IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.

CRIMINAL APPEAL NO.470 OF 2003

1) Sukhdeo Marotrao Pethkar,
Aged about 63 years, Occ. Retired,
R/o Sindhi Bk., Tq. Achalpur,
District : Amravati. (**Dead** thr. Lrs.)

1-1) Suman Sukhdeorao Pethkar,
Aged 75 years, Occ: Household,

1-2) Sanjay s/o Sukhdeo Pethkar,
Aged about 54 years, Occ: private,

1-3) Ajay s/o Sukhdeo Pethkar,
Aged about 47 years, Occ: private,
All r/o Ward No.5, At Po. Sindhi (Bk),
Chandur Bazar, Tq. Chandur Bazar,
Dist. Amravati 444808

.... **APPELLANT(S).**

// **VERSUS** //

State of Maharashtra,
Through P.S.O., Tathrot.

.... **RESPONDENT.**

Shri Apurva De, Advocate for Appellant(s).
Mr. S.D. Sirpurkar, Advocate for Respondent/State.

CORAM : ANIL S. KILOR, J .
DATE : 16.09.2022

JUDGMENT :

1. This appeal takes exception to the judgment and order dated 17.07.2003 passed by the Additional Sessions Judge (Special Judge), Achalpur in Special Case (ACB) No.06 of 1999, convicting the Appellant /Accused for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 (hereinafter referred to as the "Act of 1988") and sentenced to suffer rigorous imprisonment for a period of one year and to pay a fine of Rupees five hundred, in default to undergo simple imprisonment for seven days. The appellant is further convicted for the offence under Section 13(1)(d) punishable under Section 13(2) of the Act of 1988 and sentenced to suffer rigorous imprisonment for a period of one year and to pay a fine of Rupees five hundred, in default to undergo further simple imprisonment for a period of seven days.

2. The prosecution story, in brief, is as under:

The complainant Ajay Verma gave an oral report stating that he owns the field property at Pathrot. Shri Mansaram is his uncle. He is in service at Bombay. He further states that he was residing jointly with his father and uncle. In the month of November he cut the branches of five trees from field survey No.382/A and 384 owned by his uncle Mansaram Verma as the same were damaging the crop. After about 3 to 4 days the accused who was working as a Talathi of village Pathrot came to his field and saw the cut branches of the trees.

3. Thereafter, the accused Pethkar called the complainant in his office and told him that he cut the trees without permission. Further, the accused told him that he would not make the report of the incident to Tahsildar, Achalpur. However, for that purpose the complainant will have to give the amount of Rs.300/- to him. The complainant agreed for the same. He promised the accused that he will give the same after 2 to 3 days. After 4 to 5 days the complainant met the accused Pethkar in Sabji market. At that time, he asked the complainant as regards the amount.

4. Thereupon, the complainant gave the amount of Rs.100/- to him and told him that he will pay the balance amount of Rs.200/- within one or two days. The accused agreed for the same. After about 4 days when the complainant was going on on his motor-cycle, the accused gave him a call near Central Bank. Thereafter, the accused went on motor cycle of the complainant towards S.T. bus stand and took tea in a hotel. At that time, the accused Pethkar demanded balance amount of Rs.200/- to complainant. Thereupon, the complainant gave Rs.100/- to him and

promised to pay the balance amount within one or two days.

5. On 10.12.1989 he received notice from Tahsildar, Achalpur alleging that the complainant cut 12 trees without permission. He was called upon to give his submission on 18.12.1989 in that respect. Although the notice was in the name of Mansaram Verma, the complainant accepted the same, as he was cultivating the field of Mansaram Verma.

6. Thereafter, on 14.12.1989 he met the accused in his office and shown him the notice received from Tahsil office. Thereupon, the accused told him that as the complainant did not pay the balance amount of Rs.100/-, he sent the report to Tahsildar, Achalpur. But, if he pays the balance amount of Rs.100/-, he will file the proceedings. Thereupon, the complainant promised the accused to pay the balance amount of Rs.100/-.

7. On 18.12.1989 in the noon time the complainant met the accused in the way. The accused told him that the complainant should pay the balance amount of Rs.100/- then he will file the proceedings, pending in the Court of Tahsildar. The complainant promised him to pay the balance amount of Rs.100/- on 19.12.1989.

8. On 18.12.1989 the complainant attended the cases in Tahsil office and took further date by submitting his written submission before the Court. The complainant alleged that although the accused had promised him that he will not send the report to Tahsildar, despite the same he sent the same, hence, he decided to give report about the accused in Anti-Corruption Department and accordingly, it was submitted.

9. After carrying out the preparation for trap, a raid was conducted and tainted amount was recovered from the accused and after completing the formality, the complaint was lodged with the Police Station Pathrot, District : Amravati. Whereupon, Crime No.208 of 1989 was registered.

10. On completion of the investigation, papers were sent to D.C.P., Amravati, who gave sanction on 05.11.1990 to prosecute the accused and thereafter, charge sheet was filed.

11. The accused pleaded not guilty to charge framed against him and accordingly, the trial was conducted.

12. The learned trial Court, after recording the evidence and on marshaling the oral as well as documentary evidence convicted the accused for the offence punishable under Sections 7 and 13(1)(d) punishable under Section 13(2) of the Act of 1988. The said judgment

and order is impugned in the present appeal.

13. I have heard the learned counsel for the appellant and the learned APP.

14. Shri De, learned counsel for the appellant, submits that the learned trial Court has committed error in convicting the appellant for the offence punishable under Section 7 and 13(1)(d) read with Section 13(2) of the Act of 1988. It is submitted that the demand and acceptance of bribe has not been proved, in this case. It is submitted that the demand is a sine qua non to attract the offence punishable under Sections 7 and 13(1)(d) of the Act of 1988. He therefore, submits that the impugned judgment and order, is illegal and bad in law.

15. He submits that there are serious omissions and contradictions which have been ignored by the learned trial Court. He further submits that nothing has brought on record to show that the Sanctioning Authority has applied his mind to the relevant documents and material before granting sanction. Thus, he submits that the sanction vitiates.

16. On the other hand, the learned APP strongly opposes the appeal and submits that the learned trial Court has rightly convicted the accused and there is no legal infirmity or illegality committed by the learned trial

Court.

17. It is further submitted that the prosecution has established and proved the demand and acceptance of bribe amount by the accused by bringing on record the oral as well as the documentary evidence.

18. He further submits that the Sanctioning Authority has entered into the witness box and from his oral testimony, it can be seen that he perused the relevant documents and material and on satisfaction, the sanction was granted. He therefore, submits that the sanction is valid.

19. In the backdrop of the rival submissions, I have perused the record and the proceeding and impugned judgment and order.

20. At this juncture, looking to the controversy involved in this case, I am of the opinion that it would be relevant to refer the Section 7 and 13 of the Act of 1988, which read thus:

> ***7. Public servant taking gratification other than legal remuneration in respect of an official act*** *– Whoever, being, or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any*

person or for rendering or attempting to render any service or disservice to any person, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of Section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine.

13. ***Criminal misconduct by a public servant*** *– (1) A public servant is said to commit the offence of criminal misconduct, -*

(a)…

(b)…

(c)…

(d) if he,-

(i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage or

(iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or

(e)…..

(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and

shall also be liable to fine."

21. The Hon'ble Supreme Court of India while dealing with the law on 'demand of illegal gratification', in the case of *State of Punjab v/s Madan Mohan Lal Verma*[1], has held thus:

> *"11. The law on the issue is well settled that 'demand of illegal gratification is sine qua non for constituting an offence under the 1988 Act. Mere recovery of tainted money is not sufficient to convict the accused when substantive evidence in the case is not reliable, unless there is evidence to prove payment of bribe or to show that the money was taken voluntarily as a bribe. Mere receipt of the amount by the accused is not sufficient to fasten guilt, in the absence of any evidence with regard to demand and acceptance of the amount as illegal gratification. Hence, the burden rests on the accused to displace the statutory presumption raised under Section 20 of the 1988 Act, by bringing on record evidence, either direct or circumstantial, to establish with reasonable probability, that the money was accepted by him, other than as a motive or reward as referred to in Section 7 of the 1988 Act. While invoking the provisions of Section 20 of the Act, the court is required to consider the explanation offered by the accused, if any, only on the touchstone of preponderance of probability and not on the touchstone of proof beyond all reasonable doubt. However, before the accused is called upon to explain how the amount in question was found in his possession, the foundational facts must be established by the prosecution. The complainant is an interested and partisan witness concerned with the success of the trap and his evidence must be tested in the same way as that of any other interested witness. In a proper case, the court may look for independent corroboration before convicting the accused person."*

22. In the case of *B. Jairaj ..vs.. State of Andhra Pradesh*[2] while

1 2013 (14) SCC 153
2 (2014) 13 SCC 55

considering the issue whether mere possession and recovery of the currency notes from the accused is sufficient to hold that there was a demand of bribe, the Hon'ble Supreme Court of India held thus:

> "8. … *We are, therefore, inclined to hold that the learned trial court as well as the High Court was not correct in holding the demand alleged to be made by the accused as proved. The only other material available is the recovery of the tainted currency notes from the possession of the accused. In fact such possession is admitted by the accused himself. Mere possession and recovery of the currency notes from the accused without proof of demand will not bring home the offence under Section 7. The above also will be conclusive insofar as the offence under Sections 13 (1) (d) (I) and (ii) is concerned as in the absence of any proof of demand for illegal gratification, the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing or pecuniary advantage cannot be held to be established.*
>
> 9. Insofar as the presumption permissible to be drawn under Section 20 of the Act is concerned, such presumption can only be in respect of the offence under Section 7 and not the offences under Sections 13 (1) (d) (I) and (ii) of the Act. In any event, it is only on proof of acceptance of illegal gratification that presumption can be drawn under Section 20 of the Act that such gratification was received for doing or forbearing to do any official act. Proof of acceptance of illegal gratification can follow only if there is proof of demand. As the same is lacking in the present case the primary facts on the basis of which the legal presumption under Section 20 can be drawn are wholly absent."

23. Thus, from the above referred judgments, it is clear that demand of illegal gratification is *sine quo non* for constituting an offence under

the Act of 1988. It is further clear that mere recovery of tainted money is not sufficient to convict the accused when substantive evidence in the case is not reliable. Proof of acceptance of illegal gratification can follow, only if, there is proof of demand.

24. As held in the case of *Mukhtiar Singh V/s State of Punjab*[3], by the Hon'ble Supreme Court of India that, the prosecution in order to prove the charge under the provisions of Sections 7 and 13 of the Act, has to establish by proper proof, the demand and acceptance of illegal gratification and till that it is accomplished, the accused should be considered to be innocent and mere possession and recovery of the currency notes from the accused without proof of demand would not establish an offence under Section 7 as well as Section 13 (1)(d) read with Section 13(2) of the Act.

25. In the teeth of above referred well settled principles of law, let's us examine the oral evidence to find out whether the demand is proved.

26. The PW-1 Ajay Prabhakar Verma, in his deposition states that one day in November 1989, he cut down the branches of 5 plants standing in between fields bearing survey Nos.383 and 384 owned by his uncle

3 (2017) 8 SCC 136

Mansarmsingh. After 2/3 days Mr. Pethkar Talathi called him in his office at Pathrot and said to him that you have cut 12 green trees from the root side. He said to him that he would send a report against PW-1 to Tahsildar. PW-1 asked him as to why he is sending report, on that Pethkar Talathi had demanded Rs.300/-. PW-1 told him that he would give Rs.300/- to him after 3 to 4 days and then PW-1 left his office.

27. On next day Mr. Pethkar Talathi met PW-1 in Gujri Line at Pathrot. At that time he asked PW-1 that he has not paid the amount to him. On that PW-1 gave him a cash of Rs.100/-. PW-1 told to Mr. Pethkar Talathi that he would pay the remaining amount after 3 to 4 days. On 4th day for going to Motor stand riding on motorcycle when PW-1 came in-front of Central bank, Pethkar Talathi gave him a call and on that PW-1 saw him in front of Central bank. Then on the back of PW-1's motor cycle Pethkar Talathi sat and PW-1 along with him went to motor stand. They both went and sat in one Hotel. In that Hotel Mr. Pethkar Talathi had demanded Rs.200/- to PW-1, PW-1 paid Rs.100/-. He said to Mr. Pethkar Talathi that he would pay amount of Rs.100/- to him tomorrow and then Mr. Pethkar Talathi had left the hotel. Then for 2 to 4 days Pethkar Talathi did not meet PW-1.

28. On 10.12.1989 PW-1 received a notice of Tahsildar, Achalpur, wherein it was written that PW-1 has cut 12 trees from trunk side which were standing in his field and therefore, he should appear in the office on 18.12.1989 and to submit his say in that respect. The said notice was addressed in the name of PW-1's uncle Mansaramsingh. He received that notice on behalf of Mansaramsingh.

29. On 14th December, 1989 he went to Talathi Office at Pathrot and asked to Pethkar Talathi as to how he submitted report against him when he paid amount to him. On that the accused said that still he did not receive an amount of Rs.100/- from PW-1. Mr. Pethkar Talathi said to PW-1 that you pay the balance amount of Rs.100/- and then he will file the complaint. On that PW-1 said to Mr. Pethkar Talathi that he would pay an amount of Rs.100/- to him after 1 or 2 days.

30. On 18.12.1989 at about 12.00 noon PW-1 and the accused met on main road at Pathrot. Mr. Pethkar Talathi said to PW-1 that you pay an amount of Rs.100/- and then he would file the complaint. At about 2.00 p.m. PW-1 went to the office of Tahsildar at Achalpur. Tahsildar was not present in the office. PW-1 submitted his written reply to the clerk of Tahsildar. On the same day from Achalpur, he returned home.

31. On 19.12.1989 in the morning PW-1 and Mr. Pethkar Talathi met on the road. Mr. Pethkar said to PW-1 that you should pay Rs.100/- to me up to evening. As PW-1 was not intending to pay an amount of Rs.100/- to Pethkar Talathi, therefore, he went to the office of Anti Corruption Bureau at Amravati and lodged the oral complaint.

32. Then as per the instructions of Mr. Dabhade, PW-1 and panch No.1 Mr. pande, went on foot to Bus stand Pathrot. PW-1 and Mr. Pande, Panch No.1 by standing in front of Om-Mangesh Restaurant at S.T. stand started waiting for the arrival of Pethkar Talathi. At that time, Mr. Dabhade, panch No.2 Mr. Joshi and other Members of the raiding party came in the Om-Mangesh restaurant and they sat on the benches. At about 11.00 a.m. , riding on bicycle from Anjangaon road side, Pethkar Talathi came in front of Om-Mangesh Restaurant. On seeing PW-1 Pethkar alighted from the bicycle. Then Mr. Pethkar, caught hold PW-1's right hand with his left hand and took him to Om-Mukh-Shrungar Panthela. At that time Mr. Pethkar was holding handle of his bicycle with his right hand. Mr. Pethkar had parked his bicycle near Panthela. Then PW-1 and Mr.Pethkar went inside Om-Mangesh Restaurant and at that time panch No.1 Mr. Pande, was also following them. Then PW-1 and Mr. Pethkar sat on the bench. Mr. Pande, was

standing near one table at a distance of about 5 ft. from bench. Mr. Pethkar Talathi demanded PW-1 Rs.100/-. The PW-1 told him that he would pay it, but the accused should file the complaint which he made against PW-1. On that Mr. Pethkar, replied that he would see it. While PW-1 was sitting, with his right hand he had taken out amount of Rs.100/- from the right side packet of his full pant and gave that amount to Mr. Pethkar Talathi. Mr. Pethkar had taken that amount with his right hand and then by his left hand he kept that amount in the left pocket of his shirt. Then PW-1 placed order of two cup tea. Accordingly, the waiter had brought and kept two cups of tea. PW-1 and Mr. Pethkar had taken tea. Then by saying that he has to go to Paratwada, Mr. Pethkar Talathi came out of the hotel. PW-1 and panch No.1 Mr. Pande, followed Mr. Pethkar Talathi and came out of the hotel. By that time Mr. Pethkar Talathi went to the place where board of Gond-Wagholi was fixed and he was standing there. Then PW-1 had taken out handkerchief from the left pocket of his full pant with his left hand and started cleaning my face with the left hand and thereby PW-1 gave a signal of acceptance of bribe by Mr. Pethkar. After getting signal from PW-1, Mr. Pethkar was caught hold by trap party.

