

***THE HON'BLE SRI JUSTICE K.SURESH REDDY**

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

+ REFERRED TRIAL No. 1 OF 2024

AND

CRIMINAL APPEAL Nos.604 and 608 OF 2024

%Dated: 01.07.2026

NARAPURAM SHRAVAN KUMAR SHRAVAN, S/O. VARA PRASAD @ PRASAD, 26 YEARS, H.NO. 19-155-B, MEDAMVARI VEEDHI, NANDYAL, NOW AT D.NO. 77/55-5-3-5, CHINTALAMUNI NAGAR, KALLUR MANDAL.

NARAPURAM VARAPRASAD PRASAD, S/O. N.VENKATA SUBBAIAH, 62 YEARS, D.NO. 77/55-5-3-5, CHINTALAMUNI NAGAR, KALLUR MANDAL.

NARAPURAM KRISHNAVENI,, S/O. N. VARA PRASAD @ PRASAD, AGED ABOUT 52 YEARS, H.NO. 19-155-B, MEDAMVARIVEEDI, NANDYAL, D.NO.77/55-5-3-5,CHINTALAMUNI NAGAR, KALLUR MANDAL.

... Appellants

AND

The State of Andhra Pradesh,
Rep. by its Public Prosecutor,
High Court of A.P.,
Amaravati.

Respondent

!Counsel for the appellants : Sri V.Nitesh

^Counsel for the respondent: Learned Public Prosecutor

<GIST:

>HEAD NOTE:

? Cases referred:

1.AIR 1980 SC 898

2.(2023) 2 SCC 353

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

REFERRED TRIAL No. 1 OF 2024

AND

CRIMINAL APPEAL Nos. 604 and 608 of OF 2024

Between:

NARAPURAM SHRAVAN KUMAR SHRAVAN, S/O. VARA PRASAD @ PRASAD, 26 YEARS, H.NO. 19-155-B, MEDAMVARI VEEDHI, NANDYAL, NOW AT D.NO. 77/55-5-3-5, CHINTALAMUNI NAGAR, KALLUR MANDAL.

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NARAPURAM KRISHNAVENI,, S/O. N. VARA PRASAD @ PRASAD, AGED ABOUT 52 YEARS, H.NO. 19-155-B, MEDAMVARIVEEDI, NANDYAL, D.NO.77/55-5-3-5,CHINTALAMUNI NAGAR, KALLUR MANDAL.

... APPELLANTS

AND

The State of Andhra Pradesh,
Rep. by its Public Prosecutor,
High Court of A.P.,
Amaravati.

RESPONDENT

Date of Judgment Pronounced : 01-07-2026

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE K.SURESH REDDY

AND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

- | | | |
|----|---|--------|
| 1. | Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copy of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. | Whether Their Lordships wish to see the fair copy of the judgment? | Yes/No |

K.SURESH REDDY, J.

A. HARI HARANADHA SARMA, J

Date of reserved for Judgment: 08.05.2026
 Date of pronouncement : 01.07.2026
 Date of uploading : 08.07.2026

APHC010132732024



**IN THE HIGH COURT OF ANDHRA
 PRADESH
 AT AMARAVATI
 (Special Original Jurisdiction)**

[3566]

WEDNESDAY, THE 1st DAY OF JULY 2026

**PRESENT
 THE HONOURABLE SRI JUSTICE K SURESH REDDY
 THE HONOURABLE SRI JUSTICE A. HARI HARANADHA
 SARMA**

REFERRED TRIAL NO: 1/2024

Between:

1. THE STATE OF ANDHRA PRADESH, REP. BY P.P., HIGH COURT OF A.P. AMARAVATHI. REPRESENTED BY THE INSPECTOR OF POLICE, KUMMOOL IV TOWN P.S.,

...PETITIONER

AND

1. NARAPURAM SHRAVAN KUMAR SHRAVAN, S/O. VARA PRASAD @ PRASAD, 26 YEARS, H.NO. 19-155-B, MEDAMVARI VEEDHI, NANDYAL, NOW AT D.NO. 77/55-5-3-5, CHINTALAMUNI NAGAR, KALLUR MANDAL.
2. NARAPURAM VARAPRASAD PRASAD, S/O. N.VENKATA SUBBAIAH, 62 YEARS, D.NO. 77/55-5-3-5, CHINTALAMUNI NAGAR, KALLUR MANDAL.

...RESPONDENT(S):

Counsel for the Petitioner:

1. LETTER

Counsel for the Respondent(S):

1. V NITESH

CRIMINAL APPEAL NO: 604/2024

Between:

1.NARAPURAM KRISHNAVENI,, S/O. N. VARA PRASAD @
PRASAD, AGED ABOUT 52 YEARS, H.NO. 19-155-B,
MEDAMVARIVEEDI, NANDYAL, D.NO.77/55-5-3-
5,CHINTALAMUNI NAGAR, KALLUR MANDAL.

