IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

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THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.849 of 2016

State represented by,
The Public Prosecutor
High court, Madras-600 104.
(Vigilance and Anti Corruption,
The Nilgiris Detachment),
(Crime No.02/2004/AC/NI) ... Appellant/Complainant

Vs.

B.Nanjundan,
Assistant, Joint Registrar Office,
Udhagamandalam,
The Nilgiris District. ... Respondent/accused

PRAYER:The Criminal Appeal is filed under Section 378(1)(b) of Cr.P.C., to set aside the judgment of acquittal passed in Spl.C.C.No.6/2015, dated 20.04.2016 by the Assistant Sessions Judge, Udhagamandalam and convict the respondent/accused as charged in accordance with law.

For Appellant : Mr.C.E.Pratap,
Government Advocate (Criminal side)

For Respondent : Mr.K.V.Sridharan
Assisted by Ms.Jayasri Baskar

JUDGMENT

This Criminal Appeal is filed by the State against the judgment dated 20.04.2016 made in Special C.C.No.6 of 2015 by the Assistant Sessions Judge, Udhagamandalam, acquitting the respondent/ accused for the offences under Sections 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988.

2.1. The case of the prosecution is that the respondent/accused viz.,Nanjundan, was working as an Assistant in the Joint-I Sub Registrar Office, Coonoor Road, Udhagamandalam and he is a Public Servant as defined under Section 2(c) of the Prevention of Corruption Act, 1988. The defacto complainant's father viz.,Babu had purchased a house site from one Nagarajan in Survey No.85/3 E2 of Sholur Village for a sum of Rs.90,000/- and the document was registered on 28.05.2005 in the office of the Joint -I Sub Registrar, Coonoor Road, Udhagamandalam as document No.533 and on 25.06.2004 at 4.00p.m., and when the defacto complainant had asked for return of the registered documents, the respondent/accused had demanded a sum of Rs.800/- as bribe and later, at the request of the defacto complainant, the amount was reduced to Rs.300/-. Further, on 02.07.2004 at about 12.45

p.m., while the respondent/accused was on duty, he received the amount of Rs.300/- as gratification other than legal remuneration, thereby, he had committed the offence punishable under Sections 7, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

2.2. On appearance of the accused, copies of relevant papers were furnished to the respondent/accused under Section 207 Cr.P.C.

2.3. After completion of the investigation, the Investigating Officer filed the charge sheet before the District and Sessions Judge-cum-Chief Judicial Magistrate and the Special Judge, Udhagamandalam, Nilgiris District. On behalf of the prosecution, 18 witnesses have been examined as P.Ws.1 to 18, while marking Exs.P1 to P20 and also M.Os.1 to 7.

2.4. After completion of the examination of witnesses on the side of the prosecution, the respondent/accused was questioned under Section 313 Cr.P.C on the incriminating materials, and the accused has come out with the version of denial and stated that he had been falsely implicated in this case. However, no witness has been examined on the side of the defence.

2.5. Based upon the above materials, both oral and documentary, the trial Court proceeded with the trial and found that the respondent/accused is not guilty of the offences punishable under Section 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, acquitted him of all charges. Challenging the same, the State has filed this Criminal Appeal.

3. Learned Government Advocate (Criminal Side) appearing for the State would submit that the prosecution, by examining the witnesses and marking documents and material objects, proved the case beyond all reasonable doubts. He would further submit that, the prosecution has proved the foundational facts by examining P.Ws.2 to 4 and their evidence is also cogent and also the evidence of P.W.2 is corroborated by the other witnesses, however, the trial Court, on erroneous appreciation of facts on law and also considering the minor contradictions in the evidence, had wrongly rejected the case of the prosecution and acquitted the accused and thereby, committed a grave error. He would also submit that the demand made by the respondent/accused has been categorically proved by the evidence of P.W.2 and that though P.W.3 had partially not supported the prosecution, he had spoken about the other aspects regarding the trap

proceedings and the trial Court had, on erroneous appreciation of evidence, acquitted the respondent/accused. He would submit that the impugned judgment of the trial Court in acquitting the respondent/accused, in all probabilities, is not sustainable and thereby sought to set aside the same.

4. On the other hand, the learned counsel for the respondent/accused would submit that the trial Court had, after a threadbare analysis of the evidence, both oral and documentary, had come to the conclusion that the case has been foisted on the respondent/accused due to the influence wielded by his superiors. The trial Court, after observing the demeanour of the witnesses, rightly acquitted the respondent/accused. He would further submit that the trial Court had acquitted the respondent/accused, giving the benefit of doubt and disbelieving the evidence of the witnesses of the prosecution, and that reversal of acquittal is permissible only if the evidence recorded by the trial Court does not reflect any reasonable or plausible or justifiable view, whereas the trial Court, disbelieving the evidence of the prosecution, took a possible and reasonable view and acquitted the respondent/accused. He would further submit that the right of appeal against acquittal vested with the State Government should be used sparingly and

with circumspection and it is to be made only in case of public importance or where there has been a grave miscarriage of justice or when the finding of the trial Court is perverse in nature. He would further submit that the trial Court had taken into consideration the material contradictions in the testimony of the crucial witnesses and hence, the order of acquittal passed by the trial Court should not be disturbed, and there is no ground to interfere with the finding of the trial Court and seeks for dismissal of appeal.

5. This Court has given anxious consideration to the rival contentions put forth by either side and thoroughly scanned through the entire evidence available on record and also perused the impugned judgment of acquittal.

6. Before venturing into the analysis and assessment of the entire evidence available on record, so as to appraise the reasons assigned by the trial Court for acquitting the respondent/accused herein, it is relevant to refer to a few decisions of the Honourable Apex Court on the power of the appellate Court to interfere in an appeal filed against the judgment of acquittal.

7. In ***Chandrappa v. State of Karnataka,*** reported in ***(*2007) 4 SCC 415**, the Hon'ble Supreme Court held that the appellate Court should not ordinarily interfere with a judgment of acquittal in a case where two views are possible even though the trial Court's view may not appear 'more probable one' and further held as follows:

> *"42. From the above decisions, in our considered view, the following general principles regarding powers of the appellate court while dealing with an appeal against an order of acquittal emerge:*
>
> > *(1) An appellate court has full power to review, reappreciate and reconsider the evidence upon which the order of acquittal is founded.*
> >
> > *(2) The Code of Criminal Procedure, 1973 puts no limitation, restriction or condition on exercise of such power and an appellate court on the evidence before it may reach its own conclusion, both on questions of fact and of law.*
> >
> > *(3) Various expressions, such as, "substantial and compelling reasons", "good and sufficient grounds", "very strong circumstances", "distorted conclusions", "glaring mistakes", etc. are not intended to curtail extensive powers of an appellate court in an appeal against acquittal. Such phraseologies are more in the*

nature of "flourishes of language" to emphasise the reluctance of an appellate court to interfere with acquittal than to curtail the power of the court to review the evidence and to come to its own conclusion.

(4) An appellate court, however, must bear in mind that in case of acquittal, there is double presumption in favour of the accused. Firstly, the presumption of innocence is available to him under the fundamental principle of criminal jurisprudence that every person shall be presumed to be innocent unless he is proved guilty by a competent court of law. Secondly, the accused having secured his acquittal, the presumption of his innocence is further reinforced, reaffirmed and strengthened by the trial court.

(5)If two reasonable conclusions are possible on the basis of the evidence on record, the appellate court should not disturb the finding of acquittal recorded by the trial court."

8. In ***Mrinal Das v. State of Tripura,*** reported in **(2011) 9 SCC 479**, the Hon'ble Supreme Court has held that the appellate Court, being the final Court of facts, is fully competent to re-appreciate, reconsider and review the evidence and take its own decision keeping in mind that the acquittal

provides for a presumption in favour of the accused and also that if two reasonable views are possible on the basis of the evidence on record the appellate Court should not disturb the findings of the trial Court. The appellate Court can also review the conclusions arrived at by the trial Court on questions of both fact and law and it is the duty of the appellate Court to marshal the entire evidence on record, and only by giving cogent and adequate reasons set aside the judgment of acquittal. Relevant portion of the judgment is quoted hereunder for ready reference:

> *"8. It is clear that in an appeal against acquittal in the absence of perversity in the judgment and order, interference by this Court exercising its extraordinary jurisdiction, is not warranted. However, if the appeal is heard by an appellate court, being the final court of fact, is fully competent to re-appreciate, reconsider and review the evidence and take its own decision. In other words, law does not prescribe any limitation, restriction or condition on exercise of such power and the appellate court is free to arrive at its own conclusion keeping in mind that acquittal provides for presumption in favour of the accused. The presumption of innocence is available to the person and in criminal jurisprudence every person is presumed to be innocent*

unless he is proved guilty by the competent court. If two reasonable views are possible on the basis of the evidence on record, the appellate court should not disturb the findings of acquittal. There is no limitation on the part of the appellate court to review the evidence upon which the order of acquittal is found and to come to its own conclusion. The appellate court can also review the conclusion arrived at by the trial Court with respect to both facts and law. While dealing with the appeal against acquittal preferred by the State, it is the duty of the appellate court to marshal the entire evidence on record and only by giving cogent and adequate reasons set aside the judgment of acquittal. An order of acquittal is to be interfered with only when there are "compelling and substantial reasons" for doing so. If the order is "clearly unreasonable", it is a compelling reason for interference. When the trial Court has ignored the evidence or misread the material evidence or has ignored material documents like dying declaration/report of ballistic experts etc., the appellate court is competent to reverse the decision of the trial Court depending on the materials placed."

9. In ***Sudershan Kumar Vs. State of Himachal Pradesh*** reported in **(2014) 15 Supreme Court Cases 666**, while referring to Chandrappa's case (supra), the Hon'ble Apex Court at Paragraph 31 of its Judgment was pleased to hold that, it is the cardinal principle in criminal jurisprudence that presumption of innocence of the accused is reinforced by an order of acquittal. The Appellate Court, in such a case, would interfere only for very substantial and compelling reasons.

10. In ***Jafarudheen and others Vs.State of Kerala,*** reported in ***(2022) 8 Supreme Court Cases 440,*** at Paragraph 25 of its judgment, the Hon'ble Apex Court was pleased to observe as below:

> *" 25. While dealing with an appeal against acquittal by invoking Section 378 Cr.P.C, the appellate Court has to consider whether the trial court's view can be termed as a possible one, particularly when evidence on record has been analysed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the appellate Court has to be relatively slow in reversing the order of the trial court rendering acquittal. Therefore, the presumption in favour of the*

accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters."

11**.** The aforesaid views of the Hon'ble Supreme Court has been reiterated in numerous judgments passed by the Hon'ble Supreme Court including in ***Vijayakumar Vs. State of Tamil Nadu*****(2021) 3 SCC 687*****; Ravi Sharma Vs. State (NCT of Delhi)*****(2022) 8 SCC 536** and also in ***Roopwanti Vs. State of Haryana and others,*** *reported in* **AIR 2023 SC 1199**.

12. Now coming to the case on hand, keeping in mind the abovesaid principles laid down by the Honourable Apex Court, regarding interference or non-interference with the judgment of acquittal by the Appellate Court, it is to be seen as to whether the trial Court had given clear, cogent, convincing and categorical reasons for acquitting the respondent/accused and whether the trial Court took a plausible, reasonable and justifiable view, for which, it is absolutely necessary to analyse and assess the reasons assigned by the trial Court for acquitting the respondent/accused herein, coupled with the entire evidence, both oral and documentary, on record.

13. In this case, the charges against the respondent/accused are that he had committed the offences punishable under Sections 7, 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. The allegation is that on 25.06.2004 at 4.00 p.m., the respondent/accused, by misusing his official position, had demanded an amount of Rs.800/- from P.W.2-defacto complainant as illegal gratification other than legal remuneration for returning the document, which was registered on 28.05.2004 as document No.533. The amount was, later, reduced to Rs.300/-, which he received, and thereby, had committed the offence.

14. In order to prove the charges beyond reasonable doubt, the prosecution has examined P.Ws.1 to 18 and marked Exs.P1 to P20 and M.Os.1 to 7. Ex.P1 is the sanction order; Ex.P2 is the blank paper with the signature of P.W.2; Ex.P3 is the complaint dated 02.07.2004 given by defacto complainant; Ex.P4 is the signature of P.W.2 in the First Information Report; Ex.P5 is the Mahazar dated 02.07.2004; Ex.P6 is the deed executed in favour of one Raman in document No.533/2004; Ex.P7 is the Chitta and Adangal in respect of Survey No.85/3; Ex.P8 is the 'A'

register; Ex.P9 is the receipt No.2004407 dated 28.05.2004; Ex.P10 is the receipt No.2004255 dated 28.05.2004; Ex.P11 is the Pages 1 to 53 of the Register maintained by the District Registrar Office dated 01.01.2004; Ex.P12 is the Mahazar dated 02.07.2004; Ex.P13 is the fingerprint register; Ex.P14 is the search warrant; Ex.P15 is the rough sketch dated 29.05.2004; Ex.P16 is the Chemical Analysis Report; Ex.P17 is the requisition letter sent to the Director of Forensic Science Department dated 10.07.2004; Exs.P18 and P19 are the requisition letters sent for analysis and Ex.P20 is the rough sketch dated 02.07.2004.

15. M.O.1 is the Sodium Carbonate Powder marked as "A"; M.O.2 is the remaining Phenolphthalein Powder marked as "B"; M.O.3 is the currency notes 3 x 100=Rs.300/-; M.O.4 to M.O.7 are the bottles containing the pink colour solution marked as "S1" "S2 and "S3" respectively and M.O.7 is the shirt worn by the accused.

16. P.W.1, one Dhanamjeyan, deposed in his evidence that while he was working as Head of the Tamil Nadu Registration Department, he had accorded sanction to prosecute the accused-Nanjundan on 01.12.2005 in

R.C.127/04. He further deposed that after perusal of the First Information Report, statement recorded from the witnesses, Mahazar and Chemical Analysis Report, he was satisfied that the accused had committed the offence and he had accorded sanction.

17. P.W.2, who is the defacto complainant, had deposed that he is doing agriculture and his father's name is Raman. He had stated that he bought the house at Kokkal, Solur in Survey No.85/3E2 for a sum of Rs.90,000/- and registered the same vide sale deed on 28.05.2004 in the Sub Registrar Office at Ooty-Konoor Road. He had further deposed, that the accused is working in the said office as an Assistant and when he had asked the accused for the document, he informed that after inspecting the land he would return the same and had also got the signature of the defacto complainant in a blank paper for treating the same as acknowledgement for completion of the inspection, which was marked as Ex.P2 and demanded Rs.800/- for returning the document and thereby, P.W.2 had given a complaint against the accused.

18. P.W.3-Rajendran is the decoy witness and P.W.4 -Shankar is the accompanying official witness. P.W.5 is the Sub Registrar working in the Joint Sub Registrar's Office at the relevant point of time.

19. P.W.6, the Joint Sub Registrar-I at the relevant point in time, deposed that his predecessor, the then Sub Registrar, Chinnaraj, had registered the document in question under Document No. 533/2004 on 28.05.2004. P.W.17-Trap Laying Officer has come to the office and informed P.W.6 that he had arrested his assistant Nanjundan, the respondent/accused for receiving Rs.300/- as bribe, after following due procedures and noting that the registration and return of the document, both, were to be carried out only by the Sub Registrar, it was discovered that the document had been wrongly registered by the then Sub Registrar without valuation. P.W.14, the Advocate Clerk, obtained Ex.P.2 in this regard.

20. P.W.7 was working as incharge Sub Registrar during 2003-2004. P.W.8 is the Scientific Examiner, Forensic Department and P.W.9 is the father of PW.2-defacto complainant in whose name, the property has been purchased by P.W.2.

21. P.W.10-Krishnakumar, who is an Advocate, deposed that he is the one, who prepared Ex.P6-sale deed for P.W.2's father on 28.05.2004 and through his clerk, the said deed has been presented for registration.

22. P.W.11-Subramani, who is the retired Village Administrative Officer, deposed that while he was working at Ooty, he had issued Ex.P7 Adangal extract and Ex.P15 sketch to the father of PW.2, in which, he has mentioned as "agricultural land'.

23. P.W.12-Sivakumar, who had signed as witness to the sale deed registered, deposed that the said land, which was purchased by the father of P.W.2, was sold by his brother Nagaraj in the year 2004 and the Trap Laying Officer has examined him and another witness to the said document, P.W.14 and Advocate Clerk of P.W.10.

24. P.W.13-Krishnasamy is the Grade-I Bench Clerk of the District Court at Nilgiris and while he was working as Translator in that Court, he had received the case properties connected with Special C.C.No.6 of 2010 on 05.07.2004 and as per order of the Court, the case properties were

registered in the property Register as 2/2004 and he had also received the requisition letter from the Superintendent of Police for sending the case properties received by the Court to the Forensic Science Department and sent the same vide letter No.718/16.07.2004.

