
Satyadeo Jha Vs The State of Bihar

Criminal Appeal (SJ) No. 77 of 1995

Court: Patna High Court

Date of Decision: April 26, 2011

Acts Referred:

Penal Code, 1860 (IPC) & Section 161#Prevention of Corruption Act, 1988 & Section 5(2)

Hon'ble Judges: Anjana Prakash, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Anjana Prakash, J.

The Appellant has been convicted u/s 5(2)/5 (1) (d) of Prevention of Corruption Act and u/s 161 I.P.C. and

sentenced to a period already 1 year rigorous imprisonment and a fine of Rs. 1000/- and in default of which 3 months under the Prevention of

Corruption Act and a period of 1 year for Section 161 I.P.C. by the learned Special Judge (Vigilance), Patna in Special Case No. 31 of 1987 by

the judgment dated 22.5.1995.

2. The case of the prosecution is that the Petitioner who happened to be the Bench Clerk of the court of Assistant Consolidation Officer

demanded a bribe of Rs. 50/- from the complainant P.W.4 for supply of a certified copy of a certain document. This was negotiated and brought

down to Rs. 25 which was paid on 3.3.1978 to the Appellant and recovered from his possession.

3. During trial the prosecution examined 15 witnesses out of whom P.W.2, 6, 8 and 10 are tendered whereas P.W. 5, 6, 7, 9, 10 and 13 are

members of the raiding party. P.W. 1, 3 and 13 are seizure witnesses whereas P.W. 11 and 15 are formal witnesses. P.W. 4 is the complainant

and P.W. 14 is the Investigating Officer.

4. From the evidence adduced on behalf of the prosecution, it appears that once complaint was made to the Vigilance Department about demand

of illegal gratification by the Appellant the same was verified by P.W.5 on 26.2.1978. He has given a detailed account as to how the illegal

gratification amount was reduced to Rs. 25 on negotiation between the Appellant and the complainant P.W. 4 and there is no reason to discard

this evidence just because he was also a member of the raiding party.

5. Both P.W. 4 and P.W.5 are very trustworthy also on the point of demand and acceptance of illegal gratification by the Appellant on 3.3.1978.

P.W. 7 has corroborated fact that P.W. 6 and 9 were members of the raiding party who arrested the Appellant with the tainted amount in the

presence of two independent witnesses namely P.W. 3 and 13.

6. The defence has brought certain documents to show that in fact the Appellant was not in charge of giving certified copies but the documents

have not amply demonstrated this fact. Therefore, the evidence of D.W. 1 and 2 do not inspire confidence.

7. In view of the cogent and trustworthy evidence of the prosecution witnesses on the factum of demand, acceptance and recovery, I am not

inclined to interfere with the conviction of the Appellant. However, in view of the petty amount involved in the present case and the fact that the

Appellant has remained in custody for about 65 days, the sentence is modified to the period already undergone.

8. The appeal is dismissed with the aforesaid modification.