

Harbans Singh

Vs

State of Punjab

Special Leave Petition (Criminal) No. 1481 of 1984

(D. A. Desai, A. Varadarajan JJ)

25.07.1984

ORDER

1. We are not inclined to grant special leave, but we make this short speaking order in order to keep the record straight that the dismissal of the special leave petition does not tantamount to affirmance of the order of the learned Judge of the High Court who for reasons utterly untenable interfered with the sentence imposed by the trial court and reduced it to sentence already undergone which in the facts and circumstances of the case was wholly impermissible.

2. In *Meet Singh v. State of Punjab* ((1980) 2 SCR 1152 : (1980) 3 SCC 291 : 1980 SCC (Cri) 684 : 1980 Cri LJ 802), this Court pointed out that Section 5(2) of the Prevention of Corruption Act prescribes a minimum sentence and discretion is conferred on the court to give less than the minimum for any special reasons to be recorded in writing. This Court examined what constitute special reasons for the purpose of Section 5(2) and pointed out that the reasons which weighed with the learned Judge in reducing the sentence to the sentence undergone could not be special reasons. Therefore, in our view, the learned Judge was entirely in error in showing a misplaced sympathy unsustainable in law. With these observations we reject the special leave petition.

</html