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2026:CGHC:36612

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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 536 of 2017

Judgement Reserved On: 23.06.2026

Judgment Delivered On: 17.08.2026

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Madhav Singh Chandel S/o Late Nepal Singh Chandel, Aged About 49
Years Former Patwari H. No. 43, R/o Village Surdung, R.I.C. Ahiwara,
Tahsil Dhamdha, District Durg, Presently Residing At Kailash Nagar,
Kumhari, District Durg, Chhattisgarh.

... Appellant

versus

State Of Chhattisgarh Through Superintendent of Police, Anti
Corruption Bureau Raipur, District Raipur, Chhattisgarh.

....Respondent

For Appellant	:	Mr. Ashok Kumar Verma, Senior Advocate with Mr. Gajendra Kumar Sahu, Advocate
For State	:	Dr. (Mrs.) Richa Pandey, Panel Lawyer

Hon'ble Shri Justice Narendra Kumar Vyas
CAV Judgment

1. This criminal appeal has been filed by the appellant against the
judgment dated 30.03.2017 passed by the learned Special Judge
(Prevention of Corruption Act), Durg , District Durg (C.G.) in Special

Case No. 03/2005 whereby the appellant has been convicted and sentenced in the following manner:-

Conviction	Sentence
U/s 7 of Prevention of Corruption Act	R.I. for one year & fine amount of Rs. 1000/- and in default of payment of fine to undergo further R.I. for one month.
U/s 13(1)(D) read with Section 13(2) of Prevention of Corruption Act	R.I. for two years & fine amount of Rs. 2000/- and in default of payment of fine to undergo further R.I. for two months.

(both the sentences are directed to run concurrently)
(Fine amount has already been deposited)

- Case of the prosecution, in brief, is that complainant Arjun Sahu filed a written complaint (Ex.P-14) before Superintendent of Police, Anti-Corruption Bureau, Raipur, alleging that for attestation of land purchased by their mother 20 years ago the appellant was demanding bribe of Rs. 2000/- and has directed him to appear in his office on 31.12.2003 at 9 O'clock. It is also alleged that a partition between three brother has already been taken place in the year 2002 and for distribution of account/ revenue records the appellant has demanded Rs. 5000/- which has already been paid by him. Now he is again demanding Rs.2000/- for attestation of the land which has been purchased by their mother.
- On the complaint, Anti-Corruption Bureau Raipur registered unnumbered FIR (Ex.P-16) against the appellant on 30.12.2003. Thereafter, they started preliminary proceeding by constituting a trap team and panch witnesses. Witness prepared primary Panchanama

(Ex.P-3) and prepared solution (Ex.P-2). Seizure memo (Ex.P-5) was repared. Shamshuddin noted numbers of four notes in the denomination of Rs. 500-500. Notes were tainted with phenolphthalein powder and reaction of sodium carbonate and phenolphthalein chemical were demonstrated.

4. After completing all the formalities, on 31.12.2003, the trap team proceeded to the office of Patwari where the complainant entered in the chamber of the appellant and on demand gave Rs. 2000/- as bribe. Thereafter, the complainant gave a signal to members of trap team, who entered in the chamber of the appellant and caught him red handed and prepared solution of sodium carbonate in which hand of the appellant was washed which turned into pink and solution was kept in the sealed bottle. Recovery of the tainted money was done and panchanama was prepared vide Ex.P-6. The appellant was arrested under arrest memo (Ex.P-8). On completion of investigation, FIR (Ex.P-13) bearing Crime No. 11 of 2003 under Sections 7, 13(1)(d) r/w 13(2) of Prevention of Corruption Act, 1988 (for short the Act,1988) was registered against the appellant and sanction for prosecution under (Ex.P-10) was also received against him thereafter charge sheet was filed before the Special Judge (Prevention of Corruption Act), Durg (C.G.).
5. In order to bring home guilt of the appellant, the prosecution has examined as many as 10 witnesses namely- Arvind Kumar Sharma

(PW/1), Ranveer Singh (PW/2), Arun Kumar Mishra (PW/3), Saiyad Samimuddin (PW/4), J.S. Rajput [Dy. Collector] (PW/5), Arjun Sahu (PW/6), Ramkumar Sharma [A.I.G.(C.I.D.)] (PW/7), Manharan Lal (PW/8), Naveen Shankar Choubey [Dy. Superintendent of Police] (PW/9), Shiv Badan Mishra (PW/10) and also exhibited documents from Ex. P/1 to Ex. P/18.

