

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1574 of 2018**

State of Chhattisgarh, Through- Anti Corruption Bureau, Raipur, Unit Jagdalpur, District - Bastar (C.G.)

---- **Petitioner**

Versus

Jaiprakash Thakur, S/o Narayan Singh Gora, aged about 48 years, R/o- Village Laragaon, Markatola, P.S. Narharpur, District- Kanker (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Vivek Sharma, G.A.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

28/11/2018

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition which is supported with an affidavit of M.L. Negi.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 99 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 03.01.2018 passed by Special Judge (Prevention of Corruption Act), Kondagaon, District- Kondagaon (C.G.) in Special Corruption

Case No. 01/2014, wherein the said court acquitted the respondent for commission of offence under Sections 7 & 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 for demand of illegal gratification of Rs. 20,000/- from complainant namely Smt. Surekha and her husband namely Niranjana Netam.

5. As per case of the prosecution, the respondent is working on the post of Assistant Grade- III and posted in the office of the Woman & Child Development, Keshkal, District- Kondagaon (C.G.). Smt. Surekha Netam who is wife of Niranjana Netam applied for vacant post of Sahayika (Anganbadi Worker) for Anganbadi Centre- Gulabapara, on which the respondent came in her house and demanded illegal gratification of Rs. 20,000/- for providing her job. The matter was reported and a trap party was arranged. Bribe money of Rs. 10,000/- was handed over to the respondent, thereafter, matter was investigated and respondent was charge-sheeted. After completion of trial, the trial court acquitted as mentioned above.
6. In the present case, complainant is Niranjana Netam (PW-1). He did not depose anything regarding demand of illegal gratification by the respondent before the trial court. Again, as per version of this witness, when he tendered money to the respondent, he refused to take the said amount and thereafter, on his saying that the amount is borrowed from one Matlam Sahab and he is returning the money borrowed by

him, the amount was taken. From evidence of this witness, it is not established that any demand was made by the respondent and accepted the amount knowing it to be bribe money.

7. There is no shadow witness on account of demand of illegal gratification and acceptance of amount. Other witnesses are member of trap party. Their version is corroborative piece of evidence. When demand and acceptance is not established by the complainant himself, the corroborative piece of evidence itself is not sufficient to bring home the guilt.
8. The trial court has elaborately discussed the entire evidence and recorded finding of acquittal which strengthened the presumption of innocence. This Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
9. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge