

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

CRL.A.No. 1913 of 2007 (D)

**AGAINST THE JUDGMENT IN CC 52/2003 OF ENQUIRY COMMISSIONER & SPECIAL
JUDGE, THIRUVANANTHAPURAM DATED 17.09.2007**

APPELLANT(S)/ACCUSED :-

**K.N.SASIDHARAN NAIR,
FORMERLY S.I. OF POLICE,
PALLICHAL POLICE STATION.**

**BY ADVS.SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHEER**

RESPONDENT(S)/COMPLAINANT :-

**STATE, REPRESENTED BY THE PUBLIC PROSECUTOR,
OFFICE OF THE ADVOCATE GENERAL,
HIGH COURT OF KERALA, ERNAKULAM,
(DY S.P., VIGILANCE AND ANTICORRUPTION BUREAU,
SIU, THIRUVANANTHAPURAM).**

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 03-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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P.UBAID, J.

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Crl.Appeal No.1913 of 2007
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Dated this the 3rd day of November, 2015

JUDGMENT

A conviction and sentence under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 is under challenge in this appeal. To prove the alleged demand and acceptance, the prosecution examined only the complainant in the trial court. His evidence is not regarding any specific demand that led to the complaint. However, he stated in evidence that he went to see the accused at his residence, and when the accused came outside, he immediately paid an amount of ₹1,000/- to the accused, and left the place. When further asked by the Public Prosecutor about payment, the complainant stated that he made such payment only because he was very much harassed by the Sub Inspector. Anyway, on the said evidence given by the complainant the accused was found guilty by the trial court. The evidence of the complainant in examination chief itself does not show that payment was

made by him on demand. However, the accused happened to be convicted and sentenced under the Prevention of Corruption Act.

2. Pending the appeal the appellant died. The legal heirs of the appellant did not come forward for permission to prosecute the appeal. In such a situation, this appeal will have to be closed as abated. In the factual situation discussed above, I find no scope to proceed for realisation of fine amount of ₹10,000/- (Rupees ten thousand only).

In the result, this appeal will stand closed as abated under Section 394(2) Cr.P.C.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE