

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4497
ANSWERED ON:30.08.2011
SUPREME COURT JUDGEMENT ON FAKE ENCOUNTERS
Gavit Shri Manikrao Hodlya

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Supreme Court has recently given any ruling/judgement on cases on fake encounters in the country;
- (b) if so, the details thereof; and
- (c) the reaction of the Government thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI JITENDRA SINGH)

(a) & (b): Yes, Madam. The Supreme Court in its judgement in Criminal Appeal Nos. 1174-1178 of 2011 {arising out of SLP(Criminal) Nos.3865-69 of 2011} has stated that in cases where a fake encounter is proved against policemen in a trial, they must be given death sentence, treating it as the rarest of rare cases. The Court further stated that fake encounters are nothing but cold blooded, brutal murder by persons who are supposed to uphold the law. However, the Supreme Court made it clear that the trial court will decide the criminal case against the appellants of the above case, uninfluenced by any observations made in this Judgement.

(c): The judgement concerns functioning of the courts and falls within the purview of judiciary.