

DEATH PENALTY IN INDIA
ANNUAL STATISTICS REPORT 2025
& 10 Years of Death Penalty Data (2016-2025)

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February 2026



Varsha Sharma

1997-2025



Your kindness and optimism
were without parallel

We will forever feel your absence

The world is dimmer without you

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Glossary

BNSS

Bharatiya Nagarik Suraksha
Sanhita, 2023

BNS

Bharatiya Nyaya Sanhita, 2023

BSA

Bharatiya Sakshya Adhiniyam, 2023

CrPC

Criminal Procedure Code, 1973

DNA

Deoxyribonucleic Acid, which refers to the genetic material present in human cells, commonly recovered from biological traces such as blood, semen, saliva, hair roots, and skin cells.

Fixed term sentences excluding remission

Life imprisonment sentences that exclude the state's power to grant remission for a fixed term. These kinds of sentences are often imposed by appellate Courts when commuting death sentences. See also LWOR.

FSL

Forensic Science Laboratory

IEA

Indian Evidence Act, 1872

IPC

Indian Penal Code, 1860

Life imprisonment excluding remission for the rest of natural life

Sentences imposed by courts when commuting death sentences and which exclude the state's powers to grant remission for the remainder of a prisoner's natural life. In this report, we have categorised sentences as excluding remission for the rest of a person's natural life when courts have explicitly excluded remission. There are however instances where Courts have not explicitly stated that remission is excluded and have instead used phrases like life imprisonment 'until the last breath' or 'till the end of his lifespan'. For now and until further clarity is provided by Courts, we have categorised them as life imprisonment sentences excluding remission for the rest of natural life. See also LWOR.

Life imprisonment simpliciter

Punishment of life imprisonment where the state's powers to grant remission are not excluded. Under S.4, BNS (S.53, IPC)), "imprisonment for life" means imprisonment for the remainder of one's natural life, but where the power of the state to grant remission is not excluded. In such a case, imprisonment may be either rigorous or simple. For the purposes of this report, "life imprisonment" is treated as life imprisonment simpliciter unless the judgment explicitly states that remission is excluded.

LWOR

Life imprisonment without the possibility of release. Such punishments exclude the state's power to grant remission, either for a fixed term or for the rest of a person's natural life. See also Remission.

MIR

Mitigation Investigation Report

Murder simpliciter

Punishable under S.103, BNS (S.302, IPC). This category refers to an offence of murder which is not accompanied with any other serious offence such as sexual violence, kidnapping or dacoity.

NDPS Act

Narcotic Drugs and Psychotropic Substances Act, 1985

PIL

Public Interest Litigation

POCSO Act

Protection of Children from Sexual Offences Act, 2012

Remand

Under S.427 (b)(i), BNSS (S. 386 (b)(i), CrPC), appellate courts have the power to send a case back to be re-tried by the court of competent jurisdiction and which is subordinate to such Appellate Court.

Remission

Under Ss.473 and 475, BNSS (Ss.432 and 433, CrPC) the state or central government has the power to reduce the length of the sentence without changing its nature. This does not alter the original sentence but shortens the time to be served, allowing the possibility of earlier release if the person meets the prescribed conditions.

SLP

Special Leave Petition. In cases where the death penalty has been confirmed by the High Court, the appeal to the Supreme Court is not automatic. The accused has to file a Special Leave Petition under Article 136 of the Constitution, which has to be admitted by the Court. The Court can dismiss Special Leave Petitions at the threshold without reasons. If the Petition is admitted it is converted to a Criminal Appeal.

FOREWORD

This 2025 edition marks the 10th year of the *Death Penalty in India: Annual Statistics Report*. We started out with a modest ambition: to bring within reach information on the death penalty which may have been publicly available but was neither accessible nor consolidated in any meaningful way.

We are proud of what we've been able to achieve in the past 10 years of data collection, analysis and dissemination on the death penalty, all of which we started when we were Project 39A, National Law University Delhi. From 31st March, 2025 we created a new home at **The Square Circle Clinic**, NALSAR University of Law, Hyderabad. We look forward to this next phase of the Annual Statistics where we will continue to build on our efforts to put out data on the death penalty in India which is as comprehensive as possible.

It is almost impossible to state with any kind of certainty the number of death sentences handed out in any given year or even know the exact number of prisoners under the sentence of death at any given point.

- Foreword, *Death Penalty in India: Annual Statistics Report*, 2016

Our original mission was to plug this gap. Over the years the impossibility identified in 2016 may have become easier to navigate, but it hasn't disappeared. Absent any other publicly available and comprehensive data on the death penalty, we still gather our data by scraping information utilising the same resources as before. News reports, and e-courts websites including those of individual High

Courts and the Supreme Court remain our most common sources of information.

However, robust data scraping and cross checking can only assure data accuracy where data is available. Sometimes data is simply not available or is available belatedly. In a country as diverse as ours along multiple axes of religion, caste, culture and language, administrative divergence almost loses its place and importance. Often, we have found ourselves faced with a data deficit because judgements are not always available publicly. For instance, states non-uniformly follow different rules with respect to making judgements available in cases under the POCSO Act. As a result, with respect to states which do not make judgments under the POCSO Act publicly available, little information regarding the case is available with which we can compute data for our purposes. We, therefore, have to simply wait until the judgement is made available or the High Court judgement at the confirmation stage gives us the requisite details. We often face a similar barrier with language. We have very often had to wait for data entry and analysis while judgements are translated into English in order for us to analyse them along some of the parameters that we need. Data collection and analysis, in such contexts, is a pursuit requiring much forbearance, we have learnt. Our best efforts may also sometimes fall short, and we acknowledge such limitations on our part. We have tried to account for it as much as possible by being transparent about the accuracy and integrity of the data and by issuing corrections, when needed.

We have also come to realise that data collection and analysis must be able to respond to changes in the field of study. With respect to the death penalty, this has meant taking into account the various due process safeguards that have been judicially developed over the years. We have continuously tried to update our database to be able to accurately reflect these safeguards and their consequences.

In this new phase of the *Annual Statistics* we will be providing information on the death penalty along more parameters. We will from now on include information on time people spend on death row before being acquitted by the appellate judiciary. We have also included data on the pendency period of death penalty cases at the appellate judiciary as well as time taken by them to dispose of death penalty cases. Over the past decade, there has been an increase in the number of LWOR sentences that the appellate judiciary has been commuting death sentences to. As of this year, therefore, we will provide more information and analysis on such sentences. We will from now on also include consolidated information on persons who get off death row in the calendar year.

To mark 10 years of the *Annual Statistics*, this edition also provides an insight into the journey of the death penalty in India in this time; a journey rife with crests and troughs. In hindsight that can only be gained with data, the past decade has been quite an important decade for the death penalty in ways obvious and not so apparent. In **Part II** of this edition we unravel some of those insights. In **Part I**, we focus on this past year - 2025 - and dive into how the death penalty has played out across various judicial stages as well as in the legislative arena.

Efforts like this are not the result of a few but are based on the hard work, goodwill, and patience of many over many years. We thank **Bharat A. Ramana** (II-year, NALSAR University of Law, Hyderabad) for

his invaluable assistance and often guidance in compiling, analysing and verifying data for this edition. A heartfelt thanks to **Rehan Mathur** (V-year, National Law University Delhi) for helping us with the database which now has more than 3500 line-entries and is the source of all the analysis.

We also acknowledge with deep appreciation the contributions of **Varsha Sharma, Pritam Raman Giriya**, and **Ashna Devaprasad** in developing the original database on which we rely.

We recognise the significant work done by **Lubhyathi Rangarajan, Peter John, Poornima Rajeshwar, Rahul Raman, Neetika Vishwanath, Preeti Pratishruti Dash, Gale Andrew, Aishwarya Mohanty, Hrishika Jain, Adrija Ghosh, Snehal Dhote**, and **Lakshmi Menon** in shaping previous editions of the *Annual Statistics* report.

We hope this edition and the many to come do each one of them proud.

All mistakes are our own.

OVERVIEW

The Sessions Courts imposed 1310 death sentences (822 cases) between 2016-2025. Of these, 842 death sentences were disposed of at the High Courts. A staggeringly low number of the cases decided by the High Courts resulted in a confirmation. Of the 842 Sessions Court death sentences that High Courts considered in confirmation proceedings, 70 (8.31%) were upheld. A little more than a third (30.64%) of the death sentences, i.e., 258 led to an acquittal. Out of these 70 death sentences that were confirmed, the Supreme Court decided 38 death sentences, and upheld none. *(See Part II on Appellate Court Outcomes in Death Sentences Imposed by Sessions Courts (2016-2025) for more information.)*

That the Supreme Court has confirmed no death sentences in the past three years (2023-2025) (irrespective of whether the High Courts confirmed the death sentence before or after 2016) does not, therefore, point to a one-off occurrence. To take another data point. In the last 10 years, of the 1085 death sentences (647 cases) that were adjudicated by the High Courts (regardless of when the Sessions Courts imposed the death sentence), 106 death sentences, i.e, 9.77%, were confirmed. On the other hand, the High Courts have acquitted 326 persons from death row in 191 cases (34.65%). The acquittal rate is close to four times the confirmation rate. A similar story emerges at the Supreme Court where of the 153 death sentences it decided in the last decade, in close to a quarter of those cases (38 death sentences;

24.84%), it acquitted the accused. *(See Part II on High Court and Supreme Court for a more detailed analysis of the outcomes.)* In 2025 itself, the High Courts overturned death sentences into acquittals in over 25% of the cases it decided (22 out of 85 cases). The Supreme Court, on its part, acquitted accused persons in over 50% of the cases it decided in 2025 (10 out of 19 cases). 364 persons who should not even have been convicted unjustifiably suffered the pains of death row. *(For more information, see Part I on High Court and Supreme Court outcomes.)*

Wrongful or erroneous or unjustified convictions, then, are not random or freak accidents in the Indian criminal justice system. They have been, the data indicates, a persistent and serious systemic concern. These concerns don't only pertain to adjudication. As the Supreme Court has noted, these concerns also speak to serious lapses of action and omission by the investigation and prosecution agencies. *(See Part I on the Supreme Court for a brief analysis.)* What the remedy to such wrongful convictions should be, is a question that is pending before the Supreme Court. In September 2025, 3 persons acquitted¹ by the Supreme Court filed writ petitions seeking compensation from the State for their wrongful conviction.² The petitioners have argued that they were deprived of their right to life and liberty without due process and their wrongful convictions impinged on their fundamental rights under Art. 21.

¹ For the purpose of this report, the term 'acquitted' also includes cases where the person may have been acquitted of the death sentence but conviction may have been sustained for non-death penalty eligible offences.

² *Ramkirat Munilal Goud v. State of Maharashtra*, (2022) SCC OnLine SC 2161 (Nath, Karol, Mehta JJ) connected with *Kattavellai @ Devakar v. State of Tamil Nadu*, (2025) SCC OnLine SC 1439 (Nath, Karol, Mehta JJ) and *Sanjay v. State of Uttar Pradesh*, (2025) SCC Online SC 572 (Nath, Karol, Mehta JJ). The Square Circle Clinic, NALSAR University of Law, Hyderabad was involved in helping the petitioners file the Writ Petitions.

Even as the appellate judiciary is increasingly not confirming death sentences and acquitting persons, the Sessions Courts continue to sentence 100s of people to death every year.

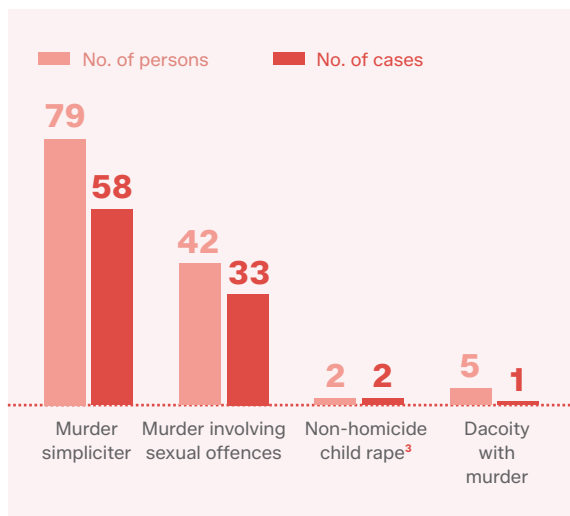
128 persons in 94 cases
were sentenced to death by
the Sessions Courts in 2025



In 2025, Sessions Courts imposed the death sentence on 128 persons (118 males, 10 females) in 94 cases.* 574 persons were on death row as of 31.12.2025 - this is the largest number of persons on death row at the end of a calendar year since 2016. (See *Part II on Appellate court outcomes in death sentences imposed by Sessions Courts (2016-2025)*). 138 persons also got off death row in 2025.

FIGURE 1.

Persons sentenced to death by the Sessions Courts across offences



The low rates of confirmation over the past 10 years reflects the appellate judiciary's concerns with the system's failure to adhere to due process guarantees and coincides with the Supreme Court's increased scrutiny of due process safeguards at the sentencing stage. In 2022, the Supreme Court crystallised a sentencing process in *Manoj v. State of Madhya Pradesh*⁴, and mandated all courts to follow those guidelines before imposing or confirming a death sentence. However, Sessions Courts continue to not abide by those guidelines. In 2025, in 79 out of 83 cases⁵ (95.18%), Sessions Courts did not comply with the procedural requirements under *Manoj*. (See *Part I on Sessions Courts for a more detailed analysis.*)

While Sessions Court sentencing was largely not in compliance with *Manoj*, the Supreme Court in 2025 in *Vasanta Sampat Dupare v. Union of India*⁶, elevated death penalty sentencing hearings to a fair trial right. Acknowledging the fragility of the criminal justice system in securing even safe convictions, and the irreversibility of the death sentence, the Court held that every death sentence must be imposed only after passing the rigours of a constitutionally compliant sentencing hearing.

*We came across a news report indicating that a man was sentenced to death on 24.12.2025 by the Special Court, POCSO, Tirunelveli for the offence of non-homicide child rape. However, neither the judgement nor other case details were available online and we could not corroborate the news report. As a result, we have not included this case in the analysis.

³ This corresponds to the category of child rape without murder in the previous editions of the *Annual Statistics* report.

⁴ *Manoj & Ors. v. State of Madhya Pradesh*, (2023) 2 SCC 353 (Lalit, Bhat, Trivedi JJ), (hereinafter '*Manoj*').

⁵ Judgments were unavailable in 11 cases.

⁶ *Vasanta Sampat Dupare v. Union of India*, (2025) SCC Online SC 1823 (Nath, Karol, Mehta JJ), (hereinafter '*Dupare*').

The HIGH COURTS commuted

57 out of the 85 cases cases decided

The SUPREME COURT commuted

5 out of the 19 cases cases decided

As per the judgement in *Dupare*, hearings on the question of sentence will be reopened for 7 persons on death row who have exhausted the appellate process to ensure compliance with *Manoj* and to guarantee procedural fairness. It must be noted that with *Manoj* compliant death penalty sentencing hearings now being part of an accused's fundamental rights, sentencing hearings which don't fully comply with *Manoj* must, therefore, be seen with suspicion as to compliance with fundamental rights requirements. Between 2023 and 2025, Sessions Courts heard a total of 265 cases, of which 216 cases could be analysed. Of the 216 cases, 208 cases (96.29%) failed to comply with the requirements in *Manoj*. (See *Part II on Sessions Courts for a more detailed analysis*.)

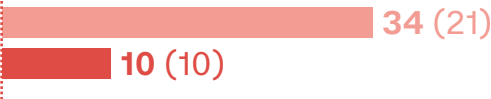
High Courts commuted the death sentence in 57 cases out of the 85 cases it heard in 2025. However, even at the High Courts whether the process mandated under *Manoj* is being complied with is in doubt. For instance, in the 5 cases (involving 10 persons) where the High Courts confirmed the death sentence, the sentencing process under *Manoj* was complied with in 1 case (involving 5 persons) decided by the Telangana High Court (See *Part I on High Court Confirmations*.) A significant concern emerging with commutations by the appellate judiciary is regarding the increasing number of LWOR sentences. Of the 57 cases which resulted in a commutation at the High Courts, in 32 cases the death sentence was commuted to LWOR sentences. All 5 commutations (across 5 cases) by the Supreme Court in 2025 were to life imprisonment excluding remission for the rest of natural life.

FIGURE 2.
Acquittals, confirmations and commutations

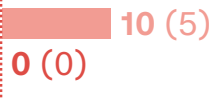
No. of persons (no. of cases):

High Courts
Supreme Court

Acquittals



Confirmations



Commutations



Finally, on 06.11.2025 the President rejected the mercy petition of 1 person - Ravi Ashok Ghumare. Ravi was sentenced to death by the Sessions Court, Jalna for the rape and murder of a minor girl. His sentence was confirmed by the Bombay High Court on 20.01.2016. The Supreme Court in a split verdict confirmed his death sentence on 03.10.2019.

Justices Kant and Nariman affirmed the death sentence and Justice Reddy, in the minority opinion, deemed a sentence of life imprisonment excluding remission for the rest of his natural life to be appropriate. In the past 10 years, the President has rejected 19 mercy petitions, and accepted the mercy petition of 5 persons. 4 men whose mercy petitions were rejected in this period were executed in 2020. *(See Part II on Mercy petitions for more information.)*

PART I

Death Penalty in 2025



Sessions Courts in 2025

In 2025, 128 persons were sentenced to death in 94 cases.

The highest number of death sentences were imposed by Sessions Courts in Uttar Pradesh (28 persons in 20 cases), Karnataka (15 persons in 9 cases), West Bengal (14 persons in 12 cases), Andhra Pradesh (8 persons in 4 cases) and Madhya Pradesh (7 persons in 7 cases).



10 WOMEN

were sentenced to death
(all for murder simpliciter).

FIGURE 3.

Imposition of death sentences
segregated across gender

No. of persons (no. of cases):

Men

118 (90)

Women

10 (10)



The year also marked the first full year of the implementation of the new criminal codes - **BNS, BNSS and BSA** which came into force on 1 July 2024.

11 persons were sentenced to death in 10 cases by the Sessions Courts under the BNS, i.e., the offence would have taken place after the BNS and allied laws came into effect, i.e., 1.07.2024. The death sentences were imposed under Ss.103 (punishment for murder), 64 (punishment for rape), 65 (punishment for rape in certain cases), 66 (punishment for causing death or resulting in persistent vegetative state of victim).

6 out of 128 persons were sentenced to death exclusively under the POCSO Act.⁷

⁷ Out of these, 1 case was that of non-homicide child rape, *State of West Bengal v. Unknown*, POCSO Case No. 38 of 2024.

Persons sentenced to death across states and offences

Like last year, murder simpliciter remained the largest category of offences for which the death sentence was imposed. It accounted for 58 cases out of 94 cases amounting to 61.72% of all cases and was followed by murder involving sexual offences (33 cases out of 94 cases) amounting to 35.11% of all cases.

Uttar Pradesh recorded the highest numbers across the two main offences, with 10 cases of murder simpliciter and 10 cases of murder involving sexual offences. Madhya Pradesh and West Bengal were the two states where the death sentence was imposed for non-homicide child rape (1 case each).

Notably, no death sentences were imposed in 10 States (Arunachal Pradesh, Goa, Himachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Odisha, Sikkim, and Tripura) and 6 Union Territories (Andaman and Nicobar Islands, Dadra and Nagar Haveli and Daman and Diu, Jammu and Kashmir, Ladakh, Lakshadweep, and Puducherry).

FIGURE 4.

Persons sentenced to death across states and offences

No. of persons (no. of cases):

- Murder simpliciter
- Non-homicide child rape
- Murder involving sexual offences
- Dacoity with murder



Compliance with constitutional safeguards at sentencing

This year the Supreme Court in *Dupare*⁸ held that death penalty sentencing hearings in line with *Manoj* are a requirement of the fundamental rights of the accused, specifically the rights under Arts. 14 and 21.

In *Manoj*⁹, the Court set out 'practical guidelines' to reduce arbitrariness in death penalty cases by **requiring courts to call for and engage with three reports -**



The Court also held that the accused must be given an opportunity to bring forth mitigating factors.¹⁰ As a result of *Dupare*, sentencing hearings where the death penalty is imposed without adherence to guidelines set out in *Manoj*, must therefore be considered to be in violation of fundamental rights.

With respect to legislation, the BNSS follows the same sentencing scheme as was under S. 235(2) and S. 354(3) of the CrPC. The BNSS under S. 258(2) bifurcates criminal trials into conviction and sentencing stages, and mandates courts to hear the accused during the sentencing stage. In death penalty cases, S. 393(3) requires courts to provide special reasons when imposing a death sentence.

In *Bachan Singh v. State of Punjab*¹¹, the Court gave meaning to the legislative scheme in death penalty cases by requiring courts to assess aggravating and mitigating circumstances (with an additional emphasis on the latter). Further, the Court also required the State to prove that the accused could not be reformed before a death sentence could be imposed.

These requirements can only be fulfilled with comprehensive information about the accused. This includes their details on mental health, age, life experiences and circumstances amongst others. Such information (which is unavailable in a case file) requires an in-depth investigation involving interviews with the accused and their family members.

SENTENCING MATERIALS

Of the 94 cases where Sessions Courts imposed the death sentence, 83 cases could be analysed for assessing compliance with *Manoj*, since judgments were unavailable in 11 cases.¹² Among the 83, in 79 cases (95.18%) Sessions Courts did not comply with the sentencing requirements under *Manoj*. A mere 4 cases (4.82%) demonstrated full compliance (even though formal), with the court calling for the three reports as envisaged by *Manoj*. These figures show that, even three years after *Manoj*, meaningful compliance with the framework remains severely limited.

⁸ *Supra* note 6.

⁹ *Supra* note 4.

¹⁰ *Supra* note 4.

¹¹ *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684 (Chandrachud CJ, Bhagwati, Sarkaria, Gupta, Untwalia JJ), (hereinafter '*Bachan Singh*').

¹² Of these 11 cases, 9 also had a charge under the POCSO Act which could be the reason for judgements not being publicly available.

FIGURE 5.
No. of cases where Sessions Courts complied with the sentencing process mandated by *Manoj*

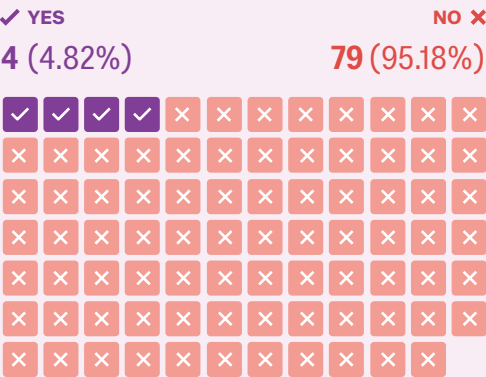
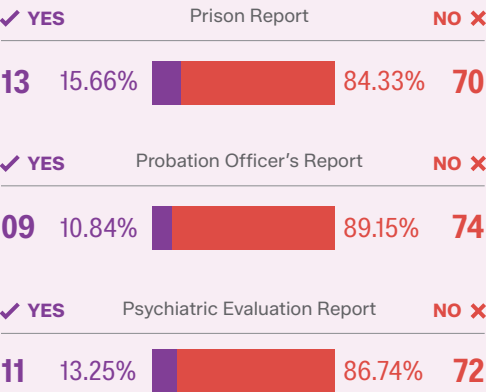


FIGURE 6.
Compliance with *Manoj*
(% calculated against the 83 cases analysed)



DURATION BETWEEN CONVICTION AND SENTENCING HEARINGS

In 2025, the average duration between the conclusion of conviction hearing (pronouncement of guilt) and sentencing hearing before Sessions Courts was 4.24 days. Sessions Courts delivered the sentencing order on the same day as the pronouncement of guilt in 18 cases (19.15%). In 68.08% cases (64), the duration between the judgement on conviction and sentencing hearing was less than 5 days, while in 10 cases (10.63%) did the period exceed 10 days. Such compressed timelines are a matter of serious concern. They significantly constrain the states from securing the Manoj reports relating to the accused's mental health, jail conduct, and personal history. It also hinders the ability of the defence to develop and present comprehensive mitigation material on behalf of the accused.

We must note here the practice of the Supreme Court to call for the *Manoj* reports as well as Mitigation Investigation Reports (MIR) as soon as it admits a death penalty case. In 2025, for instance, the Supreme Court gave at least 8 weeks to the state to provide these reports and for MIRs to be filed in death penalty cases when admitting the appeal.¹³

¹³ *Mangesh Dattatreya Shinde v. The State of Maharashtra* [Cri. App. 293-194/2020, w/295-296/2020, w/349-350/2020 (8 weeks)].

High Courts in 2025

Cases of 131 persons (in 85 cases) were disposed of at the High Courts at the confirmation stage.

35 persons across 22 cases (26.72%) were acquitted and the death sentence of 10 persons in 5 cases (7.63%) was confirmed. 79 persons across 57 cases (60.31%) had their sentences commuted. 3 cases involving 3 persons (2.29%) were abated, and 4 cases of 4 persons (3.05%) were remanded.¹⁴ In effect, the High Courts set aside death sentences for around 90% of the persons (118 out of 131) through either acquittals, commutations, or remand.



¹⁴ Percentages have been calculated along the parameter of number of persons.

Murder simpliciter accounted for the largest category of offence before the High Courts, involving 52 persons (38 cases). Of these, the death sentences of 33 persons (27 cases) were commuted, 12 persons (8 cases) were acquitted, and 4 persons (3 cases) had their sentences

confirmed. Murder involving sexual offences formed the second largest category of offence, involving 40 persons (33 cases). Among these, the death sentences of 26 persons (21 cases) were commuted, 9 persons (8 cases) were acquitted, and the death sentence of 1 person (1 case) was confirmed.

FIGURE 7.
High Court outcomes across offences

No. of persons (no. of cases):



¹⁵ In cases involving multiple accused persons, different outcomes may be recorded for different individuals. In such situations, the same case is counted distinctly under each relevant outcome category. Consequently, the total number of cases reflected in the figure (91) is notional and does not correspond to the actual number of cases decided by the High Court in 2025 (85).

Acquittals

Of the 85 cases involving 131 persons that were disposed of, the High Courts acquitted

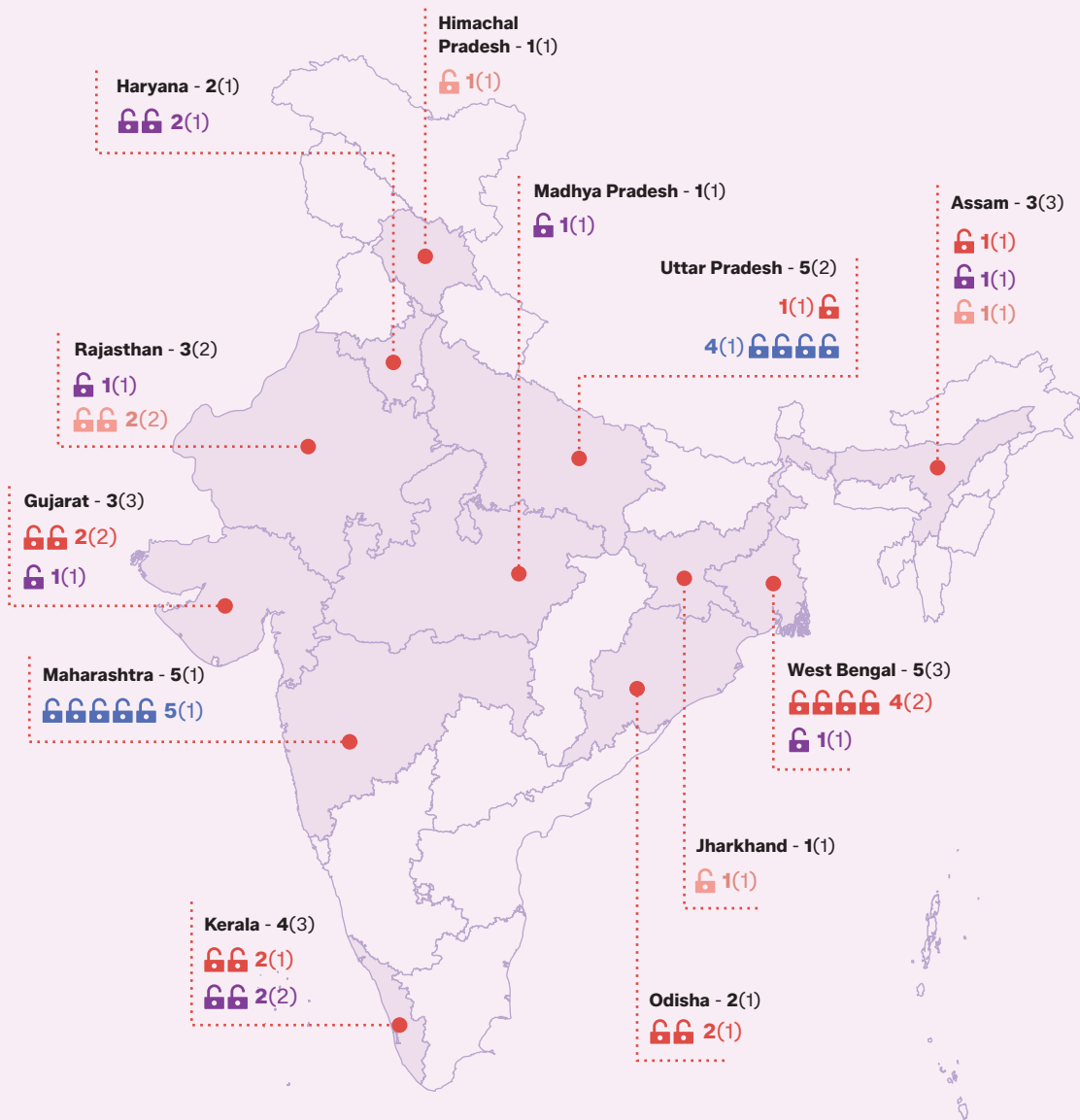
35 in 22 persons cases

FIGURE 8. Acquittals across states and offences

No. of persons (no. of cases):

- Murder simpliciter
- Murder involving sexual offences
- Kidnapping with murder
- Terror offences

1 icon = 1 person



ACQUITTALS ACROSS STATES AND OFFENCES

The highest number of acquittals were from West Bengal (5 persons in 3 cases), followed by Uttar Pradesh (5 persons in 2 cases). The number of acquittals were highest for murder simpliciter (12 persons in 8 cases).

TIME SPENT ON DEATH ROW BEFORE ACQUITTAL

The time spent on death row by persons acquitted by High Courts was determined by computing the interval between the date of sentencing by the Sessions Court and the date of acquittal by the High Court. The average time spent on death row before the High Court acquittal was 5.17 years. The median period spent on death row was 6.05 years, with the shortest period being 0.44 years (5.3 months),¹⁶ and the longest period being 9.95 years.¹⁷

FIGURE 9. Time spent on death row before acquittal at the High Court



¹⁶ Rampal Singh and Anr. v. State of UP, Capital Case No. 6 of 2025 with Capital Case No. 12 of 2025. 3 persons were sentenced to death by the Sessions Court in Uttar Pradesh on 18.03.2025 for killing 24 Dalit people in the Dehuli massacre. Of them, 1 was acquitted by the Allahabad High Court on 25.08.2025.

¹⁷ State of Maharashtra v. Kamal Ahmed Mohd. Vakil Ansari and Ors., Criminal Confirmation Case No. 2 of 2015. 5 persons were sentenced to death by the Sessions Court in Maharashtra on 30.09.2015, for the Mumbai Blasts of 11.07.2006. All 5 persons were acquitted by the Bombay High Court on 21.07.2025.

CASE DETAILS OF HIGH COURT ACQUITTALS

ASSAM No. of persons - 03 No. of cases - 03

Judgement date	Persons	Case details	Time on death row
30.07.2025		Sanjay Rajowar v. State of Assam¹⁸ Justices S.K. Medhi and Marli Vankung Death Sentence Reference No. 2 of 2020 <i>Murder simpliciter</i>	 4.84 years spent on death row before acquittal
18.09.2025		State of Assam v. Rajen Doley Justices Ashutosh Kumar and Arun Dev Death Sentence Reference No. 1 of 2020 <i>Kidnapping with murder</i>	 5.60 years spent on death row before acquittal
18.09.2025		State of Assam v. Sri Bikash Das Justices Ashutosh Kumar and Arun Dev Death Sentence Reference No. 4 of 2019 <i>Murder involving sexual offences</i>	 6.05 years spent on death row before acquittal

GUJARAT No. of persons - 03 No. of cases - 03

Judgement date	Persons	Case details	Time on death row
14.10.2025		State of Gujarat v. Nareshbhai S/O Amarsinhbhai Kori & Anr Justices Ilesh J. Vohra and P.M. Raval Criminal Confirmation Case No. 8 of 2023 <i>Murder simpliciter</i>	 2.58 years spent on death row before acquittal
14.10.2025		State of Gujarat v. Vipulbhai Bharatbhai Bin Chhapanbhai Patani Justices Ilesh J. Vohra and P.M. Raval Criminal Confirmation Case No. 1 of 2022 <i>Murder simpliciter</i>	 3.73 years spent on death row before acquittal
23.12.2025		State of Gujarat v. Tukna Budhiya Das Justices Ilesh J. Vohra and P.M. Raval Criminal Confirmation Case No. 1 of 2020 <i>Murder involving sexual offences</i>	 6.04 years spent on death row before acquittal

¹⁸ Acquitted of the death charge.

HARYANANo. of persons - **02**No. of cases - **01**

Judgement date	Persons	Case details	Time on death row
26.05.2025		State of Haryana v. Sumit @ Fundi & Anr. Justices Gurvinder Singh Gill and Jasjit Singh Bedi Murder Reference No. 7 of 2022 <i>Murder involving sexual offences</i>	 2.47 years spent on death row before acquittal

HIMACHAL PRADESHNo. of persons - **01**No. of cases - **01**

Judgement date	Persons	Case details	Time on death row
23.09.2025		State of Himachal Pradesh v. Chander Sharma Alias Kaku Justices Vivek Singh Thakur and Rakesh Kainthla Death Sentence Reference No. 1 of 2018 <i>Kidnapping with murder</i>	 7.15 years spent on death row before acquittal

JHARKHANDNo. of persons - **01**No. of cases - **01**

Judgement date	Persons	Case details	Time on death row
30.07.2025		State of Jharkhand v. Vinay Vishwakarma and Ors. Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 1 of 2017 <i>Kidnapping with murder</i>	 8.17 years spent on death row before acquittal

KERALANo. of persons - **04**No. of cases - **03**

Judgement date	Persons	Case details	Time on death row
09.01.2025		State of Kerala v. Jomon Justices P.B. Suresh Kumar and Jobin Sebastian Death Sentence Reference No. 1 of 2019 <i>Murder involving sexual offences</i>	 6.06 years spent on death row before acquittal
27.08.2025		State of Kerala v. Jithakumar K, Sreekumar S.V. Justices Raja Vijayaraghavan and K.V. Jaya Kumar Death Sentence Reference No. 6 of 2018 <i>Murder simpliciter</i>	 7.19 years spent on death row before acquittal

KERALA (contd.)

Judgement date	Persons	Case details	Time on death row
31.10.2025		State of Kerala v. Parimal Sahu Justices Dr. A.K. Jayasankaran Nambiar and Jobin Sebastian Death Sentence Reference No. 1 of 2021 <i>Murder involving sexual offences</i>	 4.72 years spent on death row before acquittal

MADHYA PRADESH

No. of persons - 01 No. of cases - 01

Judgement date	Persons	Case details	Time on death row
27.09.2025		In Reference v. Girdhari Sonwane Justices Vivek Agarwal and Avanindra Kumar Singh Criminal Reference No. 1 of 2024 <i>Murder involving sexual offences</i>	 1.68 years spent on death row before acquittal

MAHARASHTRA

No. of persons - 05 No. of cases - 01

Judgement date	Persons	Case details	Time on death row
21.07.2025		State of Maharashtra v. Kamal Ahmed Mohd. Vakil Ansari and Ors. Justices Anil S. Kilor and Shyam C. Chandak Criminal Confirmation Case No. 2 of 2015 <i>Terror offences</i>	 9.95 years spent on death row before acquittal

ODISHA

No. of persons - 02 No. of cases - 01

Judgement date	Persons	Case details	Time on death row
21.07.2025		State of Odisha v. Prakash Behera @ Babuli and Nandakishore Sethi @ Ranja Justices S.K. Sahoo and S.S. Mishra Death Sentence Reference No. 4 of 2024 <i>Murder simpliciter</i>	 0.83 years spent on death row before acquittal

RAJASTHAN

No. of persons - 03

No. of cases - 02

Judgement date	Persons	Case details	Time on death row
30.05.2025		State of Rajasthan v. Sharafat Justices Chandrashekhar and Chandra Shekhar Sharma D.B. Murder Reference No. 1 of 2022 <i>Kidnapping with murder</i>	 2.85 years spent on death row before acquittal
03.10.2025		State of Rajasthan v. Arjun Singh Justices Vinit Kumar Mathur and Anuroop Singhi D.B. Murder Reference No. 3 of 2023 <i>Murder involving sexual offences</i>	 1.83 years spent on death row before acquittal

UTTAR PRADESH

No. of persons - 05

No. of cases - 02

Judgement date	Persons	Case details	Time on death row
25.08.2025		Rampal Singh and Another v. State of U.P. Justices Saumitra Dayal Singh and Tej Pratap Tiwari Capital Case No. 6 of 2025 with Capital Case No. 12 of 2025 <i>Murder simpliciter</i>	 0.44 years spent on death row before acquittal
29.10.2025		Mohd. Sharif @ Suhail @ Sazid @ Anwar @ Ali and 3 Ors. v. State of U.P. Justices Siddhartha Varma and Ram Manohar Narayan Mishra Capital Case No. 7 of 2019 <i>Terror offences</i>	 6.08 years spent on death row before acquittal

WEST BENGAL

No. of persons - 05

No. of cases - 03

Judgement date	Persons	Case details	Time on death row
17.07.2025		State of West Bengal v. Surajit Deb & Ors. Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 4 of 2019 <i>Murder simpliciter</i>	 6.08 years spent on death row before acquittal

WEST BENGAL (contd.)

Judgement date	Persons	Case details	Time on death row
24.07.2025		Bikash Murmu and Anr. v. State of West Bengal Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 4 of 2023 <i>Murder involving sexual offences</i>	 2.08 years spent on death row before acquittal
27.08.2025		State of West Bengal v. Sagarika Pandit Justices Debangsu Basak and Prasenjit Biswas Death Reference No. 3 of 2024 <i>Murder simpliciter</i>	 0.92 years spent on death row before acquittal

Confirmations

In 2025, High Courts confirmed
the death sentences of

10 in **5**
persons cases

Except 1 case (involving 5 persons)
confirmed by the Telangana High Court,
none of the other death sentences were
confirmed in compliance with *Manoj*
and *Dupare*.

The death sentence
4 persons for murder
simpliciter was confirmed
in 3 cases



1 person had their
sentence confirmed for
the offence of murder
involving sexual offences



The death sentence of
5 persons was confirmed
for terror-related offences
in 1 case



FIGURE 10.
Death sentence confirmations across states and offences

No. of persons (no. of cases):

- Murder simpliciter
- Murder involving sexual offences
- Terror offences

Jharkhand - 2(2)

♂ 1(1)
♀ 1(1)

Persons

Case details

Judgement



State of Jharkhand v. Gango Das
Justices Rongon Mukhopadhyay and Arun Kumar Rai
Death Reference No. 2 of 2024
Murder simpliciter

28.04.2025
Death sentence confirmed without compliance with *Manoj*.



State of Jharkhand v. Deepak Kumar @ Golu
Justice Rongon Mukhopadhyay and Arun Kumar Rai
Death Reference No. 5 of 2023
Murder involving sexual offences

28.04.2025
Death sentence confirmed without compliance with *Manoj*.



Telangana - 5(1)
♂♂♂♂♂ 5(1)

Vth Additional District Sessions Judge v. Asadullah Akhtar @ Haddi @ Tabrez @ Danial @ Asad & Ors.
Justices K. Lakshman and P. Sree Sudha
Referred Trial No. 1 of 2016
Terror offences

08.04.2025
Death sentence imposed in compliance with *Manoj*.



Tamil Nadu - 1(1)
♂ 1(1)

Inspector of Police, Tirunelveli Taluk Police Station v. Selvaraj
Justice P. Velmurugan
R.T (MD) No. 1 of 2025
Murder simpliciter

28.11.2025
Death sentence confirmed without compliance with *Manoj*. Judgement delivered after the Supreme Court elevated sentencing hearings to a fair trial right requirement in *Dupare*.



Karnataka - 2(1)
♂♂ 2(1)

Ibrahimsab v. State of Karnataka
Justices H.P. Sandesh and T.M. Nadaf
CRL.RC 200001/2024
Murder simpliciter

25.09.2025
Death sentence confirmed without compliance with *Manoj*. Judgement delivered after the Supreme Court elevated sentencing hearings to a fair trial right requirement in *Dupare*.

CASE DETAILS OF HIGH COURT CONFIRMATIONS

Commutations



This year, High Courts commuted the death sentences of

79 in **57**
persons cases

The Calcutta High Court commuted the maximum number of death sentences which was of 19 persons (17 cases). This was followed by the Jharkhand High Court which commuted death sentences of 12 persons (9 cases).

Death sentences of 33 persons (27 cases) were commuted by High Courts for the offence of murder simpliciter and that of 26 persons (21 cases) for the offence of murder involving sexual offences.

HIGH COURTS WITH THE MAXIMUM NUMBER OF COMMUTATIONS

1

Calcutta
High Court



2

Jharkhand
High Court



FIGURE 11.
Commutations across states and offences

No. of persons (no. of cases):



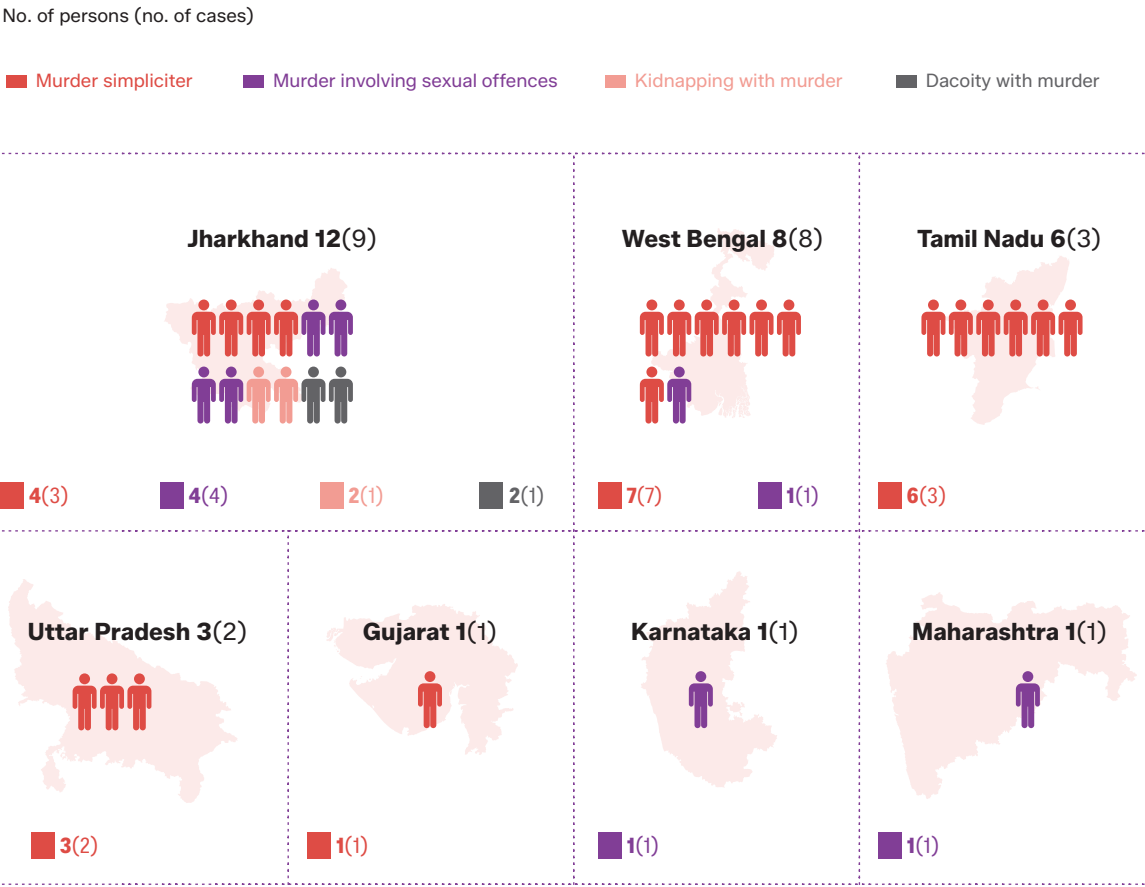
The sections below provide information on the different kinds of life imprisonment sentences to which High Courts have commuted death sentences.

LIFE IMPRISONMENT SIMPLICITER

Life imprisonment simpliciter sentences are those sentences where the prisoner can apply to the state government for remission of the sentence.

High Courts commuted death sentences of 32 persons in 25 cases to life imprisonment simpliciter. The Jharkhand High Court commuted the maximum death sentences to life imprisonment simpliciter - 12 persons in 9 cases, followed by the Calcutta High Court - 8 persons in 8 cases. The largest category of offences for which the death sentence was commuted to life imprisonment simpliciter was murder simpliciter.

FIGURE 12.
Life imprisonment simpliciter sentences across natures of offence



LWOR

LWORs are life imprisonment sentences without the possibility of release. Such punishments exclude the state's power to grant remission, either for a fixed term or for the rest of a person's natural life.

Of the 57 commutations by the High Courts, 32 were commutations to LWOR sentences. Life imprisonment sentences which exclude remission either for the rest of a person's natural life or for a fixed term of imprisonment are on the increase. This year, the Supreme Court also provided guidance on how such sentences are to be understood and implemented. In cases of commutations to fixed term sentences (life imprisonment sentences which exclude remission for a fixed term), the Supreme Court held that when death sentences are commuted to life imprisonment sentences which exclude remission for a fixed term, the prisoner must be automatically released after the fixed term has been served.¹⁹ For instance, where the death sentence has been commuted to a fixed term sentence where remission is excluded for 20 years, the person must be released after they have completed 20 years. The state's power to grant remission, thus, is entirely excluded, and the prisoner need not apply to the state government for remission of the sentence.

However, things are not so clear when it comes to life imprisonment sentences which exclude remission for the rest of a person's natural life. In *Mahendra Vishwanath Kawchale and Anr. v. Union of India*,²⁰ the Court had to rule on the constitutionality of punishments prescribed under Ss. 376 DA and 376 DB²¹ it found that the provision did not preclude remission. According to the Court a sentence of life imprisonment for the rest of natural life continued to allow (i) judicial modification of the sentence on appeal before the High Courts or Supreme Court; (ii) statutory remission under Ss. 432 and 433A, CrPC, (it is to be noted that powers of remission under S. 433A, CrPC are applicable only to death-eligible offences, and there is an absence of an explicit reference to life imprisonment sentences which exclude remission for the rest of a person's natural life) and; (iii) the possibility of constitutional clemency under Arts. 72 and 161.

¹⁹ *Sukhdev Yadav v. State (NCT of Delhi)*, (2025) SCC OnLine SC 2228 (Nagarathna, Vishwanathan JJ), (hereinafter 'Sukhdev').

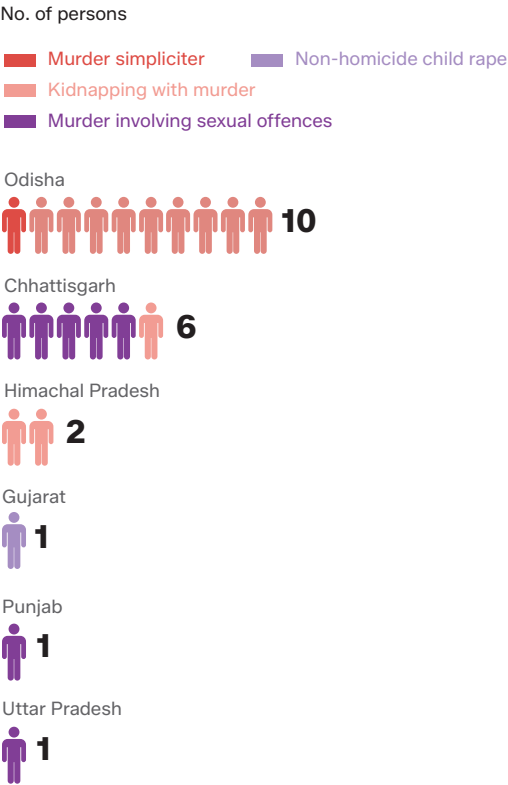
²⁰ *Mahendra Vishwanath Kawchale and Anr. v. Union of India*, Writ Petition (Crl.) No. 314 of 2020 (Nagarathna, Mahadevan JJ), (hereinafter 'Kawchale').

²¹ Both Ss. 376 DA and 376 DB of the IPC now fall under S. 70 (2) of the BNS which punishes gang-rape of a woman under 18 years with life imprisonment, including life imprisonment till the end of natural life, and with fine, or with death.

Life imprisonment excluding remission for rest of natural life

Death sentences of 21 persons in 8 cases were commuted by High Courts to life imprisonment excluding remission for the rest of natural life. The Orissa High Court made the highest number of such commutations (10 persons in 2 cases) followed by the Chhattisgarh High Court (6 persons in 2 cases). The maximum number of life imprisonment sentences excluding remission for the rest of natural life were imposed for kidnapping with murder.

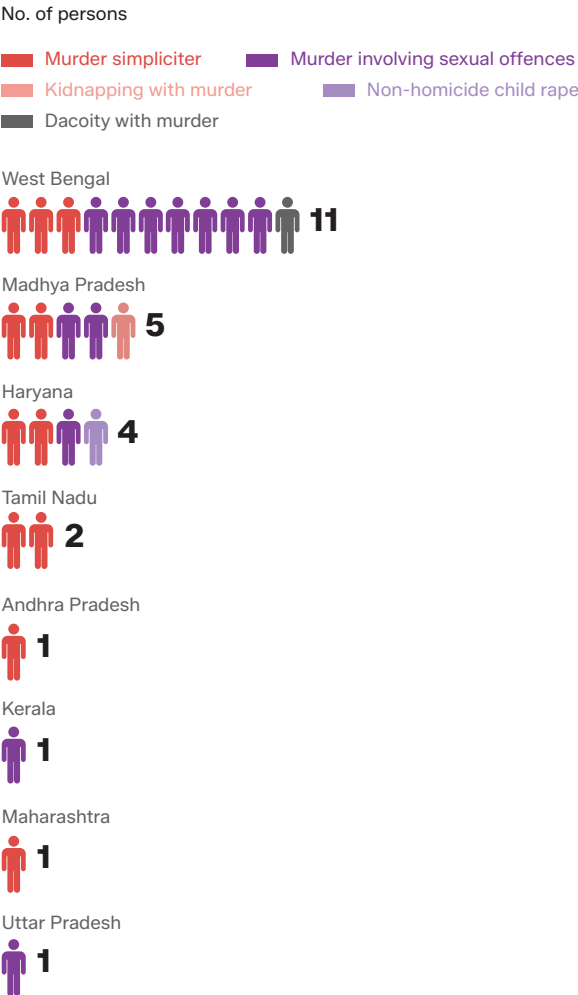
FIGURE 13. Life imprisonment sentences excluding remission for the rest of natural life across offences



Fixed-term sentences

High Courts commuted death sentences of 26 persons (24 cases) to life imprisonment sentences excluding remission for a fixed term. The Calcutta High Court commuted the maximum death sentences to fixed-term sentences of 11 persons (9 cases). This was followed by the Madhya Pradesh High Court - 5 persons in 5 cases. The maximum number of commutations to fixed-term sentences excluding remission were for cases of murder involving sexual offences - 12 persons in 11 cases.

FIGURE 14. Fixed-term sentences excluding remission across offences



A. Period for which remission excluded in fixed-term sentences

This year saw an increase in the quantum of period for which remission was excluded in fixed-term sentences. The minimum period of exclusion of remission was 20 years and maximum was 60 years. In particular, the Calcutta High Court was the sole High Court to commute death sentences to fixed term sentences which excluded remission for more than 30 years.

B. Fixed term sentences across offences

The highest number of fixed-term sentences were imposed in cases of murder involving sexual offences (12 persons in 11 cases). It was the only offence for which the High Courts commuted death sentences to fixed-term sentences by excluding remission for 50 years or more. In cases of murder simpliciter, the High Courts commuted the sentences of 3 persons in 2 cases to fixed-term sentences excluding remission for 40 years.

FIGURE 15.
Period for which remission is excluded across states

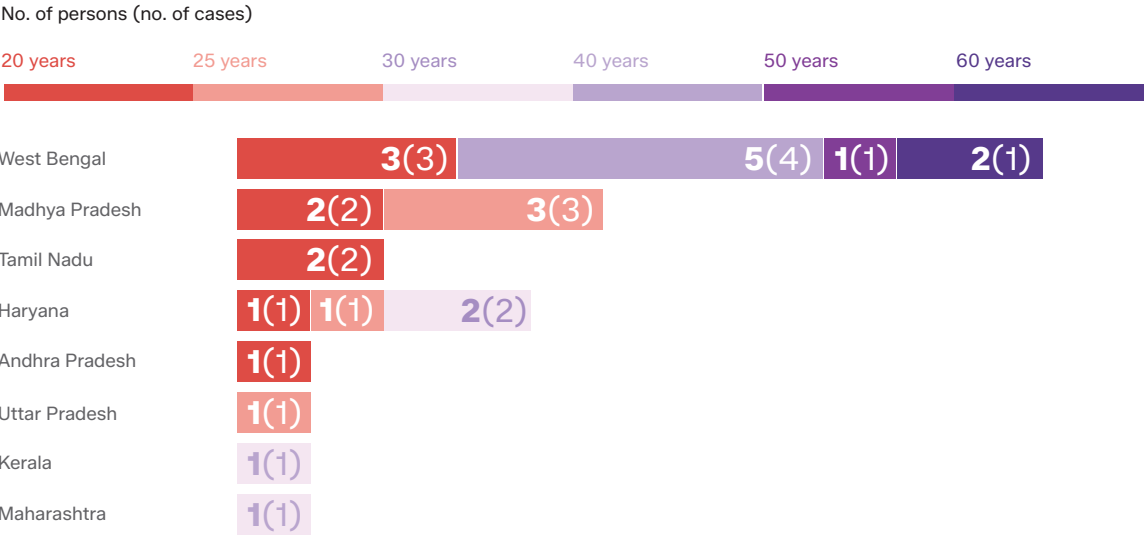
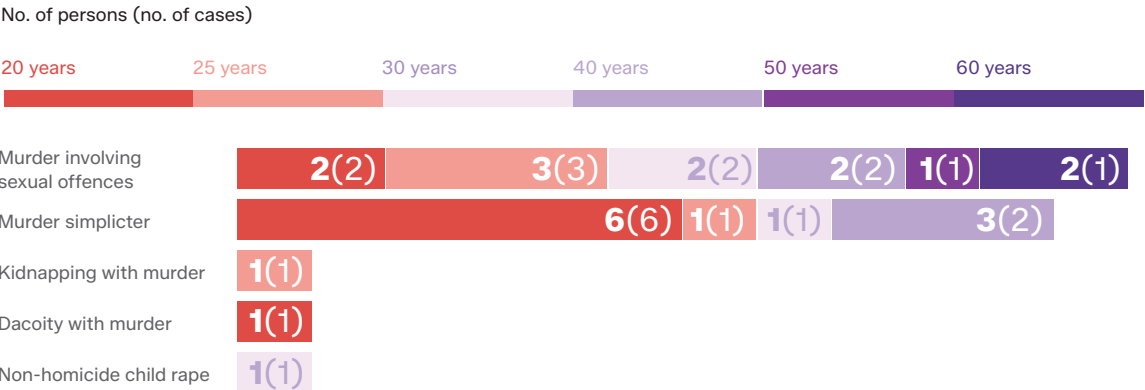


FIGURE 16.
Period of exclusion of remission across offences



CASE DETAILS OF HIGH COURT COMMUTATIONS

ANDHRA PRADESH

No. of persons - 01

No. of cases - 01

Judgement date	Persons	Case details	Commuted sentence
31.01.2025		State of Andhra Pradesh v. Kunchala Sasi Krishna Justices K. Suresh Reddy and K. Sreenivasa Reddy Referred Trial No. 1 of 2022 <i>Murder simpliciter</i>	Fixed term sentence without remission for 20 years

CHHATTISGARH

No. of persons - 06

No. of cases - 02

Judgement date	Persons	Case details	Commuted sentence
19.02.2025		In Reference of State of Chhattisgarh v. Panchram @ Mannu Gendre Justices Ramesh Sinha and Ravindra Kumar Agrawal Criminal Reference No. 2 of 2024 <i>Kidnapping with murder</i>	Life imprisonment excluding remission for the rest of natural life
11.06.2025		In Reference of State of Chhattisgarh v. Santram Manjhwari & Ors. Justices Ramesh Sinha and Bibhu Datta Guru Criminal Reference No. 1 of 2025 <i>Murder involving sexual offences</i>	Life imprisonment excluding remission for the rest of natural life

GUJARAT

No. of persons - 01

No. of cases - 01

Judgement date	Persons	Case details	Commuted sentence
14.10.2025		State of Gujarat v. Nareshbhai S/O Amarsinhbhai Kori & Anr. Justices Ilesh J. Vohra and P.M. Rawal Criminal Confirmation Case No. 8 of 2024 <i>Murder simpliciter</i>	Life imprisonment simpliciter
12.12.2025		State of Gujarat v. Jayantibhai @ Langho Chimanbhai Solanki Justices Ilesh J. Vohra and P.M. Rawal Criminal Confirmation Case No. 4 of 2022 <i>Non-homicidal child rape</i>	Life imprisonment excluding remission for the rest of natural life

HARYANANo. of persons - **04**No. of cases - **04**

Judgement date	Persons	Case details	Commuted sentence
11.07.2025		State of Haryana v. Jile Singh @ Jai Singh Justices Gurvinder Singh Gill and Jasjit Singh Bedi Murder Reference No. 8 of 2023 <i>Non-Homicidal child rape</i>	Fixed term sentence excluding remission for 30 years
28.08.2025		State of Haryana v. Umed Singh and Another Justices Manjari Nehru Kaul and H.S. Grewal Murder Reference No. 4 of 2023 <i>Murder simpliciter</i>	Fixed term sentence excluding remission for 25 years
22.12.2025		State of Haryana v. Ashok Kumar Justices Anoop Chitkara and H.S. Grewal Murder Reference Case no. 1 of 2025 <i>Murder simpliciter</i>	Fixed term sentence excluding remission for 20 years
23.12.2025		State of Haryana v. Virender @ Bholu Justices Anoop Chitkara and Sukhvinder Kaur Murder Reference No. 2 of 2020 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 30 years

HIMACHAL PRADESHNo. of persons - **02**No. of cases - **01**

Judgement date	Persons	Case details	Commuted sentence
23.09.2025		State of Himachal Pradesh v. Chander Sharma Alias Kaku Justices Vivek Singh Thakur and Rakesh Kainthla Death Sentence Reference No. 1 of 2018 <i>Kidnapping with murder</i>	Life imprisonment excluding remission for the rest of natural life

JHARKHANDNo. of persons - **12**No. of cases - **09**

Judgement date	Persons	Case details	Commuted sentence
18.07.2025		State of Jharkhand v. Bandhan Oraon Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 1 of 2019 <i>Murder involving sexual offences</i>	Life imprisonment simpliciter

JHARKHAND (contd.)

Judgement date	Persons	Case details	Commuted sentence
18.07.2025		State of Jharkhand v. Rohit Rai Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 6 of 2018 <i>Murder involving sexual offences</i>	Life imprisonment simpliciter
18.07.2025		State of Jharkhand v. Nitesh Sahu @ Fitte @ Niesh Kr. Sahu Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 2 of 2018 <i>Murder simpliciter</i>	Life imprisonment simpliciter
18.07.2025		State of Jharkhand v. Gandhi Oraon Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 1 of 2018 <i>Murder involving sexual offences</i>	Life imprisonment simpliciter
30.07.2025		State of Jharkhand v. Sudarshan Mahakur Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 7 of 2018 <i>Murder simpliciter</i>	Life imprisonment simpliciter
30.07.2025		State of Jharkhand v. Vinay Vishwakarma and Ors. Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 1 of 2017 <i>Kidnapping with murder</i>	Life imprisonment simpliciter
20.08.2025		State of Jharkhand v. Ravi Munda Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 3 of 2019 <i>Murder involving sexual offences</i>	Life imprisonment simpliciter
20.08.2025		State of Jharkhand v. Sohan Manjhi alias Murmu and Brijlal Murmu alias Manjhi Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 3 of 2018 <i>Murder simpliciter</i>	Life imprisonment simpliciter

JHARKHAND (contd.)

Judgement date	Persons	Case details	Commuted sentence
08.12.2025		State of Jharkhand v. Sukhlal alias Prabir Murmu and Sanatan Baksi alias Tala Da alias Sahdeo Rai Justices Rongon Mukhopadhyay and Sanjay Prasad Death Reference No. 4 of 2018 <i>Dacoity with murder</i>	Life imprisonment simpliciter

KARNATAKANo. of persons - **01**No. of cases - **01**

Judgement date	Persons	Case details	Commuted sentence
22.01.2025		T.N. Suresh Babu @ Babu @ Soori v. State of Karnataka Justices Sreenivas Harish Kumar and K.V. Aravind Criminal Referred Case No. 9 of 2018 <i>Murder involving sexual offences</i>	Life imprisonment simpliciter

KERALANo. of persons - **01**No. of cases - **01**

Judgement date	Persons	Case details	Commuted sentence
15.10.2025		State of Kerala v. Anil Kumar @ Kolusu Binu Justices Dr. A.K. Jayasankaran Nambiar and Jobin Sebastian Death Sentence Reference No. 3 of 2019 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 30 years

MADHYA PRADESHNo. of persons - **05**No. of cases - **05**

Judgement date	Persons	Case details	Commuted sentence
17.04.2025		In Reference v. Jitendra Purviya Justices Vivek Agarwal and Devnarayan Mishra Criminal Reference No. 7 of 2022 <i>Murder simpliciter</i>	Fixed term sentence excluding remission for 20 years

MADHYA PRADESH (contd.)

