IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE SANJEEV S KALGAONKAR
CRIMINAL APPEAL No. 1043 of 1998

THE STATE OF M.P.
Versus
MUNNALAL

Appearance:

Shri Abhinav Shrivastava and Ms Aishwarya Kesarwani - Advocates appeared for appellant/State.

Shri Aditya S. Rajput - Advocate appeared for respondent.

Reserved on	:	**18.06.2026**
Pronounced on	:	**19.09.2026**

This criminal appeal having been heard and reserved for judgment, coming for pronouncement on this day, Justice Sanjeev S Kalgaonkar pronounced the following :

JUDGMENT

The present appeal under section 378(1) & (3) of Cr.P.C. is filed by the appellant/State feeling aggrieved by the judgment of acquittal dated 19.12.1997 passed by they learned Special Judge (Prevention of Corruption Act) Sagar, in Special Case No.2/97 whereby the respondent/accused Munnalal was acquitted from the charge of offence punishable under Section 7 and 13(i) (d) read with 13 (ii) of the Prevention of Corruption Act, 1988 (for brevity, hereinafter referred to as the 'P.C. Act').

2. The uncontroverted facts are that the respondent/accused Munnalal was working as a Patwari at Patwari Halka no.31, Khurai, District Sagar. Veer Singh (complainant) had applied for issuance of *Bhu-Adhikar Evam Rin Pustika* by submitting an application Ex.-P/9 before the Tehsildar Khurai. The accused had received proforma of order sheet Ex.-P/15 from the Court of Tehsildar, Khurai. It is also uncontroverted that the government dues (*Takabi*) of Rs.325/- and interest was outstanding against Veer Singh since 01.07.1976. It is also not disputed that on 17.10.1996, a trap was conducted by the Investigation Officer of Special Police Establishment (Lokayukt) Inspector V.N. Jadiya PW-16. Ashok Rajmani PW-9 and P.S. Kirar PW-8 were the punch witnesses. Veer Singh offered Rs.300/- phenolphthalein smeared currency notes to the accused. Sudama PW-4 and Brijmohan PW-5 of the trap party apprehended the accused and caught hold of his hand. The phenolphthalein smeared tinted currency notes of Rs.300/- were recovered from the pocket of the shirt of accused Munnalal. The traces of phenolphthalein were found on the hands and shirt pocket of the accused. The tinted currency notes and shirt of the accused were seized. The sanction to prosecute the accused for the offence punishable under Sections 7 and 13 of the P.C. Act was granted *vide* Sanction Memo Ex.- P/3. These facts were not disputed by the counsel for the respondent during the course of arguments also.

3. According to the case of prosecution, Veer Singh lost his *Bhu-Adhikar Rin Pustika* therefore, he applied for issuance of new *Bhu-Adhikar Rin Pustika*. The accused demanded Rs.450/- from Veer Singh for issuance of new *Bhu-Adhikar Rin Pustika* in presence of Harishankar and Kudau Ahirwar. The complainant Veer Singh paid Rs.150/- and promised to pay Rs.300/- in a couple of days. The complainant Veer Singh complained to Bhagwan Das PW-6 and Harishankar PW-3 of *Samaj Sudhar Smaiti*, Rengua (Khurai). Later, Veer Singh submitted a written complaint at the Office of the Special Police Establishment (Lokayukt), Sagar on 15.10.1996 (Ex P-18). During preliminary inquiry, a tape recorder with cassette was provided to the complainant wherein, he recorded the conversation regarding demand of illegal gratification by the accused. The complainant submitted the tape containing recorded conversation at the Office of the Special Police Establishment (Lokayukt) and submitted another written complaint on 17.10.1996 (Ex P- 2-A). A trap was conducted by the Investigation Officer Inspector V.N. Jadiya PW-16. The complainant Veer Singh handed over the phenolphthalein coated currency notes to the accused Munnalal at his residence. Sudama PW-4 and Brijmohan PW-5 apprehended the accused. The tainted currency notes were recovered from the pocket of shirt of the accused. The hands and the pocket of shirt were dipped in sodium carbonate solution to verify the presence of phenolphthalein. The traces of phenolphthalein were found on the hand and shirt pocket of the accused Munnalal. The incomplete *Bhu-Adhikar Rin Pustika* and other relevant documents of Veer Singh were recovered and seized from the house of the accused Munnalal. On completion of investigation and receiving the sanction for prosecution, the final report was submitted before the Court of Special Judge (Prevention of Corruption Act), Sagar.

4. The learned Special Judge (Prevention of Corruption Act), Sagar framed the charges for the offence punishable under Sections 7 read with Section 13(1)(d) and 13(2) of the P.C. Act against accused Munnalal. On completion of trial, the learned Special Judge, *vide* impugned judgment dated 19.12.1997, acquitted accused Munnalal of all the charges. Feeling aggrieved by the judgment of acquittal, the present appeal is filed assailing the impugned judgment on the following grounds:-

(i) The trial court failed to appreciate the evidence on record.

(ii) The prosecution witnesses have proved the case beyond reasonable doubt.

(iii) The complaint has proved that there was demand of bribe and obtainment of illegal gratification by the accused.

(iv) The learned trial court ignored the material evidence and acquitted the accused merely on technical grounds giving more weightage to minor omissions and contradictions.

On these grounds, it is prayed that the impugned judgment be set aside.

5. Learned counsel, in addition to the grounds mentioned in the appeal, contended that the trial court has committed an error in relying on minor inconsistencies and omissions in the evidence of prosecution witnesses. Learned counsel, referring to paragraphs 14 and 15 of the impugned judgment, submitted that the trial court has wrongly discarded the transcript of tape-recorded conversation corroborating the demand for illegal gratification by the accused. Learned counsel contends that if the evidence of the prosecution is considered in its entirety, then the demand and recovery of bribe money was fully established by the prosecution. The trial court ignored the material aspect that incomplete *Bhu-Adhikar Rin Pustika* was recovered from the possession of Munnalal which substantiates the existence of reasons for demand of illegal gratification. Learned counsel referred to the evidence of prosecution witnesses and paragraphs- 8 to 13 of the impugned judgment to point out erroneous appreciation of evidence by the trial court. Learned counsel relying on the judgment of Hon'ble the Apex Court in the case of ***Neeraj Dutta Vs. State (NCT of Delhi)*** reported in **(2023) 4 SCC 731**, contends that even in absence of direct prosecution evidence, the case against accused Munnalal was proved by the circumstantial evidence.

