

# ‘JUDGES MUSTN’T BE SWAYED IN FAVOUR OF DEATH PENALTY’

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Do not prescribe death penalty with an eye only on the abhorrence of the crime, equally consider factors that can help the prisoner keep his life, the Supreme Court told judges across the country in a verdict on Wednesday.

In a judgment which may become a significant precedent to the anti-death penalty cause, the top court said trial judges should not be swayed in favour of death penalty merely because of the dreadful nature of the crime. They should equally consider the mitigating factors in favour of life imprisonment.

The judgment by a three-judge Bench led by Justice A.M. Khanwilkar came in the rape and murder of a seven-year-old. The court commuted the death penalty of the convict to life imprisonment.

Justice Dinesh Maheshwari, who authored the judgment, referred to the evolution of the principles of penology. Justice Maheshwari said penology had grown to accommodate the philosophy of “preservation of human life”.

Justice Maheshwari noted that though capital punishment serves as a deterrent and a “response to the society’s call for appropriate punishment in appropriate cases”, the principles of penology have “evolved to balance the other obligations of the society, i.e., of preserving the human life, be it of accused, unless termination thereof is inevitable and is to serve the other societal causes and collective conscience of society”.

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