

* SMT JUSTICE T. RAJANI

+ CRIMINAL APPEAL Nos. 4 AND 70 of 2007

% 31.10.2018

Shaik Abdul Basheer and another

... Appellants

Vs.

\$ The State of Andhra Pradesh,
Rep. by its Public Prosecutor.

... Respondent

! Counsel for the petitioners: SRI O.KAILASNATH REDY

Counsel for the Respondents: SPECIAL PUBLIC PROSECUTOR
FOR ACB

< Gist :

> Head Note:

? Cases referred:

1. 2001 Cri.L.J.515
2. (2015) 10 SCC 152
3. 2014(2) ALD (CrI.) 73 (SC)
4. 2015 AIR SCW 6764



In the High Court of Judicature at Hyderabad
for the State of Telangana and the State of Andhra
Pradesh

CRIMINAL APPEAL Nos. 4 AND 70 of 2007

Between:

Shaik Abdul Basheer and another

... Petitioner

Vs.

The State of Andhra Pradesh,
Rep. by its Public Prosecutor.

... Respondent

Date of Judgment Pronounced: 31.10.2018

Submitted for Approval:

SMT JUSTICE T. RAJANI

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|---|---------|
| 1. Whether Reporters of Local newspapers may be allowed to see the judgments? | Yes/ No |
| 2. Whether the copies of judgment may be marked to Law Reporters/ Journals? | Yes/ No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/ No |

T.RAJANI , J

SMT JUSTICE T. RAJANI

CRIMINAL APPEAL Nos.4 AND 70 OF 2007

COMMON JUDGMENT:

These appeals are preferred, by the appellants, who are A1 and A2 before the lower court, aggrieved by the Judgment, dated 27.12.2006, passed in C.C.No.2 of 2001, by the Court of Special Judge for SPE & ACB Cases, Nellore, by virtue of which the trial court convicted A1 for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 (for short, "the Act") and sentenced him to undergo RI for a period of six months and to pay a fine of Rs.500/- for the offence under Section 7 of the Act in default to suffer SI for one month and he was also sentenced to undergo RI for a period of one year and to pay a fine of Rs.500/- for the offence under Section 13(2) r/w 13(1)(d) of the Act, in default, to suffer SI for one month; and A2 was convicted for the offences under Section 12 and 13(2) r/w 13(1)(d) of the Act and was sentenced to undergo RI for a period of six months and to pay a fine of Rs.500/- for the offence under Section 12 of the Act, in default, to suffer SI for one month. He was also sentenced to undergo RI for a period of one year and to pay a fine of Rs.500/- for the offence under Section 13(2) r/w 13(1)(d) of the Act, in default, to suffer SI for one month.

2. The facts of the case, as per the complaint, briefly, are as follows:

On 20.04.2000, while PW1 was driving his auto trolley bearing No.AP 26 U 1240, it fell down accidentally on the GNT

Road at Fathekhanpet, Nellore and the passenger therein received injuries and thereafter, the said passenger went away on his own accord. PW1 also went away without reporting the matter at the police station. The passenger, who received injury, gave a report and the same was registered as a case in Crime No.48 of 2000 for the offence under Section 338 IPC at South Traffic Police Station, Nellore. On 25.04.2000 at 04:00 PM, when PW1 was keeping his auto at AC Center, Nellore, PW6 the Head constable No.793 of Traffic Police Station came there and took away the documents of the vehicle, driving license of PW1 and told PW1 that he was called by A1. Thereafter PW1 informed the same to his father PW2. On the same night at 09:00 PM, PW2 met A1. Then A1 told PW2 that a case was registered against PW1 with regard to the accident of the auto and told PW2 to produce PW1. Thereby, on 27.04.2000 at 10:00 AM PWs.1 and 2 went to Traffic Police Station and met A1 and requested A1 to grant station bail. Then A1 demanded a bribe of Rs.2,000/- for granting bail. At the request of PW2, A1 told them to provide their auto rickshaw to take his people free of cost to Kappaladoruvu, to bring the accused in a case in Crime No.45 of 2000 and pay Rs.1,000/- as bribe, within two days. Thereafter, A1 gave station bail to PW1 by obtaining the signatures of PWs.1 and 2 on Ex.P1 bail bond. He obtained the Xerox copies of the RC Book, driving license and returned the originals to PW1. He also threatened PWs.1 and 2 that if the amount of Rs.1,000/- is not paid, he will not allow the autos of PWs.1 and 2 to move on the road and they will be in trouble. As there was no other go,

they sent their auto bearing NO.AP 26T 8771 by filling the auto with petrol worth RS.100/- with their driver LW13 to Kappaladoruvu. In that auto, PW6 and another constable went to Kappaladoruvu. As PW1 was not willing to pay the bribe, he gave a report to the Deputy Superintendent of Police, ACB, Nellore at 03:00 PM on 27.04.2000. PW7 conducted confidential enquiries and came to know that A1 is ill reputed as corrupt and that PW1 is not badly motivated and then on 29.04.2000 at 05:00 AM he registered a case in Crime No.4/ACB-0NLR/2000 under Sections 7 and 11 of the Act and submitted original FIR to the court and conducted pre-trap proceedings in the presence of mediators. During the course of pre trap proceedings, the proposed bribe amount of Rs.1,000/- was tainted with phenolphthalein powder. PW7 got demonstrated the chemical reaction between Sodium Carbonate powder and Phenolphthalein powder. He secured Sodium Carbonate Powder and Phenolphthalein powder under MOs.1 and 2 and instructed PW1 not to touch the amount till A1 further demands and to pay the amount only on further demand by A1 and thereafter to give signal by wearing his cooling glasses. Thereafter, PW1 and the raid party went to Bose statue centre, Nellore at about 09:30 AM. PW1 went to Traffic Police Station, Nellore and approached A1 who was in his room. A2 was also present there. A1 demanded and accepted the bribe amount of Rs.1,000/- from PW1 to do official favour with his left hand and handed over the same to A2 to keep the same with him. Then A2, having knowledge that it is a bribe amount, to assist A1 in receiving the bribe amount, received the amount from A1,

counted the same with his both hands and kept the same in the right side pocket of his pant. Thereafter PW1 came out of the Traffic Police Station and gave pre arranged signal. Then the raid party went into the main hall of the first floor. A2, who observed the ACB raid party, ran into southern room and threw out the amount from the window. On the instructions of the DSP, ACB, the Inspector detained A2. PW7 got prepared Sodium Carbonate solution in two glass tumblers and requested A1 to rinse his both hand fingers in the said solution. A1 rinsed his hands and the left hand gave positive result. Thereafter, PW7 got prepared the Sodium Carbonate Solution in another two glasses and requested A2 to rinse his both hand fingers in the said solution. When A2 did so, both hands gave positive result. When PW7 enquired A1 and A2, both of them admitted their guilt. During the course of investigation, the DSP seized the material objects; tainted currency notes from the sunshade of the window; compared the serial numbers of the notes with the serial numbers already noted in Ex.P7, which tallied; collected the sodium carbonate powder; recorded the version of PW1; prepared rough sketch of the scene of offence; arrested A1 and A2 and released them on bail; searched the house of A1. The Government accorded sanction to prosecute A1 and A2. After completion of investigation, the charge sheet was filed by the Inspector of Police.

3. The trial court took the case on file and after complying with all the legal formalities, framed charges against the accused for the offence under Sections 7 and 13(2) r/w 13(1)(d) of the

Act against A1 and under Sections 12 and 13(2) r/w 13(1)(d) of the Act against A2. The accused pleaded not guilty and claimed to be tried. During the course of trial, PWs.1 to 9 and Exs.P1 to P18, and MOs.1 to 9 were marked. The accused was questioned about the incriminating circumstances appearing against him in the evidence of prosecution witnesses, when he was examined under Section 313 Cr.P.C. He denied the truth of the evidence and on his behalf, no oral evidence was adduced, but Ex.D1 was marked.

4. After considering the evidence and material on record, the lower court passed the impugned judgment, convicting the accused, as aforementioned.

