

ITEM NO.12

COURT NO.1

SECTION PIL-W

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

Writ Petition(s)(Criminal) No(s). 314/2022

MAHENDRA VISHWANATH KAWCHALE

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(IA No. 119387/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 18-10-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Parties: Mr. Mahendra Vishwanath Kawchale, Adv.
Petitioner-in-person

Mr. Siddharth Agarwal, Adv.
Ms. Sowjanya Shankaran, Adv.
Mr. Vishwajeet Singh Bhati, Adv.
Mr. Abhinav Sekhri, Adv.
Mr. Bhavesh Seth, Adv.
Ms. Sakshi Jain, Adv.

Mr. Tushar Mehta, ASG
Mr. Sanjay Jain, Adv.
Mr Padmesh Mishra, Adv.
Mr. Arkaj Kumar, Adv.
Mr, Pratushy Srivastava, Adv.
Mr. Rajat Nair, Adv.
Ms. Ashima Gupta, Adv.
Mr. A.K. Sharma, AOR

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

The writ petition questions inter alia the validity of Section 376 DA of the Indian Penal Code to the extent it takes away the discretion of the Court and mandates the imprisonment for life "which may be imprisoned for the remainder of person's natural life.

Mr. Mahfooz A. Nazki, learned advocate appearing on behalf of Project 39-A prays for being impleaded in the present matter. Impleadment application is allowed.

He submits that the validity of Section 376DB which was inserted with more or less identical phraseology where death penalty is one of the option open to the sentencing Court is pending consideration before this Court in Writ Petition (CrI.) No.184 of 2022.

List the instant petition alongwith Writ Petition (CrI.) No.184 of 2022 before the appropriate Court.

In the meantime, Union of India may file its response to the instant petition within three weeks from today. Rejoinder, if any, be filed within a week thereafter.

(INDU MARWAH)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER