



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 1113 OF 2014 (C)

BETWEEN:

Y S JAYACHANDRA
S/O LATE A. SUBBANNA,
AGED ABOUT 56 YEARS,
TYPIST,
TALUK OFFICE SHIDLAGATTA
CHICKBALLAPURA.
RESIDING AT
YEDDULA DASAPPA ROAD,
KANDAVARA PETE,
CHICKKKABALLAPURA – 562 101.

...APPELLANT

(BY SRI. RAKSHITH R., ADVOCATE)



AND:

STATE BY KARNATAKA
LOKAYUKTA POLICE
CHICKBALLAPURA DISTRICT,
CHICKKABALLAPURA – 562 101.

...RESPONDENT

(BY SRI. B S PRASAD., ADVOCATE)

THIS CRL.A. IS FILED U/S. 374(2) CR.P.C BY THE
ADV., FOR THE APPELLANT PRAYING TO SET ASIDE THE
JUDGMENT AND ORDER DATED:19.11.2014 PASSED BY
THE PRL. DISTRICT AND SESSIONS JUDGE,
CHICKKABALLAPUR, IN P.C.A.C.C.NO.1/2008,
CONVICTING THE APPELLANT/ ACCUSED FOR THE
OFFENCE P/U/S 7, 13(1)(d) R/W 13(2) OF PREVENTION
OF CORRUPTION ACT, 1988.

THIS APPEAL, COMING ON FOR HEARING, THIS DAY,
AND JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL JUDGMENT

1. This appeal has been filed by the appellant/accused being aggrieved by the judgment of conviction and order on sentence dated 19.11.2014 in P.C.A.C.C.No.1/2008 on the file of the Principal District and Sessions Judge, Chickkaballapura, wherein the appellant has been convicted for the offences under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988 (for short, 'PC Act').
2. The ranks of the parties before the Trial Court will be considered henceforth for convenience.

Brief facts of the case:

3. The case of the prosecution is that the complainant was working as an agriculturist. He had submitted an application for issuance of a bona fide certificate as agriculturist before the office of Tahsildar, Shidlaghatta, for the purpose of registering his tractor. The said Tahsildar recommended for issue of certificate to the complainant. The said file was with the clerk / appellant,



who was working in the said Taluk Office. It is alleged that he had demanded Rs.1,500/- to give the bona fide certificate. Again, he approached the Tahsildar and informed him that the accused was insisting him to pay Rs.1,500/- to give the said certificate, but was asked to meet the accused. Again, he approached the accused and requested him to give the certificate. However, the complainant was asked to pay Rs.1,000/- to give the said certificate. Being aggrieved by the said demand, the complainant had approached the respondent / Lokayukta and lodged a complaint against the accused. The respondent - Lokayukta after registering the case, conducted the investigation. During investigation, they had instructed the complainant to follow their instructions and act accordingly.

4. It is alleged that on 29.11.2006, the complainant had paid the bait amount to the accused, on his demand. After paying the said amount, he came out and gave the signal to the officials. The accused was trapped and the amount was seized and he was arrested. Thereafter,



Lokayukta Police conducted the investigation and submitted the charge sheet. The Trial Court, after appreciating both oral and documentary evidence on record, convicted the accused for the aforesaid offences. Being aggrieved by the same, the accused / appellant is before this Court.

5. Heard Mr. Rakshith R., learned counsel for the appellant and Mr. B.S. Prasad, learned Special Prosecutor for the respondent - Lokayukta.
6. The submission of the learned counsel for the appellant is that the findings of the Trial Court in recording the conviction are contrary to the evidence on record. Therefore, the same is liable to be set aside.
7. It is further submitted that P.W.3 being a shadow witness, who is stated to have accompanied the complainant, had not supported the case in respect of the demand of illegal gratification. In the absence of demand, even paying the amount without demand cannot constitute an offence under Section 7 of the PC Act.



However, the Trial Court committed an error in convicting the appellant for the said offences, which is required to be set aside. Making such submissions, the learned counsel for the appellant prays to allow the petition.

