



Crl.A.No.322 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 04.08.2026

PRONOUNCED ON : 21.08.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.A.No.322 of 2016

K.T. Suresh

... Appellant/Sole Accused

vs.

STATE: Represented by
Inspector of Police
Central Bureau of Investigation
Anti-Corruption Wing, Shastri Bhavan
RC MA1/2012/A/0039
Chennai-600006

... Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 374 (2) of the Code of Criminal Procedure, to set aside the judgment passed in C.C.No.8 of 2013, dated 21.04.2016 on the file of the XIV Additional Special Judge for CBI Cases, Chennai.

For Appellant : Mr.S.Ashok Kumar
Senior Counsel
for M/s.K.Selvaraj

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)



J U D G M E N T

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This Criminal Appeal has been as against the judgment passed in C.C.No.8 of 2013, dated 21.04.2016 on the file of the XIV Additional Special Judge for CBI Cases, Chennai, thereby convicted and sentenced the accused for the offences punishable under Section 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

2. The case of the prosecution is that M/s. Caravel Logistics, Chennai, submitted an online application on 27.08.2012 seeking Quarantine Inspection and Clearance of consignments containing Flamingo Plants and Orchid Saplings belonging to M/s. National Rose Gardens, Thrissur, Kerala. On 28.08.2012, one K. Srivatsan, representing M/s. Caravel Logistics, Chennai, submitted the hard copy of the application along with the necessary enclosures to the accused, who was working as Assistant Plant Protection Officer, Regional Plant Quarantine Station, Chennai, in the Duty Officer Room, for issuance of the Import Release Order. The application was received and processed by the accused, who instructed the complainant to pay the requisite fee and thereafter submit the application for scrutiny. Upon completion of the scrutiny, the complainant brought the application back to the accused for deputing an Inspector to inspect the consignments. At that



stage, the accused allegedly demanded a sum of Rs.2,000/- as illegal gratification for further processing the application, stating that the final approval had to be accorded online for issuance of the Import Release Order. It is further alleged that the accused instructed the complainant to bring and pay the bribe amount of Rs.2,000/- at his office at about 5.00 p.m. on the same day, i.e., 28.08.2012. Since the complainant was unwilling to pay the bribe, he lodged a complaint before the respondent. Based on the said complaint, the respondent registered an FIR and laid a trap. During the trap proceedings, the accused was allegedly caught red-handed while accepting the bribe amount. Thereafter, the offences were altered and the respondent filed the final report against the accused for the offences punishable under Section 7 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. The Trial Court took cognizance of the said final report.

3. In order to establish the charges, the prosecution had examined 15 witnesses i.e., P.W.1 to P.W.15 and marked 36 documents as Exs.P1 to P36. The prosecution also produced the Material Objects 1 to 10. On the side of the accused, no one was examined and no document was marked before the Trial Court to disprove the charges.



4. Upon perusal of the oral and documentary evidence available on record, the Trial Court convicted the accused for the offences punishable under Section 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. The accused was sentenced to undergo rigorous imprisonment for 6 months and also to pay a fine of Rs.2,500/- in default to undergo rigorous imprisonment for 2 months for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988. The accused was sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.5,000/- in default to undergo rigorous imprisonment for 2 months for the offences punishable under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988. Aggrieved by the same, the present criminal appeal has been filed by the appellant/accused.

5. The learned Senior Counsel appearing for the appellant submitted that the complainant had no clean antecedents and that the complaint itself was lodged with a *mala fide* intention. It is submitted that, on 17.05.2012, a consignment of Orchids had been destroyed and, thereafter, on 23.08.2012, a penalty of Rs.52,150/- was imposed in respect of a consignment of Eucalyptus Logs imported from Uruguay, on the ground that the import permit number had not been mentioned in the Phytosanitary Certificate.



Immediately thereafter, on 28.08.2012, the complainant lodged the present complaint alleging that the accused had demanded a bribe. It is further submitted that the complainant had several prior transactions with the accused and, therefore, the complaint was lodged only with a view to wreak vengeance against the accused. Infact, the accused had processed the application in the ordinary course of his official duties and had marked the same to one Indira for conducting the requisite inspection. There was, therefore, no occasion for the accused to demand any illegal gratification.

