

1976 KHC 1066
Supreme Court of India
V. R. Krishna Iyer, J.

Suresh Chandra v. State of Gujarat

Parallel citation(s) : 1976 KHC 1066 : AIR 1976 SC 2462 : 1976 (1) SCC 654 :

1976 SCC (Cri) 145 : 1976 CriLJ 1890

CaseNo : S. L. P. (Cri) No. 586 of 1975

Date : 08/07/1975

Prevention of Corruption Act, 1947 -- S.5(2) -- Corruption -- Public Servants -- Fact that accused was a small official in Sales Tax department and was trapped in taking small sum cannot warrant lesser sentence. Para(s):2

Prevention of Corruption Act, 1947 -- S.5(2) -- Corruption -- Sentence Remission -- Accused a first offender and a small official relatively young in career -- Consideration for parole is matter for consideration of authorities -- It is also open to accused to move for earlier release under S.432, CrPC. Para(s):3

JUDGMENT

1. I have heard submissions of Sri Agarwala counsel for the petitioner, on the alleged errors of law and wrong appreciation of evidence largely plausible exercises in coquetry with technicality, intelligence of expression and like arguments which did not pay dividends in the two courts below and cannot be reopened in this court. After all, romance with legal niceties and probative nuances, if exaggerated beyond a limit, produce in the long run, a justice gap which is socially injurious. I see no grave error or miscarriage of justice in law or fact.
2. The petitioner is a tax inspector trapped in the act of taking a bribe of Rs. 100/- a small sum and a small official in the wide perspective of Indian public service. May be, it is the lesser minions who get caught and purging public life of maxi corruption by deterrent sentences is more desirable but less feasible. Both these alibis, perhaps valid outside court, cannot attenuate the quantum of punishment or the propriety of its severity. The watershed of pollution in the administration cannot be permitted to be crossed by misconceived judicial compassion or high level executive indifference. One public

official who slips out of the processual meshes of the anti corruption law is the hope of the hundred in hiding. Indeed the culprit in this case is but one sales tax inspector who has stumbled into a police laid marked note magnetic field as against many choose operations are too secretive for detection. If only all our tax authorities at all levels were stern, strict, wide eyed, activist, of inviolable probity and indifferent to disingenuous pleas of evasion, from big tax dodgers, inequality of wealth and income would, in a large measure, wither away-a social order devoutly to be wished. I refuse leave, sanguine that judicial relentlessness in this area may help sweep clean our public service, both at the higher and lower echelons.

3. I venture to make one observation before parting with this case. Penological innovation in the shape of parole is claimed to be a success in rehabilitation and checking recidivism. Here the petitioner is a first offender and a small official relatively young in his career. Although the crime is of the white-collar brand and deserves no sympathy, it is a matter for consideration of the prison authorities or others vested with the requisite power, whether the present petitioner should not be considered for parole after he has served a fair portion of his sentence. It is also open to the petitioner to move under S.432. Criminal Procedure Code for earlier release before the full term has run out. All this depends upon his behaviour in jail showing that he has turned a new leaf. If he does not, he cannot hope for law's clemency in this regard and may have to serve his full incarceration term. With these observations, I refuse leave.