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MENS REA, CAUSATION AND CONSTITUTIONAL CAUTION: A CRITICAL COMMENTARY ON *GOVINDASWAMY V. STATE OF KERALA* (2016)

~ Shreya Mishra

INTRODUCTION

The case *Govindaswamy v. State of Kerala* (2016)¹ is a significant intervention by the apex court with respect to the culpability of the accused in cases which involves sexual violence against the victim followed by the death of the victim. Considering the deeply disturbing facts of the case, the Supreme Court deliberately deviated from the Kerala High Court's judgement of the death penalty and re-examined criminal liability in the purview of the mens rea and causation required under Section 302 of the Indian Penal Code, 1860.

This commentary scrutinizes through the two judgements given by the High Court and the Supreme Court in this case. By deeply engaging with the fact that the apex court reiterated that criminal liability should be decided based on the doctrinal foundations and not based on the morally blameworthy conduct of the accused. It contends that in cases of serious offence of violence against women, the Supreme Court's reasoning is a hard pill to swallow according to the societal expectations in this case, even as the rulings showcases doctrinal discipline and constitutional caution.

FACTS AND PROCEDURAL TIMELINE

The deceased, a 23-year-old woman was travelling by herself in the ladies' compartment of the Ernakulam-Shornur passenger train on the evening of February 1, 2011. Then, Govindaswamy,

¹ *Govindaswamy v. State of Kerala*, (2016) 16 SCC 295

the accused, who was a habitual offender got into the ladies' compartment in which deceased was also present after the train departed the Vallathol Nagar station. The deceased was then assaulted by the accused very brutally. The accused was striking her head repeatedly against the walls of the train's compartment.

The victim subsequently exited the moving train and fell onto the railway tracks. Though, the contention made by the prosecution was that she was pushed from the compartment. But according to the defence counsel and the testimonies given by the two witnesses (PW4 and PW40), it was suggested she jumped off the train in order to attempt the escape. Simultaneously, the accused also jumped off the train. He dragged the victim to another place by the side of the track, where he sexually assaulted her. Thereafter, he ransacked her belongings and fled with her mobile phone. The victim was discovered later that night and moved to a hospital, where she succumbed to her injuries on February 6, 2011.

MEDICAL EVIDENCE

The post-mortem report (PW64) identified two distinct sets of fatal injuries that became the center of the legal dispute:

Injury No. 1: Head trauma caused by the blunt impact of her head being hit against the compartment walls. This injury rendered her "dazed and insensitive" but was not, by itself, the exclusive cause of death.

Injury No. 2: Injuries sustained from the fall onto the crossover of the railway line, leading to "aspiration of blood into air passages" and "anoxic brain damage."

PROCEDURAL TIMELINE

The matter was first heard in the **Trial Court** (Fast Track Court) of Thrissur in 2011. It was found by the court that the accused had clear intention to kill. Henceforth, the court convicted the accused under **Sections 302 (Murder), 376 (Rape), and 394 (Robbery)** of the IPC corresponding BNS sections for the same are Section **103 (Murder), Section 64 (Rape) and Section 311(Robbery or dacoity with attempt to cause death or grievous hurt)**. The court applied the doctrine of "rarest of rare" from the case of *Bachan Singh v. State of Punjab (1980)*². And simultaneously awarding the death penalty to the accused.

² *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684.

Then in 2013, the matter went to the High Court of Kerala, a division bench was looking into the matter. The court here viewed the act of assault on the victim, the fall of the victim and the rape of the victim as a continuous chain of actions by the accused as an act of monstrous cruelty against the victim. The court confirmed the death sentence and held that the act done by the accused showed a total disregard for the human life and satisfied the requirements for Section 302 of the IPC corresponding to Section 103 of the BNS.

