

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

**REVIEW PETITION (CRL.) NO. \_\_\_\_\_ OF 2022**  
(Diary No.14115 of 2022)

IN

**CRIMINAL APPEAL NO.612 OF 2019**

RAMKUMARI YADAV ...Petitioner

Versus

STATE OF MADHYA PRADESH AND ANR. ...Respondents

WITH

**REVIEW PETITION (CRL.) NO. \_\_\_\_\_ OF 2022**  
(Diary No.15926 of 2022)

IN

**CRIMINAL APPEAL NO.612 OF 2019**

BHARATIYA STREE SHAKTI ...Petitioner

Versus

MOHD. FIROZ AND ANR. ...Respondents

**O R D E R**

**Review Petition (Crl.) No. \_\_\_\_\_ of 2022**  
**(Diary No.14115 of 2022)**

This Review Petition has been preferred by the mother of the deceased prosecutrix and as such the permission to file the Review Petition is granted.

In the instant Review Petition, exception is taken to the commutation of death sentence which was awarded by the High Court to that of the sentence for imprisonment of life for the offence punishable under Section 302 of the Indian Penal Code ('the IPC', for short). It is submitted *inter alia* that as against the decision of this Court in *Shatrughna Baban Meshram v. State of Maharashtra* (2021 (1) SCC 596), the death was caused by conscious act on the part of the accused and that the matter was not under Clause fourthly of Section 300 IPC.

As a matter of fact, in the conclusion drawn by this Court in Paragraph 36 of its judgment, it was recorded that the accused had inflicted bodily injury as mentioned in the post-mortem report and as such he was rightly convicted under offences including Section 302 of the IPC. This Court went further in holding that the accused would also be guilty under Section 376A of the IPC in respect of which sentence was not imposed by any of the Courts below, as the matter was found to be completely covered by the provisions of Section 376A of the IPC.

However, after considering the landmark decisions of this Court in *Bachan Singh v. State of Punjab* (1980 (2) SCC 684) and *Machi Singh and Others v. State of Punjab* (1983 (3) SCC 470), this Court did not deem it appropriate to sustain the sentence of death awarded under Section 302 of the IPC. As the discussion in Paragraph 40 and 41 indicates, the legislative policy under Sections 354 (3) and 235 (2) of the Code of Criminal Procedure, 1973 was noted and the commutation as aforesaid was directed.

As the record indicates, even after conclusion of hearing, certain material from the Probation Officer and Director General of Prison, Trained Psychiatrist were also called so that the matter pertaining to sentence to be awarded could be considered. Thus, the commutation of sentence of death to that of life imprisonment was done by the Court after bestowing attention to the relevant factors.

In the circumstances, no case is made out to take a different view in the matter and this Review Petition is dismissed.

**Review Petition (Crl.) No. \_\_\_\_\_ of 2022**  
**(Diary No.15926 of 2022)**

Unlike the earlier Review Petition which was filed by the mother of the prosecutrix, the instant petition has been preferred by an organization namely Bharatiya Stree Shakti. Since the challenge raised by the mother of the deceased

has been dealt with in the earlier part of the order, we see no reason to entertain the instant Review Petition which is, accordingly, dismissed.

.....J.  
[Uday Umesh Lalit]

.....J.  
[S. Ravindra Bhat]

.....J.  
[Bela M. Trivedi]

New Delhi;  
19<sup>th</sup> July, 2022.

ITEM NO.1001

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

REVIEW PETITION (CRIMINAL) Diary No(s). 14115/2022 in CrI.A. No. 612/2019

RAMKUMARI YADAV

Petitioner(s)

VERSUS

STATE OF MADHYA PRADESH &amp; ANR.

Respondent(s)

(IA No. 68751/2022 - APPLICATION FOR PERMISSION TO FILE REVIEW PETITION & IA No. 68749/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

Diary No(s). 15926/2022 (II-A)

(IA No. 76934/2022 - APPLICATION FOR PERMISSION TO FILE REVIEW PETITION)

Date : 19-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MS. JUSTICE BELA M. TRIVEDI

By Circulation

UPON perusing papers the Court made the following  
O R D E R

Applications for permission to file review petitions are allowed.

The Review Petitions are dismissed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)  
COURT MASTER (SH)

(VIRENDER SINGH)  
BRANCH OFFICER

(SIGNED ORDER IS PLACED ON THE FILE)