



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NOS. 3884-3885 OF 2026

(@ Special Leave Petition (CRL.) Nos. 15334-15335 OF 2026)

(@ Special Leave Petition (CRL.) Diary No. 50265 OF 2025)

GOPI @ SAHAYA PURUNA

....APPELLANT(S)

VERSUS

**THE STATE, REP. BY
THE INSPECTOR OF POLICE**

...RESPONDENT(S)

J U D G M E N T

VIJAY BISHNOI, J.

1. Leave Granted.
2. These appeals have been preferred by the Appellant challenging the Judgment dated 20.12.2011 (hereinafter referred to as “**impugned judgment**”) passed in **Referred Trial (MD) No. 01/2010 and Criminal Appeal (MD) Nos. 411 of 2009 and Criminal Revision Case (MD) Nos. 201 and 963 of 2011** by the Madurai Bench of the Madras High Court

(hereinafter referred to as “**the High Court**”) in exercise of suo moto revisional jurisdiction.

FACTUAL BACKGROUND

3. Dr. A. Malik Mohammed was residing in his house in the Kanyakumari District along with his wife, Katheeja Bibi. Gnanaprakasam was working as a watchman under Dr. Mohammed at the time of the gruesome incident.

4. The first accused, Ambarasu, was a driver by profession and was briefly employed by Dr. Mohammed before being relieved from service due to his behaviour. He was friend with the second accused, Gopi (Appellant herein).

PROSECUTION’S CASE

5. On 08.11.2007 at 7:00 PM, Ambarasu and the Appellant, entered inside Dr. Mohammed’s residence, caught hold of Gnanaprakasam and killed him. They proceeded into the house of Dr. Mohammed where Ambarasu caught hold of Dr. Mohammed and killed him. In continuation, both the accused caught hold of Mrs. Katheeja Bibi, threatened her to hand over valuables and demanded money. The accused thereafter abducted Mrs. Bibi, and took her with them in the Tata Indica

(KL 02 W189) that belonged to Mr. Mohammed. The accused persons pledged Mrs. Bibi's gold chain, bracelets and rings for cash, took her to Ongoor village situated in Vilupuram District and burnt her alive by pouring a mixture of petrol and diesel on her and setting her on fire.

6. On 12.11.2007 Mrs. Bibi's brother (PW1) went to Dr. Mohammed's house, and upon realising suspicious circumstances, informed Nesamony Nagar Police Station, Nagercoil and the police along with PW1 thereafter discovered the bodies of Dr. Mohammed and Gnanaprakasam within the house premises. PW1 thereafter formally registered **FIR as Crime No. 784 of 2007** under Section 302 of Indian Penal Code, 1860 ("IPC"). Both the accused were arrested on 19.11.2007. The Sessions Judge, Kanyakumari Division at Nagercoil (hereinafter referred to as "Trial Court") framed as many as 12 charges against both the accused, under Sections 120(B), 449, 302 (3 counts), 201 (2 counts), 379, 364, 392 (2 counts) and 472 of IPC. Both the accused were jointly tried. Witnesses were examined, documents and materials were studied after which both the accused were questioned under Section 313 of the Code of Criminal Procedure, 1973. The case

was thereafter adjourned for examination of defence witnesses. At this stage, accused Ambarasu did not appear before the Court on the next hearing date and had absconded. The Trial Court therefore split-up the case against accused Ambarasu as a separate case and numbered the same as Sessions Case No. 94/2009. The Trial Court thereafter proceeded with the trial in S.C. No. 97/2008 as against the Appellant alone. After hearing arguments on either side, the Trial Court delivered the Judgment dated 01.10.2009 in S.C. No. 97/2008 as against the Appellant. The Trial Court acquitted the Appellant of the charges under Sections 379, 472, 201 and 392 of IPC but found him guilty and convicted him for the offence under Sections 120-B, 449, 302 (3 counts), 392, 201, and 364 of IPC and sentenced him as follows:

Charge No.	Sentences under Section (s)	Quantum of Substantive Sentence	Quantum of Fine	Sentence in Default of payment of fine
1	120-B IPC	Life Imprisonment	Rs. 5,000/-	S.I for one year
2	449 IPC	Life Imprisonment	Rs. 5,000/-	S.I for one year
3	302 IPC	Life Imprisonment	Rs. 10,000/-	S.I for two year

4	302 IPC	Life Imprisonment	Rs. 10,000/-	S.I for two year
5	392 IPC	Rigorous Imprisonment for 10 years	Rs. 10,000/-	S.I. for six months
8	364 IPC	Life Imprisonment	Rs. 10,000/-	S.I. for one year
10	302 IPC	Life Imprisonment	Rs. 10,000/-	S.I. for two years
11	201 IPC	Rigorous Imprisonment for seven years	Rs. 5,000/-	S.I. for six months

The Trial Court directed the above sentences to run consecutively.