6. Statement of accused/appellant has been recorded under Section 313 Cr.P.C., in which he has denied the allegations leveled against him and pleaded innocence and false implication on account of enmity with Manharan who is brother in law of the complainant on the false pretext that the appellant was delaying the settlement case of Manharan which is pending before the Naib Tehsildar. Therefore, Manharan developed a personal grudge against him and owing to this grudge, he was implicated in the instant case.
7. The appellant examined four defense witness namely Arvind Kumar Sharma (DW-1), Kishore Kumar Verma [Patwari] (DW-2), Dadhichi Singh [Teacher] (DW-3), Shrikant Verma [Dy. Commissioner] (DW-4) and has exhibited documents namely statement of Ranveer Singh (Ex. D/1), Namantaran Panji Village Khergha (Ex. D-1(A)) and Government of Chhattisgarh, Revenue Department Memo dated 24.08.2005 (Ex. D/2).
8. Learned trial Court after appreciating the evidence and material available on record, vide its judgment dated 30.03.2017 has held that

appellant has committed the offence under Sections 7 and 13(1)(D) read with Section 13(2) of the P.C. Act and thereby sentenced him for the offences as mentioned in opening paragraph of the judgment. Being aggrieved and dissatisfied with the aforesaid judgment of conviction & order of sentence, the instant criminal appeal has been preferred by the appellant. The appellant was granted bail by this Court on 07.04.2017.

9. Learned Senior Advocate for the appellant would submit that while criticizing the findings of the trial Court in following manner would pray for setting aside the order of conviction passed by the trial Court;-

(A) That the appellant has been falsely implicated in this case due to enmity. He would also submit that complainant (PW-6) in his cross examination has categorically admitted that tape recorder for recording the conversation between the appellant and the complainant was not given which has been ignored by trial Court and recorded a perverse finding. On this factual matrix, he would submit that the conduct of this witness is not reliable and the appellant has falsely been implicated. He would further submit that the prosecution has not examined the star witness of the case which can give light on the issue as he has visited the office of Superintendent of Police Anti Corruption for lodging of complaint along with his brother Raj Kumar, despite this the prosecution has not examined Raj Kumar and because of non-examination of Raj Kumar, prosecution case is demolished.

(B) He would further submit that when the alleged transaction took place in the office of the appellant, at that time Kotwar & Sarpanch were present but the prosecution has not examined the said witnesses, as such adverse inference should be drawn against the prosecution for non-examining these vital witnesses. He would further draw attention towards statement of PW-8-Manharan Sahu who was accompanied along with Arjun Sahu (PW-6) who has stated that at the time of trap Ravi Verma was also present who, may be best evidence, has not been examined by the prosecution, thus there is serious doubt with regard to prosecution.

(C) It has also been further contended that as per direction given by the Anti Corruption Bureau, the notes were to be kept in pocket of complainant's shirt and it has to be handed over to the appellant after removing it from shirt's pocket, therefore, the shirt should have been seized by the prosecution to connect chain of the events which took place in the office. He would further submit that in cross-examination the witness PW-6 has admitted that earlier the amount of Rs. 5000/- was given to Patel of village for work.

(D) He would further submit that foundation of the charge is that land belongs to mother and no document to demonstrate that the proceedings were required to be conducted with regard to property owned by her mother has been filed, therefore, entire charge levelled against the appellant deserves to be quashed. He would

further submit that the tainted currency was allegedly recovered from a bag/ jhola hanging on the handle of the appellant's chair, as such it cannot be ruled out to falsely implicate the appellant as the tainted money has been kept in the bag.

(E) He would further submit that the complainant in para-03 of his evidence has deposed that Lokayukta had supplied him a tape recorder for recording the conversation relating to demand of bribe, but neither the tape recorder nor the conversation was produced before the Court or any witness was examined in this regard, as such in absence of primary evidence the conviction of the appellant is illegal.

(F) He would further submit from appreciation of evidence of Arvind Kumar Sharma (PW-1), it is quite vivid that he could not see the place of occurrence and prepared the spot map as per statement of complainant and if member of trap party could not see the place of occurrence, the signal given by the complainant itself becomes doubtful. Further referring to the statement of Ranveer Singh (PW-2) wherein he submits that recovery of the money is also doubtful and from statement of Saiyed Samimuddin (PW-4), it is not proved by the prosecution that tainted money was seized from the appellant or from the bag which belongs to the appellant. Further referring to the statement of complainant Arjun Sahu (PW-6) he would submit that the identification of the

land in question is also doubtful.

(G) He would further submit that there are contradictions in the statements of PW-1, PW-6 and PW-8 regarding signal to catchhold of the accused while conducting the trap. He would further submit that PW-2 has not clarified from where the tainted money has been seized to establish the involvement of the appellant, thus there is serious doubt over the case of the prosecution and would pray for allowing the appeal.

(H) To substantiate his submission he has referred to the judgments of the Hon'ble Supreme Court in cases of ***B. Jayaraj Vs. State of Andhra Pradesh*** reported in ***(2014) 13 SCC 55***, ***Surajmal Vs. State of Delhi Administration*** reported in ***A.I.R. 1979 SC 1408***, ***K. Shanthamma Vs. State of Telangana*** reported in ***(2022) AIR SC 1134***, ***Gulam Mahmood A. Malek Vs. State of Gujarat*** reported in ***(1980) CRI L.J. 1096 SC 1558***, ***Ganapathi Sanya Naik Vs. State of Karnataka*** reported in ***(2007) AIR SCW 5824***, ***C.M. Girish Babu Vs. C.B.I. Cochin High Court of Kerala*** reported in ***(2009) AIR SCW 1693***, ***V. Sejappa Vs. State by Police Inspector Lokayukta*** reported in ***(2016) CRI L.J. 2589 SC 2008 (4) AIR Kar. R. 197***, ***Satvir Singh Vs. State of Delhi Thru. CBI*** reported in ***(2014) AIR SCW 4924***, ***Man Singh Vs. Delhi Administration*** reported in ***(1979) CRI L.J. 1118 AIR 1979 SC 1455***, ***Neeraj Dutta Vs. State***

(Government of NCT of Delhi) reported in **(2023) CRI L.J. 1856 AIR Online 2023 SC 217, State of Lokayuktha Police, Davanagere Vs. C.B. Nagaraj** reported in **(2025) SCC Online SC 1175** and has also referred to the judgments of this Court in cases of **Rohit Kumar Dewangan Vs. State/E.O.W./A.C.B.** passed in **Criminal Appeal No. 1578 of 2016, Maxi Kujur Vs. State of Chhattisgarh through S.P./ACB** passed in **Criminal Appeal No. 955 of 2018, Shatrughan Lal Verma Vs. State of M.P. Through CBI** passed in **CRA No. 59 of 1999 dated 07.07.2023, Asha Verma Vs. State of M.P.** passed in **2011 (2) CGLJ 374 , Laxman Singh Vs. State of Chhattisgarh** passed in **CR.A. No. 458 of 2001, State of Punjab Vs. Madan Mohal Lal Verma** passed in **(2013) AIR SCW 4757, Ganga Prasad Kaushik Vs. State of C.G.** passed in **(2025) (1) CGLJ 46** and **Hamendra Verma Vs. Union of India Through C.B.I. Jabalpur** passed in **CRA No. 891 of 2005 dated 12.03.2026.**

10. Per contra, learned counsel for the State opposing the submission would submit that finding recorded by learned trial Court is legal and justified. She would further submit that demand and acceptance has been proved vide paragraphs 48 and 49 of the judgment and would pray for dismissal of the instant appeal.
11. I have heard learned counsel for the parties and perused the material available on record with utmost circumspection.

12. From the above factual matrix of the case, the point to be determined by this Court is as follows:-

Whether the prosecution has been able to prove the demand made by the appellant to attract provisions of Section 7 of the Prevention of Corruption Act, 1988 beyond reasonable doubt or not?

