

DEVKI ALIAS KALA

v.

THE STATE OF HARYANA

July 24, 1979

[V. R. KRISHNA IYER, D. A. DESAI AND A. D. KOSHAL, JJ.]

*Sentencing process—Plea for an order to release anti-social specialist criminals on probation under the Probation of Offenders Act, 1958 (Act XX of 1958) is an insulting stultification of the amelioratory legislation.*

The petitioner was convicted and sentenced under Sections 366 and 368 Penal Code to three years' rigorous imprisonment on each count for the offences of abduction, seduction and sale of girls to others. In appeal, the High Court confirmed the said order of conviction under Section 366 I.P.C. but set aside the conviction under Section 368 *ibid*.

Dismissing the special leave petition, the Court

HELD: It is an insulting stultification of the amelioratory legislation viz. Probation of Offenders Act to extend its considerate provisions to such anti-social specialist criminals, as in this case, where the petitioner an abominable culprit with sufficient expertise in the art of abduction seduction and sale of girls, descended in a taxi cab, kidnapped the young woman and when she cried out administered the potion which rendered her unconscious and by a well-laid out plan took her from the small town in Bihar to Dhanbad and from there, via Delhi to Haryana and lodged her in a house for obvious immoral purposes.

[82C-E]

CRIMINAL APPELLATE JURISDICTION : Petition for Special Leave to Appeal (Criminal) No. 1839 of 1979.

Appeal by Special Leave from the Judgment and Order dated 19-1-1973 of the Punjab and Haryana High Court in Criminal Appeal No. 329/75.

*J. P. Goyal and S. K. Jain* for the Petitioner.

The Order of the Court was delivered by

KRISHNA IYER, J. Parvati, an unsophisticated girl of 17 was wending her way home at about sunset along a public street in the artless town of Sitalpur in Bihar when Smt. Devki, the petitioner before us, with diabolic design, swooped down and snatched her into a taxi-cab and blized away. The weeping victim was medicated into unconsciousness, removed to Dhanbad and further on, to destination Haryana. Tragically, where tourists abound, satellite industries in female flesh flourish, unless the State crusades with militant zeal to stamp out this terrible vice. Anyway, Parvati, by now enslaved in a village villa, was offered for marital sale to affluent lecherous youths. The damsel

**A** in distress desperately escaped through a half-ajar door and eventually landed in a police station. The police investigation unravelled the pathetic story and ended up in a case, conviction, appeal, confirmation and, finally, in this special leave petition to this Court which is the last refuge of every vanquished litigant.

**B** Confronted by concurrent findings of guilt, counsel for the petitioner gave up his attack on the conviction and concentrated his fire on the sentence, which, in this case, was three years' rigorous imprisonment. For what ? For abducting a teenage girl and forcing her into sexual submission with commercial object, a racket which has become an enormous national menace, notwithstanding the constitutional concern for the weaker sex. Counsel dared to urge that the Probation of Offenders Act should be extended to this abominable culprit who had shown sufficient expertise in the art of abduction, seduction and sale of girls to others who offer a tempting price. The features of this case show that the petitioner suddenly descended in a taxi-cab and kidnapped the young woman, and when she cried out, administered the potion which rendered her unconscious. Furthermore, a well laid-out plan is discernible when we see the geographical spread of the crime. From a small town in Bihar, the girl is despatched to Dhanbad and from there, via Delhi, to Haryana, lodged in a house where young men were asked to view her for obvious immoral purposes. It is an insulting stultification of the amelioratory legislation viz. Probation of Offenders Act to extend its considerate provisions to such anti-social, specialist criminals. All that we can do is to reject the plea with indignation and follow it up with an appeal to the State Governments of Bihar and of Haryana to put a special squad on the trail and hound out every such offender so that the streets of our towns and cities may be sanitized and safe after sunset for Indian womanhood. Dismissed.

**C**

**D**

**E**

**F**

S.R.

*Petition dismissed.*