25. P.W.15-Venkatachalam, who is the Head Constable working at Ooty, deposed that he had assisted the Inspector of Police at the time of conducting Phenolphthalein Test. He had also prepared a Sodium Carbonate solution as instructed by the Inspector and counted three Rs.100/- currency notes. The Chemical Test was conducted on his hands.

26. P.W.16-Sivamurthy, who was working at Ooty as Deputy Superintendent of Police, took over the investigation of this case on 03.04.2004 and sent the case properties to the court and issued a requisition letter-Ex.P18 to the Court and took steps for sending the same to Forensic Science Department for analysis. On 03.03.2005, he recorded the evidence of the accused and sent the Investigation Report dated 16.03.2004 to the Vigilance and Anti-Corruption, Chennai.

27. P.W.17-Kanagarajan deposed that while he was working as Inspector of Police, Vigilance and Anti Corruption, Ooty, on 02.07.2007 at about 9.00 a.m., P.W.2-defacto complainant came to the office and gave a complaint. On receipt of the complaint, he sent requisition letters for arranging the official witnesses and registered the First Information Report in Crime No.2/2004 for the offence under Section 7 of the Prevention of Corruption Act after investigation that he has received Rs.300/- from P.W.2. He noted the numbers of the currencies, arranged for the Phenolphthalein Test, and instructed P.W.2 to hand over the said amount only on demand by the appellant/accused. After the signal, he went along with the police party, inquired about the accused, and arrested him for the receipt of Rs.300/- as a bribe.

28. P.W.18-Raman, who had taken charge as Deputy Superintendent of Police, Ooty, on 2.05.2005, had taken the investigation of the case in Crime No.2/2004, which was filed by the then Deputy Superintendent of Police, Ooty viz., P.W.16-Sivamurthy. He has obtained sanction from P.W.1-Dhanamjeyan, the Head of the Tamil Nadu Registration Department, for registering the case as against the respondent/accused and recorded the

evidence of P.W.1 on 17.01.2006 and after examination of documents and conclusion of investigation, filed Final Report as against the accused on 16.02.2006 under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988.

29. A perusal of the judgement rendered by the trial Court would disclose that, the trial Court had treated PW3 as hostile (partially) since he being a witness to the recovery mahazar and decoy witness, had stated that he does not remember from whom the blank paper containing the signature of P.W.2 was recovered while affirming that it was not recovered from the accused. The trial Court has also observed that P.W.3 has not spoken anything about the trap procedure and the preparation of the phenolphthalein solution after the recovery of money from the accused.

30. Further, the trial Court, while analysing whether there was a demand of Rs.300/-, referred to the evidence regarding the demand. Before the trial court, P.W.2 had stated that when he asked the Registrar for return of the document, the Registrar instructed him to contact the accused, however, P.W.14-Mani, the Advocate Clerk, examined by the prosecution,

deposed that P.W2-Babu was not aware of anything and he had just accompanied him. P.W.14 further deposed that when he had asked the Sub Registrar to return the document registered, he thought that it was a house site and refused to return it for the purpose of assessing the guideline value and also for inspecting the site. He also deposed that after valuation, they were asked to pay Rs.300/- as the balance. P.W.6 -Joint Sub Registrar at the office of the Registrar also stated that the document would be released only if the balance amount was paid. The trial court also found that the respondent/accused did not refuse to return the document.

31. Furthermore, P.W.3, the decoy witness, who partially turned hostile, deposed that he was not aware as to whether the respondent/accused worked in the Registrar's office or was a document writer, and he did not remember the nature of his work. The trial court also considered the material contradictions in the evidence of P.Ws.3 and P.W.4 regarding the trap proceedings and the phenolphthalein test conducted during and after the trap. Additionally, the trial court found that P.W.6-Joint Sub Registrar, who is neither a party to the document nor a witness to the document, did not give any authorization for taking back the document from his office.

32. Further, from the evidence of P.W.1, the trial Court had also found that the sanction accorded to prosecute the respondent/accused was without application of mind since P.W.1-Dhananjeyam had categorically stated that the respondent/accused was not authorised either to return the document or value the property and he was also not aware that to whom the document should be returned and thereby, the sanction itself was bad.