5. Aggrieved by the said judgment, this appeal is preferred on the grounds that the court below ought to have held that the prosecution failed to prove the offence against the appellant under Sections 12 and 13(2) r/w 13(1)(d) of the Act; the court below ought to have held that the evidence adduced by the prosecution does not establish the guilt of the appellant also in view of the fact that PWs.1 and 2 turned hostile and the prosecution failed to prove the guilt of the appellant; the court below ought to have held that the trap mahazar is a false one and there is no recovery of MO3; the court below ought to have taken note of the material discrepancies between the evidence of mediators, the DSP and the trap mahazar; the court below ought to have held that the colour test is of no consequence in view of the fact that there is no evidence of handing over money to the

appellant and also the statement of PW1 under Section 164 CrPC; the court below ought to have held that non-examination of material witnesses is fatal to the case of the prosecution; the court below ought to have held that the sanction order is defective and similarly taking cognizance of the case is also defective; the court below ought to have held that the alleged production of tainted currency notes MO3 by the appellant on the direction of the DSP is illegal; the court below ought to have held that the charge sheet filed by the Inspector of Police, ACB, Nellore is not in accordance with law and the Inspector of police is not competent to file the charge sheet.

6. Heard the counsel for the appellant and the learned public prosecutor. The counsel for the appellants contends that the prosecution utterly failed to prove the demand allegedly made by the accused since PW1 did not support the case of the prosecution and hence, nothing remains in the case, but the lower court on assumptions and presumptions awarded conviction to the accused.

7. The Public Prosecutor, on the other hand, contends that even if the demand is not proved, if the fact of acceptance of the tainted amount is proved, presumption under Section 20 of the Act comes into operation and with the help of the other evidence on record, conviction can be awarded to the accused.

8. Based on the above arguments and the material on record, the following points are framed for consideration:

- 1) Whether the prosecution could prove the demand made by the accused and if not, whether the proof of acceptance would suffice to render a verdict of guilt to the accused and whether in this case there is any proof of acceptance.
- 2) Whether the judgment of the court below is sustainable.
- 3) To what result.

POINT Nos.1 AND 2: -

9 The Public Prosecutor relies on a judgment of the Apex Court reported in *M.Narsinga Rao v. State of A.P.*¹ in support of his contention that proof of acceptance by the accused would suffice. The Supreme Court explained the word 'may presume' and 'shall presume' and discussed about the illustration (a) to Section 114 of the Indian Evidence Act, 1872, which allows the court to presume that 'a man, who is in possession of the stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.' It held that said illustration can profitably be used in the context therein as well when prosecution brings reliable materials that appellant's pocket contains phenolphthalein smeared currency notes for Rs.500/- when he was searched by the DSP, ACB. It was further held that that by itself may not or need not necessarily lead to a presumption that he accepted that amount from somebody else either stuffing those currency notes into his pocket or stealthily inserting the same therein. It observed that the other

¹ 2001 Cri.L.J.515

circumstances, which have been proved in this case and those preceding and succeeding the searching of the tainted currency notes are relevant and useful to help the court to draw a factual presumption that appellant had willingly received the currency notes. The court also observed that the presumption under Section 4(1) of the P.C.Act is a rebuttable presumption.

Hence, from the above, it can be understood that if there are proved facts, which would help the court to draw factual presumption that the appellant willingly received the currency notes, certainly, the accused can be held guilty.

10. The counsel for the appellant relies on a subsequent judgment of the Supreme Court reported in *P.Satyanarayana Murthy vs. State of A.P.*², which was rendered by the three judges of the Supreme Court, wherein it was held that the proof of demand of illegal gratification is a gravamen of the offence under Sections 7 and 13(1)(d)(i) and (ii) and in the absence thereof, the charge thereof would fail. It also held that mere acceptance of any amount allegedly by way of illegal gratification was recovered thereof de hors the proof of demand, *ipso facto*, would thus not be sufficient to bring home the charge under these two sections of the Act and as a corollary, the failure of the prosecution to prove the demand for illegal gratification would be fatal and mere recovery of the amount from the person accused of the offence under Section 7 or 13 of the Act would not entitle his conviction thereunder.

²

(2015) 10 SCC 152

11. The other ruling relied upon by the counsel for the appellant is reported in *B.Jayaraj v. State of Andhra Pradesh*³, which is also rendered by three judges of the Supreme Court and is also to the same effect. It was also held that for a presumption under Section 20 to be drawn, precondition is that gratification should be received for doing or not doing official act and it cannot be raised in the absence of proof of acceptance. It held that proof of acceptance of gratification is an essential pre-condition for raising a presumption under Section 20.

Hence, from the above ruling, it can be understood that the presumption under Section 20 can be invoked on the proof of acceptance of gratification and since the presumption is rebuttable, the burden would lie on the accused to prove otherwise.

12. The ruling relied upon by the counsel for the appellant reported in *N.Sunkanna v. State of Andhra Pradesh*⁴, is a case in which the complainant himself had disowned his complaint and turned hostile. The Supreme Court observed that there is no other evidence to prove that the accused had made any demand and without proof of demand, the same would not constitute the offence under Section 7. It was further held that unless there is proof of demand of illegal gratification, proof of acceptance will not follow, legal presumption under Section 20 hence cannot be drawn.

³ 2014(2) ALD (CrL.) 73 (SC)

⁴ 2015 AIR SCW 6764

13. In the light of the above rulings, the evidence of the witnesses has to be evaluated with close circumspection and strict scrutiny.

PW1, who is the complainant, deposed that he owned one auto trolley and has a licence to drive auto and used to drive the same. On 20.04.2000, he was driving the auto trolley and reached Fathekhan pet, Nellore. When he applied sudden breaks, the vehicle turned and fell down. The passenger travelling in his auto sustained injuries. He stood up and went away. He also went away with his auto. On 25.04.2000 at about 04:00 PM, when he was at the AC Statue, Nellore with his vehicle, two constables of Traffic Police Station came to him and informed him that a case was registered against his auto and took his driving licence and C Book and he was informed that he should meet the traffic SI, Basheer. He reported the matter to his father and his father went and met the SI and his father informed him that he was asked by the SI, Basheer to send him to the Police station, Traffic, as there was a case registered against him. On 27.04.2000, he along with his father, went to the police station and met the SI, who is the accused. The accused obtained signatures of his father and himself and granted station bail. The bail bond was marked as Ex.P1. The original license and C Book were returned to him by keeping the xerox copies of the same with A1. They came back to the bus station. A1 did not demand any bribe from him. A1 did not ask him or his father to send their auto freely for his staff. At the instance of the Motor staff at the auto stand, he presented reported to the ACB

officials, alleging that the accused demanded bribe to grant station bail. At about 06:00 AM on 29.04.2000, two ACB constables came to him and asked him to come to the ACB officials, Nellore by bringing Rs.1,000/- to pay to the accused as bribe. The people at auto stand gave Rs.1,000/- to him. He went to the ACB office along with the said money. He was instructed to pay the said money to the accused, if he demands for the same. As such, while himself and other persons were proceeding to the traffic police station, the jeep was stopped at the auto stand near the Bose statue, Nellore. He was dropped from the jeep and he was further instructed to pay the said money to A1 and in case he accepts the same, to give signal by wearing his spectacles available in his pocket. While he was proceeding to the traffic station to meet the accused, his father came from the direction of Bose statue. His father instructed him to handover the copy of the insurance policy to A1, since the same was not handed over to him earlier. His father handed over the said policy copy to him and kept the said policy copy in his shirt pocket. He went inside the traffic police station, which was upstairs. The police constable, who came in opposite direction to him and who was identified as A2, enquired him whether he brought the copy of the Insurance Policy. PW1 handed over the copy to A2 and while he was coming back, one ACB official came and asked him whether he handed over the money to A1 and he replied that he did not hand over. He abused him and asked him to go away. Therefore, he went away. He handed over the tainted currency notes to the ACB officials.

Subsequently, he went on camp. A1 did not demand for gratification and did not receive Rs.1,000/- from him. He also gave a statement before the Magistrate, Nellore. He volunteered to say that he was taken to the ACB Office after he gave a statement before the Magistrate and he was beaten black and blue for not giving a statement before the Magistrate as instructed by the ACB Officials. After he was declared hostile by the prosecution, he was cross-examined. He admitted that in Ex.P2 he mentioned that he was demanded by A1 to pay a bribe of Rs.1,000/- and he was also instructed to send his auto freely for the use of his staff. He denied the suggestion that he himself presented Ex.P2 to the DSP ACB and he was not instructed by the auto staff, to present such a report.

14. PW2, who is the father of PW1, also spoke on the same lines as that of PW1. PW3, who is one of the mediators in the trap proceedings, deposed in his evidence, that by the time, he went to the office of the DSP, ACB, two inspectors were present. He further deposed that the DSP called himself and another mediator inside the room and later he called one person from outside, who is the complainant. He read over the contents to the complainant (PW1) and he acknowledged the correctness of the contents. The DSP questioned PW1 whether he brought the money and he answered in the affirmative. He handed over the currency notes to one constable, who counted the same and kept aside. On the instructions of the DSP, the constable applied Phenolphathelin Powder to the said currency notes and they were given to PW1 with appropriate instructions. Then they

proceeded to the office of the accused. PW1 proceeded to the traffic police station, which is located in the first floor of CCS Police Station. They received signal relayed by Bhaskar Rao at 09:40 AM. All of them together went to the police station. PW1 was found at the main gate and the DSP instructed him to stay at that place. They found one constable running into the room in the southern side and throwing something through the window. The DSP instructed another Inspector, P.Venkata Rami Reddy, to go to the ground floor and observe what had been thrown out by the constable through the window. The DSP instructed another constable to observe the other persons in the room. He, along with the DSP and another constable, went into the room of Traffic SI, who was writing something by sitting in front of the table. The traffic SI shivered on seeing the DSP. The DSP introduced him to the accused. The accused rinsed his right hand fingers into the solution contained in one glass tumbler and there was no change in the colour of the solution and then A1 rinsed his left hand fingers into the solution contained in another glass tumbler, which turned into light pink colour. The DSP questioned A1 as to what happened and he kept quite. After sometime he gave his version, which was incorporated in the mediators report. Consequent to the statement of A1, the DSP asked the Inspector, ACB to call the Traffic constable who threw away something through the window and the 2nd mediator Narayana. Both of them came into the room of A1. The DSP ascertained the particulars of the said constable, who is A2. The test was also conducted to his fingers,

which yielded positive result. When A2 was questioned, he gave his version and he was asked to show as to what was thrown by him through the window. A2 lead them to the ground floor they found currency notes on the sun shade of the window. All of them entered into the room of A1. The DSP seized the currency notes.

15. PW4, who is the Junior Assistant, Panchayat Raj, S.E.Office, Nellore, who earlier worked in the same capacity in RWS Division, Nellore and who is also one of the mediators, also corroborated the evidence of PW3. He is the person who was instructed to go and verify as to what A2 threw away through the window. He identified A2 before the court. On the instructions of the DSP, A2 climbed the bonnet of the car, which was parked by the side of the window and A2 picked out the tainted currency notes and he handed over the same to PW3 on the instructions of PW3.

16. PW5 is the traffic Police, Nellore during the relevant period. He deposed that on 29.02.2004, he was on duty at Northern traffic Police, Nellore. He was in the writers' room. At 09:40 AM, A2 came to the window of the said room in hurried manner. Thereafter, two persons came there. He was apprehended by the ACB Officials.

17. PW6, who is a police constable working in the traffic police station, Nellore, during the relevant period, deposed that as per the orders of their CI, he was under the handover of A1 in 2000. On 21.05.2000, A1 directed him to bring an auto bearing

No.AP 26U1240, which was at AC Centre. When he was questioned by Spl.P.P. with regard to the date, he stated that he worked upto 14.05.2000 and again he states that he does not remember the date. When A1 directed him to bring the auto, he again says it was on 27.04.2000. He informed PW1 that a case was registered against him and that he was instructed to bring the driving licence and RC book and insurance policy to the police station. He handed over the same to A1. Two days thereafter A1 instructed him to go along with A2 to brahmadevi and to bring the accused who are involved in a tractor accident, in an auto. As such, they were brought to the police station. He does not know as to what happened to the case filed against PW1 or whether the people of PW1 came to A1 or not. Then he was declared hostile by the prosecution.

In the cross-examination done by the Public Prosecutor, it was put to him that he stated before the DSP, ACB that on 25.04.2000 at 10:00 AM when he was at the traffic police station, PW1, who is the accused in crime no.48 of 2000 under Section 338 IPC, along with his father, came to traffic police station and met A1 and he does not know what they talked. Hence, the said admission taken from the evidence of PW6 would only show that the case of the prosecution is that he does not know as to what transpired between the accused, PW1 and his father.

18. PW7 is the person, who enquired about the incident of PW1 and the accused. He being the DSP, ACB, Nellore, spoke about the pre and post trap proceedings. PW8 is the reserve

Inspector, Traffic Circle, Nellore, who knows A1 and A2. According to him, A1 is the SI of police, A2 is the police constable in their police station. He states that no books would be maintained for arrest cards as the books are not provided by the Government. They will take photo copies of arrest cards according to APPPM. Whenever a person was arrested in a traffic case, the original arrest card will be sent to court and the duplicate will be sent to DCRB and for bail bonds also there is no book. He further deposed that on 28.04.2000, A1 availed casual leave, he applied for the same on 27.04.2000. It was entered in the CL register. He reported to duty on the morning of 29.04.2000. A1 was not submitting the GD of his movements regularly. PW9, who worked in the vigilance and enforcement department, AP Secretariat, Hyderabad, obtained sanctioned orders to prosecute the accused.

19. From the above evidence, it can be believed that certainly, the accused have come into contact with the tainted amount, but as to who accepted the said amount is not clear. According to PW1, he did not give any amount to the accused. According to him, he gave tainted amount to the ACB officials. But it is obvious that PW1 is deposing falsely as there is ample evidence to say that accused No.2 threw the tainted amount through the window. According to PWs.1 and 2, there is no demand made by the accused. But the evidence proves that A1 and A2 came into contact with the tainted amount, but in the absence of any evidence as to who accepted the said amount, it cannot be said that the fact of acceptance by any of the accused is proved,

when alone the presumption under Section 20 of the Act would come into operation.

20. The evidence of PW3 that it is one J.Bhaskar Rao, who gave the pre arranged signal, lends some support to the evidence of PW1 that he did to give any amount to the accused. When it is PW1, who had to relay the pre arranged signal, as to why such Bhaskar Rao, who is a police official, had to relay the pre-arranged signal, is not explained. The said Bhaskar Rao was also not examined as a witness in order to explain the said fact. Neither did the investigating officer PW7 explain about the same. The Mediators report Ex.P13 would show that the said Bhaskar Rao was instructed to proceed behind the complainant and stay at a convenient place near the traffic police station to relay the signal of the complainant if he comes. Hence, unless said Bhaskar Rao was examined as a witness, it cannot be known whether he relayed signal on the signal given by the complainant, as per the instructions given to him.

21. Further, the tainted amount is not recovered from the possession of any of the accused and the same was recovered from the sun shade, through A2. The confession of A1 was recorded in the Mediators proceedings. His confession shows that PW1 himself paid Rs.1,000/- as per his earlier promise and he received the amount with his left hand and gave the same to A2, who received and kept it with him. He further stated that the auto rickshaw driver gave the amount voluntarily and that he did not demand the amount. Hence, even in the mediators report

the version of A1 seems to be that there was no demand made by him. But, however, he admitted the acceptance. But in the court, the defence of the accused is that he did not give any such version to the DSP, ACB. The mediators report, as it is, cannot be accepted as substantive evidence unless it is proved.

22. Apart from all the above facts, the fact that PW1 in his statement recorded under Section 164 CrPC also gave the same version, which he gave before this court, would add some strength to his evidence. One clinching aspect is that the complainant was released on station bail immediately by A1, in which circumstance there will not be any scope for demand for the purpose of granting bail. The FIR registered against the complainant is on 20.04.2000 and the bail granted to the complainant is on 27.04.2000. There is absolutely no record pertaining to the date of granting bail to the complainant. The bail bond, which is filed in the court, does not bear any date, underneath the signature of the concerned person. Though there is one date mentioned as 29.04.2000 and even if the same is taken as the date on the bail bond, the fact remains that the complainant approached the ACB on 27.04.2000, which is the date on which the complainant went to the station to meet the accused. Hence, unless he is granted bail on 27.04.2000, he would not be in a position to approach PW7 on 27.04.2000. There is absolute ambiguity in the case of the prosecution.

23. Hence, in view of the failure of the prosecution to prove the demand and also the acceptance by the accused and also the

pendency of any official favour from the accused, merely by invoking the presumption under Section 20 of the Act, the guilt of the accused cannot be concluded.

32. Accordingly, points 1 and 2 are answered.

POINT No.3: -

33. In the result, the Criminal Appeals are allowed setting aside the conviction and sentence, imposed against the appellants, by Judgment, dated 27.12.2006, passed in C.C.No.2 of 2001, by the Court of Special Judge for SPE & ACB Cases, Nellore. Consequently, the appellants are acquitted of the charges leveled against them. The appellants shall be set at liberty forthwith, if not required in any other crime. The fine amount, if any, paid by the appellants shall be refunded to them.

As a sequel, the miscellaneous applications pending, if any, shall stand closed.

T. RAJANI, J

October 31, 2018
LMV