

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-1050-MA-2017

Date of Decision: 22nd August, 2022

State of Haryana

... Applicant

Versus

Raj Kumar

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Gurmeet Singh, Assistant Advocate General, Haryana.
Mr. Raman Chawla, Advocate for the respondent.

AVNEESH JHINGAN, J.

This is an application seeking leave to file appeal against acquittal of Raj Kumar (respondent) in case of FIR No. 41 dated 25.9.2013, under Sections 7, 8 and 13 of the Prevention of Corruption Act, 1988 (for short, 'the Act'), registered at Police Station State Vigilance Bureau, Hisar.

The brief facts are that on 25.9.2013, Gulshan Kumar submitted a complaint. He stated that in his house electricity meter in the name of his father was installed. He had moved an application as the meter was not working. The respondent was working with the Electricity Department for last 7 to 8 years and he told the complainant to submit an application and give Rs.2,000/-. After some days, the respondent informed the complainant that he has to pay Rs.4,000/- to Ramesh, Junior Engineer, otherwise he will not allow the installation of the meter. The complainant met Ramesh who told him to act as per directions of the respondent and thereafter the meter would be installed. On the complaint, a trap was laid,

the respondent was apprehended red handed accepting Rs.4,000/-. Co-accused Ramesh was arrested but the sanction to prosecute Ramesh was declined.

The prosecution to prove its case examined as many as twelve witnesses.

The trial court appreciated the evidence and considered the facts. The contradiction between the allegations in the complaint and the facts stated in the cross-examination by the complainant were noted. In the complaint, it was alleged that the respondent asked the complainant to give Rs.4,000/- to Ramesh. In cross-examination, the complainant stated that he had met Ramesh who asked him to give Rs.4,000/- to the respondent on his behalf. On 25.9.2013, he handed over Rs.4,000/- to the respondent. It was considered that in the absence of trial of Ramesh, cogent and convincing evidence was not produced to prove the guilt. Giving the benefit of doubt, the respondent was acquitted.

Learned counsel for the State argues that the trial court erred in acquitting the respondent in spite of the fact that he was apprehended accepting Rs.4,000/-.

Mr. Raman Chawla, Advocate appearing for the respondent defends the judgment of acquittal.

Heard learned counsel for the parties and perused the record.

The case set up was that the respondent asked the complainant to pay Rs.4,000/- to Ramesh. When the complainant met Ramesh for installation of the meter, he directed the complainant to do the needful as asked by the respondent. As per the complainant, the respondent again

asked him to pay Rs.4,000/- to Ramesh. In cross-examination, the complainant stated that on 25.9.2013, Rs.4,000/- were handed over to the respondent as Ramesh had asked him to give money to the respondent on his behalf.

In spite of the allegations against Ramesh and the fact that he was arrested, sanction to prosecute was denied in his case. The prosecution failed to prove its case to bring the act of the respondent within the purview of Section 8 of the Act. The view taken by the trial court is plausible.

No case is made out for grant of leave to appeal.

The application is dismissed.

(AVNEESH JHINGAN)
JUDGE

22nd August, 2022
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Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No