

## State Of Karnataka vs Surender Kotiankar on 13 August, 1984

**Equivalent citations: 1984 AIR 1586, 1985 SCR (1) 349, AIR 1984 SUPREME COURT 1586, 1984 (4) SCC 370 (1984) 2 CRIMES 440, (1984) 2 CRIMES 440**

**Author: O. Chinnappa Reddy**

**Bench: O. Chinnappa Reddy, Misra Rangnath**

PETITIONER:  
STATE OF KARNATAKA

Vs.

RESPONDENT:  
SURENDER KOTIANKAR

DATE OF JUDGMENT 13/08/1984

BENCH:  
REDDY, O. CHINNAPPA (J)  
BENCH:  
REDDY, O. CHINNAPPA (J)  
MISRA RANGNATH

CITATION:  
1984 AIR 1586                      1985 SCR (1) 349  
1984 SCC (4) 370                1984 SCALE (2) 232

ACT:

Constitution of India, Article 136-Discretion of the Court to grant Special Leave to Appeal in criminal proceedings-Whether in the absence of necessary papers giving full facts, the Court may refuse leave.

Supreme Court Rules, 1966, Order XXI-Special Leave Petitions in Criminal proceedings must contain necessary papers giving full facts.

HEADNOTE:

In the petitions for special leave to appeal in criminal proceedings, the petitioner annexed only a copy of the judgment of the High Court but did not file any papers, such as, copies of the charge-sheets or the judgment of the Trial Court which could give full picture of the facts.

Dismissing the petitions,

^

HELD : 1. The Supreme Court in the exercise of its

jurisdiction under Article 136 may not propose to proceed further in the matter in which the petitioner has not chosen to file any papers in the court apart from the judgment of the High Court. Therefore, in the instant case, the Court will not be justified in issuing a show cause notice to the respondent when no attempt has been made to place all the facts before it by filing the necessary documents. [350C-D]

JUDGMENT :

CRIMINAL APPELLATE JURISDICTION : Special Leave Petition (Crl.) Nos. 1288 to 1301 of 1983.

From the Judgment and Order dated 31st January, 1983 of the Karnataka High Court in Crl. Appeal Nos. 461 to 474 of 1981.

K.L. Sharma and M. Veerappa for the petitioner. The Order of the Court was delivered by CHINNAPPA REDDY, J. On pleas of guilty, the respondent was convicted of several charges under Sections 408 and 477A 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 respondents 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.

M.L.A.

Petitions dismissed.