

ITEM NO.1501

COURT NO.5

SECTION II-C

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

Criminal Appeal Nos. 1174-1175/2019
(Arising out of SLP (Criminal) Nos. 7581-7582 of 2014)

MANOHARAN

Appellant(s)

VERSUS

STATE BY INSPECTOR OF POLICE,
VARIETY HALL POLICE STATION, COIMBATORE

Respondent(s)

Date : 01-08-2019

These appeals were called on for pronouncement of judgment today.

For Appellant(s) Mr. P. Vinay Kumar, AOR

For Respondent(s) Mr. M. Yogesh Kanna, AOR
Mr. S. Partha Sarathi, Adv.
Mr. S. Raja Rajeshwaran, Adv.

Hon'ble Mr. Justice R. F. Nariman pronounced judgment on behalf of His Lordship and Hon'ble Mr. Justice Surya Kant in terms of which, it is concluded as follows:

"In the circumstances, we have no doubt that the trial court and High Court have correctly applied and balanced aggravating circumstances with mitigating circumstances to find that the crime committed was cold blooded and involves the rape of a minor girl and murder of two children in the most heinous fashion possible. No remorse has been shown by the Appellant at all and given the nature of the crime as stated in paragraph 84 of the High Court's judgment it is unlikely that the Appellant, if set free, would not be capable of committing such a crime yet again. The fact that the Appellant made a confessional statement would not, on the facts of this case, mean that he

showed remorse for committing such a heinous crime. He did not stand by this confessional statement, but falsely retracted only those parts of the statement which implicated him of both the rape of the young girl and the murder of both her and her little brother. Consequently, we confirm the death sentence and dismiss the appeals."

Hon'ble Mr. Justice Sanjiv Khanna pronounced separate judgment, in terms of which, it is concluded as follows:

"I would, therefore, uphold and maintain conviction of the appellant under Sections 302, 376(2) (f) and (g) and 201 IPC and the sentences awarded under Sections 376(2)(f) and (g) and 201 IPC. To this extent the appeal is dismissed. In view of the aforesaid discussion and on balancing aggravating and mitigating circumstances, in my opinion, the present case does not fall under the category of '*rarest of rare*' case i.e. there is no alternative but to impose death sentence. It would fall within the special category of cases, where the appellant should be directed to suffer sentence for life i.e. till his natural death, without remission/commutation under Sections 432 and 433 Cr.P.C. To this extent I would allow the appeal."

In view of the majority judgment, the death sentence is confirmed and the appeals are dismissed.

Pending applications stand disposed of.

(NIDHI AHUJA) (RENU DIWAN)
COURT MASTER (SH) ASSISTANT REGISTRAR
[Two Signed Reportable Judgments are placed on the file.]