Lastly, on the appeal was made before the Supreme Court. The matter was heard by the bench of Justice Ranjan Gogoi, Justice Prafulla C. Pant, and Justice U.U. Lalit. The court re-examined the case in the purview of mens rea of the accused while committing the crime. The convictions for rape and robbery were upheld. While the claim made by the prosecution that the accused pushed the victim from the compartment or the accused intended her death, the court deemed that the prosecution failed to prove this claim beyond reasonable doubt. Hence, the court set aside the conviction for the Section 302 and altered it to Section 325 IPC (Voluntarily causing grievous hurt) corresponding Section 103 altered to Section 117 (Voluntarily causing grievous hurt), commuting the death sentence to 7 years of rigorous imprisonment (to run concurrently with the life sentence for rape).

THE JUDGEMENT OF KERALA HIGH COURT (2013)³

Issues of concern –

- Whether the circumstantial evidence conclusively proved murder under Section 302 IPC.
- Whether the case fell within the “rarest of rare” category.
- Whether death penalty was justified.

The court accepted the acts of accused towards the victim of assault, falling off the train, rape and death as single chain of transaction resulting extreme brutality against the victim. The reasoning for this was provided on the basis of the medical report indicating six head wounds and the testimony of passengers (PW4, PW40) who heard cries. The accused's "hungry look" and the extreme brutality employed to render the victim's helplessness, the nature of the injuries and the conduct of the accused led the court to conclude that the accused intended to kill the victim. The court convicted the accused under Section 302 IPC (murder), Section 376 IPC

³ *State of Kerala v. Govindaswamy*, 2013 SCC OnLine Ker 23691

(rape), Section 394 r/w 397 IPC (robbery with violence) and Section 447 (criminal trespass) corresponding BNS sections to which are Section 103 (Murder), Section 64 (Rape) and Section 309(4) (Voluntarily causing hurt in committing robbery) r/w Section 311(Robbery or dacoity with attempt to cause death or grievous hurt) and Section 329(1) (Criminal Trespass) . The court also applied “Rarest of rare” doctrine (*Bachan Singh v. State of Punjab*), intimating the fact that this case fell under the category of “rarest of rare” cases. And henceforth, confirmed the death sentence given by the Trial Court of Thissur.

THE JUDGEMENT OF SUPREME COURT (2016)

Issues of concern –

Whether intention or knowledge under Section 302 IPC was proved beyond reasonable doubt.

Whether causation between accused’s act and death was direct.

Whether conviction under Section 325 IPC was more appropriate.

The Supreme Court took another look into the medical evidence provided by PW64. “The injuries may not be of the nature so as to be the exclusive cause of death.”(Para 24) “Such knowledge cannot be attributed to the accused, being special medical knowledge.” (Para 23)⁴ Through which the court affirmed that the proximate cause of death was a combination of the head trauma (Injury 1) and the supine position (Injury 2) leading to aspiration of blood. That the accused put the victim in supine position to rape her and not with the intention of causing death to her. This clarifies the intention part of the crime. Coming to the causation part the court assessed that the prosecution was unable to prove as to whether the victim was pushed or jumped. Since the fall could not be conclusively attributed to the accused, the murder charge failed. The court modified the murder conviction under Section 302 of the IPC to Section 325(grievous hurt) with seven years of rigorous imprisonment along with convictions under Section 376 IPC (rape), Section 394 r/w 397 IPC (robbery with violence) and Section 447 (criminal trespass) corresponding BNS sections to which are Section 103 (Murder), Section 117 (Voluntarily causing grievous hurt) Section 64 (Rape) and Section

⁴ *Govindaswamy v. State of Kerala*, (2016) 16 SCC 295

309(4) (Voluntarily causing hurt in committing robbery) r/w Section 311(Robbery or dacoity with attempt to cause death or grievous hurt) and Section 329(1) (Criminal Trespass).