6. *Per contra,* learned counsel for the respondent submitted that the defence of the accused, from the very inception, was that an amount of Rs.325/- was outstanding against the complainant Veer Singh, towards government dues (***Takabi***). The Tehsildar had instructed the accused to recover the said arrears from the complainant before issuing the ***Bhu-Adhikar Rin Pustika***. The complainant had tendered Rs.325/- towards payment of the arrears, which the accused kept in his shirt pocket. The accused was falsely implicated on the allegation of having demanded and accepted illegal gratification. Learned counsel further submitted that the defence version stood established by the testimony of O.P. Ladiya (PW-1) and the admissions elicited in the cross-examination of the prosecution witnesses. The learned trial Court, in paragraph 19 of the impugned judgment, rightly held that the probability of defence version was established by the material on record. The trial Court meticulously examined the prosecution evidence in paragraphs 7 to 13 of the impugned judgment and considering the omissions and inconsistencies emerging in the cross-examination of the complainant Veer Singh (PW-15) and the interested witnesses Harishankar (PW-3) and Bhagwan Das (PW-6), rightly declined to rely upon their testimony. The impugned judgment does not suffer from any substantial error. Learned counsel also contended that there was no occasion to demand illegal gratification, it was properly appreciated by the trial Court in paragraphs 17 and 18 of the impugned judgment. The chain of circumstances has not been established. Rather, the circumstances support the defence of the accused. The appeal deserves to be dismissed. To buttress his contention, learned Counsel has relied upon the judgment of the Apex Court in the case of ***Bhupatbhai Bachubhai Chavda & Anr. Vs. The State of Gujarat*** reported in **2024 SCC OnLine SC 523.**

7. Heard the learned counsel for both the parties and perused the record.

8. The points for determination in the present appeal are as under:-

(i) Whether the accused Munnalal demanded Rs.300/- as gratification other than legal remuneration, in respect of an official act of issuance of *Bhu-Adhikar Evam Rin Pustika,* from the complainant Veer Singh?

(ii) Whether the accused Munnalal obtained Rs.300/- as gratification other than legal remuneration, from Veer Singh and thereby, committed criminal misconduct?

(iii) Whether the trial Court committed an error in acquitting the respondent/accused Munnalal *vide* impugned judgment dated 19.12.1997?

9. Before adverting to the merits of the present appeal, it would be apposite to first recapitulate the settled principles governing the scope and extent of appellate interference with a judgement of acquittal. The following guiding principles need to be kept in mind by the Appellate Court while dealing with appeals, particularly against the order of acquittal:

(i) There is no limitation on the part of the Appellate Court to review the evidence upon which the order of acquittal is found. An appellate court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded.

(ii) The Appellate Court in an appeal against acquittal can review the entire evidence. The Appellate Court can also review the Trial Court's conclusion with respect to both facts and law. The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.

(iii) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. *Firstly*, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. *Secondly*, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(iv) While dealing with the appeal preferred by the State, it is the duty of the Appellate Court to marshal the entire evidence on record and give cogent and adequate reasons to set aside the judgment of acquittal.

(v) An order of acquittal is to be interfered only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference.

(vi) While sitting in judgment over an acquittal, the Appellate Court is first required to seek an answer to the question whether finding of the Trial Court are palpably wrong, manifestly erroneous or demonstrably unsustainable. If the Appellate Court answers the above question in the negative the order of acquittal is not to be disturbed. Conversely, if the Appellate Court holds, for reasons to be recorded, that the order of acquittal cannot at all be sustained in view of any of the above infirmities, it can reappraise the evidence to arrive at its own conclusion.

(vii) When the Trial Court has ignored the evidence or misread the material evidence or has ignored material documents like dying declaration/report of

Ballistic Experts etc., the Appellate Court is competent to reverse the decision of the Trial Court depending on the materials placed.

(viii) Various expressions, such as, "substantial and compelling reasons", "good and sufficient grounds", "very strong circumstances", "distorted conclusions", "glaring mistakes", etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the nature of "flourishes of language" to emphasise the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.

(ix) If two reasonable conclusions are possible based on the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court.

(*Chandrappa and others Vs. State of Karnataka* reported in **(2007) 4 SCC 415; *Sidhartha Vashisht Vs. State (N.C.T. of Delhi)*** reported in **AIR 2010 SC 2352 Khedu Mahton& Others v. State of Bihar, (1970) 2 SCC 450, Shivaji Sahabrao Bobade & Another v. State of Maharashtra, (1973) 2 SCC 793, Lekha Yadav v. State of Bihar, (1973) 2 SCC 424, Khem Karan v. State of U.P. AIR 1974 SC 1567, K. Gopal Reddy v. State of A.P. (1979) 1 SCC 355, Tota Singh & Another v. State of Punjab, (1987) 2 SCC 529, Ram Kumar v. State of Haryana, 1995 Supp. (1) SCC 248, Chandrappa& Others v. State of Karnataka, (2007) 4 SCC 415, Gurudatt Pathak v. State of U.P. and *Ashok Kumar Singh Chandel v. State of U.P.*, (2022) 20 SCC 114 relied)**

10. In case of ***Satyavir Singh v. State of Uttar Pradesh*** reported in **(2010) 3 SCC 174,** it was held that -

"In addition to the above re-statement of principles, the Court also referred to what findings could be termed as '***perverse***' so as to call for interference by the higher court hearing the appeal against judgment of acquittal. ***'Perverse'*** was stated to be a behaviour which most of the people would take ***wrong, unacceptable, unreasonable and a 'perverse' verdict may probably be defined as one that is not only against the weight of the evidence but is altogether against the evidence***. Besides, a finding being 'perverse', it could also ***suffer from the infirmity of distorted conclusions and glaring mistakes***. In addition thereto there can be cases where for substantial and compelling reasons, good and sufficient grounds, very strong circumstances and to avoid the ends of justice being defeated, the higher courts have to interfere with the judgment of acquittal recorded by the lower court. (emphasis added)

11. Following the Constitution Bench Judgement in case of ***M.G. Agarwal* v. *State of Maharashtra*, (1963) 2 SCR 405** and other judgements of Privy Council, the Supreme Court in ***Ghurey Lal* v. *State of U.P.***, reported in **(2008) 10 SCC 450** has formulated the following principles:

> "*69*. The following principles emerge from cases above:
>
> 1. The appellate court may review the evidence in appeals against acquittal under Sections 378 and 386 of the Criminal Procedure Code, 1973. Its power of reviewing evidence is wide and the appellate court can reappreciate the entire evidence on record. It can review the trial court's conclusion with respect to both facts and law.
> 2. The accused is presumed innocent until proven guilty. The accused possessed this presumption when he was before the trial court. The trial court's acquittal bolsters the presumption that he is innocent.
> 3. Due or proper weight and consideration must be given to the trial court's decision. This is especially true when a witness' credibility is at issue. It is not enough for the High Court to take a different view of the evidence. There must also be substantial and compelling reasons for holding that the trial court was wrong.
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> *70*. In light of the above, the High Court and other appellate courts should follow the well-settled principles crystallised by number of judgments if it is going to overrule or otherwise disturb the trial court's acquittal:
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> 1. The appellate court may only overrule or otherwise disturb the trial court's acquittal if it has "very substantial and compelling reasons" for doing so.
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> A number of instances arise in which the appellate court would have "very substantial and compelling reasons" to discard the trial court's decision. **"Very substantial and compelling reasons" exist when:**
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> (*i*) The trial court's conclusion with regard to the facts is palpably wrong;
> (*ii*) The trial court's decision was based on an erroneous view of law;
> (*iii*) The trial court's judgment is likely to result in "grave miscarriage of justice";
> (*iv*) The entire approach of the trial court in dealing with the evidence was patently illegal;
> (*v*) The trial court's judgment was manifestly unjust and unreasonable;
> (*vi*) The trial court has ignored the evidence or misread the material evidence or has ignored material documents like dying declarations/report of the ballistic expert, etc.
> (*vii*) This list is intended to be illustrative, not exhaustive.
>
> 2. The appellate court must always give proper weight and consideration to the findings of the trial court.
> 3. If two reasonable views can be reached — one that leads to acquittal, the other to conviction — the High Courts/appellate courts must rule in favour of the accused."

Point for determination no. 1 and 2- Reasons for conclusion

12. Both the points for determination No. 1 and 2 are being considered together as evidence and conclusion are inter-dependent.

13. In view of the unamended provision of the prevention of Corruption Act, 1988, the prosecution is required to prove following ingredients to establish the guilt of public servant for offence punishable under Section 7 of the Act, 1988 :-

(i) The accused is a public servant.
(ii) He has accepted or obtained or agreed to accept or attempted to obtain any gratification other than legal remuneration for himself or any other person.
(iii) As a motive or reward for doing or forbearing to do any official act or to show or forbearing to show any official or disfavour to any person in exercise of his official functions.

Further, the prosecution is required to prove following ingredients to establish the guilt of public servant for offence punishable under Section 13(1)(d) of the Act, 1988:-

(i) The accused is a public servant.

(ii) He has obtained for himself or any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as public servant or without any public interest.

14. In case of ***C.K. Damodaran Nair Vs. Union of India*** **(1997) 9 SCC 477**, the Supreme Court while interpreting Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947 discussed the expression "accept" and "obtain" as under:-

> "**12.** The position will, however, be different so far as an offence under Section 5(1)(d) read with Section 5(2) of the Act is concerned. For such an offence, prosecution has to prove that the accused "obtained" the valuable thing or pecuniary advantage by corrupt or illegal means or by otherwise abusing his position as a public servant and that too without the aid of the statutory presumption under Section 4(1) of the Act as it is available only in respect of offences under Section 5(1)(a) and (b) and not under Section 5(1)(c), (d) or (e) of the Act. "Obtain" means to secure or gain (something) as the result of request or effort (Shorter Oxford Dictionary). In case of obtainment the initiative vests in the person who receives and in that context a demand or request from him will be a primary requisite for an offence under Section 5(1)(d) of the Act unlike an offence under Section 161 IPC, which, as noticed above, can be, established by proof of either "acceptance" or "obtainment".

15. In case of ***Subash Parbat Sonvane Vs. State of Gujarat*** **(2002) 5 SCC 86,** the expression "accepts" and "obtains" were explained as under:-

> In Sections 7 and 13(1)(a) and (b) of the Act, the Legislature has specifically used the words 'accepts' or 'obtains'. As against this, there is departure in the language used in clause (1)(d) of Section 13 and it has omitted the word 'accepts' and has emphasized the word 'obtains'. Further, the ingredient of sub-clause (i) is that by corrupt or illegal means, a public servant obtains any valuable thing or pecuniary advantage; under clause (ii), he obtains such thing by abusing his position as public servant; and sub-clause (iii) contemplates that while holding office as the public servant, he obtains for any person any valuable thing or pecuniary advantage without any public interest. Therefore, for convicting the person under Section 13(1)(d), there must be evidence on record that accused 'obtained' for himself or for any other person any valuable thing or pecuniary advantage by either corrupt or illegal means or by abusing his position as a public servant or he obtained for any person any valuable thing or pecuniary advantage without any public interest.

16. In case of ***State of Kerala Vs. C.P. Rao*** **(2011) 6 SCC 450,** it was observed by the Supreme Court that in absence of any evidence to prove the payment of bribe or to prove that accused has voluntarily accepted the money knowing it to be bribe, mere recovery would not be sufficient to prove the charges under Sections 7 and 13(1)(d) of the Act, 1988.

17. In case of ***B. Jayaraj Vs. State of Andhra Pradesh*** reported in **(2014) 13 SCC 55**, the complainant did not support the prosecution, therefore, declared hostile. The prosecution did not examine any other witness present at the time when the money was allegedly handed over to the accused by the complainant to prove that money was given pursuant to the demand made by the accused. The Supreme Court held that when the complainant has disowned the allegation made in the complaint and in absence of other evidence with regard to proof of demand by the accused, the evidence of the complainant and the complaint could not be relied upon as proof of demand by the accused. It was further held that mere possession and recovery of currency notes from the accused without any proof of demand would not establish the offence punishable under Sections 7 or 13(1)(d) (i) and (ii) of the Act, 1988. It was also held that the presumption under Section 20 of the Act, 1988, could be drawn only if there was proof of "acceptance of illegal gratification" for which proof of demand was a *sine qua non*.

18. In case of ***P. Satyanarayana Murthy Vs. State of Andhra Pradesh*** reported in **(2015) 10 SCC 152**, the complainant died before the evidence. The Supreme Court held that proof of demand of illegal gratification is gravamen for offences punishable under Sections 7 and 13(1)(d)(i) and (ii) of the Act, 1988. Mere acceptance of any amount by way of gratification or recovery thereof *de hors* the proof of demand would not be sufficient to bring home the charge under aforesaid sections of the Act, 1988. The proof of demand is a *sine qua non* and in the absence of proof of demand, legal presumption under Section 20 of the Act, 1988, cannot be raised.

19. In case of ***Hazari Lal Vs. State (Delhi Administration)*** reported in **(1980) 2 SCC 390**, the Supreme Court observed that it is not necessary to prove passing of money by direct evidence. The Court may presume the existence of any fact which happened in any course of natural events, human conduct and public business under Section 114 of the Evidence Act, 1872. The accused had taken the currency notes from his pocket and flung them across the wall. It was proved that the currency notes were obtained from the complainant a few minutes earlier. Considering the legal presumption, accused was held guilty for the offence.

20. Relying on ***Hazari Lal*** (*supra*), the three Judge Bench of Supreme Court in case of ***N. Narsinga Rao Vs. State of Andhra Pradesh*** reported in **(2001) 1 SCC 691** held that once it was established that there was a demand or acceptance of illegal gratification and once the foundational facts were proved, the legal presumption for payment or acceptance of illegal gratification for motive or reward for doing or forbearing to do official act is applicable.

21. In case of ***N. Narsinga Rao*** *(supra*), the complainant and other witnesses turned hostile and denied that appellant had demanded bribe. The appellant raised the defence that tainted currency notes were forcefully stuffed into his pocket. The Supreme Court observed that the circumstance preceding and succeeding in the discovery of tainted currency notes from the pocket of appellant is sufficient to draw factual presumption that appellant had willingly received the tainted currency notes. It was further observed that since the prosecution has proved that appellant had accepted gratification. The Court was under legal obligation to draw statutory presumption that such gratification was accepted as a reward for doing public duty. The two witnesses examined in defence were unable to rebut the presumption and, hence, accused was found guilty.

22. In case of ***Kishan Chand Mangal Vs. State of Rajasthan*** reported in **(1982) 3 SCC 466**, it was observed that complainant's visit to Anti-Corruption Bureau, his proposing currency notes, the Officer of Department arranging a trap and the Raiding Party going to the house of accused indicated that a prior demand for payment was made by the accused.

23. In case of ***Neeraj Dutta Vs. State (NCT of Delhi)*** reported in **(2023) 4 SCC 731,** the Constitution Bench of the Supreme Court considered all these precedents to answer the reference.

> **Question for consideration**:
> **45.** On consideration of the aforesaid cases, the question framed for determination by the larger Bench is as under: "(1) Whether, in the absence of evidence of complainant/direct or primary evidence of demand of illegal gratification, is it not permissible to draw an inferential deduction of culpability/guilt of a public servant under Section 7 and Section 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988 based on other evidence adduced by the prosecution?"

The reference was answered by holding in following terms:-

88.1. (a) Proof of demand and acceptance of illegal gratification by a public servant as a fact in issue by the prosecution is a sine qua non in order to establish the guilt of the accused public servant under Sections 7 and 13 (1)(d) (i) and(ii) of the Act.
88.2. (b) In order to bring home the guilt of the accused, the prosecution has to first prove the demand of illegal gratification and the subsequent acceptance as a matter of fact. This fact in issue can be proved either by direct evidence which can be in the nature of oral evidence or documentary evidence.
88.3. (c) Further, the fact in issue, namely, the proof of demand and acceptance of illegal gratification can also be proved by circumstantial evidence in the absence of direct oral and documentary evidence.
88.4. (d) In order to prove the fact in issue, namely, the demand and acceptance of illegal gratification by the public servant, the following aspects have to be borne in mind:

(i) if there is an offer to pay by the bribe giver without there being any demand from the public servant and the latter simply accepts the offer and receives the illegal gratification, it is a case of acceptance as per Section 7 of the Act. In such a case, there need not be a prior demand by the public servant.
(ii) On the other hand, if the public servant makes a demand and the bribe giver accepts the demand and tenders the demanded gratification which in turn is received by the public servant, it is a case of obtainment. In the case of obtainment, the prior demand for illegal gratification emanates from the public servant. This is an offence under Section 13 (1)(d)(i) and (ii) of the Act.
(iii) In both cases of (i) and (ii) above, the offer by the bribe giver and the demand by the public servant respectively have to be proved by the prosecution as a fact in issue. In other words, mere acceptance or receipt of an illegal gratification without anything more would not make it an offence under Section 7 or Section 13 (1)(d), (i) and (ii) respectively of the Act. Therefore, under Section 7 of the Act, in order to bring home the offence, there must be an offer which emanates from the bribe giver which is accepted by the public servant which would make it an offence. Similarly, a prior demand by the public servant when accepted by the bribe giver and in turn there is a payment made which is received by the public servant, would be an offence of obtainment under Section 13 (1)(d) and (i) and (ii) of the Act.

88.5. (e) The presumption of fact with regard to the demand and acceptance or obtainment of an illegal gratification may be made by a court of law by way of an inference only when the foundational facts have been proved by relevant oral and documentary evidence and not in the absence thereof. On the basis of the material on record, the Court has the discretion to raise a presumption of fact while considering whether the fact of demand has been proved by the prosecution or not. Of course, a presumption of fact is subject to rebuttal by the accused and in the absence of rebuttal presumption stands
88.6. (f) In the event the complainant turns 'hostile', or has died or is unavailable to let in his evidence during trial, demand of illegal gratification can be proved by letting in the evidence of any other witness who can again let in evidence, either orally or by documentary evidence or the prosecution can prove the case by circumstantial evidence. The trial does not abate nor does it result in an order of acquittal of the accused public servant.
88.7. (g) In so far as Section 7 of the Act is concerned, on the proof of the facts in issue, Section 20 mandates the court to raise a presumption that the illegal gratification was for the

purpose of a motive or reward as mentioned in the said Section. The said presumption has to be raised by the court as a legal presumption or a presumption in law. Of course, the said presumption is also subject to rebuttal. Section 20 does not apply to Section 13 (1) (d) (i) and (ii) of the Act.

88.8. (h) We clarify that the presumption in law under Section 20 of the Act is distinct from presumption of fact referred to above in point (e) as the former is a mandatory presumption while the latter is discretionary in nature.

89. In view of the aforesaid discussion and conclusions, we find that there is no conflict in the three judge Bench decisions of this Court in B. Jayaraj and P. Satyanarayana Murthy with the three judge Bench decision in M. Narasinga Rao, with regard to the nature and quality of proof necessary to sustain a conviction for offences under Sections 7 or 13(1)(d)(i) and (ii) of the Act, when the direct evidence of the complainant or "primary evidence" of the complainant is unavailable owing to his death or any other reason. The position of law when a complainant or prosecution witness turns "hostile" is also discussed and the observations made above would accordingly apply in light of Section 154 of the Evidence Act. In view of the aforesaid discussion, we hold that there is no conflict between the judgments in the aforesaid three cases.

90. Accordingly, the question referred for consideration of this Constitution Bench is answered as under:

In the absence of evidence of the complainant (direct/primary, oral/documentary evidence) it is permissible to draw an inferential deduction of culpability/guilt of a public servant under Section 7 and Section 13(1)(d) read with Section 13(2) of the Act based on other evidence adduced by the prosecution.

24. In the case of circumstantial evidence, the judgment remains essentially inferential. The inference is drawn from established facts as the circumstances lead to particular inference. The Court has to draw inference with respect to whether the chain of circumstances is complete and when the circumstances therein are collectively considered, the same must lead to the irresistible conclusion that the accused alone is the perpetrator of the crime in question. All the circumstances so established must be of a conclusive nature and consistent with the hypothesis of the guilt of accused. The three-Judge Bench of the Apex Court in ***Sharad Birdhichand Sarda Vs. State of Maharashtra*** **(1984) 4 SCC 116),** held as under:-

152. Before discussing the cases relied upon by the High Court we would like to cite a few decisions on the nature, character and essential proof required in a criminal case which rests on circumstantial evidence alone. The most fundamental and basic decision of this Court is Hanumant v. The State of Madhya Pradesh (AIR 1952 SC 349). This case has been uniformly followed and applied by this Court in a large number of later decisions up-to-date, for instance, the cases of Tufail (Alias) Simmi v. State of Uttar Pradesh (1969 (3) SCC 198) and Ramgopal v. State of Maharashtra (1972 (4) SCC 625). It may be useful to extract what Mahajan, J. has laid down in Hanumant's case (supra):-

> "It is well to remember that in cases where the evidence is of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused."

153. A close analysis of this decision would show that the following conditions must be fulfilled before a case against an accused can be said to be fully established:

> (1) the circumstances from which the conclusion of guilt is to be drawn should be fully established. It may be noted here that this Court indicated that the circumstances concerned 'must or should' and not 'may be' established. There is not only a grammatical but a legal distinction between 'may be proved' and 'must be or should be proved' as was held by this Court in Shivaji Sahabrao Bobade & Anr. v. State of Maharashtra(') where the following observations were made:
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> > ***"Certainly, it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distance between 'may be' and 'must be' is long and divides vague conjectures from sure conclusions."***
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> (2) The facts so established should be consistent only with the hypothesis of the guilt of the accused, that is to say, they should not be explainable on any other hypothesis except that the accused is guilty,
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> (3) the circumstances should be of a conclusive nature and tendency
>
> (4) they should exclude every possible hypothesis except the one to be proved, and
>
> (5) there must be a chain of evidence so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the accused and must show that in all human probability the act must have been done by the accused. 154. These five golden principles, if we may say so, constitute the *panchsheel* of the proof of a case based on circumstantial evidence. (emphasis added)

25. Now, the evidence on record is analyzed to examine the proof of demand and obtainment of illegal gratification by direct and circumstantial evidence.

DEMAND OF ILLEGAL GRATIFICATION -

26. Veer Singh (PW-15), the complainant, deposed that he had applied for a loan from a co-operative bank and had deposited his *Bhu-Adhikar Evam Rin Pustika* (*Bandi*) with the bank. The *Samiti Sevak* misplaced the document, necessitating issuance of a duplicate *Rin Pustika*. He approached the concerned Patwari, accused Munnalal. On the first occasion, he was accompanied by *Kotwar* Manak when the accused allegedly demanded ₹500 for preparing the duplicate *Rin Pustika*.Veer Singh further stated that he thereafter approached the accused on separate occasions, first with Harishankar and subsequently with his nephew Narayan. However, the accused allegedly reiterated the demand on each occasion and did not prepare the document. He then approached Dr. Bhargava along with Harishankar. At the advice of Dr. Bhargav again met the accused, who allegedly persisted with the demand. Consequently, he and Harishankar, approached the Superintendent of Police, Special Police Establishment (Lokayukt), Sagar and reported the matter by submitting written complaint (Ex. P/18). A tape recorder was provided to him for verification of the alleged demand. He again met the accused and recorded the conversation. He subsequently handed over the tape recorder to the Lokayukt authorities. The tape recorder was seized *vide* seizure memo (Ex. P/9), and the recorded conversation was reduced into writing under transcription memo (Ex. P/9-A). He also submitted a written complaint (Ex. P/2-A), alleging that the accused had demanded ₹500 for preparing the duplicate *Bhu-Adhikar Evam Rin Pustika*.

27. Veer Singh (PW-15), further deposed that he had already paid Rs.150/- to the accused. He was to pay Rs.300/-, therefore, he furnished three currency notes of denomination Rs.100/- to the Investigating Officer of Lokayukt. The currency notes were coated with powder and *Panchnama* of preliminary proceedings (Exhibit-P/3-A) was prepared.

28. In paragraph 19 of his cross-examination, Veer Singh (PW-15) claimed that he had met the accused on successive days accompanied by Manak, Hariram Thakur and Narayan before lodging the complaint (Ex. P/2-A). However, when confronted with the previous statements, it emerged that neither the written complaint (Ex. P/2-A) nor his police statement (Ex. D/5) contains any assertion that the accused demanded ₹500 in the presence of Manak, Hariram Thakur or Narayan. This is not a minor omission. It relates directly to the alleged demand, which constitutes the foundational fact of the prosecution case. On the contrary, complaint Ex. P/2-A alleges a demand of ₹450 in the presence of Harishankar and Kundau Ahirwar. The inconsistency relates to the amount demanded and the persons before whom the demand was allegedly made. Hariram Thakur, resident of Singhpur was not even proposed as a witness by the prosecution.

Appreciation of Complaint's Evidence -

29. In a trap case under the Prevention of Corruption Act, 1988, the complainant occupies a peculiar evidentiary position. He is the person from whom illegal gratification is said to have been demanded and he is also the person who sets the trap proceeding in motion by approaching the investigating agency and furnishing the money to lay the trap. Although, complainant is not an accomplice as he does not participate in the crime but is its victim. Still, he is an interested and partisan witness concerned with the success of the trap laid at his instance so, his evidence need to be scrutinised with the same caution applied to any other interested witness. However, there is no absolute or inflexible rule that the uncorroborated testimony of complainant can never relied for a conviction. Recently, in case of ***CBI v. Baljeet Singh***, reported as **2026 INSC 221**, the Supreme Court held that there is no rule of discarding the testimony of persons in the raiding party (or the complainant) unless independent corroboration is available; the complainant is not an accomplice and raiding-party officials, discharging a public duty without personal rancour, are not to be treated as interested merely by virtue of participation. Where the evidence of the complainant and trap witnesses is found trustworthy and is supported by recovery of the tainted money and surrounding circumstances, it can safely form the basis for a conviction.

30. The Supreme Court in ***Vadivelu Thevar v. State of Madras***, reported in **1957 SCC OnLine SC 13**, has observed thus -

"*11.* … Hence, in our opinion, it is a sound and well-established rule of law that the court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact. Generally speaking, oral testimony in this context may be classified into three categories, namely:

(1) Wholly reliable.

(2) Wholly unreliable.

(3) Neither wholly reliable nor wholly unreliable.

12. In the first category of proof, the court should have no difficulty in coming to its conclusion either way — it may convict or may acquit on the testimony of a single witness, if it is found to be above reproach or suspicion of interestedness, incompetence or subornation. In the second category, the court equally has no difficulty in coming to its conclusion. It is in the third category of cases, that the court has to be circumspect and has to look for corroboration in material particulars by reliable testimony, direct or circumstantial."

31. O.P. Ladiya (DW-1), Reader to the Tehsildar, Sagar, deposed that the respondent-accused, while functioning as Patwari, had submitted a report dated 03.10.1996 regarding encroachment upon government land by Veer Singh. The report was received in the office of the Tehsildar on 05.10.1996 and stands duly corroborated by the contemporaneous official record (Ex. D/7). The said report preceded the complaint (Ex. P/2-A) by only a few days. This circumstance furnishes a plausible cause for the complainant's resentment and grudge against the accused and assumes significance while assessing his credibility. His testimony, therefore, cannot be accepted at face value and requires cautious scrutiny in the light of the other evidence on record.

32. Kundau (PW-1) deposed that the complainant was discussing *medh–bandhan* (Mud-boundary of agricultural field after demarcation/ division) with the accused. The accused informed Veer Singh that the prescribed amount had to be paid for the work of *bandhan*. Kundau initially stated that the accused had demanded ₹500 for *medh-*

bandhan and that Veer Singh had paid ₹150. However, in cross-examination, Kundau clarified that the accused had stated that ₹800 was payable as government dues for *medh-bandhan*. Veer Singh expressed his inability to pay the entire amount at once and offered to arrange ₹500 immediately. The accused permitted him to deposit part of the amount and pay the balance later. It was accordingly agreed that ₹300 would be paid subsequently. Kundau further stated that the accused told Veer Singh that the duplicate *Rin Pustika* would be issued upon deposit of the remaining ₹350.

33. The testimony of Kundau (PW-1) does not support the prosecution allegation that the accused demanded ₹450, as stated in the complaint (Ex. P/2-A), or ₹500, as deposed by Veer Singh (PW-15), for issuance of the duplicate *Bhu-Adhikar Evam Rin Pustika (Bandi)*. On the contrary, his evidence lends support to the defence. He stated that the accused had informed Veer Singh that ₹800 was payable towards government dues relating to *medh–bandhan* (Mud-boundary of agricultural field after demarcation/ division). His testimony further indicates that ₹150 was paid, with an assurance that the balance amount would be deposited later. Thus, the evidence of Kundau does not establish a demand for illegal gratification as alleged by the complainant; rather, it indicates a demand for payment of government dues (*Takabi*).

34. Kotwar Manak (PW-2) did not support the prosecution and denied all the suggestions implicating the accused. He stated that when Veer Singh requested issuance of a new *Rin Pustika (Bandi)*, the accused informed him government dues of around ₹250 were outstanding and that the new *Rin Pustika* would be issued only after its payment. He further stated that no demand for money was made, nor did any monetary transaction take place between the accused and Veer Singh in his presence.

35. Narayan (PW-14), the nephew of Veer Singh, also did not support the prosecution case. He stated that he had accompanied Veer Singh to the Tehsil office, where he requested the accused Patwari to prepare Veer Singh's *Rin Pustika (Bandi)*, the accused merely stated that the requisite amount should first be deposited, whereupon the *Rin Pustika* would be prepared. Narayan specifically denied the prosecution suggestion that the accused had demanded ₹500 as bribe for preparing the *Rin Pustika (Bandi)*.

36. Harishankar (PW-3) stated that Veer Singh had informed him that the Patwari was demanding ₹500 for preparing the *Rin Pustika (Bandi)*. He accompanied Veer Singh to meet the accused. Veer Singh paid ₹100 to the accused in his presence and promised to pay the balance later. He further stated that Veer Singh told him that the accused was demanding bribe money. He accompanied Veer Singh to the Commissioner's Office at Sagar, where Veer Singh complained to the Superintendent of Police that the accused was demanding ₹500 as bribe. A tape recorder was provided to Veer Singh. They returned to Khurai and met the accused. Harishankar claimed that during the conversation, the accused again demanded ₹500 for preparing the new *Rin Pustika* and agreed that the balance could be paid later. He also accompanied the trap party. He and Veer Singh went to the residence of Munnalal, Patwari. Veer Singh paid Rs.300/- to Munnalal and said he will pay remaining amount in couple of days.

37. However, in cross-examination, Harishankar (PW-3) materially departed from his examination-in-chief. He stated that Veer Singh initially did not tell him that the accused was demanding bribe. He further stated that, although the accused had asked for money, he had not specified it as bribe. He denied the suggestion that ₹450 was demanded towards *bandhan* and that ₹150 was paid in his presence. Significantly, he could not state with certainty whether the money was demanded towards *bandhan* or for preparing the *Rin Pustika*. He also admitted that, when *bandhan* is undertaken through the revenue authorities, the Patwari recovers the prescribed charges from the landholder. Thus, his evidence is uncertain as to the purpose and nature of the alleged demand. Rather, it presents the reasonable possibility that the demand related to government dues.

38. Harishankar (PW-3), a self-proclaimed social worker (*Samaj Sudharak*), remained associated with Veer Singh (PW-15) at every material stage of investigation, from the lodging of the complaint to the execution of the trap. Veer Singh further stated in paragraph 21 of his deposition that Harishankar had prepared the complaint (Ex. P/2-A) at his instructions. The active involvement of Harishankar throughout the investigation proceedings shows that he was not a wholly independent witness. His testimony requires cautious scrutiny because his evidence contains material inconsistencies regarding both the amount allegedly paid in his presence and the amount allegedly demanded by the accused. In these circumstances, his testimony does not provide reliable corroboration of the alleged demand for illegal gratification.

Tape Recorded Conversation - Relevancy and Reliability-

39. In ***Yusufalli Esmail Nagree v. State of Maharashtra***, reported in **AIR 1968 SC 147**, the Supreme Court held that an accurate tape-record of a relevant statement is itself relevant, but its time, place and accuracy must be proved by a competent witness, the voice must be properly identified and the recording must be received with caution and admitted only once the court is satisfied that it has not been tampered with.

40. In ***R.M. Malkani v. State of Maharashtra***, reported in **(1973) 1 SCC 471**, the Supreme Court laid down three conditions: (i) relevance of the conversation, (ii) identification of the voice and (iii) proof of accuracy by eliminating the possibility of erasure or tampering.

41. In case of ***Ram Singh v. Col. Ram Singh***, reported in **1986 (Supp) SCC 611,** following guiding principles were laid down:

> (1) The voice of the speaker must be duly identified by the maker of the record or by others who recognise his voice. In other words, it manifestly follows as a logical corollary that the first condition for the admissibility of such a statement is to identify the voice of the speaker.
> (2) **The accuracy of the tape-recorded statement has to be proved by the maker of the record by satisfactory evidence, direct or circumstantial**.
> (3) Every possibility of tampering with or erasure of a part of a tape-recorded statement must be ruled out otherwise it may render the said statement out of context and, therefore, inadmissible.

(4) The statement must be relevant according to the rules of Evidence Act.
(5) The recorded cassette must be carefully sealed and kept in safe or official custody.
(6) **The voice of the speaker should be clearly audible and not lost or distorted by other sounds or disturbances**." (emphasis added).

42. The tape containing the recorded conversation between the complainant and the accused was not produced before the trial Court. It was also not played during the evidence of Veer Singh (PW-15) or Harishankar (PW- 3). Neither Veer Singh, nor the Investigating Officer, Inspector V.N. Jadiya (PW-16) or Constable Arvind Dubey (PW-10), who prepared the transcript, verified that the transcript completely and accurately represented the recorded conversation. No witness identified the voice attributed to the accused. None of the prosecution witness deposed that the complainant and Harishankar, who were allegedly familiar with the accused's voice, identified the voice of accused during investigation or trial. Further, no scientific voice comparison was conducted during the investigation. In the absence of the original recording being played for consideration of trial Court, verification of its contents and identification of the accused's voice, the transcript (Ex. P/9-A) cannot be treated as reliable corroborative evidence of the alleged demand for illegal gratification.

43. Veer Singh (PW-15) alleged that the accused had demanded ₹500 for preparation of the *Rin Pustika*. However, in paragraph 26 of his cross-examination, he admitted that before submitting the complaint (Ex. P/2-A), he had approached the accused for preparation of the *Rin Pustika (Bandi).* He denied having accompanied the accused to the Tehsil Office, Khurai, on 16.10.1996 and also denied that the accused had obtained the prescribed format from the office of Tahsildar. Nevertheless, he admitted that the accused had obtained his signature on the application for issuance of the *Rin Pustika* (Ex. P/19) on 16.10.1996 and acknowledged his signature on it.

44. O.P. Ladiya, reader to Tehsildar, Sagar (DW-1) deposed that Veer Singh came to his office on 16.10.1996 with application (Exhibit-P/19). He made an endorsement on the application directing Patwari to report arrears of land revenue and deposit *Kanungo (Revenue)* fees. This endorsement on application (Exhibit-P/19) bears his signatures. Manjulata Tiwari, Assistant Reader to Tehsildar Khurai (PW-13) deposed that the accused came to her office and asked for proforma for issuance of *Rin-pustika.* Accordingly, she provided proforma Exhibit-P/15. This evidence reveals that immediately before the complaint was lodged, the accused was assisting the complainant for issuance of the *Rin Pustika*. The complainant attempted to conceal this fact by denying the suggestions but the evidence on record substantiates it. Thus, no adverse inference can be drawn against the accused, for the reason of recovery of incomplete *Bhoo Adhikar Evam Rin Pustika* of Veersingh and other relevant documents from his possession.

45. Tehsildar Mahendra Singh (PW-12) deposed that the accused Munnalal was the Patwari of Halka Nos. 31 and 32. In paragraph 5 of his deposition, he explained the process that upon receipt of an application for issuance of duplicate *Rin Pustika*, a report regarding outstanding government dues is called from the concerned Patwari. Generally, as an unwritten rule in practice, the duplicate *Rin Pustika* is not issued until such dues are cleared. In the case of Veer Singh, the requisite information regarding government and bank dues was obtained. It disclosed outstanding government dues of ₹325, and the interest, towards *bandhan* (division or formation of the boundary of the agricultural holding). These arrears were paid by Veer Singh only in September 1997. Veer Singh (PW-15) also admitted in paragraph 33 of his cross-examination that he had subsequently deposited ₹890.

46. O.P. Ladiya (DW-1), Reader to the Tehsildar, Sagar, deposed that ₹325, besides interest, was outstanding against Veer Singh towards government dues arising from the *Bandhan* proceeding. His testimony is supported by the record of Revenue Case No. 94/79 (Ex. D/6), which further shows that the arrears were deposited only in September 1997.

47. Thus, the contemporaneous revenue record establishes that government dues of ₹325, besides the interest, were outstanding against Veer Singh in connection with the *Bandhan* proceedings. The evidence of Tehsildar Mahendra Singh (PW-12), O.P. Ladiya (DW-1) and the record of Revenue Case No. 94/79 (Ex. D/6) further show that clearance of such dues was required before issuance of the duplicate *Rin Pustika*. This presents reasonable probability to the defence that the amount received was towards lawful government dues and not illegal gratification

48. In case of ***Soundarajan v. State of Madras***, reported in **(2023) 16 SCC 141,** it was held that-

> **12.** *Now, we turn to the evidence of the shadow witness (PW 3). In the examination-in-chief, he stated that the appellant asked PW 2 whether he had brought the amount.* ***PW 3 did not say that the appellant made a specific demand of gratification in his presence to PW 2. To attract Section 7 of the PC Act, the demand for gratification has to be proved by the prosecution beyond a reasonable doubt. The word used in Section 7, as it existed before 26-7-2018, is "gratification". There has to be a demand for gratification. It is not a simple demand for money, but it has to be a demand for gratification. If the factum of demand of gratification and acceptance thereof is proved, then the presumption under Section 20 can be invoked, and the court can presume that the demand must be as a motive or reward for doing any official act.*** This presumption can be rebutted by the accused. (emphasis added)

The statutory presumption under Section 20 of the Act, 1988-

> *The statutory presumption under Section 20 of the Act, 1988 operates only after the foundational facts of "demand and acceptance" are proved beyond doubt by the prosecution. It cannot be used to fill in evidentiary gap on demand itself. While invoking the provisions of Section 20 of the Act, the court is required to consider the explanation offered by the accused, if any, only on the touchstone of preponderance of probability and not on the touchstone of proof beyond all reasonable doubt. However, before the accused is called upon to explain how the amount in question was found in his possession, the foundational facts must be established by the prosecution. (**State of Punjab v. Madan Mohan Lal Verma, (2013) 14 SCC 153; Rajesh Gupta v. State, (2022) 20 SCC 793; Madan Lal v. State of Rajasthan, (2025) 4 SCC 624** relied.)*

49. Although, recovery of the tainted currency notes from the accused and the phenolphthalein test stand proved and not controverted in present appeal, the recovery of money alone does not establish the offences under Sections 7 and 13(1)(d) read with Section 13(2) of the P.C. Act. In the absence of reliable proof that the amount was demanded and consciously accepted as "illegal gratification", the foundational facts necessary to invoke the presumption under Section 20 of the Act remained unproved. In any event, the statutory and documentary evidence relating to the outstanding government dues furnishes a reasonable and probable explanation for receipt of the amount by the accused.

50. The testimony of Veer Singh (PW-15) suffers from material inconsistencies regarding the amount demanded, the occasions of demand and the persons in whose presence the demand was allegedly made. His version does not receive reliable corroboration from Kundau (PW-1), Manak (PW-2), Narayan (PW-14) or Harishankar (PW-3). Rather, their evidence, examined in light of overall circumstance, suggests a reasonable possibility that the amount referred to by the accused was meant for payment of outstanding government dues. Thus, the prosecution had failed to establish beyond reasonable doubt that the accused demanded or accepted ₹300 as "illegal gratification" for issuance of the duplicate *Bhu-Adhikar Evam Rin Pustika.* Accordingly, points for determination Nos. 1 and 2 are answered in the negative.

Point for determination no. 3- Reasons for conclusion

51. The learned trial Court, in paragraphs 7 to 12 of the impugned judgment, has carefully scrutinised the testimony of Veer Singh (PW-15), Harishankar (PW-3) and Dr. Bhagwan Das Bhargav (PW-6) and has duly considered the material inconsistencies, inherent improbabilities and contradictions affecting the credibility of the prosecution evidence. The trial Court recorded, in paragraph 13, a reasoned conclusion on a comprehensive appreciation of the evidence that the prosecution had failed to adduce cogent and reliable evidence establishing the alleged demand for illegal gratification by the accused. The said finding is based on the evidence on record and cannot be characterised as perverse, manifestly erroneous or otherwise unsustainable.

52. Learned trial Court in paragraphs – 16 to 19 of the impugned judgment appreciated the prosecution evidence and the defence evidence to conclude that reasonable probability of the defence is established by the material on record. The conclusion of the trial Court in para 20 is based on detailed and proper appreciation of the oral and documentary evidence on the record.

53. In view of the foregoing discussion, it is concluded that the findings of the learned trial Court are reasonable and based on a proper appreciation of the evidence on record. The conclusion of trial Court is neither perverse nor vitiated by any misreading or exclusion of material evidence. No compelling or substantial ground is made out to displace the reinforced presumption of innocence in favour of accused-respondent arising from the impugned judgement of acquittal. No case is made out for interference in the impugned Judgement.

54. Consequently, the appeal is **dismissed**. The judgment of acquittal dated 19.12.1997 passed by the Special Judge (Prevention of Corruption Act), Sagar, in Special Case No. 2 of 1997 is affirmed.

55. The record of trial Court be remitted after necessary formalities, alongwith a copy of this Judgement.

(SANJEEV S KALGAONKAR)
JUDGE

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