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## **Judicial Response for Privileged Class Deviance**

### **Judicial Response**

The requirement of prior sanction of the Government under Section 197 of the Code of Criminal Procedure, 1973 provided an umbrella shield for corrupt public servants who were accused of any offence alleged to have been committed by them while acting or purporting to act in discharge of their official duty.

The Supreme Court in **Vineet Narayan v. Union of India**,(1998) I SCC 226, observed that the corruption cases against the public servant were often delayed due to refusal or delayed sanction by the competent authority despite the investigation agency having disclosed a prima-facie case against the public servant. The Court held that sanction to prosecute not being a quasi-judicial function, the competent authority must give sanction if it is satisfied that material placed before it is sufficient for prosecution of the public servant.

The Supreme Court in the case of **Jayalalitha v. Union of India**,(1999) 5 SCC 138, observed that corruption erodes the moral fabric of the society and is detrimental to national economy. Misuse and abuse of power by persons occupying high positions in the Government has reached alarming dimensions and it has tarnished the image of the country.

Giving the term 'public servant' a wide interpretation, the Supreme Court in **Government of Andhra Pradesh v. P. V. Reddy**, AIR 2002 SC 3346, held that with a view to curb corruption at all levels, it would be appropriate not to limit the definition of public servant only to Government officials but it should also include employees of a co-operative society which is aided and controlled by the Government.

The Supreme Court, in **Subramaniam Swamy v. Dr. Man Mohan Singh**, AIR 2012 SC 1185, reiterated that the time-limit of three months for grant of government sanction under Section 19 of the Prevention of Corruption Act, 1988 for prosecution of public servant alleged of corruption charges, must be strictly followed without delay.

In **Ram Narayan Poply v. C.B.I.**, AIR 2003 SC 2748, the Apex Court expressed concern for adverse effects of white collar crimes and held that economic offenders should not be allowed to ruin the economy of the country and they should be sternly dealt with.

In **R.K. Garg v. Union of India**, the validity of the Special Bearer Bonds (Immunities & Exemption) Act, 1981 was challenged on the ground that it extended undue benefit to tax-evadors. The Court upholding the validity of the Act, held that the Act was not intended to encourage tax-evasion in future and

condone such evasion committed in past but the real object of the Act was enacted to launch a nation-wide search to unearth undisclosed money by encouraging small incentive. The main intention was to unearth black-money so as to prevent loss to the Government.

In the case of **Nimmagadda Prasad v. CBI**, AIR 2013 SC 2821, the appellant along with Y.S. Jagan Mohan Reddy, enriched himself for more than 40,000 crores of rupees by the influence of Jagan Mohan's father Dr. Y.S. Rajasekharan Reddy who was the then Chief Minister of Andhra Pradesh. The Chief Minister, Late Dr. Reddy extended many undue favours to the appellant by abusing his official position and thereby allotting 18878 acres of land to the appellant and in return, he paid illegal gratifications amounting to 854.5 crores rupees to Y.S. Jagan Mohan Reddy and his ofgroup of companies. Illegal gratifications were paid in the guise investments/share application money to give them corporate colour in order to escape criminal charges.

The appellant's prayer for bail was dismissed by the Supreme Court in view of the fact that he was involved in a grave economic offence of alienating prime lands to selected private companies/individuals under the garb of development using deceptive means resulting in wrong ownership and control of material resources detrimental to the common good. Since CBI was required to obtain documents from different Banks, other private companies and individuals who had

facilitated the said diversion of funds, the release of the appellant on bail was not in the interest of justice though he was already in jail for the last eleven months. The Court noted that the appellant was a person of means and as such, he could influence witnesses, therefore, it would not be proper to release him on bail.

### **Sources**

1. All India reporter, Supreme Court Cases
- 2 N. V. Paranjape: Criminology, Penology Victimology, Central Law Publication, 2018
3. Ahmad Siddiqui: Criminology & Penology, 2011

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