

ITEM NO.18+37

COURT NO.4

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No.1304/2022

(Arising out of impugned final judgment and order dated 07-09-2021 in CRLA No.370/2020 passed by the High Court of Judicature at Bombay at Nagpur)

NIKHIL SHIVAJI GOLAIT

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(FOR I.R.)

WITH W.P.(Cr1) No.184/2022

Date : 13-05-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Gaurav Agrawal, AOR
Mr. Rajendra M. Daga, Adv.

For Respondent(s)

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

- 1 The petitioner has been convicted of an offence punishable under Section 376DB of the Indian Penal Code and has been sentenced to suffer imprisonment for the remainder of his natural life.

- 2 Having regard to the concurrent findings of fact which have been arrived at both by the Sessions Judge and by the High Court in appeal, there is no merit in the challenge to the conviction.
- 3 On the sentence which the legislature has prescribed as a minimum sentence in respect of an offence punishable under Section 376DB, Mr Gaurav Agrawal, counsel appearing on behalf of the petitioner has placed on the record a writ petition under Article 32 of the Constitution which challenges the imposition of a minimum mandatory sentence of imprisonment for the remainder of the natural life.
- 4 Notice shall issue to the learned Attorney General for India on the constitutional challenge to the sentence for the offence under Section 376 DB and on the Special Leave Petition, confined to the question of sentence.
- 5 Liberty to serve the Central Agency and the Standing Counsel for the State of Maharashtra, in addition.
- 6 The counter affidavit be filed within a period of three months from the date of service of notice.
- 7 List the Petitions on 16 August 2022.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Court Master