

## **Case name**

State of Maharashtra v. Bombay High Court (2008)

## **Case**

The case involved the appeal of the State of Maharashtra against the Bombay High Court's order granting remission to a convict who was sentenced to life imprisonment.

## **Brief Summary**

The Supreme Court dismissed the appeal and reiterated that the death penalty should be awarded only in the rarest of rare cases. The court also observed that a convict undergoing a life imprisonment has a right to claim remission and that the deemed conversion of life imprisonment into 20 years by executive orders was not in accordance with the law.

## **Main Arguments**

The main arguments in the case were centered around the award of the death penalty and the right to claim remission by a convict undergoing life imprisonment.

## **Legal Precedents or Statutes Cited**

The court cited the following legal precedents and statutes:

- Bachan Singh case
- Dalbir Singh v. State of Punjab (1979) 2 SCC 1058
- Indian Penal Code (IPC)

## **Quotations from the court**

The Supreme Court observed in paragraph 14 of the judgment: "A convict undergoing life imprisonment does have a right to claim remission. However, it is for the appropriate

government to decide whether to grant remission."

### **Present Court's Verdict**

The Supreme Court's decision in this case was based on the principles set out in the Bachan Singh case and the court's earlier decisions on the award of death penalty. The court also relied on the judgment in Dalbir Singh v. State of Punjab (1979) 2 SCC 1058.

### **Conclusion**

In conclusion, the Supreme Court's decision in this case reiterates the principles set out in the Bachan Singh case and underscores the importance of awarding the death penalty only in the rarest of rare cases. The court also emphasizes the importance of granting remission to convicts undergoing life imprisonment and the need for the government to decide whether to grant remission.