

## Suresh Chandra vs The State Of Gujarat on 8 July, 1975

**Equivalent citations:** AIR1976SC2462, 1976CRILJ1890, (1976)1SCC654, AIR 1976 SUPREME COURT 2462, 1976 2 SCC 654, (1976) 1 SCC 654, 1976 SCC(CRI) 145

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**Bench:** V.R. Krishna Iyer

ORDER

V.R. Krishna Iyer, J.

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, inelegance of expression and like arguments which did not pay dividends in the two courts below and cannot be re-opened 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 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, 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 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 has 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 behavior 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.