

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1361 of 2017**

State of Chhattisgarh, Through Anti Corruption Bureau, Bilaspur
(C.G.) **---- Petitioner**

Versus

1. Santosh Kumar Kahra, S/o Rampyare Kahra, Aged About 39 Years, Patwari, Halka No.41, Lachhanpur, Tahsil Janjgir, Permanent R/o Village Khokhra, Tahsil Janjgir, District Janjgir-Champa (C.G.)
2. Ramdhan Yadav, S/o Tilakram Yadav, Aged About 40 Years R/o Village Lachhanpur, Tahsil Janjgir, District Janjgir-Champa (C.G.)
3. Taneshwar Singh, S/o Tiharu Singh Rajput, Aged About 47 Years R/o Village Lachhanpur, Tahsil Janjgir, District Janjgir-Champa (C.G.) (Name deleted) **---- Respondents**

For State/ Petitioner : Mr. Sanjeev Pandey, G.A.

For Respondents : Mr. Ashutosh Trivedi, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

06/10/2018

1. Heard on I.A. No. 01/2018, application for deleting the name of respondent No. 3 namely Taneshwar Singh from the cause title of the petition as he died on 26.01.2018 supported with death certificate issued by Government of Chhattisgarh, Directorate of Economic and Statistics.
2. In view of the above, the same is allowed and name of respondent No. 3- Taneshwar Singh be deleted from cause title of the petition during course of the day.
3. Also Heard on I.A. No. 01/2017, application for condonation of delay in filing the petition which is supported with an affidavit of S. P. Karosiya.
4. 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 116 days in filing the petition is condoned.

5. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
6. This petition is preferred against judgment dated 16.02.2017 passed by Special Judge (Prevention of Corruption Act, 1988), Janjgir-Champa (C.G.) in Special Sessions Trial No. 01/2015, wherein the said court acquitted the respondents for commission of offence under Sections 7, 13 (1) (d-1 & 2)/ 13(2) of the said act for demand of illegal gratification to the tune of Rs. 20,000/- by respondent No. 1- Santosh Kumar Kahra for preparation of patwari report and other respondents received the said illegal gratification on behalf of respondent No. 1.
7. As per case of the prosecution, complainant- Amit Dewangan (PW-7) was working as Supervisor in the office of one Electrical Contractor- Ramgopal Somani. Nephew of Ramgopal Somani namely Rahul Somani was willing to purchase land of one Gangaram Sahu of village- Lachhanpur. For purchasing the land, the patwari report was required and complainant- Amit Dewangan went to respondent No. 1 who was patwari of the said region. When he asked for preparing the report, respondent No. 1 demanded money. Matter was reported and one trap party was arranged which seized the

amount from respondent No. 3- Taneshwar. The trial court after hearing the parties acquitted the respondents as mentioned above.

8. In the present case, complainant- Amit Dewangan (PW-7) did not depose before the trial court that any demand of illegal gratification was made by respondent No. 1. As per version of this witness, the land in question was under agreement between Gangaram and Laxminarayan and owner of the land Gangaram already received earnest money of Rs. 20,000/- from Laxminarayan. As per version of the complainant, patwari refused to prepare the document because the land in question was subject matter of agreement between Gangaram and Laxminarayan. As per version of this witness, Tahsildar asked that the land should not be sold to any other person.
9. Looking to the entire evidence of the complainant, it appears that respondent No. 1 flatly refused to prepare the report in favour of Rahul Somani because there was an agreement to sell between Gangaram and Laxminarayan. It is not version of the complainant that any demand of illegal gratification was made by respondent No. 1. When respondent No. 1 refused to prepare the documents, there was no occasion for him to demand illegal gratification. Looking to the entire evidence adduced by the prosecution, it is not established that any demand of illegal gratification was made by respondent No. 1.

10. The trap party reached to the spot and as per version of member of trap party, amount was seized from respondent No. 3- Taneshwar. From statement of the complainant, he gave the amount to one Ramdhan as the same amount is mentioned as amount of Laxminaraya. Though, Deputy Superintendent of Police, S.P. Karosiya (PW-8) deposed that the complainant informed him that amount was kept by Ramdhan and Taneshwar, but version of police officer is not supported by version of complainant -Amit Dewangan. As per version of this witness, amount of Laxminarayan was given to Ramdhan, therefore, it is not established that any demand was made and the same was received by respondent No. 1.
11. The trial court has elaborately discussed the entire evidence and came to conclusion that the charges leveled against the respondents are not established. After reassessing the entire evidence, this Court has no reason to substitute any contrary finding. It is not a fit case where respondents should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
12. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge