

ITEM NO.4

COURT NO.1

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 (CrI.) Nos.5928-5929/2022

(Arising out of impugned final judgment and order dated 25-11-2021 in CC No.1/2019 25-11-2021 in CRA No.661/2019 passed by the High Court of Judicature at Bombay)

RAMKIRAT MUNILAL GOUD

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

(With IA No.88363/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.88366/2022-EXEMPTION FROM FILING O.T. and IA No.88365/2022-EXEMPTION FROM FILING AFFIDAVIT)

Date : 10-11-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.
Ms. Pratiksha Basarkar, Adv.
Ms. Stuti Raj, Adv.
Mr. Chandratany Chaube, Adv.
Mr. Tushar Arora, Adv.
Ms. Fauzia Shakil, AOR

For Respondent(s)

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

- 1 These proceedings arise from a judgment dated 25 November 2021 of a Division Bench of the High Court of Judicature at Bombay in Confirmation Case No 1 of 2019 and Criminal Appeal No 661 of 2019. The High Court by its impugned judgment has confirmed the sentence of death awarded by the trial court to the accused and dismissed the criminal appeal instituted by the accused, confirming the conviction and sentence.
- 2 Leave granted.
- 3 The execution of the sentence of death shall remain suspended pending the hearing and final disposal of the appeals.
- 4 In ***Manoj and Others vs State of Madhya Pradesh***¹, a three-Judge Bench of this Court issued guidelines for ensuring that a psychiatric and psychological evaluation of the accused is carried out in order to enable the court to have necessary background material to assess whether the imposition of the sentence of death is justified. The guidelines have been spelt out, *inter alia*, in paragraphs 227 to 230 of the judgment (reported in SCC Online).
- 5 A criminal miscellaneous petition² has been instituted for the purposes of seeking the following directions:
 - a. Grant permission to Ms. Nuriya Ansari to physically visit the Applicant herein, namely Ramkirat Munnihal Goud in Yerwada Central Jail, Pune and conduct multiple in-person interviews for the purpose of collecting information relevant to sentencing;
 - b. Grant permission to Ms. Nuriya Ansari to record the interviews conducted by means of an audio recorder in a separate interviewing space, or alternatively, grant permission to allow a person nominated

1 2022 SCC OnLine SC 677

2 CrIMP No 91490/2022

by the said mitigation investigator to accompany her to take notes during the interview;

- c. Direct that such interviews be confidential and be conducted without any prison or police staff at earshot distance;
- d. Grant permission to Ms. Nuriya Ansari to obtain documents or other written material pertaining to the Applicant, including but not limited to medical records, jail conduct, certificates of any educational, vocational or employment opportunities undertaken, etc. that the Applicant may wish to submit for the purpose of sentencing information;
- e. Direct the Respondent to implement video-conferencing facilities through the National Prisons Information Portal (NPIP) in Yerwada Central Prison, Pune, so that the Applicant can regularly interact with . his legal representatives using video-conference facilities;

6 The criminal miscellaneous petition has been instituted by Project 39A which is set up under the auspices of National Law University Delhi for providing *pro bono* legal representation particularly to convicts who have been sentenced to death. Ms Nuriya Ansari, who holds a Master's degree in Applied Psychology from Amity University is working as a mitigating investigator at Project 39A.

7 The attention of the Court has been drawn to a set of directions which have been issued by this Court, *inter alia*, in ***Ganesh @ Pravin Popal Darandale vs State of Maharashtra***³ and ***Prakash Vishwanath Darandale vs State of Maharashtra***⁴, both on 19 October 2022.

8 We issue the following directions:

- (i) The respondent-State shall place before this Court the report(s) of all the Probation Officers relating to the appellant within a period of eight weeks;

3 CrI.A. Nos.450-451/2020

4 CrI.A. Nos.425-426/2020

- (ii) The Superintendent of the Yerwada Central Jail shall submit a report in regard to the nature of work which has been performed by the appellant while in jail and a report in regard to the conduct and behaviour of the appellant while in jail within a period of eight weeks;
 - (iii) The Head of Sassoon General Hospital, Pune shall constitute a suitable team for the purpose of carrying out a psychological evaluation of the appellant. The report of the evaluation shall be submitted to this Court through the Standing Counsel for the State of Maharashtra within a period of eight weeks; and
 - (iv) Ms Nuriya Ansari is permitted to have access to the appellant who is presently lodged in Yerwada Central Jail, Pune to submit her report in regard to the psychological assessment of the appellant.
- 9 The Registry is directed to transmit a copy of this order to the Standing Counsel for the State of Maharashtra, who shall, in turn, ensure that the order is communicated to the relevant authorities for compliance. The Registry shall, in addition, send a due intimation to all the concerned authorities immediately for compliance.
- 10 All the reports shall be duly compiled and placed before this Court on the next date of hearing.
- 11 The original records of the case be summoned from the trial court. Translated copies shall be made available to all the counsel appearing on behalf of the contesting parties.
- 12 List the appeals after eight weeks.

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

(SAROJ KUMARI GAUR)
Assistant Registrar

