

## SWAMI SHRADDHANAND VERSUS STATE OF KARNATAKA

*Swami Shradddhanand versus State of Karnataka* is a crucial case in which the Supreme Court changed its decision from death penalty to life imprisonment. The case introduced a new form of penal punishment where life imprisonment was given without remission till the criminal's last breath. The case reflects the larger debate surrounding the validity of capital punishment, its irrevocable nature and the rarest of the rare doctrine.

Swami Shradddhanand, originally Murali Manohar Mishra, who was the appellant in this case, killed his wife Shakerah Namazie for her property. Shakerah Namazie [was the granddaughter of the Nawab of Mysore](#) and thus had inherited a vast amount of property from her mother and her marriage. She was married to an IFS officer and had four daughters from their marriage. The convict Murali Manohar Mishra, who called himself a godman having some occult power, met Shakerah in 1982, before her divorce. Shakerah was looking for someone who could manage her property, and Mishra offered his help. Soon, he moved to Bangalore, living in the residence of Shakerah. Shakerah's husband at this time was posted in Iran, which was not a family station. While managing property, Shradddhanand grew closer to Shakerah and started claiming that he could fulfil her desire of having a son. Playing upon this suppressed desire, they both grew closer and in 1985, when Shakerah's husband returned, they divorced each other.

After the divorce, Shakerah and Shradddhanand got married. Shradddhanand, however, was eyeing her property. Soon, differences stemmed in their relationship, resulting in the final event where Shradddhanand brutally murdered her wife in 1991 by adding some drugs to her morning tea. He put her inside a casket and buried her alive in the backyard of their mansion. He lied to Shakerah's daughters when they enquired about her. As a result, they filed a missing person complaint at the police station. The investigation resulted in the unfolding of the truth, and Shradddhanand was arrested. The Session Court in 2000 found him guilty and declared a death sentence. The Karnataka High Court upheld this decision, after which he moved to the Supreme Court, where a two-judge bench gave a split judgment. The case was then transferred to a three-judge bench.

### **Question of Law**

The major question of law in front of the court was regarding the applicability of the rarest of the rare doctrine in this case and whether the capital punishment can be commuted to a lesser punishment.

### **Judgment**

The Supreme Court, while acknowledging the brutality of the murder and its heinous nature, at the same time asserted that the case cannot be counted as the 'rarest of the rare'. The rarest of the

rare doctrine was established by *Bachan Singh versus the State of Punjab (1980)*. According to the doctrine, the court should only give capital punishment in the rarest of the rare circumstances. The court should look at the nature and the gravity of the crime. Largely, however, the doctrine works on subjectivity.

The Supreme Court stated that the rarest of the rare doctrine works on the predicament of the Judges and thus overturned the capital punishment given by the Session Court and the High Court. However, the life imprisonment which was given in exchange for the Death penalty should not be limited to 14 years, as it is understood in usual cases. Understanding the gravity of the crime, a special life imprisonment was declared, which was to be imposed till the last breath of Swami Shradhdhanand.