

[2022 LiveLaw \(SC\) 876](#)

IN THE SUPREME COURT OF INDIA
U.U. LALIT; CJI, S. RAVINDRA BHAT; J., BELA M. TRIVEDI; J.

Criminal Appeal No(s). 425-426/2020; 19-10-2022

PRAKASH VISHWANATH DARANDALE versus THE STATE OF MAHARASHTRA

Death Penalty - Assessment as regards conduct of the accused, if made before the final submissions are advanced, will go a long way in rendering assistance- Court passed directions so that psychological evaluation of the concerned convict can be ascertained.

For Appellant(s) Ms. Shivani Misra, Adv. Ms. Pratiksha Basarkar, Adv. Ms. Jaikriti S. Jadeja, AOR Ms. Shivani Misra, Adv. Ms. Pratiksha Basarkar, Adv. Mr. Aakarsh Kamra, AOR

For Respondent(s) Mr. Siddharth Dharmadhikari, Adv. Mr. Aaditya Aniruddha Pande, AOR

O R D E R

Heard Ms. Shivani Misra, learned Advocate who addressed us on behalf of Project 39A and Mr. Siddharth Dharmadhikari, learned Advocate for the State.

Criminal Appeal Nos. 425-426/2020 and 427428/2020 arise out of confirmation of death sentence awarded to the appellant(s) by the High Court Bombay (Bombay Bench) in Confirmation Case No.1 of 2018 and Crl. Appeal No.949 of 2018. The appeals were admitted on 27.05.2020 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* [Crl. 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(s) have been awarded death sentence, in our view, facets of the matter touching upon the character and behaviour of the appellant(s) would be essential in order to have complete assessment in the matter.

Learned counsel for the appellant(s)/convict(s) has also filed I.A. Nos.150962 of 2022 and 151484/2022 seeking permission for a mitigation investigator to be allowed access to the appellant(s). Following prayers have been made in the application(s) :

I.A. No.150962 of 2022

“a. Grant permission to Ms. Katherine Deborah Joy to physically visit the Applicant herein, namely Prakash Vishwanath Darandale in Nashik Central Jail and conduct multiple in-person interviews for the purpose of collecting information relevant to sentencing;

b. Grant permission to Ms. Katherine Deborah Joy to record the interviews conducted by means of an audio recorder in a separate interviewing space, and grant permission to allow a person nominated 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. Katherine Deborah Joy 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 videoconferencing facilities through the National Prisons Information Portal (NPIP) in Nashik Central Jail, Nashik, so that the applicant can regularly interact with his legal representatives using video-conference facilities;
- f. Pass directions to the Respondent and its instrumentalities, including Nashik Central Jail, accordingly.
- g. Any other order(s) as may be deemed fit in the interests of justice.”

I.A. No.151484 of 2022

- “a. Grant permission to Ms. Baljeet Kaur to physically visit the Applicant herein, namely Ramesh Vishwanath Darandale in Nashik Central Jail and conduct multiple in-person interviews for the purpose of collecting information relevant to sentencing;
- b. Grant permission to Ms. Baljeet Kaur to record the interviews conducted by means of an audio recorder in a separate interviewing space, and grant permission to allow a person nominated 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. Baljeet Kaur 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 videoconferencing facilities through the National Prisons Information Portal (NPIP) in Nashik Central Jail, Nashik, so that the applicant can regularly interact with his legal representatives using video-conference facilities;
- f. Pass directions to the Respondent and its instrumentalities, including Nashik Central Jail, accordingly.
- g. Any other order(s) as may be deemed fit in the interests of justice.”

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(s) 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(s).

We, therefore, direct the Director/Head, Dr. Vasantrao Pawar Medical College Hospital & Research Centre, Nashik, Maharashtra to constitute a suitable team for

psychological evaluation of the accused/appellant(s) in these cases and send a report before the next date of hearing.

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

5. Ms. Katherine Deborah Joy and Ms. Baljeet Kaur, who are associated with Project 39-A of the National Law University, Delhi, are allowed to have access to the appellant(s) Prakash Vishwanath Darandale and Ramesh Vishwanath Darandale respectively, who are presently lodged in Central Jail, Nashik, 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.

IA Nos. 150962/2022 and 151484 of 2022 are accordingly allowed.

List these matters for final disposal in the second week of February, 2023.

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