33. The trial Court, having found that P.W.3 has not stated about the designation of the respondent/accused in the office and that he had not clearly spoken about the demand made by the respondent/accused, disbelieved the prosecution case. On analysing the above evidence, the trial Court, having found that the prosecution has not proved the demand of money by independent witness beyond all reasonable doubts, had acquitted the accused.

34.The trial court also considered the evidence of P.W.17, the Trap Laying Officer, regarding Ex.P19-First Information Report registered by him and Ex.P20-rough sketch. In the rough sketch he had mentioned the office space as 15' x 20', whereas P.W.6-Joint Registrar, in his evidence he had deposed that the office space was 8' x 5', and there were four persons working, including him. It is further seen that the respondent/accused had no power to value the property and after registration, the document would be only in the custody of the Registrar and P.W.14-Mani, the Advocate Clerk, had obtained Ex.P2, a blank paper containing the signature of P.W.2 The trial Court, finding the contradictions in the evidence of P.W.17 and P.W.6, and also taking into consideration the non examination of independent witnesses, who were present at the time of trap, had concluded that the prosecution has not proved the foundational facts and thereby, the presumption under Section 20 of the Prevention of Corruption Act does not arise. In the case of ***Vijayakumar v. State of Tamil Nadu***, as referred supra, the Hon'ble Apex Court, citing earlier judgments such as *C.M. Girish Babu v. CBI, Cochin, High Court of Kerala(*(2009) 3 SCC 779), and *B. Jayaraj v. State of Andhra Pradesh(*(2014) 13 SCC 55), held that the mere recovery of bribe money, by itself, cannot prove the charge. While considering the case under Sections 7, 13(1)(d)(i) and (ii) of the Prevention of Corruption Act, 1988, to establish the charge, it must be proved beyond a reasonable doubt that the accused voluntarily accepted the money, knowing it to be a bribe. In the absence of proof of demand for illegal gratification and mere possession or recovery of bribe money is not sufficient to constitute such offence. The court also emphasized that the presumption under Section 20 of the Act can be drawn only after the demand and acceptance of illegal gratification is proven. It is also fairly well settled that initial presumption of innocence in the criminal jurisprudence gets doubled by acquittal recorded by the trial court.

35. The trial Court taking into consideration the huge delay in lodging the complaint viz.,when the registration was done on 28.05.2004 and the demand was alleged to have been made on 25.06.2004, the complaint was lodged belatedly on 02.07.2004 and as per the evidence of P.W.6, Joint Sub Registrar, the stamp duty was fixed on the document only on 12.07.2004 and considering all of these aspects the trial Court had rightly acquitted the respondent/accused.

36. The trial Court had distinct advantage of observing the demeanour of the witnesses directly. Unless the conclusions and findings reached by the trial court are found to be palpably wrong or based on erroneous view of the law and evidence or if such conclusions are perverse and if allowed to

stand, they are likely to result in grave injustice, this appellate Court would be fully justified in interfering with such conclusions. Thus, the law on this issue can be summarised to the effect that in exceptional cases where there are compelling circumstances and the judgment under appeal is found to be perverse, the appellate Court can interfere with the judgement of acquittal. The appellate Court should bear in mind the presumption of innocence of the accused and further the analysis of evidence by the trial court's acquittal bolsters the presumption of his innocence. Interference in a routine manner, where the other view is possible, should be avoided, unless there are valid reasons for interference.

37. In this case, as analysed above, the trial Court had, by pointing out several infirmities and assigning valid and categorical reasons, held that the prosecution had not proved the case against the respondent/A1 and as such, this Court finds no justifiable reason to interfere with the impugned judgment of acquittal. The trial Court, in the opinion of this Court, has not committed any error or illegality or misread the evidence available on record warranting interference of this Court with the impugned judgment of acquittal.

38. In the result, this criminal appeal is dismissed confirming the impugned judgment of acquittal made in Spl.C.C.No.6/2015 dated 20.04.2016 by the Assistant Sessions Judge, Udhagamandalam.

01.11.2023

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To :

1.The Assistant Sessions Judge,
Udhagamandalam.

2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
The Nilgiris Detachment.

3.The Public Prosecutor,
High Court, Madras.

A.D.JAGADISH CHANDIRA,J.

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Crl.A.No.849 of 2016

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