Judgement date	Persons	Case details	Commuted sentence
22.05.2025		In Reference v. Anutab @ Anutabh @ Beta Prajapati Justices Vivek Agarwal and Devnarayan Mishra Criminal Reference No. 4 of 2021 <i>Kidnapping with murder</i>	Fixed term sentence excluding remission for 25 years
19.06.2025		In Reference v. Rajaram @ Rajkumar Justices Vivek Agarwal and Devnarayan Mishra Criminal Reference No. 5 of 2023 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 25 years
25.06.2025		In Reference v. Virendra Adiwasi Justices Vivek Agarwal and Devnarayan Mishra Criminal Reference No. 3 of 2021 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 25 years
06.08.2025		In Reference v. Rajat Saini @ Siddharth Justices Vivek Agarwal and Avanindra Kumar Singh Criminal Reference No. 4 of 2023 <i>Murder simpliciter</i>	Fixed term sentence excluding remission for 20 years

MAHARASHTRANo. of persons - **02**No. of cases - **02**

Judgement date	Persons	Case details	Commuted sentence
23.07.2025		State of Maharashtra v. Santosh s/o Jaydatta Kokane Justices Nitin B. Suryawanshi and Manjusha Deshpande Confirmation Case No. 1 of 2025 <i>Murder simpliciter</i>	Fixed term sentence excluding remission for 30 years
11.11.2025		State of Maharashtra v. Guddu Chhotelal Rajak Justices Anil S. Kilor and Pravin S. Patil Confirmation Case No. 2 of 2024 <i>Murder involving sexual offences</i>	Life imprisonment simpliciter

ODISHA

No. of persons - 10

No. of cases - 02

Judgement date	Persons	Case details	Commuted sentence
15.01.2025		State of Odisha v. Dangun Sabar & Ors. Justices S.K. Sahoo and R.K. Pattnaik Death Sentence Reference No. 1 of 2021 <i>Kidnapping with murder</i>	Life imprisonment excluding remission for the rest of natural life
12.08.2025		State of Odisha v. Niranjana Mallik Justices B.P. Routray and Chittaranjan Dash Death Sentence Reference No. 2 of 2024 <i>Murder simpliciter</i>	Life imprisonment excluding remission for the rest of natural life

PUNJAB

No. of persons - 01

No. of cases - 01

Judgement date	Persons	Case details	Commuted sentence
02.04.2025		State of Punjab v. Partap Singh Justices Gurvinder Singh Gill and Jasjit Singh Bedi Murder Reference No. 6 of 2024 <i>Murder involving sexual offences</i>	Life imprisonment excluding remission for the rest of natural life

TAMIL NADU

No. of persons - 08

No. of cases - 05

Judgement date	Persons	Case details	Commuted sentence
18.03.2025		State v. Ponnumani & Ors. Justices G. Jayachandran and R. Poornima R.T. No. 1 of 2024 <i>Murder simpliciter</i>	Life imprisonment simpliciter
09.10.2025		State of Tamil Nadu v. Lakshmanan @ Suresh Justices A.D. Jagadish Chandira and R. Poornima R.T. (MD) No. 2 of 2025 <i>Murder simpliciter</i>	Life imprisonment simpliciter
03.11.2025		The State Through, The Deputy Superintendent of Police v. Vinoth Kumar Justices N. Sathish Kumar and M. Jothiraman <i>Murder simpliciter</i>	Simple life imprisonment

TAMIL NADU

No. of persons - 06

No. of cases - 03

Judgement date	Persons	Case details	Commuted sentence
27.11.2025		The Sessions Judge, Mahalir Neethimandram v. Sathish Justices N. Sathish Kumar and M. Jothiraman R.T. No. 1 of 2025 <i>Murder simpliciter</i>	Fixed term sentence excluding remission for 20 years
27.11.2025		The State Rep by ITS v Dineshkumar Justices N. Sathish Kumar and M. Jothiraman R.T. No. 1 of 2022 <i>Murder simpliciter</i>	Fixed term sentence excluding remission for 20 years

UTTAR PRADESH

No. of persons - 05

No. of cases - 04

Judgement date	Persons	Case details	Commuted sentence
29.07.2025		Bantu @ Shiv Shankar v. State of U.P. Justices Rajiv Gupta and Ram Manohar Narayan Mishra Capital Case No. 1 of 2021 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 25 years
25.08.2025		Rampal Singh and Another v. State of U.P. Justices Saumitra Dayal Singh and Tej Pratap Tiwari Capital Case No. 6 of 2025 <i>Murder simpliciter</i>	Life imprisonment simpliciter
26.09.2025		Ramandeep Kaur v. State of U.P. Justices Saumitra Dayal Singh and Madan Pal Singh Capital Case No. 18 of 2023 <i>Murder simpliciter</i>	Life imprisonment simpliciter
18.11.2025		Premchandra @ Pappu Dixit v. State of U.P. Justices Rajnish Kumar and Rajeev Singh Capital Case No. 4 of 2021 <i>Murder involving sexual offences</i>	Life imprisonment excluding remission for the rest of natural life

WEST BENGAL		No. of persons - 19	No. of cases - 17
Judgement date	Persons	Case details	Commuted sentence
24.04.2025		Niranjan Mondal v. State of West Bengal Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 3 of 2024 <i>Murder simpliciter</i>	Life imprisonment simpliciter
11.06.2025		State of West Bengal v. Susanta Chowdhury Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 7 of 2023 <i>Murder simpliciter</i>	Fixed term sentence excluding remission for 40 years
16.06.2025		State of West Bengal v. Utpal Behera @ Manoj Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 5 of 2023 <i>Murder simpliciter</i>	Life imprisonment simpliciter
17.06.2025		Suresh Paswan v. State of West Bengal Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 2 of 2019 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 50 years
24.06.2025		State of West Bengal v. Neelkanta Saha Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 2 of 2024 <i>Murder simpliciter</i>	Life imprisonment simpliciter
24.06.2025		State of West Bengal v. Srimanta Tung Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 4 of 2018 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 20 years
26.06.2025		Samar Patra v. State of West Bengal Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 1 of 2023 <i>Murder Simpliciter</i>	Life imprisonment simpliciter

WEST BENGAL (contd.)

Judgement date	Persons	Case details	Commuted sentence
14.07.2025		State of West Bengal v. Promothesh Ghosal Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 5 of 2024 <i>Murder simpliciter</i>	Life imprisonment simpliciter
22.07.2025		State of West Bengal v. Radhakanta Bera Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 2 of 2023 <i>Murder simpliciter</i>	Life imprisonment simpliciter
23.07.2025		State of West Bengal v. Fagun Mundi @ Pui and Anr. Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 3 of 2023 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 60 years
24.07.2025		Bikash Murmu and Anr. v. State of West Bengal Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 4 of 2023 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 40 years
01.08.2025		Aftab Alam v. State of West Bengal Justices Sabyasachi Bhattacharya and Uday Kumar Death Reference No. 5 of 2024 <i>Dacoity with murder</i>	Fixed term sentence excluding remission for 20 years
19.08.2025		Md. Abbas v. State of West Bengal Justices Sabyasachi Bhattacharya and Uday Kumar Death Reference No. 4 of 2024 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 20 years
21.08.2025		State of West Bengal v. Sk. Hasina Sultana & Anr. Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 1 of 2024 <i>Murder simpliciter</i>	Fixed term sentence excluding remission for 40 years

WEST BENGAL (contd.)

Judgement date	Persons	Case details	Commuted sentence
27.08.2025		State of West Bengal v. Md. Jahangir Sahaji Justices Debangsu Basak and Prasenjit Biswas Death Reference No. 5 of 2017 <i>Murder simpliciter</i>	Life imprisonment simpliciter
01.09.2025		Ajgar Ali Khadimunsari v. State of West Bengal Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 8 of 2023 <i>Murder involving sexual offences</i>	Life imprisonment simpliciter
18.09.2025		Sunil Das @ Hari Charan Das @ Hari Baba @ Swarup Roy @ Gurudev v. State of West Bengal Justices Debangsu Basak and Md. Shabbar Rashidi Death Reference No. 6 of 2023 <i>Murder involving sexual offences</i>	Fixed term sentence excluding remission for 40 years

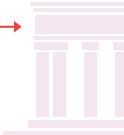


Remand

4 cases 4 persons

In 2025, High Courts remanded 4 cases involving 4 persons to Sessions Courts. Maharashtra accounted for the highest number of cases that were remanded (2), followed by Odisha (1) and Uttar Pradesh (1). All cases that were remanded were cases of murder involving sexual offences.

State	Case Details	Coram & Decision
Maharashtra 2 persons 2 cases	CONF/3/2022 State of Maharashtra v. Sanjay Baban Katkar Murder involving sexual offences 1 person	23.07.2025 Justices Sarang V. Kotwal and Shyam C. Chandak The High Court remanded the case to the Sessions Court on grounds of non-examination of the scientific expert.
	CONF 3/2024 Sanjay Deopuri Puri v. State of Maharashtra Murder involving sexual offences 1 person	27.11.2025 Justices Anil L. Pansare and Raj D. Wakode The High Court remanded the case to the Sessions Court on grounds of non-examination of the scientific expert whose report was relied upon to convict the accused.
Odisha 1 person 1 case	Death Ref. No. 2 of 2023 State of Odisha v. Sanjeeb Kerketta Murder involving sexual offences 1 person	23.04.2025 Justices B.P. Routray and Chittaranjan Dash The High Court remanded the case to the Sessions Court on the grounds that the chain of circumstances was not established, the expert witness was not examined, and the accused did not get an opportunity to present a meaningful defence.
Uttar Pradesh 1 person 1 case	Capital Case No. 1 of 2024 Shahid v. State of U.P. & Ors. Murder involving sexual offences 1 person	30.05.2025 Justices Rajiv Gupta and Subhash Chandra Sharma The High Court remanded the case to the Sessions Court on grounds of violation of fair trial rights of the accused, including the absence of counsel, lack of sentencing materials on record, and same day sentencing.



Disposal and pendency in High Courts

TIME TAKEN TO DISPOSE OF CASES



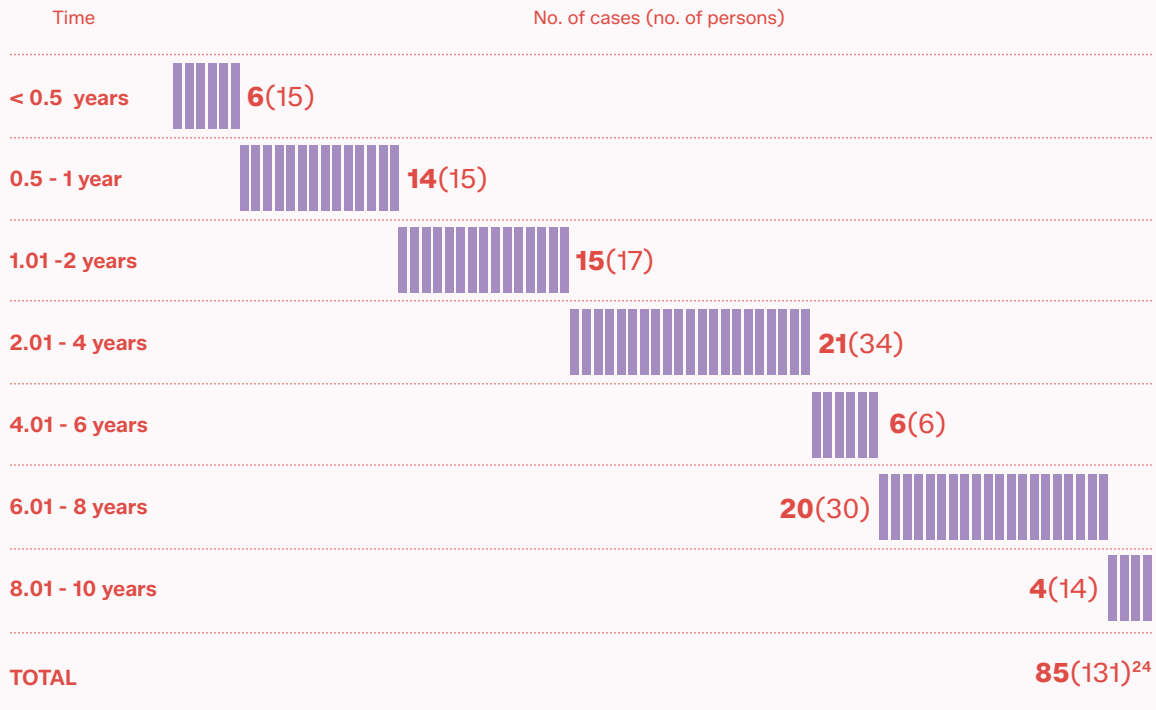
The time taken by High Courts to dispose of cases was computed by calculating the difference between the date on which the Sessions Court imposed the death sentence and the date on which the High Court decided the case.

The average time taken by the High Courts to dispose of a case was 5.76 years. The median duration of disposal was 2.85 years.

The shortest time taken to dispose of a death penalty case was 0.23 years (83 days) by the Chhattisgarh High Court,²² while the case which took the longest was disposed of at the Bombay High Court in 9.95 years.²³ On an average the Calcutta High Court took the longest time to dispose of cases (7.49 years), and the Madras High Court took the shortest time to dispose of cases (0.55 years).

FIGURE 17.

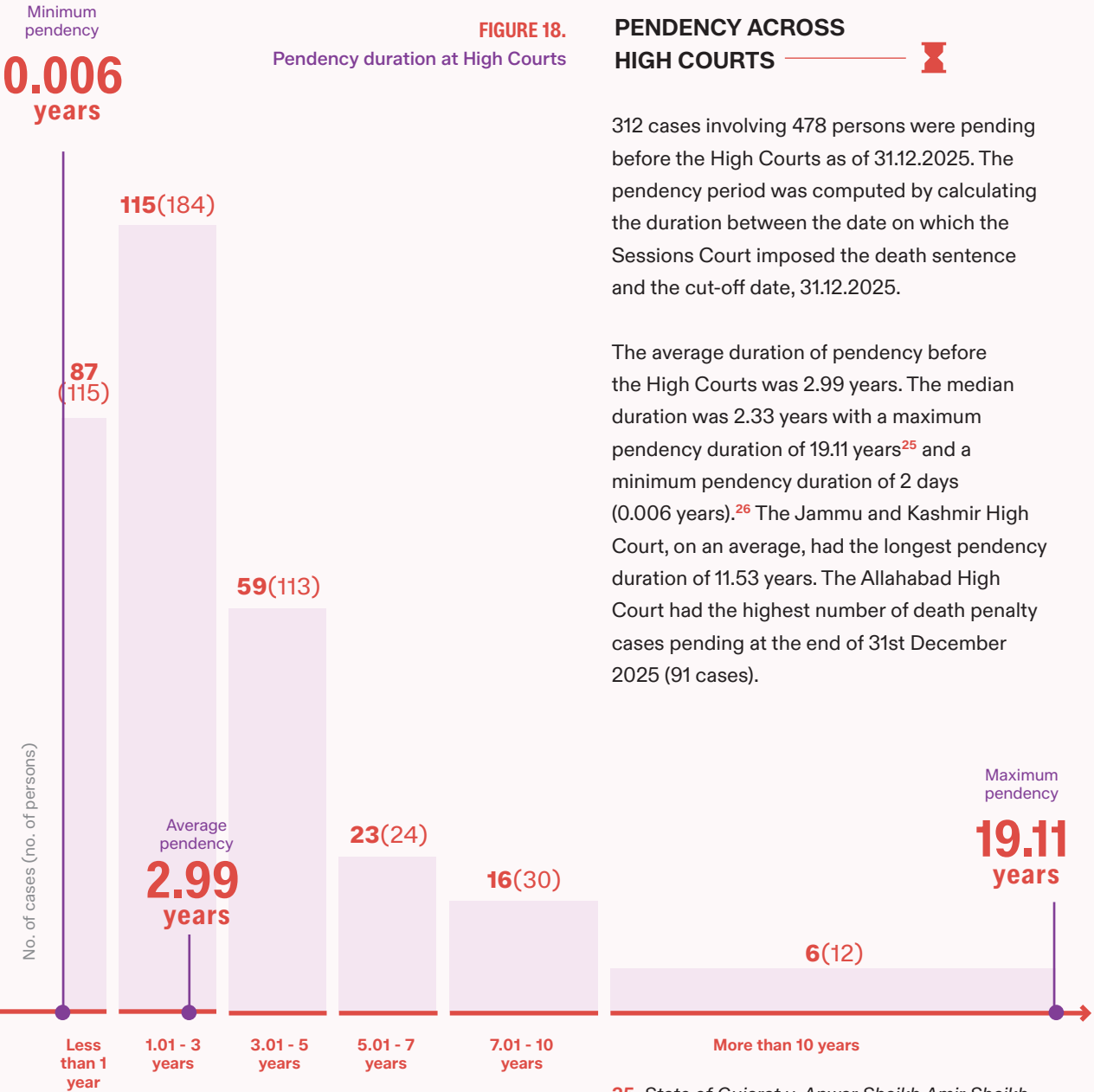
Time taken by the High Court to dispose of cases



²² In Reference of State of Chhattisgarh v. Madanlal Tekam, CRREF/3/2018.

²³ State of Maharashtra v. Kamal Ahmed Mohd. Vakil Ansari and Ors., Criminal Confirmation Case No. 2 of 2015; Criminal Appeal No. 71 of 2019; Criminal Appeal No. 72 of 2019; Criminal Application in Appeal No. 418 of 2019.

²⁴ The High Court judgments are not available for 2 cases involving 2 persons.



²⁵ *State of Gujarat v. Anwar Shaikh Amir Shaikh Bagu @ Raju*, Criminal Confirmation Case No. 3 of 2008. In this case, the accused had been sentenced by the Sessions Court on 29.08.2008 under the NDPS Act.

²⁶ *State of Telangana v. Karan Singh @ Kamma Singh*, SC No. 347 of 2023, District and Sessions Judge-cum- Prl. Family Court, Medchal-Malkajgiri District at Kukatpally. Karan was sentenced to death on 29.12.2025 for murder simpliciter.

Supreme Court in 2025

2025 was a significant year at the Supreme Court with respect to the death penalty.

The Court acquitted the highest number of persons (10 persons in 10 cases) from death row in the last 10 years. For the third consecutive year, the Supreme Court did not confirm any death sentences. Though relatively small, the Court remanded the most number of cases (3 cases involving 4 persons) to Sessions Courts in the past 10 years. Murder involving sexual offences comprised a majority of the cases disposed of at the Supreme Court this year (11 cases). In addition to these outcomes, the Court brought about a jurisprudential shift with respect to death penalty sentencing.

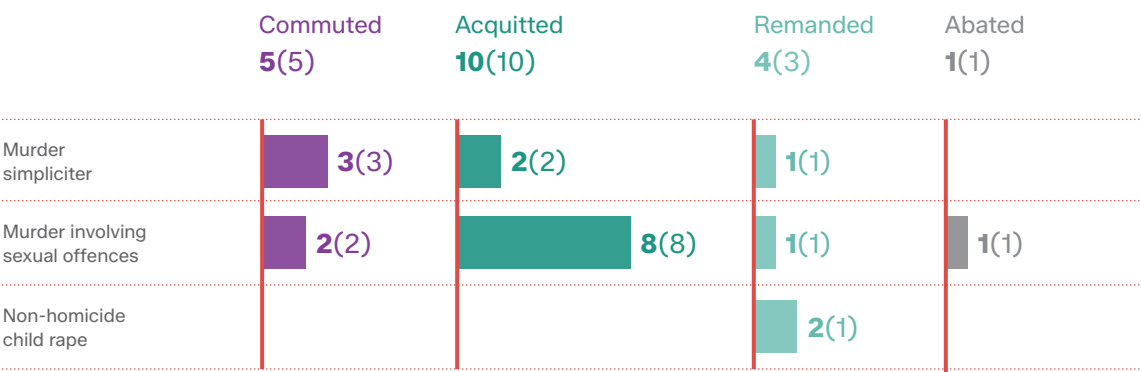


In *Dupare*,²⁷ the Court ruled that in death penalty cases sentencing hearings must comply with the guidelines in *Manoj*²⁸ to ensure procedural safeguards against arbitrary sentencing and as a matter of fundamental rights of the accused under Arts. 14 and 21. 45 years ago the Court had saved the death penalty from unconstitutionality by laying out a framework intended to guide courts' discretion in imposing the death penalty.²⁹ However until *Dupare*, in death penalty cases sentencing hearings which complied with *Manoj* had not been accorded the status of a fundamental right, leading to improper imposition of the death sentence without recourse to remedy. In finding sentencing hearings in death penalty cases to be part of due process requirement, the Court finally actualises its vision in *Santosh Kumar Satishbhushan Bariyar v. State of*

Maharashtra of the importance of principled sentencing in death penalty cases.³⁰ Equating *Manoj* compliant death penalty sentencing hearings to a fundamental right now renders constitutionally suspect all death sentences that have been imposed by Sessions Courts or confirmed by the appellate judiciary without compliance with *Manoj*. The coming years will be crucial in understanding the consequences of sentencing hearings which are in violation of the fundamental rights of the accused.

19 cases involving 20 persons were disposed of at the Supreme Court. In addition to the outcomes mentioned above regarding the number of cases which led to an acquittal and were remanded, the Court also granted commutations to 5 persons (5 cases), and 1 case involving 1 person was abated.³¹

FIGURE 19.
Supreme Court outcomes across offences



²⁷ *Supra* note 6.

²⁸ *Supra* note 4.

²⁹ *Supra* note 11.

³⁰ *Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra*, (2009) 6 SCC 498 (Sinha, Joseph JJ), (hereinafter '*Bariyar*').

³¹ Abdul Nassar was convicted under S.302 and S.376 of IPC and was sentenced to death under S. 302 of IPC by the Sessions Court. His conviction and sentence were confirmed by the Kerala High Court (Ernakulum Bench). The Supreme Court convicted him but did not pronounce any sentence because he passed away while arguments on conviction were ongoing. Hence while the conviction was upheld, no sentence was imposed as the Court observed it was "otiose". *Abdul Nassar v. State of Kerala*, (2025) SCC OnLine SC 111 (Gavai, Viswanathan, Mehta JJ).

Acquittals

Of the 19 cases disposed of at the Supreme Court In 2025, it acquitted accused persons in over 50% of the cases (10 persons in 10 cases). This marked the highest number of acquittals by it since 2016. Of the 10 people acquitted, 8 had been convicted and sentenced to death for murder involving sexual offences. 2 persons were on death row for murder simpliciter.

TIME SPENT ON DEATH ROW BEFORE ACQUITTAL BY THE SUPREME COURT

Time spent on death row by persons acquitted by the Supreme Court was calculated from the date on which the Sessions Court imposed the death sentence until the date of acquittal by the Supreme Court. The average time spent by a person on death row before being acquitted was 9.42 years. The median period spent on death row was 8 years, with the longest period being 20.68 years³² and the shortest period being 5.46 years.³³

³² *Sanjay v. State of Uttar Pradesh*, (2025) SCC Online SC 572 (Nath, Karol, Mehta JJ).

³³ *Baljinder Kumar @ Kala v. State of Punjab*, (2025) SCC OnLine SC 1459 (Nath, Karol, Mehta JJ).

Gambhir Singh v. The State of Uttar Pradesh

Date of decision: 28.01.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta

Criminal Appeal Nos. 850-851 of 2019

Offence: Murder simpliciter

Case History: Gambhir was sentenced to death on 20.03.2017 by the Sessions Court, Agra for the murder of his brother, sister-in-law, and their four children. On 09.01.2019, the Allahabad High Court (Allahabad Bench) upheld his conviction and confirmed his sentence.

Criminal Appeal

Gambhir spent close to **11 years** on death row before being acquitted by the Supreme Court.

The Court found key witness testimonies to be unreliable, noting that the chief witness had admitted to not having seen anything himself. It doubted the recoveries made by the police as the recovery memos did not bear Gambhir's signature. It also noted that the Investigating Officer had failed to produce the disclosure statements at trial. Further, the Court observed that the High Court had already acquitted Gambhir's co-accused on the ground that evidence had been planted by the police.

The Court held that the prosecution's case was "full of holes and holes which are impossible to mend".

Chandrabhan Sudam Sanap v. State of Maharashtra

Date of decision: 28.01.2025

Bench: Justices B.R. Gavai, P.K. Mishra and K.V. Viswanathan

Criminal Appeal No. 879 of 2019

Offence: Murder involving sexual offences

Case History: Chandrabhan was sentenced to death on 30.10.2015 by the Sessions Court, Mumbai for the rape and murder of a woman. On 20.12.2018, the Bombay High Court (Bombay Bench) upheld the conviction and confirmed his sentence.

Criminal Appeal

Chandrabhan spent more than 9 years on death row before being acquitted by the Supreme Court.

The Court observed that the prosecution had failed to meet the requirements under law for admitting electronic evidence. It found contradictions in the statements of key prosecution witnesses and held that the testimonies did not satisfy the necessary conditions for proving the 'last seen' doctrine.³⁴ It also found that the Test Identification Parade lacked reliability as Chandrabhan's pictures had been circulated by the media prior to the Parade. On the whole, the Court observed that there were "gaping holes" in the prosecution's case, acquitting Chandrabhan.

³⁴ The doctrine of 'last seen' creates a legal presumption that the person who was last seen with the victim must bear the burden of proof to explain their whereabouts after the crime.

Sanjay v. State of U.P.

Date of decision: 06.02.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta

SLP(Crl.) No. 239/2025

Offence: Murder involving sexual offences

Case History: Sanjay was sentenced to death on 21.09.2004 by the Sessions Court, Bulandshahr for the rape and murder of a minor girl. On 26.07.2005, the Allahabad High Court (Allahabad Bench) upheld his conviction and confirmed his sentence.

Criminal Appeal

Sanjay spent more than 20 years on death row before being acquitted by the Supreme Court.

The Court doubted the prosecution's story and the 'last seen' evidence that was presented. It held that the extra-judicial confession lacked credibility as there were contradictions in the statements of witnesses as to the place of confession. Further, it held that the FSL report "miserably failed" to establish that Sanjay's DNA matched the samples recovered from the body of the deceased child. The Court observed that there were "glaring omissions" in the way the prosecution had attended to the facts of the case.

Karandeep Sharma @ Razia @ Raju v. State of Uttarakhand

Date of decision: 04.03.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta

CrI.A. No. 000630 - 000631 of 2018

Offence: Murder involving sexual offences

Case History: Karandeep was sentenced to death on 06.04.2017 by the Fast Track Court, Udham Singh Nagar for the rape of a minor girl. On 05.01.2018, the Uttarakhand High Court upheld his conviction and confirmed the sentence.

Criminal Appeal

Karandeep spent more than 10 years on death row before being acquitted by the Supreme Court.

The Court questioned the prosecution's story and observed that none of the witnesses claiming to have last seen him with the victim had come forward to the police. Further, the Court held that the DNA evidence was inadmissible given that the prosecution had failed to examine the expert who prepared the report. It held that without DNA evidence, there was nothing on record to link Karandeep to the crime.

The Court noted that there was "every possibility of the samples being tampered/manipulated by the police officers so as to achieve a favourable result from the FSL."

Ramkirat Munilal Goud v. State of Maharashtra

Date of decision: 07.05.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta

Crl.A. No. 001954 - 001955 of 2022

Offence: Murder involving sexual offences

Case History: Ramkirat was entenced to death on 08.03.2019 by the Sessions Court, Thane, for the rape and murder a minor girl. On 25.11.2021, the Bombay High Court (Bombay Bench) upheld the conviction and confirmed his sentence.

Criminal Appeal

Ramkirat spent more than **6 years** on death row before being acquitted by the Supreme Court.

The Court found that the prosecution had “conjured” up witnesses in order to establish the doctrine of ‘last seen’. It observed that the witness to the extra-judicial confession gave contradictory statements and did not report information to the police with promptness. The FSL report was held to be inadmissible given that the expert who prepared the report was never examined by the prosecution. The report tying Ramkirat to the location of the victim’s body was also found to be vague and inconclusive.

On the whole, the Court held that the investigation was “flawed and tainted” and that Ramkirat was convicted on the basis of “surmises”.

Baljinder Kumar @ Kala v. State of Punjab

Date of decision: 16.07.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta

Crl.A. No. 002688 - 002689 of 2024

Offence: Murder simpliciter

Case History: Baljinder was sentenced to death on 29.09.2020 by the Sessions Court, Kapurthala for the murder of four family members, including two of his children. On 04.03.2024, the Punjab & Haryana High Court upheld the conviction and confirmed his sentence.

Criminal Appeal

Baljinder spent close to **5 years** on death row before being acquitted by the Supreme Court.

The Court discovered inconsistencies in key witness statements relating to the proximity of Baljinder’s house to the scene of the crime, and the weapon alleged to have been wielded by him. It also found that the testimony of the sole eyewitness could not be corroborated by others’ accounts of the incident. The Court held that no adverse inference could be drawn against Baljinder when the prosecution could not establish his presence at the scene of the crime in the first place. It held that undue reliance had been placed on an alleged motive to secure conviction before the Sessions Court.

Further, the Court also made an observation that legal systems break down when “haste to lay a finger of blame on somebody leads to a shoddy investigation and a poorly conducted trial”.

Kattavellai @ Devakar v. State of Tamil Nadu

Date of decision: 16.07.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta

Crl.A. No. 001672 of 2019

Offence: Murder involving sexual offences

Case History: Kattavellai was sentenced to death on 07.03.2018 by the Sessions Court, Theni for the rape and murder of a woman and murder of a man. On 13.03.2019, the Madras High Court (Madurai Bench) upheld his conviction and confirmed the sentence.

Criminal Appeal

Kattavellai spent more than **7 years** on death row being acquitted by the Supreme Court.

The Court held that the two recorded confessions were inadmissible. The first was marred by inconsistencies, and the second was recorded a year later in police custody without justification. Further, it noted contradictions in witness statements regarding the chain of custody of the DNA samples. It held that the prosecution had failed to establish a motive and that the Test Identification Parade also lacked credibility. The Court observed that the lower courts had “committed an error of elephantine proportions” in holding that the facts before them had formed a strong chain of circumstances against Kattavellai.

In acquitting Kattavellai, the Court urged Parliament to consider passing a law to respond to cases of wrongful convictions and prosecutions.

Putai v. State of U.P.

Date of decision: 26.08.2025

Bench: Justices Vikram Nath, Sanjay Karol, and Sandeep Mehta
Crl.A. No. 00036-00037 of 2019

Offence: Murder involving sexual offences

Case History: Putai was sentenced to death on 19.03.2014 by the Session Court, Lucknow for the gang-rape and murder of a minor girl. On 11.10.2018, the Allahabad High Court (Allahabad Bench) upheld his conviction and confirmed the sentence.

Criminal Appeal

Putai spent more than **11 years** on death row before being acquitted by the Supreme Court.

The Court found the witness testimonies to be insufficient to create a suspicion against Putai. It cast a strong doubt on the credibility of the recovered items given that they were never forwarded to the FSL for analysis during trial. Further, it held that the DNA reports were inadmissible on the ground that no document pertaining to the transfer of samples was produced in evidence. The Court observed that the entire investigation was “lacklustre” and “shabby”. It held that the prosecution had “fallen woefully short of proving the guilt of the accused-appellants”, leading to the acquittal.

Akhtar Ali @ Ali Akhtar @ Shamim @ Raja Ustad vs. The State of Uttarakhand

Date of decision: 10.09.2025

Bench: Justices Vikram Nath, Sanjay Karol, and Sandeep Mehta
SLP(Crl) No. 000014-000015 of 2020

Offence: Murder involving sexual offences

Case History: Akhtar was sentenced to death on 11.03.2016 by the Sessions Court, Nainital, for the rape and murder of a minor girl. On 18.10.2019, the Uttarakhand High Court upheld the conviction and confirmed his sentence.

Criminal Appeal

Akhtar Ali spent more than **8 years** on death row before being acquitted by the Supreme Court.

The Court found that the witness to have last seen Akhtar with the victim was not in sufficient proximity to satisfy the ‘last seen’ theory. The Court also cast aspersions on the credibility of the investigation given that an individual who knew the location of the victim’s body was never questioned in that regard, or produced before the Sessions Court. It also found that the DNA expert was actually a botanist and not qualified to confirm the validity of the evidence presented.

The Court observed that the prosecution had “failed to prove motive” and that the alleged scientific evidence was “marred by inconsistencies and serious loopholes”.

Dashwanth v. State of Tamil Nadu

Date of decision: 08.10.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta
SLP(Crl) No. 003300-003301 of 2019

Offence: Murder involving sexual offences

Case History: Dashwanth was convicted and sentenced to death on 19.02.2018 by the Sessions Court, Kanchipura for the rape and murder of a minor girl. On 10.07.2018, the Madras High Court (Madras Bench) upheld the conviction and confirmed his sentence.

Criminal Appeal

Dashwanth spent more than **7 years** on death row before being acquitted by the Supreme Court.

The Court held that in an attempt to obscure the reality of events, the prosecution had failed to collect vital data from the CCTV camera. It noted that the police had fabricated the entire story to make Dashwanth the “scapegoat” by planting evidence. Further, it observed that the Sessions Court had sentenced him to death on the same day as his conviction.

On the whole, the Court observed that the prosecution had “miserably failed” in meeting the requisite standard to secure conviction in a case purely based on circumstantial evidence.

Confirmations

For the third consecutive year,
the Supreme Court confirmed



**death
sentences**

in 2025

Commutations

The Supreme Court commuted the death sentences of 5 persons across 5 cases. Of these, 3 cases involved murder simpliciter, and 2 cases were murder involving sexual offences. In all 5 cases, the Court commuted the death sentence to life imprisonment excluding remission for the rest of natural life.

SUMMARY OF CASES COMMUTED BY THE SUPREME COURT

Deen Dayal Tiwari v. State of Uttar Pradesh

Date of decision: 16.01.2025
Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta
Criminal Appeal Nos. 002220-002221 of 2022
Offence: Murder simpliciter
Case History: Deen Dayal was sentenced to death on 30.01.2014 by the Sessions Court, Faizabad for the murder of his wife and four minor daughters. On 09.05.2022, the Allahabad High Court (Lucknow Bench) upheld his conviction and confirmed the sentence.

Criminal Appeal

The Supreme Court upheld Deen Dayal’s conviction but commuted his sentence to life imprisonment “till the end of his natural lifespan”. It noted that Deen Dayal lacked criminal antecedents. The Court considered the Probation Officer’s Report and the Prison Report to hold that there was potential for reform, thereby commuting his sentence.

Ramesh A. Naik v. The Registrar General, High Court of Karnataka Etc.

Date of decision: 13.02.2025
Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta
Criminal Appeal Nos. 877-878 of 2020
Offence: Murder simpliciter
Case History: Ramesh was sentenced to death on 03.12.2013 by the Sessions Court, Dakshin Kannada for the murder of his two children. On 22.09.2017, the Karnataka High Court (Bangalore Bench) upheld his conviction and confirmed the sentence.

Criminal Appeal

The Supreme Court upheld Ramesh’s conviction and commuted his sentence to life imprisonment to “await his natural end, without remission, in the confines of a penitentiary”. The Court noted that all mitigating circumstances had not been considered by the Sessions Court and commuted the death sentence noting that Ramesh did not have any criminal antecedents and also bore good relations with the deceased.

Reijikumar @ Reji v. State of Kerala

Date of decision: 22.04.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta

Criminal Appeal Nos. 1179-1180 of 2023

Offence: Murder involving sexual offences

Case History: Reiji was sentenced to death on 10.09.2009 by the Sessions Court, Palakkad for the murder of his wife and four children. On 12.11.2014, the Kerala High Court (Ernakulam Bench) upheld his conviction and confirmed the sentence.

Criminal Appeal

The Supreme Court upheld Reiji's conviction but commuted his sentence to life imprisonment "till the end of natural life". While doing so, the Court took into account the lack of criminal antecedents, Reiji's adverse childhood experiences, and his conduct during incarceration. The Court also considered the fact that he had struggled with mental health issues and had made consistent efforts at being a model prisoner.

Byluru Thippaiah @ Byaluru Thippaiah @ Nayakar Thippaiah v. State of Karnataka

Date of decision: 16.07.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta

Criminal Appeal Nos. 2490-2491 of 2023

Offence: Murder simpliciter

Case History: Byluru was sentenced to death on 04.12.2019 by the Sessions Court, Ballari for the murder of his wife, sister-in-law, and three children. On 30.05.2023, the Karnataka High Court (Dharwad Bench) upheld his conviction and confirmed the sentence.

Criminal Appeal

The Supreme Court upheld Byluru's conviction but commuted his sentence to life imprisonment to "await his last breath in prison, without remission". The Court noted that the High Court had not adequately met the requirements of *Manoj*. It held that Byluru had no prior criminal record and had maintained good moral character and conduct in prison. It also considered the fact that he had pursued education during incarceration and suffered from deteriorating mental health.

Jai Prakash v. State of Uttarakhand

Date of decision: 16.07.2025

Bench: Justices Vikram Nath, Sanjay Karol and Sandeep Mehta

Criminal Appeal Nos. 331-332 of 2022

Offence: Murder involving sexual offences

Case History: Jai was sentenced to death on 28.08.2019 by the Sessions Court, Dehradun for the rape and murder of a minor girl. On 07.01.2020, the Uttarakhand High Court upheld the conviction and confirmed his sentence.

Criminal Appeal

The Supreme Court confirmed Jai's conviction but commuted his sentence to life imprisonment "without remission extending to the natural life of the appellant". Based on various reports, the Court considered his family's poor socio-economic condition, lack of education, and that he had started working at age 12. He was also found to have good relations with other inmates.



Remand

3 cases 4 persons

In 2025, the Supreme Court remanded 3 cases involving 4 persons. 1 case was of murder simpliciter, 1 of murder involving sexual offences, and 1 was non-homicide child rape. The number of cases remanded in 2025 has been the highest since 2016.

Case details Coram & decision

Criminal Appeal No. 220 of 2022
Irfan @ Bhayu Mevati v. State of Madhya Pradesh
Non-homicide child rape

16.01.2025
Justices Vikram Nath, Sanjay Karol and Sandeep Mehta
The Supreme Court quashed the conviction and remanded the case to the Sessions Court, Mandsaur for retrial. While remanding the case, the Court noted the hastily conducted trial that denied the accused a fair opportunity to defend himself and non-examination of scientific experts which undermined the reliability of the DNA evidence. In June 2025, the Sessions Court confirmed the conviction and sentenced the accused persons to imprisonment for the remainder of their natural life.

Criminal Appeal No. 259 - 260 of 2019
Sovaran Singh Prajapati v. State of Uttar Pradesh
Murder simpliciter

04.02.2025
Justices Vikram Nath, Sanjay Karol and Sandeep Mehta
The Supreme Court quashed the conviction and remanded the case to the Sessions Court, Mainpuri for retrial. The Court noted that the trial was conducted in a casual and disorganised manner, with multiple adjournments due to non-production of witnesses, failure to properly record statements, and the accused not being adequately questioned on all incriminating circumstances. As of 31.12.25, the case was pending before the Sessions Court.

Criminal Appeal No. 429 - 430 of 2020
Waris v. State of Madhya Pradesh
Murder involving sexual offences

08.05.2025
Justices Vikram Nath, Sanjay Karol and Sandeep Mehta
The Supreme Court did not quash the conviction and remanded the case to the Sessions Court, Ratlam for re-examination of the star witness, PW-1. The Court noted that the defence counsel was not present on the day PW-1 was cross-examined, and the accused did not have access to the documents relied upon by the prosecution. As of 31.12.25, the case was pending before the Supreme Court.



Disposal and pendency at the Supreme Court in 2025

TIME TAKEN TO DISPOSE OF CASES BY THE SUPREME COURT

The time taken by the Supreme Court to dispose of cases was computed by calculating the difference between the date on which the petition³⁵ was filed and the date on which the Supreme Court pronounced the judgement. 19 cases were decided by the Supreme Court in 2025. The Court took an average of 4.41 years to dispose of a case, with a median duration of 4.78 years. Out of the 19 cases decided, 10 cases took more than 5 years to reach a conclusion. The longest duration for which a case was pending before being disposed of in 2025 was 6.99 years, while the shortest was 0.74 years (27 days).³⁶

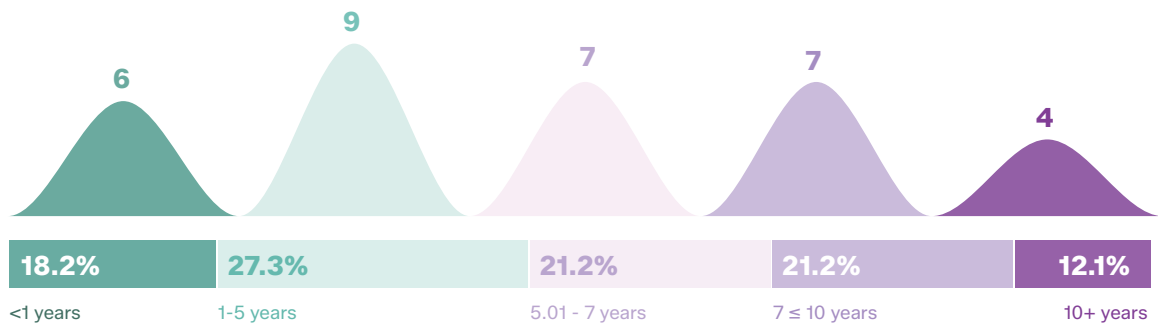
PENDENCY AT THE SUPREME COURT

As of 31.12.2025, 33 cases involving 46 persons were pending before the Supreme Court (including 1 Review Petition and 1 Curative Petition). The pendency period has been computed by calculating the duration between the date of filing of the relevant petition and in the case of the Curative Petition, the date on which the Petition was allowed, and the cut-off date.

The average period for which a case remained pending before the Supreme Court was 6.06 years, with a median duration of 6.59 years. The longest duration for which a case remained pending was 13.94 years,³⁷ while the shortest period of pendency was 0.12 years (44 days).

FIGURE 20.
Pendency duration at the Supreme Court

No. of cases

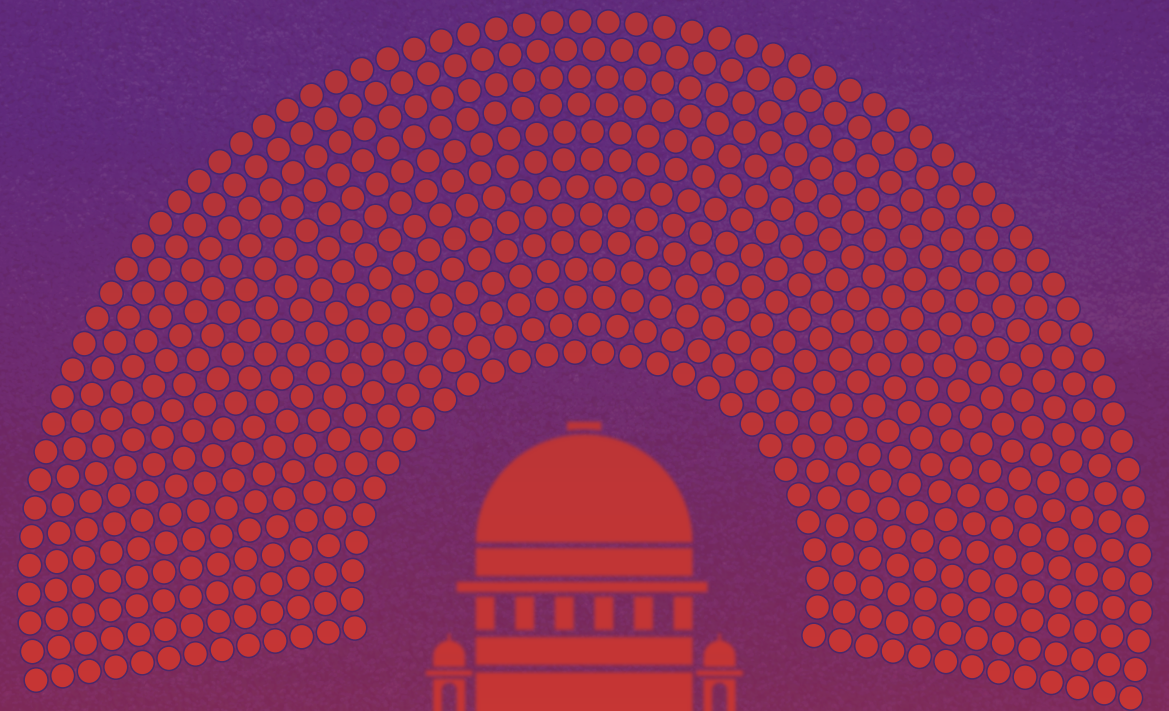


³⁵ For the purpose of this report, 'petition' here includes SLP (including 1 SLP which was restored on May 15, 2024 in *Sanjay v. State of U.P.*) and Review Petition.

³⁶ *Supra* note 32. Sanjay was sentenced to death in 2004, and his SLP was dismissed *in limine* by the Supreme Court in 2006. His mercy petition was rejected by the President in 2020. Thereafter, his Review Petition was heard in 2024, and on 15.05.2024 the Supreme Court recalled its earlier order dismissing his SLP and restored it. Sanjay was acquitted by the Court on 06.02.2025.

³⁷ *State of Maharashtra v. Sayeed Mohd. Hanif Abdul Rahim* [Crl.A. No. 000777 - 000778 / 2012]. 3 persons were sentenced to death in 2009 for terror related charges relating to the 2003 blasts at the Gateway of India in Mumbai. The Criminal Appeal at the Supreme Court was filed on 04.04.2012.

Domestic & International Developments on the Death Penalty



Domestic Developments



MARCH 2025

Himachal Pradesh introduces the death penalty for organised crime

The Himachal Pradesh Organised Crimes (Prevention and Control) Bill, 2025 was introduced in the Legislative Assembly in March 2025³⁸ introducing the death penalty for death caused as a result of organised crime. The bill defines organized crime to include offences related to drug trafficking, environmental crimes, piracy, healthcare fraud, organ trafficking, cyber terrorism, fake document rackets and food and drug adulteration.

³⁸ Himachal Pradesh Organised Crimes (Prevention and Control) Bill, 2025, https://prsindia.org/files/bills_acts/bills_states/himachal-pradesh/2025/Bill5of2025HP.pdf.



JULY 2025

West Bengal Governor returns Aparajita bill to state government

West Bengal Governor CV Ananda Bose returned the *Aparajita Women and Child (West Bengal Criminal Laws Amendment) Bill, 2024* to the state government.³⁹ The bill proposed substantial enhancements to punishments for rape, including increasing the minimum sentence from ten years' imprisonment to life imprisonment for the remainder of one's life or death. The Governor returned the bill citing concerns with several proposed amendments to the BNS particularly on the ground that they undermine the principle of proportionality in sentencing.



AUGUST 2025

Sentencing hearing in death penalty cases a fair trial right

In *Dupare*,⁴⁰ a three-judge Bench of the Supreme Court (Justices Vikram Nath, Sanjay Karol and Sandeep Mehta) held that in death penalty cases sentencing hearings must be looked at as a procedural safeguard and a component of the accused's fair trial rights. The Court held that in death penalty cases non-compliance with *Manoj* at the sentencing hearing would fall foul of procedural fairness and be a violation of Art. 21. It stated that it has the power to even reopen sentencing hearings if it finds serious violation of the procedural safeguards. As a result, the judgement notes, 7 persons on death row will have their sentencing hearings reopened.



OCTOBER 2025

Application seeking modification of the judgement in *Shatrughan Chauhan v. Union of India*⁴¹ dismissal

On 08.10.2025, the Supreme Court dismissed the Union Government's application seeking modifications to the *Shatrughan Chauhan* guidelines which set out guidelines to safeguard the rights of death row convicts. The Union had filed the modification application in 2020 in connection with the pending execution of death warrants for the four convicts in the 2012 Delhi gang rape and murder case, seeking tighter timelines for filing curative and mercy petitions and for executing death warrants within seven days of rejection of the mercy petition. A three-judge Bench comprising Justices Vikram Nath, Sandeep Mehta, and N.V. Anjaria dismissed the application.

³⁹ "West Bengal Governor returns Aparajita Bill to State govt. for reconsideration", *The Hindu*, July 25, 2025, <https://www.thehindu.com/news/national/west-bengal/west-bengal-governor-returns-aparajita-bill-to-state-govt-for-reconsideration/article69855000.ece>.

⁴⁰ *Supra* note 6.

⁴¹ *Shatrughan Chauhan v. Union of India*, (2014) 3 SCC 1 (Sathasivam CJ, Gogoi, Singh JJ), (hereinafter '*Shatrughan Chauhan*')



OCTOBER 2025

Writ Petitions seeking compensation for wrongfully convicted persons

Three persons who were acquitted by the Supreme Court in 2025 filed writ petitions in October 2025⁴² seeking monetary compensation from the State on the ground that their wrongful conviction was a violation of their fundamental rights. All three petitions have been admitted and notice issued.



OCTOBER 2025

Curative Petition allowed in *Md. Arif @ Ashfaq v Union of India* (Curative Petition (Crl.) Diary No. 29481/2024)

Md. Arif's Curative Petition was allowed by the Supreme Court on 28.10.2025. His death sentence was confirmed by the Supreme Court in the Criminal Appeal on 10.8.2011 and Review Petition on 3.11.22. The Curative Petition was allowed after the Supreme Court's decision in *Dupare* elevating sentencing hearings in death penalty cases to a fundamental right.



NOVEMBER 2025

Petition challenging the constitutionality of hanging as a mode of execution

The Union government informed the Supreme Court that it is actively examining whether a more humane and less painful method of execution could replace hanging. The submission was made during a hearing in *Rishi Malhotra v Union of India*,⁴³ which is a pending challenge to the constitutionality of execution by hanging.⁴⁴ The challenge argues that execution by hanging amounts to cruel, inhuman and degrading treatment, violating the right to life with dignity under Art. 21 of the Constitution, and should be replaced by lethal injection.⁴⁵ A Bench of Justices Vikram Nath and Sandeep Mehta adjourned the matter to 21.01.2026 for a detailed hearing.

⁴² *Supra* note 2.

⁴³ *Rishi Malhotra v. Union of India*, Writ Petition (Criminal) No. 145 of 2017.

⁴⁴ S. 393 (5), BNSS (S. 354(5) CrPC) provides that when any person is sentenced to death, the sentence shall direct that such person be hanged by the neck till they are dead. The Supreme Court had upheld the constitutionality of execution by hanging in *Deena v. Union of India*, (1983) 4 SCC 645 (Chandrachud CJ, Pathak, Mukharji JJ).

⁴⁵ The 187th Law Commission of India Report (2003) has previously examined execution by hanging and recommended that it be replaced with execution by lethal injection.



NOVEMBER 2025

Mercy petition rejected by the President

On 06.11.2025, the President of India rejected Ravi Ashok Ghumare's mercy petition. His death sentence was confirmed by the Supreme Court by a split decision on 03.10.2019. Justices Kant and Nariman confirmed his death sentence whereas Justice Reddy, in a dissenting opinion, commuted his death sentence to life imprisonment excluding remission for the rest of his natural life. The Sessions Court, Jalna imposed the death sentence on Ravi Ashok Ghumare on 18.09.2015. His sentence was confirmed by the Bombay High Court on 20.01.2016. Ravi has been on death row for 10.4 years.



DECEMBER 2025

Private member's bill to abolish the death penalty

On 05.12.2025 Member of Parliament Ms. Kanimozhi Karunanidhi introduced a private member's bill to abolish the death penalty, as per the Lok Sabha website. Ms. Kanimozhi had previously introduced a similar bill in 2015.⁴⁶

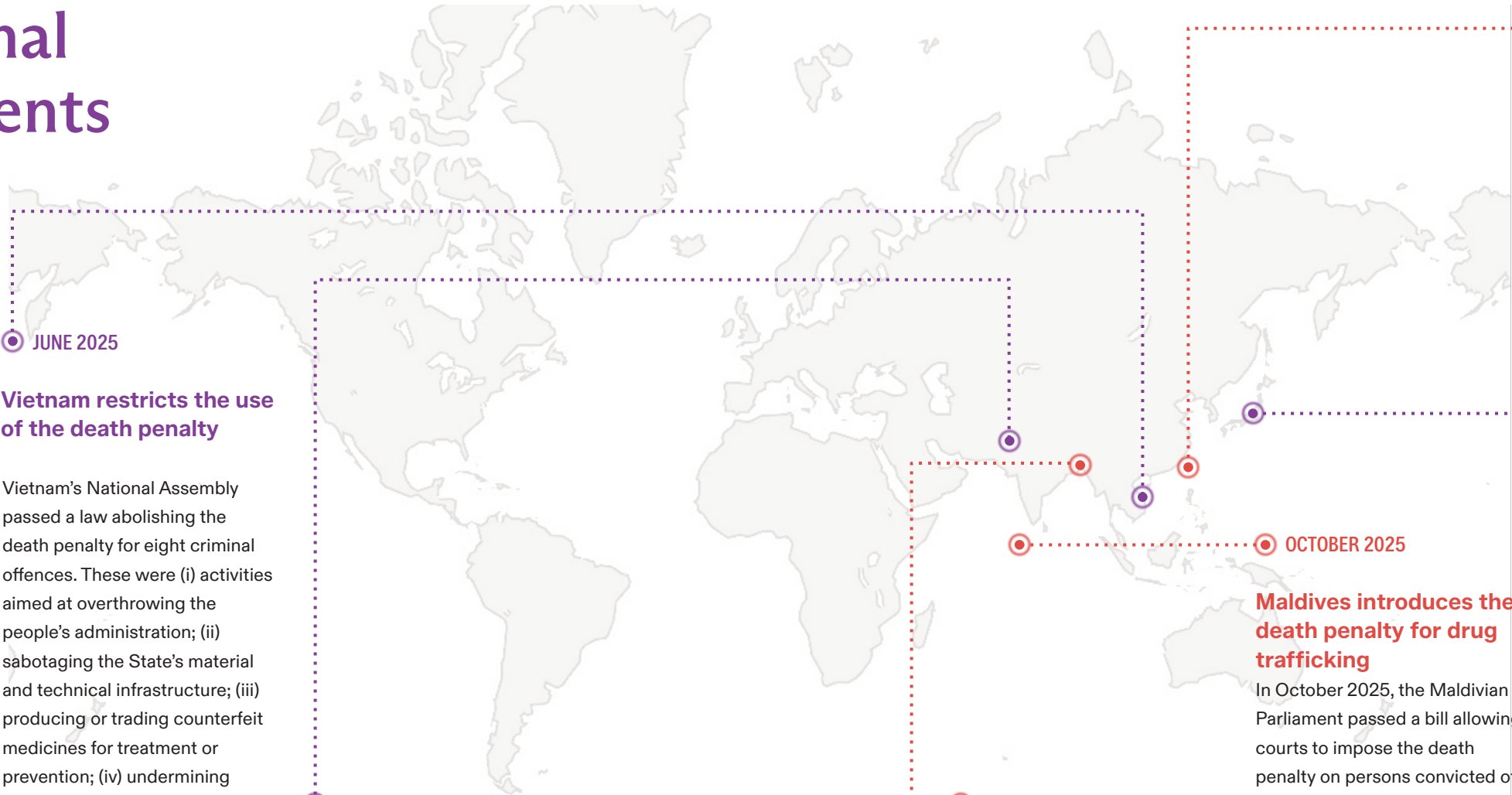
⁴⁶ "Kanimozhi to Move Bill to Abolish Death Penalty," *The Hindu*, July 31, 2015, <https://www.thehindu.com/news/national/tamil-nadu/kanimozhi-to-move-bill-to-abolish-death-penalty/article7484810.ece>.

International Developments

Death penalty at the United Nations

In October 2025, The UN Human Rights Council adopted resolution A/HRC/RES/60/17 urging member states who retain the death penalty to protect the rights of persons sentenced to death; limit the use of the death penalty and; ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights which aims to abolish the death penalty. The resolution was adopted by 31 votes. Seven countries voted against the resolution and eight abstained.

The UN Secretary General released his report on the Question of the Death Penalty (A/HRC/60/47) during the 60th Session of the Human Rights Council. The report focuses on the consequences of the death penalty on the human rights of persons sentenced to death, and highlights the need to prevent miscarriage or other failure of justice, and the irreversibility of the death penalty.



● JUNE 2025

Vietnam restricts the use of the death penalty

Vietnam’s National Assembly passed a law abolishing the death penalty for eight criminal offences. These were (i) activities aimed at overthrowing the people’s administration; (ii) sabotaging the State’s material and technical infrastructure; (iii) producing or trading counterfeit medicines for treatment or prevention; (iv) undermining peace or provoking a war of aggression; (v) espionage; (vi) illegal transportation of narcotics; (vii) embezzlement; and (viii) taking bribes. This reduced the number of offences for which the death penalty is still a possible punishment in Vietnam from 18 to 10.

The amendments to the Criminal Code of Vietnam were adopted with 429 out of 439 lawmakers voting in favour.

● JULY 2025

Pakistan scraps the death penalty for two offences

In July 2025, the Senate in Pakistan passed a bill to abolish the imposition of the death penalty for two offences. The bill amended S.354-A and 402-C of the Pakistan Penal Code, which criminalised publicly stripping a woman of her clothes and harbouring hijackers, respectively.

● NOVEMBER 2025

Bangladesh approves the death penalty for enforced disappearances

In November 2025, the interim government of Bangladesh approved *The Prevention, Remedy, and Protection against Enforced Disappearance Ordinance*, which prescribes the death penalty for perpetrators of enforced disappearances.

● OCTOBER 2025

Maldives introduces the death penalty for drug trafficking

In October 2025, the Maldivian Parliament passed a bill allowing courts to impose the death penalty on persons convicted of trafficking drugs including more than 350 grams of cannabis, more than 250 grams of diamorphine or more than 100 grams of any Schedule 1 drug under the Drug Act, 2011. A death sentence may be imposed only in special circumstances and requires unanimous agreement by the Supreme Court. The bill was ratified by the President in December 2025. Previously, the maximum sentence for the offence was life imprisonment.

● JULY 2025

Taiwan expands the use of the death penalty

In July 2025, Taiwan’s Legislative Yuan amended the Criminal Code to allow the death penalty to be imposed for the abuse of a child under seven years of age and which results in the child’s death.

● MARCH 2025

Japan compensates Iwao Hakamata

In March 2025, Iwao Hakamata was awarded approximately USD 1.44 Million for the severe physical and mental suffering he experienced during his wrongful incarceration on death row. Hakamata was sentenced to death in 1968 by a court in Japan for the murder of 4 persons. He was acquitted of all charges in 2024 after spending around 46 years on death row. Hakamata was 88 years old when he was released and is reported to be the longest serving death row prisoner in the world before he was acquitted. He had sued the government claiming monetary compensation and a public apology for the harm to his reputation and the suffering he went through because of his wrongful conviction.

PART II

The Journey Until Now

10 YEAR ANALYSIS

Introduction

This part of the report provides a 10-year analysis of legislative and judicial developments that have shaped the landscape of the death penalty as well as the judicial trends that have emerged during this period. One of the most important features of the past decade has been the sharp difference between the legislative preference for the death penalty and the appellate judiciary's scepticism of it. The scepticism, though, is not only with respect to death penalty sentencing but also whether due process has been complied with in the courts below even with respect to conviction. The relatively high rates of acquittal, as compared to confirmations, by the appellate judiciary evidence this scepticism.

As the table below indicates, sexual violence has received a lot of legislative focus in the past decade. After the 2013 amendments to the IPC, which introduced the death penalty for different kinds of sexual offences, the Parliament in 2018 once again amended the IPC to introduce the death penalty for non-homicidal rape of girls under the age of 12. The POCSO Act was also accordingly amended in 2019. Legislative assemblies have also attempted to pass laws prescribing the death penalty for non-homicide rape (for instance, the Maharashtra Shakti Criminal Law (Maharashtra Amendment) Bill, 2020, the Aparajita (Women and Child) Protection Bill, 2024 in West Bengal). Among the most significant legislative changes was the enactment of the new criminal laws (BNS, BNSS and BSA) replacing the IPC, CrPC and IEA. The BNS introduced the death penalty for four new offences. Additionally, various death eligible offences were legislated into existence under different legislation such as those in the context of sale of spurious liquor, religion conversion, killing in the name of honour, maritime piracy, hijacking etc.

FIGURE 21.
Current status of legislative developments (2016-2025)

2016	The Anti-Hijacking Bill, 2016 prescribed the death penalty for perpetrators where the offence resulted in the death of those held hostage or security personnel.	PASSED In force as The Anti-Hijacking Act, 2016
	The Bihar Prohibition and Excise Bill, 2016 prescribed the death penalty for manufacturers and sellers of liquor mixed with noxious substances, if the consumption of liquor resulted in death.	PASSED In force as The Bihar Prohibition and Excise Act, 2016
2017	The UP Excise (Amendment) Bill, 2017 prescribed the death sentence for manufacturers of spurious liquor where death had been caused due to consumption of such liquor.	PASSED Amended provisions of The United Provinces Excise Act, 1910
2018	Amendments to the IPC, 2018 introducing the death penalty for those convicted of raping girls under the age of 12.	PASSED initially but thereafter, REPEALED Replaced by the Bhartiya Nyaya Sanhita, 2023
2019	The Anti-Maritime Piracy Bill, 2019 prescribed the death penalty for offences involving maritime piracy	PASSED In force as The Maritime Anti-Piracy Act, 2022
	Protection of Children from Sexual Offences Act, 2019 introduced the death penalty for aggravated penetrative sexual assault.	PASSED In force as The POCSO Act, 2019
	The Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Bill, 2019 provided for the death penalty as the maximum sentence for killing a couple.	PASSED In force as The Rajasthan Prohibition of Interference with the Freedom of Matrimonial Alliances in the Name of Honour and Tradition Act, 2019
	The Haryana Control of Organised Crime Act, 2019 prescribed the death penalty as the maximum punishment in cases of organised crimes resulting in the death of any person.	WITHDRAWN

The West Bengal (Prevention of Lynching Bill), 2019

which imposed the maximum sentence of the death penalty when an instance of mob violence results in the death of the victim(s).

AWAITING ASSENT

of the Governor

The Andhra Pradesh Criminal Law (Amendment) Bill (Disha Bill), 2019

provided for punishment by death penalty in cases of rape.

PASSED

Amended by the Andhra Pradesh Disha (Special Courts for Specified Offences against Women and Children) Bill 2020 and did not provide for the death penalty. The 2020 bill has received presidential assent.

2020 The Punjab Excise (Haryana Amendment) Act, 2020

introduced the death penalty as the maximum punishment for sale of spurious liquor which results in death.

PASSED

Amended provisions of the Punjab Excise Act, 1914

The Maharashtra Shakti Criminal Law (Maharashtra Amendment Act, 2020)

introduced the death penalty for non-homicide rape and acid attack.

RETURNED

by the President

2021 The Draft Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021

introduced the death penalty for repeated aggravated trafficking offences against children below 12 years, trafficking of women for the purposes of repeated rape and for trafficking offences by organised crime syndicates or groups, that result in the death of the victim.

NOT PASSED AS LAW**2023 The Bhartiya Nyaya Sanhita, 2023**

which introduced the death penalty for gang-rape of a minor, murder by a mob, terror offences, among others.

PASSED

In force as the Bhartiya Nyaya Sanhita, 2023

2024 The Aparijita Woman and Child (West Bengal Criminal Laws Amendment Bill) 2024

which enhanced punishments for certain sexual offences and introduced the sentence for a number of others. Also brought a mandatory sentence of death for rape resulting in death or persistent vegetative state of the victim.

