

BLOGS

Case Brief: Vasanta Sampat Dupare v. Union of India

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Can a death sentence that has already survived appeal, review, and a rejected mercy petition still be reopened? In *Vasanta Sampat Dupare v Union of India*, the Supreme Court said yes, using a route most lawyers assumed was closed forever.

This case brief on **Vasanta Sampat Dupare v. Union of India** follows the standard format used in law prep courses, covering the facts, issues, arguments, holding, and ratio of this significant death penalty ruling.

Citation and Bench

Case Name: Vasanta Sampat Dupare v Union of India and Another

Citation: 2025 INSC 1043

Court: Supreme Court of India

Decided On: August 25, 2025

Bench: Justice Vikram Nath, Justice Sanjay Karol, and Justice Sandeep Mehta

Docket: Writ Petition (Criminal) No. 371 of 2023

Provisions Involved: [Article 32](#), [Article 14](#), and [Article 21](#) of the Constitution; [Section 354\(3\)](#) of the Code of Criminal Procedure, 1973

A Note on Terminology: Curative Petition

This case is sometimes loosely described as invoking "curative jurisdiction," but that description needs a small correction for exam purposes. The petitioner did not file a curative petition at all. He filed a fresh writ petition directly under Article 32, after the Union argued that a curative petition was his only proper remedy.

The significance of this judgment lies precisely in the Court holding that Article 32 itself, and not only the narrow curative petition route recognised in *Rupa Ashok Hurra v Ashok Hurra* (2002), can be used to reopen a concluded death sentence in cases of grave sentencing illegality. This distinction is a favourite point examiners test.

Facts

Vasanta Sampat Dupare was convicted by the Trial Court at Nagpur in 2008 for the rape and murder of a four year old child. The Bombay High Court upheld his conviction and death sentence in 2013, and the Supreme Court confirmed the death sentence on November 26, 2014.

His review petition was dismissed, and his mercy petitions were subsequently rejected first by the Governor of Maharashtra in 2022 and then by the President of India in 2023. With every ordinary and extraordinary remedy seemingly exhausted, Dupare approached the Supreme Court once again, this time through a writ petition under Article 32.

His central argument rested on the Court's intervening decision in *Manoj v State of Madhya Pradesh* (2022), which had laid down detailed mandatory guidelines requiring courts to meaningfully consider an accused's mitigating circumstances, including psychological and psychiatric evaluation, mental health history, and prospects of reformation, before imposing a death sentence. Dupare argued that none of this material had ever been placed before or considered by the Trial Court, the High Court, or the Supreme Court at any stage of his original proceedings.

Procedural History

The matter was heard by a three judge Bench, which reserved judgment after extensive arguments on maintainability. During hearings, the Bench itself appeared to suggest that the appropriate remedy might lie in a curative petition rather than a fresh Article 32 writ petition, given the settled position in *Triveniben v State of Gujarat* (1989) and *Rupa Ashok Hurra* (2002) that a judgment attains finality once review is exhausted.

Despite this initial hesitation, the Bench ultimately ruled in Dupare's favour on August 25, 2025, allowing the writ petition.

Issues

1. **Whether the sentencing guidelines laid down in *Manoj v State of Madhya Pradesh* (2022) can be applied to a death sentence that had already attained finality years before that judgment was delivered.**
2. **Whether a writ petition under Article 32 is maintainable to challenge a death sentence after conviction has been confirmed on appeal, review has been declined, and mercy petitions have been rejected.**
3. **Whether the right to principled, individualised sentencing in death penalty cases is itself a fundamental right under Articles 14 and 21.**

Arguments of the Petitioner

The petitioner argued that his death sentence was imposed without any meaningful inquiry into mitigating factors, since the detailed framework mandated by *Manoj* simply did not exist at the time of his trial and appeal. He relied on *A.R. Antulay v R.S. Nayak* (1988) to argue that the Supreme Court retains the power to correct a deprivation of fundamental rights even in a matter that has otherwise concluded, when the deprivation concerns rights as fundamental as those under Articles 14 and 21.

He contended that being sentenced to death without a fair, individualised, and complete sentencing hearing denied him the basic constitutional protections every accused is entitled to before facing the ultimate penalty.

Arguments of the Respondents

The Union of India argued that the writ petition was not maintainable, since the conviction and sentence had already attained finality through the ordinary process of appeal and review, followed by the rejection of mercy petitions. It contended that the only remedy legally available to the petitioner, if any, was a curative petition, filed within the original criminal appeal proceedings, not a fresh writ petition under Article 32.

Holding

The Supreme Court allowed the writ petition, setting aside the earlier order confirming the death sentence and remitting the matter for a fresh sentencing hearing. The key holdings are set out below.

1. Article 32 can reopen a concluded death sentence for grave sentencing illegality. The Court held that Article 32 empowers it, in capital punishment cases, to reopen the sentencing stage where an accused has been condemned to death without the mandatory Manoj guidelines being followed. This was treated as a serious enough deprivation of fundamental rights to justify revisiting an otherwise concluded matter.

2. Principled, individualised sentencing is itself a fundamental right. The Court held that the right to be sentenced in a principled and individualised manner flows directly from Articles 14 and 21. Since death is the "most extreme punishment," the sentencing procedure leading to it must strictly adhere to constitutional due process requirements, citing its earlier reasoning in *Santosh Kumar Satishbhushan Bariyar v State of Maharashtra*.

3. Death remains the exception, not the rule, under Section 354(3) CrPC. The Court reaffirmed the long standing legislative policy that, for persons convicted of murder, life imprisonment is the rule and the death sentence is the exception, to be imposed only after the most rigorous and humane sentencing inquiry.

4. This is not a routine backdoor around finality. The Court was careful to clarify that Article 32 cannot become a routine alternative to the ordinary appellate and review process, or a way to endlessly relitigate concluded criminal matters. It emphasised that this remedy is available only in cases involving a serious, demonstrable breach of mandatory constitutional sentencing safeguards, not as a matter of course.

5. The conviction was left undisturbed. The Court made clear that only the sentencing stage was being reopened. Dupare's underlying conviction for rape and murder remained fully intact, and the matter was sent back purely for a fresh, Manoj compliant sentencing hearing.

Ratio Decidendi

Article 32 of the Constitution empowers the Supreme Court to reopen the sentencing stage of a concluded death penalty case, notwithstanding the exhaustion of appeal, review, and mercy petition remedies, where the mandatory constitutional safeguards for individualised and principled capital sentencing were not followed at any earlier stage.

This power remains an extraordinary exception reserved for serious and demonstrable breaches of fundamental sentencing safeguards under Articles 14 and 21, and does not operate as a routine

substitute for curative petitions or a general licence to reopen settled criminal convictions.

Illustration

Suppose a death row convict's trial took place years before the Manoj guidelines existed, and no psychiatric evaluation, no inquiry into his background, and no assessment of his potential for reform was ever placed before any court that heard his case. Even though his conviction has been confirmed on appeal, his review dismissed, and his mercy petition rejected, this judgment confirms he can still approach the Supreme Court directly under Article 32, specifically to have only the sentencing question reopened and reconsidered in light of the mandatory safeguards that existed in principle but were never actually applied to his case.

Why This Case Matters

Vasanta Sampat Dupare v Union of India is significant because it recognises Article 32 as an independent, standalone route to correct fundamental sentencing defects in death penalty cases, distinct from the narrower curative petition jurisdiction carved out in Rupa Ashok Hurra. This gives death row convicts an additional constitutional safeguard where mandatory sentencing guidelines were never properly applied.

At the same time, by firmly stating that this is not a routine remedy, the Court tried to prevent this ruling from becoming an avenue for indefinite relitigation of settled criminal cases, preserving the broader principle of finality in the justice system while still protecting against clear constitutional violations in the gravest category of punishment.

Conclusion

Vasanta Sampat Dupare v. Union of India marks a significant evolution in India's death penalty jurisprudence, affirming that constitutional safeguards around sentencing are not formalities to be satisfied once and forgotten, but ongoing guarantees that can, in the rarest cases, reopen even a concluded capital sentence. By balancing this extraordinary power against the equally important principle of finality, the Supreme Court has drawn a careful but meaningful line between correcting genuine constitutional failure and permitting endless relitigation.