6. It is further submitted that the complainant lodged the complaint on 28.08.2012 at about 1.00 p.m., and the same was registered at about 1.45 p.m. by the Inspector of Police, P.W.4, without even conducting a discreet preliminary enquiry to verify the genuineness of the allegations. According to the learned Senior Counsel, the failure to conduct such preliminary verification constitutes a violation of the procedure prescribed under the CBI Crime Manual and, therefore, the subsequent trap proceedings and the prosecution founded thereon cannot be relied upon.

7. The learned Senior Counsel further submitted that the alleged tainted money was accepted by the accused for a legitimate purpose and not



as illegal gratification. It is contended that, as a matter of regular practice, the Inspectors were taken in hired cabs which would be stationed in front of the Regional Plant Quarantine Station, and the charges towards such transportation were sometimes paid to the drivers subsequently. According to the accused, the sum of Rs.2,000/- was intended to be paid to the cab driver towards such transportation expenses. It is further submitted that, on 23.08.2012, one Balaguru had been taken for inspection of Eucalyptus Logs at a yard in Manali. Since the relevant documentation was found to be defective, a penalty was subsequently levied against the complainant. This resulted in a wordy quarrel between the accused and the complainant, following which the complainant left the office in frustration. According to the learned Senior Counsel, the subsequent complaint was therefore motivated by the said incident.

8. The learned Senior Counsel further submitted that, out of the said sum of Rs.2,000/-, the accused had paid Rs.500/- to P.W.8 towards the purchase of stationery items required for the office. It is also submitted that the accused did not even suspect the presence of the shadow witness, P.W.3, who had accompanied the complainant during the trap proceedings. According to the learned Senior Counsel, this conduct demonstrates that the

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accused was under the bona fide belief that he was not engaged in any illegal activity. It is therefore contended that the accused had sufficiently established both the motive behind the false complaint and the legitimate purpose for which the money was received. However, the Trial Court, without properly appreciating the defence evidence and the surrounding circumstances, mechanically proceeded to convict the accused. Hence, he prayed for setting aside the conviction and sentence imposed upon the accused.

9. Per contra, the learned Special Public Prosecutor appearing for the respondent submitted that, upon receipt of the complaint from P.W.2, P.W.4, the Inspector of Police, conducted a discreet enquiry and, upon verification, found the allegations to be genuine. It is further submitted that the conduct and antecedents of the complainant were also verified. Only thereafter, the FIR was registered and a trap was organised. He further submitted that, even assuming that the procedure contemplated under the CBI Crime Manual was not strictly followed, the provisions contained therein are only directory in nature and not mandatory. Therefore, any alleged deviation from the procedure prescribed in the CBI Crime Manual would not, by itself, vitiate the entire prosecution or the trial. It is further submitted that P.W.2, the



complainant had categorically deposed regarding the demand of illegal gratification by the accused. His testimony is duly corroborated by P.W.3, the shadow witness, who accompanied the complainant during the trap proceedings. The evidence establishes that the accused received the application from P.W.2, processed the same and thereafter demanded a sum of Rs.2,000/- as illegal gratification for according the final approval online for issuance of the Import Release Order. Thus, the prosecution has clearly established the demand and acceptance of illegal gratification.

10. He further submitted that the accused had marked the application to Indira (P.W.10) for conducting inspection of the consignments, and he demanded a sum of Rs.2,000/- as illegal gratification for according final approval in online. During the trap proceedings, the accused was caught red-handed. In order to prosecute the accused, P.W.1 accorded the requisite sanction. It is further submitted that the accused was subjected to a phenolphthalein test, which yielded a positive result. During the personal search of the accused, a sum of Rs.34,530/- was also recovered from his possession. During the subsequent enquiry, the accused allegedly made a voluntary statement that he had received a sum of Rs.1,00,000/- from one Nanda of M/s. Logistics and had kept the said amount in the X-ray Room.



