



CNR: KAHC010493842012

NC: 2026:KHC:52157
CRL.A No. 1381 of 2012

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. 1381 OF 2012 (C)

BETWEEN:

SMT.H.P.GEETHA
W/O SHIVALINGAPPA
AGED ABOUT 46 YEARS
R/AT NO.333, 9TH CROSS
KUVEMPUNAGAR
HASSAN

... APPELLANT

(BY SRI.M.S.BHAGWAT S., ADVOCATE FOR
SRI.K.SATISH, ADVOCATE)

AND:

THE STATE BY
LOKAYUKTHA POLICE,

Digitally
signed by
SUSHMA
LAKSHMI B
S
Location:
High Court
of
Karnataka



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KARNATAKA LOKAYUKTHA,
HASSAN.

...RESPONDENT

(BY SRI.B.S.PRASAD, SPL.PP.)

THIS CRIMINAL APPEAL IS FILED UNDER SECTION 374(2) CR.P.C. PRAYING TO SET ASIDE THE JUDGMENT OF CONVICTION AND SENTENCE DATED 27.11.2012 PASSED BY THE PRL.S.J. AND SPL. JUDGE, HASSAN IN SPL.CASE NO.132/2008- CONVICTING THE APPELLANT/ACCUSED FOR THE OFFENCE PUNISHABLE UNDER SECTION 7, 13(1)(d) READ WITH 13(2) OF PREVENTION OF CORRUPTION ACT, 1988.

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

CORAM: HON'BLE MR JUSTICE S RACHAIAH



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ORAL JUDGMENT

1. This criminal appeal is filed by the appellant/accused, being aggrieved by the judgment of conviction and order on sentence dated 27.11.2012 passed in Spl.C.No.132/2008 by the learned Principal Sessions Judge and Special Judge, Hassan, for the offences punishable under Sections 7, 13(1)(d) read with Section 13 (2) of Prevention of Corruption Act, 1988 (for short, 'P.C. Act').
2. The rank of the parties will be considered henceforth as per their rankings before the Trial Court.

Factual matrix of the case:

3. The case of the prosecution is that the complainant one Mr. N.R. Muralidhara and Mr. Krishnamurthy were the partners of the firm viz., M/s. Mahir Technologies. In order to dissolve the partnership firm, the complainant went to the office of District Registrar, Hassan District on 13.04.2007 and met FDA- Smt. Geetha. The complainant submitted a challan for having paid the prescribed



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amount of Rs.100/- at State Bank of Mysore along with a copy of the Dissolution Deed, affidavit and other documents. The accused-Smt. Geetha demanded a bribe of Rs.500/- to do the said official work. The complainant met her on several occasions; however, she has not done any work. The complainant did not wish to give bribe amount to the accused. Therefore, he has chosen to lodge a complaint against her before the Lokayukta-police. Therefore, on 02.05.2007, he approached a Lokayukta police to lodge and complaint. The Lokayukta police after registering the case conducted pre-trap panchanama and thereafter, they conducted post-trap panchanama after having seized the currency notes in the presence of panch witnesses. The respondent-Lokayukta police after conducting investigation, submitted the charge sheet.

4. In order to prove the case of the prosecution, the prosecution examined 8 witnesses as PWs.1 to 8 and got marked 33 documents as Exs.P.1 to P.33 and also 12 material objects identified and marked as M.Os. 1 to 12. On the contrary, the accused got examined one witness



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as D.Ws.1 and got marked two documents as Exs.D1 and D2. The Trial Court, after appreciating both oral and documentary evidence on record, recorded the conviction against the accused for the aforesaid offences.

5. Heard learned Senior Counsel Sri. M.S.Bhagwath for Sri. K. Satish, learned counsel for the appellant and Sri. B.S.Prasad, learned Special Public Prosecutor for the respondent – State.
6. The submission of the learned counsel for the appellant is that the judgment of conviction and order on sentence passed by the Trial Court is erroneous and contrary to the evidence on record. Therefore, the same is liable to be set aside.
7. It is further submitted that the Trial Court has not analyzed the evidence properly as a result miscarriage of justice has occasioned in passing the impugned judgment.



