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CASE COMMENTARY ON WARIS V. STATE OF M.P.

-GARIMA,
Student at Faculty of Law, Integral University

Waris v. State of Madhya Pradesh

Effective Legal Assistance, the Credibility of the Entrapped Witness, and the Burden of Excluding Reformation in Capital Sentencing

Case	Waris v. State of Madhya Pradesh
Citation	2026 INSC 1050; 2026 LiveLaw (SC) 986
Case No.	Criminal Appeal Nos. 429-430 of 2020
Court	Supreme Court of India (Criminal Appellate Jurisdiction)
Bench	Vikram Nath, Sandeep Mehta and Vijay Bishnoi, JJ. (judgment authored by Vikram Nath, J.)
Date of decision	24 September 2026
Statutes	IPC ss. 302, 201, 376(2)(f), 376(2)(n), 376AB; POCSO Act ss. 5, 6; CrPC ss. 235(2), 313, 366, 367, 391; Evidence Act ss. 6, 32(1), 106, 134, 145
Outcome	Conviction upheld; death sentence commuted to imprisonment for the remainder of natural life, without remission

1. Introduction

In *Waris v. State of Madhya Pradesh*[1], a three-judge Bench of the Supreme Court of India affirmed a conviction for the repeated sexual assault and murder of a six-year-old stepdaughter but set aside the death sentence imposed by the Trial Court and confirmed by the High Court. In its place, the Court directed imprisonment for the remainder of the appellant's natural life without remission. The judgment runs to 157 pages and is notable for three distinct reasons.

First, it affirms the right to effective legal assistance as a live constitutional question in a capital trial and indicates how an appellate court may cure a defect in cross-examination without a de novo trial. Second, the judgment contains one of the most detailed judicial accounts in recent years of why the conduct of a woman living under coercive control cannot be measured against a stereotype of "natural" behaviour. Third, on the subject of sentencing, it confirms that the death penalty is permissible only where life imprisonment is unquestionably foreclosed and places on the State the burden of proving that reformation is impossible on sentencing.

[1] *Waris v. State of Madhya Pradesh*, 2026 INSC 1050.

2. Facts of the Case

The victim, a girl about six years old, was the daughter of PW-1 from a previous marriage to a man who is deceased. PW-1 had four children from the dead man. After the death of her first husband, she returned to her parental home at Jaora which was the place of her stay along with the victim. The victim's mother got married to the appellant, Waris, on 4 August 2017 and they shifted to the appellant's house at village Kushalgarh taking along the child. The prosecution's case is that, following initial harmony, the appellant began ill-treating the child and then sexually abusing her within the house. He threatened PW-1 on her objecting to his advances and controlled her movements and contact[2].

The events took a turn for the worst within a span of three days in April 2018. On the night of 21 April, the appellant allegedly confined PW-1 in another room and sexually assaulted the child. The child grew restless and vomited, and her condition worsened. On 22 April she was allegedly assaulted again and the appellant refused to take her to the hospital despite PW-1's requests. On the morning of 23 April, PW-1 telephoned the appellant twice, and the call detail record shows calls at 09:20:30 and 09:21:24 hours. The appellant returned at about noon. According to PW-1, his first question was whether the child had told her anything. When she again pressed for medical help, he refused. She then heard the child scream and saw him throttling her with both hands. The child died shortly.

The appellant took the body to private practitioners who either did not examine it or declared the child dead. He proposed to bury it straight away at Kushalgarh, but PW-1 insisted that the body be taken to Jaora where she disclosed what had happened to her family. The post-mortem on 24 April 2018 recorded the cause of death as asphyxia due to throttling and noted a fresh tear at the fourchette with oozing of blood, indicative of sexual assault. The appellant was arrested on 25 April 2018[3].

3. Procedural History

Trial Court: Charges were framed on 2 July 2018 before the Special Judge under the POCSO Act, Jaora (Ratlam). The prosecution examined 24 witnesses. The appellant pleaded false implication at the instigation of PW-4 (PW-1's sister-in-law), claimed that he had been threatened by the police in connection with an opium husk case, and set up an alibi that he was at Khodana near Kalukheda. On 17 December 2018 the Trial Court convicted him under ss. 376(2)(f), 376(2)(n), 376AB, 302 and 201 IPC and ss. 5 and 6 POCSO Act, acquitting him under s. 376(2)(i), and sentenced him to death under ss. 376AB and 302 IPC on the same day[4].