13. For determination of this point, it is expedient for this Court to refer to the relevant provisions of Sections 7, 13(1)(d) and Section 13(2) of the Prevention of Corruption Act, 1988 which are as under:-

Section 7 Public servant taking gratification other than legal remuneration in respect of an official act.- Whoever, being, or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, fro himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person or for rendering or attempting to render any service or disservice to any person, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of Section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine."

Section 13 Criminal misconduct by a public servant -(1) A public servant is said to commit the offence of criminal misconduct,-

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(d) if he,-

(i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage: or

(ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage;

Section 13(2)-Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extent to seven years and shall also be liable to fine."

14. Complainant (PW-6) in the examination-in-chief has reiterated that the allegation made in the complaint and exhibited complainant Ex.P-14. The said witness has also stated that he has given notes to the appellant and also told him to complete the work. The appellant received the notes in his hand then kept it in the bag and also told Kotwar who was present at the spot to close the office as he is going somewhere. Thereafter, on signal given by Manharan the trap team has caught hold the appellant. The said witness was cross examined wherein he has stated that he has not given Rs. 5000/- for previous work but his younger brother has given. He has admitted that he has not written in the complaint when the appellant has demanded the money and the appellant has made excuse and if it is not written in the complaint then he cannot give its reason. He has denied that after six months right of attestation lies with Tahsildar and also admitted that subject matter of the complaint belongs to his brother. He has also admitted that Rajkumar has asked him to implicate the appellant falsely and also admitted that Rajkumar has not told that the appellant was demanding money, but clarified that the land does not belong to him but being an elder brother he is helping his brother and also admitted in Ex.P-14 that no description of land for which attestation has to be done is given in Ex.P14. He has admitted that when the trap team has searched the appellant, then the tainted money was not found in the pocket of the appellant but the money was kept by the appellant in the

bag and also denied that the appellant has not demanded money from him. He also denied that he voluntarily kept the money in the Rin Pustika. The said witness has remained affirm in the cross examination that after verification of complaint a tape recorder was given to him, procedure to operate was explained to him and also remained affirm regarding the demand made by the appellant and stated that the accused demanded money for attestation and the same has been heard in the tape recorder and it has also been heard by the officer who was present at the time trap proceedings.

15. Ranvir Singh (PW-2), The witness was earlier turned hostile, therefore, he was cross examined by the prosecution wherein he has admitted that the documents of seizure proceedings i.e. notes and Rin pustika were conducted before him and also admitted his signature in Ex.P-2 to Ex.P-6 and also admitted that the amount was removed from bag thereafter, numbers were tallied and the numbers are same which have been mentioned in the preliminary panchanama. The said witness has also admitted that subsequently fresh solution was prepared wherein seized notes dipped into solution then the colour of the water turned into pink. The witness was cross-examined by the defense wherein he has admitted that neither he has seen the complaint nor read the same, as such he cannot say how much money was demanded by the appellant. He has also admitted that as to what negotiation or transaction between them has not been seen or heard by him. But he

has admitted that the money was seized from the bag but he does not know who has put the money in the bag.

16. Syed Shamimuddin (PW-4) who was the witness of solution has supported the case of the prosecution. He admitted that the officer of the Lokayukta has taken signature in all the documents after completion of trap proceedings and also admitted that he has not seen who has kept money in the bag of the appellant, but admitted that the bag was hanged in the chair of the accused and also admitted that if the bag is hanged in the chair then any person can put the money, pen or anything in the bag.

17. Manharan Lal (PW-8) deposed that for partition of land between the complainant and his brothers Rajkumar and Umesh, he has paid Rs. 5000/- to the appellant for opening of an account in the revenue record and another piece of the land was left in the same village. The appellant demanded Rs. 2000/- for the said work and he has stated that if the money is not paid then the work will not be done, as such they did not want to give bribe, therefore, they went to Raipur Anti-Corruption Office for making complaint. He further deposed that documentation work was done at Rehngibhanta where powder was smeared on the notes. On the next day, complainant along with him went to the office of appellant where the complainant gave money to the appellant who then kept the money inside the bag in the Rin Pustika and put the same in his bag. He also supported the proceedings conducted by the Anti Corruption

Bureau with regard to seized notes and proceedings for trap.

