

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 30957/2024

(Arising out of impugned judgment and order dated 20-05-2024 in DSR No. 2/2018 and Criminal Appeal No. 113 of 2018 passed by the High Court of Kerala at Ernakulam)

MUHAMMED AMEER-UL-ISLAM

Petitioner(s)

VERSUS

STATE OF KERALA

Respondent(s)

Date : 16-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE SANJAY KAROL
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Ms. Shreya Rastogi, Adv.
Ms. Aathma Sudhir Kumar, Adv.
Ms. Maulshree Pathak, AOR

For Respondent(s)

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

1. Leave granted.
2. These proceedings arise from the judgment dated 20.05.2024 of the High Court of Kerala in DSR No.2 of 2018 alongwith Criminal Appeal No. 113 of 2018. The High Court, vide impugned judgment, upheld the conviction and confirmed the death sentence awarded to the accused-appellant by the Trial Court.
3. The execution of the death sentence shall remain stayed pending the hearing and final disposal of the present appeal.
4. The original record of the case shall be summoned from the Trial Court and the High Court. A copy of the translated records shall be supplied to the counsel for the parties.
5. In view of the orders passed by this Court in matters involving capital punishment, 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 (8) weeks.
- ii. The Superintendent of Prison, Central Prison & Correctional Home, Viyyur, Kerala, shall submit a report with regard to the nature of work which has been performed by the appellant while in jail and a report with regard to the conduct and behaviour of the appellant while in jail, within a period of eight (8) weeks.
- iii. The Government Medical College, Thrissur 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 Kerala within a period of eight (8) weeks.
- iv. Ms. Nuriya Ansari is permitted to have access to the appellant who is presently lodged in Central Prison & Correctional Home, Viyyur, Kerala to conduct multiple in-person interviews for the purpose of collecting information relevant to sentencing and to submit a Mitigation Investigation Report on behalf of the appellant through the appellant's Advocate-on-Record within twelve weeks.
- v. The Central Prison & Correctional Home, Viyyur, Kerala shall ensure that, for the sake of confidentiality, these interviews are conducted in a separate interviewing space without any prison official or police staff being within earshot, and audio recorders be permitted to be used to record the interviews.
- vi. A person nominated by Ms. Nuriya Ansari be permitted to accompany her to translate during the interview.

vii. Ms. Nuriya Ansari is granted permission to obtain documents pertaining to the appellant, including but not limited to medical records, jail conduct, certificates of any educational, vocational or employment opportunities undertaken, etc. that the appellant may wish to submit for the purpose of sentencing information.

6. The Registry is directed to transmit a copy of this order to the Standing Counsel for the State of Kerala, 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.

7. All the reports shall be duly compiled and placed before this Court on the next date of hearing.

8. Learned counsel for the parties are directed to assist the Registry in pagination of the record.

9. List after twelve weeks.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER