(2019) 02 CHH CK 0086

Chhattisgarh High Court

Case No: Acquittal Appeal No. 92 Of 2010

State Of Chhattisgarh	APPELLANT
Vs	
Narayan Singh Thakur	RESPONDENT

Date of Decision: Feb. 7, 2019

Acts Referred:

- Prevention Of Corruption Act, 1988 - Section 7, 13(1)(d), 13(2)

Citation: (2019) 02 CHH CK 0086

Hon'ble Judges: Ram Prasanna Sharma, J

Bench: Single Bench

Advocate: Raghavendra Verma, Indira Tripathi

Final Decision: Dismissed

Judgement

Ram Prasanna Sharma, J

1. The appeal is preferred against the judgment of acquittal dated 07.3.2005 passed by Special Judge under the Prevention of Corruption Act,

1988/First Additional Sessions Judge, Raipur (CG) in Special Criminal Case No.13/2002 wherein the said Court acquitted the respondent for the

charges under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

2. As per the version of the prosecution, the respondent was posted as Reader in the Office of Tahsildar, Rajim and demanded Rs.700/- as illegal

gratification from complainant Virendra Sharma for order of delivery of possession of land situated at village Parsada.

3. Complainant Virendra Sharma is the only witness to the demand. There is no shadow witness account to demand of illegal gratification. Virendra

Sharma did not support the version of the prosecution. He deposed before the trial Court that the respondent did not demand illegal gratification from

him though there is evidence that the respondent received amount from complainant Virendra Sharma, but as per the version of Virendra Sharma, he

borrowed a sum of Rs.300/- from the respondent and returned the same to him. Therefore, it is not established that the amount which was received by

the respondent was received as illegal gratification. Trap party was arranged in the present case and after taking currency notes by the respondent his

hand was washed in the solution which turned coloured but the solution in which his hand was washed was the solution of Phenolphthalein and Sodium

Carbonate solution is not established for the reasons that report of the FSL for the same is not produced before the trial Court. The trial Court

elaborately discussed the entire evidence and came to a conclusion that the charges levelled against the respondent is not established. After

reassessing the entire evidence, this Court has no reason to record a contrary finding. Therefore, the finding arrived at by the trial Court is not liable to

be interfered with.

4. Accordingly, the appeal is liable to be and is hereby dismissed.