

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

Crl.P.No.6889 of 2018

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the proceedings in C.C.No.453 of 2016 pending on the file of Judicial First Class Magistrate (Special Mobile), Karimnagar, registered for the offence under Section 171-B IPC, against the petitioner/accused.

2. The case of the prosecution, in brief, is that during bye-elections, when the model code of conduct was in force, the petitioner, to bribe the voters of Sircilla Assembly Constituency, organized a rally on 23.07.2010 at 21.30 hours in Sircilla town from Vasavi Kalyana Mantapam to Junior College ground by getting wore pink colour sarees by women participants in violation of the bye-elections model code of conduct and disobedience of the orders duly promulgated by A.P. Election Commission. The petitioner is the present sitting MLA of TRS party. Thus, the petitioner has violated the orders duly promulgated by A.P. Election Commission.

3. Learned counsel for petitioner contended that the alleged participation in the rally by the petitioner along with women participants wearing pink colour sarees would not fall within the definition of 'bribery' under Section 171-B IPC punishable under Section 171-E IPC. He placed reliance on the judgment of this Court in **Kesineni Srinivasa Rao v. State of A.P. and others**¹.

¹ 2015(2) ALT (CRL.)1 (A.P.)

4. Whereas the Public Prosecutor for the State of Telangana opposed the petition on the ground that the allegation made in the complaint would constitute the alleged offence.

5. The word 'bribery' is defined under Section 171-B of IPC. According to it, whoever gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person so having exercised any such right; or accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery. The offence 'bribery' is punishable under Section 171-E of IPC with imprisonment of either description for a term which may extend to one year or with fine or with both.

6. In the present case, the allegation made in the charge sheet is that the petitioner conducted a rally permitting the women participants to wear pink colour sarees with an intention to bribe the voters. But, wearing pink colour sarees and participating in the rally by itself would not constitute the offence punishable under Section 171-E of IPC as it does not amount to bribe as defined under Section 171-B IPC. The same issue came up before this Court in **Kesineni's** case, referred supra, wherein this Court adverted to the definition of 'bribery' under Section 171-B IPC and held that the term gratification should be understood in the perspective of the recipient rather than the giver that is to say whatever has been paid by the giver should give pleasure or satisfaction to the recipient. The term

gratification is not restricted to pecuniary gratification or gratification estimable in money. It embraces all forms of gratification in the ordinary and simple meaning of term gratification. The scope of the meaning of the word gratification is thus very wide and will cover any return which pleases for some favour done. So, in order to hold a person guilty of offering bribe to another person under Section 171-B of IPC, the giver may pay money or kind to the recipient but it must please or satisfy the recipient to exercise any electoral right. In the facts of the said case, the participants were found wearing T-shirts in yellow colour and distributed by the accused and this Court held that distribution of T-shirts would not constitute the offence of bribery.

7. Therefore, by applying the principle laid down in the above judgment, the act of the petitioner organizing a rally along with women participants wearing pink colour sarees would not constitute the offence under Section 171-B IPC and therefore, the proceedings against the petitioner are liable to be quashed.

8. In the result, the Criminal Petition is allowed, quashing the proceedings in C.C.No.453 of 2016 on the file of Judicial First Class Magistrate (Special Mobile), Karimnagar, against the petitioner/accused. Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY, J

5th July, 2018

Note:
Issue in two days.
sj