



2026 INSC 184

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026
(ARISING OUT OF SLP (CRL.) No.20547/2025)

GOURAB MONDAL @ SHANU & ANOTHER

APPELLANT(S)

VERSUS

STATE OF WEST BENGAL

RESPONDENT(S)

J U D G M E N T

NAGARATHNA, J.

Leave granted.

2. The appellants herein have impugned the final order and judgment dated 31.01.2023 passed in CRA No.167 of 2020 by the High Court at Calcutta, by which it commuted the award of death penalty to life imprisonment, however without the possibility of remission till the end of the appellants' natural lives.

3. The brief facts of the case are that on 13.12.2014 at about 3:00 p.m., the appellants contacted the deceased victim's father, demanding ransom in exchange for the

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victim's return. The next day, i.e. on 14.12.2014, the police arrested three persons including the appellants herein and one juvenile. Based on their statements, the police recovered the victim's dead body from the bank of the river Ganga, where it had been buried in a gunny bag. After investigation, a charge sheet was filed under Sections 363, 364A, 376(2)(i), 302, and 201 of the Indian Penal Code (for short, "IPC") read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short, "POCSO Act"). The juvenile accused was sent to the Juvenile Justice Board, Hooghly at Serampore but the appellants herein faced trial before the Sessions Court in accordance with law. Charges were later altered to include common intention under Section 34 of the IPC.

4. The Sessions Court in S.T. (Spl.) No.26/15 on 22.10.2020 held that the appellants herein had kidnapped the deceased-victim, raped and murdered her in furtherance of their common intention and attempted to destroy evidence by concealing the body. Accordingly, appellants were found guilty under Sections 363/34, 364/34, 376(2)(i), 302/34, and 201 of the IPC read with Section 6 of the POCSO Act and sentenced them to death penalty.

5. Later, the Division Bench of the High Court vide the impugned judgment commuted the award of death penalty to life imprisonment, however without the possibility of remission till the end of their natural lives. It is pertinent to mention that on the date of the crime, appellant No.1 was aged 22 years and appellant No.2 was aged 19 years.

6. Notice was issued in this matter to the respondent/State only insofar as the quantum of sentence to be imposed on the appellants herein.

7. By way of the impugned judgment dated 31.01.2023, the Division Bench of the Calcutta High Court in CRA No.167/2020, while commuting death penalty to life imprisonment, also noted in Paragraph 105 that life imprisonment ought to be without the possibility of remission till the end of the appellant's natural life. For ease of reference, paragraph 105 of the impugned judgment is extracted as under:

"In view of the State having failed to place any material to establish that the appellants cannot be reformed and are beyond scope of rehabilitation, the award of death penalty is commuted to one of life imprisonment. Keeping in view the brutality of the offence committed, it would be appropriate that, the appellants be

sentenced to life imprisonment without the possibility of remission till the end of their natural life."

8. Learned counsel for the appellants submitted that, no doubt, the High Court granted relief from death penalty; however, it was still harsh in imposing the sentence of life imprisonment inasmuch as it is without the possibility of remission till the end of the appellant's natural life. That there are two disadvantages to the appellants in this sentence inasmuch as firstly, the life imprisonment is not for a fixed term but till the end of the natural life of the appellants; and secondly, the relief of possibility of remission is also taken away. In the circumstances, it was contended that the High Court was not justified in imposing a double hardship on the appellants herein. It was contended that having regard to the judgments of this Court in the case of Union of India vs. V. Sriharan alias Murugan, (2016) 7 SCC 1 and Sukhdev Yadav alia Pehalwan vs. State of (NCT of Delhi), (2025) SCC OnLine SC 1671, this Court may modify the sentence imposed on the appellants either by granting the possibility of remission to them or by granting a fixed term sentence as has been done in certain decisions of this Court.

9. Ms. Shraddha Chirania, learned counsel appearing on behalf of learned standing counsel for the respondent/State submitted that despite the brutality of the crime, the High Court has already granted relief to the appellants herein by commuting the death penalty to life imprisonment. The High Court taking note of the manner in which the crime was committed by the appellants herein, who were in their early twenties, was justified in holding that the life imprisonment would be without the possibility of remission till the end of their natural life. Therefore, there is no merit in this appeal.

10. By way of response, learned counsel for the appellants submitted that the appellants herein were in their early twenties when the crime was committed. They have already completed over eleven years of incarceration. They have a long life to lead and if the relief of remission is also taken away and they will be forced into completing their life in jail. Then, the possibility of reformation is given a go-bye. The right to remission is a constitutional right as well as a statutory right. Therefore, the High Court ought not to have taken away the possibility of remission till the remainder of their natural life. In the

circumstances, this Court may modify the sentence of life imprisonment to at least a fixed term of imprisonment so that the appellants could have an opportunity of reform and re-integrate into the society.

11. We have considered the arguments advanced at the Bar. We have also noted the judgments of this Court in various situations and having regard to the nature of crime, we find that in the instant case, interest of justice would be served by modifying the sentence imposed on the appellants herein to life imprisonment, i.e., for a period of twenty years without remission.

The Appeal is allowed in part in the aforesaid terms.

Pending application (s) shall stand disposed of.

.....J.
[B.V. NAGARATHNA]

.....J.
[UJJAL BHUYAN]

NEW DELHI;
FEBRUARY 18, 2026