

Laxmichand Mohanraj Lothari vs State Of Maharashtra on 27 October, 1978

Equivalent citations: AIR1979SC1279, 1979CRILJ870, 1979LABLC222, (1979)3SCC572, AIR 1979 SUPREME COURT 1279, 1979 CRILR(SC MAH GUJ) 46, (1979) 3 SCC 572, 1979 CRI APP R (SC) 222, 1979 SCC(CRI) 732

Author: Jaswant Singh

Bench: Jaswant Singh, O. Chinnappa Reddy

JUDGMENT

Jaswant Singh, J.

1. At the hearing of this appeal by special leave against the judgment and order dated October 5/6, 1972 of the High Court of Bombay upholding the conviction of the appellant under three counts viz. under Section 135(a) and (b) of the Customs Act, 1962 and Rule 126-P (2)(ii) of the Defence of India Rules, 1962 and the substantive sentence of 9 months' rigorous imprisonment and a fine of Rs. 1,000 on each of the said three counts, Mr. Porus Mehta appearing in support of the appeal has not assailed, and we think rightly so, the legality of the convictions of the appellant. He has merely urged that in the totality of the circumstances of the case including the fact that the appellant was merely a servant, the substantive sentences of imprisonment awarded to him are harsh and should be reduced to the period already undergone by him, Although we are unable to accede wholly to the submission of Mr. Mehta in view of the provisions of Rule 126-P(2)(iv) of the Defence of India Rules, 1962 bearing on the question of sentence and the fact that the economic offences of the nature for which the appellant has been convicted are on increase and require to be curbed with a strong hand yet having regard to the act that the aforesaid offences were committed as long ago as September, 1967 and the proceedings have been going on for well-nigh over a decade during which period the accused must have gone through a lot of mental and financial strain and he was merely a servant, we are inclined to think that it would meet the ends of justice if the substantive sentence of imprisonment awarded to him is reduced to six months' rigorous imprisonment under each of the aforesaid three counts. Accordingly while maintaining the conviction of the appellant under the aforesaid counts, we reduce the substantive sentence of imprisonment under each of the said counts to six months' rigorous imprisonment. The substantive sentences of imprisonment shall run concurrently as directed by the Courts below. With this modification in sentence, the appeal is dismissed.