



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. _____ OF 2026
(Arising out of SLP(Crl.) No. _____ of 2026)
[Diary No. 56431 of 2025]

NAVAL KISHORE & ANR.

... APPELLANTS

VERSUS

STATE OF PUNJAB

... RESPONDENT

J U D G M E N T

VIPUL M. PANCHOLI, J.

- 1.** Delay condoned.
- 2.** Leave granted.
- 3.** This is a criminal appeal challenging the judgment and order dated 12.12.2022 passed by the High Court of Punjab and Haryana at Chandigarh in CRA-D-759-DB-2014, whereby the criminal appeal preferred by the appellants, along with the co-accused Ashok Kumar (accused No. 1), came to be

dismissed and the judgment of conviction and order of sentence passed by the learned Trial Court were affirmed.

3.1. The Trial Court, *vide* judgment dated 26.04.2014, convicted all the three accused for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code, 1860 (hereinafter referred to as “*the IPC*”). By a separate order dated 28.04.2014, the accused were sentenced to rigorous imprisonment for life and were directed “to remain in prison till rest of their life”, apart from payment of fine of Rs.2,500/- each and, in default thereof, to undergo simple imprisonment for one year.

4. The brief facts of the prosecution case are as follows:

4.1. Pinki @ Simran (hereinafter referred to as “*the deceased*”) was married to Ashok Kumar (accused No. 1) and two daughters, Divya (8 years old) and Pooja (5 years old), were born out of wedlock.

4.2. On 25.12.2009, Vijay Kumar, father of the deceased, went to meet her at her matrimonial home. On 26.12.2009, Pinki, alongwith her daughters and Ashok Kumar, came to the residence of Vijay Kumar at Ludhiana in connection with

an upcoming family wedding. On 27.12.2009, at about 7 p.m., Pinki and her daughters left the house stating that they were going to purchase some eatables. When they did not return, a search was undertaken by the family members. On 28.12.2009, at about 8:30 a.m., Vijay Kumar, accompanied by Ashok Kumar, found the dead bodies of Pinki and her two minor daughters near the railway tracks at Sandhu Nagar, Ludhiana. The deceased persons had sustained injuries caused by sharp-edged weapons.

4.3. Thereafter, Vijay Kumar got his statement recorded before the police, which formed the basis of FIR No. 271 of 2009 dated 28.12.2009 registered at Police Station Haibowal, Ludhiana, for the offence punishable under Section 302 read with Section 34 IPC against unknown persons.

4.4. During investigation, various articles were recovered from the place of occurrence, including a blood-stained weapon, a liquor bottle, glass tumblers and foot track moulds. The prosecution also relied upon forensic material, including the hair recovered from the closed fist of the deceased Pinki.

4.5. On 30.12.2009, Ashok Kumar was produced before the police by Mohalla Pradhan Jaspal Singh (PW-6) and was arrested. During investigation, pursuant to the disclosure statement made by him, a blood-stained jacket and the weapon of offence were recovered. Based on the statement of Ashok Kumar, Jyoti Kumar (accused No.2 - brother of Ashok Kumar) and Naval Kishore (accused No.3 - friend of Ashok Kumar), were arrested at Ludhiana Railway Station on 31.12.2009.

4.6. During the investigation, on the basis of the disclosure statements of the appellants - Jyoti Kumar and Naval Kishore, their respective blood-stained jackets and gold earrings belonging to the deceased Pinki were recovered.

4.7. The prosecution relied, *inter alia*, upon the testimony of PW-4 Darshan Singh, who stated that on 27.12.2009 at about 7 p.m., he had seen Jyoti Kumar and Naval Kishore consuming liquor near the railway lines and thereafter saw Pinki and her daughters proceeding towards the railway line, with Ashok Kumar following them. The prosecution also relied upon the testimony of PW-6 Jaspal Singh regarding the extra-judicial confessions made by the accused and deposed

that the accused had disclosed the conspiracy to eliminate Pinki and her daughters, because Ashok Kumar suspected the character of Pinki and doubted the paternity of the children. Ashok Kumar further planned to claim insurance money of Rs.1-2 lakhs, out of which Naval Kishore was promised Rs.50,000 for assisting in the crime. The prosecution rested its case on the forensic evidence, including the finger impressions on the recovered glass tumblers and the DNA evidence confirming that the hair recovered from the hand of the deceased Pinki belonged to Jyoti Kumar.

5. The accused were tried for the offence punishable under Section 302 read with Section 34 IPC. The Trial Court examined 17 prosecution witnesses and 6 defence witnesses. *Vide* the judgment dated 26.04.2014, the Trial Court convicted the accused under Section 302 read with Section 34 IPC and *vide* a separate order dated 28.04.2014, the accused were sentenced to rigorous imprisonment for life and were directed “to remain in prison till rest of their life”, apart from payment of fine of Rs.2,500/- each and, in default thereof, to undergo simple imprisonment for one year.

6. The accused preferred a criminal appeal before the High Court, being CRA-D-759-DB-2014. The High Court thereafter examined the prosecution evidence, including the last-seen circumstance, the extra-judicial confession, the recoveries from the disclosure statements, the forensic evidence and other circumstances forming part of the prosecution case. *Vide* the impugned order dated 12.12.2022, the High Court dismissed the criminal appeal and affirmed the conviction and sentence imposed upon the accused by the Trial Court.

6.1. At this stage, it is relevant to observe that the High Court in paragraph 1 of the impugned judgment noted as under:

“1. The instant appeal is directed against the impugned verdict, as made on 26.4.2014, upon Sessions Case No. 20 of 3.8.2010, by the learned Additional Sessions Judge, Ludhiana. Through the above said verdict, the learned trial Judge concerned, convicted all the accused, for the commission of offences punishable, under Section(s) 302 read with Section 34 of the IPC. Moreover, through a separate sentencing order, drawn on 28.4.2014, the learned trial Judge concerned, sentenced the convicts to undergo rigorous imprisonment for life, for an offence punishable under Section 302 read with Section 34 of the IPC, besides also imposed, upon the convicts sentence of fine, comprised in a sum of Rs. 2500/- each, and, in default of payment of fine amount, he sentenced the convicts to undergo simple imprisonment for a period of one year.”

6.2. Thus, from the aforesaid, it is clear that while affirming the conviction and sentence imposed by the Trial Court, the High Court did not take into consideration the specific

direction issued by the Trial Court that the accused shall “remain in prison till rest of their life” and thus, the said direction, which is part of the sentence of rigorous imprisonment for life imposed upon the accused, was not examined by the High Court while passing the impugned judgment dated 12.12.2022.

- 7.** Aggrieved by the impugned order, the appellants (accused Nos. 2 and 3) filed the present appeal before this Court.
- 8.** When the matter came before this Court on 10.11.2025, after hearing learned counsel for the appellants, this Court recorded its considered view that the judgment of conviction did not warrant interference. However, this Court noted that the sentence imposed by the Trial Court, namely, the accused “to remain in prison till rest of their life”, required examination. Thereafter, on 26.05.2026, this Court, for the limited purpose of examining the sentence, directed the State to place on record a report from the Jail Superintendent concerning the conduct of the appellants in prison and any other useful information.

9. Ms. Sampa Sengupta Ray, learned counsel appearing on behalf of the appellants submitted that although the conviction is not being challenged in the present proceedings, the direction that the appellants shall remain imprisoned for the rest of their natural lives is legally unsustainable and warrants interference by this Court.

9.1. It is submitted that Section 302 IPC provides for death or imprisonment for life as punishments for the offence of murder and that the Trial Court went beyond the statutory punishment by directing the appellants to remain imprisoned for the rest of their lives. Thus, the question of sentence requires independent consideration by this Court.

9.2. It is further submitted that the appellants have undergone a substantial period of incarceration and have maintained satisfactory conduct during their imprisonment.

9.3. Therefore, learned counsel for the appellants prayed that the sentence be appropriately modified and having regard to the period already undergone and the conduct of the appellants, the appellants be released from jail.

10. *Per contra*, Mr. Vivek Jain, learned Additional Advocate General and Mr. Siddhant Sharma, learned counsel, appearing on behalf of the State of Punjab-respondent submitted that the offence involved the brutal murder of three persons, including two minor children.

10.1. It is contended that the gravity of the offence, the manner in which the victims were killed and the impact of the crime upon the family and society, warrant no interference by this Court in the sentence imposed upon the appellants by the Trial Court and affirmed by the High Court, that is, the appellants to remain incarcerated for the remainder of their natural lives.

10.2. Therefore, learned counsel for the respondent-State prayed that the appeal be dismissed.

11. We have heard learned counsel for the parties and have perused the material available on record.

12. In view of the order dated 10.11.2025, the conviction of the appellants is not required to be reconsidered and thus, the following questions concerning the sentence of the appellants arise for our consideration :

- A.** Whether the Trial Court was competent to direct, while imposing the punishment of imprisonment for life under Section 302 IPC, that the appellants shall remain in prison for the remainder of their lives?
- B.** If the answer to Question (A) is in the negative, what sentence is to be imposed upon the appellants?
- 13.** Section 302 IPC is reproduced as under, for convenience:
- “302. Punishment for murder.— Whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine.”***
- 14.** Section 302 IPC prescribes two punishments for the offence of murder, namely, (i) death or (ii) imprisonment for life, apart from fine. However, significantly Section 302 IPC does not expressly provide that imprisonment for life shall mean imprisonment for the remainder of the natural life of convict, unlike certain other provisions of the IPC which expressly provide for such a consequence.
- 15.** It is well settled that, as per Section 53 read with Section 45 of the IPC, imprisonment for life means imprisonment for the remainder of the natural life of the convict. At the same time, such sentence is subject to the statutory powers of remission

and commutation vested in the appropriate Government under Sections 432 to 435 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “*the Cr.P.C.*”) and the constitutional powers under Articles 72 and 161 of the Constitution of India.

16. In the present case, the distinction between an ordinary sentence of imprisonment for life and a special category sentence directing that the convict shall not be released for the remainder of his natural life by excluding the statutory remission regime, is to be considered. Therefore, the question that falls for our consideration is whether a Court of Session, while imposing a sentence under Section 302 IPC, is competent to issue a direction that the convict shall remain imprisoned for the remainder of his natural life, thereby excluding or curtailing the statutory powers of remission and commutation vested in the appropriate Government.
17. This Court in the decision of ***Swamy Shraddhananda (2) v. State of Karnataka, (2008) 13 SCC 767***, evolved a special category of sentence as a measure to bridge the gap between the punishment of death and ordinary life imprisonment. The underlying consideration was that in a case falling short of

the “rarest of the rare” threshold for capital punishment, ordinary life imprisonment subject to remission might nevertheless be grossly inadequate and thus, the special category was evolved in exceptional cases where life imprisonment without the possibility of remission was considered necessary. This Court observed as under:

“92. The matter may be looked at from a slightly different angle. The issue of sentencing has two aspects. A sentence may be excessive and unduly harsh or it may be highly disproportionately inadequate. When an appellant comes to this Court carrying a death sentence awarded by the trial court and confirmed by the High Court, this Court may find, as in the present appeal, that the case just falls short of the rarest of the rare category and may feel somewhat reluctant in endorsing the death sentence. But at the same time, having regard to the nature of the crime, the Court may strongly feel that a sentence of life imprisonment subject to remission normally works out to a term of 14 years would be grossly disproportionate and inadequate. What then should the Court do? If the Court's option is limited only to two punishments, one a sentence of imprisonment, for all intents and purposes, of not more than 14 years and the other death, the Court may feel tempted and find itself nudged into endorsing the death penalty. Such a course would indeed be disastrous. A far more just, reasonable and proper course would be to expand the options and to take over what, as a matter of fact, lawfully belongs to the Court i.e. the vast hiatus between 14 years' imprisonment and death. It needs to be emphasised that the Court would take recourse to the expanded option primarily because in the facts of the case, the sentence of 14 years' imprisonment would amount to no punishment at all.”

