

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2271 of 2018**

- State Of Chhattisgarh Through Dy. Superintendent Of Police, Anti Corruption Bureau, Jagdalpur, District- Bastar, Chhattisgarh.

---- **Petitioner****Versus**

- Bhavani Singh Thakur S/o Late Shri Mangal Singh Thakur Aged About 59 Years R/o Dharampura No. 02, Atal Bihari Ward No. 38, Jagdalpur, District- Bastar, Chhattisgarh.

---- **Respondent**

 For the Petitioner/State : Shri Lav Sharma, Panel Lawyer
 For the respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

04.01.2019.

1. Heard on IA No.01/18 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 25 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This appeal is directed aged judgment of acquittal dated 13.6.2018 passed by Special Judge under the Prevention of Corruption Act, 1988 Kondagaon Distt. Kondagaon (CG) in Special Criminal Case No.04/2015 wherein the said Court acquitted the respondent of the charges under Sections 7 & 13(1) (d) read with Section 13(2) of the Act 1988.

5. As per the version of the prosecution, the respondent was posted as Tahsildar at Kondagaon. Complainant Prakash Bodre lodged a report that his sister-in-law namely Bhagyashri Thakre has executed a sale agreement with Smt. Dipeshwari Dewangan for the purchase of a plot area measuring 1500 sq. ft. at Mohammed Nagar Colony and for execution of the sale deed permission of the Collector was required. The Collector, Kondagaon sought enquiry report from Tahsildar Kondagaon Shri Bhawani Singh Thakur (respondent herein). It is further case of the prosecution that the respondent demanded Rs.5,000/- as illegal gratification for submission of enquiry report. The matter was reported and the respondent was trapped by the trap party. After investigation, he was charge sheeted and acquitted as mentioned above.

6. To substantiate the charges the prosecution has examined as many as 10 witnesses. Prakash Bodre (PW-9) was the complainant, but he did not support the case of the prosecution. As per the version of this witness, the respondent never demanded illegal gratification from him. Again as per the version of this witness, the respondent did not accept illegal gratification from the complainant. Evidence regarding conversation between the complainant and the respondent was also not established and it is not proved that any conversation recorded is the voice of the respondent. There is no shadow witness account regarding demand and acceptance of illegal gratification. There is evidence to the effect that when the hands of the respondent was washed

in the Sodium Carbonate Solution which turned into pink colour but the fact remains that when the demand of illegal gratification is not established the corroborating piece of evidence is not sufficient independently to bring home the guilt. The trial Court has evaluated the entire evidence and came to a conclusion that charges leveled against the respondent is not substantiate by the evidence and recorded finding of acquittal.

7. After reassessing the evidence, this Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the case. Therefore, it would not be proper for this Court to grant leave to appeal.

8. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

**Sd/-
(Ram Prasanna Sharma)
JUDGE**