7. Aggrieved by the Judgment and Order of the Trial Court, the Appellant challenged his conviction and sentences before the High Court by filing Criminal Appeal (MD) No. 411/2009.

8. Meanwhile, accused Ambarasu was secured and his trial was conducted wherein the Trial Court, in S.C. No. 94/2009 delivered judgment on 08.09.2010 thereby acquitting him from charges under Sections 379 (7th charge), 472 (12th charge), 201 (6th charge) and 392 (9th charge) of IPC. However, the Trial Court convicted him under Sections 120-B, 449, 302 (3

counts), 392, 364, 201 and 485 of IPC and awarded capital punishment along with other sentences.

9. Further, the proceedings of Ambarasu were submitted under Section 366 of the CrPC to the High Court. The Appeal filed by the Appellant against the judgment dated 01.10.2009 in S.C. No. 97/2008 was clubbed with the proceedings of Ambarasu and the High Court also registered suo moto revision under Sections 397 and 401 of CrPC against Judgment and order in both S.C. No. 94/2009 and S.C. No. 97/2008, and delivered a common judgment.

10. After perusing the records, the High Court set aside the Appellant's conviction under Section 120(B) of IPC and acquitted him of the said charge. It affirmed the Appellant's conviction under Sections 449, 302 (three counts), 392, 201 and 364 of IPC. The High Court, however, enhanced the Appellant's sentence from imprisonment for life to that of imprisonment for the remainder of his life and to pay a fine of Rs. 15,000/-. It further confirmed the Trial Court's decision of the consecutive running of sentences. With regards to Ambarasu's death sentence, the High Court observed that Ambarasu's case does not warrant the extreme punishment of

death. Therefore, the High Court reduced Ambarasu's sentence of death to that of imprisonment for the remainder of his life. It is not clear whether the accused Ambarasu has challenged the impugned order passed by the High Court.

11. Assailing the Judgment of the High Court, the Appellant preferred the instant appeals before this Court. This Court vide Order dated 16.03.2026, issued notice limited to the question of sentence.

SUBMISSIONS ON BEHALF OF THE APPELLANTS

12. The Counsel for the Appellant challenged the High Court's order of enhancement of sentence by contending that the High Court, through its revisional jurisdiction, cannot enhance a convict's sentence without an appeal for enhancement preferred either by the State, the victim or the Complainant. He stated that the High Court erroneously enhanced the Appellant's sentence from that of Life Imprisonment to that of Imprisonment for the remainder of natural life.

13. He further argued that both the Trial Court and the High Court erred in directing the sentences to run consecutively. He

relied on ***Muthuramalingam and Ors. vs. State, Represented by Inspector of Police*** as reported in **(2016) 8 SCC 313** to argue that a sentence of life imprisonment can only run concurrently with other fixed-term sentences.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS

14. The Counsel for the Respondent argued that the High Court's decision was in line with the settled principles of law and does not warrant interference.

ANALYSIS

15. To appreciate the contentious submissions made at the bar, we have meticulously perused the materials on record, including the judgments of the Courts below. The questions that require determination in these appeals are: whether the High Court was justified in enhancing the sentence awarded to the Appellant herein; and whether it ought to have affirmed the direction of running of sentences consecutively.

16. It is required to be stated outrightly that the Trial Court convicted the Appellant under Sections 120-B, 449, 302 (3 counts), 392, 364, and 201 of IPC and sentenced him to undergo Life Imprisonment on several charges and imposed

finest totalling to Rs. 63,000/-, all running consecutively. The High Court in the impugned judgment set aside the Appellant's conviction and sentence under Section 120-B of IPC but maintained his conviction and sentence imposed under Sections 449, 302 (3 Counts), 392, 201 and 364 of IPC and further enhanced the sentence of life imprisonment to that of imprisonment for the remainder of his natural life. It also affirmed the Trial Court's direction for the sentences to run consecutively.

17. The law on the High Court's power to enhance a sentence under its revisional jurisdiction is settled. In this regard, it would be apposite to notice a decision of this Court in ***Nagarajan vs. State of Tamil Nadu*** as reported in **2025 INSC 802**, wherein it was held as under:

“9. We have heard the learned counsel for the respective parties and perused the material on record. This appeal is being disposed of by following the judgment of this Court in *Sachin v. State of Maharashtra*, Criminal Appeal Nos. 2073-2075 of 2025 dated 21.04.2025. The relevant paragraphs of the said judgment read as under:

