

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPEALATE JURISDICTION

CRIMINAL APPEAL NOS. 300-303 OF 2017

(Arising out of SLP (Crl.) Nos. 6117-6120 of 2015)

STATE OF KARNATAKA APPELLANT(S)

:Versus:

SELVI J. JAYALALITHA & ORS. ... RESPONDENT(S)

WITH

CRIMINAL APPEAL NOS.304-307 OF 2017

(Arising out of SLP (Crl.) Nos. 6294-6297 of 2015)

K. ANBAZHAGAN APPELLANT(S)

:Versus:

SELVI J. JAYALALITHA & ORS. ETC. ... RESPONDENT(S)

AND

CRIMINAL APPEAL NOS. 308-313 OF 2017

(Arising out of SLP (Crl.) Nos. 6121-6126 of 2015)

K. ANBAZHAGAN APPELLANT(S)

:Versus:

INDO DOHA CHEMICALS & PHARMACEUTICALS
AND ORS. ETC. RESPONDENT(S)

AND

CRIMINAL APPEAL NOS.314-319 OF 2017
(Arising out of SLP (Crl.) Nos. 7107-7112 of 2015)

STATE OF KARNATAKA APPELLANT(S)

:Versus:

INDO DOHA CHEMICALS & PHARMACEUTICALS
AND ORS. ETC. RESPONDENT(S)

J U D G M E N T

Amitava Roy, J.

A few disquieting thoughts that have lingered and languished in distressed silence in mentation demand expression at the parting with a pulpit touch. Hence, this supplement.

2. The attendant facts and circumstances encountered as above, demonstrate a deep rooted conspiratorial design to amass vast assets without any compunction and hold the same through shell entities to cover up the sinister trail of such illicit acquisitions and deceive and delude the process of law. Novelty

in the outrages and the magnitude of the nefarious gains as demonstrated by the revelations in the case are, to say the least, startling.

3. A growing impression in contemporary existence seems to acknowledge, the all pervading pestilent presence of corruption almost in every walk of life, as if to rest reconciled to the octopoid stranglehold of this malaise with helpless awe. The common day experiences indeed do introduce one with unfailing regularity, the variegated cancerous concoctions of corruption with fearless impunity gnawing into the frame and fabric of the nation's essentia. Emboldened by the lucrative yields of such malignant materialism, the perpetrators of this malady have tightened their noose on the societal psyche. Individual and collective pursuits with curative interventions at all levels are thus indispensable to deliver the civil order from the asphyxiating snare of this escalating venality.

4. In the above alarming backdrop of coeval actuality, judicial adjudication of a charge based on an anti-corruption law motivated by the impelling necessities of time, has to be

informed with the desired responsibility and the legislative vision therefor. Any interpretation of the provisions of such law has to be essentially purposive, in furtherance of its mission and not in retrogression thereof. Innovative nuances of evidential inadequacies, processual infirmities and interpretational subtleties, artfully advanced in defence, otherwise intangible and inconsequential, ought to be conscientiously cast aside with moral maturity and singular sensitivity to uphold the statutory sanctity, lest the coveted cause of justice is a causality.

5. Corruption is a vice of insatiable avarice for self-aggrandizement by the unscrupulous, taking unfair advantage of their power and authority and those in public office also, in breach of the institutional norms, mostly backed by minatory loyalists. Both the corrupt and the corrupter are indictable and answerable to the society and the country as a whole. This is more particularly *in re* the peoples' representatives in public life committed by the oath of the office to dedicate oneself to the unqualified welfare of the laity, by faithfully and conscientiously discharging their duties attached thereto in accordance with the

Constitution, free from fear or favour or affection or ill-will. A self-serving conduct in defiance of such solemn undertaking in infringement of the community's confidence reposed in them is therefore a betrayal of the promise of allegiance to the Constitution and a condemnable sacrilege. Not only such a character is an anathema to the preambular promise of justice, liberty, equality, fraternal dignity, unity and integrity of the country, which expectantly ought to animate the life and spirit of every citizen of this country, but also is an unpardonable onslaught on the constitutional religion that forms the bedrock of our democratic polity.

6. This pernicious menace stemming from moral debasement of the culpables, apart from destroying the sinews of the nation's structural and moral set-up, forges an unfair advantage of the dishonest over the principled, widening as well the divide between the haves and have nots. Not only this has a demoralising bearing on those who are ethical, honest, upright and enterprising, it is visibly antithetical to the quintessential spirit of the fundamental duty of every citizen to strive towards

excellence in all spheres of individual and collective activity to raise the nation to higher levels of endeavour and achievement. This virulent affliction triggers an imbalance in the society's existential stratas and stalls constructive progress in the overall well-being of the nation, besides disrupting its dynamics of fiscal governance. It encourages defiance of the rule of law and the propensities for easy materialistic harvests, whereby the society's soul stands defiled, devalued and denigrated.

7. Such is the militant dominance of this sprawling evil, that majority of the sensible, rational and discreet constituents of the society imbued with moral values and groomed with disciplinal ethos find themselves in minority, besides estranged and resigned by practical compulsions and are left dejected and disillusioned. A collective, committed and courageous turnaround is thus the present day imperative to free the civil order from the suffocative throttle of this deadly affliction.

8. Every citizen has to be a partner in this sacrosanct mission, if we aspire for a stable, just and ideal social order as envisioned by our forefathers and fondly cherished by the

numerous self-effacing crusaders of a free and independent Bharat, pledging their countless sacrifices and selfless commitments for such cause.

.....J.
(AMITAVA ROY)

NEW DELHI;
FEBRUARY 14, 2017