RETURNED

by the Governor

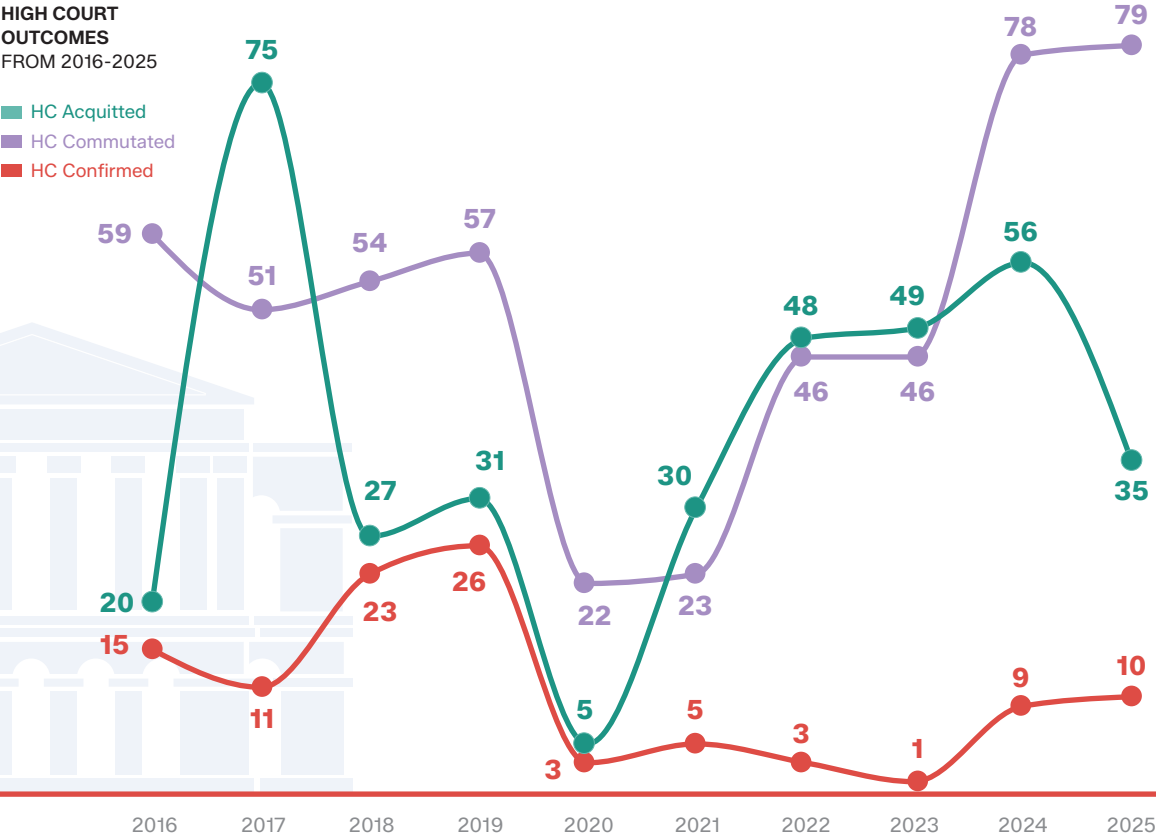
2025 The Himachal Pradesh Organised Crimes (Prevention and Control) Bill, 2025

The bill introduces the death penalty for death caused as a result of organised crime.

AWAITING ASSENT

The appellate judiciary as of 31.12.2025, has not been entirely aligned with the increased legislative prescription of the death penalty. However, and as the following sections on commutations by High Courts and by the Supreme Court indicate, there appears to be alignment with the legislative policy on punishments on offences involving sexual violence when the appellate judiciary has commuted death sentences, with an increase in LWOR sentences.

FIGURE 22.
Trend analysis of outcomes at the High Courts and the Supreme Court



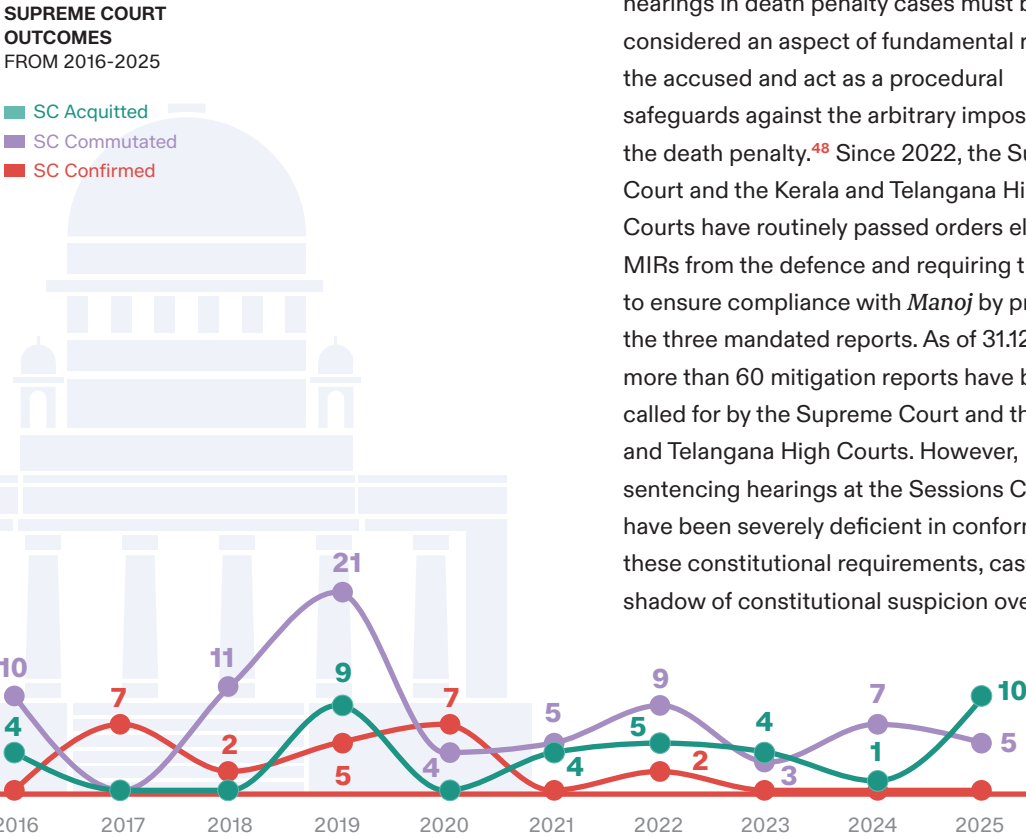
Confirmations by the High Courts reduced from 26 confirmations in 2019 to 10 in 2025

Judicial hesitation to impose the death penalty on the other hand has been evident.

Confirmations by the High Courts have drastically reduced from 26 confirmations in 2019 to 10 in 2025.

While the Supreme Court decided 38 death sentence cases (involving 42 prisoners) in the last three years, between 2023-2025, it did not confirm any.

As Figure 22 indicates, there is a significant divergence between confirmations, commutations and acquittals at the appellate judiciary. Almost simultaneous to a consistent decrease in the number of confirmations by both the High Courts and the Supreme Court, has been an increase in the number of acquittals by the appellate judiciary. This appears to be even more pronounced since 2020, where both at the Supreme Court and the High Courts the number of confirmations has decreased (flat lining at the Supreme Court since 2023), while the number of acquittals and commutations have consistently been on the rise.



⁴⁷ Framing Guidelines Regarding Potential Mitigating Circumstances to be Considered while Imposing Death Sentences, *In re* (2023) 19 SCC 695 (Lalit, Bhat, Dhulia JJ).
⁴⁸ *Supra* note 6.

In the last 10 years, the Supreme Court has consistently insisted on ensuring procedural safeguards in death penalty cases. While a Constitution Bench referral is pending at the Supreme Court to bring uniformity in death penalty sentencing adjudication,⁴⁷ *Manoj* has crystallised the sentencing process to bring some semblance of a uniform process to death penalty sentencing. As the analysis in the following sections shows, its ambitions have not trickled down to Sessions Courts. Even so, in August 2025, the Supreme Court was emphatic in its assertion that *Manoj* compliant sentencing hearings in death penalty cases must be considered an aspect of fundamental rights of the accused and act as a procedural safeguards against the arbitrary imposition of the death penalty.⁴⁸ Since 2022, the Supreme Court and the Kerala and Telangana High Courts have routinely passed orders eliciting MIRs from the defence and requiring the state to ensure compliance with *Manoj* by providing the three mandated reports. As of 31.12.2025, more than 60 mitigation reports have been called for by the Supreme Court and the Kerala and Telangana High Courts. However, sentencing hearings at the Sessions Courts have been severely deficient in conforming to these constitutional requirements, casting a shadow of constitutional suspicion over them.

The Supreme Court did not confirm any sentences in the last three years

Another notable pattern over the decade is the increasing use of LWOR sentences when the appellate judiciary has been commuting death sentences.

The duration of fixed-term sentences has steadily risen, **with remission periods excluded for up to 60 years in 2025.**

This indicates a growing judicial preference for forms of incarceration that significantly limit or eliminate the possibility of release, **functioning as substitutes for the death penalty.**

The next section provides an insight into the number of persons on death row. First, we briefly breakdown data on persons on death row as of 31.12.2025. We then look at the number of persons who have been sentenced to death in a calendar year since 2016 and those who have gotten off death row. Such a comparison provides an understanding of the fluctuations in the number of persons on death row in any given year and the potential reasons.

Of the 574 persons on death row



Persons on
Death Row as
of 31.12.2025



213 (37.11%) persons were on death row
for murder involving sexual offences.

With 574 persons, 2025 saw the highest number of persons on death row since 2016. Of these, 24 were women, comprising 4.18% of the total death row population in the country. The maximum number of women on death row were in Uttar Pradesh (10), followed by Kerala (3) and Maharashtra (2).

Uttar Pradesh had the largest death row population (151), followed by Gujarat (70),⁴⁹ Haryana (41), Maharashtra (39), Kerala (34) and Karnataka (33). The following 10 states had less than 10 persons on death row: Arunachal Pradesh (1), Chandigarh (1), Tripura (1), Manipur (3), Chattisgarh (4), Delhi (6), Tamil Nadu (7), Odisha (8), Punjab (9) and Bihar (9).

Of the 574 persons on death row as of 31.12.2025, 254 (44.25%) were on death row for murder simpliciter while 213 persons (37.11%) were on death row for murder involving sexual offences, the remaining 107 prisoners were on death row for other offences.

As Figures 24A below indicates, the death row population in India has seen a steady increase with minor fluctuations in between. Since 2020, we have consistently had more than 400 persons on death row with the number crossing 500 in 2022.

⁴⁹ In 2022, 38 persons were sentenced to death for terror offences in 1 case in Gujarat.

FIGURE 23.
State-wise distribution of persons on death row as of 2025

- Murder simpliciter
- Murder involving sexual offences
- Kidnapping with murder
- Non-homicide child rape
- Dacoity with murder
- Drug offences
- Terror offences



⁵⁰ The judgment is unavailable for 1 case involving 1 person.
⁵¹ The judgment is unavailable for 1 case involving 1 person.
⁵² The judgment is unavailable for 1 case involving 1 person.

Annual death row population (2016-2025)

FIGURE 24A.
Persons on death row as on 31st December (2016-2025)

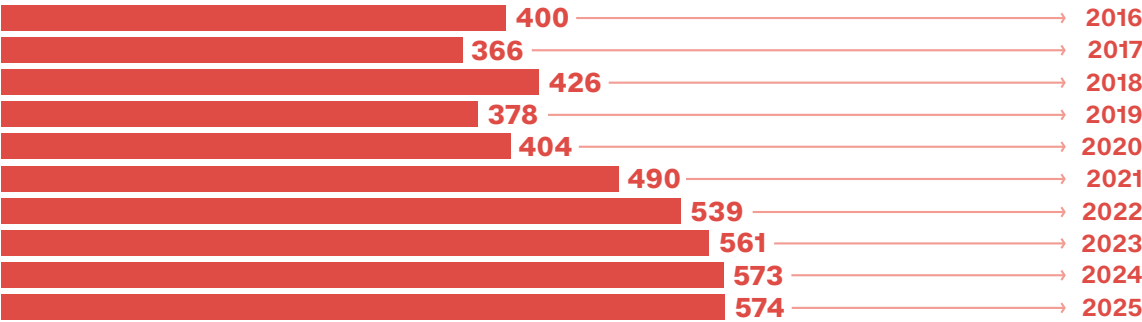


FIGURE 24B.
No. of persons who got off death row between 1 January and 31st December (2016-2025)⁵³



However, looking at only the year end number of persons on death row may not give the complete picture regarding India’s death row numbers and trends. Alongside must also be considered the number of persons getting off death row in the same year. After all, the figure at the end of each year is a culmination of persons getting on death row, persons who remain on death row, and persons getting off death row. Figure 24B indicates that over the past 10 years, there have been fluctuations in the number of persons getting off death row in a calendar year as well. As the following sections on the High Courts and the Supreme Court outcomes over the past 10 years will show, the sharp rise in the number of persons getting off death row since 2020 could be attributed

to an increased hesitance by the appellate judiciary to confirm death sentences.

Even though the number of commutations and acquittals by the appellate judiciary may have increased, seeing a rise in the number of persons getting off death row, the frequency of such outcomes has not kept pace with the frequency with which sessions courts impose death sentences. Since 2020, Sessions Courts have imposed more than 120 death sentences every year (See *section below on Sessions Courts*). There hasn’t been a similar uniformity in the number of persons who get off death row in a calendar year.

⁵³ In calculating these numbers, the persons whose cases were remanded by the High Courts were excluded from the total number of people who got off Death Row each year.

Appellate Court Outcomes in Death Sentences Imposed by Sessions Courts (2016-2025)

Of the 1310 death sentences imposed by Sessions Courts between 2016-2025, 468 are still pending before the High Courts. A large proportion of these pending cases 83.12% (389 of 468), however, correspond to death sentences imposed by Sessions Courts from 2022 onwards.

From among the 1310 death sentences imposed by the Sessions Courts between 2016-25, 842 have been decided by the High Courts. The outcomes have been instructive. 70 of the 842 death sentences (8.31%) were confirmed, 285 death sentences (33.84%) resulted in an acquittal, 411 death sentences (48.81%) were commuted.

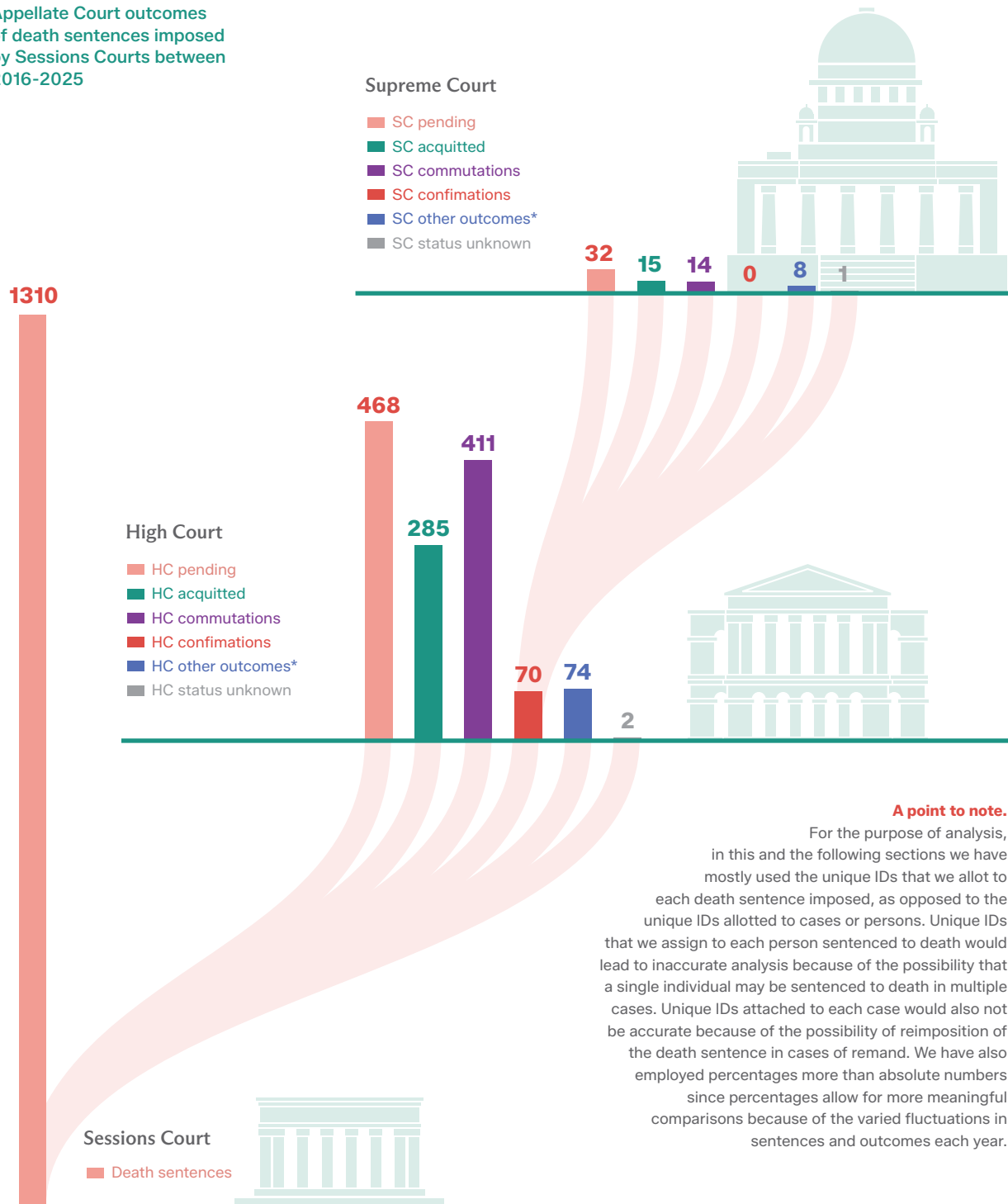
It is important to note that none of the sentences confirmed by the High Courts in cases where Sessions Courts imposed the death sentence between 2016-2025, have yet been affirmed by the Supreme Court.

Of the 37 of these death sentences which have been decided by the Supreme Court,⁵⁴ **15 (40.54%) resulted in an acquittal from the death sentence and 14 death sentences (37.83%) were commuted.**

What is starkly clear from these figures is that errors at Sessions Courts are not only leading to wrongful imposition of death sentence but are also resulting in wrongful convictions. The high rate of acquittals by the appellate judiciary (34.13%) requires a serious examination of how Sessions Courts deem a case worthy of even a conviction. While it is of some solace that the appellate judiciary is able to reverse injustices, it must be remembered that death sentence cases also have stronger procedural safeguards than, for instance, cases which don't attract the death penalty. These numbers cast serious concerns regarding the state of rule of law in our criminal justice system.

⁵⁴ The status of 1 case is unknown.

FIGURE 25.
Appellate Court outcomes
of death sentences imposed
by Sessions Courts between
2016-2025



A point to note.

For the purpose of analysis, in this and the following sections we have mostly used the unique IDs that we allot to each death sentence imposed, as opposed to the unique IDs allotted to cases or persons. Unique IDs that we assign to each person sentenced to death would lead to inaccurate analysis because of the possibility that a single individual may be sentenced to death in multiple cases. Unique IDs attached to each case would also not be accurate because of the possibility of reimposition of the death sentence in cases of remand. We have also employed percentages more than absolute numbers since percentages allow for more meaningful comparisons because of the varied fluctuations in sentences and outcomes each year.

*includes cases which are abated or remanded or where the accused has been declared as a child in conflict with law

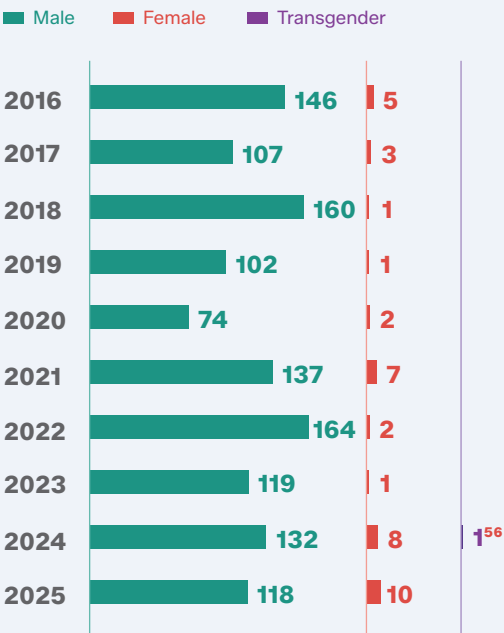
Sessions Courts



Number of persons sentenced to death by Sessions Courts

Over the past decade, Sessions Courts have imposed a total of 1310 death sentences on 1279 persons across 822 cases. 2022 saw the maximum number of persons sentenced to death (166 persons) followed by 2018 (161 persons). The fewest death sentences were imposed by Sessions Courts in 2020, which was the year of the COVID-19 pandemic. 2025 saw the most women being sentenced to death since 2016 at 10.

FIGURE 26.
No. of persons sentenced to death across genders⁵⁵



⁵⁵ In some instances, multiple death sentences may have been imposed on the same person across multiple years. In such instances, the same person is counted as a distinct unit across different years. As a result, the total number of persons in the figure (1300) is notional and does not correspond to the actual number of persons sentenced to death (1279).

⁵⁶ *State of Maharashtra v. Kanhaiyya @ Kanna Datta Chougule*, POCSO Special Case No.1235 of 2021, Additional Sessions Judge, Gr. Bombay.

Death sentence imposed by Sessions Courts across nature of offences

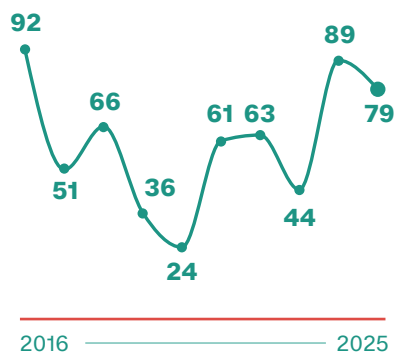
The past decade saw multiple instances where public calls for harsher punishments in cases of sexual violence, including the death penalty, transformed into legislative policy (See Figure 23). An analysis of death sentences imposed by Sessions Courts somewhat reflects the legislative and public preference to respond to offences involving sexual violence with the death penalty.

In 2016, death penalty for murder involving sexual offences contributed to less than 20% of all death sentences and in 2025, the proportion jumped to more than 30%. There has been a consistent rise in the proportion of death sentences imposed for murder involving sexual offences, and other than in 2016 and 2024, the proportion of death sentences that were imposed for murders involving sexual violence was 30% or more. In 2019, 2020, and 2023, death sentences for murders involving sexual violence contributed to more than 50% of the total death sentences imposed in those years.

However, in absolute terms, a majority of death sentences that were imposed in the past decade were for murder simpliciter (605 sentences), followed by murder involving sexual offences (453 sentences). In terms of proportions, death sentences for murder simpliciter constituted the highest proportion of all death sentences imposed in 2024 at 63.12%. In 2020 death sentences for murder involving sexual violence constituted 57.69% of all death sentences imposed.

Murder simpliciter

The highest number of death sentences were imposed in 2016



In 2018, non-homicide child rape became a death eligible offence through the Criminal Law (Amendment) Ordinance 2018 and became a part of the IPC under S. 376AB. Death sentences for non-homicide child rape have been imposed every year since then, with the exception of 2019, resulting in a total of 34 death sentences between 2018-2025.

From 2016-2025, the death sentence was imposed across 8 offences.

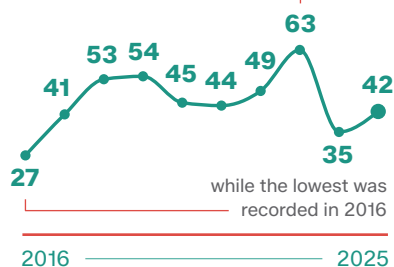
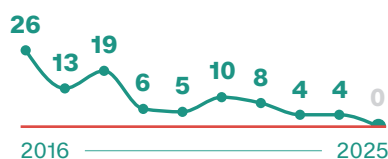
FIGURE 27.

No. of death sentences across different offences

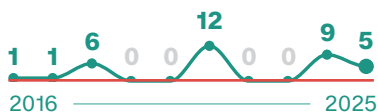
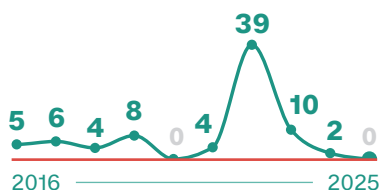
Total = 1309+1⁵⁷=1310

Murder involving sexual offences

The maximum number of death sentences (63) was imposed in 2023

**Kidnapping with murder****Non-homicide child rape**

Death sentences for non-homicide child rape have been imposed every year since it became a death eligible offence in 2018

**Dacoity with murder****Terror offences**

For 2 of the offences - drug offences under the NDPS Act and for the offence of sale of spurious liquor which may lead to death - the death sentence has been imposed in 1 case each over the past decade.

Sale of spurious liquor**Drug offences**

⁵⁷ The nature of offence of 1 death sentence imposed in 2022 is not confirmed as the judgment is unavailable.

⁵⁸ All 9 accused were acquitted by the Patna High Court in 2022 in *The State of Bihar v. Chattu Pasi and others*, Death Reference No. 5 of 2021.

⁵⁹ The death sentence was commuted in 2019 by the Calcutta High Court in *State of West Bengal v. Ansar Rahman @Ramesh Giri and Anr.*, Death Reference No. 6 of 2016.

Distribution of death sentences across states

While there is no consistent pattern to the death sentences imposed across states in the last decade, Sessions Courts in 8 states - Bihar, Maharashtra, Jharkhand, Karnataka, Madhya Pradesh, Rajasthan, Uttar Pradesh and West Bengal have imposed death sentences every year.

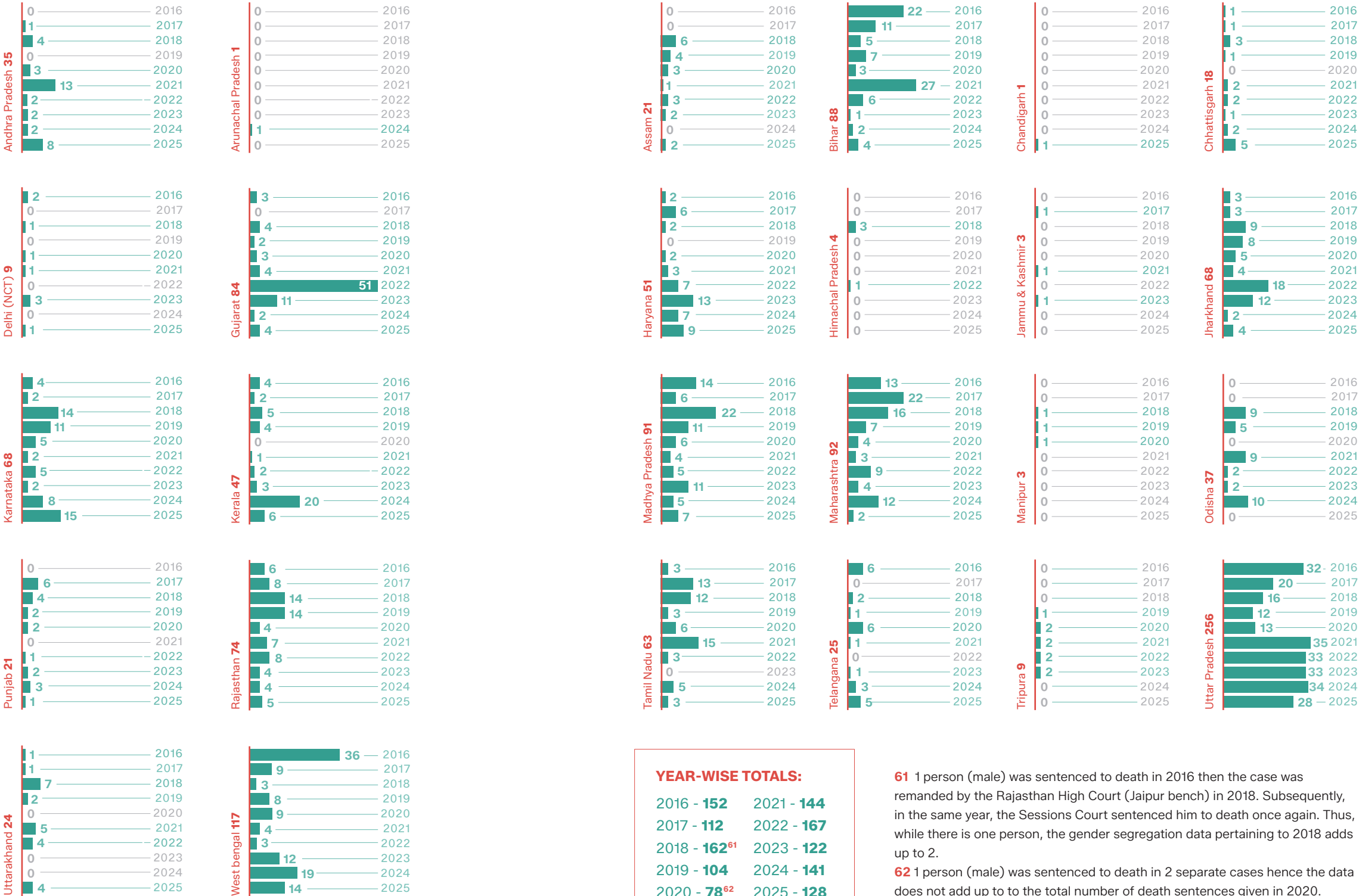
Cumulatively over the decade, Sessions Courts in Uttar Pradesh have imposed the maximum death sentences (256 death sentences) followed by West Bengal (117), Maharashtra (92), Madhya Pradesh (91), and Bihar (88).

For the first time in a decade, a Sessions Court in Chandigarh imposed a death sentence in 2025. Even though Maharashtra ranks high among states in which death sentences have been imposed in the past decade, in 2025, 2 death sentences were imposed in Maharashtra. This is the lowest number of death sentences imposed in Maharashtra in the past decade.

In 2022, the Sessions Court in Gujarat marked an anomaly by imposing 38 death sentences in a single case, bumping the total sentences of that year in Gujarat to 51.⁶⁰ These 38 sentences were imposed for a terror offence which is currently pending before the Ahmedabad High Court. The following table shows the distribution of the 1310 death sentences (822 cases) imposed by Sessions Courts across states.

⁶⁰ State of Gujarat v. Jahid @ Javed Kutubuddin Shaikh, Criminal Conformation Case No. 2 of 2022, Gujarat High Court.

