

Kuljeet Singh Alias Ranga vs Lt. Governor, Delhi And Anr. on 7 November, 1981

Equivalent citations: AIR1981SC2339, 1981(3)SCALE1752, (1982)1SCC11, AIR 1981 SUPREME COURT 2239, 1982 (1) SCC 11 1982 SCC (CRI) 44, 1982 SCC (CRI) 44, 1982 SCC (CRI) 44 1982 (1) SCC 11, 1982 (1) SCC 11

Bench: Y.V. Chandrachud, Baharul Islam, A.P. Sen

ORDER

1. Rule Nisi. We direct that the Writ Petition be placed for final hearing in the second week of January 1982. The petitioner and the respondents will file their written submissions on or before the 4th January, 1982. We stay the execution of the death sentence imposed upon the petitioner Kuljeet Singh @ Ranga as also on the co-accused Billa. We appoint Shri R.K. Jain as amicus curiae on behalf of Billa.

2. Since the Special Leave Petition filed by the petitioner and a Writ Petition filed by him thereafter against the order of conviction and sentence have already been dismissed by us, it would be necessary to state briefly the reasons why we are issuing a Rule on the present Writ Petition.

3. Shri R.K. Garg, who appears on behalf of the petitioner, contends that the power conferred by Article 72 of the Constitution' on the President of India to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence, especially in a case where the sentence is one of death, is a power coupled with a duty which must be exercised fairly and reasonably. We do not know whether the Government of India has formulated any uniform standard or guidelines by which the exercise of the constitutional power under Article 72 is intended to be or is in fact governed. Since the question raised by Shri Garg is of far-reaching importance, particularly from the point of view of persons sentenced to death in respect of whom the President is specially empowered to exercise his power by Clause (c) of Article 72(1), it is necessary that the question must be examined with care.

4. As a result of our staying execution of the death sentence imposed upon the aforesaid two accused, it is likely that similar petitions will be filed by others who are sentenced to death and whose petitions to the President or the Governor, as the case may be, for commutation of the sentence have been rejected. In order to obviate the necessity for such persons to approach this Court, it is necessary to direct that the death sentence imposed upon any person whatsoever whose petition under Article 72 or Article 161 of the Constitution has been rejected by the President or the Governor, shall not be executed until the disposal of this Writ Petition.

Notice Of this rule will go to the Attorney General and the Union Of india.