High Court: The Madhya Pradesh High Court (Indore Bench) heard the death reference under s. 366 CrPC[5] together with the appellant's appeal. By its judgment of 18 November 2019, it affirmed the conviction and confirmed the death sentence, holding the case to be one of the "rarest of rare". It rejected the plea that the appellant's legal aid counsel had been unprepared.

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[2] *Waris v. State of Madhya Pradesh*, 2026 INSC 1050.
[3] *Waris v. State of Madhya Pradesh*, 2026 INSC 1050.
[4] Indian Penal Code, 1860, §§ 302, 201, 376(2)(f), 376(2)(n), 376AB; Protection of Children from Sexual Offences Act, 2012, §§ 5, 6.
[5] Code of Criminal Procedure, 1973, § 366.

Supreme Court: While hearing the appeals, the Court examined the trial record and found that on 16 July 2018 a legal aid counsel had been appointed on the very day PW-1's entire examination-in-chief and cross-examination were recorded. By order dated 8 May 2025, the Court held that this had caused grave prejudice to the appellant, while recording that the trial was otherwise conducted with remarkable precision. Invoking s. 391 read with s. 367 CrPC (corresponding to ss. 432 and 408 of the BNSS, 2023), it directed a further cross-examination of PW-1[6].

The directions provided for witness protection, counselling of PW-1 by a Senior or Special Public Prosecutor, counsel of the appellant's choice (or counsel assisting through Project 39A), supply of the complete record at least fifteen days in advance, and liberty to the prosecution to re-examine. The further cross-examination took place on 14 June 2025 over a full working day. The Court then heard the appeals on the augmented record.

4. Issues Before the Court

The Court framed seven points for determination on conviction, followed by the question of sentence. Distilled, they are:

1. Whether the infirmity in PW-1's original cross-examination had been cured by the further cross-examination, and with what effect on the appreciation of her evidence.

2. Whether PW-1's testimony, despite omissions, improvements, contradictions and alleged unnatural conduct, was reliable and sufficiently corroborated to sustain conviction.

3. Whether the death was homicidal and attributable to the appellant, and whether aggravated penetrative sexual assault on a child below twelve was established.

4. Whether the alibi, the plea of false implication and the alleged defects in investigation raised a reasonable doubt.

5. Whether the case met the constitutional standard for the death penalty, or whether an intermediate sentence of imprisonment for the remainder of natural life was adequate.

5. Contentions of the Parties

Appellant: Mr. C.U. Singh, Senior Counsel, submitted that the prosecution relied solely upon PW-1 and her evidence was unreliable as she introduced material facts for the first time in court which were not before the court on her statements under ss. 161 and 164 CrPC[7], her testimony was contradictory in parts, her conduct was unnatural, she had access to a mobile phone and contradicted PW-4. As regards sentence, he relied upon the appellant's childhood deprivation, absence of criminal antecedents, satisfactory jail conduct, family ties plus the absence of any State material that he was beyond reform and urged that life imprisonment for the remainder of his natural life would suffice.

State: The State submitted that PW-1's core testimony was not shaken by the two cross-examinations and was corroborated by the medical evidence, the victim's disclosure,

[6] Code of Criminal Procedure, 1973, §§ 367, 391; Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 408, 432.
[7] Code of Criminal Procedure, 1973, §§ 161, 164.

the call detail record, an extra-judicial confession and the appellant's conduct. As regards sentence, it relied upon the victim's extreme vulnerability, the appellant's position of trust, the sustained abuse, the denial of medical aid and the killing of the child to suppress disclosure.

6. The Decision

The Court held that legal aid counsel and recording the full deposition of the star witness on the same day failed the standard of "effective legal assistance and meaningful cross-examination" enshrined in Article 21[8], in a capital case. It then proceeded to qualify the defect as confined to one witness, albeit a significant one, and directed a "proportionate cure rather than retrial of the case" in view of counsel of the appellant's choice having received the full record in advance and subjected her to an exhaustive cross-examination on all material aspects, with no specific line of questioning available to her or prejudice specifically demonstrated. PW-1's evidence will hence be viewed in the light of her 2018 deposition and her 2025 cross-examination with due regard to the interval elapsed.