FIGURE 28.
No. of death sentences imposed across states



YEAR-WISE TOTALS:

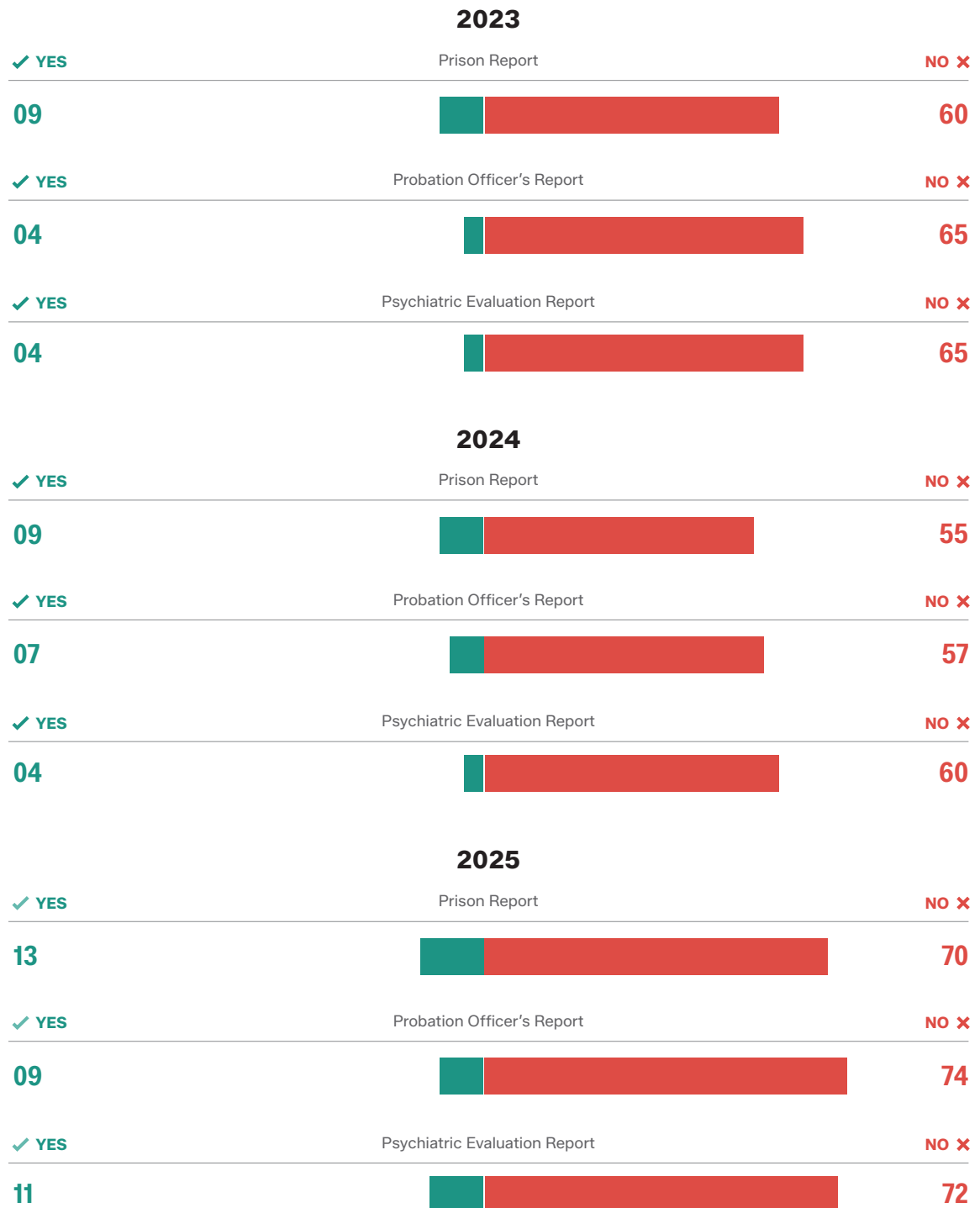
2016 - 152	2021 - 144
2017 - 112	2022 - 167
2018 - 162 ⁶¹	2023 - 122
2019 - 104	2024 - 141
2020 - 78 ⁶²	2025 - 128

⁶¹ 1 person (male) was sentenced to death in 2016 then the case was remanded by the Rajasthan High Court (Jaipur bench) in 2018. Subsequently, in the same year, the Sessions Court sentenced him to death once again. Thus, while there is one person, the gender segregation data pertaining to 2018 adds up to 2.

⁶² 1 person (male) was sentenced to death in 2 separate cases hence the data does not add up to to the total number of death sentences given in 2020.

FIGURE 29B.

Engagement by Sessions Courts with sentencing materials (2023-2025)



DURATION BETWEEN CONVICTION AND SENTENCING HEARINGS

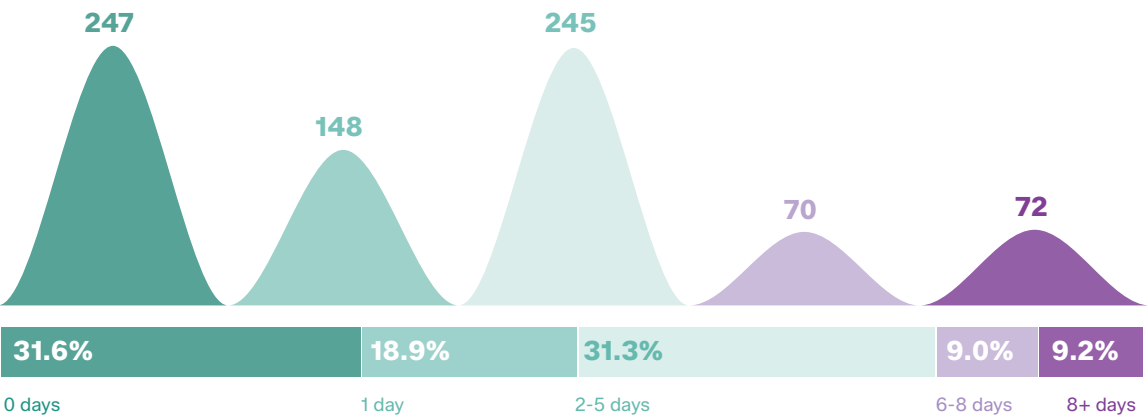
Between 2016-2025, the Sessions Courts heard a total of 822 cases. Out of these, judgments were not available in 51 cases. A note on the remaining 771 cases. There are instances where in a case with multiple accused, the sentencing hearing of the accused persons has taken place on different dates, therefore for the purposes of calculating duration between conviction and sentencing hearing, they have not been counted as 1 case. There is also a case where the co-accused was tried in a different year, in which case also it has been counted separately. Therefore, the analysis below is of 782 cases.

Of these 782 cases, Sessions Courts conducted sentencing hearings on the same day as they convicted the accused in 247, i.e., 31.6% cases.

While the Supreme Court has consistently called for increasing procedural safeguards, Sessions Courts have consistently not followed those safeguards. With the death sentence imposed on the same day as the pronouncement of guilt, the accused is bereft of their right to a meaningful sentencing hearing. Despite the mandate under *Manoj* for courts to call for psychological evaluations, probation officer’s report and jail conduct report, there were 49 instances of same day sentencing hearings since 2023. The likelihood of Sessions Courts having followed *Manoj* in cases of same day sentencing is close to nil.

Over the last decade, Sessions Courts maintained a 2-5 day gap between conviction and sentencing in 245 cases accounting for 31.3% of all recorded sentencing intervals since 2016. Over the 10-year period, in 148 cases (18.9%) the duration between conviction and sentencing hearing exceeded 8 days.

FIGURE 30.
No. of days between the conviction and sentencing hearing from 2016-2025 (782 cases)



High Courts

S.407, BNSS (S.366, CrPC) imposes a mandatory obligation on High Courts to reexamine all cases in which the death sentence is imposed by Sessions Courts to guard against serious miscarriages of justice.

High Courts, therefore, are an important site of inquiry as they are the first check against improperly adjudicated death penalty cases. Because they hear all cases where the death penalty is imposed, they become an important piece of the death penalty puzzle in India, and also provide an important insight into the health of the criminal justice system.



Over the past decade, the High Courts decided 1085 death sentences. **Commutations have been the most frequent outcome (47.47% of all outcomes), with 515 death sentences commuted over the years. Commutations comprised the largest proportion of outcomes in 2025 with 79 commutations (60.31%).**

The highest number of commutations, cumulatively across the years was from Uttar Pradesh (70 commutations). Commutations comprised the largest proportion of outcomes in 2025 with 79 commutations (60.3%).

Acquittals constitute the second most common outcome. 376 of the 1085 death sentences (34.65%) decided by the High Courts in the last decade resulted in acquittals. At 49.7% (75 death sentences), acquittals formed the largest proportion of outcomes in 2017. The highest number of acquittals cumulatively across the years was from Uttar Pradesh (159 death sentences).

from 14.2% (15 death sentences) in 2016 to 7.6% (10) in 2025. Since 2020, the High Courts have not confirmed more than 10 death sentences in a calendar year. The most number of confirmations cumulatively across the years was from Madhya Pradesh and Maharashtra (17 confirmations each).

It is to be noted that in the past 10 years High Courts have remanded cases to Sessions Courts every single year.

The number and proportion of confirmations have steadily declined over the past decade dropping

FIGURE 31.
High Court outcomes across years
No. of death sentences

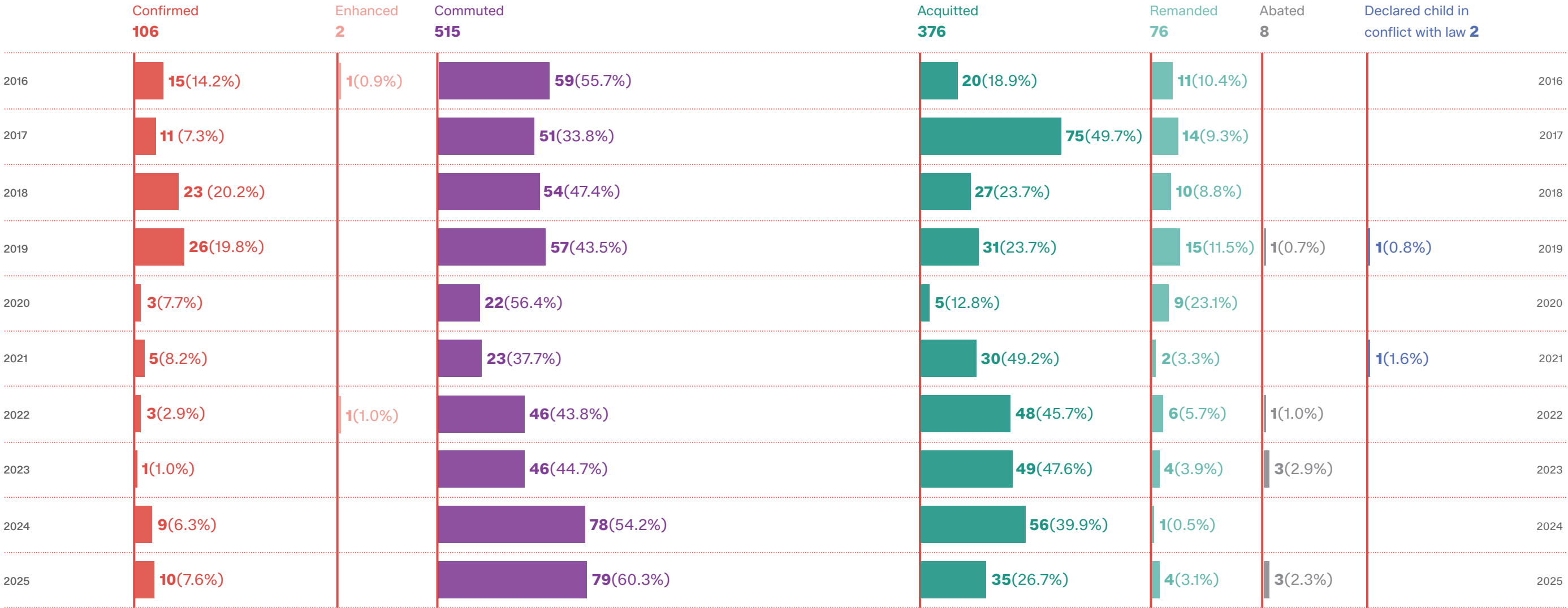


FIGURE 32.
State-wise distribution of outcomes across High Courts (2016-2025)



Acquittals

Out of the 1085 death sentences (647 cases) that were decided by the High Courts over the past decade, 376 death sentences (in 191 cases) resulted in an acquittal from death row - a staggering 34.65% acquittals.

High Courts with the highest proportion of acquittals were Patna High Court (78.31%), Karnataka High Court (50.46%), Jharkhand High Court (46.97%), Andhra Pradesh High Court (44.44%) and Allahabad High Court (41.51%).

Murder simpliciter accounted for the largest share of acquittals, constituting 47.87% of acquittals from death row (180 of 376). Although the proportions fluctuate across the years, murder simpliciter consistently remains the largest category for High Court acquittals. Murder involving sexual offences constituted 25.53% of all acquittals from death sentences (96 of 376). Notably, in 2021, murder involving sexual offences accounted for 50% of all acquittals, a sharp increase from earlier years such as 2018 (3.7%).

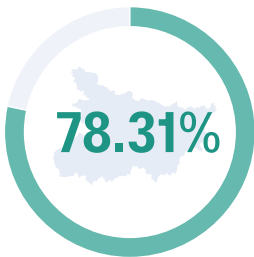
HIGH COURTS WITH THE HIGHEST PROPORTION OF ACQUITTALS

That 34.65% of all death sentences that were considered by the High Courts resulted in acquittals warrants a repetition: such a high proportion of acquittals evidence a grave concern with our criminal justice system. These are not cases of arbitrary imposition of the death sentence, but arbitrary, and indiscriminate, convictions by Sessions Courts. It speaks to serious concerns with investigations and prosecutions in very serious offences.

1



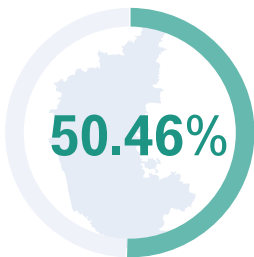
Patna High Court



2



Karnataka High Court



3



Jharkhand High Court

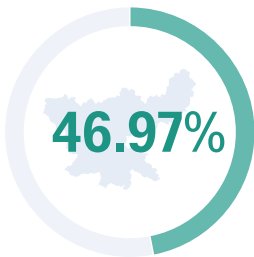
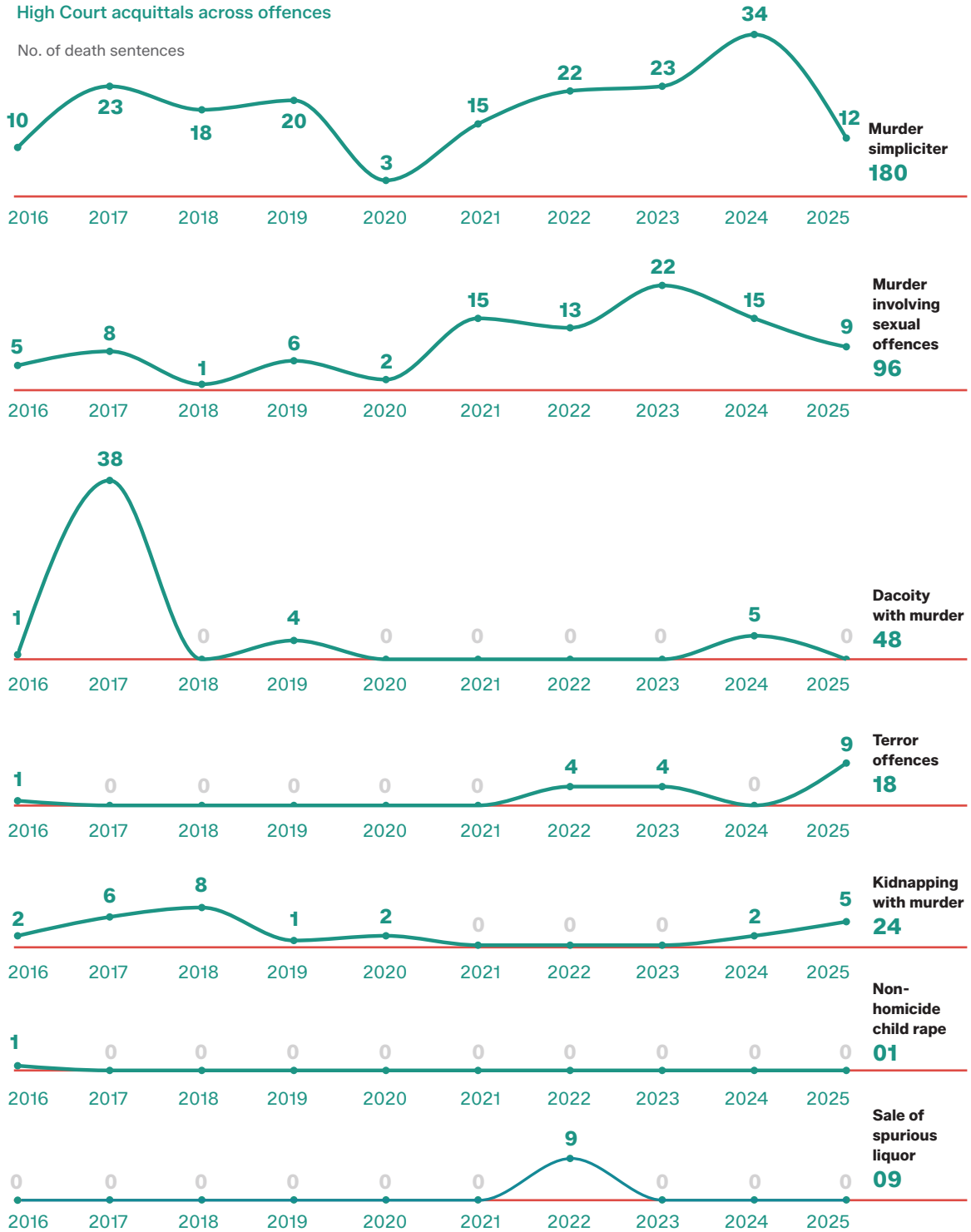


FIGURE 33.**High Court acquittals across offences**

No. of death sentences



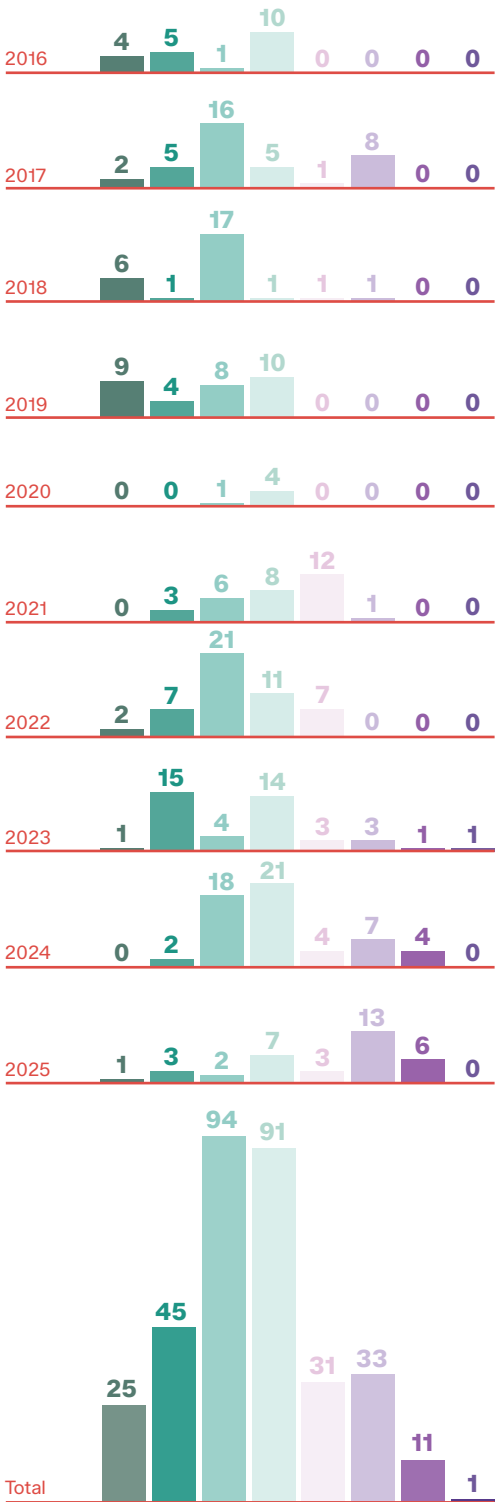
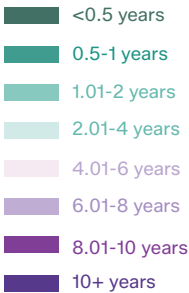
TIME SPENT ON DEATH ROW BEFORE ACQUITTAL



FIGURE 34.
Time spent on death row before acquittal by the High Court

Number of persons

Total = 331⁶⁷



The average time spent on death row by a person before being acquitted was 3.31 years. 76 persons out of 331 prisoners (22.31%) spent more than 4 years on death row before being acquitted by the High Courts. The minimum period on death row before acquittal was 0.23 years (83 days)⁶⁷ in 2017 and the maximum time was 13.63 years in 2023.⁶⁸ 255 persons (78.22% of all persons acquitted) were acquitted within 4 years of being sentenced to death. 12 persons spent more than 8 years on death row before being acquitted.

⁶⁶ In a situation where a person is sentenced in multiple cases, the time spent on death row in each case is counted as a distinct unit. The total number of persons mentioned in the figure (331) is notional and therefore does not correspond to the actual number of persons acquitted (326).

⁶⁷ *State of Madhya Pradesh v. Nagendra Tiwari*, Cr. Reference No.02/2017. Nagendra was sentenced to death by Sessions Court, Sidhi in a case of murder involving sexual offences on 10.02.2017 and was acquitted by the Madhya Pradesh High Court (Jabalpur Bench) on 04.05.2017.

⁶⁸ *Surendra Koli v. State of U.P.*, Capital Case No. 4196 of 2010. Surendra was sentenced to death by Sessions Court, Ghaziabad on 12.5.2010 for the offence of murder involving sexual offences. He was acquitted by the Allahabad High Court on 16.10.2023.

Confirmations

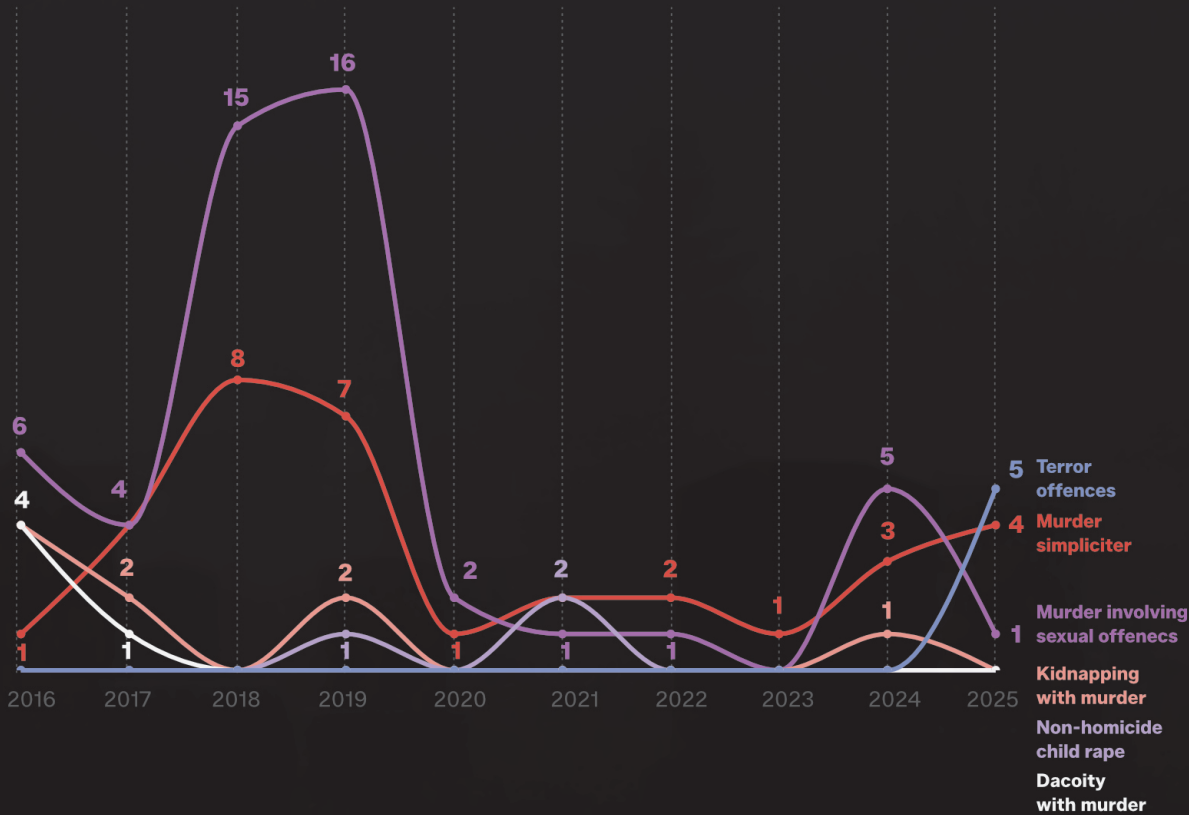
High Courts have confirmed **less than 10%** of death sentences heard in the last decade.

Of the 1085 death sentences that were adjudicated in the past decade only 106 death sentences have been confirmed. High Courts which had the highest confirmation rates were Telangana High Court (42.85%), Punjab & Haryana High Court (27.65%), Uttarakhand High Court (26.08%), Bombay High Court (20.48%), and Madhya Pradesh High Court (19.54%).



FIGURE 35.
High Court confirmations across offences

No. of death sentences



Murder involving sexual offences constituted the largest category for which death sentences were confirmed, accounting for 48.11% of all confirmations (51 of 106 death sentences). Murder simpliciter comprises the second largest category, constituting 31.13% of confirmations (33 of 106 death sentences). Murder simpliciter was the only offence for which High Courts confirmed death sentences every single year for the past 10 years.

Across the ten-year period, the relative distribution between murder simpliciter and murder involving sexual offences also shifted. In 2016–17, confirmations were comparatively higher for murder simpliciter. This trend reversed between 2018 and

2020, when confirmations for murder involving sexual offences rose sharply (with the exception of 2024). This period also coincides with the highest number of death sentences imposed by Sessions Courts for murder involving sexual offences.

From the time since non-homicide child rape became a death eligible offence, i.e, 2018, 3 death sentences have been confirmed by the High Courts in this category. In the past decade, 2025 was the only year which recorded a High Court confirmation for terror offences.

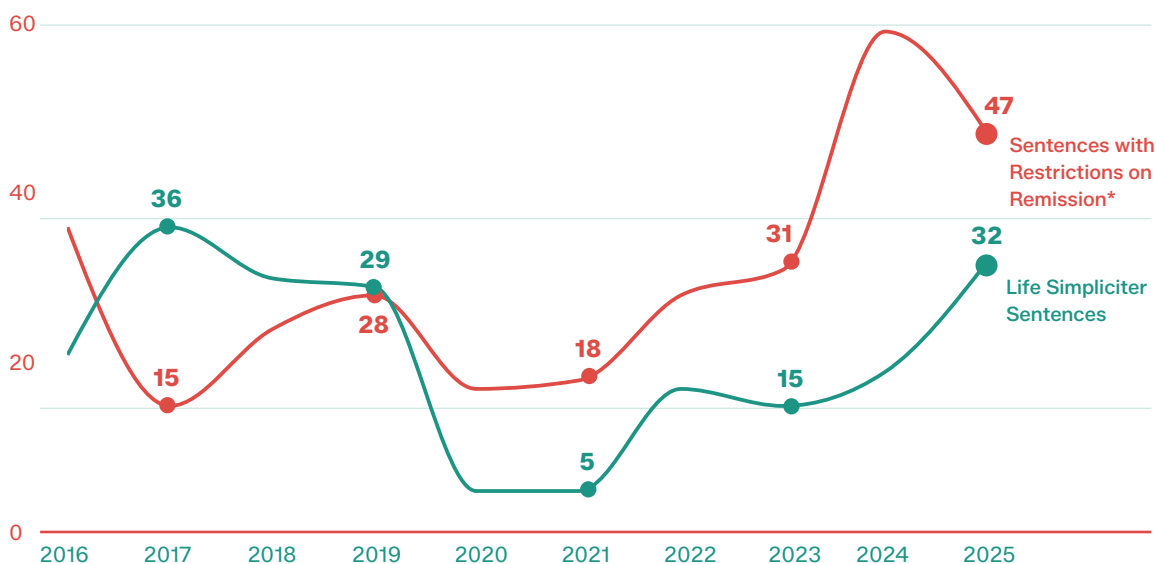
Commutations

Out of the 515 death sentences that were commuted by High Courts in the last decade, more than 40% of the sentences (209) were commuted to life imprisonment simpliciter. Commutations to LWOR comprised close to 60% of all commutations (303) in the past 10 years. There may be a couple of reasons for this. Firstly, in 2015 in *Union of India v. V. Sriharan @ Murugan & Ors.*⁶⁹, the Supreme Court made it possible for the appellate judiciary to exclude the state's power to grant remission when commuting death sentences to life imprisonment sentences. In doing so, the appellate judiciary now had the power to commute sentences to life imprisonment where remission could be excluded for a fixed term (fixed term sentences excluding remission) or for the rest of a person's natural life

(life imprisonment excluding remission for the rest of natural life). The second reason could possibly be the increase in legislative prescription of high minimum mandatories such as 20-year sentences and life imprisonment sentences for the rest of a person's natural life.

As the graph indicates, between 2016-2025, few life imprisonment simpliciter sentences have been imposed upon commutation. While they have seen a slight resurgence in recent years, on the whole, sentences with restrictions on remission far outweigh sentences that impose a life imprisonment simpliciter sentence. There has been a consistent rise in LWOR sentences since 2020.⁷⁰

FIGURE 36.
Life imprisonment simpliciter v. LWOR sentences

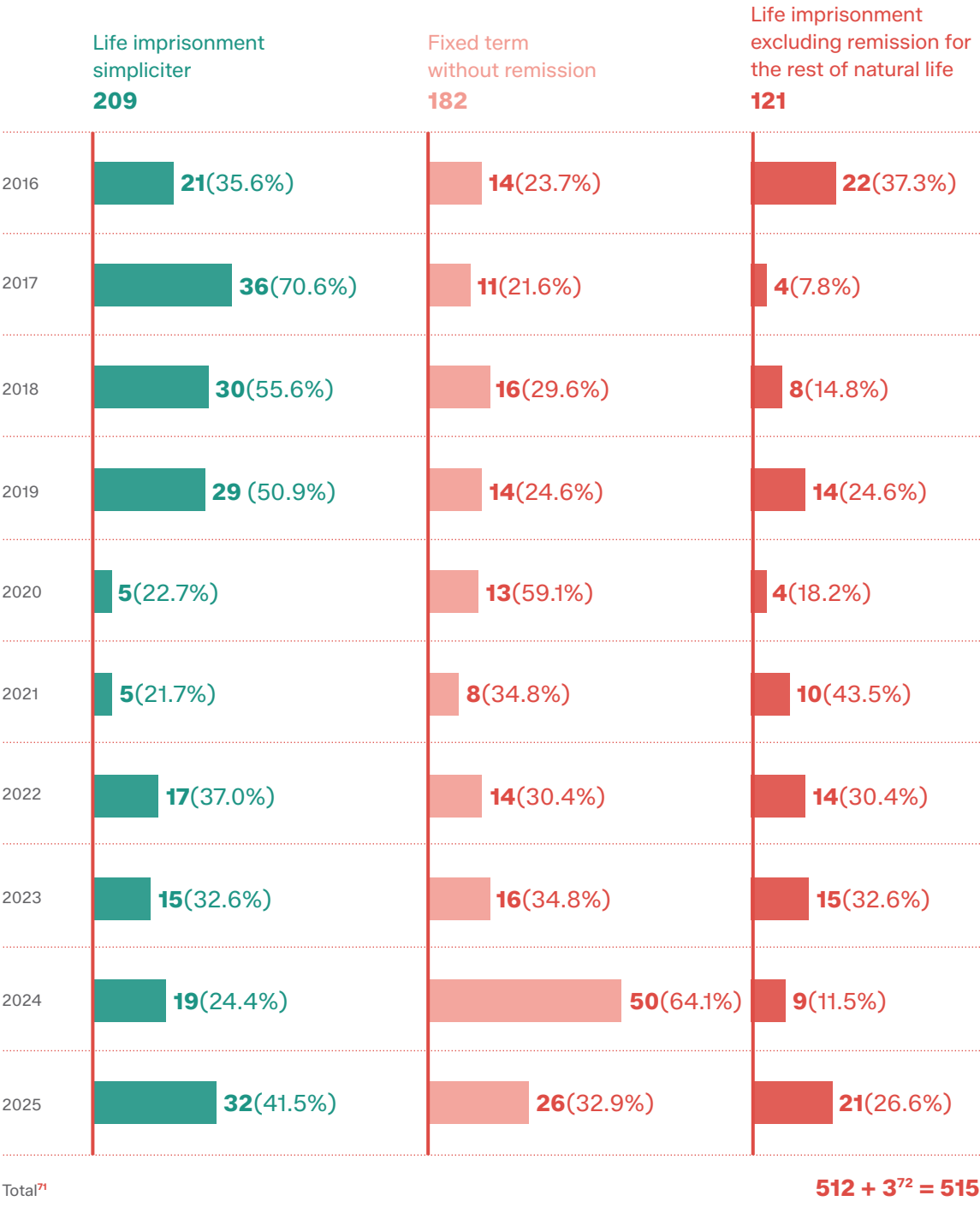


*Includes sentences where remission is excluded for a fixed term or rest of natural life

⁶⁹ *Union of India v. V. Sriharan @ Murugan & Ors.*, (2016) 7 SCC 1 (Dattu CJ, Kalifulla, Ghose, Sapre, Lalit JJ), (hereinafter 'Sriharan').

