

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 212 of 2009**

State of Chhattisgarh, Through: Special Police Establishment,
Lokayukt, Bilaspur, District- Bilaspur (C.G.)

---- Appellant

Versus

Shyam Lal Sahu, S/o Shri Mukhiram Sahu, Assistant Sub-Inspector,
Police Station- Belgahna, At present posted at Police Line Tifra,
Bilaspur (C.G.)

---- Respondent

For State/ Appellant : Mr. Vivek Sharma, G.A.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Judgment On Board**

14/11/2018

1. This acquittal appeal is preferred under Section 378 (3) of the Code of Criminal Procedure, 1973 against judgment dated 30.09.2005 passed by Special Judge/First Additional Sessions Judge, Bilaspur (C.G.) in Special Criminal Case No. 07/2002, wherein the said court acquitted the respondent for commission of offence under Section 7 & 13(1)(d) read with Section 13 (2) of the Prevention of Corruption Act, 1988.
2. It is alleged by the prosecution that one report was lodged at Police Station- Belgahna against the complainant- Pawan Singh in which respondent was investigating the matter and he demanded Rs. 2000/- as illegal gratification from the complainant for favouring him during investigation.
3. At the first instance, the complainant stated that there was a demand of Rs. 2000/- as illegal gratification, but while he

made report to the authorities of Anti Corruption Bureau, he stated that demand of Rs. 500/- was made by the respondent.

4. The trial court after assessing the entire evidence came to conclusion that there was substantial contradiction in statement of the complainant regarding amount of illegal gratification, therefore, it is not safe to act on statement of the complainant. The trial court further opined that the case under Section 107 of Cr.P.C. was instituted against the complainant before the competent criminal court. There was no occasion for demand of illegal gratification by the respondent because he has already instituted criminal proceeding against the complainant, therefore, the trial court opined that in absence of occasion of demand, the demand itself is under cloud.
5. True it is that there is a corroborative piece of evidence regarding washing of hand of the respondent which turned pink but it is not sufficient to conclude that there was demand and receipt of illegal gratification. There is no shadow witness account to demand of illegal gratification and acceptance of illegal gratification. The case of the prosecution is based on statement of the complainant namely Pawan Singh which is not of sterling quality and that is why the trial court declined to act upon his testimony and acquitted the respondent.
6. After reassessing the entire evidence, this Court has no reason to substitute contrary finding because finding of the trial court is based on relevant material placed on record and the same is not

based on irrelevant or extraneous matter. It is not a case of reversal of finding recorded by the trial court.

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

Sd/-
(Ram Prasanna Sharma)
Judge

Arun