

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No. 108 of 2009**

The State of Chhattisgarh through Special Police
Establishment, Lokayukt, Raipur Division, Raipur (CG)

---- Appellant**Versus**

Khorbahara Ram Ganjeer, aged about 56 years, S/o Laxman
Singh Ganjeer, Revenue Inspector O/O The Collector,
Rajnandgaon (CG)

---- Respondent

For Appellant : Shri Sanjeev Pandey, Govt. Advocate

For Respondent : Shri H.S. Ahluwalia and Shri Jitendra
Shukla, Advocates

HON'BLE SHRI JUSTICE RAM PRASANNA SHARMA**JUDGMENT ON BOARD****13/9/2018**

1. This appeal is preferred against the judgment dated 24th September 2001, passed by the Special Judge under Prevention of Corruption Act, Rajnandgaon (CG) in Special Case No. 3/97, wherein the said Court has acquitted the respondent of the charge under Section 7 of the Prevention of Corruption Act, 1988 (for short the Act 1988) for agreeing to accept illegal gratification to prepare a demarcation report, in favour of complainant- Ankaluram.

2. As per the case of prosecution, Ankaluram was having land at village Magarkund and Khairnavagaon, in which teakwood was

standing and he was willing to cut the same and for that permission was required from the Collector, Rajnandgaon. On the application of the complainant as per direction of the Tehsildar, J.S. Rajput, the respondent had to prepare a demarcation report. It is alleged that the respondent demanded a sum of Rs.1200/- from the son of Ankaluram namely- Onkar. The matter was reported and investigated and the respondent was charge-sheeted and after completion of trial, the trial Court acquitted the respondent of the above charge.

3. Learned counsel for the appellant submits that the demand is proved by statement of Onkar son of Ankaluram and it is also proved that the respondent was entrusted the work of demarcation, therefore, the finding of the trial Court is not based on proper appreciation of evidence. He further submits that the report was not produced by the respondent for 21 days and there was no reason for him to retain the same for a long time, therefore, his intention is proved before the trial Court. The trial Court has not evaluated the entire evidence in its true perspective and came to a wrong conclusion which is liable to be reversed.

4. On the other hand, learned counsel for the respondent submits that the finding of the trial Court is based on proper marshalling of evidence and the same is not liable to be interfered with.

5. Masum Ali (PW1) is a person who is a witness of seizure of certain documents from the office of Naib Tehsildar, Chhuikhadan and Clerk, Forest Office, Gandai. Khageshwar (PW2) is a person who deposed that respondent was entrusted the work of demarcation of land owned by the complainant- Ankaluram. Ankalu (PW3) deposed that he has filed an application for cutting the teakwood trees 17 in numbers and the respondent was Revenue Inspector at that time. As per version of this witness, the respondent demanded Rs.1200/- for preparation of the documents.

6. Onkar (PW7) is a person who deposed that the respondent demanded Rs.1200/- from him. Onkar (PW7), Shyamsundar (PW14) and Victor Tirkey (PW17) are the witnesses of trap, but all have deposed in one voice that the respondent did not take the amount tendered to him by Onkar.

7. Now, the point for consideration is whether a bald statement of Ankaluram and Onkar is sufficient to bring home the guilt of the respondent under Section 7 of the Act 1988. From the evidence of Onkar it is clear that he did not record voice of the respondent in the tape-recorder given to him because he forgets to record the voice of the respondent. In this way supportive piece of evidence regarding tape-recorder is lacking in the present case. The other corroborative piece of evidence regarding acceptance of amount is also lacking because from the evidence it is established that the respondent did not take the amount.

8. Looking to the entire evidence, the trial Court opined that the bald statement of demand of money is not sufficient to bring home the guilt of the respondent. It is further opinion of the trial Court that the report was filed by the respondent before the Naib Tehsildar on 18.4.1997 which was returned by the said Naib Tehsildar to get it completed in consultation with the Clerk of the Collectorate, therefore, the report was not pending for preparation before the respondent, but some consultation was required as per direction of the Naib Tehsildar and that is why the matter was not decided. The trial Court has discussed the entire evidence and finding of the trial Court is based on proper marshalling of the evidence. It is neither based on irrelevant material or extraneous material. The reasons recorded by the trial Court is not perverse, warranting interference by this Court.

9. Accordingly, the appeal is liable to be and is hereby dismissed.

Sd/

(Ram Prasanna Sharma)
JUDGE