⁷⁰ In 3 cases (2 in 2016 and 1 in 2022), the sentence imposed by the High Court while commuting the death sentence is unclear as judgments are not available.

FIGURE 37.
Death sentence commutations across years



⁷¹ The judgement is not available for 2 death sentences in 2016 and 1 in 2022.

⁷² The sentence on commutation was unclear in 3 cases.

COMMUTATIONS ACROSS OFFENCES



As noted below, the maximum number of commutations have been for murder simpliciter (245), followed by murder involving sexual offences (173).

FIGURE 38.

Commutations across offences

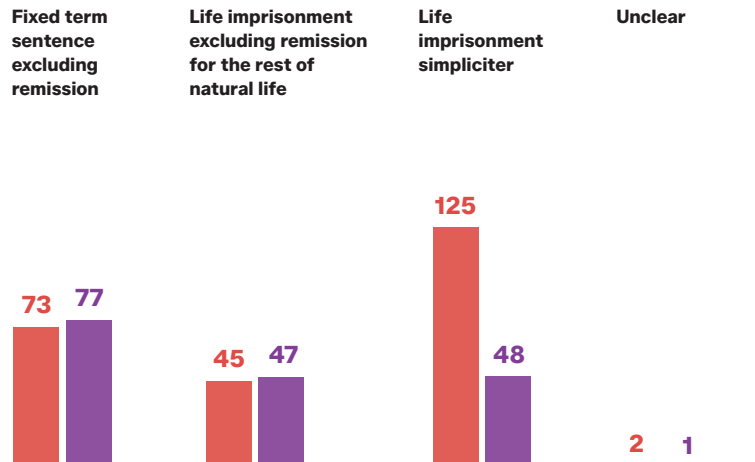


Of the two major categories of offence, the breakdown of the 515 death sentences upon commutations are represented below.

FIGURE 39.

Nature of sentence upon commutation across murder simpliciter and murder involving sexual offences

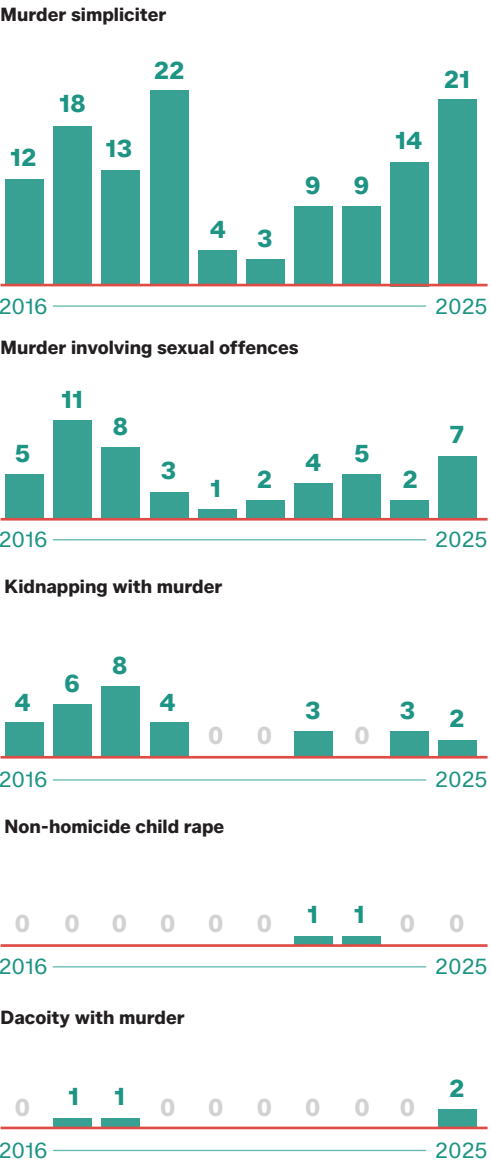
■ Murder simpliciter
■ Murder involving sexual offences



LIFE IMPRISONMENT SIMPLICITER

With a total of 209 death sentences that were commuted to life imprisonment simpliciter, High Courts commuted the maximum number of sentences for murder simpliciter 125 (59.81%) followed by murder involving sexual offences 48 (22.97%).

FIGURE 40.
Commutation to life imprisonment simpliciter sentences across years and offences
Numbers refer to number of death sentences commuted



LWOR SENTENCES

Alongside the increasing number of commutations to LWOR sentences, is an increasing confusion regarding how the state's power to grant remission will operate and influence the actual term of sentences served. A confusion has already emerged this year with the Supreme Court's ruling on powers of remission in *Sukhdev*⁷³ and *Kawchale*.⁷⁴ Read together, the two decisions reveal a divergence in the treatment of post-sentencing modification. In *Sukhdev*, a fixed-term life sentence is treated as final, with the prisoner entitled to release immediately upon completion of the fixed term. In contrast, in *Kawchale*, a sentence of life imprisonment excluding remission for the rest of natural life is open to modification through appeal, statutory remission, or executive clemency. This highlights the lack of a consistent approach to how statutory sentencing, judicially imposed sentences, and executive powers of clemency interact.

For this report, LWOR sentences are divided into life imprisonment sentences which exclude remission for a fixed term and sentences where remission is excluded for the rest of a person's natural life.

From the overall 515 commutations between 2016-25, 303 death sentences were commuted to LWOR sentences in the past 10 years, with 124 commutations in cases of murder involving sexual offences followed by 118 commutations in cases of murder simpliciter. A larger proportion of death sentences in non-homicide child rape offences were commuted to LWOR sentences (14 commutations) in comparison to life imprisonment simpliciter (2 commutations).

⁷³ *Supra* note 19.
⁷⁴ *Supra* note 20.

Fixed term sentences

Of the 303 death sentences that were commuted to LWOR sentences, 182 (60%) death sentences were commuted to fixed term sentences excluding remission.

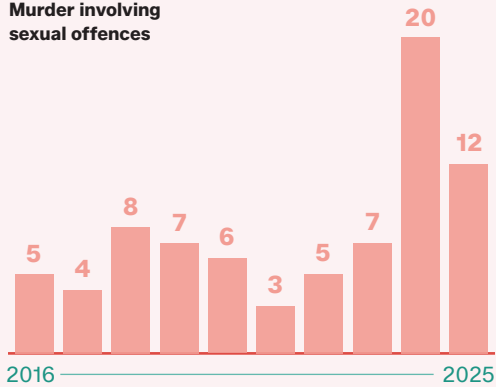
Of the 182 commutations to fixed-term sentences excluding remission, the most were for murder involving sexual offences at 77 commutations (42.31%), followed closely by murder simpliciter (73 commutations, forming 40.11% of all such commutations).

FIGURE 41.

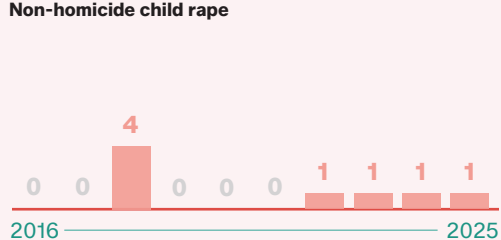
Commutations to fixed term without sentences across years

Numbers refer to number of death sentences commuted

Murder involving sexual offences



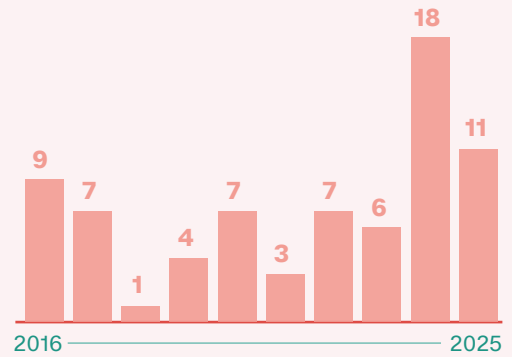
Non-homicide child rape



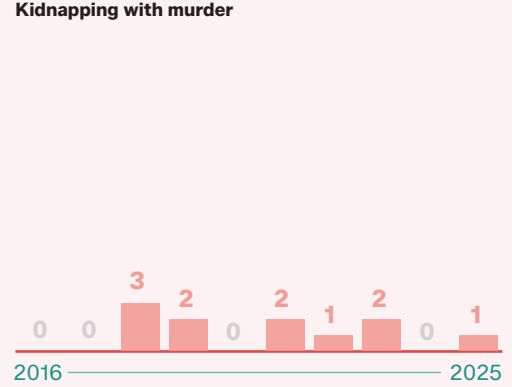
Terror offences



Murder simpliciter



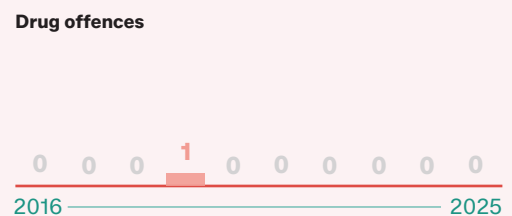
Kidnapping with murder



Dacoity with murder



Drug offences



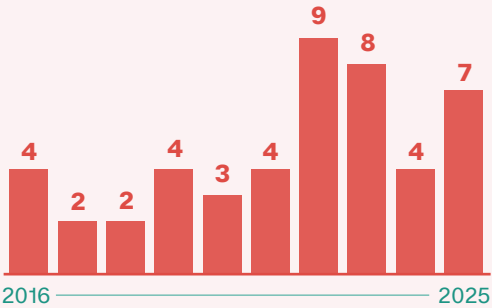
Life imprisonment excluding remission for the rest of natural life

A total of 121 death sentences (39.93% of all LWOR sentences) were commuted to life imprisonment excluding remission for the rest of natural life. Marginally more death sentences were commuted to such sentences for murder involving sexual offences (47) than murder simpliciter (45). Death sentences imposed where rape was a repeat offence⁷⁵ were commuted to a sentence of life imprisonment excluding remission for the rest of natural life (3 sentences in 2021).

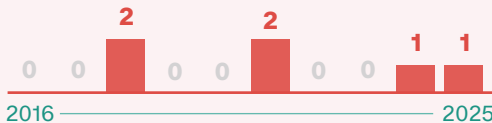
FIGURE 42.
Commutation to life imprisonment excluding remission for the rest of natural life

Numbers refer to number of death sentences commuted

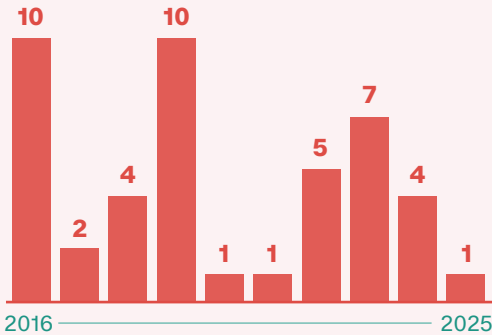
Murder involving sexual offences



Non-homicide child rape



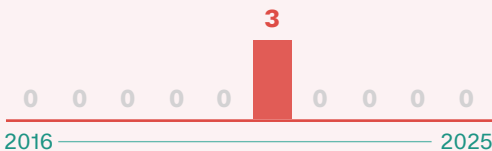
Murder simpliciter



Kidnapping with murder



Repeat offence of sexual offences



⁷⁵ S. 71 BNS (S.376E IPC) provides that repeat offenders of crimes of a sexual nature shall be punished with life imprisonment till the end of natural life, and with fine, or death.

DISPOSAL AND PENDENCY IN HIGH COURTS



Over the past decade, the High Courts have decided 647 death sentence cases. In a situation where a person is sentenced in multiple cases, the disposal timeline in each case is counted as a distinct unit. The total number of cases analysed in this section (655) is notional and therefore does not correspond to the actual number of cases decided.

The High Court disposal times for death penalty cases demonstrate significant variation, with durations ranging from under 6 months to over 10 years. The average time taken by the High Court to dispose of a death penalty case was 2.91 years with the shortest time at 0.08 years (28 days) in 2019⁷⁶

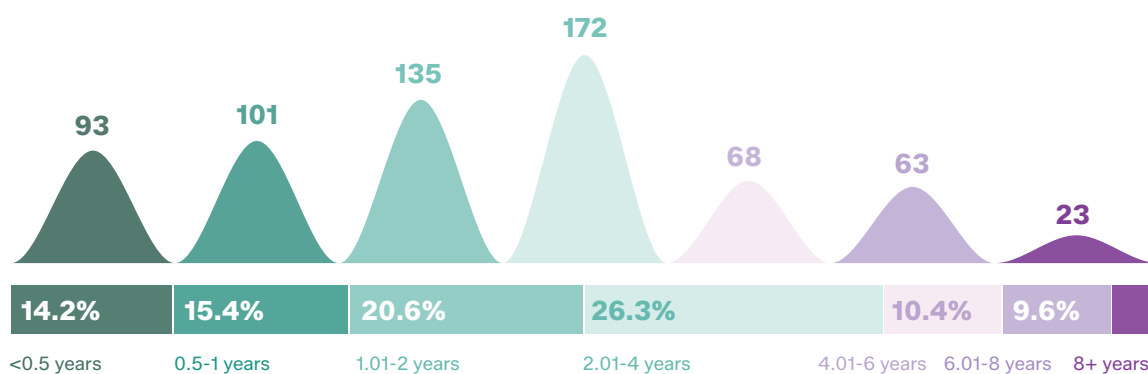
and the longest time taken to dispose of a case was 14.62 years in 2016.⁷⁷ A little over 50% (329 cases) of all death penalty cases disposed of at the High Courts in the past 10 years (655) were disposed of in 2 years or less.

At the other end of the spectrum, in 85 cases out of the 655 cases (12.99%) the High Courts took more than 6 years to dispose of a case out of which in 23 cases the High Court took more than 8 years to decide the matter. These figures indicate that long delays remain a feature of High Court adjudication in death penalty matters.

FIGURE 43.

Time taken by High Courts to dispose cases

No. of cases



⁷⁶ *State of Rajasthan though P.P. v. Komal Lodha*, Criminal Death Reference No. 6 of 2019. Komal was sentenced to death on 26.09.2019 by Sessions Court Jhalawar for a case of murder involving sexual offences. His sentence was commuted by the Rajasthan High Court (Jaipur Bench) on 24.10.2019 to life imprisonment simpliciter.

⁷⁷ *Jitu Pegu v. State of Assam*, CrI. Death Reference No. 3 of 2002, Guwahati High Court. Jitu was sentenced to death on 04.03.2022 by Sessions Court, Dhemaji for kidnapping and murder. His death sentence was commuted by the High Court on 03.08.2016 to life imprisonment excluding remission for the rest of his natural life.

Supreme Court

In the past decade the Supreme Court decided a total of 153 death sentences across different stages (which includes stages of Criminal Appeal, Review Petition, Curative Petition, as well as at the post-mercy Writ Petition stage).

Out of these, 118 death sentences were adjudicated at the Criminal Appeal stage. Of the 118, the Supreme Court confirmed 8 death sentences (6.72%) and in stark contrast, the Court acquitted persons on death row in 38 death sentences⁷⁸ in the past 10 years (31.93%).

In 50.84% of the death penalty cases that were disposed of at the Criminal Appeal stage, the Court commuted 60 death sentences to varying kinds of life imprisonment sentences.



⁷⁸ This includes acquittal from a death penalty eligible offence, but conviction may have been sustained for non-death penalty eligible offences.

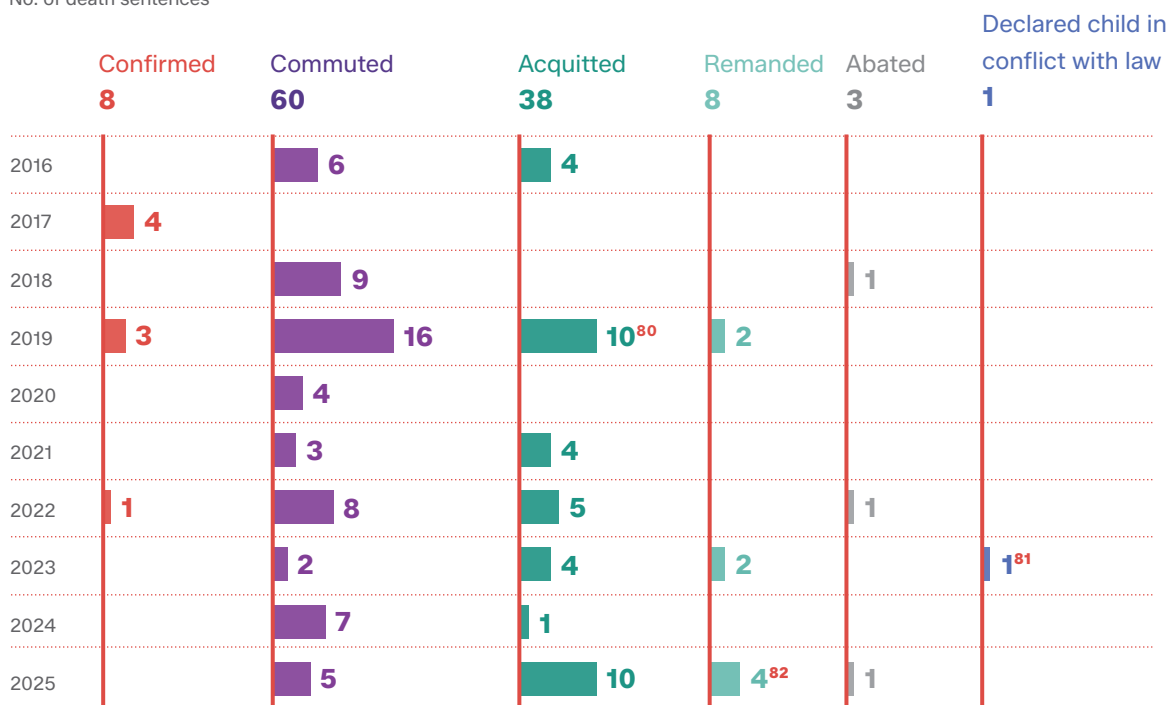
The Court confirmed the highest number of death sentences in 2017 (4 confirmations), when notably no death sentence was commuted or resulted in an acquittal.

In this section we also briefly discuss outcomes of Review Petitions, and some changes in procedural laws that have played a critical role in securing many of the outcomes discussed in this section.

FIGURE 44.
Supreme Court outcomes at the Criminal Appeal stage

The 118 death sentences disposed of by the Court at the Criminal Appeal stage include SLPs which had previously been dismissed *in limine*.⁷⁹

No. of death sentences



⁷⁹ *In limine* dismissals at the SLP stage refer to dismissals where the Supreme Court has denied the Petitioner leave to proceed to the Criminal Appeal before the Supreme Court at the threshold itself.

⁸⁰ In *Ankush Maruti Shinde and Ors. v. State of Maharashtra*, (2019) 15 SCC 470 (Sikri, Nazeer, Shah JJ) (hereinafter '*Shinde*'), the Supreme Court recalled its earlier Criminal Appeal judgement confirming the death sentence at the Review Petition stage in 2018 and restored the Criminal Appeal. In these hearings in 2019, all 5 accused were acquitted after spending over a decade on death row. The Court acknowledged that the accused persons had been falsely implicated and granted each of the accused monetary compensation of Rs. 5 Lakhs. It also directed the state to take disciplinary action against the erring officials. In 2012, Ankush Maruti Shinde was released from prison after the Sessions Court at Nashik declared him to be a child in conflict with law at the time of the offence. However, his conviction remained untouched until 2019.

⁸¹ In *Karan @ Fatiya v. The State of Madhya Pradesh* (2023) 5 SCC 504 (Gavai, Nath, Karol JJ), the Supreme Court declared that Karan was a child in conflict with the law at the time of the offence and therefore should not have been sentenced to death in the first place. Karan had spent 4.86 years (1751 days) on death row before being released in 2023.

⁸² In 1 case the conviction was not quashed.

However, in November 2018, in *Kamble*, the Supreme Court brought in an important safeguard holding that SLPs in death penalty cases could not be dismissed *in limine* without providing appropriate and detailed reasons, at least with respect to the death sentence.

As a result, 5 SLPs (6 persons) which had previously been dismissed *in limine* were restored.⁸³ They were heard as regular Criminal Appeals.

In 2014, the Supreme Court created a due process safeguard in death penalty cases and mandated open court oral hearings of Review Petitions.⁸⁴ Subsequently, multiple Review Petitions which had previously been decided in chambers were reopened. Since 2016, the Review Petitions of 35 persons (35 death sentences) were disposed of at the Supreme Court. This includes Review Petitions of 12 persons which had been reopened. 1 person died before the re-opened Review Petition could be decided.

FIGURE 45.
Supreme Court outcomes at the Review Petition stage



⁸³ In the following cases the Supreme Court restored the SLPs, and the cases were ultimately decided at the appeal stage rather than at the review stage: *Dnyaneshwar Suresh Borkar v. State of Maharashtra* [Criminal Appeal No. 1411 of 2018], *Sanjay v State of Uttar Pradesh* [SLP(Cri) No. 239 of 2025], *Babasaheb Maruti Kamble v. State of Maharashtra* [SLP (Cri) No. 458 of 2015] and *Jitendra @ Jeetu & Ors. v. State of Madhya Pradesh* [SLP (Cri) No. 111 of 2015].

⁸⁴ *Mohd. Arif Alias Ashfaq v. Registrar, Supreme Court of India and Ors.*, (2014) 9 SCC 737 (Lodha CJ, Khehar, Chelameswar, Sikri, Nariman JJ), (hereinafter ‘*Md. Arif*’).

⁸⁵ *Narayan Chetanram Chaudhary v. State of Maharashtra*, (2023) SCC OnLine SC 340 (Joseph, Bose, Roy JJ). Narayan was on death row for 25 years and was released in 2023.

Over the past decade 5 Curative Petitions⁸⁶ were brought before the Supreme Court. 4 were heard and dismissed in 2020 resulting in the execution of 4 persons in the same year.⁸⁷ In 2025, 1 Curative Petition was allowed for oral hearing.⁸⁸ In the past decade, 1 person on death row was also declared to be a child in conflict with law at the time of the offence. He was found to be only 12 years old at the time of the offence. His Review Petition had previously been dismissed in 2000 and was reopened as a consequence of *Md. Arif*.⁸⁹

In the past 10 years, the Supreme Court has reconsidered its own decision confirming a death sentence in 21 cases involving 35 persons. These 21 cases involve instances where the Supreme Court has reconsidered its decision in the Criminal Appeal (a) at the Review Petition stage, (b) when the Review Petitions were re-opened post *Md. Arif*, (c) in cases where SLPs dismissed *in limine* were restored, and (d) at the Curative Petition stage. The table below gives more details regarding these cases.

FIGURE 46.

Outcomes in cases where the Supreme Court reconsidered its decision (2016-2025)

S. No.	Name	Persons	Date of decision	Current status
Review Petition stage				
1	Vasanta Sampat Dupare v. State of Maharashtra	1	03.05.2017	Confirmed
2	Vikram Singh @ Vicky Walia and Anr. v. State of Punjab and Anr.	2	07.07.2017	Confirmed
3	Manoharan v. State by Inspector of Police	1	07.11.2019	Confirmed
4	Shabnam v. State of Uttar Pradesh	2	23.01.2020	Confirmed
5	Mofil Khan & Anr. v. The State of Jharkhand	2	26.11.2021	Commuted
Review re-opened				
6	C. Muniappan and Ors. v. State of Tamil Nadu	3	11.03.2016	Commuted
7	Shivaji @ Dadya Shankar Alhat v. State of Maharashtra	1	14.12.2016	Abated
8	M.A. Antony @ Antappan v. State of Kerala	1	12.12.2018	Commuted

⁸⁶ Curative Petitions allow the Supreme Court to review its own judgement after the Review Petition has been dismissed. They are allowed on very narrow grounds, such as violation of natural justice principles, change in the law or bias. This is a judicially developed remedy by the Supreme Court in *Rupa Ashoka Hurra v. Ashok Hurra*, (2002) 4 SCC 388 (Bharucha CJ, Quadri, Banerjee, Variava, Patil JJ).

⁸⁷ The 4 men convicted in the December 16 Delhi gangrape and murder case were executed on 18.3.2020.

⁸⁸ *Md. Arif @ Ashfaq v Union of India* (Curative Petition (Crl.) Diary No. 29481/2024).

⁸⁹ *Narayan Chetanram Chaudhary v. State of Maharashtra*, (2023) SCC OnLine SC 340 (Joseph, Bose, Roy JJ). Narayan was on death row for 25 years and was released in 2023. *Supra* note 84.

S. No.	Name	Persons	Date of decision	Current status
Review re-opened (contd.)				
9	Rajendra Pralhadrao Wasnik v. State of Maharashtra	1	12.12.2018	Commuted
10	Md. Mannan @ Abdul Mannan v. State of Bihar	1	14.02.2019	Commuted
11	Accused X v. State of Maharashtra	1	12.04.2019	Commuted
12	Sudam @ Rahul Kaniram Jadhav v. State of Maharashtra	1	01.10.2019	Commuted
13	Mohd. Arif @ Ashfaq v. State (NCT of Delhi)	1	03.11.2022	Confirmed
14	Sundar @ Sundarrajan v State by Inspector of Police	1	23.03.2023	Commuted
15	Narayan Chetanram Choudhary v. State of Maharashtra	1	27.03.2023	Declared child in conflict with law
Criminal Appeal restored				
16	Babasahed Maruti Kamble v. State of Maharashtra	1	Commuted	01.11.2018
17	Jitendra @ Jeetu v. State of Madhya Pradesh & Ors	1	Commuted	01.11.2018
	Sanni @ Devendra v. The State of Madhya Pradesh	2		22.08.2022
18	Dnyaneshwar Suresh Borkar v. State of Maharashtra	1	Commuted	20.02.2019
19	Ankush Maruti Shinde and Ors. v. State of Maharashtra	5	Acquitted	05.03.2019
20	Sanjay v. The State of Uttar Pradesh	1	Acquitted	06.02.2025
Curative Petition				
21	Mukesh v. State of NCT of Delhi	1	Confirmed	14.01.2020
	Vinay Sharma v. The State of N.C.T. of Delhi	1	Confirmed	14.01.2020
	Akshay Kumar Singh v. State (NCT of Delhi)	1	Confirmed	30.01.2020
	Pawan Kumar Gupta v. State of N.C.T. of Delhi	1	Confirmed	19.03.2020

Acquittals

Of the 153 death sentences that the Supreme Court has adjudicated since 2016 and regardless of stage, it has acquitted 38 persons (26 cases). At 21, the highest number of acquittals were for cases of murder involving sexual offences (56.76%), followed by murder simpliciter (29.72%) with 11 death sentences being overturned into acquittals. In 2025, the Supreme Court delivered the most acquittals since 2016 (10 persons). The Court has been granting acquittals every year since 2021.

All acquittals were at the Criminal Appeal stage. In 1 case (5 persons), the Court recalled its initial judgement upholding the death sentence at the Criminal Appeal stage in the open court hearing at the Review Petition stage.⁹⁰ In another case, the SLP had originally been dismissed *in limine*, and was subsequently restored when the Review Petition was reopened in 2024. He was acquitted in 2025.⁹¹

In the past decade, the High Courts which saw the highest proportion of their death penalty confirmations reversed by the Supreme Court leading to an acquittal were: Uttarakhand High Court (20%), Allahabad High Court (13%), Punjab & Haryana High Court (10%), Madras High Court (10%) and Bombay High Court (8.33%).⁹²

⁹⁰ *Supra* note 79.

⁹¹ *Supra* note 32.

⁹² The ranking is based on the number of death penalty cases confirmed by each High Court which were subsequently decided by the Supreme Court, and which resulted in an acquittal. The proportion has been calculated on the basis of the total number of confirmations from each High Court, between 2016-2025, that that led to an acquittal by the Supreme Court.

HIGH COURTS WITH THE HIGHEST PROPORTION OF CONFIRMATIONS REVERSED BY THE SUPREME COURT LEADING TO AN ACQUITTAL

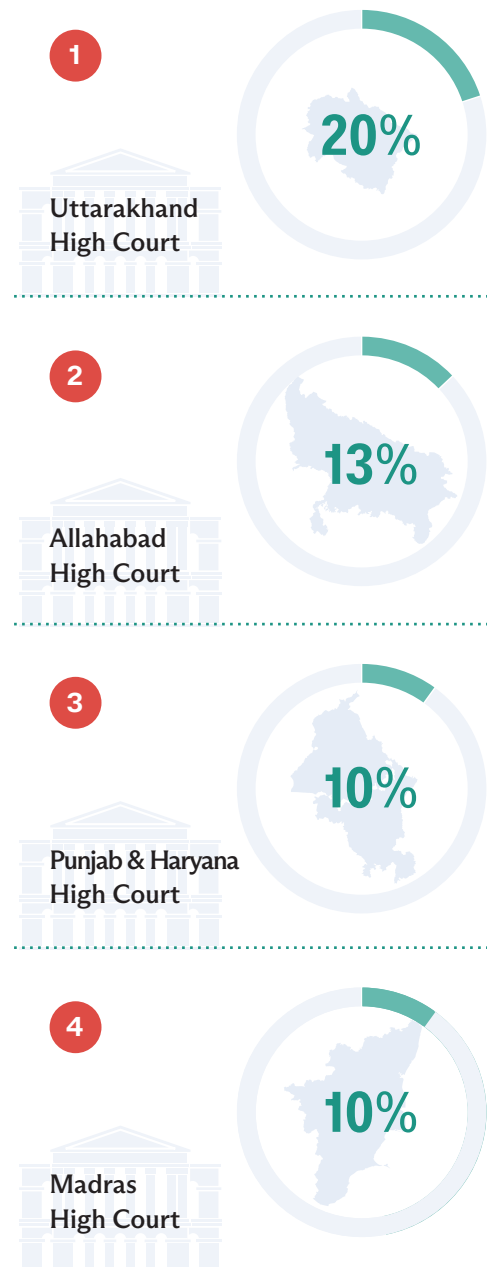
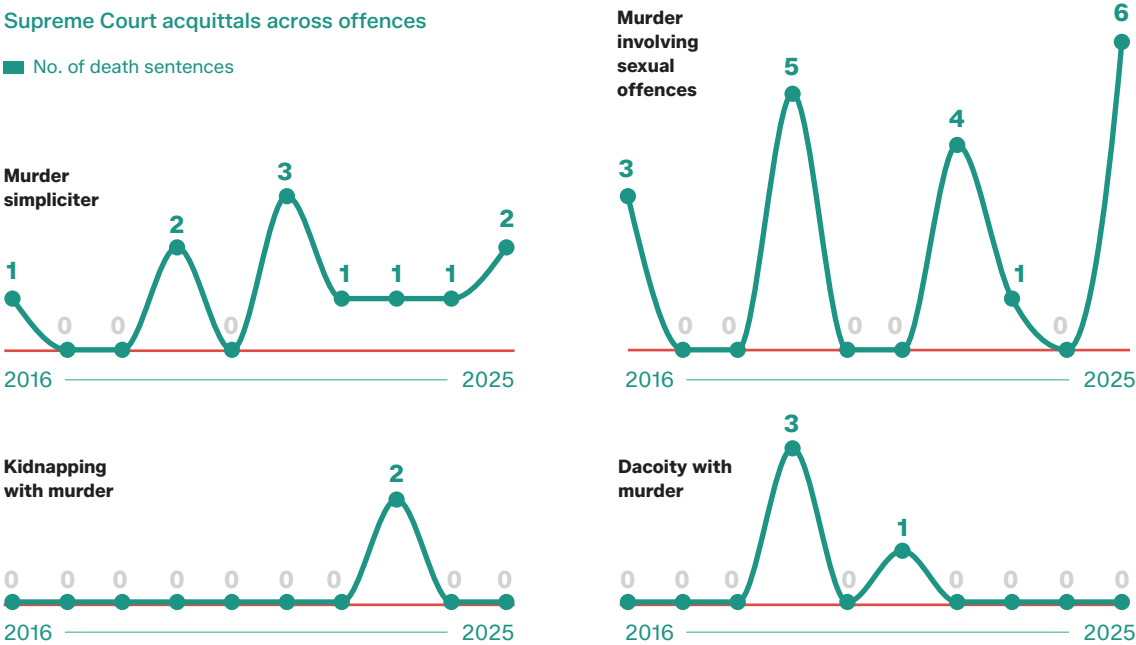


FIGURE 47.
Supreme Court acquittals across offences



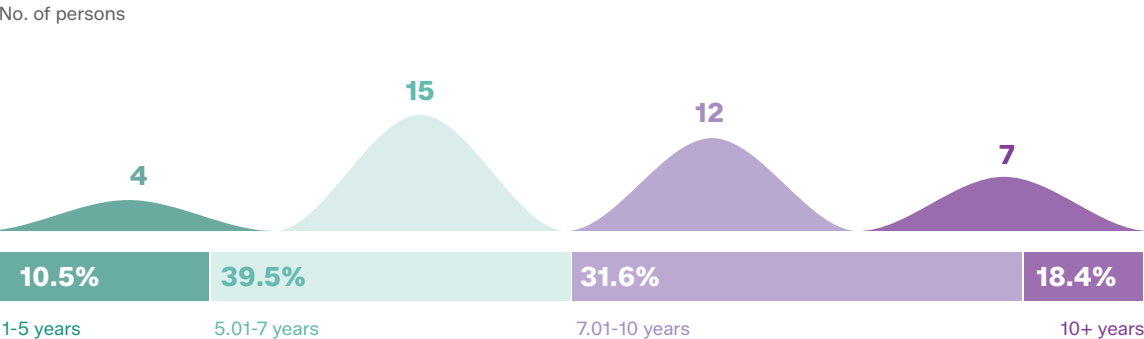
TIME SPENT ON DEATH ROW BEFORE ACQUITTAL



Across the decade, 38 persons in 26 cases were acquitted from death row by the Supreme Court. The average time spent on death row by a person before their acquittal was 8 years. The minimum

time was 3.5 years⁹³ and the maximum was 20.68 years.⁹⁴ 19 persons spent more than 7 years on death row before they were acquitted.

