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Leniency to rape convict costs judge job

SC Upholds Allahabad HC Verdict Of Compulsory retirement

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New Delhi: The Supreme Court on Friday upheld the compulsory retirement of a judicial officer for showing undue leniency to a convict in a case of sexual assault of a minor, underlining its "zero tolerance" approach towards rapes.

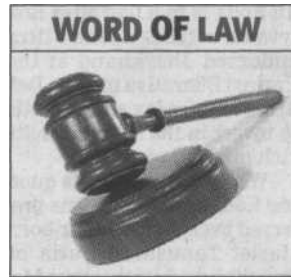
An officer with an otherwise good track record, additional sessions judge Raj Kumar released a person on parole under the Probation of Offenders Act after finding that he had already served a sentence of more than 15 months.

What he lost countenance of in the process was that the law viewed the crime—raping a minor girl—very seriously and provided for a minimum sentence of 10 years' rigorous imprisonment that could be extended to a life term in addition to a provision for the imposition of fine.

On the complaint of an advocate about this judicial misconduct, the Allahabad high court recommended his compulsory retirement, which was accepted by the state government. Kumar had challenged his compulsory retirement before the apex court.

Serving a serious warning to judges who lose sight of the link between crime and punishment and are lenient to persons convicted of heinous offences, a bench of Chief Justice K G Balakrishnan and Justices R V Raveendran and J M Panchal said such presiding officers had no place in the judiciary.

Kumar's counsel said the officer had a good track record and should have been shown some leniency as this was the



Additional sessions judge Raj Kumar, who otherwise had a good track record, had released a rapist on parole after 15 months despite the law providing for 10 yrs' RI for in such a crime. The SC turned down Kumar's plea that this was his first error and said the judiciary didn't want officers who did not understand law

first error committed by him.

An unrelenting CJI said: "You (the judge) may have been very efficient, but on what basis could a person convicted of raping a minor be released on parole when the law provides for a minimum sentence of 10 years extendable to life imprisonment?"

"The judges must understand what is law. You are only compulsorily retired though you could have been dismissed for this. We do not want judicial officers who do not understand law," said the bench dismissing Kumar's appeal.