HC-KAR

NC: 2026:KHC:59992
CRL.A No. 351 of 2014

CNR: KAHC010192792014

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 28TH DAY OF OCTOBER, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA**

**CRIMINAL APPEAL NO. 351 OF 2014 (A)**

**BETWEEN:**

1. STATE BY LOKAYUKTHA POLICE MANDYA
REP/BY SPL. PUBLIC PROSECUTOR
FOR LOKAYUKTA, HIGH COURT BENCH,
BANGALORE - 560001.

...APPELLANT

(BY SRI. VENKATESH S ARBATTI, SPL PP.,)

**AND:**

1. JAMEEL AHAMAD
S/O LATE GULAM AHAMAD
AGE: MAJOR,
SENIOR MOTOR VEHICLE INSPECTOR,
RTO OFFICE, BELGAUM,
DEPUTATION TO ARTO OFFICE,
NAGAMANGALA, DIST: MANDYA-570401.

...RESPONDENT

(BY SRI. T I ABDULLA.,ADVOCATE)

Digitally signed by
LAKSHMINARAYAN N
Location: High Court
of Karnataka

CRL.A. FILED U/S.378(4) CR.P.C BY THE SPL.P.P. FOR THE STATE PRAYING THAT THIS HON'BLE COURT MAY BE PLEASED TO SET ASIDE THE ORDER DATED:22.8.13 PASSED BY THE PRL. SPECIAL JUDGE, MANDYA IN SPL.CASE NO.40/2009 - ACQUITTING THE RESPONDENT/ACCUSED FOR THE OFFENCE P/U/S 7 OF THE PREVENTION OF CORRUPTION ACT 1988 AND U/S 13(2) OF THE PREVENTION OF CORRUPTION ACT 1988.

THIS APPEAL, COMING ON FOR FURTHER ARGUMENTS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CNR: KAHC010192792014

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

**ORAL JUDGMENT**

1. The Lokayukta has preferred this appeal against the judgment of acquittal dated 22.08.2013 passed in Spl.C.No.40/2009 by the Principal Special Judge, Mandya (for short, 'the trial Court').

2. For the sake of convenience, the parties herein are referred to as per their status before the trial Court.

3. Brief facts leading to this appeal are that, the Inspector of Police, Karnataka Lokayukta, Mandya District, Mandya laid charge sheet against the accused for the offence under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988. It is alleged by the prosecution that, the accused being the Senior Inspector of Motor Vehicles in the office of Assistant Regional Transport Office, Belgaum, on deputation to ARTO Nagamangala, had demanded an amount of Rs.4,500/- to give valuation report of the vehicle, on 08.01.2008 between 2.00 pm and

2.30 pm, had informed CW1 to put the bribe amount on table and same was seized under Trap Mahazar. Thus, the accused has committed the offence punishable under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988.

4. After filing the charge sheet, case was registered in Spl.C.No.40/2009. Accused appeared before the Trial Court and enlarged on bail. Having heard the arguments on both sides, the trial Court framed the charges against the accused for the commission of alleged offences. Same was read over and explained to the accused. Having understood the same, accused pleaded not guilty and claimed to be tried.

5. To prove the case of the prosecution, 7 witnesses were examined as PWs.1 to 7; 25 documents were marked as Exs.P1 to P25 and 8 material objects were marked as Mos.1 to 8. On closure of prosecution side evidence, statement under Section 313 of Cr.P.C. was recorded.

Accused has totally denied the evidence of prosecution witnesses and he has not adduced any oral evidence. However, 14 documents were marked as Exs.D1 to D14 during the course of cross-examination of PWs.1 and 4.

6. Having heard the arguments on both sides, the trial Court has acquitted the accused. Being aggrieved by the judgment of acquittal, the Karnataka Lokayukta has preferred this appeal.

7. The learned counsel for the appellant, Sri. Venkatesh Arabatti, would submit that the impugned judgment and order of acquittal passed by the trial Court in Special Case No.40/2009 is not sustainable in law and facts and is liable to be set aside. The trial Court has failed to appreciate the case of the prosecution with established ingredients in proof of charges levelled against the accused. The trial Court has grossly erred in acquitting the respondent only on the ground that his hand washed with Sodium Carbonate Solution did not show any chemical change, but

ought to have appreciated the fact that accused had directed the complainant to keep the bribe amount in front of the table only on demand by the respondent. PW1 has kept the amount on the table. The trial Court has failed to appreciate the fact that PW2-shadow witness has fully supported the case of the prosecution. The learned Special Judge should have convicted the respondent on the ground that complainant version is corroborated with unimpeachable and independent evidence on record. The trial Court has not properly appreciated the evidence on record in the light of human probabilities and same has resulted in miscarriage of justice. On all these grounds, it is sought for allowing the appeal.

