

ITEM NO.101

COURT NO.2

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

Criminal Appeal Nos.248-250/2015

MANOJ & ORS.

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

Date : 29-09-2021 This matter was 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

For Appellant(s)

Ms. Anjana Prakash, Sr. Adv.
Ms. Shivani Misra, Adv.
Ms. Shreya Rastogi, Adv.
Mr. Kaustubh Anshuraj, AOR

Ms. Anjana Prakash, Sr. Adv.
Ms. Shivani Misra, Adv.
Ms. Shreya Rastogi, Adv.
Mr. Anirudh Sanganeria, AOR

Shri Singh, Adv.
Ms. Tusharika Mattoo, Adv.
Ms. Shivani Misra, Adv.
Ms. Shreya Rastogi, Adv.
Ms. Sridevi Panikkar, AOR

For Respondent(s)

Ms. Swarupama Chaturvedi, AAG
Mr. Sunny Choudhary, AOR
Ms. Anuradha Mishra, Adv.
Ms. Aparna Trivedi, Adv.

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

These appeals arise out of the judgment and order dated 29.09.2014 passed by the High Court of Madhya Pradesh, Bench at Indore, confirming the death sentence awarded to the appellants herein.

We have heard Ms. Anjana Prakash, learned Senior Advocate for the appellants, Manoj and Rahul alias Govind, while submissions on behalf of the third appellant Ms. Neha were advanced by Shri Singh, learned Advocate.

We have also heard Ms. Swarupama Chaturvedi, learned Additional Advocate General for the State.

Arguments of the learned counsel have been concluded on the issue of conviction and the order on conviction is reserved.

On the issue of sentence, our attention is invited to orders dated 05.08.2021 and 08.09.2021 passed by this Court in Special Leave Petition (Criminal) Diary No.5964 of 2019.

In terms of law laid down by the Constitution Bench of this Court in *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684, relevant material touching upon the issues concerning mitigating factors ought to have been produced on record, which material was however not placed before the Trial Court.

In order to have complete assistance in the matter, we direct as under:

- a. The State shall place before us the Report(s) of all the Probation Officer(s) relating to these three accused before the next date of hearing. In case there have been more than one Report, with respect to any of the accused, let all Reports be placed for the consideration of this Court.
- b. The Director General (Prison) of the State shall place on record the Reports from the concerned jail(s)/prison(s) where the appellants were or are

presently lodged, about their conduct and nature of work done by them while in jail(s)/prison(s).

- c. A trained Psychiatrist as well as a Professor of Psychology from the University where the respective prisons are located, shall constitute suitable teams for psychiatric and psychological evaluation of the appellants and send their respective Reports before the next date of hearing.
- d. The Jail Authorities where the appellants are presently lodged shall render complete co-operation in facilitating access to and due evaluation of the appellants in all respects.

List these matters for consideration on the issue of sentence before the same Bench on 16.11.2021 at 2.00 p.m.

(MUKESH NASA)
COURT MASTER

(VIRENDER SINGH)
BRANCH OFFICER