- 18.** The aforesaid issue was thereafter considered by the Constitution Bench in ***Union of India v. V. Sriharan alias Murugan, (2016) 7 SCC 1***. The Constitution Bench affirmed the validity of such special category sentencing, however,

made it clear that the power to impose a special category punishment providing for a specified period of incarceration or imprisonment till the end of the life of convict, as an alternative to death penalty, could be exercised only by the Constitutional Courts, i.e. the Supreme Court and the High Courts. It has been observed as under:

“105. We, therefore, reiterate that the power derived from the Penal Code for any modified punishment within the punishment provided for in the Penal Code for such specified offences can only be exercised by the High Court and in the event of further appeal only by the Supreme Court and not by any other court in this country. To put it differently, the power to impose a modified punishment providing for any specific term of incarceration or till the end of the convict's life as an alternate to death penalty, can be exercised only by the High Court and the Supreme Court and not by any other inferior court.

106. Viewed in that respect, we state that the ratio laid down in Swamy Shraddananda (2) [Swamy Shraddananda (2) v. State of Karnataka, (2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113] that a special category of sentence; instead of death; for a term exceeding 14 years and put that category beyond application of remission is well founded and we answer the said question in the affirmative. We are, therefore, not in agreement with the opinion expressed by this Court in Sangeet v. State of Haryana [Sangeet v. State of Haryana, (2013) 2 SCC 452 : (2013) 2 SCC (Cri) 611] that the deprivation of remission power of the appropriate Government by awarding sentences of 20 or 25 years or without any remission as not permissible is not in consonance with the law and we specifically overrule the same.”

- 19.** The important question as to the authority competent to impose such a special category sentence was recently again considered by this Court in **Kiran v. State of Karnataka,**

2025 SCC OnLine SC 2863. In that case also, the Sessions Court had imposed life imprisonment with a direction that the sentence would operate till the end of the natural life of the accused. After considering **Swamy Shraddananda (2) (supra)** and **V. Sriharan alias Murugan (supra)**, this Court held that although life imprisonment denotes imprisonment for the remainder of the life of convict, the statutory powers of remission and commutation cannot be curtailed by a Sessions Court and thus, the power to impose a special category sentence of life imprisonment without remission belongs to the Constitutional Courts and not to the Sessions Court. This Court further held that the power to grant remission and commutation under Sections 432 to 435 of the Cr.P.C. cannot be curtailed by the Sessions Court and a direction by the Sessions Court that imprisonment for life shall continue till the end of the natural life of the convict is in conflict with the statutory scheme. Accordingly, in that case, the sentence imposed by the Trial Court was modified to imprisonment for life *simpliciter*. The relevant paragraph reads as under:

“15. Going by the decisions cited, it has to be held that life imprisonment awarded would be for the rest of the life, the

power to grant remission and commutation under Sections 432 to 435 Cr. P.C. cannot be curtailed by the Sessions Court, when the remission as provided under the Constitution was declared to be not permissible of interference by the Constitutional Courts. The power of alternate sentencing to cover the hiatus between 14 years and death, cannot be applied by the Sessions Courts. Hence, the sentence of life imprisonment cannot be directed to be till the end of natural life, by the Sessions Court which direction would be in conflict with the provisions of the Cr. P.C. The power of remission or commutation conferred on the State cannot be taken away and the sentence as awarded by the trial court and confirmed by the High Court for the offence under Section 302 of the Penal Code, 1860⁵ is confirmed as imprisonment for life.”

20. The appellants have placed reliance upon ***Ravinder Singh v. State (NCT of Delhi), (2024) 2 SCC 323***, to urge for the commutation of sentence of the appellants, wherein the Sessions Court had directed the convict to undergo 20 years of imprisonment without remission, affirmed by the High Court, this Court declined to reduce the period of imprisonment. However, this Court categorically held that the Sessions Court lacked the power to impose a special category sentence. The relevant paragraph reads as under:

“23. The above observations manifest the applicability of the same principle in cases where the maximum punishment prescribed by law is imprisonment for life with nothing further. Even in such cases, it would be a parody of justice to allow the convicts so sentenced to avail the benefit of remissions and the like, liberally conferred by the State, and cut short the length of their life sentence to a mere 14 years. We are, therefore, of the considered opinion that the law laid down in Swamy Shraddananda [Swamy Shraddananda (2) v. State of Karnataka, (2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113] and V. Sriharan[Union of India v. V. Sriharan, (2016) 7 SCC 1 : (2016) 2 SCC (Cri) 695] with regard to special category

sentencing to life imprisonment in excess of 14 years by fixing a lengthier term would be available to the High Courts and this Court, even in cases where the maximum punishment, permissible in law and duly imposed, is life imprisonment with nothing further. We must, however, hasten to add that exercise of such power must be restricted to grave cases, where allowing the convict sentenced to life imprisonment to seek release after a 14-year-term would tantamount to trivialising the very punishment imposed on such convict. Needless to state, cogent reasons have to be recorded for exercising such power on the facts of a given case and such power must not be exercised casually or for the mere asking.”

- 21.** The appellants have further relied upon ***Navas alias Mulanavas v. State of Kerala, (2024) 14 SCC 82***, for commutation of sentence. In this case, the High Court, while imposing a special category of life imprisonment, directed the appellant to undergo imprisonment for a period of 30 years without remission, which period was subsequently modified by this Court to 25 years. However, it is relevant to note that ***Navas (supra)*** does not support the proposition that such a sentencing power is available to the Sessions Court. This Court further observed the manner in which the appropriate sentence is to be determined and the relevant observations are reproduced as under:

“76. A survey of the 27 cases discussed above indicates that while in five cases, the maximum of imprisonment till the rest of the life is given; in nine cases, the period of imprisonment without remission was 30 years; in six cases, the period was 20 years (in Ramraj [Ramraj v. State of Chhattisgarh, (2010) 1 SCC 573 : (2010) 1 SCC (Cri) 842], this Court had imposed a sentence of 20 years including remission); in four cases, it

was 25 years; in another set of two cases, it was 35 years and in one case, it was 21 years.

77. What is clear is that courts, while applying *Swamy Shraddananda* [*Swamy Shraddananda (2) v. State of Karnataka*, (2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113], have predominantly in cases arising out of a wide array of facts, keeping the relevant circumstances applicable to the respective cases fixed the range between 20 years and 35 years and in few cases have imposed imprisonment for the rest of the life. So much for statistics. Let us examine how the judgments guide us in terms of discerning any principle.

78. A journey through the cases set out hereinabove shows that the fundamental underpinning is the principle of proportionality. The aggravating and mitigating circumstances which the Court considers while deciding commutation of penalty from death to life imprisonment, have a large bearing in deciding the number of years of compulsory imprisonment without remission, too. As a judicially trained mind pores and ponders over the aggravating and mitigating circumstances and in cases where they decide to commute the death penalty they would by then have a reasonable idea as to what would be the appropriate period of sentence to be imposed under the *Swamy Shraddananda* [*Swamy Shraddananda (2) v. State of Karnataka*, (2008) 13 SCC 767 : (2009) 3 SCC (Cri) 113] principle too. Matters are not cut and dried and nicely weighed here to formulate a uniform principle. That is where the experience of the judicially trained mind comes in as pointed out in *V. Sriharan* [*Union of India v. V. Sriharan*, (2016) 7 SCC 1 : (2016) 2 SCC (Cri) 695] .