33. From the evidence of PW 1, it is evident that nowhere he has

stated that on 19.12.1989 when the accused met him in the morning and he asked him to pay Rs.100/- up to evening, he informed the time and place where the amount to be paid by the PW-1 to the accused. In the circumstances, waiting for the accused in front of Om-Mangesh Restaurant by the PW-1 and the trap party creates doubt about the case of the prosecution as regards demand.

34. It has further come in the evidence of PW-1 that on 14.12.1989, he had talked with Pethkar Talathi and he became angry because of sending of the report against him by the accused.

35. From the said oral evidence, the possibility of filing complaint against the accused out of grudge and to implicate him in the case of anti- corruption, cannot be ruled out.

36. Furthermore, in cross-examination, the PW-1 admits that on 10.09.2001 when he attended the court premises at that time the employees of Anti Corruption Bureau met him, and they told him that if he would not give evidence as per his complaint and statement then action will be taken against him.

37. Similarly, the PW-2 Prabhakar Bhaskarrao Pande in his deposition states that, it is true that in pursuance to the summons on 11.09.2001, he

was present in the Court. On that day he remained present up to 5.00 p.m. in the Court. He further states that it is true that incident being of 12 years ago, he was not remembering all the facts of the incident and therefore, the officials of Anti Corruption Department gave him the copies of his statement and panchanama for reading. He read those copies up to 5.00 p.m. He admits that he gave evidence in accordance with the contents written in his statement and panchnamas.

38. The Division Bench of this Court in the case of *Kishor … Vs. State of Maharashtra, Through Police Station Officer*[1], has held thus:

> *"**19**. Even otherwise, evidence of PW-3 Leelabai and PW-4 Dhanraj – eye witnesses when perused further would reveal that, before recording of their evidence in the Court, they were informed by police about their statements and according to said statements, they had given their evidence in the Court, which was stated by them in their statements recorded in Gram Panchayat in their village. As such, from the evidence of PW-3 Leelabai and PW-4 Dhanraj, they have deposed in the Court on the basis of statements shown to them on the day of recording of their evidence in the Court. The practice found to be adopted by the prosecution in the instant case is highly deprecated as there would indeed be nothing wrong if the witnesses' memory is refreshed, but it is necessary to be done before the Court and not outside the Court. In order to test the veracity of evidence of witness, he would be required to recollect the incident out of his own memory and would be allowed to refresh memory before the Court by referring to his earlier statement or with reference to the contemporaneous record of Investigating agency created during the course of investigation. However, refreshing memory before entering the Court and to depose accordingly in the entire evidence giving minute details etc.*

1 2018 SCC OnLine Bom 1844

> *cannot be allowed at any cost. In that view of the matter, we, therefore, do not find it safe to rely on the evidence of eye witnesses even on this count and for this reason, we find much substance in the objection raised by the learned Counsel for the appellant to rely upon their evidence."*

39. In the teeth of above referred observation of the Division Bench of this Court, it is not safe to rely upon the oral evidence of PW-1 and PW-2.

40. It is well settled principle of law that there would be nothing wrong in the witness refreshing his memory, but that ought to be done before the court and not outside the court. In order to test the veracity of witness, he would be required to recollect the incident out of his own memory and should be falter in some material aspect, he could be allowed to refresh his memory with reference to the contemporaneous record of the incident created by the police. It would not be permissible for such a witness to stealthily refresh his memory before entering the court and deposing about the entire evidence giving minute details as if he was reeling them out from his memory.

41. Thus, it can safely be said that the prosecution has failed to prove demand and acceptance of illegal gratification in this case.

42. As far as validity of sanction is concerned, the evidence brought on

record by the prosecution sufficiently shows that the Sanctioning Authority has applied his mind to the evidence collected by the Investigation Officer and thereupon, granted sanction. Hence, I do not find any merit in the submission of the learned counsel for the appellant that the sanction is invalid. Accordingly, the said submission is rejected.

