

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Judgment 03.11.2017	Date of Pronouncing Judgment 15.12.2017
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CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Appeal No.375 of 2017
and CrI.MP.No.13328 of 2017

R.Kannan

...Appellant

Versus

The State of Tamil Nadu,
 Represented by the
 Inspector of Police,
 Vigilance and Anti Corruption,
 Kanchipuram

... Respondent

PRAYER: Criminal Appeal is filed under Section 374(2) of Criminal Procedure Code, 1973 r/w section 27 of the Prevention of Corruption Act, to set aside the conviction and sentence passed in the Judgment dated 27.06.2017 made in Special Case No.5 of 2006 on the file of the Special Judge and Chief Judicial Magistrate, Chengalpattu.

For Appellant : Mr.S.Shanmugasundaram,Sr. Counsel
 for M/s. C.S.Pillai
 H.Manuthiraj

For Respondent : Mr. P.Govindarajan
 Additional Public Prosecutor
 (Criminal Side)

J U D G M E N T

The appellant herein is the accused tried for the offence under Section 7 r/w 13(1)(d) of the Prevention of Corruption Act in special case No.5 of 2006 on the file of learned Special Judge, Chief Judicial Magistrate, Chengalpattu.

2. Aggrieved by the judgment of conviction and sentence the present appeal is filed.

3. Brief facts leading to the appeal is as under:-

3.1) One Thiru Jagir Hussain, son-in-law of Ameena Beevi lodged a complaint to the respondent police on 31.01.2005, alleging that one Thiru Kannan, appellant herein working as surveyor had demanded bribe of Rs.7,000/- to effect mutation of patta records in respect of 37 cents of land in Survey No. 178/2 Thirukazhukundram Village which stood in the name of Ameena Beevi. Hence, the trap was laid and the accused was held red handed while accepting the bribe amount of Rs.7,000/- on 31.01.2005. The prosecution, to prove the case, has examined 12 witnesses, 14 exhibits were marked and 5 material objects.

3.2) PW.2 the *defacto* complainant Jagir Hussain has deposed that on 31.08.2004 on behalf of his mother in law Ameena Beevi he gave a requisition letter for change of Patta to the Tahsildar at Thirukankundram Taluk Office. The accused who was working as Firkha Surveyor at that time, came to measure the land after one month. Thereafter he went to the Taluk Office and enquired the accused about his petition. At that time, the accused has demanded Rs.10,000/- as bribe. When the *defacto* complainant expressed his inability to give Rs.10,000/- as bribe, the accused has reduced his demand to Rs.7,000/- and alleged to have been stated that only if bribe is given he will arrange for change of patta. Since [PW.2] was not interested in giving bribe, he has given the complaint to the Vigilance and Anti corruption police which is marked as Ex.P.2. His complaint was registered and a First Information report was laid on 31.01.2005. He arranged Rs.7,000/- through his friend Meera Sha from Kanchipuram and gave the trap money to the police. After smearing phenolphthalein on the currencies in the presence of two witnesses. A pre-trap Mahazar was prepared by conducting phenolphthalein test and thereafter the money was kept in his shirt pocket by trap laying officer. He was ask to go to the Taluk Office and if the appellant demands money, he was advised to give the tainted money to him. One Mr.Inbanathan [PW.3] was ask to accompany PW.2 to over-see the transaction between PW.2 and the appellant.

4. Accordingly, PW.2 and Inbanathan (PW.3) went to taluk office and met the accused at 4.00 p.m on 31.05.2005. The accused told PW.2 to come out of the office and went to the Kullar Street, adjacent to Taluk Office, where he demanded money on his demand PW.2 gave the tainted money to the accused and the same was received by the accused and kept it in his right side pant pocket. Thereafter, they all came back to the Taluk Office. The trap laying team, which followed them from Kullar Street to Taluk Office on receiving the signal from PW.2, went inside the Taluk Office. There the accused was identified by PW.2. The trap laying officer one Thiru.Manokaran, Inspector of Police (PW.10) arranged two tumblers of plain water mixed it with Sodium carbonate power and asked the accused to dip his hands, on dipping the colourless solution turned pink. Sample solution from two tumblers were separately drawn, labeled and sealed, which are marked as MO.1 and MO.2.