79. Illustratively, in the process of arriving at the number of years as the most appropriate for the case at hand, which the convict will have to undergo before which the remission powers could be invoked, some of the relevant factors that the courts bear in mind are:

- (a) the number of deceased who are victims of that crime and their age and gender;
- (b) the nature of injuries including sexual assault if any;
- (c) the motive for which the offence was committed;
- (d) whether the offence was committed when the convict was on bail in another case;
- (e) the premeditated nature of the offence;
- (f) the relationship between the offender and the victim;
- (g) the abuse of trust if any;
- (h) the criminal antecedents; and whether the convict, if released, would be a menace to the society.

Some of the positive factors have been:

- (1) *age of the convict;*
- (2) *the probability of reformation of convict;*
- (3) *the convict not being a professional killer;*
- (4) *the socio-economic condition of the accused;*
- (5) *the composition of the family of the accused; and*
- (6) *conduct expressing remorse.”*

22. At this stage, we consider it appropriate to examine the legislative developments subsequent to the decision in **V. Sriharan alias Murugan (supra)**. The Criminal Law (Amendment) Act, 2018, was enacted against the backdrop of grave sexual offences against women and children and sought to substantially enhance the punishment prescribed for certain aggravated forms of rape. The Parliament, *inter alia*, introduced Sections 376AB, 376DA and 376DB into the IPC and in each of these provisions, expressly provided that the punishment of imprisonment for life “shall mean imprisonment for the remainder of that person’s natural life”. During the Parliamentary Debate on the Criminal Law (Amendment) Bill, 2018, it was pointed out that the Bill defined life imprisonment as imprisonment for the natural life of convict and unlike the ordinary remission regime applicable to life imprisonment, such a sentence would not contemplate release merely on account of good behaviour. Therefore, it is evident that when the Parliament intended the

expression “imprisonment for life” to mean imprisonment for the remainder of the natural life of convict, it used specific and unambiguous language to that effect.

23. We are of the considered view that this legislative choice is of considerable significance when Section 302 IPC is examined, as Section 302 IPC has not been amended in the similar terms and continues to provide that whoever commits murder shall be punished with death, or imprisonment for life, and shall also be liable to fine. Thus, the legislative intent to use such express language in those provisions, while retaining Section 302 IPC in its existing form, cannot be disregarded while interpreting the scope of the sentencing power under Section 302 IPC. Therefore, it would be impermissible to read into Section 302 IPC, a punishment, which the Parliament has expressly incorporated in other penal provisions and in doing so, the Sessions Court would be supplementing the punishment prescribed by the legislature.

24. This position is fortified by the Constitution Bench decision in **V. Sriharan (supra)**, wherein this Court emphasised that prescribing punishments is essentially a legislative function

and that the Courts must operate within the punishment prescribed by the legislature and while the Constitutional Courts may, in appropriate cases, mould a sentence within the permissible limits of the punishment prescribed, the exercise of such power is circumscribed by the constitutional and statutory scheme.

25. In light of the decisions considered hereinabove, we are of the view that there is no doubt that the Trial Court was competent to impose the punishment of imprisonment for life upon the appellants for the offence under Section 302 read with Section 34 IPC, however, at the same time, the Trial Court was not competent to impose a special category sentence that the appellants “to remain in prison till rest of their life”, which in substance and effect, excludes the statutory power of remission or commutation. Therefore, the High Court, while affirming the sentence imposed by the Trial Court, did not examine the competence of the Trial Court to impose such a sentence and thus, to that extent, the impugned judgment requires interference of this Court.

26. Having held that the direction issued by the Trial Court that the appellants shall “remain in prison till rest of their life”

cannot be sustained, the next question that arises for our consideration is as to the sentence to be imposed upon the appellants having regard to the facts and circumstances of the present case.

27. As noted hereinabove, the power to impose a special category of sentence, whereby a convict is required to undergo imprisonment for a specified period beyond the ordinary remission or commutation regime, is vested only in the Constitutional Courts. In this regard, paragraph 79 of **Navas (supra)**, reproduced hereinabove, is relevant, wherein this Court provides for the sentencing principles and considerations that guide the exercise of such power and it is held that the power is to be exercised sparingly and upon a holistic consideration of the facts and circumstances of each case, including the nature and gravity of the offence, the circumstances in which the offence was committed, the role attributable to the accused, the period of incarceration already undergone, the conduct of the convict while in custody and the prospects of rehabilitation of the convict.

