

ITEM NO.3

COURT NO.2

SECTION II-A

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

Criminal Appeal Nos.572-573/2019

KARAN @ FAITYA

Appellant(s)

VERSUS

STATE OF MADHYA PRADESH

Respondent(s)

(IA No.73467/2022 - FOR PERMISSION)

Date : 20-05-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Appellant(s) Ms. Shivani Misra, Adv.  
Mr. Rajat Mittal, AOR

For Respondent(s) Mr. P.V. Yogeswaran, AAG  
Mr. Yashraj Bundela, Adv.  
Mr. Sunny Choudhary, AOR  
Mr. Gaurav Choudhary, Adv.

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

These appeals arise out of confirmation of death sentence awarded to the appellant by the High Court of Madhya Pradesh (Indore Bench) in Capital Case No.CRRFC4 of 2018 and Crl. Appeal 4379 of 2018.

The appeals were admitted on 01.04.2019 and the execution of death sentence of the petitioner was stayed. The original record has since then been received by the Registry of this Court.

We have passed certain directions in *Manoj v. State of Madhya Pradesh* [Cr1. Appeal Nos.248-250 of 2015] and in some other death sentence matters which directions were passed after conclusion of the arguments on the issue of conviction. However, we are of the view that the assessment as regards conduct of the accused, if made before the final submissions are advanced, will go a long way in rendering assistance.

In series of death sentence cases, this Court has been passing certain directions so that psychological evaluation of the concerned convict can be ascertained. Further, access has also been granted to the learned counsel representing the appellant(s) so that any mitigating circumstances, if any, be brought on record, on behalf of the concerned appellant(s).

Since the appellant has been awarded death sentence, in our view, facets of the matter touching upon the character and behaviour of the appellant would be essential in order to have complete assessment in the matter.

Learned counsel for the appellant/convict has also filed I.A. No.73467 of 2022 seeking permission for a mitigation investigator to be allowed access to the appellant. Following prayers have been made in the application:

- "a. Grant Ms. Baljeet Kaur permission to visit Central Jail, Indore and conduct in-person interviews with the Applicant Karan @ Fatiya.
- b. Direct the Central Jail, Indore, that for the sake of confidentiality these interviews be conducted in a separate space without any prison staff official being at earshot distance of the Applicant.

- c. Grant Ms. Baljeet Kaur permission to record the interviews conducted by means of an audio recorder in the separate interviewing space, or alternatively, grant permission to allow a person nominated by Ms. Baljeet Kaur to accompany her to take notes during the interview.
- d. Direct the Central Jail, Indore to grant Ms. Baljeet Kaur access to all record pertaining to the Applicant including but not limited to medical record, jail conduct, work done or education pursued in Central Jail Indore, etc."

In order to have complete assistance in the matter, We direct as under:

1. The respondent-State shall place before us the Report(s) of all the Probation Officer(s) relating to the accused before the next date of hearing.
2. We direct that the Report of the Jail Administration about the nature of the work done by the appellant while in jail be placed before this Court before the next date of hearing.
3. The interest of justice also demands that we obtain a psychological evaluation of the appellant.

We, therefore, direct the Director, MGM Medical College, Indore, to constitute a suitable team for psychological evaluation of the accused/appellant in this case and send a report before the next date of hearing.

4. The Jail Authorities, Central Jail, Indore, where the appellant is presently lodged, shall render complete co-operation in facilitating access to and due evaluation of the appellant in all respects.

5. Ms. Baljeet Kaur, who is associated with Project 39-A of the National Law University, Delhi, is allowed to have access to the appellant, who is presently lodged in Central Jail, Indore, to submit an appropriate Report to this Court.

The Registry shall send due intimation to all the concerned authorities immediately.

Let the report be placed before this Court on or before the next date of hearing.

List this matter for final disposal on 15.09.2022.

(MUKESH NASA)  
COURT MASTER

(VIRENDER SINGH)  
BRANCH OFFICER