18. Inspector Navinshankar Choubey (PW-9) has supported the case of the prosecution and has reiterated the stand taken by the complainant, but in the cross examination, he has admitted the mutation proceeding was conducted by the Tahsildar.
19. The accused examined Arvind Kumar Sharma (DW-1) Revenue Inspector who has stated that attestation can be done by the order of Tahsildar and Patwari has no power for attestation. The said witness was cross examined by the prosecution wherein he has admitted that partition of account and correction in settlement record are different things. He also admitted that with regard to verification regarding the land of Manharan Lal Sahu no objection was raised by anyone and voluntarily stated that the said objection was given in the office of Nayab Tahsildar.
20. Dadhichi Singh (DW-3) has stated that before him no discussion with regard to money transaction was done between the complainant and the appellant.
21. Shrikant Verma (DW-4) has admitted that he has passed the order of partition on 07.07.2003 and after depositing partition fee for correction of revenue records it was given to the Patwari. He also admitted that no one has raised any complaint about the appellant. This witness in the cross examination has admitted that after order of partition of account, the records have to be corrected by Patwari and name of the person

has to be inserted in the revenue record.

22. From the appreciation of evidence, now this Court is examined whether the prosecution is able to prove beyond reasonable doubt regarding demand raised by the appellant by direct evidence or by circumstantial evidence.
23. The record of the case clearly demonstrates that neither the tape recorder nor its transcription or witness of the tape recording which is primary evidence to prove the demand has been placed on record by the prosecution. Hon'ble Supreme Court in the case of **R. M. Malkani vs State Of Maharashtra reported in 1973 (1) SCC 471** has held that tape recording is primary evidence to prove the evidence. Thus the submission made by learned Sr. counsel for the appellant that the prosecution is unable to prove the demand by direct evidence deserves to be accepted. Accordingly it is accepted, but this Court cannot ignore the well settled legal position of law that the demand can be proved by other circumstantial evidence in absence of primary evidence, as held by the constitution Bench of Hon'ble the Supreme Court in case of **Neeraj Dutta Vs. State (Government of NCT of Delhi) [2023 (4) SCC 731]** wherein the Hon'ble Supreme Court has summarized the principle of proving demand by direct or circumstantial evidence in case relates to the Act, 1988. Hon'ble the Supreme Court in paragraphs 88 to 88.3(c) and 88.8 has held as under:-

88. What emerges from the aforesaid discussion is summarized

as under:

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.

88.8 (h) We clarify that the presumption in law under Section 20 of the Act is distinct from presumption of fact referred to above in sub-para 88.5(e), above, as the former is a mandatory presumption while the latter is discretionary in nature.”

24. Again the Hon’ble Supreme court in the case of the **A. Karunanithi vs.**

The State Represented by Inspector of Police reported in 2025

INSC 967 has held in paragraph-14 as under:-

14. A constitution Bench of this Court in *Neeraj Datta vs. State* (NCT of Delhi 2023(4) SCC 731 has held that for recording a conviction under Section 7 and Section 13(1)(d) and (ii) of the Act, the prosecution has to prove the demand and acceptance of illegal gratification either by direct evidence which can be in the nature of oral evidence or documentary evidence or circumstantial evidence. In other words, to convict a person under the aforesaid provision demand and acceptance of illegal gratification is *sine qua non*.

25. Again the Hon’ble Supreme Court in the case of **State by Lokayukta**

Police vs. Sri K. Rangayya and Anr reported in 2026 INSC 575 and has taken the same view.

26. From the above stated legal position, evidence and the material brought on record, this Court is now considering whether the prosecution is able

to prove the demand which is *sine qua non* for conviction of the appellant under Sections 7 and 13 of the Prevention of Corruption Act by circumstantial evidence.

