

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.846 of 2018**

- The State Of Chhattisgarh Through The Anti Corruption Bureau, Jagdalpur, District Bastar, Chhattisgarh.

---- Petitioner**Versus**

- Sanjeev Kumar Sahu, Late Shri Sunder Lal Sahu, Aged About 29 Years Assistant Grade III, Office Of The City Magistrate, Jagdalpur, R/o In Front Of Lalbag Bank Colony, Jagdalpur, District Bastar, Chhattisgarh.

---- Respondent

 For the Petitioner/State : Shri Vivek Sharma, Govt. Advocate
 For the respondent : Shri RS Marhas, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

29.10.2018.

1. Heard on application for grant of leave to appeal under Section 378(3) of CrPC.
2. This appeal is directed against judgment dated 10.02.2017 passed by Special Judge under the Prevention of Corruption Act, 1988, Bastar at Jagdalpur in Special Case No.01/14 wherein the said court acquitted the respondent for the charges under section 7 & 13(1)(d) read with Section 13(2) of the Act, 1988.
3. It is alleged that the respondent who was the Asst. Grade-III in the office of the Sub Divisional Officer (revenue) demanded illegal gratification to the tune of Rs.2000/- from complainant Shamser Singh on 09.11.2012. In the present case Shamser Singh died before recording his evidence before the trial Court. Case of the prosecution is based on the statement of Shamser Singh who made complaint before Anti Corruption Bureau. In

absence of his evidence, demand of illegal gratification was not established because there is no shadow witness on account of demand of illegal gratification. Again there is no shadow witness on account of receipt of illegal gratification. In absence of proof of illegal demand and illegal acceptance, charges leveled against the respondent were not established.

4. Corroborating piece of evidence regarding washing of the hands of the respondent in the Sodium Carbonate Solution has no bearing with acceptance when there is no proof regarding acceptance of illegal gratification and there is no connecting piece of evidence regarding demand/acceptance of illegal gratification. Sodium carbonate Test alone is not sufficient to establish the offence as charged.

5. The trial Court has elaborately discussed the entire evidence and recorded a finding of acquittal. This Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the case. Therefore, it would not be proper for this Court to grant leave to appeal.

6. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

**Sd/-
(Ram Prasanna Sharma)
JUDGE**