



LEX SATURATES

K. M. Nanavati

V.

State of Maharashtra

Lex Saturates

by:

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Student (B.A.LL.B. [Hons.]

PARTIES INVOLVED

Petitioner: K. M. NANAVATI

V.

Respondent: STATE OF MAHARASHTRA

DATE OF JUDGEMENT: 24/11/1961

BENCH : Subbarao, K.

INTRODUCTION

Commander K. M. Nanavati vs. State of Maharashtra was a 1959 Indian court case where Commander Kawas Manekshaw Nanavati, a Naval Commander, was tried for the murder of Prem Ahuja, his wife's lover. The incident received unprecedented media coverage and inspired several books and films such as the 2016 film, Rustom. Commander Nanavati, accused under section 302, was initially declared not guilty by a jury, but the verdict was dismissed by the Bombay High Court and the case was re-tried as a bench trial. This was among the last case to be heard as a jury trial in India, as the government abolished jury trials soon after this case. Nanavati was finally pardoned by Vijayalakshmi Pandit, newly appointed Governor of Bombay and sister of Prime Minister Jawaharlal Nehru. Nanavati was said to be very close to Nehru.

ISSUE:

1.) Whether Nanavati shot Ahuja in the "heat of the moment" or whether it was a premeditated murder?

LEGAL PROVISION:

- The Indian Penal Code
- The Indian Evidence Act, 1872
- Section 80 in The Indian Penal Code
- Section 307 in The Indian Penal Code

- Section 105 in The Indian Evidence Act, 1872

LEGAL PRONOUNCEMENTS:

- i. Govind Raghe Khairnar And Anr. vs Khan Wahid Ali Maddan Khan And Anr. on 22 September, 1988
- ii. Monoranjan Mondal vs Union Of India (Uoi) And Ors. on 12 February, 2004
- iii. Dahyabhai Chhaganbhai Thakker vs State Of Gujarat on 19 March, 1964
- iv. Vijayee Singh And Ors vs State Of Uttar Pradesh on 20 April, 1990

FACTS:

1. Nanavati, the accused at the time when he committed the murder of Ahuja was second in command of the Indian Naval Ship. He married Sylvia, his wife in 1949 and has three children. Because of his service the couple after the marriage had to shift to different places. Finally they shifted to Bombay.
2. The couple in Bombay through a common friend met the deceased Mr. Ahuja who had an Automobile business in Bombay. Ahuja was unmarried. Nanavati because of his service on the ship had to frequently leave Bombay leaving behind his family.
3. Ahuja and Sylvia became good friends and gradually their friendship turned into an intimate relationship. On April 27, 1959, Sylvia confessed to her husband Nanavati about her and Ahuja's illicit intimacy.
4. Unable to bear the betrayal, angry Nanavati took from the store of his ship a semi-automatic revolver and six cartridges on a false pretext, loaded the gun and went to Ahuja's flat. The servant at Ahuja's flat opened the door. Nanavati went to Ahuja's bedroom and closed the door from inside and abused Ahuja by calling him a Swine. Nanavati then questioned Ahuja that whether he would marry Sylvia and look after his children. To this Ahuja replied saying, "Am I to marry every women I sleep with?" The accused Nanavati got enraged from this answer of his and placed the envelope containing the revolver on a cabinet nearby and threatened to thrash the deceased. The deceased made a sudden move to grasp the envelope, when Nanavati whipped out his revolver from the envelope and told Ahuja to back off. A struggle went off between the two and in the course of the struggle two shots went off accidentally and hit Ahuja which resulted in his death and thereafter Nanavati surrendered to the Police.
5. Nanavati was charged under section 302 of the Indian Penal Code, 1860. The trial court convicted him under Section 304A of IPC and later under an appeal the high court converted it into S.302 of IPC.

JUDGEMENT:

The deceased seduced the wife of the accused. She had confessed to him of her illicit intimacy with the deceased. It was natural that the accused was enraged at the conduct of the deceased and had, therefore, sufficient motive to do away with the deceased. He deliberately secured the revolver on a false pretext from the ship, drove to the flat of Ahuja, entered his bed-room unceremoniously with a loaded revolver in hand and in about a few seconds thereafter came out with the revolver in his hand. The deceased was found dead in his bath-room with bullet injuries on his body. It is not disputed that the bullets that caused injuries to Ahuja emanated from the revolver that was in the hand of the accused. After the shooting, till his trial in the Sessions Court, he did not tell anybody that he shot the deceased by accident. Indeed, he confessed his guilt to the chowkidar Puransingh and practically admitted the same to his colleague Samuel. His description of the struggle in the bathroom is highly artificial and is devoid of all necessary particulars. The injuries found on the body of the deceased are consistent with the intentional shooting and the main injuries are wholly inconsistent with accidental shooting when the victim and the assailant were in close grips. The other circumstances brought out in the evidence also establish that there could not have been any fight or struggle between the accused and the deceased.

The court held that the conduct of the accused clearly shows that the murder was a deliberate and calculated one and the facts of the case do not attract the provisions of Exceptions 1 of Sec 300 of IPC as the accused also failed to bring the case under General Exception of IPC by adducing evidence. In the result, the conviction of the accused under section 302 of IPC and sentenced him of imprisonment for life.

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