

SECTION-IIB
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

SUO MOTU REVIEW PETITION (CRL) NO.1 OF 2016

IN RE: BLOG PUBLISHED BY JUSTICE MARKANDEY KATJU IN FACEBOOK
IN
CRIMINAL APPEAL NOS. 1584-1585 OF 2014

Govindaswamy

...Appellant

VERSUS

State of Kerala

...Respondent

OFFICE REPORT

It is submitted that Review Petition (Crl)D.No.32189 of 2016 along with Review Petition (Crl) No.655-656 of 2016 in Criminal Appeal Nos.1584-1585 of 2014 was listed before the Hon'ble Court on 17.10.2016, when the Court inter alia, pass the following Order:

".....

A Former Judge of this Court Justice Markandey Katju in a blog published on Facebook has expressed an opinion that the judgment and order dated 15th September, 2016 passed by this Bench in Criminal Appeal No.1584-1585 of 2014 needs to be reviewed in an open Court hearing. Such a view coming from a retired Judge of this Court needs to be treated with greatest of respect and consideration. We, therefore, reproduce herein below the blog published by Justice Katju in Facebook and convert the same into a suo motu review petition.

"Markandey Katju
September 16 at 11:41 a.m.

The Malayalam T.V. channel Asianet just now took my interview on the Soumya murder case.

I said that the Supreme Court has grievously erred in law by not holding Govindachamy guilty of murder. The Court held that since it has not been proved that the accused had intention to kill he cannot be held guilty of murder. What the Court has overlooked is that section 300 IPC, which defines murder, has 4 parts, and only the first part requires intention to kill. If any of the other 3 parts are established, it will be murder even if there was no intention to kill. It is regrettable that the Court has not read section 300 carefully. The judgment needs to be reviewed in an open court hearing."

Office to register a suo motu review petition.

We issue notice to Justice Markandey Katju, former

judge of this Court and request him to appear in Court in person and participate in the proceedings on 11th November, 2016 at 2.00 p.m. as to whether the judgment and order dated 15th September, 2016 passed by this Bench in Criminal Appeal No.1584-1585 of 2014 suffers from any fundamental flaw so as to require exercise of the review jurisdiction.

We request the Hon'ble the Chief Justice of India to make this Bench available on 11th November, 2016 at 2.00 p.m.

Office to act accordingly."

Accordingly, Suo Motu Review Petition (Crl)No.1 of 2016 has been registered and notice has been served on Hon'ble Mr. Justice Markandey Katju, Former Judge, Supreme Court of India by special messenger on 20.10.2016.

Service is complete.

The matter above mentioned is listed before the Hon'ble Court with this report.

DATED this the 26th day of October, 2016

ASSISTANT REGISTRAR

COPY TO:

1. Hon'ble Mr. Justice Markandey Katju,
Former Judge, Supreme Court of India,
Amarapali Sapphire, Tower K,
Ground Floor G-01 and 02,
Sector 45, Noida, 201301, U.P.

By special messenger

2. Mr. Nishe Rajen Shonker, Advocate
134, Amar Jyoti Apartments,
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3. Mr. Ritesh Kumar Choudhary, Advocate
127, Old Lawyers Chamber, SCI

ASSISTANT REGISTRAR