

LEGAL ANALYSIS OF THE MOVIE- MIRACLE IN CELL NO. 7 (2019)

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ABSTRACT

The paper analyses the substantive offences and legal aspects as covered in the movie Miracle in Cell No. 7(2019). It opens by giving a brief plot of the film, further leading to the analysis of various legal provisions dealt in the film and lastly, concluding with the justifications for the offences and the miraculous end of the film.

SUMMARY

The movie Miracle in cell no. 7 is a heartfelt sensitive drama which does starts with a sweet father-daughter relationship of Ova and Mehmam but takes its twists into a crime of which the person is accused of and ends by getting a death sentence by the court. It reflects the brutality done by society to the weaker section who cannot stand up for themselves and fight back. It shows how an innocent life was going to be ended just because of a powerful officer wanting an example for the society for the wrongdoer, even though no wrong had been done. The story begins when the daughter of lieutenant colonel met with an obscene accident and died and happened to be present there was the accused who then was blamed for the same accident in name of murder. Then the story takes turn into many offences being occurred during his prison by the officials towards him as well as towards the others for making him seen as a guilty person. From the point where tampering of evidence to prove him sane to the point where the victim was shoot dead just so he could not be present in the court the trail of misconducts

started which included the mental and physical torture of Mehmet and him not being allowed to meet his little daughter and his mother, who were his only family. The accused who had the mind of a 6-year-old could not even refute himself and present his case in front of the court, which ended up having him being sentenced for execution for the murder of lieutenant's daughter. As the saying goes "there's always a ray of light in darkness" even after malicious attempts of the lieutenant there were few people who stood up for Mehmet and took care of him whilst in the prison and stood as the light. The warden and prison mates made sure that he did not suffer for the crime not done by him and one of them was even ready to take up the punishment in his place. It proved to be a happy ending for Mehmat and Ova but altogether the movie comprised of many wrong acts. People connected to this fiction and it left its audience teary eyed. It shows how the justice delivery system can break a family, if there is no fair trial.

LEGAL ANALYSIS

Miracle in cell no. 7 is a movie which shows the case of a mentally challenged man who is charged for a first-degree murder of the daughter of Lieutenant Colonel under Article 450 of Turkish Criminal Law and is been given a death sentence for the same. In current times, death sentence has been abolished in turkey and therefore, Article 450 has been repealed from the penal code since 2004. Article 81(1) of the Turkish criminal lawⁱ states that a person who voluntary kills a person is punished with life imprisonment. Article 82 of the penal code, states different categories for which a person can be held liable for voluntary manslaughter. If the case would have been dealt post 2004, it would have come under Article 82(a)ⁱⁱ. Under Indian Penal Code, Murder is defined in Section 300 while the punishment for murder is defined in section 302.

In the movie, Mehmat, the accused was arrested by the police officials for a crime he did not commit and was charged for the harshest offence. He was arrested by the officials because he took the body of the girl out of water, which was misunderstood by the colonel that he was the one who had killed his daughter. The death of the girl was an accident as her leg slipped from the rocks, she hit her head on the rocks and fell in the water. The girl had a backpack which Ova wanted and she teased him with the backpack. They started playing and running after one

another, in the course of which the girl slipped. Even after constant attempts of Mehmat trying to stop the girl, warning her to not run in the rocks, she did not listen and fell. “Accident” a word which is used in everyday life to indicate a course of events over which a person had no control over, and which could not be avoided despite due diligence and care. Section 80 of IPCⁱⁱⁱ defines accident in doing a lawful act. It is a general exception which is used to avoid any criminal liability if the case falls under accident and there is no fault of the party being accused. Section 80 also deals with the aspect of intention or knowledge of the accused. Here, the attempts of accused to try and stop her and warn her that she might fall depicts that the accused had no mens rea to kill the daughter of the victim. In our instant case, the act being an accident can certainly be taken as a defence for the accused to be relieved from the charge, as even after attempted warnings from the accused, the victim could not control herself and fell. The accused was put in custody for a crime that he did not commit.

Many times, people are arrested on suspicion of committing a crime and are later released from custody when proven innocent in a fair trial. In the movie, there was no fair trial. The accused was an insane man who had the exception of insanity to protect him from such a harsh punishment if he had committed a crime, which he hadn't in this instant case. Under Indian Law, insanity as a defence is discussed in Section 84 of IPC.^{iv} If a man who doesn't understand the acts he is performing can be relieved from criminal liability. Mehmat was a mentally challenged man, whose insanity was taken as a means to force him to say that he had committed the crime while he hadn't. Article 32 of the Turkish criminal law also provides the defense of insanity to relieve a person from any punishment. The courts held him guilty of a first-degree murder and he was sentenced to death. A fair trial was not conducted and the authorities did not try to listen to the accused's part of story due to the unlawful use of power and authority by the colonel. The accused was tortured while being imprisoned which violates his human rights. Prisoners have a right to be protected from inhumane behaviour and torture, not only physically but also mentally. Article 21 provides the right to life and liberty which is not just subjected to physical existence. In *D.B.M Patnaik v. State of Andhra Pradesh*^v, the “Supreme Court asserted that mere detention does not deprive the prisoners of all the fundamental rights enshrined in the constitution”. The accused was continuously beaten and was coerced to agree that he had committed the murder. Mehmat was constantly trying to tell them the story and also

mentioned that there was a witness who saw the incident but he was constantly beaten unless they could take his thumb impression. The accused was sentenced to death for a crime that he did not commit only because of the fact that the colonel believed that he was responsible for his daughter's death. The colonel exercised unlawful abuse of his authority and power. "*Abuse*" is defined as "*to depart from legal or reasonable use in dealing with (a person or thing)*", "*to injure (a person) physically or mentally*", *to damage (a thing)*.^{vi} Just a mere fact that he was seen with the body of the victim while taking him out of the water and that the colonel believed him to have killed his daughter, an innocent life was being executed. Even when the authorities got to know the true story, they did not release Mehmat, as they feared losing their jobs if they went against the decision of the colonel, or in this case, if they revealed the truth about an innocent man. Prevention of corruption Act, Section 5(1)(d) if he, by corrupt or illegal means or by otherwise abusing his position as public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage, he will be guilty of criminal conduct, punishable under section 5(2) of the act.

A similar real-life incident where, *Ricky Jackson*, a man who was locked up for a murder he did not commit, was set free after serving 39 years in custody. He was given a death sentence, which was reduced to life imprisonment later but after 39 years, the courts came up with the conclusion that Ricky is an innocent man and he was set free. This is the longest a person has been held in custody for a crime he did not commit.^{vii}

Miscarriage of justice is a term used to explain the situations where a person is punished for a crime he did not commit. The term travesty of justice is generally used for a deliberate miscarriage of justice. In the author's opinion, there was '*travesty of justice*' in the movie as the accused was wrongfully imprisoned and was punished with a death sentence.

Every prisoner has certain rights, one of which is that they have the right to be visited by family, friends and their lawyers. In most countries, the prisoners have a right to conjugal visit. A conjugal visit is a scheduled period in which an inmate is allowed to spend several hours or even several days with the visitors, usually their legal spouse. They can be visited by family and friends. It is usually provided them as a reward for their good behaviour in prison. It maintains the family bonds and acts as a motivation for inmates to behave properly while being

in custody. In 2015, the Punjab High Court in *Jasvir Singh & Another v. State of Punjab & Others*^{viii} held that “the right of married convicts and jail inmates to conjugal visit was a fundamental right.” It was also allowed in Turkey from 2013.

On the guidelines of Modern Prison Manual (MPM), 1960, a committee was formed that worked on prisons. The committee gave certain points through which the prisoners can make contact with their lawyers and their family. One of the points stated that the prisoners would be permitted to have meetings with their family, friends and lawyers once in a month. The number of people meeting at one time can be restricted but they are permitted to meet.^{ix} In the instant movie, the accused was not allowed to meet her mother and daughter. Even though permission was taken from the prison ward, but the authorities did not allow the family to meet the inmate. Consequently, when the warden got to know the actual truth that the accused was not guilty of the offence charged, only then had he permitted his daughter him. In the case of *Dharmbir Singh v State of Uttar Pradesh*^x, “the court ordered the state government to permit family members to visit the prisoners and, under guarded authorities, to visit their family for the prisoners at least once a year.” In regard to the movie, the family should’ve been allowed to meet Mehmata at the first instance itself.

In the movie, tampering of evidence was also an act done by the officials in order to prove Mehmata guilty. Tampering of evidence is an act where a person alters, conceals or destroys evidence with the intent to interfere in an investigation or a trial. It was also mentioned that the health report of the accused stated that he was a sane man, which was false information. He was a mentally challenged man and his family firmly believed that he would not commit any such crime. Furnishing false information in a health report of a prisoner surely constitutes tampering of evidence and it might severely affect the trial of the person, as it did in the movie.

Section 201 of the IPC^{xi} also states that a person shall be liable if he/she causes disappearance of evidence or gives false information to screen offender. Article 281 of the Turkish Penal Code also provides punishment for any person who destroys, erases, alters, conceals, or damages evidence of an offence in order to prevent the emergence of the truth. Clause 2^{xii} of this section states the punishment increases by one half if the act is done by a public official while on duty.

Witness tampering is a part of tampering of evidence. It occurs when a witness is told to testify falsely, or is withheld from testifying. It is a criminal offence in itself. Witness tampering can take many forms, one being using force on the witness. Using any kind of physical force against the witness is prohibited and is punishable proportional to the seriousness of the criminal behaviour.^{xiii} If a person is found to have killed a witness, he will imprisoned for life-or-death sentence will be given to him. In the instant case, the daughter of the accused along with her teacher brought to notice an eye witness who agreed to reveal the truth in court so that the accused is released. When the witness started telling the truth, the colonel himself killed him so that there is no revelation of truth and the accused is held guilty. Just because, it was the daughter of a colonel who got killed by accident, an innocent life had to face the grievous consequences for a crime he did not commit. Later, the lieutenant colonel told the other cell inmates and officials that he was killed because he tried to escape.

A corrupt system is shown in the movie and the author believes; the prison authorities should first be punished for their acts. By killing the witness, they killed an innocent life. It is ironical that an innocent man is being punished for murder where actually the authorities/officials themselves committed a murder. The testimony of a witness has a lot of value in the eyes of law. According to Section 82(h) of the Turkish Criminal Law, a person is said to be guilty of voluntary manslaughter if he kills a person with the intention of concealing or facilitating an offence, or to destroy evidences. The act of the colonel would fall under this category and instead of the accused, he should be given a life imprisonment for ruining not just one, but two innocent lives and their families.

The justice delivery system is said to maintain an example for the society where the wrongdoers have to be punished so that the society is safe and free from culprits. In the instant case, where a mentally challenged innocent man was to be executed for a mere fact that the colonel believed him to have killed his daughter, where in real, he was trying to stop and save the girl from running into the rocks which caused the accident. It is reflected to our society that an innocent man is being executed and it does not prove justice in any manner. The colonel was adamant in getting justice for his daughter but while doing so, he used unlawful means and ruined the life of an innocent. Creating a false report and killing the witness are two illegal acts committed by the officials themselves which severely affected the whole trial procedure for Mehmatt, the

accused. If the report depicted true information and if the witness would have given an opportunity to testify, the court's decision would have overturned, setting an innocent free.

CONCLUSION

The movie concludes when the day of final execution occurs. The day before execution when Ova meets his father and he realises that this would be the last time he's meeting his daughter, hugged her and burst into tears. After his mother died and he could not meet her because of being in the prison, Ova was the only one that mattered to him. Ova constantly tried to bring forward the truth before the authorities and succeeded at the end. After the prison warden himself went to the crime scene and found out the truth, knowing that he could not in any manner prove him innocent before the courts because of the unlawful abuse of power by the colonel, planned an escape with other prison officials. The other inmates also tried to help him escape so that he is not separated with his daughter and is not punished for something he did not commit. On seeing the bond that the father and daughter shared, one of the inmates, Yusuf, felt guilty about burying his daughter under a tree. He started to realise that he had committed a wrong act and did not deserve a place in heaven. He voluntary came forward to replace the accused and be hanged instead. In the end, Yusuf was executed and Mehmat was escaped from the prison and sent on a boat with his daughter to continue his life in a different country. When prison officials said that Yusuf was missing, the warden issued a search warrant in his name and sent the guards to look for him.

There is no legal explanation to as why did the warden helped him escape, but in the author's opinion, justice in true sense was served only when Mehmat was set free and was reunited with his daughter. The movie is not just about the love of a father and daughter but for the quest of truth. Actual justice is served when the truth comes forward and no innocent life has to face wrong consequences. As the title suggests, it indeed was a miracle that happened at the end of the story.

ENDNOTES

ⁱ Criminal Code, Turkey, Article 81(1)- Any person who unlawfully kills a person is sentenced to life imprisonment.

ⁱⁱ Criminal Code, Turkey, Article 82- In case of commission of this offense; a) Wilfully, the offender is sentenced to heavy life imprisonment.

ⁱⁱⁱ Indian Penal Code, Section 80- Accident in doing a lawful act.

^{iv} Indian Penal Code, Section 84- Act of a person of unsound mind.

^v *D.B.M Patnaik v. State of Andhra Pradesh*, AIR SC 2092 (1974)

^{vi} Black's law dictionary 7th ed. 1999

^{vii} Mathew Shaer, after 39 Years of Wrongful Imprisonment, Ricky Jackson Is Finally Free,
<https://www.smithsonianmag.com/history/years-wrongful-imprisonment-ricky-jackson-finally-free-180961434/>

^{viii} *Jasvir Singh & Another v. State of Punjab & Others* 1 RCR (Criminal) 509 (2015)

^{ix} Mr. Prateek Jain, Rights of Prisoners in India: A Legal Analysis.

<https://www.lawaudience.com/rights-of-prisoners-in-india-a-legal-analysis/>

^x *Dharmbir Singh v State of UP*, 3 SCC 645 (1979)

^{xi} Indian Penal Code, Section 201- Causing disappearance of evidence of offence, or giving false information to screen offender.

^{xii} Criminal Code, Turkey, Article 281(2)- Where this offence is committed by a public officer in the course of his duty the penalty to be imposed shall be increased by one half.

^{xiii} Witness Tampering, 7 February, 2020

<https://criminal.findlaw.com/criminal-charges/witness-tampering.htm>