

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.839 of 2018**

State Of Chhattisgarh Anti Corruption Bureau, Raipur, Unit
At Bilaspur, District Bilaspur (CG)

---- Petitioner**Versus**

Lali Kumar Patel, S/o. Trilochan Prasad Patel, Aged about
48 years, Patwari Halka No.14, Village Songda, Tehsil
Manora, District Jashpur (CG)

---- Respondent

For the Petitioner/State : Shri Vinod Tekam, Panel Lawyer
For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

29.10.2018.

1. Heard on IA No.01/18 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 290 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This appeal has been preferred against judgment of acquittal dated 28.3.2017 passed by Special Judge under the Prevention of Corruption Act, 1988, Jashpur, Distt. Jashpur (CG) in Special Criminal Case No.02/2013 wherein the said Court acquitted the respondent of the charge under Section 7 & 13(1)(d) read with Section 13(2) of the Act, 1988.

5. The respondent was the Patwari posted in Patwari Halka No.14 villega Songda Tahsil Manora, District Jashpur. Complainant is one Eraniyus Minj. The complainant deposed before the trial Court that first he made complaint regarding demand of illegal gratification by the respondent to Deputy Superintendent of Police, Anti Corruption Bureau, but later on he admitted that first he made complaint to media person and thereafter he made second application of police authorities. It has come on the record that in the first complaint it is mentioned that the respondent demanded for illegal gratification to the tune of Rs.1000/- and later on it was improved and it was alleged that the respondent demanded Rs.10,000/- . The demand was made for providing certified copy of the record but it has come on record that the complainant in the present case was not the record owner of the land that is why the respondent refused to supply the certified copy of the record.

6. On overall assessment, the trial Court opined that the version of the complainant is different in different stages and the same not inspiring confidence regarding demand of illegal gratification by the respondent.

7. Trap party was arranged and the party conducted the trap and as per the evidence of the trap party currency notes were seized from the kitchen garden of the house of the respondent. The amount was not received in the house of the respondent or in physical possession of the respondent. Looking to the evidence, the trial Court opined that acceptance of the illegal gratification is

also not established as the amount is not proved be accepted by the respondent. There is evidence that when the hands of the respondent was washed with Sodium Carbonate solution, colour of the solution turned into light pink, but the fact remains that the solution after washing the hands of the respondent was not sent to laboratory and therefore, there is no any evidence that the solution contained Phenolphthalein or sodium carbonate solution.

8. Looking to the entire evidence, the trial Court recorded the finding of acquittal and after reassessing the evidence 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.

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

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