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Pursuant to the said statement, the accused opened the X-ray Room and handed over the amount to the Trap Laying Officer. Two whiskey bottles were also recovered from the X-ray Room.

11. It is further submitted that, in the course of his statement, the accused had also disclosed that one Jasvir Singh, Elangovan, Gnanasambandam and Rajesh Kumar Jain were also involved in the receipt of illegal gratification and that they had collectively received a sum of Rs.12 lakhs as bribe, which was to be shared among them. Therefore, he submitted that the prosecution had categorically established the demand and acceptance of illegal gratification as well as the subsequent recovery and other incriminating circumstances. The Trial Court had, upon proper appreciation of the oral and documentary evidence, rightly convicted and sentenced the accused. Hence, there is no infirmity or illegality warranting interference by this Court, and the present Criminal Appeal is liable to be dismissed.

12. Heard the learned counsel appearing on either side and perused the materials placed on record.



13. On perusal of the records and upon consideration of the submissions made by the learned counsel appearing on either side, it is evident that the complainant was examined as P.W.2, the official witness who accompanied P.W.2 during the trap proceedings was examined as P.W.3, and the Trap Laying Officer was examined as P.W.4. The complainant P.W.2, while working with M/s. Caravel Logistics, Egmore, Chennai, had submitted an online application to the accused seeking issuance of an Import Release Order. The application was received and processed by the accused and was thereafter forwarded to P.W.10, who was working as Assistant Plant Protection Officer, for conducting inspection of the consignments. It is the specific case of the prosecution that, thereafter, the accused demanded a sum of Rs.2,000/- from P.W.2 as illegal gratification for according the final approval online for issuance of the Import Release Order. Since P.W.2 was unwilling to pay the bribe amount, he lodged a complaint before P.W.4. The said complaint was marked as Ex.P4.

14. The complaint was lodged at about 1.00 p.m. on 28.08.2012, i.e., on the very same day on which the alleged demand was made. Upon receipt of the complaint, P.W.4 registered the FIR, which was marked as Ex.P12, for the offence punishable under Section 7 of the Prevention of Corruption Act,

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1988. Thereafter, PW.4 did not conduct any discrete preliminary enquiry to verify the genuineness of the complaint, conduct of the complainant and accused and nature of the application submitted by PW.2 for which the accused had allegedly demanded bribe. The PW.2 submitted the application on 28.08.2012 morning and on the same day, the PW.2 was directed to give bribe at about 5.00 p.m. On 28.08.2012 at about 1.00 p.m., PW.2 lodged complaint and the same was got registered at about 1.45 p.m. After registration of FIR, PW.4 the Trap Laying Officer had arranged two independent witnesses namely PW.3 and one Sasikumar. The witnesses were also informed about the purpose of summoning them and complaint of PW.2 was read over and explained to them.

15. However, the prosecution failed to mark of any piece of evidence to show that the PW.3 and one Sasikumar were intimidated by the PW.4 to stand as a witness for the trap. The trap was laid at about 4.25 p.m. During the trap, the PW.2 was accompanied by PW.3. They visited the office of PW.10 and enquired about the application submitted by the PW.2. The PW.10 informed the PW.2 that no application was forwarded to her for inspection. Immediately, they went to office of the accused and as demanded by the accused, the PW.2 had given the bribe amount of Rs.2,000/-. After



verification of the amount, he called PW.8 and gave a sum of Rs.500 for purchase of stationery items for their office. Therefore, there is no absolute evidence to show that PW.4 conducted discrete preliminary enquiry, after receipt of the complaint from PW.2 and before registration of FIR.

16. That apart, there is no material evidence to establish that P.W.3 and one Sasikumar were duly called upon to accompany P.W.2 as independent witnesses to the trap proceedings. The entire trap procedure was completed within a span of about three and half hours. The manner in which the proceedings were conducted gives rise to a serious doubt as to whether P.W.2 and P.W.4 had acted in concert with each other with a view to implicate the accused. The accused has also proved the the circumstances by indicating the motive behind the complaint lodged by P.W.2. The specific case of the prosecution is that, after receiving the application from P.W.2, the accused demanded a sum of Rs.2,000/- as illegal gratification for according final approval in online.

