

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-A-1082-MA of 2015**

Date of Decision: 31.08.2015

State of Haryana

...Appellant

VERSUS

Ramesh Kumar

....Respondent

**CORAM : HON'BLE MR.JUSTICE SHEKHER DHAWAN**

Present:- Mr.Naveen Sheoran, DAG Haryana for appellant-State.

**Shekher Dhawan, J.**

Learned State counsel while arguing on the application for appeal against acquittal mainly took the plea that respondent Ramesh Kumar was caught red handed while accepting bribe of ₹ 20,000/- as illegal gratification. All the proceedings were completed at the place of recovery itself and all the witnesses had supported the prosecution case, who had no enmity with respondent. Unfortunately, complainant and shadow witness turned hostile and learned trial Judge acquitted the accused, though recovery of ₹ 20,000/- as illegal gratification from the respondent stands proved, in view of statement of Investigating Officer and other documentary evidence available on file. Investigating Officer and other witnesses had no enmity to depose falsely against the accused. So, appeal be accepted and respondent be sentenced according to law.

Having considered the submissions made by learned State counsel, this Court is of the view that both the material witnesses i.e.

complainant and shadow witness, before whom, the alleged recovery of illegal gratification of ₹ 20,000/- was effected, have not supported at the trial stage. In absence of testimony of these two witnesses, trial Judge was justified in recording the judgment of acquittal as these were the only witnesses, who could depose that in fact, Ramesh Kumar had accepted the illegal gratification and what was the conversation between complainant and accused was to be stated by shadow witness only. In absence of these witnesses, appeal filed by the State is without any merit and same stands dismissed.

31.08.2015

AS

(SHEKHER DHAWAN)  
JUDGE