ANALYSIS

In the light of the judgements above, one very significant principle that was taken into the consideration by the Supreme Court that the criminal liability is determined not merely by the outcome of an act, but by the mental element accompanying it. Even though, the court clearly affirmed with the contention that the actions of the accused were the ultimate cause of the death of the victim, still the judgement underscores the normative importance of this distinction. While on the hand the High Court had the outlook of taking all the acts into consideration that were done by the accused to the victim i.e., her assault, falling, rape and death into a single and continuous transaction, thus deducing that the brutal conduct of the accused was a result of his intention to cause death of the victim. However, this approach was denied by the Supreme Court, stating that such an inference would risk the doctrinal boundary between grievous hurt and murder. The Court noted that the injuries sustained were “not exclusively responsible for the death,” and that the cause of death stemmed from a mix of injuries and follow-up medical issues.

This differentiation is not just a matter of technicality. Should every act of severe violence that leads to death be instantly categorized as murder, provisions like Section 325 IPC would lose their distinct importance, and criminal law would shift to being oriented solely around outcomes rather than the concept of fault. Consequently, the Supreme Court's involvement maintains the logical consistency of the IPC's structured hierarchy of offenses. However, as much as there was the role of intention in this case to determine the criminal liability of the accused, so was the role of causation. Causation emerged as a critical element in restricting the liability of the accused. The Supreme Court made a clear distinction between factual and legal causation, recognizing that even though the accused's actions played a role in the victim's death, the prosecution could not demonstrate beyond a reasonable doubt that the accused had the necessary intention or awareness that death was a likely outcome. The medical testimony indicated that there were multiple layers of causation: head injuries caused inside the train, injuries from the fall, and complications like blood aspiration that led to anoxic brain damage. Importantly, the Court found that the prosecution had not definitively established that the accused pushed the victim out of the train, nor could the specialized medical consequences be

retrospectively linked to what the accused knew. The Court made it clear that such medical understanding could not be expected from a layperson.

This is how causation served not as a means of absolving guilt but as a doctrinal criterion, ensuring that liability was limited to what could be directly linked to the accused's state of mind. This reasoning underscores the principle that criminal liability must be based on direct and foreseeable outcomes rather than conjectural or after-the-fact assumptions. But does that mean that the causation played a very significant role in determining whether the accused should be absolved from the liability of murder of the victim? The answer to this is affirmative, since the Supreme Court's emphasis on causation clearly protected the accused from being convicted of murder. However, this result should not be interpreted as a sign of judicial leniency. Instead, it signifies a deliberate commitment to constitutional cautions, especially in cases dealing with the death penalty.

The ruling implicitly supports the principles established in *Bachan Singh v. State of Punjab*, reaffirming that any existing doubt should favour the preservation of life. By resisting the impact of moral indignation, the Court upheld the integrity of the "beyond reasonable doubt" standard. In doing this, it reinforced that criminal law is not merely a means of moral condemnation, but a framework subject to principled limitations on punishment. From a legal standpoint, the Supreme Court's rationale is persuasive. Its firm requirement for clear proof of mens rea and causation under Section 302 IPC safeguards against the dilution of criminal law standards in cases that provoke strong emotions. The replacement of Section 302 with Section 325 IPC demonstrates a measured approach that recognizes wrongdoing without misapplying legal definitions. Still, the ruling raises some discomfort. The heinous nature of the crime and the vulnerability of the victim make the legal outcome hard to align with societal views of justice. Furthermore, the Court's focus on the victim's survival for several days as a factor against inferring intention may create a challenging evidentiary standard for future cases of sexual violence resulting in delayed death. This brings up concerns that adherence to doctrinal precision might, in reality, hinder accountability in extreme violence cases.

CONCLUSION

The ruling in *Govindaswamy v. State of Kerala* by the Supreme Court highlights the persistent conflict between strict legal principles and emotional responses in criminal law. Although the decision may seem inadequate from a retributive perspective, it ultimately reaffirms a crucial

principle of criminal justice: punishment must be commensurate not only with the harm inflicted but also with the established culpability. In this way, the Court emphasizes that even in the most unsettling circumstances, adherence to the rule of law should take precedence over the inclination to punish based solely on the outcome.