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8. It is further submitted that P.W.5 in his evidence has admitted that he was not aware about the demand made by the accused. P.W.6 being the shadow witness has not supported the case of the prosecution. Such being the case rendering the conviction in the absence of proof regarding demand of illegal gratification amounts to miscarriage of justice. Therefore, the said conviction is liable to be set aside, is the submission of learned Senior Counsel for the appellant.
9. In support of his contention, the learned Senior Counsel relied on the following judgments:
 - a. *K. Shanthamma Vs. The State of Telangana* reported in (2022) 4 SCC 574
 - b. *B. Jayaraj Vs. State of Andhra Pradesh* reported in (2014) 13 SCC 55
 - c. *N. Vijaykumar Vs. The State of Tamil Nadu* reported in (2021) 3 SCC 687
 - d. *Digamber Vaishnav and Another Vs. State of Chattisgarh* reported in (2019) 4 SCC 522



10. *Per contra*, learned Special Prosecutor for respondent – State vehemently justified the judgment of conviction and order on sentence submitting that P.W.5 who is the complainant in this case stated in his evidence that himself and shadow witness had been to the office of the accused. The accused demanded bribe amount of Rs.500/-. He paid the amount, she counted it and kept it in the file. Thereafter, he gave a signal to the Lokayukta – Police. The Lokayukta – Police have conducted the trap and seized the said currency notes.
11. It is further submitted that the pendency of work, seizure of currency notes, conducting of phenolphthalein test and its result are consistent that the accused had demanded amount and the complainant paid the same. Once the demand and acceptance are proved, presumption under Section 20 of the Act has to be raised. Accordingly, the Trial court has raised presumption, the same has not been rebutted the accused by leading the cogent evidence. In the absence of rebuttable evidence the



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conviction is justified. Hence, the interference with the findings of the Trial court may not be warranted. Hence, the appeal may be dismissed, having said thus, the prays to dismiss the appeal.

12. Having heard the learned counsel for the respective parties and on perusal of the findings of the Trial court, it would indicate that the complainant being one of the partners, approached the accused for the purpose of dissolution of partnership firm. Even though he has paid the statutory amount of Rs.100/-, she has demanded the complainant to pay sum of Rs.500/- as illegal gratification to get the said work done. The complainant was not interested to pay the said illegal gratification. Hence, he filed complainant respondent Lokayukta police and thereafter, they registered a case, conducted investigation and submitted the charge sheet
13. Before adverting to the merit of the case, it is relevant to refer the mention the proposition of law in respect of the aforesaid provisions. The Hon'ble Supreme Court in the



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case of State of U.P. Vs. A.K. Gaba reported in 2026 SCC

OnLine 967, para No.15 reads as under:-

15. In *Mukhtiar Singh (Since Deceased) through LRs v. State of Punjab*¹⁰, this Court held that:

14. In *P. Satyanarayana Murthy [P. Satyanarayana Murthy v. State of A.P., (2015) 10 SCC 152 : (2016) 1 SCC (Cri) 11]*, this Court took note of its verdict in *B. Jayaraj v. State of A.P. [B. Jayaraj v. State of A.P., (2014) 13 SCC 55 : (2014) 5 SCC (Cri) 543]* underlining that **mere possession and recovery of currency notes from an accused without proof of demand would not establish an offence under Section 7 as well as Sections 13(1)(d)(i) and (ii) of the Act. It was recounted as well that in the absence of any proof of demand for illegal gratification, the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing or pecuniary advantage cannot be held to be proved. Not only the proof of demand thus was held to be an indispensable essentiality and an inflexible statutory mandate for an offence under Sections 7 and 13 of the Act, it was held as well qua Section 20 of the Act, that any presumption thereunder would arise only on such proof of demand.** This Court thus in *P. Satyanarayana Murthy [P. Satyanarayana Murthy v. State of A.P., (2015) 10 SCC 152 : (2016) 1 SCC (Cri) 11]* on a survey of its earlier decisions on the pre-requisites of Sections 7 and 13 and the proof thereof summed up its conclusions as hereunder: (SCC p. 159, para 23)