The Court reiterated four principles:
(i) Under s. 134 of the Evidence Act[9], no particular number of witnesses is required, and a conviction may rest on a single reliable witness (relying on *Vadivelu Thevar v. State of Madras*), although prudence demands corroboration in material particulars where the witness is closely related to both victim and accused.

(ii) A related witness is not an interested witness (citing *Dalip Singh v. State of Punjab*, *State of Rajasthan v. Kalki* and *Goverdhan v. State of Chhattisgarh*)[10].

(iii) In sexual offences and crimes within the home, evidence must be appreciated with sensitivity and realism, drawing on *State of Punjab v. Gurmit Singh*[11].

(iv) The maxim *falsus in uno, falsus in omnibus* is not a rule of law in India; the court must sift the reliable from the embellished (citing *State of U.P. v. M.K. Anthony* and *Selvamani v. State of T.N.*)[12].

The Court proceeded to take the objective substratum of the case, the medical evidence, first. The post-mortem revealed homicidal violence consisting of strangulation manually administered within a period of approximately 48 hours preceding the post-mortem, which comfortably includes the afternoon of 23rd April, and a fresh fourchette tear consistent with recent penetrative assault. Since the offence had been committed in a house where the only adult residents were the appellant and PW-1, the Court proceeded to apply s. 106 of the Evidence Act and *Trimukh Maroti Kirkan v. State of Maharashtra*[13] and penalised the appellant for his failure to provide a plausible explanation under s. 313 of the CrPC[14]. Against this background, PW-1's account of finding the appellant with both hands around the child's throat and the descriptions of the finger impressions matched the post-mortem findings. The call detail record

[8] INDIA CONST. art. 21; *Waris v. State of Madhya Pradesh*, 2026 INSC 1050.
[9] Indian Evidence Act, 1872, § 134; *Vadivelu Thevar v. State of Madras*, AIR 1957 SC 614.
[10] *Dalip Singh v. State of Punjab*, AIR 1953 SC 364; *State of Rajasthan v. Kalki*, (1981) 2 SCC 752; *Goverdhan v. State of Chhattisgarh*.
[11] *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384.
[12] *State of U.P. v. M.K. Anthony*, (1985) 1 SCC 505; *Selvamani v. State of T.N.*, 2024 INSC 393.
[13] Indian Evidence Act, 1872, § 106; *Trimukh Maroti Kirkan v. State of Maharashtra*.
[14] Code of Criminal Procedure, 1973, § 313.

corroborated her on a particular, viz., the availability of the 94104 number, which she could not have fabricated.

Omissions: The Court reiterated the law on omissions as enshrined in s. 162 of the CrPC, s. 145 of the Evidence Act and the Constitution Bench decision in *Tahsildar Singh v. State of U.P*[15]., viz., that an omission can only be viewed as a contradiction if it appears to be irreconcilable with the court version, and, in such a case, it must be material. It classified the omissions into background facts (ill-treatment, threats), core incident (sexual assault, throttling) and 2025 facts (facts emerging after the 2018 deposition). It observed that the first category, background facts, were entirely explainable in view of her illiteracy and the thumb-printing of the statements by others. As for the second category, the core incident of sexual assault and throttling, these were present from the beginning, with elaboration being added subsequently. The third category of omissions related to the fallibility of human memory after an interval of seven years. Her forthrightness in admitting to these omissions was to her credit.

Contradictions: The alleged contradictions (visits by neighbours, her father's number in her phone, the house not being locked on 23rd April) were resolved by viewing her evidence as one of control and regulation rather than physical confinement.

Conduct: The submission that her conduct was suspicious in view of her silence, failure to flee and washing of the body was rebutted by *Rana Partap v. State of Haryana*, XYZ *v. State of M.P., Gurmit Singh and Tulshidas Kanolkar v. State of Goa*, which held that there was no standard of conduct to which a victim of crime must conform. The Court described PW-1 as an "entrapped witness": illiterate, economically dependent, the fourth wife of a man who had three wives who left him on account of violence, beaten when she objected, threatened with burial and permitted to retain only the numbers saved by the appellant. The Court drew upon literature on trauma (Lenore Walker and Judith Herman) [16] , while withholding from labelling her "learned helplessness," and on statistics (NFHS-5)[17] that most abused women do not seek help. The Court concluded that the abuser must, inter alia, desist from "converting the very silence he imposed into an instrument for his acquitta[18]l."

Call detail record and PW-4: On the crucial issue, the record corroborated PW-1. The other entries could at best show that the phone was in use. The appellant had never identified the subscribers nor cross-examined PW-1 on the point nor exercised a view of the document. The contradiction with PW-4 was collateral and the hypothesis of false implication required a mother to have imagined the rape of her dead daughter "very nearly incredible."

Child's statement to her mother on the night of 21st April was admissible under s. 32(1) of the Evidence Act[19], which renders relevant a statement of a deceased as to the circumstances of the transaction resulting in death, whether made in contemplation of

[15] Code of Criminal Procedure, 1973, § 162; Indian Evidence Act, 1872, § 145; *Tahsildar Singh v. State of U.P.*
[16] Lenore Walker, *The Battered Woman*; Judith Herman, *Trauma and Recovery*.
[17] *National Family Health Survey-5 (NFHS-5)*.
[18] *Rana Partap v. State of Haryana*, (1983) 3 SCC 327; *XYZ v. State of M.P.*; *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384; *Tulshidas Kanolkar v. State of Goa*, (2003) 8 SCC 590.
[19] Indian Evidence Act, 1872, § 32(1).

death or not. Under *Pakala Narayana Swami and Sharad Birdhichand Sarda*[20], the Court viewed the sexual assault, denial of medical aid and throttling as stages of a continuous transaction, which were connected by the appellant's apprehension on discovering the child's disclosure. The Court admitted the statement independently under s. 6[21] as part of the res gestae dying declaration. The Court found it to be credible and corroborated by the fourchette injury. The sexual assault was thus proved by two separate routes: "the victim, silenced in life, is not silenced in law."

The Court excluded one limb of the prosecution's case, viz., the allegation of burning of the child's leg, on grounds of lack of medical corroboration and proceeded to examine the corroboration of the other limbs and the documentary evidence and the alleged deficiencies in investigation and concluded that the defence had not shown a reasonable doubt and that the conviction was safe.

The Court first drew attention to the fact that the Trial Court had passed the death sentence on the day of conviction without affording the appellant any opportunity of placing before it any mitigating material that came to his notice under s. 235(2) of the CrPC[22]. It then proceeded to recite the law laid down by this Court in *Bachan Singh v. State of Punjab and Macchi Singh v. State of Punjab*[23] that the death penalty was only permissible when, in accordance with the crime and the criminal, life imprisonment was "clearly excluded."It specifically disapproved of the approach of the High Court which, in effect, scored "crime test" at 100 per cent and "criminal test" at zero per cent, which meant that no regard was had to the circumstances of the offender.

It proceeded to identify the aggravating circumstances, viz., vulnerability of the child, position of privacy, sexual exploitation, denial of medical aid, attempts to bury the child hurriedly, a documented history of violence in the household against women and children and, most significantly, the killing of the child to silence her, which it termed "instrumental silencing." It then turned to the mitigating circumstances and observed that the appellant had lost his mother at about the age of seven and had lived a life of deprivation and that he had good conduct in jail. The State had made no attempt to prove incorrigibility and the psychiatric evidence did not show any basis for such a finding[24]. It concluded that the mitigating circumstances were substantial and that the opportunity for reformation had not been ruled out by the party concerned and that the intermediate punishment of life imprisonment for the remainder of natural life without remission was available and appropriate. Other sentences were upheld.

7. Critical Analysis

The Court's recognition that same-day appointment of legal aid counsel violates Article 21[25] in a capital case is welcome and consistent with a long line of authority that treats legal aid as a substantive, not nominal, guarantee. The handling of the remedy is more debatable. A court that finds "grave prejudice" in the cross-examination of the only

[20] *Pakala Narayana Swami v. Emperor*, AIR 1939 PC 47; *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) 4 SCC 116.
[21] Indian Evidence Act, 1872, § 6.
[22] Code of Criminal Procedure, 1973, § 235(2).
[23] *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684; *Machhi Singh v. State of Punjab*, (1983) 3 SCC 470.
[24] *Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra*; *Manoj v. State of Madhya Pradesh*.
[25] INDIA CONST. art. 21.

eyewitness has several options: ordering a retrial, remitting for further evidence, or holding the evidence inadmissible. The Court chose the middle course and, on the facts, the safeguards it built in were unusually thorough: advance disclosure of the record, counsel of choice, a full day of cross-examination, and liberty of re-examination.