8. *Per contra*, learned Special Prosecutor for the respondent – Lokayukta vehemently submitted that, even assuming that the complainant and other witnesses have not supported the case of the prosecution, the fact remains that other attending circumstances have to be looked into to render conviction. In the present case, the complainant supported the case of the prosecution. The amount was recovered in the presence of the panch witnesses. Such being the fact, it is not appropriate to interfere with the findings of the Trial Court. Making such submissions, learned Special Prosecutor for the respondent - Lokayukta prays to dismiss the appeal.
9. Having heard learned counsel for the respective parties and on perusal of the findings of the Trial Court, it appears that the complainant wanted a bona fide certificate as an agriculturist for the purpose of



registration of his tractor. To get the said certificate, he approached the office of Tahsildar, Shidlaghatta and filed an application in that regard. The Tahsildar directed the concerned officer to give the said certificate. The complainant had approached the appellant, who was working as a clerk in the said office. The appellant demanded a sum of Rs.1,500/- to give the said certificate. Being aggrieved by the said act, the complainant lodges a complaint before the respondent – Lokayukta Police. The amount of Rs.1,000/- was allegedly recovered in the presence of panch witnesses. The Trial Court convicted him for the above said offences.

10. P.W.1 being the complainant. He wanted to purchase a tractor on obtaining the subsidy. However, he wanted his name to be registered as an agriculturist. To get his name registered as an agriculturist, he wanted to produce a bona fide certificate. To get the said certificate, he approached the office of the Tahsildar of Shidlaghatta. The said Tahsildar permitted him to get the certificate from the concerned officer. Accordingly, he approached



the officer, who was arraigned as accused. It is alleged that an amount of Rs.1,500/- was demanded from the complainant. It is stated in his evidence that he, along with his elder brother, had been to the Taluk office and met the accused, requesting him to give the certificate. The said certificate was ready and the accused gave him the certificate. The complainant paid the amount to obtain the certificate. Immediately after coming out of the office, he gave a signal to the officers who were waiting for his signal. A trap was conducted and the amount was seized.

11. Similarly, P.W.2 was a scribe of the complaint – Ex.P1. He has stated that he has written the said complaint as per the instruction of P.W.1.
12. P.W.3 is working as a First Division Assistant in the Forest Department, Ballary. When the incident occurred, he was working in the Social Forestry Office, Kolar. He has stated in his evidence that an amount of Rs.1,000/- was given to the accused, who was working in the Taluk



Office, by P.W.1. The said amount was taken by the accused and kept in his pocket.

13. P.W.4 was working as Shirestedar of Taluk Office, Shidlaghatta. According to him, he submitted the report stating that the appellant was working, as on that day, in the said office.

14. Be that as it may, these are all the material witnesses whose evidence is required to be reanalyzed. On going through the evidence of PWs.1 and 3, nowhere it is stated that the amount of Rs.1,500/- was demanded and it was accepted. In fact, P.W.1 in his evidence has stated that the appellant had given the certificate to him and he gave Rs.1,000/-. Similarly, P.W.3 who accompanied P.W.1 as a shadow witness, has stated in his evidence that the demand for illegal gratification was not made by the appellant to issue the certificate. In the absence of demand for illegal gratification, arriving at a conclusion that demand was made by the appellant appears to be illogical and imaginary. It is settled proposition of law that to attract Section 7 of the PC Act, there must be



demand and acceptance of illegal gratification. Therefore, the conviction rendered by the Trial Court, in my considered opinion, appears to be erroneous and the same is liable to be set aside.

15. Hence, I proceed to pass the following:-

ORDER

- (i) The Criminal Appeal is *allowed*.
- (ii) The judgment of conviction and order on sentence dated 19.11.2014 in P.C.A.C.No.1/2008 on the file of the Principal District and Sessions Judge, Chickaballapura, is set aside.
- (iii) The appellant / accused is acquitted for the offences under Sections 7, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988.
- (iv) Bail bond executed, if any, stands cancelled.

Sd/-
(S RACHAIAH)
JUDGE