



CNR: KAHC010433852018

NC: 2026:KHC:52158
CRL.A No. 1314 of 2018

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL APPEAL NO. 1314 OF 2018 (C)

BETWEEN:

1. SRI.S. RAVIKUMAR
S/O LATE SHIVANNA
AGED ABOUT 49 YEARS
REVENUE INSPECTOR
BEGUR CIRCLE, BEGURU HOBLI,
BENGALURU SOUTH TALUK, BENGALURU,
AT PRESENT SERVING AT
CHAMARAJPETE CIRCLE,
BENGALURU NORTH TALUK OFFICE,
BENGALURU
R/O NO.379, 3RD B MAIN
MANJUNATHA NAGAR,
RAJAJINAGAR
BENGALURU – 560 010.

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signed by
SUSHMA
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Location:
High Court
of
Karnataka

...APPELLANT

(BY SRI. ARAVIND H., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY



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SPECIAL PUBLIC PROSECUTOR
KARNATAKA LOKAYUKTA POLICE,
M.S. BUILDING
BENGALURU - 560001

...RESPONDENT

(BY SRI. B S PRASAD, SPECIAL PROSECUTOR)

THIS CRL.A. FILED U/S.374(2) CR.P.C BY THE ADVOCATE TO SET ASIDE THE JUDGMENT AND CONVICTION DATED 09.07.2018, PASSED BY THE LXXVI ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE, BANGALORE URBAN DISTRICT, BANGALORE (CCH-77) IN SPL.C.NO.131/2012 AND CONSEQUENTLY ACQUIT THE ACCUSED/APPELLANT OF THE CHARGES UNDER SECTIONS 7, 13(1)(d)(i) READ WITH SECTION 13(2) OF PREVENTION OF CORRUPTION ACT.

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

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. This appeal has been filed by the appellant being aggrieved by the judgment of conviction and order on sentence dated 09.07.2018 passed in Spl.C.131/2012 on the file of the LXXVI Addl. City Civil and Sessions Judge and Special Judge at Bengaluru, wherein the appellant has been convicted for the offences punishable under Sections 7 and 13(1)(d)(i) 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 would be considered henceforth for convenience.

Brief facts of the case:

3. The case of the prosecution is that the complainant Sri M Krishnappa had approached the accused, who was working as Revenue Inspector in Begur Hobli, Bengaluru South, for necessary mutation. He filed an application on 16.06.2011. Even after several visits, the work was not done. Thereafter, the complainant had approached the accused and asked him to get his work done. However, he was asked to pay Rs.50,000/- as illegal gratification to



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get that work done. Therefore, the complainant requested the accused to reduce the said amount. However, the accused did not reduce it. Therefore, the complainant approached his friend Narayana - PW.3 and informed him about the said incident. Thereafter, they decided to lodge a complaint and approached the respondent - Police. The respondent - Police gave the complainant a voice recorder and asked him to record the conversation. Later, after getting the recording done, he handed over the said voice recorder to the Lokayukta Police. The respondent - Police after conducting formalities, completed the investigation and submitted the charge sheet.

4. In order to prove the case of the prosecution, the prosecution examined seven witnesses as PWs.1 to 7 and got marked 21 documents as Exs.P1 to P21 and identified 22 documents as MOs.1 to 22. The Trial Court after appreciating both oral and documentary evidence on record, rendered the conviction against the accused.



5. Heard Sri Aravind H., learned counsel for the appellant and Sri B.S. Prasad, learned Special Prosecutor for respondent – Lokayukta.
6. The submission of the learned counsel for the appellant is that the judgment of conviction and order on sentence is contrary to the settled principle of law and also evidence on record.
7. It is further submitted that, a cumulative reading of the evidence of PW.1, 3 and 4 would clearly make out that the shadow witness has not at all witnessed the developments which are stated to have taken place inside the car of the complainant. The complainant is always an interested witness. For the purpose of getting success of the case, he would always try to narrate the facts as per the averments of the complaint. Therefore, his evidence has to be corroborated by the independent witnesses. However, in this case, independent witnesses have not supported the case of the prosecution.
8. It is further submitted that the defence of the accused had not been considered properly by the Trial Court. In



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fact, in the said explanation, the accused stated that the currency notes were thrust to him and the said currency notes were recovered from the seat of the car driver. Such being the fact, rendering the conviction, under such background, is erroneous and not proper. Therefore, the said conviction is liable to be set aside. By making such submissions, learned counsel for the appellant prays to allow the appeal.

9. To substantiate his contentions, learned counsel for the appellant relied on the following judgments:

- i) ***Chandrabhan Sudam Sanap v. State of Maharashtra*¹**
- ii) ***Ashoo Surendranath Tewari v. Deputy Superintendent of Police, EOW, CBI*²**
- iii) ***DR Bijapura v. State of Karnataka, Through ACB Police Station (now at Lokayukta)*³**
- iv) ***Sangamesha v. State, Through Lokayukta Police Station, Yadgir*⁴**

¹ (2025) 7 SCC 401 (paras 56 to 59)

² (2020) 9 SCC 636 (paras 12 & 13)

³ 2025 SCC OnLine Kar 13306

⁴ 2025 SCC OnLine Kar 16700



10. *Per contra*, learned Special Prosecutor for respondent – Lokayukta vehemently justified the judgment of conviction passed by the Trial Court and submitted that the prosecution has proved that the work was pending and the file of the complainant had been recovered from the car of the accused. An amount of Rs.50,000/-, which is stated to be the illegal gratification, has been recovered from the shirt pocket of the accused. The demand of the said illegal gratification has also been proved. Such being the fact, it is appropriate to uphold the conviction rendered by the Trial Court. Therefore, interference with the said findings may not be proper and the appeal may be dismissed, is the submission of the learned Special Prosecutor for respondent.

11. To substantiate his contention, learned Special Prosecutor relied on the following judgments:-

- i) ***Sanju Rajan Nayar v. Jayaraj & Anr.*⁵**
- ii) ***Shekhar v. State of Karnataka*⁶**

⁵ (Arising out of SLP (Crl.) No.8254/2023)



12. Having heard learned counsel for the respective parties and also on perusal of the findings of the Trial Court, it is necessary to state the facts in brief.
13. P.W.1 – Sri Krishnappa M approached the accused for necessary mutation in respect of the property bearing Sy.No.81/2 measuring 0.34 guntas situated at Bilekahalli, Begur Hobli, Bengaluru South Taluk, on 16.06.2011. The said mutation had to be carried out in terms of the judgment and decree passed by the Trial Court. The accused was reluctant and he was not discharging his duties effectively for the purpose of changing the khata. When the complainant asked again after some days, he was instructed to pay a sum of Rs.50,000/- as illegal gratification for the purpose of getting the work done.
14. Being aggrieved by the said demand, the complainant approached the respondent – Lokayukta police. Lokayukta Police after registering the case, prepared a pre-trap panchanama and later, after conducting the trap,

⁶ Crl.A.No.200286/2023 dt. 08.11.2024



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seized the currency notes and prepared a trap panchanama in the presence of the witnesses. The respondent – Lokayukta police submitted the charge sheet after conducting investigation.

15. P.W.1 being the complainant, stated in his evidence that, on 25.11.2011, at about 05.30 p.m., they did not get any information regarding the accused. Therefore, they went to Lokayukta police station and stayed there as there were witnesses present along with them. At about 05.00 p.m., he was asked to telephone and went to the place where the accused instructed him to go. According to him, the accused came and met him in the designated place. The complainant asked him to come inside the car. The accused went inside the car and sat along with the complainant. It is stated that the accused demanded money and the complainant gave money and the accused told him that he would clear the file. After the said transaction got over, the complainant switched on the parking light of the car, the respondent – Lokayukta Police approached and apprehended the accused and



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disclosed their identities. Thereafter, they conducted trap panchanama. In the cross-examination, some suggestions were made to him that he voluntarily thrust the money to the hands of the accused, the accused later threw the money in the car; however, P.W.1 denied the said suggestion and stated that he gave the said amount on demand. Further, he admitted that the file was not pending with the accused when he approached the accused for necessary mutation of the property.

16. P.W.3 who is stated to be the shadow witness, has stated in his evidence that the accused came out of the car and threw the notes on the driver's seat of P.W.1's car. He was not present at the time of the alleged demand for illegal gratification made by the accused.
17. No doubt, the amount had been seized and recovered from the car i.e., on the seat of the driver of the car, however, on going through the evidence of these two witnesses, even though P.W.1 supported in respect of demand, P.W.3 stated that the accused threw the amount



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on the driver's seat of car of P.W.1 and he was not present at the time when the alleged demand was made by the accused. Thus, it can be inferred that the alleged amount had not been demanded by the accused.

18. The evidence of the Investigating Officer also would indicate that, when he disclosed his identity to the accused, the accused pleaded with him that he was due for promotion and requested him not to spoil his life. Further, he admitted that the alleged amount was recovered from the seat of the driver of the car. Therefore, except the evidence of P.W.1, none of the witnesses have corroborated the alleged demand. If such demand is not proved by the prosecution, obviously, it cannot constitute an offence under Sections 7, 13(1)(d)(i) r/w 13(2) of the PC Act. Thus, I am of the considered opinion that the Trial Court has committed an error in rendering the conviction without proper appreciation of the evidence of the witnesses. Therefore, the conviction is liable to be set aside.



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19. In the light of the observations made above, I proceed to pass the following:-

ORDER

- i) The Criminal Appeal is *allowed*.
- ii) The judgment of conviction and order on sentence dated 09.07.2018 passed in Spl.C.No.131/2012 on the file of the LXXVI Additional City Civil and Sessions Judge and Special Judge at Bengaluru, is set aside.
- iii) The appellant is acquitted for the offences punishable under Sections 7 and 13(1)(d)(i) r/w 13(2) of the Prevention of Corruption Act, 1988.
- iv) Bail bonds executed, if any, stand cancelled.

**Sd/-
(S RACHAIAH)
JUDGE**

BSS

List No.: 1 Sl No.: 46