8. The learned counsel for the respondent would submit that, the trial Court has properly appreciated the evidence on record in accordance with law and facts. Absolutely, there are no grounds to interfere with the impugned

judgment of acquittal and accordingly, sought for dismissal of the appeal.

9. Having heard the arguments on both sides and on perusal of the materials placed before this Court, the following points would arise for my consideration:

(1) Whether the Trial Court is justified in acquitting the accused of the alleged offence?

(2) What order?

10. My answer to the above points are as under:

Point No.1 in the affirmative.

Point No.2 as per final order.

**Reasons regarding Point No.1:**

11. I have examined the materials before this Court. It is the case of the prosecution that as per Ex.P1-complaint, on 05.01.2008, for valuation of two vehicles, the accused has demanded for bribe amount of Rs.2,500/- for one vehicle and the same was scaled down to Rs.4,500/- for both vehicles. PW1-complainant, Ramesha has also deposed the same in his evidence and this witness has not

fully supported to the case of the prosecution. He was treated as hostile witness with the permission of the Court.

12. During the course of cross-examination, it was suggested that, PW1 has given further statement to the Investigating Officer as to the date of demand of bribe as 07.01.2008 instead of 05.01.2008. Same was specifically denied. It is an admitted fact that the accused assumed the charge on 07.01.2008. Same is also stated by the accused. The accused has filed the written statement in this regard same is not disputed by the prosecution. Since the accused was not the Senior Inspector of Motor Vehicles in the office of Assistant Regional Transport Office, Nagamangala, the question of demanding the amount as alleged by the prosecution on 05.01.2008, does not arise.

13. With regard to the acceptance of the bribe amount is concerned, admittedly the accused has not touched the bribe amount. It is the case of the prosecution that PW1

has kept the amount on table as per the direction of the accused. Thereafter, same was seized by the IO, in the presence of panchas and conducted mahazar. Both hands of the accused were dipped in Sodium Carbonate Solution. The solution did not change its colour. The Lokayukta Inspector asked accused about the money. Then the accused showed it which was in a corner of the table. Then the Lokayukta seized that amount. PW1 has stated in his examination-in-chief that the fingers of the accused dipped in the solution did turn into pink. Then this witness was treated as a hostile witness. PW2, the shadow witness has deposed that, when PW1 kept the bribe amount on table, as directed by the accused, he later took it and kept it in his pocket, and thereafter, the Lokayukta Inspector himself got that money produced by the accused. This shadow witness also partly treated as hostile witness. Viewed from any angle, the evidence of PWs.1 and 2 are not consistent to the case of the prosecution. Accordingly,

the prosecution has failed to prove the acceptance of the bribe amount by the accused.

14. With regard to the Sanction Order passed by the concerned Sanctioning Authority, the prosecution has produced Ex.P20. In Ex.P20, it is stated that, both the hands of the accused were dipped in sodium carbonate solution and it answered positively that, it has changed its colour. But, it is not the case of the prosecution that, when the hands of the accused were dipped in sodium carbonate solution, it turned into pink colour. It is the case of the prosecution that, accused had directed PW1 to put the bribe amount on table. The contents of Ex.P20 itself reveals that the Sanctioning Authority has not applied its mind before passing the Sanction Order. The trial Court has properly observed that the Sanctioning Authority has mechanically issued the sanction order, which is not valid.

15. On re-appreciation/re-examination/re-consideration of the entire evidence on record, I do not find any legal or

factual error in the impugned judgment of acquittal. Accordingly, I answer Point No.1 in the affirmative.

**Regarding Point No.2:**

16. For the aforestated reasons and discussions, I proceed to pass the following:

**O R D E R**

Appeal is **dismissed**.

**Sd/-**
**(G BASAVARAJA)**
**JUDGE**

DHA
List No.: 1 Sl No.: 52