“23. The question for consideration in this case is, whether, in an appeal against conviction, the appellate court could have directed enhancement of the sentence in an appeal filed by the accused. Under clause (b) of Section 386 CrPC, firstly, the appellate court can no doubt alter the findings and sentence and acquit or discharge the accused or order him to be retried by a Court of competent jurisdiction subordinate to such appellate court or committed for

trial. Secondly, the appellate court can also alter the findings but maintain the sentence. Thirdly, the appellate court can, in an appeal from a conviction, with or without altering the finding, alter the nature or the extent, or the nature and extent, of the sentence but not so as to enhance the same. A plain reading of this would imply that in an appeal against conviction which is obviously filed by the accused, the challenge could be two-fold: *firstly*, it could be against the conviction itself in which case there is a challenge to the sentence also; and *secondly*, the challenge could be only to the sentence while accepting the conviction. In other words, the challenge would also be only for reduction of the sentence. The question is, whether, in an appeal challenging the conviction and sentence, the appellate court could, while affirming the conviction enhance the sentence imposed by the trial court by directing that the same had to be with reference to other statutory provisions. There is no doubt that the appellate court while maintaining the conviction can reduce the sentence and grant partial relief to an accused but in an appeal filed by the appellant-accused, can the appellate court not only affirm the conviction but go a step further and seek to enhance the sentence than what has been imposed by the Trial Court. It cannot be lost sight of that in an appeal filed by the accused, the appellant-accused is, at best, seeking a reversal of the conviction as well as setting aside of the sentence and the least that the appellant-accused can expect is even while the conviction is affirmed, the sentence could be maintained, if not reduced.

24. Thus, in an appeal filed by the appellant-accused against the judgment of the conviction and sentence, can the accused be left worse-off while the conviction is affirmed by the appellate court exercising appellate jurisdiction by enhancing the sentence? In such an event, the appellant-accused would be better off, if he either withdraws his appeal or, not to file an appeal at all. But an appeal is not only a valuable statutory right but also a constitutional right in criminal cases.”

10. That a right of appeal is an invaluable right, particularly for an accused who cannot be condemned eternally by a trial judge, without having a right to seek a re-look of the Trial Court's judgment by a superior or appellate court. The right to prefer an appeal is not only a statutory right but also a constitutional right in the case of an accused. This is because

an accused has a right to not only challenge a judgment on its merits, namely, with respect to the conviction and sentence being imposed on him, but also on the procedural aspects of the trial. An accused can question procedural flaws, impropriety and lapses that may have been committed by the Trial Court in arriving at the judgment of conviction and imposition of sentence in an appeal filed against the same. It then becomes the duty of the appellate court to consider the appeal from the perspective of the accused-appellant therein to see if he has a good case on merits, and to set aside the judgment of the Trial Court and acquit the accused, or to remand the matter for a re-trial in accordance with law, or to reduce the sentence while maintaining the conviction or, in the alternative, to dismiss the appeal. In our considered view, the appellate court in an appeal filed by the accused cannot while maintaining the conviction enhance the sentence. While exercising its appellate jurisdiction, the High Court cannot act as a revisional court, particularly, when no appeal or revision has been filed either by the State, victim or complainant for seeking enhancement of sentence against the accused.”

(Emphasis Supplied)

18. It is thus settled that in the absence of an appeal preferred by the State or the victim or the Complainant seeking enhancement of the sentence, the appellate court cannot enhance the sentence of the convict on its own so as to leave the convict in a position worse off than he was prior to filing of the appeal.

19. In the present case, the Appellant had preferred an appeal before the High Court wherein the High Court decided the appeal along with the Reference made by the Sessions Court for affirmance of death sentence imposed on Ambarasu in Sessions Case No. 94/2009. The High Court while clubbing

both proceedings, exercised its suo moto revisional jurisdiction to evaluate the entirety of trial proceedings; and even though no appeal for enhancement had been preferred by the State or the Complainant, the High Court went on to enhance the Appellant's sentence. As clearly emphasised in **Nagarajan (supra)**, this, in our view, is impermissible and therefore, illegal. We, therefore, set aside the High Court's order of enhancement of sentence of the Appellant from that of life imprisonment to that of imprisonment for the remainder of his natural life.

20. Now, we shall examine the propriety of the direction for the sentences to run consecutively, as directed by the Trial Court and later affirmed by the High Court. In this regard, we find it apposite to refer to the decision of the Constitutional Bench of this Court in **Muthuramalingam (supra)**, wherein this Court examined at length, the question as to whether sentences of imprisonment, especially a sentence of life imprisonment, can be directed to run consecutively. While referring to Section 31(1) of CrPC, the Court observed:

“7. A careful reading of the above would show that the provision is attracted only in cases where two essentials are satisfied viz. (1) a person is convicted at one trial, and (2) the trial is for two or more offences. It is only when both these conditions are satisfied

that the court can sentence the offender to several punishments prescribed for the offences committed by him provided the court is otherwise competent to impose such punishments. What is significant is that such punishments as the court may decide to award for several offences committed by the convict when comprising imprisonment shall commence one after the expiration of the other in such order as the court may direct unless the court in its discretion orders that such punishment shall run concurrently. Sub-section (2) of Section 31 on a plain reading makes it unnecessary for the court to send the offender for trial before a higher court only because the aggregate punishment for several offences happens to be in excess of the punishment which such court is competent to award provided always that in no case can the person so sentenced be imprisoned for a period longer than 14 years and the aggregate punishment does not exceed twice the punishment which the court is competent to inflict for a single offence.

8. *Interpreting Section 31(1), a three-Judge Bench of this Court in O.M. Cherian case declared that if two life sentences are imposed on a convict the court must necessarily direct those sentences to run concurrently. The Court said : (SCC pp. 509-10, para 13)*

“13. Section 31(1) CrPC enjoins a further direction by the court to specify the order in which one particular sentence shall commence after the expiration of the other. Difficulties arise when the courts impose sentence of imprisonment for life and also sentences of imprisonment for fixed term. In such cases, if the court does not direct that the sentences shall run concurrently, then the sentences will run consecutively by operation of Section 31(1) CrPC. There is no question of the convict first undergoing the sentence of imprisonment for life and thereafter undergoing the rest of the sentences of imprisonment for fixed term and any such direction would be unworkable. Since sentence of imprisonment for life means jail till the end of normal life of the convict, the sentence of imprisonment of fixed term has to necessarily run concurrently with life imprisonment. In such case, it will be in order if the Sessions Judges exercise their discretion in issuing direction for concurrent running of sentences. Likewise if two life sentences are imposed on the convict, necessarily, the court has to direct those sentences to run concurrently.”

9. *To the same effect is the decision of a two-Judge Bench of this Court in Duryodhan Rout case in which this Court took the view*

that since life imprisonment means imprisonment of full span of life there was no question of awarding consecutive sentences in case of conviction for several offences at one trial. Relying upon the proviso to sub-section (2) of Section 31, this Court held that where a person is convicted for several offences including one for which life sentences can be awarded the proviso to Section 31(2) shall forbid running of such sentences consecutively.

10. *It would appear from the above two pronouncements that the logic behind life sentences not running consecutively lies in the fact that imprisonment for life implies imprisonment till the end of the normal life of the convict. If that proposition is sound, the logic underlying the ratio of the decisions of this Court in O.M. Cherian and Duryodhan Rout cases would also be equally sound. What then needs to be examined is whether imprisonment for life does indeed imply imprisonment till the end of the normal life of the convict as observed in O.M. Cherian and Duryodhan Rout cases. That question, in our considered opinion, is no longer res integra, the same having been examined and answered in the affirmative by a long line of decisions handed down by this Court.....*

(Emphasis Supplied)

21. It is thus clear that the law on this point is settled. The proposition that flows directly from this Court's interpretation of Section 31 of CrPC is that a sentence of life imprisonment cannot be directed to run consecutively, either with another life sentence or with a fixed-term sentence. In the Appellant's case, the Trial Court awarded the sentence of life imprisonment under five counts. One under Section 449 of IPC, thrice under Section 302 of IPC for the murder of Dr. A. Malik Mohammed, his wife Katheeja Bibi and Gnanaprakasam and lastly under Section 364 of IPC. He was also awarded a fixed-term sentence of Rigorous Imprisonment for 7 years

under Section 201 of IPC. Both the Trial Court and the High Court directed the sentences to run consecutively. This goes against the settled position of law that in cases where the convict is awarded multiple sentences for multiple offences and one of the sentences awarded is life imprisonment, the sentences must only run concurrently and not consecutively.

22. The Trial Court and the High Court awarded the Appellant a sentence of life imprisonment under Sections 449, 302, 364 of IPC and fixed-term sentences under Sections 392 and 201 of IPC which were directed to run consecutively. In light of the discussion above, we deem it appropriate to modify the direction affirmed by the High Court and hold that the sentences of the Appellant shall run concurrently.

23. We thereby conclude that the High Court wrongly exercised its suo moto revisional jurisdiction in enhancing the Appellant's sentence when there was no Appeal preferred either by the State authorities or the victim or the Complainant for enhancement of Appellant's sentence. Further, the High Court erred in directing sentences to run consecutively. We, therefore, direct that the sentences would run concurrently.

24. The appeals stand disposed of in the aforesaid terms.
Pending application(s), if any shall stand disposed of.

....., **J.**
(MANOJ MISRA)

....., **J.**
(VIJAY BISHNOI)

NEW DELHI;
AUGUST 18, 2026.