...APPELLANT

AND

1.THE STATE OF ANDHRA PRADESH, Rep.by its Public
Prosecutor, High Court of A.P., Amaravati. Through SHO
of IV Town Police Station, Kurnool Kurnool District.

...RESPONDENT

Counsel for the Appellant:

1.V NITESH

Counsel for the Respondent:

1.PUBLIC PROSECUTOR

CRIMINAL APPEAL NO: 608/2024**Between:**

1.NARAPURAM SHRAVAN KUMAR @ SHRAVAN, S/O.
VARA PRASAD @ PRASAD, AGED ABOUT 26 YEARS,
H.NO. 19-155-B, MEDAMVARIVEEDI, NANDYAL,
D.NO.77/55-5-3-5,CHINTALAMUNI NAGAR, KALLUR
MANDAL.

2.NARAPURAM VARAPRASAD @ PRASAD,, S/O. N.
VENKATA SUBBAIAH AGED ABOUT 62 YEARS
D.NO.77/55-5-3-5 CHINTALAMUNI NAGAR, KALLUR
MANDAL

...APPELLANT(S)**AND**

1.THE STATE OF ANDHRA PRADESH, , Rep.by its Public
Prosecutor, High Court of A.P., Amaravati. Through SHO
of IV Town Police Station, Kurnool Kurnool District.

...RESPONENT**Counsel for the Appellant(S):**

1.V NITESH

Counsel for the Respondent:

1.PUBLIC PROSECUTOR

The Court made the following:**Whether the order is :**

Speaking Yes / Reasoned Yes

Reportable: Yes/ Non-Reportable: No

**IN THE HIGH COURT OF ANDHRA PRADESH ::
AMARAVATI**

**WEDNESDAY, THE FIRST DAY OF JULY, TWO THOUSAND
AND TWENTY SIX**

SPECIAL DIVISION BENCH

PRESENT

HONOURABLE SRI JUSTICE K. SURESH REDDY

AND

HONOURABLE SRI JUSTICE A.HARI HARANADHA SARMA

REFERRED TRIAL No. 1 OF 2024

AND

CRIMINAL APPEAL Nos. 604 and 608 of 2024

COMMON JUDGMENT: *(per Hon'ble Sri Justice K.Suresh Reddy)*

While awarding the sentence of death to Accused Nos.1 and 2 in Sessions Case No.254 of 2023, by judgment dated 16.02.2024, the learned IV Additional District and Sessions Judge, Kurnool, made a reference to this Court under Section 366 of the Code of Criminal Procedure for confirmation of the said sentence. The Registry has numbered the same as Reference Trial No.1 of 2024.

2. Criminal Appeal No.604 of 2024 has been filed by Accused No.3 in the said Sessions Case, questioning her conviction and sentence of imprisonment for '**Life**' and rigorous imprisonment for a period of ten (10) years imposed on her, whereas Accused Nos.1 and 2 have preferred Criminal Appeal No.608 of 2024 assailing the death sentence and imprisonment for '**Life**' awarded against them.

3. Since the Reference and the Appeals arise out of the same Judgment, they are heard together and are being disposed of by this common judgment.

4. All the three (3) accused were tried by the learned Additional Sessions Judge under the following charges:

I charge was under Section 302 IPC against A1;

II charge was under Section 302 r/w 34 IPC against A2 and A3;

III charge was under Section 302 IPC against A1 and A2;

IV charge was under Section 302 r/w 34 IPC against A3;

V charge was under Section 307 IPC against A2; and

Last charge was under Section 307 r/w 34 IPC against A1 and A3.

5. Substance of the charge is that on 14.03.2023, at about 11:00 a.m., Accused No.1, stabbed his wife, Kotha Rukmini (hereinafter referred to as "D1"), with a knife in their house situated at Chinthalamuni Nagar of Kallur Mandal, causing her death, and in the same process, Accused Nos.1 and 2, acting in furtherance of their common intention, also stabbed the mother of D1 by name Kotha Ramadevi (hereinafter referred to as "D2"), with knives, resulting in her death, and further attempted to kill the father of D1, who was examined as P.W.1, and that A3 shared common intention in killing D1 and D2 and also attempt to kill P.W.1, thereby committed offences under Sections 302 and 307 r/w 34 IPC.

6. After completion of trial, the learned Additional Sessions Judge convicted Accused Nos.1 and 2 under Section 302 IPC and awarded death sentence and directed them to pay a fine of Rs.1,000/- each, in default to undergo simple imprisonment for three months each.

Accused No.1 was further convicted under Section 302 IPC and sentenced to undergo imprisonment for '**Life**', and also to pay a fine of Rs.1,000/, in default to undergo simple imprisonment for three months.