17. However, P.W.2, in his evidence, has stated that the demand was made only at the time of the trap, at about 4.30 p.m. on 28.08.2012, when they visited the office of P.W.10. According to P.W.2, P.W.10 informed them

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that no application had been forwarded to her for inspection of the consignments. It was only thereafter, according to his testimony, that the application was forwarded to P.W.10 for inspection upon receipt of the alleged bribe amount. Thus, there is a material discrepancy between the prosecution's case regarding the stage at which the alleged demand was made and the version given by P.W.2 in his evidence. This contradiction assumes significance in determining whether the accused had, in fact, demanded the amount of Rs.2,000/- as illegal gratification for further processing the application.

18. It is seen that as per the records, the application submitted by P.W.2 was received by the accused and was immediately forwarded to P.W.10 for conducting inspection of the consignments. In fact, P.W.10 conducted the inspection and the final approval was also accorded on the very same day, i.e., 28.08.2012. Therefore, the documentary records do not support the version that the application was forwarded to P.W.10 only after receipt of the alleged bribe amount. The above circumstance assumes significance while considering the defence of the accused and the alleged motive attributed to P.W.2 for lodging the complaint. In order to establish the circumstances surrounding the complaint and the motive behind the alleged



demand, the relevant portion of the evidence of P.W.2 is extracted hereunder:

"23.8.2012 எங்களுடைய அலுவலகம் மூலமாக உருகுவேயிலிருந்து யூக்லிப்டஸ் மரக்கட்டைகளை கிளியர் செய்வதற்காக ஒரு ஆடர் கிடைக்கப்பெற்று என்று சொன்னால் சரிதான், 23.8.2012ல் பாலகுரு என்ற ஏபிபிஓ அந்த மரக்கட்டைகளை ஆய்வ, செய்தார் என்று சொன்னால் என்னால் அதை மறுக்கமுடியாது. 17.5.2012ல் திருவனந்தபுரம் மீனா நர்சரிக்கு தாய்லாந்திலிருந்து வந்த 2450 Orchid செடிகள் இறக்குமதி செய்யப்பட்டது என்றும் அதன்பின்பு, எதிரியின் ஆலோசனையின் பேரில் 18.5.2012ல் அந்த செடிகள் அழிக்கப்பட்டது என்று சொன்னால் அதுபற்றி எனக்கு ஞாபகமில்லை. திருவனந்தபுரம் மீனா நர்சரிக்கு இறக்குமதி செய்யப்பட்ட செடிகள் சம்மந்தப்பட்ட விசயங்களை நான் தான் கவனித்து வந்தேன். அழிக்கப்பட்ட செடிகளின் மதிப்பு, எவ்வளவு, என்று அதுசம்மந்தப்பட்ட கோப்புகளை பார்த்தால் தான் சொல்லமுடியும். அந்த கோப்பில் என்னுடைய கையெழுத்து இருப்பதற்கு வாய்ப்புள்ளது. எங்களுடைய அலுவலகத்தில் அந்த கோப்பில் நகல் இருக்கிறது. இறக்குமதி செய்யப்பட்ட செடிகள் முறையாக கிளியர் செய்யப்படவில்லை என்றாலும் ஒப்பந்தப்படி எங்களுக்கு கிடைக்கவேண்டிய பணத்தை நாங்கள் பெற்றுக் கொண்டோம். செடிகள் அழிக்கப்பட்டது என்பதற்கு சான்றிதழ் கொடுப்பாளர்கள் மேற்படி செடிகள் அழிக்கப்பட்டதற்கு சான்றிதழை நான் பெற்றுக் கொண்டேனா என்று எனக்கு ஞாபகமில்லை. செடிகளை அழிப்பதற்கு முன்பு, எங்கள் அலுவலகம் அவ்வாறு செய்வதற்கு விருப்ப கடிதம் கொடுக்கவேண்டும். மேற்படி பரிவர்த்தனைகள் அனைத்தும் இ-மெயில் மூலமாக தான் நடக்கும். அதிகாரிகள் நினைத்திலிருந்தால் அந்த செடிகளை அழிக்காமல் அங்கிருந்து எடுத்து சென்றிருக்கலாம். யூக்லிப்டஸ் மரக்கட்டைகள் கிளியர் செய்தபோது import permit no was not mentioned in the Phytosanitary Certificate இல்லை என்று சொன்னால் consignment சம்மந்தப்பட்ட ஆவணங்களில் குறைபாடு இருக்கிறது என்று எடுத்துக்கொள்ளலாம். இந்த consignment ஐ பொறுத்து ஆய்வ, தொகையான ரூ.12,850/- கட்டவேண்டிய இடத்தில் மேற்படி குறைபாட்டிற்காக 5 மடங்கு அதிகமாக