5. When the accused was asked whether he has received any money from PW.2, he took out Rs.7,000/- from his left side pocket and gave it to the witness. The numbers found in the currency notes were compared with the entrustment mahazar and found tally. The currency of Rs.7,000/- was marked as MO.3. The pant pocket dipped in Sodium Carbonate Solution turned pink. The sample solution of the pant wash and the pant of the accused are marked as MO.4 and MO.5 respectively.

The file pertaining to the application for change of Patta recovered from the accused and seizure Mahazar Ex.P.8 was prepared Thiru.Thanigavel, Junior Assistant in District Social Welfare Department, Kanchipuram is an another witnesses for the trap proceedings who in his deposition has reiterated the evidence of PW.2 and PW.3 and the recovery of tainted money from the accused which the accused took out from its left side pant pocket. PW.5, Deputy Inspector in Survey Department has deposed about the application given by a Muslim person on behalf of a lady for grant of Patta and sub division. He has received the application and scrutinize it; forwarded the same for measuring by Firkha Surveyor. The accused who was entrusted to measure the land has submit its report and forwarded the same to his section. Based his report, The Senior Draftsman has prepared the plan after examining the title deed and forwarded the proposal. Based on the report from the Firkha Surveyor, the plan was prepared by the Senior Draftsman and he has forwarded the file to the Tahsildar for its approval. The Tahsildar, on perusing the files has found that the Firkha Surveyor has not mentioned his date of the inspection report. Therefore called the Firkha Surveyor (accused) and told to note the date of inspection in his the report. The report was approved by Tahsildar and sent the record to the land Survey section. On receipt of the file, the sub division was effected. By that time, the accused was transferred to Kattankulathur as Firkha Surveyor. The end of the month to receive

salary he came to Thirukazhukundram Taluk Office, at that time, he was arrested by Vigilance and Anti corruption Police.

6. PW.4 has further deposed that the accused on his transfer was directed to handover the charge along with files and documents to one David, but the accused has given only few documents to David and some of the documents he kept in the box and locked it. Later, David took possession of those files.

7. PW.6 Kirubavathi, she took Additional charge as Firkha Surveyor on 28.01.2005, on transfer of the accused to Kattankulathur has deposed that the accused did not hand over any documents to her. On 07.02.2005, an oral instruction of Deputy Inspector of Survey and land records she took possession, of the files kept in the box by Kannan(accused).

8. Thiru Clarence (PW.7) has deposed about the recovery of Rs.7,000/- from the accused person and trap proceedings. Thiru Clarence, Zonal Deputy Tahsildar, is one of the signatory to the recovery Mahazar and he has identified his signature in the Mahazar.

9. Maria Selvi Rosini (PW.8), the chemical analyst attached to

Tamil Nadu Forensic laboratory has spoken about the Forensic report

which was marked as Ex.A.11. Wherein, she has given the report of presence of phenolphthalein in the samples of hand wash and pant wash.

10. The Tahsildar of Thirukazhukundram Taluk Office and Thiru Ramasamy was examined as PW.9 has spoken about the application given by Jagir Hussain [PW.2] on behalf of mother-in-law Ameena Beevi requesting transfer of Patta and the action taken by the Taluk Office in respect of the said application. He has also deposed that in the report submitted by the accused Thiru. Kannan has not mentioned its date. Therefore, he has instructed the accused to mention the date in his report. The accused mentioned the date of his recommendation on 25.05.2005, on the same day PW.9 had gave its approval for Sub Division and handed over to the accused for further action but the accused did not handed over the same to its successor. Till his transfer and relieve on 27.01.2005. The next day, accused joined as Firkha Surveyor at Kattankulathur, Chengalpattu Taluk. The transfer order and reliving order issued by the accused is marked as Ex.P.12. The file pertaining to patta transfer application is marked as Ex.P7. This witnesses has also spoken about his complaint against the accused for dereliction of duty.

11. PW.10 is the Tap laying office and PW.11 is investigating Office who has investigated and recorded the statements of some of the witnesses till his promotional transfer. As per the instruction of the District Superintendent of Police he has handed over the investigation to PW.12 Vijayaravagan who has completed the investigation and submitted the final report.

12. The Trial Court, on appreciation of witnesses, has held that the prosecution as proved the case of demand and acceptance of illegal gratification of Rs.7,000/- and convicted the accused to undergo four years simple imprisonment and to pay a sum of Rs.5,000/- in default five months Simple imprisonment for offence under Section 7 of the Prevention of Corruption Act and four year simple imprisonment and to a pay a fine amount of Rs.5,000/- in default five months simple imprisonment for offence under Sections 13(1)(d) r/w 13(2).

13. The learned counsel appearing for the appellant contended that the trial court failed to see that the prosecution has not adduced any credible evidence against the appellant for the commission of offence under Section 7 of the Prevention of Corruption Act. The evidence of PW.2 Jagir Hussain the *defacto* complainant and the evidence of official witnesses PW.3 Inbanathan and PW.4 Thanigaiselvan contains material contradictions to each other which go to the root of the prosecution case and falsify the theory of demand and acceptance

of illegal gratification. The appellant as Firkha Surveyor at Nerumbur, completed its responsibility of measuring the land as early as 03.11.2004 on the request of PW.2 to issue patta and submitted the file to PW.5, Deputy Inspector of Survey on 16.11.2204. PW.9 has deposed that PW.5, Deputy Inspector of Survey had given its approval on 22.11.2004. Regarding the date on which the application submitted by the *de facto* complainant, the date of which the accused visited the field and measured the land; the date on which he submitted the report to Deputy Inspector of Survey for approval are not in dispute. The process for granting patta was completed on his side in the month of November itself. Thereafter, the appellant was transferred from Nerumbur Firkha in Thirukazhukundram at Kattankulathur circle, Chengalpattu vide order dated 25.01.2005, he got relieved on 27.01.2005 and joined the new post in Kattankulathur on 28.01.2005. This fact is spoken by PW.11. While so, the allegation of PW.2 that he met the appellant on 28.01.2005 at 1.30P.M at Thirukazhukundram and enquired about its application and requested him to arrange for Patta transfer itself is unbelievable. Since, on that date the accused was not at all present at Thirukazhukundram Taluk Office but he had reported before Kattankulathur Office where he was newly posted. While so, on 28.01.2005 when the appellant was not at all obliged to carry out any work in respect of PW.2, the application for demand of bribe is baseless.

Further, PW.2 has admitted that he knew that the accused was

transferred on 27.01.2005 from Nerumbur Firkha. In such circumstances, there is no necessity for PW.2 to enquiry about his patta transfer with the accused person or to give any bribe to him. When there is no evidence to show that appellant was present at Thirukazhukundram Taluk Office on 28.01.2005, the meeting of PW.2 and the accused at Thirukazhukundram Taluk Office stands uncorroborated. Therefore, the alleged demand of bribe money by the appellant on that date is not proved. The interpolation in the complaint inserting the word "arrange" [Vw;ghL] in between the word patta transfer is an after thought and the said word interpolated make vast difference between the case alleged and the facts.

14. It is also contended by the learned counsel for the petitioner that the trap laying Officer should have recorded the statement of the accused immediately after the trap as per Vigilance manure of Rule 47. Whereas, the trap laying Officer PW.10 Manokaran admit that he has not recorded such statement. Pointing out the delay in preferring the complaint and delay in forwarding the section 161 statement to the Magistrate the learned counsel for the appellant contended that the prosecution has miserable failed to prove the case against the petitioner regarding demand and acceptance of illegal gratification. However, the trial court based on the recovery of tainted money had convicted the appellant.

appellant referred the following judgments of Hon'ble Supreme Court

i) *Suraj Mal versus State (Delhi Administration) (1979(4) SCC 725);*

...."In our opinion, mere recovery of money divorced from the circumstances under which it is paid is not sufficient to convict the accused when the substantive evidence in the case is not reliable. Moreover, the appellant in his statement under Section 342 had denied the recovery of the money and has stated that he had been falsely implicated. The High Court was wrong in holding that the appellant had admitted either the payment of money or recovery of the same as this fact is specifically denied by the appellant in his statement under Section 342 of the Cr.P.C. Thus mere recovery by itself cannot prove the charge of the prosecution against the appellant, in the absence of any evidence to prove payment of bribe or to show that the appellant voluntarily accepted the money. For these reasons, therefore, we are satisfied that the prosecution has not been able to prove the case against the appellant beyond reasonable doubt..."

reported **in 2009(3) SCC 799.**

"...Mere recovery of tainted money divorced from the circumstances under which it is paid is not sufficient to convict the accused when the substantive evidence in the case is not reliable. The mere recovery by itself cannot prove the charge of the possession against the accused, in the absence of any evidence to prove payment of bribe or to show that the accused voluntarily accept the money knowing it to be bribe.."

iii). State of U.P vs. Jagdish Singh Malhotra in 2001 (10) SCC 215.

Work done prior to trap:

... From a conjoint reading of the above evidence, it becomes obvious that unless the fitness certificate is produced before the assessment officer, road tax cannot be assessed and that after the road tax is assessed, deposit of the same can be made before 2.00 p.m. In the instant case, the statements of PW.2 and PW.3 unmistakably show that road tax was also made before 2.00p.m. This could not have been done unless the fitness certificate had been earlier procured by PW 6 for it was required to be produced before the road tax assessment officer for assessment of road tax. Thus, if the fitness certificate had been obtained by PW 6 before 2 o' clock on 14.08.1981, the story that bribe of Rs.1000/- was paid to the respondent for signing the fitness certificate at 3.45 p.m on that date gets falsified. Evidence of PW.2, PW.3 and PW.5, thus, knocks the bottom off the prosecution for

reasons best known to it. The argument that Ramesh might have got the fitness certificate completed on giving assurance to the respondent and also road tax assessed has no basis and as a matter of fact, withholding of Ramesh, in the facts and circumstances of the case, and not examining him at the Trial is a serious lacuna in the prosecution case. In view of our discussion of the evidence of PW 2, PW 3, PW 5 and PW 6, the entire version of the prosecution case becomes very doubtful.

IV).Rakesh Kapoor vs State of H.P reported in (2012) 13 SCC 522;

"...Another important aspect which is in favour of the appellant-accused is that the order, namely, granting licence in favour of PW 1, the complainant was made ready before the alleged occurrence i.e on 02.05.2003. In fact, the original order was available on the table and the same was in the hands of PW.1. Admittedly, he did not hand over the original to the IO and his only explanation was that he kept it under his custody to continue his business. As rightly pointed out, when the order itself was ready and available that too in the hands of the complainant, the demand of the accused as claimed by the prosecution is highly improbable. This aspect has also not been properly explained..."

55;

"....Mere possession and recovery of the currency notes from the accused without proof of demand will not bring home the offence under Section 7. The above also will be conclusive insofar as the offence under Section 13(1)(d)(i) and (ii) is concerned as 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 established..."

VI). P.Sathyanarayana Murthy versus District Inspector of Police, State of Andhra Pradesh and another reported in **2015(10) SCC 152;**

"...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 Section 7 or 13 of the Act would not entail his conviction thereunder". The mere acceptance of any amount allegedly by way of illegal gratification or recovery thereof, dehors proof of demand, would thus not be sufficient bring home the charge under section 7 and 13(1) (d) (i) & (ii) of the PC Act. The petitioner submits on this Ground alone the prosecution miserably failed to bring home the evidence against the Petitioner for the alleged offences under Section 7 and 13(1) (d) (i) & (ii) of the PC Act...

<http://www.judis.nic.in> **VII). T.K.Ramesh Kumar vs State through Police Inspector,**

Bangalore reported in 2015 (15) SCC 629.

"...There is no other evidence to prove that the accused had made any demand, the evidence of PW 1 and the contents of Ext.P-11 cannot be relied upon to come to the conclusion that the above material furnishes proof of the demand allegedly made by the accused. We are, therefore, inclined to hold that the learned trial Court as well as the High Court was not correct in holding the demand alleged to be made by the accused as proved. The only other material available is the recovery of the tainted currency notes from the possession of the accused. In fact such possession is admitted by the accused himself. Mere possession and recovery of the currency notes from the accused without proof of demand will not bring home the offence under Section 7. The above also will be conclusive insofar as the offence under Section 13(1)(d)(i) and (ii) is concerned as 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 established..."

VIII).N.Sunkanna vs State of Andhra Pradesh reported in **2016(1) SCC 713;**

"...In short there is no proof of the demand allegedly made by the accused. The only other material available is the recovery of the tainted currency notes from the possession of the accused. The possession is also admitted by the accused. It is settled law that mere

possession and recovery of the currency notes from the accused without proof of demand will not bring home the offence under Section 7, since demand of illegal gratification is sine qua non to constitute the said offence. The above also will be conclusive insofar as the offence under Section 13(1)(d) is concerned as 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 established. It is only on proof of acceptance of illegal gratification that presumption can be drawn under Section 20 of the Act that such gratification was received for doing or forbearing to do any official act. Unless there is proof of demand of illegal gratification proof of acceptance will not follow. Reference may be made to the two decisions of the three-Judge Bench of this Court in B. Jayaraj vs. State of Andhra Pradesh and P. Satyanarayana Murthy vs State of Andhra Pradesh...”

15. Per contra, the learned Additional Public Prosecutor submitted that the evidence of PW.2 regarding the demand of bribe by the appellant herein cannot be doubted. Since the evidence let in by the prosecution starting from testimony of defacto complainant PW.2 and the accompany witnesses PW.3, the testimony of accompany PW.4 who is witness of receipt of tainted money and PW.9. the Tahsildar, who had spoken about the file movement in respect of the application given by PW.2 on behalf of his mother-in-law Ameena Beevi clearly proves the

case of the prosecution that, the appellant being Firkha Surveyor after approval and the order passed by the Tahsildar Office for issuance of patta, kept the file with him and did not hand over the same to his successor. Despite transfer, he had demanded bribe to forward the file as far as recovery of tainted money from his possession, no possible explanation from the accused proves the guilt and charge laid against as the appellant. The unexplained possession of tainted money lead to presumption that it was received as bribe to do favour.

16. The learned Additional Public Prosecutor submitted that it is incorrect on the part of the appellant to plead that the accused was not present at Thirukazhukundram Taluk Office on 28.01.2005. PW.5 in his Chief examination has spoken about the presence of the accused person at Thirukazhukundram Taluk Office during the month end to receive his salary and in the cross examination he has specified the date on which he was present. Therefore, the prosecution has proved the guilt of the accused, so the trial court has rightly convicted him. There is no necessity to interfere with the judgment of the Trial Court.

17. Heard the learned counsel for the appellant and the learned Additional Public Prosecutor, perused the Exhibits marked on behalf of the prosecution and the testimony of the witnesses. The main contention raised by the appellant is that while he has completed his

portion of job regarding measuring the land as Firkha Surveyor as early as 31.10.2004 and having submitted his report on 16.11.2004 and being transferred from Nerumbur Firkha to Kattankulathur on 28.01.2005, the allegation of demand of Rs.7,000/- as bribe on 28.01.2005 and receipt of bribe on 31.05.2005 at Thirukazhukundram Taluk Office are highly unbelievable, coupled with material contradictions between PW.2 and PW.3 regarding the factum of demand and acceptance.

18. Regarding the plea of the defence counsel about the recovery of tainted money and the locus of the de-facto complainant to seek patta transfer on behalf of Ameena Beevi without any authorisation and the interpolation in the complaint throwing doubt over the prosecution case, this Court gave its anxious consideration.

19. Ameena Beevi mother-in-law of the defacto complainant had purchased 37 cents of land on 15.02.1984. After 20 years, she had sought for transfer of patta. There is no reason to suspect for Ameena Beevi seeking the assistance of her son-in-law to get patta transferred in her name. Just because a women sought her son-in-law assistance to move the Taluk Office, the said complaint cannot be doubted. The application for transfer of patta given on 31.08.2004 and had been acted upon by the accused person, after lapse of two months. Accused

has visited the land of Ameena Beevi only on 03.11.2004 and thereafter he has submitted its report without date. This has been pointed out by PW.9 on 25.01.2005. On that day the accused as mentioned date in his report. This indicates that expecting some reward for motive he has not discharged his duties.

20. It is correct, that there is no corroboration to the alleged visit of PW.2 and meeting of accused at Thirukazhukundram Taluk Office on 28.01.2005 at about 1.30 PM and enquired him about arrangement of Patta and at that time, the appellant demanded Rs.10,000/- and reduced to Rs.7,000/-. Reading the complaint which is marked as Ex.P.2, the defacto complainant has mentioned about his meeting with the accused on 28.01.2005 and his demand of bribe. In his complaint it is specifically mentioned that the accused has asked him to come to Thirukazhukundram Taluk Office on 31.01.2005 by afternoon. On 31.01.2005, the presence of the appellant at Thirukazhukundram Office is not disputed. The pre-trap proceedings based on the complaint goes to show that unless and until PW.2 know that the accused will be at Thirukazhukundram Taluk Office on 31.01.2005, it is not possible for him to go Thirukazhukundram with tainted money and lay a trap. The visit of the appellant to Thirukazhukundram Taluk Office on 31.01.2005 should have been informed to PW.2 only by the accused and the reason for such information would be none other than to collect bribe money.

<http://www.judis.nic.in> This can be very well seen from the evidence of PW.9 who has

specifically deposed that the accused person is in the habit of keeping the file with himself and he has not handed over the files to his successor despite his transfer. He has already made complaint to higher official about the conduct of the appellant in this regard, so he was transferred. The appellant herein, though surveyed the land of PW.2 as early as in the month November 2004, he had kept the file in his possession without further processing in spite of approval given by the Tahsildar.

21. A poor man who had been waiting for issuance of Patta for nearly three months had been forced to give bribe which he was not able to afford. Hence he has lodged the complaint to the Vigilance and Anti corruption Cell. He had borrowed money from his friend to lay the trap. Minor discrepancy in the evidence of PW.2 and PW.3 regarding the pocket in which the accused kept the money is not significant when the fact of recovery of money not been disputed and presence of phenolphthalein in both his hands and left side pant pocket proved through scientific analysis. Likewise, the contention of the defence regarding the interpolation of the word "arrange" [**Vw;ghL**] with or without it, the complaint make sense and the interpolation of the word arrange[**[Vw;ghL]**] will not go to the root of the prosecution case as contended by the learned counsel for the appellant.

22. Regarding the compliance of Rule 47 in DN&VC manual and failure to record the statement of the accused immediately after the tap is not an mandatory requirement but only directory in nature any failure in recording the statement immediately after trap will not vitiate the trial unless prejudice is proved. The accused person is always have opportunity to put forth his explanation for receipt of the money, at the later stage through defence witness or while responding 313 Cr.P.C questioning. In this case, there is no plausible explanation placed by the accused appellant for receiving the money from PW.2. While PW.3 has corroborated the version of PW.2 regarding demand and receipt of bribe, PW.4 has spoken about the recovery of tainted money from the accused person. The factum of demand and acceptance is found to be proved by the prosecution. At the same time there is no explanation on part of the accused to rebut the presumption caused against him under Section 20 of Prevention of Corruption Act.

23. In the light of the above discussion, this court finds no error in the Trial Court Judgment.

24. The learned counsel for the appellant would submit that the appellant is suffering from Mental ill-ness and taking treatment as out patient in District Head Quarters, Kanchipuram and pray for

modification of sentence. In the light of the submission, this Court is of the view that period of sentence be modified to two years, simple Imprisonment, which will be suffice and proportionate to the Crime. Accordingly, the period of conviction and sentence is modified from four years to two years Simple Imprisonment. As far as the fine is concern the order of the trial Court is confirmed. With the said modification in sentence the criminal appeal is disposed. Consequently, connected Miscellaneous Petition is closed. The appellant shall surrender before the trial Court forthwith to undergo the remaining period of imprisonment as modified under this Judgment in appeal.

15.12.2017

speaking/non speaking

Index:Yes/No

Internet:Yes/No

bsm

सत्यमेव जयते

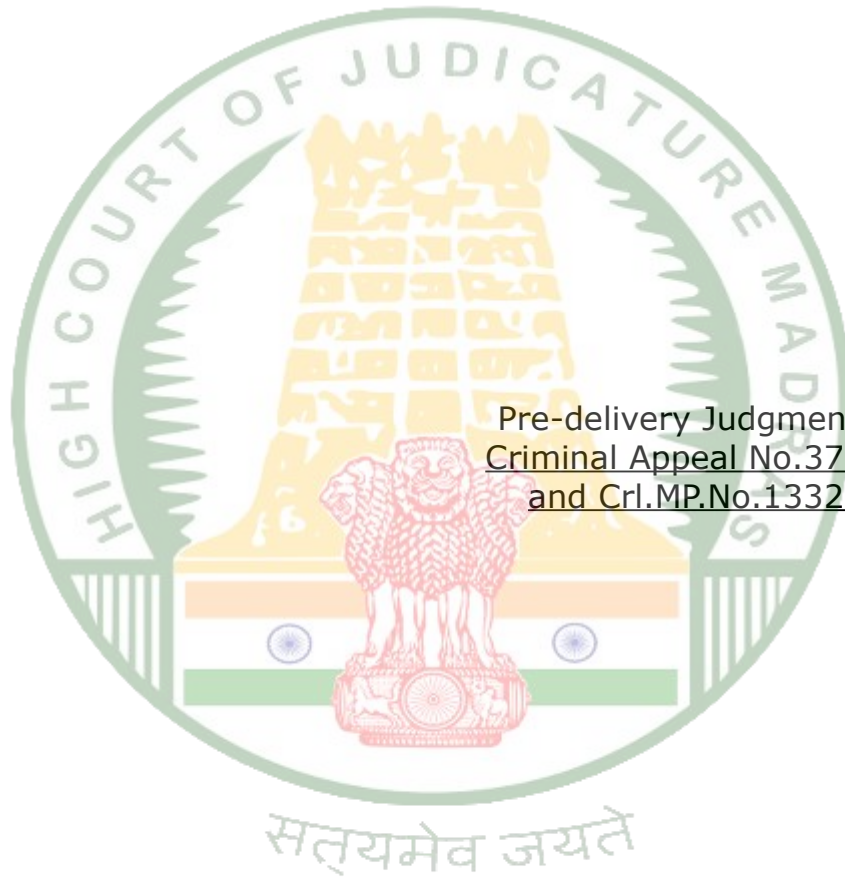
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To

The Inspector of Police,
Vigilance and Anti Corruption,
Kanchipuram

DR.G.JAYACHANDRAN.J,

bsm



Pre-delivery Judgment made in
Criminal Appeal No.375 of 2017
and Crl.MP.No.13328 of 2017

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15.12.2017