Accused No.1 was also convicted under Section 307 r/w 34 IPC and sentenced to imprisonment for '**Life**' and also to pay a fine of Rs.500/-, in default to undergo simple imprisonment for three months.

Further, Accused No.2 was convicted under Section 307 IPC and sentenced to imprisonment for '**Life**', and also to pay a fine of Rs.1,000/-, in default to undergo simple imprisonment for three months.

The learned Additional Sessions Judge further convicted Accused Nos.2 and 3 under Section 302 r/w 34 IPC and sentenced both of them to imprisonment for '**Life**' and to pay a fine of Rs.500/- each, in default to undergo simple imprisonment for three months each.

The learned Additional Sessions Judge also convicted A3 under Section 307 IPC and sentenced her to undergo rigorous imprisonment for Ten (10) years and to pay a fine of Rs.500/-, in default to undergo simple imprisonment for three months.

7. Case of the prosecution in brief is thus:

All the accused are residents of Chinthalamuni Nagar of Kallur Mandal, Kurnool District. Accused Nos. 2 and 3 are father and mother of Accused No.1 respectively. P.W.1 is a resident of

Wanaparthy Town and is the father of D1 and the husband of D2. The marriage between A1 and D1 was solemnized on 01.03.2023 at Wanaparthy Town. After the marriage, A1 to A3 stayed in the house of P.W.1 for a period of three days. During that period the marriage between A1 and D1 was not consummated. Then P.W.1 and his family members questioned A1 to A3, which led to a dispute. Thereafter, A2 and A3 left for Kurnool.

(ii) On 05.03.2023, A1, with his wife D1, his in-laws, who are P.W.1 and D2 went to Kurnool to the house of the accused. P.W.1 and D2 left D1 at the house of the accused and returned to Wanaparthy. On 06.03.2023, A1 and D1 again came to Wanaparthy, and A1 left D1 at the house of P.W.1 and proceeded to Hyderabad, where he was employed. A1 is a B.Tech graduate and was working in a call center at Hyderabad.

(iii) On the morning of 14.03.2023, A1 came to Wanaparthy and requested P.W.1, D1, and D2 to accompany him to Kurnool for discussions. At his request, P.W.1, along with D1 and D2, went to Kurnool by 11:00 a.m. On their arrival, P.W.1 and D2 were asked by A2 to go to upstairs room, while A1 and D1 went into a room situated in the ground floor in the house of accused. After about 45 minutes, P.W.1 heard cries of D1. Then P.W.1 and

D2 tried to come down from the first floor. At that juncture, A2 stabbed D2 indiscriminately with a knife. When P.W.1 intervened, he too was attacked and was stabbed indiscriminately by A2, causing severe injuries. Thereafter, P.W.1 managed to come down to the ground floor, where he found D1 lying dead in a pool of blood. D2 was found dead in the upstairs room.

(iv) On hearing the cries of P.W.1, neighbours who are P.Ws.2 to 4, rushed to the scene of offence and found P.W.1 with severe injuries. Immediately, P.W.1 was shifted by the neighbours to the Government Hospital in an ambulance. All the three accused fled away from the scene of offence.

(v) On the same day, at about 12:45 p.m., P.W.13, the Inspector of Police, Kurnool Police Station, received information through Dial 100 that a murder had taken place at Chinthalamuni Nagar of Kallur Mandal. Immediately, he, along with his staff, proceeded to the scene of offence and found the dead bodies of the deceased. On enquiry, he came to know that P.W.1 has already been shifted to the Government General Hospital for treatment. Thereupon, he posted guards at the scene of offence and proceeded to the said hospital. At the hospital, he identified P.W.1, who was undergoing treatment, recorded his statement

under Ex.P1, and obtained a certificate from the duty doctor regarding his fitness. Thereafter, he returned to the Police Station and registered a case in Crime No.62 of 2023 for the offences punishable under Sections 498-A, 302 and 307 read with 34 IPC. He issued copies of FIR to all the concerned. FIR is marked as Ex.P8. P.W.13 also sent a requisition to the Tahsildar, Kallur Mandal, to conduct inquest over the dead bodies. Pursuant thereto, P.W.12, the Tahsildar, conducted inquest over the dead body of D1 in the presence of mediators, and the inquest report is marked as Ex.P7.

(vi) Thereafter, P.W.13 recorded statement of P.W.1 under Section 161 Cr.P.C. He then returned to the scene of offence and conducted inquest over the dead body of D2 in the presence of mediators. The inquest report pertaining to D2 is marked as Ex.P10. He also prepared a rough sketch of the scene of offence, which is marked as Ex.P9, and seized material objects (M.Os.11 to 16) from the scene under a duly prepared seizure panchanama. Subsequently, the dead bodies were sent for post-mortem examination.

(vii) P.W.11, Assistant Professor in the Department of Forensic Medicine, Kurnool Medical College, conducted autopsy

over the dead body of D1 and opined that the cause of death was due to hemorrhage and shock resulting from multiple stab injuries. The post-mortem certificate pertaining to D1 is marked as Ex.P5. He also conducted autopsy over the dead body of D2 and opined that the cause of death was due to hemorrhage and shock as a result of multiple stab injuries. The post-mortem certificate pertaining to D2 is marked as Ex.P6.

(viii) After completion of post-mortem examinations, P.W.13 attempted to hand over the dead bodies of D1 and D2 to L.W.9, the grandmother of D1. However, as she expressed her inability to perform the last rites, P.W.13, along with his staff, performed the last rites of D1 and D2.

(ix) On 15.03.2023, at about 3:45 p.m., P.W.13 arrested all the three accused in the presence of mediators, P.W.9 and another. During the course of arrest, P.W.13 seized M.Os.1 to 5 from the possession of A1 and A2 under the cover of a panchanama, marked as Ex.P2. Pursuant to the confessional statement made by A2, P.W.13 proceeded to the shop of P.W.8 and recorded his statement, wherein it was revealed that A2 had purchased M.Os.1 and 2 (knives) from the said shop.

(x) P.W.13 further secured the CCTV footage from the said shop and copied the same into a pen drive, which was marked as Ex.P12. He also obtained a certificate under Section 65B of the Indian Evidence Act from P.W.8 in respect of the said electronic record. The material objects were thereafter forwarded to the Regional Forensic Science Laboratory (RFSL), and the report received therefrom was marked as Ex.P11. After completion of investigation and after collecting all documents, P.W.13 laid the charge sheet.

8. In support of its case, the prosecution examined P.Ws.1 to 13 and got marked Exs.P1 to P15 apart from exhibiting M.Os.1 to 16.

9. When the accused were examined under Section 313 Cr.P.C., they denied the incriminating evidence appearing against them. On behalf of the defence Exs.D1 to D3 were marked.

10. Accepting the evidence of prosecution witnesses, the learned Additional Sessions Judge convicted all the three (3) accused as aforesaid.

11. Heard Sri V.Nitesh, learned counsel appearing for the appellants-accused, and Sri Marri Venkata Ramana, learned Additional Public Prosecutor appearing for the respondent-State.

12. We have carefully analyzed the entire evidence available on record.

13. P.W.1 is the sole injured eye-witness to the incident in the present case. In his evidence, P.W.1 has categorically stated that on 14.03.2023, he, along with D1 and D2, came to Kurnool from Wanaparthi at the instance of A1, who had asked them to come to his house for discussions. He further stated that A2 asked P.W.1 and D2 to go to a room on the first floor, while A1 took D1 into a room on the ground floor. After some time, P.W.1 and D2 heard the cries of D1 and then they tried to come down to the ground floor. But, A2 attacked them and stabbed both of them indiscriminately. As a result of the said assault, D2 died on the spot. P.W.1, having sustained grievous injuries at the hands of A2, managed to come down to the ground floor, where he found D1 lying dead in a pool of blood. On hearing his cries, the neighbours, P.Ws.2 to 4, rushed to the house of the accused and shifted P.W.1 to the Government General Hospital, Kurnool.

14. The testimony of P.W.1 is clear and cogent in establishing that A1 and A2 were responsible for causing the death of D1 and D2 and for inflicting injuries on him. Insofar as A3 is concerned, P.W.1 has not attributed any overt act against her, except stating that she was present in the house at the relevant point of time.

15. Admittedly, except P.W.1, there is no other direct eye-witness to the occurrence. P.Ws.2 to 4 are not eye-witnesses, and their evidence is only to the effect that they came to know about the incident. However, P.Ws.1 to 4 have consistently deposed that the marriage between A1 and D1 was performed on 01.03.2023 and that the incident occurred on 14.03.2023, i.e., within a short span of two weeks from the date of marriage.

16. In view of the aforesaid facts and circumstances, this Court is of the considered opinion that the prosecution could able to prove the guilt of A1 and A2 beyond reasonable doubt in causing the deaths of D1 and D2 and also their attempt to commit murder of P.W.1. However, insofar as A3 is concerned, in the absence of any specific overt act attributed to her, the conviction and sentences recorded against her are liable to be set aside.

17. Insofar as sentence is concerned, the trial Court imposed death penalty against A1 and A2. It is settled law that unless a case falls under rarest of rare cases, capital punishment cannot be imposed. In ***Bachan Singh Vs. State of Punjab***¹, the Hon'ble Apex Court held at paragraph Nos. 206 and 209 as under:

"206. Dr Chitale has suggested these mitigating factors:

Mitigating circumstances—

In the exercise of its discretion in the above cases, the court shall take into account the following circumstances:

- (1) *That the offence was committed under the influence of extreme mental or emotional disturbance.*
- (2) *The age of the accused. If the accused is young or old, he shall not be sentenced to death.*
- (3) *The probability that the accused would not commit criminal acts of violence as would constitute a continuing threat to society.*
- (4) *The probability that the accused can be reformed and rehabilitated. The State shall by evidence prove that the accused does not satisfy the conditions (3) and (4) above.*
- (5) *That in the facts and circumstances of the case the accused believed that he was morally justified in committing the offence.*

¹ AIR 1980 SC 898

- (6) *That the accused acted under the duress or domination of another person.*
 - (7) *That the condition of the accused showed that he was mentally defective and that the said defect impaired his capacity to appreciate the criminality of his conduct.*
209. *There are numerous other circumstances justifying the passing of the lighter sentence; as there are countervailing circumstances of aggravation. "We cannot obviously feed into a judicial computer all such situations since they are astrological imponderables in an imperfect and undulating society." Nonetheless, it cannot be over-emphasized that the scope and concept of mitigating factors in the area of death penalty must receive a liberal and expansive construction by the courts in accord with the sentencing policy writ large in Section 354(3). Judges should never be bloodthirsty. Hanging of murderers has never been too good for them. Facts and Figures, albeit incomplete, furnished by the Union of India, show that in the past, courts have inflicted the extreme penalty with extreme infrequency — a fact which attests to the caution and compassion which they have always brought to bear on the exercise of their sentencing discretion in so grave a matter. It is, therefore, imperative to voice the concern that courts, aided by the broad illustrative guide-lines indicated by us, will discharge the onerous function with evermore scrupulous care and humane concern, directed along the highroad of*

legislative policy outlined in Section 354(3) viz. that for persons convicted of murder, life imprisonment is the rule and death sentence an exception. A real and abiding concern for the dignity of human life postulates resistance to taking a life through law's instrumentality. That ought not to be done save in the rarest of rare cases when the alternative option is unquestionably foreclosed."

18. Learned counsel appearing for the appellant-accused places reliance on ***Manoj and others Vs. State of Madhya Pradesh***², wherein the Hon'ble Apex Court held at paragraph Nos. 214 to 218 as follows:

"214. Capital punishment is prescribed in numerous IPC offences, including murder, kidnapping for ransom, rape and injury causing death or leaving a woman in a vegetative state, rape or gang rape of a child below 12 years' old, dacoity with murder, among other offences. In Bachan Singh v. State of Punjab [Bachan Singh v. State of Punjab, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] (hereafter "Bachan Singh"), this Court had upheld the imposition of death penalty as an alternate punishment under Section 302IPC on the strength of the 35th Report of the Law Commission of India (1967), the judgment in Jagmohan Singh v. State of U.P. [Jagmohan Singh v.

² (2023) 2 SCC 353

State of U.P., (1973) 1 SCC 20 : 1973 SCC (Cri) 169] (which had also noted that the 35th Report advocated for retention) and in several subsequent cases decided by this Court, in which the death penalty was recognized to be a deterrent. It laid emphasis on the then recently added Sections 253(2) and 354(3) Cr.P.C. which provide for bifurcated pre-sentence hearing and sentencing procedure on conviction of capital offences, to conclude that this form of punishment continued to have legislative backing and thereby, represented the will of the people.

215. *It is undeniable that there have been shifts in how It is undeniable that there have been shifts in how punishment in capital offences are dealt with. This is apparent when developments are looked at holistically, or at a macro level: the amendments to the Cr.P.C. by Parliament, the 35th and 262nd Law Commission Reports which stand over 30 years apart, and the precedents of this Court, across the decades. Initially, the law imposed a requirement of written reasons for not imposing death penalty, which was removed in 1955. In 1973, through further amendment to the CrPC and insertion of Section 354(3) — life imprisonment became the norm and imposition of death penalty required “special reasons”; and through Section 253(2) — sentencing required separate consideration from the question of*

conviction. In both phases i.e. post-1955 and post-1973, capital punishment was upheld to be constitutional by five-Judge Benches of this Court in Jagmohan Singh [Jagmohan Singh v. State of U.P., (1973) 1 SCC 20 : 1973 SCC (Cri) 169] and Bachan Singh [Bachan Singh v. State of Punjab, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] , respectively.