"23. The proof of demand of illegal gratification, thus, is the gravamen of the offence under Sections 7 and 13(1)(d)(i) and (ii) of the Act and in absence thereof, unmistakably the charge therefor, would fail. Mere acceptance



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of any amount allegedly by way of illegal gratification or recovery thereof, de hors the proof of demand, ipso facto, would thus not be sufficient to bring home the charge under these two sections of the Act. As a corollary, failure of the prosecution to prove the demand for illegal gratification would be fatal and mere recovery of the amount from the person accused of the offence under Sections 7 or 13 of the Act would not entail his conviction thereunder."

14. On careful reading of the dictum of the Hon'ble Supreme Court it makes clear that mere recovery of the amount is not sufficient to constitute offences stated supra unless the prosecution proves that there was a demand of such illegal gratification.
15. P.W.1 who was working as an Inspector General of Registration and Commissioner of Stamps and Disciplinary Authority for Group 'C' and 'D' Employees within the jurisdiction of Hassan, he has accorded a sanction order to prosecute the accused.
16. P.W.2 was working as SDA in the office of District Registrar Hassan. He has been treated as hostile in part. During the course of cross-examination, he admitted that preparing documents relating to the dissolution of a partnership deed and submitted them to the Registrar for



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signature was his work. He further admitted in the cross-examination that on 02.05.2007, Sri. Shivaramaiah was working as Registrar in the office.

17. P.W.3 is stated to be the witness to Ex.P.5. He has supported the case of the prosecution.
18. P.W.4 was working as a District Registrar at Hassan from 12.04.2007 to 12.01.2009. According to him, he had entrusted the work to accused for further follow up action. Later, he came to know that the accused had been trapped for having received Rs.500/- as illegal gratification.
19. P.W.5 supported the case of the prosecution in the examination-in-chief. However, in the cross examination, he admitted that he was not aware who was the District Registrar and also admitted that he did not know when the said application was submitted. He further admitted that he was not aware about the date on which the alleged demand of illegal gratification has made. However, he stated that two days after the alleged



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demand of illegal gratification was made, he lodged the complaint before the Lokayukta-police. P.W.5 further stated that shadow witness was standing six feet away from him. According to him, the amount was kept in his file which was placed on the table of the accused. Though, in his evidence, he has stated that the accused has demanded illegal gratification, the fact remains that it has not corroboration.

20. P.W.6 is stated to be the shadow witness, he has deposed in his evidence that, on the date of the said trap, he was standing near the door. He further deposed that the accused demanded bribe amount and the complainant has paid the same. However, in the cross-examination suggestions were made that he did not hear the conversation allegedly held between the complainant and the accused and he did not see the hand wash and its further proceedings. However, he denied the same.

21. On analyzing the evidence of this witness, he has partly treated as hostile and conducted cross-examination by



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the prosecution, there is nothing an improvement and he has admitted some suggestions made to him by the prosecution. Therefore, his evidence cannot be believed and moreover, he is also one of the official witnesses.

22. On conjoint reading of the evidence of P.Ws. 5 and 6, the prosecution has not established the demand of illegal gratification made by the accused. The amount was kept in the file of P.W.5 and it has been seized by the Lokayukta police. The sodium solution did not turn into pink colour when the hand of the accused was washed.
23. It is settled principle of law that mere recovery of the amount is not sufficient to constitute offences under Section 7, 13(d) read with Section 13(2) of the P.C. Act unless it is coupled with demand of illegal gratification by the accused.
24. Thus being the position, I am of the considered opinion that the Trial Court has failed to consider the evidence properly. Consequently, the impugned judgment is passed which is required to be set aside.



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25. 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 27.11.2012 passed in Spl.C.No.132/2008 by the learned Principal Sessions Judge and Special Judge, Hassan is set aside.
- iii. The accused is acquitted for the offences punishable under Sections 7, 13(1)(d) read with Section 13 (2) of P.C. Act.
- iv. Bail bonds executed, if any, stand cancelled.

Sd/-
(S RACHAIAH)
JUDGE

JS/-List No.: 1 SI No.: 45