

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

-  
**CRIMINAL PETITION No.5137 of 2014**

**ORDER:**

-

This petition is filed by A.2 under Section 482 of Cr.P.C. seeking to quash the proceedings in C.C. No.25 of 2013 pending on the file of Special Judge for SPE & ACB cases, Vijayawada, Krishna District for the offence punishable under Section 12 of Prevention of Corruption Act, 1988 (for short 'the Act').

The case of the prosecution is that in order to construct a house in her site, the complainant approached Town Planning Supervisor-A.1, and upon instructions of A.1, petitioner-A.2, who is a private licensed surveyor, inspected the site and gave a plan and thereafter, A.1 demanded Rs.5,000/- for approval of the plan. Not willing to pay the same, the complainant approached the respondent-ACB authorities on 14.3.2011 and on the basis of her complaint a case in Crime No.1/RCT-EWG/2011 was registered for the offences under Sections 7,13(1)(d) r/w 13(2) of the Act. After completing the formalities, the complainant along with trap party proceeded to the office room of A.1, wherein the complainant alleged to have handed over the tainted money to the petitioner-A.2 and signaled to the trap party upon which, the respondent-officials seized the money from the possession of petitioner and the chemical test yielded positive result. After completion of investigation, charge sheet was filed against A.1 and the petitioner herein.

Heard on either side and perused the material available on record.

Originally, L.W.1 lodged the complaint against A.1, who is the person, who actually alleged to have demanded an amount of Rs.5,000/-. On the date of trap, the petitioner, who is the private licensed surveyor was also present in the office room of A.1, where the trap proceedings were arranged

by the respondent-officials. As per the complaint, upon the instructions of A.1, L.W.1 has handed over the money to the petitioner herein. But in the 161 Cr.P.C. statement, nowhere L.W.1 has alleged that the petitioner has got knowledge about the transaction between her and A.1. Since because money has recovered from the petitioner, he is also added as A.2 invoking the provision under Section 12 of the Act.

On perusal of the entire record and the charge sheet, there is nothing to disclose that the petitioner herein has abated the crime or he has knowledge about the transaction between the complainant and the A.1. The presence of the petitioner in the office room of A.1 at the time of trap is not unnatural because he is a private licensed surveyor. Even according to L.W.1, as per the direction of A.1, she has handed over the money to the petitioner herein. It is also not the case of the respondent-officials that the petitioner is having any bad antecedents of abetting the crime as a mediator in the office of A.1. It is also informed that A.1 is already expired. Since there is no iota of evidence as to the demand or acceptance of money as bribe by the petitioner, the question of invoking the provision under Section 12 of the Act against the petitioner herein does not arise. Hence, the impugned proceedings as against the petitioner herein are liable to be quashed.

In the result, the Criminal Petition is allowed and the impugned proceedings in C.C. No.25 of 2013 pending on the file of Special Judge for SPE & ACB cases, Vijayawada, Krishna District are hereby quashed as against the petitioner herein.

Pending Miscellaneous petitions, if any, shall stand closed.

---

**RAJA ELANGO,J**

06.04.20126  
Tsr

