



***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CONFIRMATION CASE NO. 1 OF 2023

The State of Maharashtra ... Appellant

Versus

Chetan Yashwantrao Pagare & Anr. ... Respondents

***WITH
CRIMINAL APPEAL NO. 116 OF 2023***

Aman Prakatsingh Jat ... Appellant

Versus

The State of Maharashtra & Ors. ... Respondents

***WITH
CRIMINAL APPEAL NO. 108 OF 2023
WITH
INTERIM APPLICATION NO. 423 OF 2023
IN
CRIMINAL APPEAL NO. 108 OF 2023***

Chetan Yashwantrao Pagare ...Appellant/
Applicant

Versus

The State of Maharashtra & Anr. ... Respondents

Ms. P. P. Shinde, A.P.P for the Appellant-State

Mr. S. T. Pandey a/w Ms. Kajal Upadhyay, Ms. Anima Mishra,
Mr. Anuj Singh and Mr. Rakesh Mishra i/b SBG Law for
Appellant in Appeal/116/2023



**CORAM : REVATI MOHITE DERE &
SHYAM C. CHANDAK, JJ.
THURSDAY, 20th JUNE 2024**

P.C :

1 The aforesaid Confirmation Case as well as Appeals against conviction have been kept today for final hearing. Since it is a confirmation case, both the appellants, who are currently lodged in Nagpur Central Prison, have been produced before us, through Video-Conferencing.

2 Since this is a confirmation case, in view of the judgment of the Apex Court in *Manoj & Ors. vs. State of Madhya Pradesh*¹, in particular, paragraphs 250 and 251, it would be necessary to call for a report as well as information as set-out therein from the concerned authorities. Paras 250 and 251 of the said judgment read as under :

¹ (2023) 2 SCC 353



“250. Next, the State, must in a time-bound manner, collect additional information pertaining to the accused. An illustrative, but not exhaustive list is as follows:

- a) Age*
- b) Early family background (siblings, protection of parents, any history of violence or neglect)*
- c) Present family background (surviving family members, whether married, has children, etc.)*
- d) Type and level of education*
- e) Socio-economic background (including conditions of poverty or deprivation, if any)*
- f) Criminal antecedents (details of offence and whether convicted, sentence served, if any)*
- g) Income and the kind of employment (whether none, or temporary or permanent etc);*
- h) Other factors such as history of unstable social behaviour, or mental or psychological ailment(s), alienation of the individual (with reasons, if any) etc.*

This information should mandatorily be available to the trial court, at the sentencing stage. The accused too, should be given the same opportunity to produce evidence in rebuttal, towards establishing all mitigating circumstances.

251. Lastly, information regarding the accused’s jail conduct and behaviour, work done (if any), activities the



accused has involved themselves in, and other related details should be called for in the form of a report from the relevant jail authorities (i.e., probation and welfare officer, superintendent of jail, etc.). If the appeal is heard after a long hiatus from the trial court's conviction, or High Court's confirmation, as the case may be—a fresh report (rather than the one used by the previous court) from the jail authorities is recommended, for an more exact and complete understanding of the contemporaneous progress made by the accused, in the time elapsed. The jail authorities must also include a fresh psychiatric and psychological report which will further evidence the reformatory progress, and reveal post-conviction mental illness, if any.”

3 As far as para 250 is concerned, learned A.P.P to collect the said information pertaining to both the appellants. As far as para 251 is concerned, the Jail authorities to produce a fresh Psychiatric and Psychological report of the appellants as well as Probation and Welfare Officer's report. The Jail Superintendent to also submit his report with respect to the appellants' conduct in jail, in terms of what is stated by the Apex Court in para 251 as aforesaid. All the said reports to be placed before us, on the next date.



4 Stand over to 11th July 2024.

5 Leanred A.P.P to forthwith communicate the above order to the Superintendent of the concerned jail, to enable him to submit the said reports.

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.