28. We are of the view that the offence in the present case involves the premeditated murder of three persons, including two

minor children, which aggravates the seriousness of the offence. Further, the manner in which the offence was committed, i.e. by inflicting injuries on their throats and other body parts by sharp-edged weapons, is also a circumstance which cannot be lost sight of while determining the appropriate sentence.

- 29.** At the same time, sentencing is not an exercise which can be determined solely by the nature of the crime. We are of the view that the Court must balance the circumstances of the offence with the circumstances of the accused and thus, the sentence must be proportionate to the crime while also preserving the possibility of reformation and rehabilitation of the accused, wherever the circumstances of the case permit.
- 30.** In the present case, the appellants have undergone a substantial period of incarceration. The custody certificates placed on record show that, as on 08.07.2026, Naval Kishore had undergone an actual period of custody of 12 years, 5 months and 20 days, including the period of custody undergone as an undertrial, whereas Jyoti Kumar had undergone an actual period of custody of 11 years, 6 months and 9 days.

31. Furthermore, the conduct of the appellants during their incarceration is also a relevant consideration. We have perused the conduct certificates issued in respect of both the appellants, which were called for by this Court *vide* order dated 26.05.2026. The certificates indicate that the conduct of both the appellants has remained satisfactory. They have maintained good discipline, complied with the prison rules and regulations and their behaviour towards the prison staff and fellow inmates has also been found to be satisfactory.

32. Therefore, having regard to the gravity of the offence, the fact that three persons were killed including two minor children, the respective roles attributed to the appellants, the substantial period of incarceration already undergone by them, their satisfactory conduct during custody and the fact that the present proceedings are confined to the question of sentence, the ordinary imprisonment for life subject to the statutory remission or commutation regime would not adequately meet the ends of justice, whereas, imprisonment for the remainder of the natural life of the appellants would be disproportionate in the circumstances of the present case. In our considered view, the ends of justice would be

adequately met by altering the sentence of the appellants awarded by the Trial Court, i.e. rigorous imprisonment for life and “to remain in prison till rest of their life”, to the sentence of rigorous imprisonment for a period of 25 years, without any statutory remission.

- 33.** In view of the above discussion, Question (A) is answered in the negative. The Trial Court was competent to impose the punishment of imprisonment for life upon the appellants under Section 302 read with Section 34 IPC, however, it was not competent to direct that the appellants shall “remain in prison till rest of their life”. Accordingly, Question (B) is answered and while exercising our powers as a Constitutional Court, we alter the sentence of the appellants from rigorous imprisonment for life with the direction that they shall “remain in prison till rest of their life” to the sentence of rigorous imprisonment for a period of 25 years without the benefit of statutory remission. At this stage, it is required to be observed that as on 08.07.2026, appellant No.1 had already undergone a period of custody of 12 years, 5 months and 20 days and appellant No.2 had already undergone a period of custody of 11 years, 6 months and 9 days.

- 34.** Accordingly, the conviction of the appellants under Section 302 read with Section 34 of the IPC is affirmed. However, the sentence imposed upon the appellants by the Trial Court, which was affirmed by the High Court, is modified to the extent indicated above. The direction requiring the appellants “to remain in prison till the rest of their life” is hereby set aside and in substitution thereof, both the appellants are sentenced to undergo rigorous imprisonment for a period of 25 years, without the benefit of any statutory remission.
- 35.** For the aforesaid reasons, the present appeal is allowed in part.
- 36.** Pending application(s), if any, shall stand disposed of.

.....**J.**
(ARAVIND KUMAR)

.....**J.**
(VIPUL M. PANCHOLI)

NEW DELHI
SEPTEMBER 24, 2026