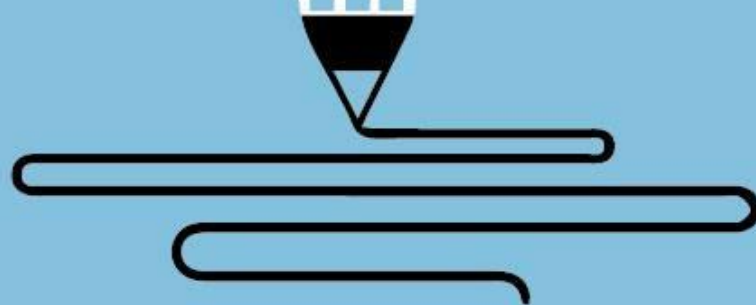




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# Judgement Writing

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## Aruna Ramchandra Shanbaug Vs Union of India

(2011) 4 SCC 454

*"Marte hain aarzoo mein marne ki Maut aati hai par nahin aati"*

-- **Mirza Ghalib**

The Supreme Court in Aruna Shaunbag case gave the following reasoning for its judgement:

It is a settled principle all around the world that "active euthanasia is illegal unless there is legislation permitting it and passive euthanasia is legal even without legislation"

As per the report presented by the committee of doctors, it can be said that the petitioner is not brain dead, she expresses her likes and dislikes by small gestures and sounds, she smiles and blinks and responds to the outside environment and her surroundings.

The court also opined that low ethical standards prevailing in our society and with increasing corruption the threat of misuse of passive euthanasia cannot be ruled out which have a



potential to breach Article 21 of Constitution of India.

A balanced approach needs to be used in these types of sensitive issue where there is a matter of one's life and death.

The bench also put forward its view, that section 309 of I.P.C i.e. attempt to commit suicide should be deleted; a person in depression committing suicide needs help not punishment.

### **Decision of Aruna Shanbag Case:**

Considering the condition of the petitioner, in all probability she should be allowed to continue living in such state till her death as there is no prominent reason to allow active euthanasia in this case.

***Considering the chances of misuse the court alone as "Parens Patriae" will decide whether life support should be withdrawn or not, for the people who are incapable to provide consent for themselves. And the views of relatives would hold some value in the situation.***



***However, Supreme Court opined that passive euthanasia can be allowed in exceptional and rarest of rare cases with the due approval from patient's family members and doctors.***

Supreme Court held that it should be sparingly used and should not become a tool of eroding Article 21 of Indian Constitution.







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## State Vs Babu

### Bail Application No. 16232020

In the case where one Rahul, who suffered a gunshot injury, did not record his statement with the police as he gave a fake address in his MLC and became untraceable, accused Babu was arrested, along with another accused Imran. Stating that Babu stands on even a better footing than Imran who is already enlarged on bail, the Additional Sessions Judge found merit in the bail application and wrote:

***“Babu pleading for his bail;***

***State opposing tooth and nail.***

***Summers bygone, winters have arrived;***

***But crime you did, and Rahul cried.***

***I am not the one, I am not the one;***

***Too grave the charge, don't pretend.***

***Whom did I attack, where is he;***

***Oh! That we know, in the trial we will see.***

***You say I have said & I deny from the first blush;***

***Rahul may be gone yet Satish said.***





*Didn't we say; don't rush;  
Let me go, let me go, even Imran is on bail.  
Even then, even then;  
it wouldn't be a smooth sail.  
Stop! Stop! Stop! Stop;  
I have heard, heard a lot.  
Mind is clear, with claims tall;  
Its my time to take a call.  
Babu has a sordid past;  
proof is scant, which may not last.  
His omnipotence can't be assumed;  
Peril to vanished Rahul, is legally fumed.  
Take your freedom from the cage you are in;  
Till the trial is over, the state is reigned in.  
The State proclaims; to have the cake and eat it  
too;  
The Court comes calling; before the cake is eaten,  
bake it too."*



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*Illustration of a hand writing on a document. The document contains text from a judgment, including the citation 'Vs Mahabeer Singh & Ors. (2017) 11 SCC 195' and the phrase 'A child witness shall not be rejected if found...'. The text continues with a discussion on the evaluation of child witnesses, mentioning factors like susceptibility to suggestion and the need for careful examination.*



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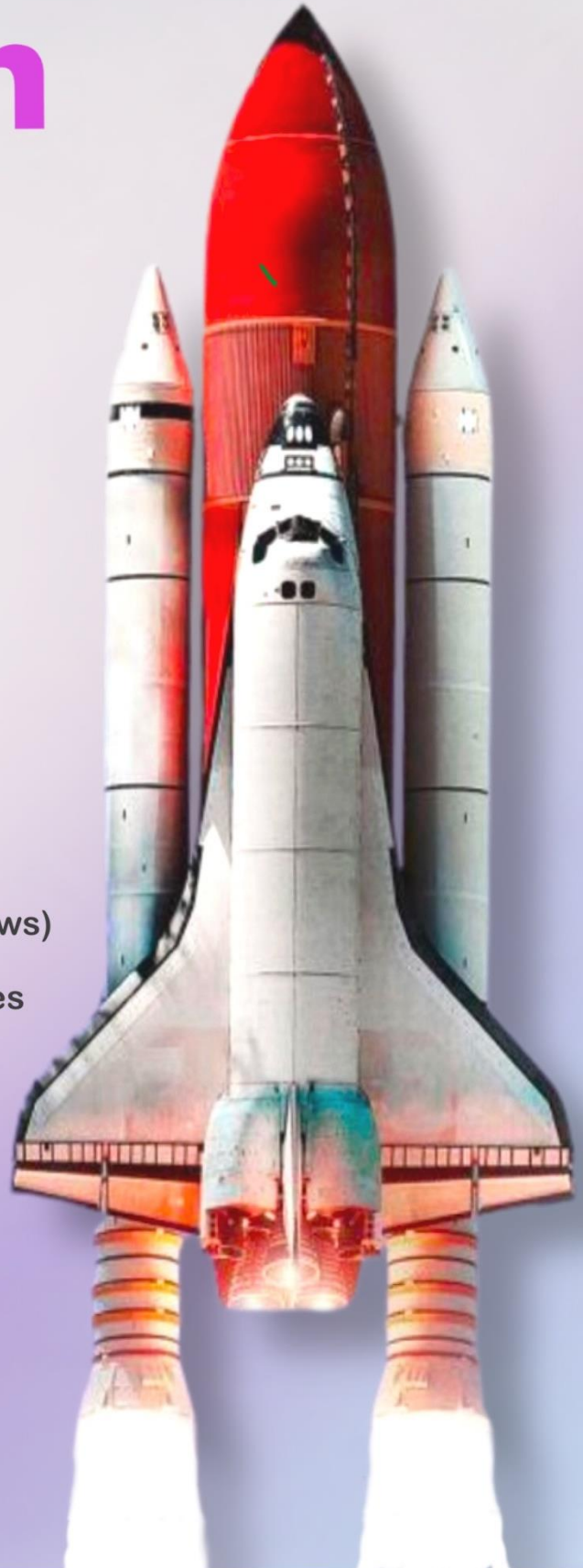
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