FIGURE 48.
Time spent on death row before acquittal by the Supreme Court



⁹³ *Dhal Singh Dewangan v. State of Chhattisgarh*. (2016) 16 SCC 701 (Gogoi, Pant, Lalit JJ). Dhal Singh was sentenced to death on 23.04.2013 for murder simpliciter. He was acquitted on 23.09.2016.

⁹⁴ *Supra* note 32. Sanjay was acquitted in 2025.

Confirmations

8

at the
SLP stage

11

at the Review
Petition stage

The Supreme Court confirmed a total of 19 death sentences in the last decade, irrespective of the stage at which the death sentence was confirmed. 8 death sentences at the SLP stage were confirmed out of which 7 were in cases of murder involving sexual offences and 1 death sentence was for kidnapping with murder. 11 death sentences were also confirmed at the Review Petition stage: 6 in cases of murder involving sexual offences, 2 for kidnapping with murder, 2 death sentences for murder simpliciter and 1 for terror offences. For the past three years, **the Supreme Court has confirmed 0 death sentences.**



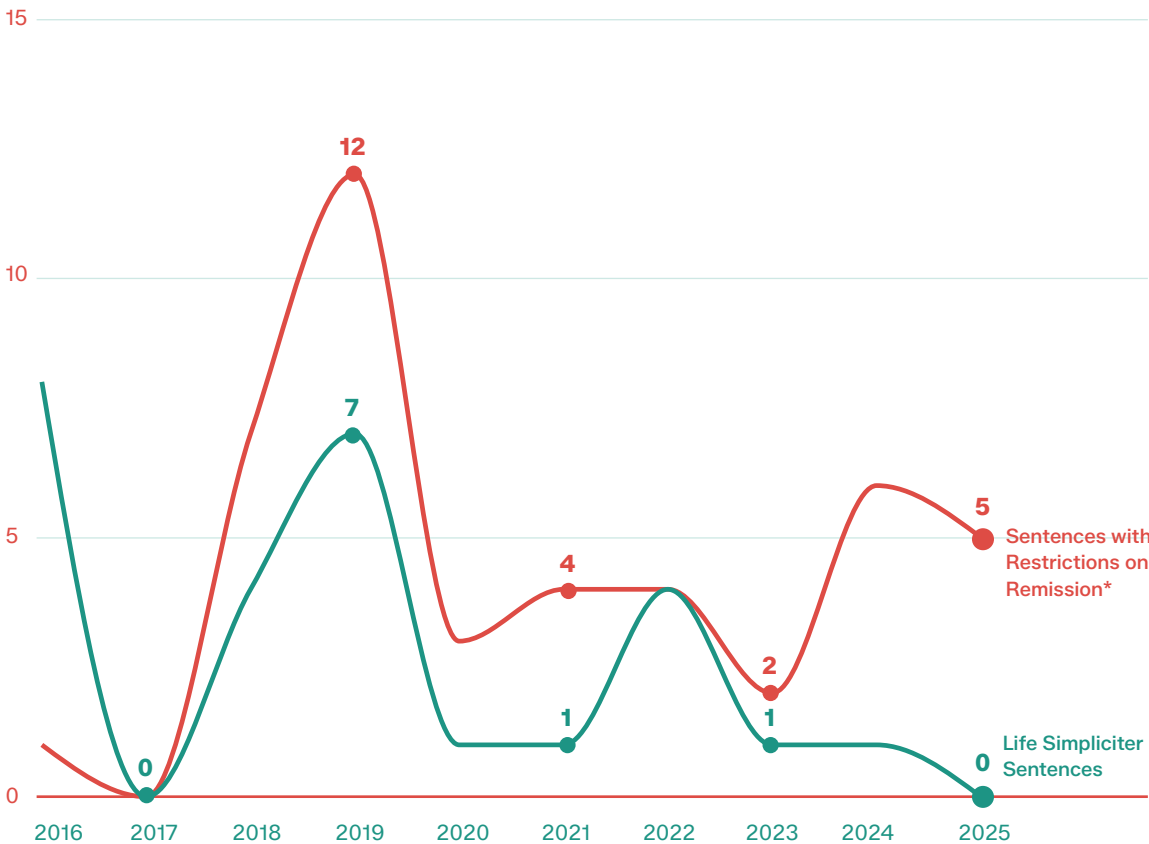
Commutations

The Supreme Court commuted 71 death sentences in the past decade, including at the Criminal Appeal and Review Petition stages. Of these, 30 death sentences (42.25%) were commuted to fixed term sentences excluding remission, 14 (19.71%) were commuted to life imprisonment excluding remission for the rest of a person’s natural life and 27 (38.03%) were commuted to life imprisonment simpliciter.

The Supreme Court did not commute any sentence in 2017. As the figure below indicates, since 2018, the Court has imposed more LWOR sentences upon commutation rather than life imprisonment simpliciter sentences. The proportion of LWOR sentences to life imprisonment simpliciter sentences was close to double in 2019, and has since only increased (with the exception of 2022).

FIGURE 49.
Comparison of life imprisonment simpliciter sentences v. LWOR sentences

No. of death sentences commuted



*Includes sentences where remission is excluded for a fixed term or rest of natural life

Of the 27 death sentences which were commuted to life imprisonment simpliciter, 14 (51.85%) were in cases of murder simpliciter. 10 (37.04%) commutations were in cases of murder involving sexual offences, 2 (7.41%) in cases of dacoity with murder, and 1 (3.7%) for kidnapping with murder.

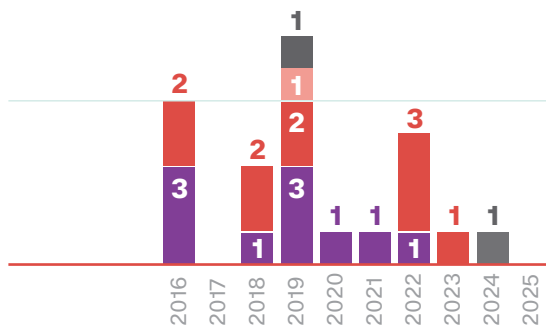
Of the 30 fixed-term sentences excluding remission, 19 (63.33%) death sentences were commuted in cases of murder involving sexual offences. 6 (20%) death sentences were commuted in cases of kidnapping with murder, and 5 (16.67%) in cases of murder simpliciter.

FIGURE 50.

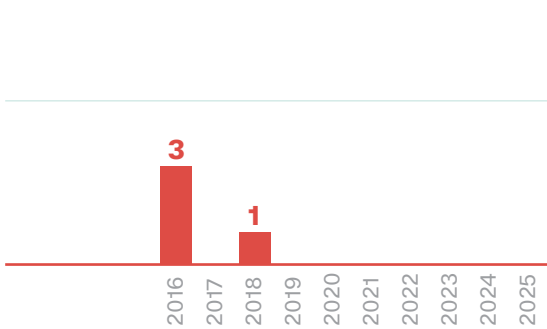
Commutation to life imprisonment simpliciter at Criminal Appeal and Review Petition stages

■ Murder involving sexual offenses ■ Murder Simpliciter ■ Kidnapping with murder ■ Dacoity with Murder

Criminal Appeal



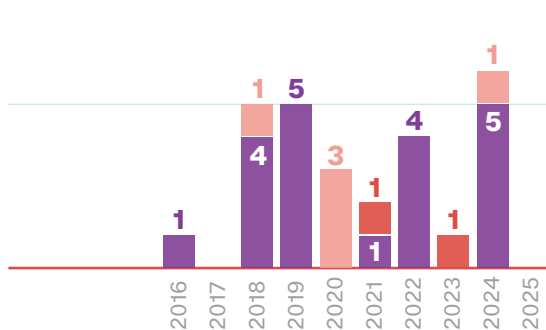
Review Petition

**FIGURE 51.**

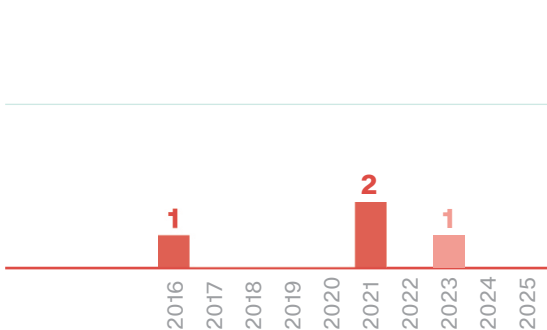
Commutation to fixed term sentences excluding remission at the Criminal Appeal and Review Petitions stages

■ Murder involving sexual offenses ■ Murder Simpliciter ■ Kidnapping with murder

Criminal Appeal



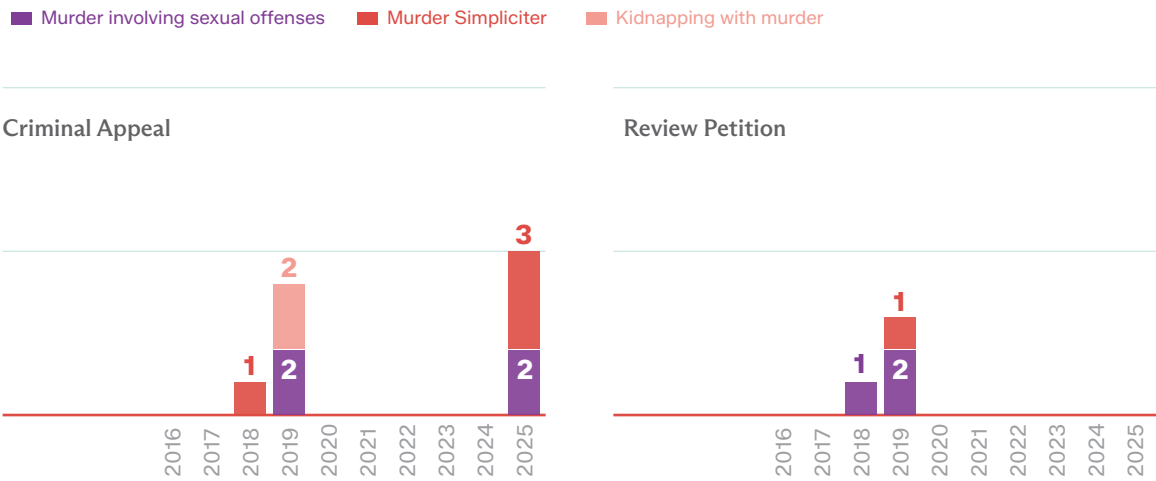
Review Petition



The Supreme Court commuted death sentences sentences of life imprisonment excluding remission for the rest of a person’s natural life in 2018, 2019 and 2025. Of the 14 death sentences which were commuted to these kinds of life imprisonment

sentences, 7 commutations (50%) were in cases of murder involving sexual offences. 5 (35.71%) were in cases of murder simpliciter and 2 (14.29%) were in cases of kidnapping with murder.

FIGURE 52.
Commutations to life imprisonment sentences excluding remission for the rest of natural life at Criminal Appeal and Review Petition stages



Mercy Petitions

Information on mercy petitions has been collected from the website of the President's secretariat. Between 2016 - 2025, mercy petitions of 24 persons were decided by the President. The website of the President's secretariat does not reveal the number of mercy petitions that may be pending. Mercy petitions of 19 persons were rejected and accepted in cases of 5 persons.

Out of the 19 persons whose mercy petitions were rejected, 4 persons were executed. Of the remaining 15, 11 persons (including Vasanta Sampat Dupare⁹⁵) were no longer on death row as of 31.12.25. In addition to Vasanta Sampat Dupare, 3 persons are eligible for a resentencing hearing since their criminal appeals were decided before the Supreme Court elevated sentencing hearings to the status of a constitutionally mandated procedural safeguard in *Dupare*.⁹⁶

Sanjay, whose mercy petition was rejected in 2020, was acquitted by the Supreme Court in 2025 after his SLP was restored in 2024.

⁹⁵ It was in a Writ Petition filed by Vasanta Sampat Dupare, where the Supreme Court held, this year, that sentencing hearings must now be considered an aspect of Art. 21 rights of the accused in a capital case.

⁹⁶ *Supra* note 6.

FIGURE 53.

List of persons whose mercy petitions were rejected and their current status (2016-2025)

S. No.	Name	Date of rejection	Current status
1	Mofil Khan	06.03.2016	Sentence commuted by Supreme Court at the Review Petition stage
2	Mobarak Khan	06.03.2016	Sentence commuted by Supreme Court at the Review Petition stage
3	Shabnam	07.08.2016	Eligible for resentencing post Dupare
4	Jasvir Singh	07.08.2016	Sentence commuted by the Punjab & Haryana High Court at the post-mercy Writ Petition stage
5	Vikram Singh	07.08.2016	Sentence commuted by the Punjab & Haryana High Court at the post-mercy Writ Petition stage
6	Jitendra @ Jeetu	25.05.2017	Sentence commuted by Supreme Court after SLP was restored
7	Babu @ Ketan	25.05.2017	Sentence commuted by Supreme Court after SLP was restored
8	Sanni @ Devendra	25.05.2017	Sentence commuted by Supreme Court after SLP was restored
9	Purushottam Dashrath Borate	26.05.2017	Sentence commuted by Bombay High Court at the post-mercy Writ Petition stage
10	Pradeep Yeshwant Kokade	26.05.2017	Sentence commuted by Bombay High Court at the post-mercy Writ Petition stage
11	Jagat Rai	23.04.2018	Post-mercy Writ Petition pending ⁹⁷
12	Mukesh Kumar	17.01.2020	Executed
13	Vinay Sharma	01.02.2020	Executed
14	Akshay Thakur	05.02.2020	Executed
15	Pawan Kumar Gupta	04.03.2020	Executed
16	Sanjay	16.07.2020	Acquitted after SLP was restored
17	Vasanta Sampat Dupare	24.07.2023	Death sentence set aside. Resentencing hearing pending
18	Md. Arif @ Ashfaq @ Abu Hamad s/o Md. Akram	29.05.2024	Curative Petition seeking oral rehearing allowed by the Supreme Court on 28.10.25
19	Ravi Ashok Ghumare	06.11.2025	Stay of execution issued by the Bombay High Court on 28.11.2025 at the post -mercy Writ Petition stage

⁹⁷ Pending before the Delhi High Court, *Jagat Rai v. Union of India and Anr.*, Writ Petition CRL No. 3417 of 2018.

In the past 10 years, mercy petitions of 5 persons have been accepted by the President. However, before their mercy petition was accepted and sentence commuted, all 5 had spent more than 15 years on death row.

FIGURE 54.
Time spent on death row by persons whose mercy petitions were accepted (2016-2025)

Name	Date of sentence by Sessions Court	Date of acceptance	Time spent on death row (years)
Jeetendra @Jitu Nainsingh Gehlot	23.02.1998	18.09.2016	 18.6 years
Krishna Mochi	08.06.2001	01.01.2017	 15.6 years
Nanhe Lal Mochi	08.06.2001	01.01.2017	 15.6 years
Bir Kuer Paswan	08.06.2001	01.01.2017	 15.6 years
Dharmendra Singh @Dharu Singh	08.06.2001	01.01.2017	 15.6 years

Judicial Developments (2016-2025)

Channu Lal Verma v. State of Chhattisgarh (2019) 12 SCC 438 28.11.2018
(Joseph, Gupta, Gupta JJ)

The Supreme Court commuted Channu Lal's death sentence to life imprisonment simpliciter. In a dissenting opinion J Joseph called for the reconsideration of the constitutionality of the death sentence. In his opinion, J Joseph raised concerns with the lack of effective guidance available to courts in exercising their discretion in deciding between a punishment of life imprisonment and death sentence. Noting the arbitrariness that had crept into death penalty adjudication despite the framework provided in *Bachan Singh*, J Joseph called for the death penalty to be reconsidered as a possible punishment.

Inhuman conditions in 1382 prisons, In re (2019) 2 SCC 439 03.12.2018
(Lokur, Nazeer, Gupta JJ)

In a *suo moto* Writ Petition instituted by the Supreme Court to inquire into prison conditions in India, the Court held that similar to prisoners' right to meet their lawyer, death row prisoners must have access to mental health professionals for a reasonable period of time and at reasonable frequency. The Court also held that death row prisoners must have access to work and educational opportunities in prison.

Accused X v. State of Maharashtra (2019) 7 SCC 1 12.04.2019**(Ramana, Shantanagoudar, Banarjee JJ)**

While commuting the death sentence of Accused X to life imprisonment excluding remission for the rest of his natural life without remission, the Supreme Court, for the first time, recognised post-conviction mental illness as a mitigating factor (i.e., cases where the onset of mental illness is after the conviction by Sessions Courts). The Court also limited the ruling to cases of only those mental illnesses that rendered the accused unable to understand or comprehend the nature and purpose of the death sentence. This decision was delivered when Accused X's Review Petition was re-opened as a result of the Supreme Court's decision in *Md. Arif*, which recognised open court hearings of Review Petitions in death penalty cases as a fundamental right. Accused X's death sentence had been confirmed by the Supreme Court on 16.5.2008 and his first Review Petition was dismissed on 19.11.2008.

Manoj v. State of MP (2023) 2 SCC 353 20.05.2022**(Lalit CJ, Bhat, Trivedi JJ)**

The Supreme Court acknowledged the lack of an institutional framework to guide the process of compiling and considering mitigating circumstances in death penalty cases. To address this concern, it laid down "practical guidelines" for the collection of materials relevant to the sentencing process. The Court mandated that all courts must call for a probation officer's report, prison report (regarding conduct in prison), and a psychological evaluation report before imposing a sentence of death. It also recognised that the accused must be given an opportunity to present mitigating circumstances. The Court also crystallised reasons for why and how the accused's probability of reformation must be considered.

Framing Guidelines Regarding Potential Mitigating Circumstances to be Considered While Imposing Death Sentences, In re (2023) 19 SCC 695 19.09.2022**(Lalit CJ, Bhat, Trivedi JJ)**

Towards resolving various conflicting decisions of the Supreme Court and to achieve uniformity in death penalty sentencing, the Court referred the issue of what would constitute a real, effective and meaningful sentencing hearing to a five judge Constitution Bench. The matter is currently pending before the Supreme Court. Earlier in the same matter the Court had taken note of a policy of Madhya Pradesh that incentivised prosecutors to secure a death sentence, thus compromising prosecutorial independence.⁹⁸ The policy was subsequently withdrawn by Madhya Pradesh.

⁹⁸ *Framing Guidelines Regarding Potential Mitigating Circumstances to be Considered While Imposing Death Sentences, In re* (2022) SCC OnLine SC 2153 (Lalit, Bhat, Dhulia JJ).

Rahul v. State (NCT of Delhi), (2023) 1 SCC 83 07.11.2022

(Lalit CJ, Bhat, Trivedi JJ)

While overturning the conviction and death sentence of three men, the Supreme Court cautioned courts against relying on forensics evidence unquestioningly. The Court's focus was on ensuring that the forensic evidence courts take into account is reliable. It noted that to be able to rely on forensics evidence, such as DNA, courts must (a) scrutinise the underlying basis of DNA reports and (b) examine whether techniques applied by the forensic expert in analysing the report were reliable.

State of Maharashtra v. Pradeep Yashwant Kokade & Anr. (2024) SCC OnLine 3662

09.12.2024

(Oka, Amanullah, Masih JJ)

The Supreme Court affirmed the commutations by the Bombay High Court of 2 men in a post-mercy Writ Petition, challenging the rejection of their mercy petition. The mercy petition of the two accused was rejected by the President on 26.05.2017. However, at the post-mercy Writ Petition stage, the High Court on 29.07.2019 commuted the death sentence to a fixed term sentence excluding remission for 35 years on grounds that the delay in deciding their mercy petitions was unexplained and undue. While affirming the commutations, the Supreme Court laid down directions to States and Union Territories for processing mercy petitions in a timely manner, particularly with regard to constituting a dedicated cell in the State Home Departments or Prison Departments to deal with mercy petitions.

Vasanta Sampat Dupare v State of Maharashtra, (2025) SCC Online SC 1823 25.08.2025

(Nath, Karol, Mehta JJ)

Through a Writ Petition, Vasanta Sampat Dupare sought to have his death sentence reconsidered in light of the guidelines laid down in *Manoj* and as a fundamental right requirement. Agreeing with the Petitioner, the Supreme Court held that Article 32 of the Constitution empowers it to reopen the sentencing stage to secure strict compliance with the safeguards elucidated in *Manoj*. Emphasising the irreversible nature of the death sentence, the Court held that in death penalty cases, sentencing hearings which are compliant with *Manoj* must be treated as an essential component of the accused's right to a fair trial. Consequently, it underscored that non-compliance with the *Manoj* framework undermines procedural fairness and constitutes a violation of Arts. 14 and 21 of the accused.

CONCLUSION

The last decade has demonstrated the extent to which the use of the death penalty in India is crisis-ridden. With the large proportions of acquittals and commutations, it is undeniable that there is an exaggerated and unjustified use of the death penalty. There is tremendous human suffering at the core of this when death row prisoners spend a large number of years awaiting relief from appellate courts. It is also undeniable that in the appellate courts themselves, there is an emerging crisis of the use of life imprisonment sentences that exclude remission in an unprincipled manner. The very same concerns that characterised the arbitrary use of the death penalty are now evident in how appellate courts use life imprisonment without remission. The crisis, however, is not restricted only to the death penalty, it extends to the criminal justice system *per se*. That the criminal justice system is broken and has deep cracks is well known and unfortunately well accepted. However, looking at the data of the past 10 years, even as it is restricted only to death penalty cases, it is increasingly clear that the justice system is not only broken but is facing a serious crisis - a crisis of credibility that is increasingly becoming a crisis of legitimacy.

The increased due process safeguards that the Supreme Court has been ensuring of course reflect their concern with an irreversible punishment. But they also reveal something deeper. In *Dupare* is a telling recognition by the Supreme Court that not only is the criminal justice system fragile but also that

Investigations often rely on confessions extracted in opacity, recoveries whose provenance is contested and forensic material of doubtful rigour. When such evidence is filtered through an overburdened trial process, the possibility of wrongful conviction can never be dismissed as a remote abstraction.⁹⁹

The Court's anxieties are not only about whether the system is over punishing or that death sentences are being imposed and confirmed arbitrarily. It recognises the probability, or rather the reality, that an irreversible punishment is often imposed in the context of a criminal justice system which is often not only wrong, but is also capable of resorting to illegitimate means. The concern is not only that such practices may lead to wrongful convictions. The concern is that the meaning accorded to justice and just outcomes is perverted by the system itself. And that is the crisis of legitimacy.

The increased due process safeguards by the Supreme Court are also a recognition of the rejection of process by investigation agencies and prosecution to secure outcomes as they see fit, not as is required by the law and legal processes.

The disregard of the law by state actors also often goes unnoticed by courts. 24.83% of the death sentences (38 out of 153) heard by the Supreme Court in the last decade led to an acquittal. 34.65% of the death sentences (376 out of 1085) heard by the High Courts in the last decade led to an acquittal. The high rates of acquittals don't indicate a mere error. To characterise them as errors is to do a disservice to the ideals that the system purportedly upholds - justice, fairness and dignity. They point to a wilful disregard by state actors and its frequent acceptance by courts. A perusal of cases resulting in acquittals by the appellate judiciary indicates the concerning manner in which Sessions Courts treat matters of evidence, procedural fairness, and substantive rights. The Supreme Court has not held back in pulling up the investigative agencies, prosecution and courts when it has found due process lapses plaguing convictions, when acquitting persons from death

⁹⁹ *Supra* note 6, para 28.

row.¹⁰⁰ The increased due process safeguards towards the end of the judicial and executive processes are necessitated by a system that appears to be following logics and processes of its own making, and not those mandated by law.

The kind of serious lapses that the appellate judiciary has been noticing and highlighting in investigations and prosecutions do not occur in only death penalty cases. It is more accurate to say that these lapses have a higher likelihood of getting addressed in death penalty cases because of the procedural safeguards developed by the Supreme Court. This heightened scrutiny is often related to the exceptionality of the punishment, particularly because of the irreversibility associated with it. Conversely, the lack of such safeguards and scrutiny in cases of punishments other than death (including LWOR sentences), means that wrongful convictions and other rights violations in such cases have a higher likelihood of not being set right. The crisis in the criminal justice system is likely much deeper and more widespread than data limited to the death penalty can reveal.

In 2018, J Joseph in his dissenting opinion in *Channu Lal* called for a reconsideration of the death penalty because of the arbitrariness that had crept into the decision-making process despite *Bachan Singh*. The Court has tried to set right the problem of arbitrariness by issuing more crystallised guidelines in *Manoj* which have now been accorded the status of a fundamental right in *Dupare*. Sessions Courts, however, continue to ignore these guidelines. Out of the 265 cases decided by Sessions Courts after the guidelines in *Manoj* were mandated, in at least 208 cases (78.49%) the sentence was imposed unconstitutionally and in violation of *Manoj*. In fact,

the 1000s of death sentences imposed by Sessions Courts in the past decade may well fall foul of constitutional requirements.

Whilst problems with how death sentences are imposed continue, another fast-emerging concern on the question of sentence has been the sharp rise in LWOR sentences in the past decade. Such sentences include (a) fixed term sentences excluding remission and (b) life imprisonment excluding remission for the rest of a person's natural life. 58.83% of commutations (303 out of 515) by the High Courts and 61.97% of commutations (44 out of 71) by the Supreme Court have been to LWOR sentences. There may be two potential reasons for this. First, the ready adoption by the appellate judiciary of the new category of life imprisonment sentences that was created by the Supreme Court by virtue of *Sriharan*.¹⁰¹ In *Sriharan*, the Court permitted the appellate judiciary to exclude the state's powers of remission when commuting a death sentence. Second may be the prescription by legislative bodies of fixed and higher term of year sentences as mandatory minimum sentences for various offences, particularly in cases where sexual offences may be involved.

However, there is very little guidance that courts currently have with respect to LWOR sentences, including in deciding the period for which remission ought to be excluded, and the penological goals that such sentences aspire to. Even with respect to sentences excluding remission for a term of years rather than rest of natural life, there is currently little guidance on how courts ought to exercise their discretion in determining whether a fixed term sentence excluding remission for 20 years is warranted in a case or one which excludes

¹⁰⁰ See for instance, *Ramanand @ Nandlal Bharti v. State of Uttar Pradesh*, Criminal Appeal No. 6465 of 2022, Decided on 13.10.2022 (Lalit, Bhat, Pardiwala JJ); *Prakash Nishad @ Kewat v. State of Maharashtra*, (2023) 16 SCC 355 (Gavai, Nath, Karol JJ); *Chotkau v. State of Uttar Pradesh*, (2023) 6 SCC 742 (Nazeer, Bopanna, Ramasubramanian JJ); *Kattavellai @ Devakar v. State of Tamil Nadu*, (2025) SCCOnline SC 1439 (Nath, Karol, Mehta JJ).

¹⁰¹ *Supra* note 69.

remission for 60 years. Apart from broad references to the crime, courts don't provide any reasoning to indicate the relationship between the term for which remission is excluded and principles of proportionality, culpability or reformation. While *Dupare* has rightly designated sentencing hearings to be a fundamental right requirement, it is to be noted that yet again the protection is only in cases of death sentences. Sentences that exclude remission, particularly those that do so for the rest of a person's natural life, effectively condemn an individual to die in prison. They are some of the harshest sentences we currently have and they are being used without the safety of guardrails.

An overview of the past 10 years of the death penalty in India presents a complicated picture. It may seem optimistic in terms of low rates of confirmation, but a closer look reveals the serious crisis the criminal justice system is in. The large number of acquittals from death row in the past decade alone, evidence serious concerns with not just the health of our criminal justice system, but its legitimacy. The routine violations and procedural disregard by investigation agencies and prosecution don't paint a picture where the rule of law is taken seriously. It indicates a system where the means - the process - are an acceptable casualty. There appears to be a divergence between the presumed meaning of the ideals that the system was meant to uphold - meanings that we presumed were shared by all - and the meanings that are being accorded to ideals like justice and fairness in practice.

Commutations to LWOR sentences are emerging as a worryingly unregulated area of law that is in need of a framework to save it from the arbitrariness that currently plagues it. The use of the death penalty by the judiciary may be on the decline, however, the emerging alternative should not be seen as a safer or even as a more lenient sentence. Life sentences excluding remission for long periods of time or for

the rest of natural life may not lead to executions, but they take away from a person an important essence of life - hope. They clamp down on life itself because what is life if not its many possibilities.

The harshness of the criminal justice system was tolerated because it was meant to be reined in by the law and tempered by concerns of dignity and justice. However, 10 years of the data on the death penalty seems to indicate that those checks and ideals may themselves be under threat.

Corrections to Annual Statistics Report 2024

Due to more information becoming available, the death penalty data we collect has been updated. The following changes to the numbers reported in the 2024 *Annual Statistics* report need to be noted:

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- The Sessions Courts imposed 141 death sentences in 85 cases (not 139 in 83 cases). Both death sentences were imposed in cases of Murder simpliciter, one each from Maharashtra and West Bengal.
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- The Sessions Courts imposed death sentences in 29 cases (not 31 cases) for murder involving sexual offences.
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- The Sessions Courts imposed 89 death sentences (not 87 death sentences) for murder simpliciter.
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- The High Courts disposed of cases of 145 persons, not 139. It commuted the death sentences of 78 persons in 52 cases (not 79 persons in 53 cases).