216. *The 262nd Law Commission Report on Death Penalty (2015) (hereafter “the 262nd Report”), is a result of this Court's references in primarily two cases. Firstly, in Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra [Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra, (2009) 6 SCC 498, para 112 : (2009) 2 SCC (Cri) 1150] (hereafter “Santosh Bariyar”) where, after taking note of the UN General Assembly Resolution 62/149 [Adopted on 18-12-2007.] it was pointed out that credible research was required to shape an informed discussion and debate, on the contentious issue of death sentence. Secondly, the judgment in Shankar Kisanrao Khade v. State of Maharashtra [Shankar Kisanrao Khade v. State of Maharashtra, (2013) 5 SCC 546, paras 148-149 : (2013) 3 SCC (Cri) 402] tasked the Law Commission to resolve the issue of whether death penalty is a deterrent punishment, is retributive justice, or serves an incapacitative goal; and to study the difference in approach adopted by the judiciary (rarest of rare) and*

the executive (what was termed as unknown) while granting commutation. In attempting to fulfil this mandate, the Commission discerned an urgent need for re-examination of its own earlier recommendations on the death penalty (in its 35th Report, 1967), given the drastic change in social, economic, and cultural contexts of the country since the 35th Report, and arbitrariness which has remained a major concern in the adjudication of death penalty cases since Bachan Singh [Bachan Singh v. State of Punjab, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] laid down the foundational principle of “rarest of rare”.

217. *Reflective of changed circumstances and evolving discourse, the Report marks a shift in the approach towards the death penalty in India, going so far as to recommend abolition in all offences, except those relating to terrorism. A large part of the Report focusses on courts' discretion and judicial reasoning when it comes to sentencing. It concludes that death penalty sentencing in India has been based on an arbitrary application of the Bachan Singh [Bachan Singh v. State of Punjab, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] principle, and has become Judge-centric, based on the personal predilection of Judges — a concern which was alluded to even by this Court in Swamy Shraddananda (2) v. State of Karnataka [Swamy Shraddananda (2) v. State of Karnataka,*

(2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113] and analysed extensively again in Santosh Bariyar [Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra, (2009) 6 SCC 498, para 112 : (2009) 2 SCC (Cri) 1150] , followed by Sangeet v. State of Haryana [Sangeet v. State of Haryana, (2013) 2 SCC 452 : (2013) 2 SCC (Cri) 611] , Mohd. Farooq Abdul Gafur v. State of Maharashtra [Mohd. Farooq Abdul Gafur v. State of Maharashtra, (2010) 14 SCC 641: (2011) 3 SCC (Cri) 867], and more recently in Chhannu Lal Verma v. State of Chhattisgarh [Chhannu Lal Verma v. State of Chhattisgarh, (2019) 12 SCC 438 : (2019) 4 SCC (Cri) 402] (hereafter “Chhannu Lal Verma”).

The death penalty framework and how to apply it for “principled sentencing”

218. *This Court in Bachan Singh [Bachan Singh v. State of Punjab, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] while upholding the constitutionality of capital punishment, categorically ruled that the new CrPC of 1973 marked a shift as it bifurcated the criminal trial to include a pre-sentence hearing [under Section 235(2)], and further mandated the sentencing court to outline the “special reasons” [under Section 354(3)] or absence of them, by considering circumstances both of the crime and the criminal. The Court also noted that while broad guidelines or*

indicators may be given, they cannot be put into water-tight compartments that curb discretion of any Judge to do justice in a given individual case: (SCC pp. 739 & 748, paras 163 & 201)

“163. ... Now, Section 235(2) provides for a bifurcated trial and specifically gives the accused person a right of pre-sentence hearing, at which stage, he can bring on record material or evidence, which may not be strictly relevant to or connected with the particular crime under inquiry, but nevertheless, have, consistently with the policy underlined in Section 354(3), a bearing on the choice of sentence. The present legislative policy discernible from Section 235(2) read with Section 354(3) is that in fixing the degree of punishment or making the choice of sentence for various offences, including one under Section 302 of the Penal Code, the court should not confine its consideration “principally” or merely to the circumstances connected with the particular crime, but also give due consideration to the circumstances of the criminal.

201. ... As we read Sections 354(3) and 235(2) and other related provisions of the 1973 Code, it is quite clear to us that for making the choice of punishment or for ascertaining the existence or

absence of “special reasons” in that context, the court must pay due regard both to the crime and the criminal. What is the relative weight to be given to the aggravating and mitigating factors, depends on the facts and circumstances of the particular case. More often than not, these two aspects are so intertwined that it is difficult to give a separate treatment to each of them. This is so because “style is the man”. In many cases, the extremely cruel or beastly manner of the commission of murder is itself a demonstrated index of the depraved character of the perpetrator. That is why, it is not desirable to consider the circumstances of the crime and the circumstances of the criminal in two separate watertight compartments. In a sense, to kill is to be cruel and therefore all murders are cruel. But such cruelty may vary in its degree of culpability. And it is only when the culpability assumes the proportion of extreme depravity that “special reasons” can legitimately be said to exist.”

