2026:JHHC:32727

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 680 of 2005

S. Raman, Son of Sri. Ramanuj Prasad, R/o-2B/20 Gandhi Nagar, P.S.-Gonda, Dist.-Ranchi **... .... Appellant**

Versus

Central Bureau of Investigation through its S.P., Ranchi
.... Respondent

For the Appellant : Mr. Jitendra S. Singh, Sr. Advocate
Mr. Saurabh Shekhar, Advocate
Mr. Anurag Kumar, Advocate
Mr. Dhruva Kumar, Advocate

For the Resp.-C.B.I. : Mr. Prashant Pallav, A.S.G.I.
Ms. Kaushiki Sandwar, AC to ASGI

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

JUDGMENT

C.A.V. on 31.08.2026 **Pronounced on 06/11/2026**

1. Heard the arguments of learned Sr. counsel for the appellant and learned A.S.G.I. appearing on behalf of the C.B.I.

2. The instant criminal appeal has been preferred by the above named sole appellant challenging his conviction and sentence for the offence under Sections 7 & 13(1) read with Section 13(2) of the Prevention of Corruption Act, 1988 in R.C. Case No. 13A of 1995 (R) passed by the learned Special Judge, CBI, Ranchi vide its Judgment and order dated 30th May, 2005 whereby and whereunder, the appellant has been directed to undergo R.I. for two years with a fine of Rs. 10,000/- with default stipulation for the offence under Section 7 of P.C. Act; further directed to undergo R.I. for one year with a fine of Rs. 5,000/- with default stipulation for the offence under Section 13(2) of the P.C. Act. All the sentences were directed to run, concurrently.

Factual Matrix:-

3. The factual matrix giving rise to this appeal is that the informant Shri Subrato Mukherjee, Propritor of M. S. Elsias Sales Company, Kanke Road, Ranchi lodged a written complaint before the S.P., C.B.I., Ranchi stating *inter alia* therein that firm of the informant had supplied certain electrical items to the E&M Department of C. C. L., Ranchi against rate contract in the year 1991-92 and submitted bills thereof in the office of the Dy. Chief Engineer (E & M), C. C. L. for payment. It is further alleged that the informant got information by the office of the Dy. Chief Engineer, E & M, C. C. L. that the bill submitted by the informant were misplaced as such the informant was directed to submit duplicate bills. Thereafter the informant submitted duplicate bills with a certificate of non-payment and after submission of the duplicate bills, the payment of the informant was not realized, then, the informant contacted Shri S. Raman, Senior Executive, E & M in-charge, Dy. Chief Engineer, E & M, C. C. L., Darbhanga House, Ranchi to get the bills realized, still the bills were not passed due to some reasons. Then, the informant again met Shri Raman on 21.05.1995 at his residence and requested him for payment of bills, upon this, the appellant told the informant that he has seen the pending bill of the informant and stated that out of the total pending bills, initially he will initiate payment against one set consisting of 7 bills

amounting to Rs. 11,600/- approximately for processing the same, demanded Rs. 1500/- and told to come to his residence with a sum of Rs. 1500/- on 23.05.1995 at about 7.00 P.M.

4. The informant was not willing to pay the bribe hence, he approached the S.P., C. B.I., Ranchi to take necessary action against the appellant and filed a complaint.

5. After receipt of the written complaint, S. P., C. B.I., SPE, Ranchi directed Shri N. Jha, Dy. S. P. to verify the allegation made in the complaint. Shri N. Jha, Dy. S. P. interrogated the complainant Shri Subrato Mukherjee and found the allegation prima facie to be true. Thereafter a case being R. C. Case No. 13(A)/95 (R) was registered on 23.05.1995 under Section 7 of the Prevention of Corruption Act, 1988 and investigation of the same allegation was entrusted to Shri N. Jha, Dy. S. P., C. B.I., Ranchi.