நீ.52,150/- ஆய்வ, தொகையாக வசூல் செய்யப்பட்டது. மேற்படி அதிக தொகை வசூல் செய்யப்பட்டது பற்றி தஸ்தாவேஜ்களை சரிபார்த்த அதிகாரியிடம் முறையிட்டேன். அந்த அதிகாரியும் எதிரியை சந்தித்து அதுபற்றி விசாரித்தார் அப்போது நானும் அவரோடு இருந்தேன். இந்த குறைபாட்டையும் அதிகாரிகள் நினைத்திருந்தால் லஞ்சம் பெற்றுக் கொண்டு அந்த பொருட்களை வெளியே எடுத்து செல்வதற்கு அனுமதி அளித்திருக்கலாம். இது சம்மந்தப்பட்ட அனைத்து ஆவணங்களும் எங்களுடைய அலுவலகத்தில் இருக்கும். அந்த ஆவணங்களிலும் என்னுடைய கையெழுத்து இருக்கலாம். மேற்படி அதிகப்படியாக வசூல் செய்யப்படும் தொகையை எங்களுடைய வாடிக்கையாளரிடமிருந்து தான் நாங்கள் பெறவேண்டும். இந்த வழக்கு பொய் வழக்கு என்றாலும் எதிரி எந்த சூழ்நிலையிலும் என்னிடம் லஞ்சபணம் எதுவும் கேட்டது கிடையாது என்று சொன்னாலும் சரியல்ல. ஏற்கனவே எதிரியோடு பல பரிவர்த்தனைகள் இருந்தாலும் 17.5.2012ல் orchid செடிகளை அழித்ததில் ஏற்பட்ட காழ்ப்புணர்ச்சி காரணமாகவும், 23.8.2012 யூக்லிப்டஸ் மரக்கட்டைகளை இறக்குமதி செய்ததில் குறைபாடுகளுக்காக விதிக்கப்பட்ட அதிக அபராத தொகை சம்மந்தப்பட்ட காழ்ப்புணர்ச்சி காரணமாகவும், எதிரி மீது இந்த பொய் வழக்கை நான் கொடுத்தேன் என்ற சொன்னால் சரியல்ல. மேற்படி யூக்லிப்டஸ் மரக்கட்டைகள் மணலியில் இருக்கும் container terminal-லில் வைக்கப்பட்டிருந்தது. 23.8.2012 அன்று மீனம்பாக்கத்தில் இருக்கும் எதிரியின் அலுவலகத்திலிருந்து Balaguru கார் மூலமாக மேற்படி கட்டைகளை ஆய்வ, செய்வதற்காக மணலிக்கு நான் அழைத்து சென்றேன். 23.8.2012ல் அதிக அபராத தொகை விதிக்கப்பட்டதால் எனக்கும் எதிரிக்கும் இடையே வாக் குவாதம் ஏற்பட்டது என்றாலும் அந்த கோபத்தில் நான் உடனடியாக அந்த அலுவலகத்தில் இருந்து வெளியே சென்றுவிட்டேன் என்று சொன்னால் சரியல்ல. 23.8.2012 வரை நான் எந்தவிதமான consignment handle செய்யவில்லை என்று சொன்னால் ஞாபகமில்லை. அன்று வாடகைக்கு எடுக்கப்பட்ட காருக்கு செலுத்தவேண்டிய வாடகை தொகையை செலுத்தாமல் நான் அங்கிருந்து சென்றுவிட்டேன் என்று சொன்னால் சரியல்ல. மேற்படி இரண்டு consignment-லும் எங்களுடைய அலுவலக குறை காரணமாக சரிவர செய்யப்படவில்லை என்பதாலும் என்னுடைய திறமையை குறைத்து எடை போட்டதாலும் எதிரி மீது எனக்கு வெறுப்பு