(Emphasis in original)”

Placing reliance on the aforesaid judgment, learned counsel appearing for the appellants-accused submitted that the trial Court has not even considered the possibility of reformation of the accused and that the case on hand does not fall under rarest of

rare cases to impose capital punishment and the mitigating circumstances submitted by the authorities would suffice that capital punishment is not warranted in the case on hand.

19. By order dated 22.12.2025, this Court directed the District Collector, Kurnool District, the Superintendent of Police, Kurnool District, and the Superintendent, Central Prison, Rajamahendravaram, to submit their reports in terms of the judgment of the Hon'ble Supreme Court in ***Manoj and others*** (2nd *supra*). In compliance thereof, the authorities concerned have submitted their reports. Insofar as the sentence of death imposed by the learned Additional Sessions Judge is concerned, the reports received from the Superintendent of Police, Kurnool; the District Collector, Kurnool; and the Superintendent of Jails, Central Prison, Rajamahendravaram, do not disclose any adverse remarks against the accused. The District Collector and the Superintendent of Police, Kurnool, have reported that Accused No.1 is a B.Tech graduate who was previously employed in a private company at Hyderabad. Accused No.2 was eking out his livelihood by selling idlis on the streets of Kurnool town. It is further reported that the family of the accused belongs to the Below Poverty Line category and is having a small house

bearing Door No.77-55-5-3, situated at Chinthalamuni Nagar of Kallur Mandal, Kurnool Town. It is also reported that there are no criminal antecedents against Accused Nos.1 and 2.

20. The Hon'ble Apex Court in ***Manoj and others*** (2nd *supra*) held at paragraph Nos. 234 to 236 as follows:

"Theories of punishment

234. *The 262nd Report speaks extensively to the penological justification of the death penalty. It finds that there is inconclusive evidence that this form of punishment has more of a deterrent effect, in comparison to life imprisonment. Dismissing the retributive theory of punishment on the ground that it suffers from lack of guidance on quantifying the punishment that would be appropriate to impose, it categorically states that:*

"7.1.2. *Capital punishment fails to achieve any constitutionally valid penological goals.*

7.1.3. *Focusing on death penalty as the ultimate measure of justice to victims, the restorative and rehabilitative aspects of justice are lost sight of. Reliance on the death penalty diverts attention from other problems ailing the criminal justice system such as poor investigation, crime prevention and rights of victims of crime."*

235. *While the 262nd Report recommends abolition of the death penalty on this ground, in addition to sentencing having become Judge-centric or arbitrary, it*

has not prompted parliamentary intervention. Whether the death penalty deserves a relook [as recommended by Kurian Joseph, J. (dissenting) in Chhannu Lal Verma [Chhannu Lal Verma v. State of Chhattisgarh, (2019) 12 SCC 438 : (2019) 4 SCC (Cri) 402]], in light of the 262nd Law Commission Report, evolving jurisprudence, public discourse and international standards of human rights, is outside the purview of this Court's jurisdiction given the Constitution Bench decision in Bachan Singh [Bachan Singh v. State of Punjab, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] , and a question best left for the legislature to critically consider. In this backdrop, what this Court can do, is try and bolster the existing sentencing framework. This is possible only by giving true meaning to the existing guidelines (without falling into the trap of “categorizing” crimes that automatically warrant death penalty). To do so, this Court finds it necessary to lay out certain practical guidelines (elaborated below) that can facilitate consideration of mitigating circumstances as recognized in Bachan Singh [Bachan Singh v. State of Punjab, (1980) 2 SCC 684 : 1980 SCC (Cri) 580] , and consequently ensure uniform application of this framework.

236. *The 262nd Report recognized the paradigm shift, in policy and discourse, towards a reformatory and rehabilitative response to crime, and the development of jurisprudence such that adjudging a case to be “rarest of rare” was not sufficient, and special emphasis*

*had to be placed in considering whether the offender is amenable to reform. Implicit in this shift is the understanding that the criminal is not a product of only their own decisions, but also a product of the State and society's failing, which is what entitles the accused to a chance of reformation. Thus, making life imprisonment the norm, and death penalty the exception. In *Lehna v. State of Haryana* [*Lehna v. State of Haryana*, (2002) 3 SCC 76 : 2002 SCC (Cri) 526] while deciding whether the facts in that case were appropriate for death penalty, traced this shift in approach : (SCC pp. 83-84, para 14)*