27. From appreciation of evidence of complainant (PW-6), it is quite vivid that this witness remained affirm in the extensive cross examination regarding demand made by the appellant. He has admitted that when the trap team has searched the appellant then the tainted money was not found in the pocket of the appellant but the money was kept by him in the bag and also denied that the appellant has not demanded money from him. This witness remained affirm with regard to demand made by the appellant, the said demand has also been proved by the evidence of Manharan Lal (PW-8) who has proved that the appellant demanded Rs. 2000/- for the work and he along with the complainant went to the office of appellant where the complainant gave money to the appellant who has kept the money in Rin putsiktta and then he put the same in the bag. Ranvir Singh (PW-2), who has supported the colour procedure and also proved that money was seized from the bag of the appellant. Likewise, Syed Shamimuddin (PW-4) who was the witness of solution has proved that the bag was hanged in the chair of the accused.
28. From the evidence of defense witnesses Shrikant Verma (DW-4), it is also proved that after passing of the order of partition of revenue record on 07.07.2003 it was given to the Patwari for correction as the record has to be corrected by Patwari and name of the person has to be

inserted in the revenue record which clearly shows that the duty was cast upon the appellant to attest the entry in the records and give it to the complainant. Thus from the above circumstances, it is quite vivid that the prosecution has proved beyond reasonable doubt that the appellant has demanded illegal gratification and the same has been accepted by him, as such essential ingredients to attract offence under Sections 7 and 13(1)(D) read with Section 13(2) of Prevention of Corruption Act have been proved by the prosecution through circumstantial evidence beyond reasonable doubt.

29. Learned trial Court while repelling the contention of the appellant that duty was not cast upon the appellant for attestation of revenue record has rightly taken into consideration the provisions of Section 109 of the Land Revenue Code which reads as under;-

Section 109 Acquisition of rights to be reported.

(1) Any person lawfully acquiring any right or interest in land x x shall report orally or in writing his acquisition of such right to the patwari within six months from the date of such acquisition, and the patwari shall at once give a written acknowledgment for such report to the person making it in the prescribed form :

Provided that when the person acquiring the right is a minor or is otherwise disqualified, his guardian or other person having charge of his property shall make the report to the patwari.

Explanation I. - The right mentioned above does not include an easement or a charge, not amounting to a mortgage, of the kind specified in Section 100 of the Transfer of Property Act, 1882 (IV of 1882).

Explanation II. - A person, in whose favour a mortgage is redeemed or paid off or a lease is determined, acquires a right within the meaning of this section.

Explanation III. - For the purpose of this chapter, the term "patwari" includes any person appointed to perform the duties of a Patwari under this chapter.

Explanation IV. - Intimation in writing required to be given to the patwari under this section may be given either through a messenger or handed over in person or may be sent by registered post.

(2) Any such person as is referred to in sub-section (1) may also report in writing his acquisition of such rights to the Tahsildar within six months from the date of such acquisition.

30. From the analysis of entire evidence, material on record it is quite vivid that the prosecution is able to prove the essential ingredients for conviction of the appellant under Sections 7 and 13(1)(D) read with Section 13(2) of Prevention of Corruption Act, demand and acceptance, therefore, I am of the view that the learned trial Court was justified in convicting the appellant for the aforesaid offence.
31. Now further submission of the learned Sr. counsel for appellant is that on account of his conviction by the learned trial Court he has been dismissed from the service and no monetary benefit like pension or gratuity has been paid to him, therefore, he has already suffered economical crisis for last 23 years and he is aged about 73 and he is also not keeping good health, therefore, he would pray for reducing the jail sentence to the period already undergone by the appellant which is one day only.
32. On the other hand, learned counsel for the State opposes the submission and would submit that the learned trial Court has already taken a lenient view and has only imposed RI for 1 year and 2 years and

would pray for no leniency to be taken by this Court. He would further submit that looking to the conduct being Patwari, he has harassed the complainant who is poor farmer though the land owned by him for just correction in the revenue record he has demanded money. He would further submit that corruption in the society is increasing and has taken a chronic disease affecting the public at large, thus he would pray for no leniency to be taken by this Court and would pray for dismissal of the appeal. He would further submit that the statute as it stood at the time of commission of offence by the appellant on 31.12.2003 minimum jail under Section 7 of PC Act was six months and RI for 1 year under Section 13(2) of the Prevention of Corruption Act. He would further submit that it is well settled legal position of law that once the statute does not provide the minimum jail sentence, this Court cannot reduce the jail sentence to the period already undergone by the appellant and would pray for rejection of the submission made by learned counsel for the appellant to reduce the sentence already undergone.

33. Considering the submission made by learned counsel for the appellant that the appellant is aged about 73 years and he has already been deprived with all retriability dues on account of termination from service after conviction, now this court is examining whether the sentence can be reduced to the period already undergone by the appellant. Hon'ble Supreme Court in the case of **Shanti Lal Meena vs. State of NCT of Delhi, CBI reported (2015) 6 SCC 185** has examined the issue when the

accused does not provide any sentence less than the minimum sentence the Courts cannot reduce the sentence to the period already undergone by the accused which is less than the minimum sentence prescribed under the statute. Hon'ble Supreme Court has held in paragraph 19, 20, 21 and 22 as under:-

19. In *Hazara Singh vs. Raj Kumar* 2013(9) SCC 516, this Court took the view that ... "the cardinal principle of sentencing policy is that the sentence imposed on an offender should reflect the crime he has committed and it should be proportionate to the gravity of the offence."

20. As far as punishment for offences under the PC Act is concerned, we do not think that there is any serious scope for reforming the convicted public servant. The moment he is convicted, he loses his job. Hence, there is no significance to the theory of reformation of his conduct in public service. The only relevant object of punishment in such cases is denunciation and deterrence. That is (2006) 2 SCC 359 (2013) 9 SCC 516 the reason the Parliament has restricted the judicial discretion in imposing punishment.

21. To quote Friedmann, "Generally, the philosophy of deterrence still prevails in modern criminology. We continue to be concerned with preventing, by appropriate punitive sanctions, both the individual offender and other members of society from the repetition of crime, or the imitation on the part of others by similar actions"

22. Unless the courts award appropriately deterrent punishment taking note of the nature of the offence under the PC Act and the status of the public servant at the relevant time, people will lose faith in the justice delivery system and the very object of the legislation on prevention of corruption will be defeated. The court is the conscience of the statute and hence its judgments should project and promote the policy aims of punishment, lest it should shake the faith of common man in courts. The judgment on sentence shall not shock the common man. It should reflect the public abhorrence of the crime. The court has thus a duty to protect and promote public interest and build up public confidence in efficacy of rule of law. Misplaced sympathy or unwarranted leniency "Law in Changing Society, W. Friedmann, 2nd Edition, will send a wrong signal to the public giving room to suspect the institutional integrity, affecting the credibility of its verdict. Thus, while awarding sentence in cases under the PC Act, the court should bear in mind the expectation of the

people of its paramount duty to prevent corruption in society by providing prompt conviction and stern sentence.

23. As noticed by the High Court in the impugned judgment itself, the appellant was the sub-inspector of police entrusted with the task of law enforcement. The keeper had become the poacher. In such circumstances, we do not find any reason to interfere with the punishment awarded by the trial court and confirmed in appeal. This appeal is hence dismissed.

34. Considering the above stated legal position that not less than the minimum sentence prescribed under the Prevention of Corruption Act can be awarded by the Court, as such prayer for reducing the sentence to the period already undergone which is one day only in the present case deserves to be rejected. Accordingly, it is rejected.

35. Considering the fact that the appellant is now 73 years old and the incident took place 23 years ago, as such mitigating factors are available for this Court to pass adequate sentence upon the appellant by reducing the sentence, this Court is of the opinion that the sentence awarded to the appellant is reduced from one year to six months for commission of offence under Section 7 of the Prevention of Corruption Act and from two years to one year under Section 13(1)(d) and 13(2) of the Prevention of Corruption Act, both the sentences to run concurrently.

36. Accordingly, the appeal is partly allowed to the extent indicated above. The appellant is reported to be on bail and his bail bonds are canceled and he is directed to surrender before the trial Court on **30th October, 2026** to serve out the remaining part of sentence awarded by this Court.

37. Let a copy of this judgment and the original record be transmitted to the trial Court concerned forthwith for necessary information and compliance.

**Sd/-
(Narendra Kumar Vyas)**

Bhumika/Santosh