

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-A-970-MA-2018 (O&M)

Date of Decision : 14.1.2019

Alkesh Yadav

....Appellant

vs.

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Parveen Dutt, Advocate for
Mr. Sanjeev Kr.Panwar, Advocate for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the impugned judgment dated 20.3.2018 whereby respondent No.2 has been acquitted from all charges by the Trial Court.

The case of the appellant was that his father had transferred some property in his favour. He approached the respondent No.2 for the mutation of this property and also of his uncle's property. The respondent No.2 demanded a bribe of Rs. 3000/- from the appellant. Out of that amount the appellant paid a sum of Rs.2000/- on 31.8.2015 and respondent No.2 asked him to come after one week. At that stage, the appellant decided that he did not want to pay any further bribe and approached the Vigilance Department. On 8.9.2015 he went to Patwarghar in Ballabgarh and handed over remaining amount of Rs.1000/- which were treated with phenolphthalein powder to the respondent No.2 who took and pocketed the same. At that moment raid was conducted and the hands and pocket of respondent No.2 were found stained pink. As per the learned counsel in

view of this evidence, the Trial Court erred in acquitting the respondent No.2.

On the other hand, I find that the case of the respondent was that actually the mutation in favour of the appellant had been sanctioned even before he joined and thus there was no occasion for him to demand any money for sanctioning of that mutation. Further case of the respondent No.2 was that actually on 8.9.2015 the applicant had come to office and demanded some Jamabandis etc. for which the fee was Rs.1010/- and that money was the same which was handed over by the appellant to the respondent No.2. This stand of the respondent No.2 was corroborated by DW-3 and DW-4 (whose presence was admitted by PW-1). DW-3 and DW-4 were Ex-Sarpanch and Nambardar who testified that actually appellant had come to the office on 8.9.2015 and had requested for Jamabandis etc. for which the office fee was Rs. 1010/- and that was the money which was handed over to the respondent No.2 by the appellant.

In my considered opinion, in view of this testimony which remained unshaken some doubts have been created and once that is so the Trial Court rightly granted the benefit thereof to the respondent No.2. Consequently, the appeal stands dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

14.1.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No