

ITEM NO.20

Virtual Court 7

SECTION II

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 9597/2020

(Arising out of impugned final judgment and order dated 12-11-2019 in CRLA No. 685/2019 and RTN No. 1/2019 passed by the High Court For The State of Telangana at Hyderabad)

STATE OF TELANGANA

Petitioner(s)

VERSUS

POLEPAKA PRAVEEN @ PAWAN

Respondent(s)

(IA No.49305/2020-CONDONATION OF DELAY IN FILING and IA No.49306/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 15-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Ms. Bina Madhavan, Adv.
Mr. S.Udaya Kumar Sagar, AOR
Ms. Swati Bhardwaj, Adv.

For Respondent(s)

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

Delay condoned.

This special leave petition is preferred by the State on the limited issue that the death sentence imposed by the Trial Court has been modified by the High Court to a life sentence albeit with a rider that the respondent-convict shall not be released till his last breath.

It is the submission of the learned counsel for the petitioner that a signal goes to the society by imposition of the death sentence.

She further admits that the imposition of death sentence was included in the Protection of Children from Sexual Offences Act, 2012 with effect from 6th August, 2019 and the offence was committed on 18/19.6.2019. It is her submission that keeping in mind the intent of the Parliament, it should be given retrospective effect even though the provision is prospective in nature.

We are unable to persuade ourselves to agree with the learned counsel for the petitioner on any of the aspects. Firstly, we fail to see how retrospective effect can be granted when the punishment is to operate prospectively and logically so. Even otherwise, the punishment of not being released till his last breath is punitive enough to send a signal to the society and it cannot be that only the death sentence can send a right signal. We are of the view that the High Court has deemed it appropriate to impose the life sentence till the last breath, this Court under Article 136 of the Constitution of India should not interfere only for conversion of the same into again a death sentence as imposed by the Trial Court.

The special leave petition is dismissed in terms
aforesaid.

Pending application shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR