

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

R.P.(CRL.) NO. 512/2024 IN CRL.A. NO. 454/2006

SWAMY SHRADDANANDA @ MURALI MONAHAR MISHRA

PETITIONER

VERSUS

STATE OF KARNATAKA & ORS.

RESPONDENT(S)

O R D E R

1. The present petition seeks review of the judgments and orders dated 18.05.2007 and 22.07.2008 passed by this Court in Criminal Appeal No.454/2006.

2. The view taken by a Bench of three Hon'ble Judges in Swami Shraddananda (2) @ Murali Manohar Sharma v. State of Karnataka, (2008) 13 SCC 767 has not only been referred to by the Constitution Bench of this Court in the case of Union of India v. V. Sriharan @ Murugan, reported in (2015) 14 SCR 613, but was approved in unequivocal terms without leaving any manner of doubt.

3. In that view of the matter, we do not find that the present review petition is tenable.

4. In paragraph 111 of the judgment of the Constitution Bench in V. Sriharan @ Murugan (supra) this Court has held as under:-

"111. Therefore, it must be held that there is every scope and ambit for the Appropriate Government to consider and grant remission under

Section 432 and 433 of the Code of Criminal Procedure even if such consideration was earlier made and exercised under Article 72 by the President and under Article 161 by the Governor. As far as the implication of Article 32 of the Constitution by this Court is concerned, we have already held that the power under Sections 432 and 433 is to be exercised by the Appropriate Government statutorily, it is not for this Court to exercise the said power and it is always left to be decided by the Appropriate Government, even if someone approaches this Court under Article 32 of the Constitution. We answer the said question on the above terms."

5. It could thus be seen that the Constitution Bench in V. Sriharan @ Murugan (supra) has held that the exercise of powers by the President of India under Article 72 of the Constitution and by the Governor under Article 161 of the Constitution of India are available in spite of the Court imposing the sentence of life imprisonment up to death as a substitute for death penalty.

6. We are informed by Shri Sanjay R Hegde, learned senior counsel appearing for Respondent No.3 and Shri D.L. Chidananda, learned counsel for the State of Karnataka/Respondent No.2 that the petitioner has already made a representation to the President of India.

7. In that view of the matter, we do not find that any interference is warranted by way of the present proceedings. The review petition is accordingly disposed of.

8. Pending application(s), if any, shall stand disposed of.

.....J
(B.R. GAVAI)

.....J
(PRASHANT KUMAR MISHRA)

.....J
(K.V. VISWANATHAN)

NEW DELHI;
OCTOBER 23, 2024

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

R.P.(CRL.) NO. 512/2024 IN CRL.A. NO. 454/2006

SWAMY SHRADDANANDA @ MURALI MONAHAR MISHRA

PETITIONER(S)

VERSUS

STATE OF KARNATAKA & ORS.

RESPONDENT(S)

(IA No. 127899/2024 - APPLICATION FOR LISTING REVIEW PETITION IN OPEN COURT, IA No. 127898/2024 - CONDONATION OF DELAY IN FILING REVIEW PETITION)

Date : 23-10-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Mr. Tripurari Ray, Adv.
Mr. Varun Thakur, Adv.
Mr. Deepak Goel, Adv.
Mrs. Tanuj Bagga Sharma, Adv.
Mr. Ramkaran, Adv.
Dr. M.k Ravi, Adv.
Ms. Shraddha Saran, Adv.
Ms. Swati Jindal, Adv.
Mr. B.v Niren, Adv.
Mr. Vivek Gupta, Adv.
Ms. Madhavi Khandelwal, Adv.
Mr. Anirudh Ray, Adv.
Mr. Balwant Singh Billovaria, Adv.
Mr. Meghraj Singh, Adv.
Mr. V.v Gautam, Adv.
Ms. Shweta Sharma, Adv.
Mr. Nitu, Adv.
For M/s. Varun Thakur & Associates

For Respondent(s)

Mr. D.L. Chidananda, AOR

Mr. Sanjay R Hegde, Sr. Adv.
Ms. Pratiksha Mishra, Adv.
Ms. Madiya Mushtaq, Adv.
Mr. Ankit Tiwari, Adv.

Mr. Shahrukh Ali, Adv.
Mr. Pranjal Kishore, AOR

Mr. Pashupathi Nath Razdan, AOR
Mr. Aditya Vaibhav Singh, Adv.
Mr. Ajay Sharma, Adv.

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

The review petition is disposed of, in terms of the signed order.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER

(Signed order is placed on the file)