“14. ... Section 302IPC prescribes death or life imprisonment as the penalty for murder. While doing so, the Code instructs the court as to its application. The changes which the Code has undergone in the last three decades clearly indicate that Parliament is taking note of contemporary criminological thought and movement. It is not difficult to discern that in the Code, there is a definite swing towards life imprisonment. Death sentence is ordinarily ruled out and can only be imposed for “special reasons”, as provided in Section 354(3). There is another provision in the Code which also uses the significant expression “special reason”. It is Section 361. Section 360 of the 1973 Code re-enacts, in substance, Section 562 of the Criminal Procedure Code, 1898 (in short “the old Code”). Section 361 which is a new provision in the Code makes it mandatory for

the court to record “special reasons” for not applying the provisions of Section 360. Section 361 thus casts a duty upon the court to apply the provisions of Section 360 wherever it is possible to do so and to state “special reasons” if it does not do so. In the context of Section 360, the “special reasons” contemplated by Section 361 must be such as to compel the court to hold that it is impossible to reform and rehabilitate the offender after examining the matter with due regard to the age, character and antecedents of the offender and the circumstances in which the offence was committed. This is some indication by the legislature that reformation and rehabilitation of offenders and not mere deterrence, are now among the foremost objects of the administration of criminal justice in our country. Section 361 and Section 354(3) have both entered the statute book at the same time and they are part of the emerging picture of acceptance by the legislature of the new trends in criminology. It would not, therefore, be wrong to assume that the personality of the offender as revealed by his age, character, antecedents and other circumstances and the tractability of the offender to reform must necessarily play the most prominent role in determining the sentence to be awarded. Special reasons must have some relation to these factors. Criminal justice deals with complex human problems and diverse human beings. A Judge has to balance the personality of the offender with the circumstances,

situations and the reactions and choose the appropriate sentence to be imposed."

(Emphasis supplied)"

In view of the principle laid down in the aforesaid judgment, with an advent of goal of reformation in the recent past, the society must stride towards reformation and rehabilitation.

The Hon'ble Apex Court observed that the process of rehabilitation is not a simple one since it involves social reintegration of the convict into society.

21. Criminal Justice System is more punitive than intended. The system is touted to be reformable and rehabilitative. The objectives of the Indian Criminal Justice System include penalizing, reforming and rehabilitating the offender. Reformation is its final goal as the system asserts to be more rehabilitative than retributive.

22. When such is the view taken by the Hon'ble Apex Court in the recent past and having regard to the mitigating circumstances stated *supra*, this Court is of the view that death sentence imposed on the accused is harsh in the facts and circumstances of the present case.

23. It is a settled principle of law that the imposition of the death penalty is an exception, to be invoked only in cases that fall within the ambit of the “rarest of rare” doctrine. The Court, while adjudging the question of sentence, is required to undertake a conscientious and principled balancing of the aggravating and mitigating circumstances, keeping in view not only the nature and gravity of the crime, but also the circumstances pertaining to the offender. In this exercise, the possibility of reformation and rehabilitation of the accused assumes paramount importance and must be accorded due and substantive consideration.

24. In the case on hand, though the offence is grave and heinous, resulting in the loss of two lives, the material on record does not establish that the accused are beyond the possibility of reformation. The reports placed before this Court indicate that the accused have no prior criminal antecedents and belong to a modest socio-economic background. There is no material to suggest that they pose a continuing threat to society or that they are incapable of being reformed and rehabilitated.

25. In the absence of any material to conclude that the alternative option of life imprisonment is unquestionably foreclosed, this Court is of the considered view that the present case does not fall within the ambit of the “rarest of rare” category warranting imposition of the death penalty.

26. For the aforementioned reasons, the sentence of death imposed on Accused Nos.1 and 2 for the offence under Section 302 IPC is modified, and instead, they are sentenced to suffer Rigorous Imprisonment for **‘Life’**, without any remission, and also to pay a fine of Rs.1000/- each, in default, to suffer simple imprisonment for a period of three months each.

27. In all other respects, including the convictions and sentences imposed for the remaining offences against Accused Nos.1 and 2, the judgment of the trial Court shall stand confirmed and remain unaltered. All the substantive sentences shall run concurrently.

28. Insofar as A3 is concerned, the conviction and sentence recorded against her are set aside, and she is acquitted of all the charges. Accordingly, Criminal Appeal No.604 of 2024 is allowed. Consequently, the appellant/Accused No.3 shall be set at liberty forthwith, if she is not required in any other case or crime

29. With the above modification in sentence, Criminal Appeal No.608 of 2024 is partly allowed and the Reference is answered accordingly. Criminal Appeal No.604 of 2024 is allowed.

Pending miscellaneous applications, if any, shall stand disposed of in consequence.

JUSTICE K.SURESH REDDY

JUSTICE A.HARI HARANADHA SARMA

Date: 01.07.2026

Note: L.R. copy to be marked

B/O

GR

HONOURABLE SRI JUSTICE K. SURESH REDDY

AND

HONOURABLE SRI JUSTICE A.HARI HARANADHA SARMA

REFERRED TRIAL No. 1 OF 2024

AND

CRIMINAL APPEAL Nos. 604 and 608 of 2024

(Per Hon'ble Sri Justice K. Suresh Reddy)

Date: 01.07.2026

GR