Two concerns remain. First, the further cross-examination took place almost seven years after the events, and the order itself acknowledged the risk of the witness being "won over" and provided for her counselling by a Senior or Special Public Prosecutor. Cross-examination of a witness who has been prepared by the prosecution, nearly seven years on, is not equivalent to cross-examination at the time of the original deposition. The Court answered this by reading the two depositions together and discounting for the lapse of time, but it is not easy to reconcile that approach with the unusually high standard of prejudice it demanded of the appellant ("concrete residual prejudice"). Arguably, in a capital case the burden of showing the absence of prejudice should lie more heavily on the State. Second, the judgment treats the defect as confined to one witness. That is correct on the record here, but the reasoning invites the question whether, had the lapse touched several witnesses or the investigation itself, a curative cross-examination would have sufficed.

Even so, the approach is pragmatic and sound as a matter of institutional design. It preserves the evidentiary record, protects a vulnerable witness from a second full trial, and secures the accused's right in substance. It offers a template for appellate courts confronting a similar lapse, provided the same safeguards are replicated.

The most significant doctrinal contribution of the judgment outside sentencing may be its treatment of PW-1's conduct. Indian courts have long cautioned against stereotypes about how victims of sexual offences "ought" to behave. Here the Court extended that caution to a witness who is not herself the victim of the offence but a co-resident under coercive control. By reading her evidence of control as a whole and refusing to treat a telephone in her hand, or an unlocked door, as proof of freedom, the Court showed a sophisticated understanding of how coercive control actually operates, as the capacity to restrict, regulate and threaten, rather than total physical imprisonment.

Two cautions are in order. The judgment's reliance on empirical and psychological literature is acknowledged by the Court itself to be limited and not diagnostic, which is the right posture; judges should not become amateur clinicians. And the reasoning that a mother "would ordinarily be the last person to shield the murderer" of her child, while consistent with older authority on related witnesses, should not harden into a presumption of truthfulness. The better reading of the judgment is that PW-1's reliability was established by independent features: the specificity of her account, its fit with the autopsy, and the call record. The Court was careful to say that it did not rest on relationship alone.

The treatment of omissions also deserves note. By classifying omissions in three categories and tying each to the statutory test in s. 162 CrPC[26] and the Constitution Bench in Tahsildar Singh, the Court gave trial courts a workable method. Its observation that a police statement is "not a dress rehearsal of the evidence" is a useful reminder, particularly where the witness is illiterate and the statement was recorded in the officer's language.

The use of s. 32(1) to admit a six-year-old's disclosure, and the view that the sexual assault and the killing formed one transaction, is a principled application of Pakala

[26] Code of Criminal Procedure, 1973, § 162; *Tahsildar Singh v. State of U.P.*

Narayana Swami and Sharad Birdhichand Sarda[27]. The Court linked admissibility to independent circumstances, not to prior acceptance of the statement's truth, and then separately tested reliability. That sequencing avoids circularity. One could argue that bringing the earlier assault within the "transaction" depends heavily on the inference of motive, that the killing was to suppress disclosure. That is persuasive on the facts, but it means that the admissibility of the disclosure and the finding on motive are mutually reinforcing, a feature courts should watch when the same inference carries both admissibility and sentencing weight, as it does here.

The sentencing analysis is the part of the judgment most likely to be cited. Its central proposition is that the possibility of reformation is not a mitigating factor the accused must establish but a question the State must foreclose with evidence before death can be imposed. This is a faithful development of *Bachan Singh*, which required courts to consider whether the convict is probably not capable of reformation, and the Court's own recent insistence, in the line of cases following *Santosh Kumar Satishbhushan Bariyar* and *Manoj v. State of M.P*[28]., that mitigation and the prison, psychological and probation material be gathered before sentence. Here, the Trial Court had passed the sentence on the date of conviction. The Supreme Court's note that the s. 235(2) hearing had been denied in substance, and the Court's own receipt of mitigation material, closes a gap the High Court did not address.

The disapproval of the High Court's "crime test 100 per cent, criminal test zero" formula (derived from *Shankar Kisan Rao Khade v. State of Maharashtra*)[29] is significant. If the criminal test requires that there be no mitigating circumstance whatsoever, it will almost never be satisfied; if applied as a numerical formula, it risks collapsing into a crime-centric inquiry in which the offender's circumstances are weighed at zero because the crime was grave. The Court's refusal to use the formula arguably reasserts the primacy of the individualised, balanced inquiry required by *Bachan Singh*[30]. The judgment is also careful to apply this approach without minimising the crime: it describes the "instrumental silencing" of the child as an aggravating circumstance of the highest order, and it rejects reliance on mitigating material as a mere formality.

There is, however, an internal tension that readers will notice. The Court characterises the case as one of exceptional gravity, records a pattern of violence across several households, and yet commutes the sentence because the State led no evidence of incorrigibility. Critics may say that the finding on the pattern of violence is itself some evidence on the question of reformation, and that a burden formulated as proof of a negative is difficult to discharge in practice. The response is that the standard is meant to be demanding: death is the exception, and the cost of error is irreversible. It follows that where the State does not tender prison conduct reports, probation reports or psychiatric assessment, the court must resolve the doubt in favour of life. The decision therefore carries a practical lesson for prosecutors, who must place such material on record rather than rely on the gravity of the offence alone.

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[27] Indian Evidence Act, 1872, § 32(1); *Pakala Narayana Swami v. Emperor*, AIR 1939 PC 47; *Sharad Birdhichand Sarda v. State of Maharashtra*, (1984) 4 SCC 116.
[28] *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684; *Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra*; *Manoj v. State of M.P.*
[29] *Shankar Kisan Rao Khade v. State of Maharashtra*.
[30] *Bachan Singh v. State of Punjab*, (1980) 2 SCC 684.

The choice of the intermediate sentence follows the line of authority beginning with *Swamy Shraddananda v. State of Karnataka*[31] and approved by the Constitution Bench in *Union of India v. V. Sriharan*, under which a constitutional court may direct that a life sentence be served without remission for a fixed term or for the whole of natural life. The sentence here is the most stringent form of that option. It answers the public interest in incapacitation and denunciation, but it also raises a question that the judgment does not examine: whether a sentence that removes any prospect of release should be reserved for cases in which reformation is also doubtful, since such a sentence sits uneasily with the reformative rationale on which commutation was based. The Court appears to have resolved this by treating reformation as a question of whether the person is irredeemable for the purpose of death, not for the purpose of release. That distinction is defensible, but it deserves fuller articulation in future cases.

The offences were committed in 2018, and the Court correctly applied the IPC, CrPC, Evidence Act and POCSO Act, noting in passing the corresponding provisions of the BNSS (for example, ss. 432 and 408 for the powers under ss. 391 and 367 CrPC). For readers working under the Bharatiya Nyaya Sanhita and the Bharatiya Sakshya Adhiniyam, the principles on witness appreciation, omissions and the child's statement will carry over, as the corresponding provisions embody the same rules[32].

8. Significance and Conclusion

Waris v. State of Madhya Pradesh is significant on three levels. Procedurally, it shows that an appellate court, faced with a serious defect in the defence of a capital accused, can remedy it with targeted, well-protected further evidence. Evidentially, it provides a detailed, modern account of how courts should assess an eyewitness who has lived under coercion, and it will be cited against arguments that omissions or silence are badges of falsehood. On sentence, it confirms that the possibility of reformation must be excluded by the State, with evidence, before death can be imposed, and that the courts must engage with the offender's life as seriously as they engage with the crime.

The judgment leaves open questions: how far the remedy of curative cross-examination can be generalised, how the State should discharge its burden on incorrigibility, and when a no-remission sentence is itself compatible with reformative aims. These will be tested in later cases. For now, the decision stands as a careful illustration of the principle that the gravity of a crime, however extreme, does not by itself answer the constitutional question whether the State may take the life of the person who committed it.

[31] *Swamy Shraddananda v. State of Karnataka*; *Union of India v. V. Sriharan*.
[32] Indian Penal Code, 1860; Code of Criminal Procedure, 1973; Indian Evidence Act, 1872; Protection of Children from Sexual Offences Act, 2012; Bharatiya Nagarik Suraksha Sanhita, 2023, §§ 408, 432; Bharatiya Sakshya Adhiniyam, 2023.

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