

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2268 of 2018**

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

---- Petitioner**Versus**

Omprakash Dhabhai, S/o Shri Ramchandra Dhabhai, Aged About 61
Years, Retired Tehsildar, R/o Vishrampur, District- Surajpur (C.G.)

---- Respondent

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

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****31/10/2018**

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition which is supported with an affidavit of Chandra Shekhar Dhruw.
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 67 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 05.04.2018 passed by Special Judge (Prevention of Corruption Act), Bastar at Jagdalpur (C.G.) in Corruption Special Case No. 01/2013, 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.

5. As per case of the prosecution, the respondent demanded illegal gratification of Rs. 10,000/- on 13.05.2011 for maintaining record of right of the complainant- Vishwanath Sethiya (PW-3). The complainant has not supported version of the prosecution. As per version of this witness, he sold some goats to Tahsildar and some amount was due on count of selling of said goats. Again, he deposed that he gave Rs. 30,000/- to Tahsildar in which he deducted Rs. 20,000/- for goat and returned Rs. 10,000/-. From entire version of this witness, demand of illegal gratification was not established.
6. There is no shadow witness regarding demand of illegal gratification and acceptance of currency notes knowing it to be amount of illegal gratification. Though, the solution in which fingers of the respondents were dipped, turned pink and the same solution was collected and sent to laboratory for examination, but corroborating piece of evidence is not sufficient to substantiate that the currency notes were received by the respondent knowing it to be amount of illegal gratification. In absence of direct evidence of demand and acceptance of illegal gratification, corroborating piece of evidence itself is not sufficient to bring home the guilt.
7. The trial court has elaborately discussed the entire evidence and recorded finding of acquittal. 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.

8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge