

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 92 of 2009

- State Of Chhattisgarh, Through: Special Police
Establishment, Lokayukta Karyalaya, Raipur.

----Appellant

Versus

- T. Arun Rao S/o T. Laxman Rao, aged about 36 years,
Reader to Tahsidldar, Dongargarh,
District Rajnandgoan, (CG).

---- Respondent

For Appellant : Shri A. N. Bhakta, Advocate.
For Respondent : Shri B.D. Gupta, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Judgment on Board

11/03/2019

1. This appeal is directed against the judgment dated 10th December, 2003 passed by Special Judge, Prevention of Corruption Act, 1988 Rajnandgaon, C.G., in special case No. 1/2003 wherein the said Court acquitted the respondent from charge under Sections 7 & 13(1)(D) read with section 13(2) of the Act 1988 for demand of illegal gratification to the tune of Rs. 1000/- from complainant Prakash Chandra Ujjawane (PW-1) and for receiving the same.

2. In the present case, the respondent was reader of the Tahsildar in Tahsil Office, Dongargarh. It is alleged that complainant filed a case for ejectment against one Smt. Noorjahan. For passing order in his favour, the respondent demanded Rs.

1000/- as illegal gratification. The matter was reported to Lokayukta on 5th of March, 2003. A trap team was arranged which reached to the office of Tahsildar and trapped the respondent. The appellant was charge-sheeted and acquitted as mentioned above.

3. Learned counsel for the appellant submits as under:-

(i) The amount is seized from the respondent at his instance, therefore, it can be inferred that he demanded legal gratification.

ii) The Trial Court has overlooked the conduct of Heamram Soneshwari, Tahsildar (PW-5) who tried to issue false receipt in the matter for saving the respondent.

(iii) The learned Trial Court has not evaluated the evidence in its right perspective, therefore, same is liable to be reversed.

4. On the other hand, learned counsel for the respondent submits that the finding arrived by the Trial Court is based on proper Marshalling of the evidence and same is not liable to be inferred with.

5. I have heard learned counsel for the parties and perused the record of the trial Court in which order is passed.

6. Prakash Chandra Ujjawane (PW-1) is the complainant and as per the version of this witness Tahsildar Heamram Soneshwari demanded illegal gratification and he paid Rs. 500/- to him but he

again demanded Rs. 1000/- then he reported the matter to authorities. It is further version of this witness that when he tendered the amount to Tahsildar, he directed him to hand-over the amount to his Reader, who is respondent in the present case. Thereafter, he handed-over the amount to the respondent. This witness has clearly admitted in his Statement (para- 26) that respondent never demanded illegal gratification from him. He further deposed that when Tahsildar asked him to hand-over the amount to respondent, he first made conversation with officers of Lokayukta and then on their asking he handed-over the amount to the respondent. As per the version of this witness, the authorities of Lokayukta would not have directed him to hand-over the amount to respondent, he would not have handed over the amount to respondent.

7. From the evidence of Kaushal Kumar (PW-2) it is clear that Tahsildar asked him to direct one clerk, namely Soni, to give receipt of Rs. 1000/- to the complainant namely Prakash Chandra Ujjawane. From the record it reveals that one case of encroachment was pending against the complainant under Section 250 of the Chhattisgarh Land Revenue Court 1959 and in that case fine of Rs. 1000/- was imposed and amount given to respondent was amount of fine. Therefore, it is not a case of illegal gratification. From the evidence of Kaushal Kumar (PW-2) who is Nazool Chainmen and was present in the office of Tahsildar, it is

clear that respondent asked him/the complainant, to take the receipt of Rs. 1000/- but he did not hear the version and left the place.

8. From the entire evidence it is not established that respondent ever demanded any sum of illegal gratification. It is also doubtful whether the amount handed-over to respondent was amount of fine or it was amount of any illegal demand. When demand itself is not proved against the respondent and receipt of amount is also doubtful, the learned Trial Court opined that it is not a case of demanding or taking illegal gratification. Evidence of member of trap party is supportive piece of evidence and as per their version when hand of the respondent was washed in sodium carbonate solution, it turned pink but that fact remains that when demand and acceptance is not proved, the corroborative piece of evidence is not sufficient to establish the crime in question.

9. The Trial Court has recorded finding on the basis of relevant material placed on record and same is not based on irrelevant or extraneous material. Therefore, it is not a case where any interference is called for by this Court invoking jurisdiction of appeal.

10. Accordingly, the appeal is hereby dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge

Vasant/Vijay Sahu.

