

Suresh Chandra

Vs

The State of Gujarat

Special Leave Petition (Criminal) No. 586 of 1975

(V. R. Krishna Iyer JJ)

08.07.1975

ORDER

KRISHNA IYER, J. -

1. I have heard submission of Sri Agrawala, Counsel for the petitioner, on the alleged errors of law and wrong appreciation of evidence - largely plausible exercises in coquetry with technicality, inelegance 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. Maybe, it is 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 ships out of the processual meshes of the anti-corruption law is the hope of a 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 whose 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, either away - a social order devoutly to be wished. I refuse leave, sanguine that judicial relentlessness in this area may help sweep clean our public services, 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 was served a fair portion of his sentence. It is also open to the petitioner to move under Section 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 was 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.

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