

State of Karnataka

Vs

Surender Kotiankar

Special Leave Petitions (Criminal) Nos. 1288 to 1301 of 1983

(O. Chinnappa Reddy, Ranganath Misra JJ)

13.08.1984

ORDER

On pleas of guilty, the respondent was convicted of several charges under Sections 408 and 477-A and sentenced in each case, by the Trial Magistrate, to suffer imprisonment till the rising of the Court and a fine of either Rs. 50 or Rs. 100. The State preferred appeals to the High Court for enhancement of the sentences. The appeals were dismissed on the ground that the accused was a young man who had already been punished sufficiently by the loss of his job and also in view of the circumstance that more than ten years had elapsed since the date of offence. We are prima facie satisfied that the sentences are inadequate and that the lenient sentences are the result of misplaced sympathy. We do not however propose to proceed further in the matter in the exercise of our jurisdiction under Article 136 as the State of Karnataka who is the petitioner before us has not Chosen to file any papers before us apart from the judgment of the High Court. The least that the petitioner could have done to give us a full picture of the facts was to file copies of the charge-sheets and the charges and copies of the judgments of the Trial Court in the different cases. We do not think that we will be justified in issuing a show-cause notice to the respondent when no attempt has been made to place all the facts before us by filing the necessary documents. Apparently there is no purposefulness in the filing of these petitions. They are accordingly dismissed.

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