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ஏற்பட்டது என்று சொன்னாலும் சரியல்ல. 28.8.2012ல் கொடுக்கவேண்டிய காள் வாடகை பணம் ரூ.2000/-ஐ ஏன் கொடுக்கவில்லை என்று எதிரி என்னிடம் கேட்டதால் அதை பயன்படுத்தி அவர் ரூ.2000/- லஞ்சபணம் கேட்டதாக பொய் புகார் கொடுத்துவிட்டேன் என்று சொன்னால் சரியல்ல. காள் ஓட்டுநருக்கு கொடுக்க வேண்டிய வாடகை பணம் ரூ.2000/- தான் என்று எதிரி நினைத்து கொண்டு எவ்விதமான தயக்கம் இல்லாமல் அந்த பணத்தை என்னிடமிருந்து பெற்றக்கொண்டார் என்று சொன்னால் சரியல்ல."

19. Thus, it is clear from the evidence on record that P.W.2 was imposed with a penalty of Rs.52,150/- in connection with the consignment handled by him. In relation to the said penalty, there was a dispute between P.W.2 and the accused. The said circumstance assumes significance while considering the motive behind the complaint lodged by P.W.2. In the light of the said prior dispute, the defence has established a probable motive for P.W.2 to lodge the complaint with a view to implicate the accused. Thus, the accused has successfully brought on record the circumstances giving rise to a reasonable doubt regarding the genuineness of the complaint and the alleged demand.

20. Further, P.W.4 the Trap Laying Officer also failed to follow the procedure contemplated under the CBI Crime Manual. Though the procedure prescribed therein may be directory in nature, the said deviation



assumes significance in the overall circumstances of the case. The defence has established a probable case that the complaint itself was lodged with an ulterior motive to trap the accused and that P.W.2 had acted in concert with P.W.4 for initiating the trap proceedings. Further, the witnesses were arranged for the trap proceedings without any prior intimation or request letter being produced before this Court. More importantly, even according to the prosecution case, immediately after receiving the alleged bribe amount, the accused handed over a sum of Rs.500/- to P.W.8 for the purchase of stationery items. This circumstance lends support to the defence version that the money was not received by the accused as illegal gratification. Therefore, the prosecution has failed to establish beyond reasonable doubt that the amount of Rs.2,000/- was received by the accused as bribe.

21. Further, the prosecution examined the shadow witness as P.W.3. However, P.W.3 did not depose regarding any demand made by the accused at the time of the alleged acceptance of the bribe amount. On the contrary, even in his chief-examination, P.W.3 has categorically stated that there was no demand by the accused. The relevant portion of the chief-examination of P.W.3 is extracted hereunder:

“Then the complainant Srivatsan took me to the Inspector’s room.



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There Srivatsan was talking with a lady officer. Then took me to Duty Officer room and was talking with Shri.K.T.Suresh. Again Srivatsan took me to computer room and talked with the lady officer. Then we both came out of the computer section. At that time Shri.Suresh, APPO took the complainant Srivatsan to the room next to the duty officer's room. I followed them. TLO Shri.Subbian and Shri.C.S.Moni, Dy Supdt. of Police were also seen nearby. There Shri.Suresh and Shri.Srivatsan were talking. Then complainant Srivatsan took the currency notes from his purse which were kept in his right back side pant pocket. Shri.Suresh received the currency notes in his right hand and counted the same with both hands. Then Shri.Suresh called another person Shri.Anil Kumar Singh. Shri.Anil Kumar reached the room where we were standing. Shri.Suresh took out some currency from the cash given by Shri.Srivatsan and gave it to Shri.Anil Kumar Singh.”