6. Accordingly, to apprehend the appellant red-handed while demand and accepting the bribe from the complainant, the I.O. constituted a trap team including two independent witnesses namely Shri Nand Kumar Gupta, Inspector, Central Excise Department and Shri E. Sanga, Inspector, Income Tax Department and other C. B.I. Personnels. All the members of the trap team and the complainant Subrato Mukherjee assembled in the office of Dy. S. P., C.B.I., Ranchi at about 5.00 P.M. of 23.05.1995. Shri N. Jha, Dy. S. P. introduced everybody with each other and explained the purpose of the assemblages

and the complaint lodged by the informant Subrato Mukherjee was explained to both the independent witnesses who went through the same. Thereafter Dy. S. P. Shri N. Jha explained the procedure of laying the trap to all present. The use of Phenolphthalein Powder during the trap was also explained verbally as well as through a practical demonstration along with reaction of phenolphthalein powder with the solution of the sodium carbonate. Shri Subrato Mukherjee produced 15 number of denominations of 100 rupees and the number of G.C. Notes were recorded in the pre trap memorandum and the said note was properly treated with phenolphthalein powder and the same was given back to Shri Subrato Mukherjee with a direction to keep the same and to hand over the accused on his demand as bribe. Shri Subrato Mukherjee kept the tainted G.C. notes in pocket of his shirt. After completing the formalities of the trap and preparation of the pre trap memorandum, they left C.B.I. office at about 7.00 P.M. in two vehicles for the residence of accused S. Raman at Gandhi Nagar and reached their at about 7.15 P.M. The trap team of the C.B.I. caught hold the accused Shri S. Raman while taking bribe of Rs. 1500/- on 23.05.1995 and the same was allegedly recovered from the possession of the accused which were tallied with pre trap memorandum and his hands were dipped in the solution which turned pink and after completing the post-trap formalities, the appellant was arrested.

7. After completion of investigation, charge sheet was submitted against the accused for the offence under section 7 & 13 (2) r/w 13 (1) (d) of the P.C. Act 1988 and accordingly, cognizance of the offence was taken vide order dated 26.03.1996. The accused pleaded not guilty and claimed to be tried.

8. In order to substantiate the charges leveled against the appellant, the prosecution has examined altogether (twelve) 12 witnesses:-

P.W.-1	Subrato Mukherjee (Complainant)
P.W.-2	Nand Kishore Gupta
P.W.-3	Ashok Kumar Bandhopadhy
P.W.-4	Eman Sanga
P.W.-5	Shaibal Kumar Das
P.W.-6	Basant Kumar Manjhi
P.W.-7	S.M. Chaudhary
P.W.-8	Gautam Biswas
P.W.-9	Binod Kumar
P.W.-10	Prasanjeet Kumar Sengupta
P.W.-11	Bimlendra Das
P.W.-12	Narayan Jah

9. Apart from oral testimony of the witnesses, the prosecution has adduced following documentary evidence:-

Ext.-1 to 12 series are Supply of Orders at different dates and their duplicates bills/bills and their challans

Ext.-13 is forwarding letter

Ext.-14 to 14/4 are pre-trap memorandum

Ext.-14 to 15 series of signature and endorsement of complainant and other witnesses on memorandum, envelope and material exhibits.

Ext.-16 to 16-B are office notes in two sheets.

Ext.-17-Sanction Order

Ext.-18 Notice dated 12.03.1995

Ext.-19 is letter No. CTM(01)/95/22095 Dt. 22.02.1995

Ext.-20 to 20/2 series are office note and signature of witnesses

Ext.-21 Report of Forensic Science Laboratory

Ext.-22 Forwarding Letter

Ext.-23 to 23/3 are signatruer of witnesses on four letters

Ext.-24 and 24/1 are verification report and endorsement upon verification report

Ext.-25 is formal F.I.R.

Ext.-26 is pre-trap memorandum

Ext.-27 is memorandum of recovery

Ext.-28 to 28/2 are copies of seizure list.

10. The prosecution has also examined following material exhibits:-

M. Ext.-'I' series to 'X' are bottle, sealed envelope, G.C. Notes and T-shirt and signatures of complainant on bottle, envelope.

