

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICITON

**SPECIAL LEAVE PETITION (CRL.) NO. 5965 OF 2019**

Bhimappa Lakshmappa Yadhalli .. Petitioner

Versus

The State of Karnataka .. Respondent

O R D E R

Feeling aggrieved and dissatisfied with the impugned judgment and order dated 18.02.2019 in CRLA No. 2694 of 2010 passed by the High Court of Karnataka, Circuit Bench at Dharwad, the original accused who has been convicted for the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention and Corruption Act (for short 'PC Act'), has preferred the present Special Leave Petition.

The learned Trial Court held the accused guilty for the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the PC Act and sentenced him to undergo five years Simple Imprisonment for the offence punishable under Section 13(1)(d) read with Section 13(2) of the PC Act and also for a period of four years for

the offence punishable under Section 7 read with Section 13(2) of the PC Act. However, in an appeal preferred by the original accused, by the impugned judgment and order, though the High Court has upheld the conviction of the accused for the aforesaid offences punishable under the PC Act, but has modified the order of sentence and has reduced the sentence to two years and three years for the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the PC Act respectively.

We have heard the learned counsel appearing on behalf of the petitioner-original accused at length. Having heard the learned counsel appearing on behalf of the petitioner-original accused and on considering the judgment and order passed by the learned Trial Court, confirmed by the High Court, convicting the accused for the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the PC Act, we see no reason to interfere with the impugned judgment and order passed by the High Court insofar as upholding the conviction of the accused for the offences under Sections 7 and 13(1)(d) read with Section 13(2) of the PC Act. Therefore, the present Special Leave Petition preferred against the impugned judgment and order passed by the High Court at the instance of the petitioner-original accused, deserves to be dismissed.

However, it is required to be noted that though the High Court has upheld the conviction of the accused for the offences punishable under the PC Act, the High Court has reduced the sentence from five years for the offence punishable under Section 13(1)(d) read with Section 13(2) to three years' simple imprisonment and from four years for the offence punishable under Section 7 read with Section 13(2) of the PC Act to two years' simple imprisonment. From the impugned judgment and order passed by the High Court, it appears that the High Court has reduced the sentence by observing that the amount of bribe is only to the tune of Rs.2,000/- and, out of Rs.2,000/-, the complainant has made the payment of Rs.1,500/-, the sentence imposed by the Court below seems to be little harsh.

We are of the opinion that that the aforesaid reasoning given by the High Court is not tenable in law and is not germane and/or cannot be a ground to reduce the sentence. Smallness of the amount of bribe cannot be a ground to reduce the sentence, more particularly in a case where the accused is convicted for the offences punishable under the PC Act. Bribe may be of one rupee or Rupees one crore, Bribe is a bribe and, as observed hereinabove, smallness of the amount of bribe alone cannot be a ground to reduce the sentence. Once an accused is held guilty for the offences punishable under

Sections 7 and 13(1)(d) read with Section 13(2) of the PC Act and convicted, as per the Sentencing Policy, the sentence must be proportionate to the gravity of the offence committed. As rightly observed by the learned Trial Court, it is a serious social evil which hampers the development of the society. The said evil is a cancer to the society which is slowly destroying the health of the society. As rightly observed by the learned Trial Court, the quantum of the illegal gratification cannot be the criteria for awarding the sentence. Therefore, as such, we disapprove the reasoning given by the High Court while reducing the sentence in the present case. The High Court has shown unnecessary leniency and has reduced the sentence on a ground/reasoning which cannot be sustained. Therefore, the High Court is not justified in reducing the sentence on the grounds stated in the impugned judgment and order. However, as the State has not preferred any appeal against the impugned judgment and order, we rest the matter there. But we disapprove the reasoning given by the High Court. We further observe that the impugned judgment and order passed by the High Court reducing the sentence not to be treated as a precedent for any other case.

With this observation, the present Special Leave Petition is dismissed.

Pending application(s), if any, shall stand disposed of.

.....J.  
[ARUN MISHRA]

NEW DELHI,  
July 19, 2019.

.....J.  
[M. R. SHAH]

ITEM NO.26

COURT NO.4

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 5965/2019

(Arising out of impugned final judgment and order dated 18-02-2019 in CRLA No. 2694/2010 passed by the High Court of Karnataka Circuit Bench at Dharwad)

BHIMAPPA LAKSHMAPPA YADHALLI

Petitioner(s)

VERSUS

THE STATE OF KARNATAKA

Respondent(s)

(IA No. 67625/2019 - EXEMPTION FROM FILING O.T.)

Date : 19-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA

HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Sharanagouda Patil, Adv.  
Supreeth Sharanagouda, Adv.  
For M/S. S-Legal Associates

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The special leave petition is dismissed in terms of the signed order.

(NARENDRA PRASAD)  
COURT MASTER

(JAGDISH CHANDER)  
COURT MASTER

(Signed order is placed on the file)