22. He further admitted the above fact during his cross-examination.

Thus, the evidence of P.W.3, who was admittedly the shadow witness accompanying P.W.2 during the trap proceedings, does not support the prosecution with regard to the alleged demand of illegal gratification. The relevant portion of the cross-examination of P.W.3 is extracted hereunder:

“During the course of investigation I have not stated anything about what were the conversations between PW2 and the officers in their respective rooms. During the course of investigation I have stated that “PW2 and accused were talking”. During the course of investigation I have not stated what they were talking. TLO and DSP were standing 10 meters away from me in the office room. I was standing 2 to 3 meters distance from where PW.2 and accused were talking. Neither Srivatsan nor the accused did not

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bother about my presence there. Accused did not ask Srivatsan who I was. I do not know whether any explanation sought for by the TLO from the accused after the completion of the post trap proceedings. Is it correct to say "After some time Shri.Suresh told that he had taken Rs.2,000/- from the complainant Srivatsan"?, the witness answers yes. In the above stated statement that there is no word "bribe" is used. It is not to correct to suggest that the accused gave an explanatory statement explaining the circumstances by which, why he received Rs.2,000/- from the complainant and since it is fatal to the prosecution case, that explanation was deliberately suppressed by the prosecution. My mother tongue is Urdu and I know Tamil language. The accused was given to understand why he was arrested after the post trap proceedings. It is correct to suggest that Rs.500/- was recovered from Anil Kumar Singh. No statement was recorded by TLO from Anil Kumar Singh. Investigating Officer did not ask me with regard to the fact what was the conversation between PW2 and the accused, at the time of post trap proceedings."

23. Thus, it is clear that the evidence of P.W.3 does not corroborate the version of P.W.2 with regard to the alleged demand of illegal gratification. On the contrary, the evidence of P.W.3 creates a serious doubt regarding the very occurrence of the alleged demand. Further, P.W.10, who was entrusted with the application by the accused for conducting inspection, deposed that, upon receipt of the application from P.W.2, the accused processed the same and forwarded it to P.W.13 for scrutiny. After scrutiny, the application was placed before the accused and was thereafter marked to

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P.W.10 for conducting inspection. P.W.10 received the application at about 12.00 noon and, immediately thereafter, conducted the inspection and completed the same. She then submitted the inspection report to the accused without any delay.

24. Therefore, there is no absolute material to indicate that the accused had withheld or retained the application for any length of time. The evidence on record clearly establishes that, immediately upon receipt of the application, it was forwarded for scrutiny, thereafter marked to P.W.10 for inspection, and the inspection was duly conducted followed by submission of the report. The said version is also corroborated by the evidence of P.Ws.12 and 13. Thus, the evidence of the concerned officials do not support the allegation that the accused had deliberately withheld the application or demanded Rs.2,000/- for processing the same. Further, the circumstances surrounding the complaint, coupled with the prior dispute between P.W.2 and the accused and the absence of corroboration from the shadow witness, create a serious doubt of the prosecution's case. Hence, the prosecution has failed to establish the charges framed against the appellant/accused beyond reasonable doubt.



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25. In view of the above discussions, the judgment passed in C.C.No.8 of 2013, dated 21.04.2016 on the file of the XIV Additional Special Judge for CBI Cases, Chennai is hereby set aside. Consequently, the Appellant is acquitted of all the charges. The fine amount, if any paid, shall be refunded to the appellants forthwith. The bail bonds, if any executed, shall stand cancelled.

26. Accordingly, this Criminal Appeal stands allowed.

21.08.2026
(1/2)

Index :Yes / No
Speaking order :Yes / No
Neutral Citation :Yes / No
dm

To

1.The XIV Additional Special Judge for CBI Cases,
Chennai.

2.The Inspector of Police
Central Bureau of Investigation,
Anti-Corruption Wing, Shastri Bhavan
RC MA1/2012/A/0039, Chennai-600006

3.The Public Prosecutor,
High Court of Madras, Chennai.



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G.K. ILANTHIRAIYAN, J.

dm

Pre-delivery judgment made in
Crl.A.No.322 of 2016

21.08.2026
(1/2)