11. On the other hand, no oral evidence has been adduced on behalf of the defence, apart from following documentary evidence:-

Ext.-A to A/1 Note sheet with signature of the appellant

Ext. –A/2 Extra Copy of receipt of same documents/bills

12. The learned trial Court after evaluating the oral as well as documentary evidence along with material exhibits relied upon by the prosecution arrived at definite findings of guilt of the appellant for the offence as stated above which has been assailed in this appeal.

Submissions on behalf of appellant: -

13. Assailing the impugned judgment of conviction and sentence of the appellant, learned Sr. counsel for the appellant has vehemently argued and raised following grounds:-

- It is submitted that complainant who is the author of the written complaint and sole witness to the alleged demand, in his examination-in-chief has stated that whatever was stated in the complaint was not true. Therefore, the complainant has been declared hostile. In his cross-examination, he has further admitted that he has not stated before the C.B.I. that the appellant had demanded Rs. 1500/- but the complainant had brought "as per his wish" and he had not handed over the same in the hands of the appellant. Therefore, the version of the complainant himself demolished the case of the prosecution which disowns the very genesis and foundation of the charge under Section 7 of the P.C. Act.
- It is further submitted that neither of the two independent witnesses examined by the prosecution have deposed about any conversation of demand having taken place between the complainant and the appellant and P.W.-2 confined his testimony to the effect that he had seen only the complainant giving money at the Varandah.
- It is further submitted that in trap cases, the evidence of shadow witnesses plays a pivotal role to demonstrate the demand and the complete absence of such evidence by the shadow leads no reality in the allegation of demand by the

appellant where the complainant has also been declared hostile.

- Learned counsel for the appellant has further submitted that in view of the above grounds and in the light of settled law of the Hon'ble Supreme Court in the case of K. Shanthamma Vs. State of Telangana that proof of demand is the sine qua non of an offence under Section 7 and 13(2) of P.C. Act as well as the fact that there was no occasion for any demand as the bills stood already processed, the impugned judgment of conviction and order of sentence is not sustainable in the eye of law which is liable to be set aside.

Submissions on behalf of the CBI

14. On the other hand, learned A.S.G.I. controverting the aforesaid contentions raised on behalf of the appellant has submitted that the learned trial Court has very wisely and aptly considered the vital aspects of the case, scrutinized and appreciated the evidence of witnesses, pre-trap and post-trap proceedings, material exhibits and arrived at right conclusion that the prosecution has proved the charges leveled against the accused beyond all reasonable doubt. It is also settled law that if the demand and acceptance of illegal gratification has been proved by the prosecution even through holding trap, the presumption under Section 20 of the P.C. Act can be invoked to the effect that illegal gratification was demanded and accepted as a motive or reward as contemplated under

Section 7 of the P.C. Act. The defence has miserably failed to rebut the aforesaid presumption invoked against the appellant. Therefore, there is no illegality or infirmity in the impugned judgment of conviction and sentence of the appellant and no merits in this appeal which is fit to be dismissed.

Analysis, reasons and decision:

15. I have gone through the record of case along with impugned judgment in the light of contentions raised on behalf of respective parties.

16. The only point for determination in this appeal is "as to whether the impugned judgment of conviction and sentence of the appellant suffers from any error of law, which requires any interference in this appeal?"

17. Before imparting my verdict on the above point, it is pertinent to take brief resume of the evidence available on record for proper adjudication.

P.W.1 Subarto Mukherjee is the complainant of this case who has been declared hostile by the prosecution. According to this witness, when the post-trap team reached at the place of occurrence, the complainant rang the bell of the door of the appellant, **upon this, the appellant opened the gate and told to sit on a steel chair. Further, this witness deposed that after sitting, both the them exchanged wishes to each other and the complainant told the appellant that**

complainant is in trouble and in urgent need of money and requested the appellant to pass the bills. Upon this, the appellant replied that he has already told the complainant that he will first forward first set of bills. Thereafter, the complainant said that anyhow please pass the bills and the complainant brought out the G.C. Notes and keep the same in the pocket of appellant and gave signal, upon this, the raiding party rushed and disclosed the identity being C.B.I. Officials.

From the deposition of the complainant, it appears that there was no demand made by the appellant rather the complainant himself put the G.C. Notes in the pocket of the appellant without any demand.

In his cross-examination, this witness has expressed no knowledge during recording of statement before the I.O. (Sri N. Jha) that **appellant had enquired about the money which he had asked for from the complainant and would pass the bills of the complainant only on payment of bribe money of Rs. 1500/-.** This witness has also expressed no knowledge before the I.O. that **as per the demand of the appellant, the complainant has brought the bribe money.** This witness has himself given a contradictory statement in his deposition by saying on the one hand that he had kept the money in the pocket of the appellant and on the other hand, he admits that he has given the money in the hands of the appellant who counted the same and kept in his pocket.

P.W.2 Nand Kumar Gupta and **P.W.-4 E. Sanga** are the independent witnesses-cum-members of raiding party and have witnessed the pre-trap proceeding and the post-trap proceedings who have deposed that complainant rang the bell of the door and entered and this witness along with Narayan Jha got position at the door which was half-opened and were able to see Verahnda where both the complainant and accused were sitting and both of them were talking about bill clearance and appellant demanded money, then, complainant gave the same in the right hand of the appellant and the same were counted and kept in the left pocket of T-shirt and by coughing gave signal, all the raiding party reached there and challenged the appellant for having demanded bribe, upon, this the appellant got nervous and after completing post-trap proceedings like washing hands leading to reaction of solution, sealing, preparing seizure list and other further formalities. Narayan Jha arrested the appellant.

Thus neither of two independent (Shadow) witnesses i.e. P.W.-2 and P.W.-4 had deposed any conversation of demand having been made by the appellant.

P.W.3 Ashok Kumar Bandopadhyay is also an employee of CCL who has proved the supply order made by the firm of the complainant on different dates through different bills received by the employee of the C.C.L**.**

P.W.5 Shaibal Kr. Das is the formal witness who has proved the sanction order stating that he had typed the same on the dictation of R.K. Sen, C.M.C. who has also put his signature which this witness identifies.

P.W.6 Basant Kumar Manjhi is also an employee of the C.C.L who has deposed that appellant was the competent authority to pass the bills and bills were passed after the raid of C.B.I.

In his cross-examination, this witness admits that the bills of the complainant were in process of payment and the bills which were submitted by the complainant was not attached with the required documents and that was the reason for keeping the bills in process. This witness further admits that the appellant had processed the bills with no objection but the same got returned and appellant pass the same on Sri Satish Prahasan and accordingly the bill was pending before Sri Prahasan.

P.W.7 S. M. Choudhary and **P.W.-9 Binod Kumar** are the employees of the C.C.L who have deposed that the bills of **1991-92 were pending and also found that there were lack of information, then , P.W.-7 advised that after linking up the previous challans and supply order and after approval of competent authority, the payment should be made and due to old bills, the same were also required to be approved by the C.G.M.**

P.W.8 Gautam Biswas, employee of the C.C.L. has deposed that has proved the claim letter given by the complainant for his pending bills which was endorsed by the appellant and this witness was directed by the appellant to put up the bills before the appellant after examination of the challan and after scrutinizing the same, a note sheet was prepared by this witness and endorsed to Executive Engineer (E&M) Maintenance and Executive Engineer marked the appellant.

P.W.10 Prasanjeet Kumar Sengupta, the then Chairman-cum-Managing Director Coal India Ltd. has accorded sanction order.

In his cross-examination, he has stated that he did not remember that the steno had noted down his dictation in long or short-hand and this witness accorded the sanction without making any enquiry by himself.

P.W.-11 Bimlendra Das was posted as Junior Scientific Officer, Central Forensic Sc. Laboratory (C.F.S.L) and this witness was marked for chemical reaction and report thereof by the Director, C.F.S.L.

P.W.-12 Narayan Jha, Dy. S.P. C.B.I. Ranchi is the verifying officer of the complaint. This witness has stated that he had verified the allegation by interrogating the complainant only and submitted verification report dated 23.05.1995 to S.P., C.B.I., Ranchi. He has further deposed

regarding formalities which were completed in the pre-trap demonstration and has further deposed that the appellant had enquired from the complainant as to where the complainant had brought Rs. 1500 as demanded. Complainant replied in affirmative and the complainant took out the tainted G.C. Notes and paid the same to appellant in the right hand and by counting, the appellant kept the same in upper left pocket of this Tshirt. He further states that the conversation was overheard and seen by this witness as well as Sri N.K. Gupta.

In his cross-examination, this witness admits that he did not remember whether he has seen the pending bill during verification or before verification. Further, in para 53, he admits that he was not a witness to the incident.

18. Before adverting to evaluate the aforesaid evidence available on record, it appears pertinent to extract the relevant provisions of the Prevention of Corruption Act, 1988.

(Prior to Amendment in the year 2018)

"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.

Explanations —(a) "Expecting to be a public servant". If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

(b) "Gratification". The word "gratification" is not restricted to pecuniary gratifications or to gratifications estimable in money.

(c) "Legal remuneration". The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government or the organisation, which he serves, to accept.

(d) "A motive or reward for doing". A person who receives a gratification as a motive or reward for doing what he does not intend or is not in a position to do, or has not done, comes within this expression.

(e) Where a public servant induces a person erroneously to believe that his influence with the Government has obtained a title for that person and thus induces that person to give the public servant, money or any other gratification as a reward for this service, the public servant has committed an offence under this section."

"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;

(e)……..

Explanation:- ……

(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."

19. It is also pertinent to mention relevant judgments of Hon'ble Supreme Court of India. The Apex Court in the matter of **K. Shanthamma Vs. State of Telangana**, [(2022) 4 SCC 574] and **Neeraj Dutta Vs. State (Govt. of NCT of Delhi) [**(2023) 4 SCC 731] has held that for recording conviction under Sections 7, 13(1)(d)(i) and (ii), the prosecution has to first prove the demand and acceptance of illegal gratification.

20. The relevant paragraph number 11 of **K. Shanthamma (Supra)** is reproduced as hereunder:-

11. In P. Satyanarayana Murthy v. State of A.P. [P. Satyanarayana Murthy v. State of A.P., (2015) 10 SCC 152 : (2016) 1 SCC (Cri) 11] , this Court has summarised the well-settled law on the subject in para 23 which reads thus : (SCC p. 159)

"23. The proof of demand of illegal gratification, thus, is the gravamen of the offence under Sections 7 and 13(1)(d)(i) and (ii) of the Act and in absence thereof, unmistakably the charge therefor, would fail. Mere acceptance of any amount allegedly by way of illegal gratification or recovery thereof, dehors the proof of demand, ipso facto, would thus not be sufficient to bring home the charge under these two sections of the Act. As a corollary, failure of the prosecution to prove

the demand for illegal gratification would be fatal and mere recovery of the amount from the person accused of the offence under Section 7 or 13 of the Act would not entail his conviction thereunder."

21. Similarly, the relevant paragraph number 88 of **Neeraj Dutta (supra)** is reproduced as hereunder:-

*"**88.** What emerges from the aforesaid discussion is summarised as under:*

***88.1.** (a) Proof of demand and acceptance of illegal gratification by a public servant as a fact in issue by the prosecution is a sine qua non in order to establish the guilt of the accused public servant under Sections 7 and 13(1)(d)(i) and (ii) of the Act.*

***88.2.** (b) In order to bring home the guilt of the accused, the prosecution has to first prove the demand of illegal gratification and the subsequent acceptance as a matter of fact. This fact in issue can be proved either by direct evidence which can be in the nature of oral evidence or documentary evidence.*

***88.3.** (c) Further, the fact in issue, namely, the proof of demand and acceptance of illegal gratification can also be proved by circumstantial evidence in the absence of direct oral and documentary evidence.*

***88.4.** (d) In order to prove the fact in issue, namely, the demand and acceptance of illegal gratification by the public servant, the following aspects have to be borne in mind:*

(i) if there is an offer to pay by the bribe-giver without there being any demand from the public servant and the latter simply accepts the offer and receives the illegal gratification, it is a case of acceptance as per Section 7 of the Act. In such a case, there need not be a prior demand by the public servant.

