrPC, 1898, the sessions court judge, if in disagreement with the judgment of the jury, may send the case to the High Court. Under Section 307(3) of the CrPC, 1898, the High Court has all the powers of reviewing the evidence and considering the opinion of the Sessions Judge with that of the jury and thereupon decide to acquit or convict the accused.

Further, he did not explain to the jury Section 105 of the Evidence Act, 1872 and Section 80 of the IPC, 1860. Due to the lack of an explanation, the jury couldn't really comprehend the laws, i.e., the difference between what makes a person guilty of a crime and what conditions can act as a shield against that guilt; hence the jury's verdict becomes erroneous since they were never explained the law.

The Sessions Judge also told the Jury that the prosecution had proceeded on circumstantial evidence and that it was for the jury to apply the strict rules of burden of proof applicable to such cases, whereas in fact direct evidence was available in the shape of extra-judicial confession. The Court below observed that there was no dispute that extra-judicial confession is a direct piece of evidence and the stringent rule of approach to circumstantial evidence does not apply to it. In telling the jury to treat this like a case of circumstantial evidence, the Judge misled the Jury, which may have affected their appreciation of the confession and thus the final verdict.

### **TEST FOR GRAVE AND SUDDEN PROVOCATION**

The test involves asking if the reasonable man belonging to the same set of society as the accused would have been provoked to act in the same manner as did the accused in the same situation. The test, when applied in India, also inculcates the gestures, words and former mental

background cultivated by the victim. There must be a sudden provocation, and the fatal blow must be the result of this. There must not be any time for any cool or calculated action.

### **HIGH COURT'S DECISION**

The deceased had committed adultery with the appellant's wife. The appellant had become outraged at this confession by the wife. In such a situation, it can be assumed that the Appellant had momentarily lost his self-control.

The Appellant was enraged at the conduct of the deceased and had, therefore, sufficient motive to do away with the deceased; within less than a minute, he shot Prem Ahuja. The deceased was found dead in his bathroom with bullet injuries on his body. There was ample opportunity between the time the Appellant left his house and the murder having taken place for the Appellant to have regained his self-control if he had not done so earlier.

From the time of the shooting until the trial in the Sessions Court, he did not tell anyone that the shooting was accidental. Indeed, he admitted his guilt and practically confessed to a colleague. His account of the struggle in the bathroom is highly artificial and devoid of all necessary details. The injuries found on the deceased's body are consistent with deliberate shooting, and the main injuries are totally inconsistent with accidental shooting while the victim and the assailant were in near embraces.

This was not an act committed in the heat of passion but rather premeditated murder.

### **SUPREME COURT'S DECISION**

The Supreme Court sustained the judgment of the High Court. According to the defence, the accused was envisaging life for his wife and children-this shows that he was definitely conscious of what he was doing, and had also planned ahead. Further, just before the bullet shots were fired, Nanavati had abused Ahuja who had responded with equally abusive words; but such conduct cannot be construed as adequate provocation for murder. Hence, on the facts and circumstances of the case, Exception 1 to Section 300 of the IPC, 1860 is not attracted.

### **IMPACT**

This case gripped the imagination of the entire nation and witnessed extensive reportage by the press. Nanavati was pictured as an innocent and faithful husband who had been betrayed by his wife. His image was built as that of an upright officer who had betrayed both his friend and wife. Prem Ahuja was always portrayed as a spoiled brat, and this created polarization within

the Parsi and Sindhi communities. After spending 3 years in jail, then Governor of Maharashtra pardoned him. With his family, he migrated to Canada, where he lived a very private life until his death in 2003.

Nanavati's trial drew a lot of public attention, with the entire country scrutinizing every move of the accused. His personal connections and community helped him navigate through the trial, granting him a new opportunity in life.

## **CONCLUSION**

Among India's most significant criminal trials is that of K.M. Nanavati v. State of Maharashtra. It was a landmark forging change toward the organization of the criminal justice system of India toward the judge-led trial, beyond that gripping appeal. This case reiterates that justice must rest on reason and law and not on emotion and public opinion.

It reiterated the fact that in a democracy run by law, evidence and not sentiment must establish the truth.

## **REFERENCES**

- (1) <https://indiankanoon.org/doc/626019/>
- (2) <https://indiankanoon.org/doc/1560742/>
- (3) <https://indiankanoon.org/doc/409589/>
- (4) <https://bareactslive.com/ACA/ACT2062.HTM#0>
- (5) <https://indiankanoon.org/doc/429611/>
- (6) <https://indiankanoon.org/doc/602933/>
- (7) <https://blog.ipleaders.in/k-m-nanavati-v-the-state-of-maharashtra-case-analysis/>
- (8) <https://blog.ipleaders.in/k-m-nanavati-v-the-state-of-maharashtra-case-analysis/>