43. In the case of *The State of Maharashtra ..vs.. Prabhu Barku Gade*[1], this Court at Bombay, has held thus :

> *"26. So far as the evidence of recovery of tikav, bloodstained clothes from the person of the appellant and blood-stained frock from Pramila are concerned, the aforesaid recoveries would not be of much avail to the prosecution for there is no evidence on record to show that from the time the aforesaid articles were recovered and till the time, they were sent to the Chemical Analyst, the gap being of more than 8 days, they were kept throughout in a sealed condition. It was obligatory on the part of the prosecution to lead link evidence to that effect. This was imperative because the possibility that the prosecution may have put human blood on the aforesaid articles during that interregnum, had to be eliminated before any reliance on the aforesaid recovery evidence could be placed. The question is not whether human blood was actually put on the recovered articles but as to whether it could have been put, observed a Division Bench of the Rajasthan High Court in the case reported in AIR 1955 Rajasthan page 82 (State v. Motia). The aforesaid decision was followed by a Division Bench of our own Court in the decision reported in 1994 (4) Bombay Cases Reporter page 85 (Deoraj Deju Suvarna appellant v. State of Maharashtra, respondent) Criminal Appeal Nos. 603, 608 and 624 of 1993 connected with Confirmation Case No. 3 of 1993 to which one of us (Sahai, J.) was a party."*

1 1994 SCC OnLine Bom 542

44. Moving further to the C.A. Report is dated 28.03.2090 (Exh.66), shows that the articles were sent for chemical analysis on 11.01.1990 and received by the Laboratory on 12.01.1990. Admittedly, the incident is dated 20.12.1989. Thus, there is a gap of 22 days in between the articles were sealed and referred to the same to the Laboratory. No evidence as regards Muddemal Register was produced or nothing has been brought on record to point out who took a sealed articles to the Laboratory. There is no evidence to show that all the articles were kept during the said period in tamper-proof condition.

45. Furthermore, in the evidence of Investigating Officer, PW 7, no details about article Exh.1 to 6 which were sent for chemical analysis, are given. Therefore, it is difficult to understand which exhibit relates to the accused or which exhibit relates with the PW1-informant.

46. Moreover, there is nothing to point out that the tainted notes were sent for chemical analysis. Thus, in absence of such evidence it is not safe to rely upon the chemical analysis report in this case.

47. In light of above observations and in the circumstances, though there is no doubt as argued by the learned counsel for the respondent that, the burden rest on the accused to displace the statutory

presumption raised under Section 20 of the Act of 1988, by bringing on record evidence, either direct or circumstantial to establish with reasonable probabilities, that the money was accepted by the accused other than as a motive or reward or as referred in Section 7 of the Act of 1988. However, before the accused is called upon to explain how the amount in question was found in his possession, it is mandatory for the prosecution to establish the foundational facts.

48. In the present case, as it can be seen that the prosecution has not established foundational facts, therefore, presumption under Section 20 of the Act of 1988 will not apply. In the circumstances, the contention of the learned counsel for the respondent that the accused failed to establish with reasonable probability that the money was accepted by him other than motive or reward as referred to Section 7 of the Act of 1988, cannot be accepted.

49. In the circumstances, as the prosecution has failed to proved and established the demand and acceptance of bribe amount by the appellant/accused, I have no hesitation to hold that no offence is made out against the appellant/accused under the provisions of Sections 7 and 13(1)(d) punishable under Section 13(2) of the Act of 1988.

Accordingly, the conviction recorded by the learned trial Court is erroneous and liable to be quashed and set aside. Accordingly, I pass the following order:

i) The appeal is **allowed**.

ii) The judgment and order dated 17/07/2003 passed by the Special Judge, Achalpur in Special (ACB) Case No.6 of 1999 is hereby quashed and set aside.

iii) The appellant is acquitted for the offence punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

iv) The fine amount shall be refunded back to the appellant.

v) The Muddemal Property be dealt with as per order of the learned Special Judge.

The criminal appeal stands **disposed of** accordingly. The pending applications, if any, shall stand disposed of accordingly.

JUDGE

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Digitally signed byNIRANJAN DOMAJI THAWRE
Signing Date:10.01.2023 19:17