(ii) On the other hand, if the public servant makes a demand and the bribe-giver accepts the demand and tenders the demanded gratification which in turn is received by the public servant, it is a case of obtainment. In the case of obtainment, the prior demand for illegal gratification emanates from the public servant. This is an offence under Sections 13(1)(d)(i) and (ii) of the Act.

(iii) In both cases of (i) and (ii) above, the offer by the bribe-giver and the demand by the public servant respectively have to be proved by the prosecution as a fact in issue. In other words, mere acceptance or receipt of an illegal gratification without anything more would not make it an offence under Section 7 or Sections 13(1)(d)(i) and (ii), respectively of the Act. Therefore, under Section 7 of the Act, in order to bring home the offence, there must be an offer which emanates from the bribe-giver which is accepted by the public servant which would make it an offence. Similarly, a prior demand by the public servant when accepted by the bribe-giver and in turn there is a payment made which is received by the public servant, would be an offence of obtainment under Sections 13(1)(d)(i) and (ii) of the Act.

88.5. *(e) The presumption of fact with regard to the demand and acceptance or obtainment of an illegal gratification may be made by a court of law by way of an inference only when the foundational facts have been proved by relevant oral and documentary evidence and not in the absence thereof. On the basis of the material on record, the court has the discretion to raise a presumption of fact while considering whether the fact of demand has been proved by the prosecution or not. Of course, a presumption of fact is subject to rebuttal by the accused and in the absence of rebuttal presumption stands.*

> ***88.6.*** *(f) In the event the complainant turns "hostile", or has died or is unavailable to let in his evidence during trial, demand of illegal gratification can be proved by letting in the evidence of any other witness who can again let in evidence, either orally or by documentary evidence or the prosecution can prove the case by circumstantial evidence. The trial does not abate nor does it result in an order of acquittal of the accused public servant.*
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> ***88.7.*** *(g) Insofar as Section 7 of the Act is concerned, on the proof of the facts in issue, Section 20 mandates the court to raise a presumption that the illegal gratification was for the purpose of a motive or reward as mentioned in the said Section. The said presumption has to be raised by the court as a legal presumption or a presumption in law. Of course, the said presumption is also subject to rebuttal. Section 20 does not apply to Sections 13(1)(d)(i) and (ii) of the Act.*
>
> ***88.8.*** *(h) We clarify that the presumption in law under Section 20 of the Act is distinct from presumption of fact referred to above in sub-para 88.5(e), above, as the former is a mandatory presumption while the latter is discretionary in nature."*

22. In the instant case, the evidence of witnesses as discussed above especially the evidence of P.W.-1, P.W.-2 and P.W.-4 reveals that the bills of the complainant were pending for payment before the appellant and the same was pending becuase the appellant had demanded illegal gratification from the complainant as alleged but the true story which comes out from the perusal of the testimony of the above witnesses that the bills were pending due to being old one and non-compliance of required documents to be attached with the bills. It further appears that as per the complaint, the C.B.I.

officers acted upon it and laid a pre-trap plan to catch the appellant red-handed and accordingly prost-trap proceedings were completed and appellant was arrested but the main motive of pre-trap demonstration lacked in post-trap proceeding i.e. "demand of any illegal gratification by the appellant". From the evidence of witnesses as discussed above, it goes to reveal that shadow witnesses who were deputed to overhear and see the post-trap proceedings between the appellant and the complainant lacks in stating the fact as to whether the G.C. Notes were given to the appellant on the demand of the appellant or not rather the shadow witnesses stated that they have seen the complainant giving the G.C. Notes but whether any demand especially for clearing the bills of the complainant was made or not is not clear from the version of the shadow witness. Moreover, the story of the prosecution has already been falsified by the version of the complainant that after reaching at the place of occurrence, the complainant rang the bell of the door of the appellant, upon this, the appellant opened the gate and told to sit in a steel chair, both of them exchanged wishes to each other and the complainant told the appellant that complainant is in trouble and in urgent need of money and requested the appellant to pass the bills. Upon this, the appellant replied that he has already told the complainant that he would first forward first set of bills. Thereafter, the

complainant said that anyhow please pass the bills and the complainant brought out the G.C. Notes and kept the same in to the pocket of the appellant and gave signal and the above version of the complainant goes to show that there was no demand on the part of the appellant and the complainant himself put the money in his pocket and on signal, the raiding party reached and arrested the appellant.

23. The Hon'ble Supreme Court of India in the case of **P. Satyanarayana Murthy Vs. District Inspector of Police, State of A.P. and Anr.** reported in (2015) 10 SCC 152 has held in para 22 and 23 **that mere possession and recovery of currency notes from an accused without proof of demand would not establish an offence under Section 7 as well as Section 13(1)(d)(i) and (ii) of the Act.** Para 22 and 23 are reproduced hereunder for ready reference:-

> *"22. In a recent enunciation by this Court to discern the imperative prerequisites of Sections 7 and 13 of the Act, it has been underlined in B. Jayaraj [B. Jayaraj v. State of A.P., (2014) 13 SCC 55 : (2014) 5 SCC (Cri) 543] in unequivocal terms, that mere possession and recovery of currency notes from an accused without proof of demand would not establish an offence under Section 7 as well as Sections 13(1)(d)(i) and (ii) of the Act. It has been propounded that 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 proved. The proof of demand, thus, has been held to be an indispensable essentiality and of permeating mandate for an offence under Sections 7 and 13*

of the Act. Qua Section 20 of the Act, which permits a presumption as envisaged therein, it has been held that while it is extendable only to an offence under Section 7 and not to those under Sections 13(1)(d)(i) and (ii) of the Act, it is contingent as well on the proof of acceptance of illegal gratification for doing or forbearing to do any official act. Such proof of acceptance of illegal gratification, it was emphasised, could follow only if there was proof of demand. Axiomatically, it was held that in absence of proof of demand, such legal presumption under Section 20 of the Act would also not arise.

23. The proof of demand of illegal gratification, thus, is the gravamen of the offence under Sections 7 and 13(1)(d)(i) and (ii) of the Act and in absence thereof, unmistakably the charge therefor, would fail. Mere acceptance of any amount allegedly by way of illegal gratification or recovery thereof, dehors the proof of demand, ipso facto, would thus not be sufficient to bring home the charge under these two sections of the Act. As a corollary, failure of the prosecution to provethe demand for illegal gratification would be fatal and mere recovery of the amount from the person accused of the offence under Section 7 or 13 of the Act would not entail his conviction thereunder." (Emphasis Supplied)"

24. Therefore, there is complete absence of any demand of bribe made by the accused and its acceptance as alleged by the complainant.

25. In the above factual background, the ingredients of either offence under Section 7 & 13 (1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 is absolutely not attracted against the appellant. The learned trial Court has believed the testimony of the witnesses only on conjecturing

and the observations of the learned trial Court are absolutely beyond the record. The totality of circumstances as proved by the prosecution clearly proves the innocence of the appellant.

26. In view of the above discussions and reasons, I find substance in the above points of argument raised on behalf of the appellant and merits in this appeal. Accordingly, impugned judgment of conviction and order of sentence of the appellant is hereby **set aside** and he is acquitted from the charges leveled against him.

27. The appellant is on bail, hence, he is discharged from the liabilities of bail bond. Sureties are also discharged.

28. In result, **this appeal is allowed.**

29. Pending I.A(s), if any, is also disposed of, accordingly.

30. Let a copy of this judgment along with Trial Court Records be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi
Dated: 06/11/2026
Basant / **NAFR**
Uploaded On: 06/11/2026