

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 889-890/2020

SRI MOHAN KUMAR @ SHASHIDARA POOJARY @ SUNDARA RAI Appellant(s)

VERSUS

IV ADDL. DISTRICT AND SESSIONS JUDGE DAKSHINA KANNADARespondent(s)

[TO GO BEFORE THREE HON'BLE JUDGES] [DEATH CASE]
IA No. 126648/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

Date : 04-02-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Appellant(s) :

Ms. Sangeeta Kumar, AOR
Mrs. Vithika Garg, Adv.
Ms. Vidushi Garg, Adv.
Mr. Hemant Kumar Tripathi, Adv.

For Respondent(s) : Mr. D. L. Chidananda, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The appellant is connected through video conferencing. He has stated that he has approached Project 39-A of the Delhi National Law University to take up this matter before this Court. He further states that the Project 39-A has informed him that Mr. Mahfooz Nazki Advocate would represent him and he has accepted the same that Mr. Mahfooz Nazki will represent him in this appeal before this Court.

The Jail Authorities to get a vakalatnama signed from the appellant and also an affidavit stating such facts and the same may be forwarded to Project 39A within two weeks.

2. Learned counsel appearing for the respondent-State of Karnataka to apprise the concerned Jail Superintendent so that the same may be complied within time. List this appeal in the month of July, 2025.

3. In the meantime, a copy of the translated records shall be supplied to the learned counsel for the parties, if not supplied earlier.

4. In view of the orders passed by this Court in matters involving capital punishment, we issue following directions:

i. The respondent-State shall place before this Court the report(s) of all the Probation Officers relating to the appellant within a period of twelve (12) weeks.

ii. The Superintendent of Prison, Central Prison Belagavi, Karnataka, shall submit a report with regard to the nature of work which has been performed by the appellant while in jail and a report with regard to the conduct and behaviour of the appellant while in jail, within a period of twelve (12) weeks.

iii. The Head of the Dharwad Institute of Mental Health & Neurosciences, Karnataka shall constitute a suitable team for the purpose of carrying out a psychological evaluation of the appellant. The report of the evaluation shall be submitted to this Court through the Standing Counsel for the State of Karnataka within a period of twelve (12) weeks.

iv. Ms. Komal Kaundal, who is associated with Project 39A, National Law University, Delhi, is allowed to provide mitigation assistance to the Court.

v. Ms. Komal Kaundal is permitted to have access to the appellant who is presently lodged in Central Prison Belagavi, Karnataka, to conduct multiple in-person interviews for the purpose of collecting information relevant to sentencing and to submit a Mitigation Investigation Report on behalf of the appellant through the appellant's Advocate-on-Record within sixteen (16) weeks.

vi. Central Prison Belagavi, Karnataka, shall ensure that, for the sake of confidentiality, these interviews are conducted in a separate interviewing space without any prison official or police staff being within earshot distance, and audio recorders be permitted to be used to record the interviews.

vii. A person nominated by Ms. Komal Kaundal be permitted to accompany her to translate during the interview.

viii. Ms. Komal Kaundal is granted permission to obtain documents pertaining to the appellant, including but not limited to medical records, jail conduct, certificates of any educational, vocational or employment opportunities undertaken, etc. that the appellant may wish to submit for the purpose of sentencing information.

5. The Registry is directed to transmit a copy of this order to the Standing Counsel for the State of Karnataka, who shall, in turn, ensure that the order is communicated to the relevant authorities for compliance. The Registry shall, in addition, send a due intimation to all the concerned authorities immediately for compliance.

6. All the reports shall be duly compiled and placed before this Court on the next date of hearing.

(SONIA BHASIN)
ASSISTANT REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER (NSH)