

Sangeet v. State of Haryana, (2013) 2 SCC 452

Criminal Law

Criminal Trial

Death sentence - Generally - When not warranted - Where considerable uncertainty exists as to propriety of punishment, held, awarding of sentence of life imprisonment does not stand unquestionably foreclosed - More so when the factors taken into consideration by High Court to classify the crime as a rarest of rare case warranting death penalty were not supported by evidence - Hence, death penalty awarded to appellants by trial court and affirmed by High Court commuted to sentence of life imprisonment, (2013) 2 SCC 452-A

Criminal Law

Criminal Trial

Death sentence - Generally - Sentencing policy - Capital offence - Death penalty if warranted - Development of law in evolving of sound sentencing policy regarding, critically examined - Need for further development thereof, on the basis of experience gained and views expressed in case law, emphasised - In Jagmohan Singh, (1973) 1 SCC 20, decided under S. 367(5) CrPC, 1898, focus was on crime and principle of balancing of all the aggravating and mitigating circumstances of crime alone was adopted - But, after advent of S. 354(3) CrPC, 1973, Constitution Bench in Bachan Singh, (1980) 2 SCC 684 did not endorse that approach and laid down that due consideration must be given not only to relevant circumstances of crime but also to circumstances of criminal - Actually, in sentencing process, both crime and criminal are equally important - But omission to follow Bachan Singh case approach in subsequent cases uniformly, has rendered sentencing process Judge-centric rather than a principled one - Hence, this aspect needs fresh look, (2013) 2 SCC 452-B

Criminal Law

Criminal Procedure Code, 1973

Ss. 432(1) to (5), 433-A and 433 - Capital offences - Power of remission under S. 432(1) - Nature, scope and manner of exercise of - Principles considered, (2013) 2 SCC 452-C