IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 25.03.2026

DELIVERED ON : 09.06.2026

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Appeal No.315 of 2017

1. G.Chandrasekaran (died)
S/o Govindasamy
Village Administrative Officer
Maligampattu, Panruti Taluk
Cuddalore District

2. Dhanalakshmi,
W/o(Late) G. Chandrasekaran
S/o Govindasamy,
294, Mariyamman Koil Street
Keezhkangaiyankuppam Village
Panruti Taluk, Cuddalore District ... Appellants

(Sole appellant died. Dhanalakshmi, wife and legal heir of the deceased/sole appellant has been granted leave to pursue the appeal on behalf of the deceased appellant as per the order of this Court dated 18.02.2026 in Crl.M.P.No.2949 of 2026 in Crl.A. No.315 of 2017)

Vs.

State rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Cuddalore.(Crime No.5/2008) ...Respondent

Criminal Appeal filed under Section 374 Cr.P.C. against the judgment dated 24.05.2017 in Spl.Case No.4 of 2009 rendered by the Special Judge-cum-Chief Judicial Magistrate Court, Cuddalore.

For appellants	Mr.G.Anantharangan for Mr.S.Kannan
For respondent	Mr.S.Udayakumar Government Advocate (Criminal Side)

JUDGMENT

Challenging the judgment of conviction and sentence dated 24.05.2017 rendered by the Special Judge-cum-Chief Judicial Magistrate Court, Cuddalore (for brevity "the Trial Court") in Special Case No.4 of 2009, the sole accused, who is a public servant, filed this appeal and after his demise on 22.10.2004 during the pendency of this appeal, his wife has been granted leave by this Court in Crl.M.P.No.2949 of 2026 in Crl.A.No.315 of 2017 *vide* order dated 18.02.2026 to prosecute this appeal on behalf of the deceased/first appellant.

2. *Vide* the above judgment, the first appellant stands convicted and sentenced as under:-

Provision under which conviction was made	***Sentence imposed***
Section 7 of the Prevention of Corruption Act, 1988	One year simple imprisonment and a fine of Rs.1,000/-, in default, to undergo simple imprisonment for a period of two months.
Section13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988	One year simple imprisonment and a fine of Rs.1,000/- in default, to undergo simple imprisonment for a period of two months.
The aforesaid sentences were ordered to run concurrently.	

3. The case of the prosecution, in a nutshell, is as under:

3.1 The appellant/accused, *viz*., late G.Chandrasekaran (hereinafter referred to as "the accused") was working as a Village Administrative Officer in Maligampattu Village, Panruti Taluk, Cuddalore District, and was a public servant under Section 2(c) of the Prevention of Corruption Act, 1988 (for brevity "the PC Act").

3.2. One Deivanayagam, a farmer met with an accident on 11.06.2008 and died on the spot. Karunanidhi (P.W.4), a relative of Deivanayagam, proceeded to Panruti and lodged a complaint, based on which, a First Information Report (Ex.P.17), was registered in Panruti P.S. Crime No. 295 of 2008 by the Head Constable *viz*., Anthonydass (P.W.8) under Section 304-A IPC relating to a hit-and-run incident.

3.3 On the following day, i.e., 12.06.2008, the mortal remains of the deceased Deivanayagam were buried. Thereafter, on 13.06.2008, Namadevan (P.W.5), the paternal uncle of the deceased, submitted an application to Veluchamy (P.W.9), who was serving as the Tahsildar in charge of the Social Security Scheme at the Panruti Taluk Office, for sanction of compensation of Rs.1,00,000/- and Rs.2,500/- towards funeral expenses under the Tamil Nadu Agricultural Labourers' Social Security and Welfare Scheme, 2006 (for brevity "the Scheme") to the family of a farmer, who had died in an accident. On receipt of the application, the Tahsildar (P.W.9) visited the house of Deivanayagam at about 9.00 a.m., for inspection and recommended for grant of accident relief on 13.06.2008. Since the application was submitted without affixing the requisite stamp and without enclosing the relevant/requisite documents, P.W.9(Tahsildar) instructed Namadevan (P.W.5) to submit a copy of the family card, death certificate, post mortem report and the Agricultural Labourers' Protection Scheme card.

3.4 Accordingly, on 27.06.2008, Namadevan (P.W.5), along with his close relative Krishnamurthy (P.W.2), visited the Panruti Taluk Office, affixed the requisite court fee stamp to the petition, enclosed the necessary documents and re-submitted the same. Subsequently, Tahsildar (P.W.9) forwarded the said application to Saravanan (P.W.10), Regional Deputy Tahsildar, with a recommendation and retired from service on 30.09.2008.

3.5 Thereafter, on 03.07.2008, Saravanan (P.W.10) endorsed the petition for being forwarded to the Revenue Inspector. In pursuance of the said endorsement, Gunasekaran (P.W.7), Village Assistant, handed over the petition to Anbalagan (P.W.11), Revenue Inspector on the same day. Anbalagan (P.W.11), Revenue Inspector, received the petition along with the connected records (Ex.P4) for further action.

3.6 Upon being contacted over telephone by Anbalagan (P.W.11) in connection with delivery of file, the accused replied that the same may be given to Krishnan (P.W.13), Village Assistant.

3.7 Accordingly, Anbalagan (P.W.11) handed over the file to Krishnan (P.W.13), Village Assistant. After making an acknowledgment by signing the relevant register viz.,Accident Relief Scheme Register (Ex.P19) and after recording the details on page 12 of the A.R.S. Register (Ex.P20), P.W.13 handed over the documents to the accused, who had come to the office of the Revenue Inspector.

3.8 As Namadevan (P.W.5) was unable to personally pursue the matter, Krishnamoorthy (P.W.2) visited the Tahsildar's Office a few days later and enquired with Gunasekaran (P.W.7) about the status of the application. P.W.7 advised him to meet the accused, who was in charge of processing the file.

3.9 Thereafter, on 30.08.2008 at about 10.00 a.m., when Krishnamoorthy (P.W.2) met the accused, the accused informed him that the file, which had been called for earlier, was in his custody and that further action would be taken only after endorsing the same. The accused then demanded a sum of Rs.5,000/- from P.W.2 as illegal gratification for endorsing the same and for the sanction of the accident relief. When P.W.2 expressed his inability to pay such a large amount, the accused reduced the demand and insisted that at least Rs.3,000/- be paid. He further instructed P.W.2 to bring and hand over the said amount on the following Monday.

3.10 Krishnamurthy (P.W.2), who was not willing to pay the bribe, felt that appropriate action should be taken against him. On 01.09.2008, at about 9:00 a.m., he appeared before the Vigilance and Anti-Corruption Unit, Cuddalore, and lodged a written complaint (Ex.P2).

3.11 Thirumal (P.W.14), Inspector of Police, Vigilance and Anti-Corruption Unit, Cuddalore, received the said complaint and, upon perusal of its contents, registered a case in Crime No.5/2008 on the file of the Vigilance and Anti-Corruption Unit, Cuddalore, under Section 7 of the PC Act and prepared the printed First Information Report (Ex.P23).

3.12 Thereafter, in order to arrange a trap, Thirumal (P.W.14) sent requisition letters to secure the presence of independent official witnesses from Government Departments. In response, one Periyanayagasami (P.W.3), who was working as a Village Welfare Officer at the Collectorate and one Ganesh, an Assistant, Office of the Commercial Tax Department, Cuddalore, appeared before the Vigilance Office. Thirumal (P.W.14) introduced both the official witnesses to the de facto complainant (P.W.2) and handed over a copy of the complaint to them, instructed them to read the same carefully, and explained the contents and purpose of the proposed trap proceedings.

3.13 Thereafter, Thirumal (P.W.14) enquired Krishnamurthy (P.W.2) as to whether he had brought the bribe amount demanded by the accused and Krishnamurthy (P.W.2) produced a sum of Rs. 3,000/-, consisting of six currency notes of Rs. 500/- denomination each. Thirumal (P.W.14) verified the currency notes, noted down their serial numbers and recorded the same in the Entrustment Mahazar (Ex.P.3). Thirumal (P.W.14) prepared a sodium carbonate solution in a clean glass tumbler and then demonstrated the phenolphthalein test to the official witnesses viz., Periyanayagasami (P.W.3) and Ganesh. Hyther Baig (Head Constable No. 1327) was called and instructed to count the currency notes and was asked to dip his fingers into the sodium carbonate solution. The solution did not undergo any colour change, indicating the absence of phenolphthalein powder.

3.14 Subsequently, Thirumal (P.W.14) applied phenolphthalein powder to both sides of the currency notes and Hyder Baig again counted the currency notes and, on being instructed, dipped the fingers of his right hand into the sodium carbonate solution. This time, the solution turned pink, thereby demonstrating the reaction of phenolphthalein powder with the sodium carbonate solution.

3.15 Thirumal (P.W.14) explained to the de facto complainant and the official witnesses that in the event the accused handles the tainted currency notes, similar colour change would occur during the subsequent test, thereby establishing acceptance of the bribe amount. The tainted currency notes were then handed over to P.W.2 with instructions to hand over the same to the accused only upon demand. P.W.2 was further instructed not to touch the currency notes unnecessarily and to give a pre-arranged signal after the transaction was completed.

3.16 Thereafter, Thirumal (P.W.14) handed over the six currency notes of Rs. 500/- denomination each, smeared with phenolphthalein powder to Krishnamurthy (P.W.2), who is the de facto complainant. He instructed Krishnamurthy (P.W.2) to meet the accused and to hand over the tainted money only if a demand for bribe was made. Periyanayagasami (P.W.3) was directed to accompany Krishnamurthy (P.W.2), closely observe the transaction, and later, depose about the same. Krishnamurthy (P.W.2) was further instructed to give a pre-arranged signal by coming out and gesturing by scratching his head after the bribe amount had been accepted by the accused. (P.W.14) prepared an Entrustment Mahazar (Ex.P3), in which he had obtained the signatures of Krishnamurthy (P.W.2) and the witness Periyanayagasami (P.W.3) and another witness *viz*., Ganesh.

3.17 At about 12:45 p.m., on 01.09.2008, Thirumal (P.W.14), along with the Krishnamurthy (P.W.2), official witnesses viz., Periyanayagasami (P.W.3) and Ganesh and trap party, proceeded from the Vigilance and Anti-Corruption Office, Cuddalore, towards Maligampattu village. The vehicle was stopped at a distance of about 100 feet east of the Veterinary Hospital. As per prior instructions, Krishnamurthy (P.W.2) and Periyanayagasami (P.W.3) proceeded to the Village Administrative Office, while Thirumal (P.W.14) and the other members of the trap party remained at a strategic distance, keeping watch.

3.18 At about 2.00 p.m., Krishnamurthy (P.W.2) and Periyanayagasami (P.W.3) entered the office of the accused, who was the Village Administrative Officer. The accused enquired whether Krishnamurthy (P.W.2) had brought the money. Krishnamurthy (P.W.2) replied in the affirmative and produced the tainted currency notes. The accused received the said amount with his right hand and kept it beneath the relevant register/book on the table using both hands. He further stated that he would complete the necessary formalities and asked Krishnamurthy (P.W.2) to come after one week. Thereafter, Krishnamurthy (P.W.2) and Periyanayagasami (P.W.3) came out of the office and gave the pre-arranged signal by scratching their heads. On observing the signal, Thirumal (P.W.14), along with the trap party, rushed to the office of the accused.

3.19 On enquiry, Krishnamurthy (P.W.2) and Periyanayagasami (P.W.3) confirmed to Thirumal (P.W.14) that the accused had demanded and accepted the bribe amount. Thirumal (P.W.14) then introduced himself to the accused and disclosed his identity as a Vigilance and Anti-Corruption Officer. Thirumal (P.W.14), thereafter, prepared a fresh sodium carbonate solution in a clean glass tumbler. He instructed the accused to dip the fingers of his right hand into the solution. The accused did so and the solution turned pink, indicating the presence of phenolphthalein powder.

3.20 The resultant solution was carefully transferred into a clean bottle, sealed, labelled and marked as Sample No.1 (Right Hand Wash of the accused) in Crime No. 05/2008. The proceedings conducted at the scene were reduced into writing in the presence of the official witnesses. After the contents were read over and explained, Periyanayagasamy (P.W.3), the accompanying official witness Ganesh, and Thirumal (P.W.14), Trap Laying Officer, affixed their signatures.

3.21 Thirumal (P.W.14) then instructed the accused to dip the fingers of his left hand into a freshly prepared sodium carbonate solution. The accused did so and the solution turned pink, indicating the presence of phenolphthalein powder. The said solution was transferred into a clean glass bottle of about 180 ml. capacity, sealed, wrapped in a cloth, and secured with a paper label bearing the details "Crime No. 05/2008 – Left Hand Wash of the Accused." The label was duly signed by P.W.3, the witness Ganesh, and Thirumal (P.W.14).

3.22 On being questioned about the tainted money, the accused produced the same from where he had kept it *i.e.,* inside the Chitta Register. Thirumal (P.W.14) verified the currency notes with reference to the serial numbers already noted in the Entrustment Mahazar (Ex.P.3) and confirmed that they tallied in all respects. On further enquiry regarding the application submitted by Krishnamurthy (P.W.2), the accused produced the file, which was seized and marked as Ex.P.4 series. The documents contained therein viz., Forms 5 to 7 (Ex.P5 series), printed application form (Ex.P6), Family Card (Ex.P7), Death Certificate (Ex.P8), post mortem certificate (Ex.P9), FIR (Ex.P10) and Membership Identity Card (Ex.P11), were marked.

3.23 During the course of enquiry, the accused admitted receipt of the money. Thereafter, Thirumal (P.W.14) arrested the accused for the offence of demand and acceptance of illegal gratification and informed him of the grounds of arrest. A detailed Recovery Mahazar (Ex.P12) was prepared at the scene and a copy of the same was furnished to the accused.

3.24 Thirumal (P.W.14) then conducted a spot inspection and prepared an Observation Mahazar (Ex.P13) and Rough Sketch (Ex.P14), which were attested by the witnesses. Thereafter, Thirumal (P.W.14) sent advance intimation (Ex.P24) under Section 165 Cr.P.C. to the Court of the Chief Judicial Magistrate regarding the proposed search of the accused's residence. Subsequently, Thirumal (P.W.14) proceeded to the residence of the accused and conducted a search in the presence of witnesses. No incriminating materials were recovered. A search list (Ex.P15) was prepared and a copy of the same was furnished to the accused. Thirumal (P.W.14) thereafter returned to the Vigilance and Anti-Corruption Office along with the accused and released him on bail. The case records were then handed over to the Inspector of Police viz.,Venkatesan (P.W.15) for further investigation.

3.25 On 02.09.2008, Venkatesan (P.W.15) took up further investigation as per the orders of his superior officer. On the same day, he forwarded the material objects, namely, the two bottles containing the right-hand and left-hand wash solutions, to the Forensic Science Laboratory, Chennai, through Constable Ravi for chemical examination and received the Chemical Analysis Report (Ex.P22). Venkatesan (P.W.15) examined the witnesses and recorded their statements on various dates. He also obtained clarification from Aparanji (P.W.12) regarding the official procedures followed in the Tahsildar Office, Panruti.

3.26 Selvaraj (P.W.1), Revenue Divisional Officer and the competent authority empowered to remove the accused from service, perused the records placed by the Directorate of Vigilance and Anti-Corruption and accorded sanction for prosecution on 28.05.2009 and the said sanction order was marked as Ex.P1. Thereafter, upon completion of investigation, Venkatesan (P.W.15) filed the final report on 27.07.2009 before the Court for offences under Sections 7 and 13(2) read with 13(1)(d) of the PC Act.

3.27 On issuance of summons, the accused appeared before the trial Court and the memo of appearance was filed through his counsel. In due compliance of Section 207 Cr.P.C., copies were furnished to the accused.

3.28 After hearing both sides, on 25.11.2016, the accused was questioned under Section 313 Cr.P.C., as to the incriminating circumstances found in the evidence of prosecution witnesses and the accused denied all the allegations and stated that he had been falsely implicated in the case and sought to be tried.

3.29 On the side of the prosecution, P.W.1 to P.W.15 were examined and Exs.P1 to P26 and M.O.1 series to M.O.3 series were marked and on the side of the defence, no witness was examined. However, Exs.D1 to D5 were marked.

3.30 The Trial Court, after hearing the arguments of prosecution as well as the defence, found the accused guilty for the charges levelled against him under Sections 7 and 13(1)(d), read with Section 13(2) of the PC Act and sentenced him to undergo imprisonment as stated above. Assailing the judgment of conviction and sentence imposed by the trial Court, the present Criminal Appeal has been filed by the accused.

4. The points raised by the learned counsel appearing for the appellants are as under:-

(i) The applicant (Gnanambal) was ineligible for compensation of Rs.1,00,000/- for the death of her husband Deivanayagam and Rs.2,500/- for funeral expenses under the Scheme as the application was not submitted well within the prescribed period of three days from the date of the accident *i.e.,* the date of accident was 11.06.2008, whereas, the application was submitted only on 24.06.2008, which was way beyond the time-period of three days prescribed under the Scheme.

(ii) The applicant (Gnanambal) is ineligible for compensation of Rs.2,500/- and Rs.1,00,000/- for funeral expenses and accident relief respectively under the Scheme on the grounds that the deceased Deivanayagam, has land in excess of the limit prescribed for entitlement of compensation and his son is earning more than Rs.2 lakhs per annum.

(iii) When the original death certificate (Ex.P18) dated 06.08.2009 is the primary evidence and the copy of the death certificate (Ex.P8) dated 24.06.2008 is the secondary evidence, it cannot be relied as against the primary evidence available on record.

(iv) When the prosecution claims that the accused had allegedly received the illegal gratification, counted and placed the same in the Chitta Register, the prosecution ought to have recovered the Chitta Register and sent the same to the Forensic Science Laboratory for Chemical Analysis. However, the prosecution has failed to do so and therefore, the entire case of the prosecution is doubtful. Thus, the judgment of conviction rendered by the Trial Court is liable to be set aside and the appeal is to be allowed.

5. Mr.S.Udayakumar, learned Government Advocate (Criminal Side), appearing for the respondent, strongly refuted the first contention of the appellants regarding alleged delay in submission of the application. He took this Court through the documentary evidence and oral evidence of Namadevan (P.W.5), Tahsildar (P.W.9), Krishnamurthy (P.W.2), Gunasekaran (P.W.7), Anbalagan, Revenue Inspector (P.W.11) and Krishnan, Village Assistant (P.W.13) to substantiate that the application was, in fact, submitted within the prescribed time. According to him, the evidence of Namadevan (P.W.5) clearly establishes that he, being the paternal uncle of the deceased Deivanayagam, submitted the application on behalf of the applicant on 13.06.2008, i.e., within three days from the date of the accident (11.06.2008), thereby satisfying the requirement of submission within three days as mandated under the scheme. This version is consistently corroborated

by the evidence of Tahsildar (P.W.9), who confirmed the receipt of the application on the said date and the initiation of preliminary inquiry. He further submitted that the testimonies of Gunasekaran (P.W.7), Assistant, who processed the application and made necessary entries in the official records, as well as Krishnamurthy (P.W.2), who spoke about the subsequent re-submission of the application along with supporting documents, clearly demonstrate the procedural continuity of the claim. The evidence of Anbalagan, Revenue Inspector (P.W.11) and Krishnan (P.W.13), Village Assistant, also lends support to the prosecution case by affirming the steps taken at the village level in connection with the application and its processing.

6. The learned Government Advocate (Criminal side), therefore, contended that the initial submission on 13.06.2008 is the relevant date for determining compliance with the limitation period, and the later date of 27.06.2008 pertains only to the re-submission of the application along with required enclosures. Hence, there is no delay whatsoever, and the contention of the appellants is liable to be rejected.

7. Insofar as the second contention of the appellants that the deceased owned excess land and that the son of the deceased was earning more than Rs.2 lakhs per annum, Mr. S. Udayakumar, learned Government Advocate (Criminal Side), submitted that the said plea rests solely on certain suggestions and answers elicited during cross-examination and is not supported by any independent or substantive evidence. He further submitted that it is well settled that mere suggestions put to witnesses or stray answers elicited in cross-examination, in the absence of any documentary proof or corroborative material, cannot be taken as conclusive evidence to establish a defence. Even though Exs.D3 to D5 were marked to suggest that the applicant owned lands in three different villages, to prove that the applicant's son was earning more than the prescribed limit, no income certificate or other acceptable documents to substantiate the claim that the applicant's son had an income exceeding the prescribed limit, was filed and the conduct of the accused keeping the application from 03.07.2008 would clearly belie the defence theory. He further contended that even assuming without admitting that such documents indicate ownership of land, the accused, being the competent authority, ought to have immediately scrutinized the same and

rejected the application if the applicant was indeed ineligible under the scheme. However, in the present case, the evidence on record, particularly that of P.W.5, P.W.2, P.W.7, P.W.9, P.W.10, P.W.11 and P.W.13 disclose that the application was kept pending with the accused from 03.07.2008 till the date of trap. The learned Government Advocate (Criminal Side) emphasized that the failure of the accused to take a decision on the application, despite the availability of the alleged materials (Exs.D3 to D5), clearly demonstrates that the application was not rejected on merits. On the contrary, the prolonged pendency of the application would indicate that the accused had intentionally kept it pending, awaiting illegal gratification for processing the same. He, therefore, submitted that the conduct of the accused in not rejecting the application, even after the marking of Exs.D3 to D5, probabilises the prosecution case that the delay was not on account of any ineligibility of the applicant, but was due to the accused's demand for bribe. This circumstance, coupled with the fact that the accused was ultimately caught red-handed in the trap, strengthens the prosecution case and renders the defence theory unsustainable.

8. He also contended that once the prosecution has proved the foundational facts, *viz*., demand and acceptance of illegal gratification, statutory presumption arises that the same was received as a motive or reward for performing official duty. In the present case, the prosecution has successfully discharged its initial burden, thereby attracting the presumption under Section 20 of the PC Act.

9. He further submitted that the accused has failed to rebut the said presumption by examining any independent evidence. In such circumstances, the defence theory put forth by the appellants is liable to be rejected, and the appeal, being devoid of merits, deserves to be dismissed.

10. Heard the learned counsel appearing for the parties and perused the materials available on record, including the written arguments filed on behalf of the appellants.

11. The points that arise for consideration in this appeal are:

(i) Whether the application for compensation was submitted within the prescribed time?

(ii) Whether the applicant was ineligible for compensation under the scheme?

(iii) Whether the prosecution has proved demand and acceptance of the illegal gratification beyond reasonable doubt?

(iv) Whether the conviction recorded by the trial Court warrants any interference?

12. The first contention raised by the learned counsel for the appellants is that the application claiming Rs.2,500/- for funeral expenses and Rs.1,00,000/- as accident relief under the Scheme, was not submitted by the applicant within the prescribed period of three days from the date of the accident and therefore, the applicant is not entitled to the benefits under the Scheme. It was further contended that the date in the application was manipulated, having been altered from 27.06.2008 to 13.06.2008, thereby casting a doubt on the genuineness of the claim. However, the evidence on record does not support this contention. The testimony of Namadevan (P.W.5) who is the paternal uncle of the deceased, clearly establishes that he had submitted the application on behalf of the applicant, Gnanambal, the wife of the deceased Deivanayagam, on 13.06.2008 itself, i.e., within three days from

the date of the accident which is 11.06.2008. He deposed that after performing the funeral rites, he obtained the applicant's signature and submitted the application (Ex.P4) to the Tahsildar (P.W.9) on the same day. This version is corroborated by the evidence of the Tahsildar (P.W.9) who stated that upon receipt of the application on 13.06.2008, he conducted a preliminary inquiry and instructed that the application be supported with necessary documents. Further corroboration is found in the testimony of Gunasekaran (P.W.7), Assistant, who processed the application, made entries in the Accident Relief Register (Ex.P19), and assigned Serial No.40/2008 (Ex.P20) based on the initial submission received from the Tahsildar (P.W.9). The evidence of Namadevan (P.W.5) also shows that he had subsequently collected the required documents, including the post mortem report, FIR, and death certificate, between 23.06.2008 and 24.06.2008. Thereafter, the application was re-submitted on 27.06.2008 along with all necessary enclosures, which is supported by the evidence of both P.W.2 and P.W.9. The date 27.06.2008, therefore, pertains only to the re-submission of the completed application and not the original filing. In the light of the consistent and corroborated evidence of P.Ws.2, 5, 7, and 9, it is evident that the application was initially submitted on 13.06.2008 within the prescribed time limit. The subsequent re-submission on 27.06.2008 by furnishing the required documents does not amount to delay. Hence, the contention of the appellants regarding delay and alleged alteration of date is unsustainable.

13. Though the learned counsel for the appellants contended that the Tahsildar (P.W.9), in his cross-examination, admitted that the application was submitted only on 27.06.2008 and that he had initially signed it with that date but later altered it to 13.06.2008 to bring it within the time limit prescribed under the Government Order, this Court finds that such a contention is not convincing. A careful reading of the cross-examination of Tahsildar (P.W.9) would show that the witness was recalled after a lapse of nearly six months, apparently, with a view to elicit answers favourable to the defence. The so-called admission relied upon by the appellants does not amount to a clear and categorical statement establishing that the application was, in fact, submitted only on 27.06.2008. On the contrary, it appears to have been an answer attempted to be drawn through suggestive questioning. It is

pertinent to note that except for such suggestions put during cross-examination, which were, in fact, stoutly denied by the witness, no material contradiction has been elicited from Tahsildar (P.W.9). Further, the defence has not taken steps to confront the witness with any prior inconsistent statement in the manner known to law so as to impeach his credibility. Significantly, Tahsildar (P.W.9) was not treated as a hostile witness at any point of time, and his evidence in chief, which clearly supports the prosecution case regarding the initial submission of the application on 13.06.2008, remains unshaken. In such circumstances, placing reliance on an isolated, stray and ambiguous answer allegedly elicited during recall cross-examination would be wholly unsafe. To be noted, as has been held by the Supreme Court in a catena of decisions, cross-examination is an unequal duel between a refined advocate and a rustic witness. Therefore, this Court is of the view that the submission made by the learned counsel for the appellants in this regard is vague, lacks evidentiary support, and does not create any dent in the otherwise consistent and cogent prosecution case.

14. This Court has also carefully considered the submission made by the learned counsel for the appellants, who relied upon the Notification of the Tamil Nadu Government Gazette dated 29.12.2006 (Ex.P21) to contend that the applicant was not entitled to compensation under the Scheme. As per clause (f) of the said notification, a "farmer" is defined as a person aged between 18 and 65 years who owns wet land not exceeding 2.50 acres and dry land not exceeding 5.00 acres and is engaged in direct cultivation. In the present case, it is the contention of the appellants that the deceased Deivanayagam owned 2.5 acres of wet (Nanja) land and 5.5 acres of dry (Punja) land, thereby exceeding the prescribed limit. This claim is sought to be substantiated through Exs.D3 series and D4, and by certain answers elicited during the cross-examination of P.Ws.1, 9, 10, 11, and 13. Similarly, the contention regarding the income of the deceased's son exceeding Rs.2 lakhs per annum is also based solely on suggestions and answers elicited in the cross-examination of P.Ws.1, 5, 9, and 11. However, this Court finds that such contentions, even if taken at their face value, do not advance the case of the appellants. The evidence of the Tahsildar (P.W.9) and the competent authority under the Scheme, clearly reveals that he had examined the application and

made an endorsement recommending that the benefit could be granted. Once such an endorsement was made by the competent authority, the subordinate officials, including the Revenue Inspector and the accused, had no authority to sit in judgment over the eligibility or to withhold the application on that ground. More importantly, if really the applicant was ineligible for compensation on account of excess landholding or income criterion, the proper course for the accused would have been to reject the application at the earliest point of time, either on 03.07.2008 when it was received from Krishnan (P.W.13), Village Assistant, or within a reasonable period thereafter. However, the admitted position is that the application was kept pending by the accused from 03.07.2008 till 01.09.2008 without any decision. Such inaction on the part of the accused, despite the availability of the alleged disqualifying materials, cannot be viewed as a *bona fide* administrative delay. On the contrary, the unexplained and prolonged retention of the application on his table clearly indicates a deliberate attempt to withhold official action. This conduct, when viewed in the light of the prosecution evidence regarding demand and acceptance of illegal gratification, strongly points towards a motive to obtain undue advantage for performing or withholding official duty.

Therefore, this Court is of the considered view that the very fact that the accused did not reject the application, despite claiming ineligibility, but, instead, kept it pending for an inordinate period, lends support to the prosecution case and attracts the mischief of Section 7 of the PC Act. The contention of the appellants, therefore, does not merit acceptance.

15. Before delving into the factual aspects, this Court has to analyse the legal aspect, *i.e.,* as to whether the offence under Section 7 of the PC Act, would apply if the petitioner is unable to do an official act or not. The Hon'ble Apex Court, in ***Sita Soren Vs. Union of India (2024 INSC 161) (Criminal Appeal No.451 of 2019 dated 04.03.2024),*** has answered the same and it is relevant to extract paragraphs 117 to 122 which read thus:

> *"117. Under Section 7 of the PC Act, the mere "obtaining", "accepting" or "attempting" to obtain an undue advantage with the intention to act or forbear from acting in a certain way is sufficient to complete the offence. It is not necessary that the act for which the bribe is given be actually performed. The first explanation to the provision further strengthens such an interpretation when it expressly states that the "obtaining, accepting, or attempting" to obtain an undue advantage shall itself constitute an offence even if the performance of a public duty by a public servant has not been improper. Therefore, the offence of a public servant being bribed is pegged to receiving or agreeing to receive the undue advantage and not the actual performance of the act for which the undue advantage is obtained.*

118. It is trite law that illustrations appended to a section are of value and relevance in construing the text of a statutory provision and they should not be readily rejected as repugnant to the section.58 The illustration to the first explanation aids us in construing the provision to mean that the offence of bribery crystallizes on the exchange of the bribe and does not require the actual performance of the act. It provides a situation where "A public servant, 'S' asks a person, 'P' to give him an amount of five thousand rupees to process his routine ration card application on time. 'S' is guilty of an offence under this section." It is clear that regardless of whether S actually processes the ration card application on time, the offence of bribery is made out. Similarly, in the formulation of a legislator accepting a bribe, it does not matter whether she votes in the agreed direction or votes at all. At the point in time when she accepts the bribe, the offence of bribery is complete.

119. Even prior to the amendment to the PC Act in 2017, Section 7 expressly delinked the offence of bribery from the actual performance of the act for which the undue advantage is received. The provision read as follows:

> *"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 seven years and shall also be liable to fine.*
> *Explanations. —*
> *…*
> *(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. …"*

(emphasis supplied)

120. The unamended text of Section 7 of the PC Act also indicates that the act of "accepting", "obtaining", "agreeing to accept" or "agreeing to obtain" illegal gratification is a sufficient condition. The act for which the bribe is given does not need to be actually performed. This was further clarified by Explanation (d) to the provision. In explaining the phrase 'a motive or reward for doing', it was made clear that the person receiving the gratification does not need to intend to or be in a position to do or not do the act or omission for which the motive/reward is received.

121. In ***Chaturdas Bhagwandas Patel v. State of Gujarat*** *a two-judge Bench of this Court reiterated that to constitute the offence of bribery, a public servant using his official position to extract illegal gratification is a sufficient condition. It is not necessary in such a case for the Court to consider whether the public servant intended to actually perform any official act of favour or disfavour. In the facts of the case, the public servant induced the complainant to give a bribe to get rid of a charge of abduction. It was later revealed that no complaint had even been registered against the complainant for the alleged abduction. However, the Court held that the mere demand and acceptance of the illegal gratification was sufficient, regardless of whether the recipient of the bribe performed the act for which the bribe was received.*

122. Recently, in ***Neeraj Dutta v. State (NCT of Delhi) 60,*** *a Constitution Bench listed out the constituent elements of the offence of bribery under Section 7 of the PC Act (as it stood before the amendment in 2017). Justice BV Nagarathna formulated the elements to constitute the offence:*

"5. The following are the ingredients of Section 7 of the Act:

(i) the accused must be a public servant or expecting to be a public servant;
(ii) he should accept or obtain or agrees to accept or attempts to obtain from any person;
(iii) for himself or for any other person;
(iv) any gratification other than legal remuneration; and
(v) as a motive or reward for doing or forbearing to do any official act or to show any favour or disfavour."

Consequently, the actual "doing or forbearing to do" the official act is not a constituent part of the offence. All that is required is that the illegal gratification should be obtained as a "motive or reward" for such an action or omission – whether it is actually carried out or not is irrelevant."

16. This Court, upon careful consideration of the entire evidence on record, is of the view that the legal position is well settled that once demand and acceptance of illegal gratification are proved, it is immaterial whether the official act for which the bribe was demanded was ultimately performed or not. The Hon'ble Supreme Court in **Sita Soren**, *supra,* has emphatically held that acts of bribery strike at the core of probity in public life and cannot be insulated by technical or procedural defences; once the essential ingredients of the offence are established, the law must take its course. The Court further clarified that corruption offences must be tested on the strength of evidence relating to demand and acceptance, and cannot be diluted on extraneous considerations.

17. In the present case, the crucial question that arises for consideration is whether the prosecution has successfully established the foundational facts relating to demand, acceptance and recovery of the tainted amount beyond reasonable doubt, so as to raise the statutory presumption under Section 20 of the PC Act and whether the conviction recorded by the trial Court is based on proper appreciation of evidence.

18. Insofar as demand is concerned, the evidence of Krishnamoorthy (P.W.2) is clear, cogent and convincing. He has categorically deposed that on 30.08.2008 at about 10.00 a.m., when he met the accused, the accused demanded a sum of Rs.5,000/- for processing and signing the file relating to accident relief and, upon his expressing inability, reduced the demand to Rs.3,000/- and directed him to pay the same on the following working day. The prompt lodging of the complaint (Ex.P2) before the Vigilance and Anti-Corruption Unit lends further assurance to the credibility of his testimony. This Court finds no reason to disbelieve the consistent version of P.W.2 with regard to the initial demand.

19. With regard to acceptance, the prosecution has examined P.W.2 and P.W.3, whose evidence is consistent and mutually corroborative. Their testimonies clearly establish that on 01.09.2008, when P.W.2 met the accused, the latter enquired about the money and, upon confirmation, received the tainted currency notes with his right hand and kept them beneath the register on his table. This act of voluntary acceptance stands proved beyond doubt. In

the light of the principle reiterated in **Sita Soren**, *supra*, such proved acceptance of illegal gratification pursuant to a prior demand constitutes the gravamen of the offence and leaves little scope for doubt regarding culpability.

20. In respect of recovery, the evidence of Thirumal (P.W.14), Trap Laying Officer, assumes significance. Upon receiving the pre-arranged signal, he entered the office, conducted phenolphthalein tests, and both hand washes of the accused turned positive, thereby scientifically confirming that the accused had handled the tainted currency notes. The tainted money was recovered from the very place where the accused had kept it, and the serial numbers of the notes tallied with those noted in the Entrustment Mahazar (Ex.P12). The Forensic Report (Ex.P22) further corroborates the presence of phenolphthalein and sodium carbonate in the solutions, thereby strengthening the prosecution case.

21. Significantly, the accused has not offered any plausible explanation for the presence of the tainted money in his possession, nor has

he rebutted the statutory presumption arising under Section 20 of the Act. On the other hand, the prosecution has successfully discharged its initial burden by proving the foundational facts through reliable and cogent evidence. As underscored in **Sita Soren**, *supra*, corruption offences must be adjudged with a firm approach once evidence establishes the essential ingredients, and the absence of a credible defence reinforces the prosecution case.

22. In view of the above, this Court holds that the prosecution has clearly established the demand, acceptance, and recovery of illegal gratification beyond reasonable doubt. The evidence of P.W.2, P.W.3, and P.W.14 inspires confidence and fully supports the case of the prosecution. The ratio laid down in **Sita Soren**, *supra,* squarely applies to the case on hand, inasmuch as the proven acts of demand and acceptance of bribe, coupled with the absence of any valid rebuttal, unmistakably establish the guilt of the accused. Therefore, the conviction and sentence imposed by the trial Court under Section 13(2) read with Section 13(1)(d) of the PC Act, are based on proper appreciation of evidence and do not warrant any interference.

23. Insofar as the contention relating to the death certificate is concerned, it is seen from a perusal of Ex.P8, Ex.P18 series, and Ex.D1 (death report in Form-2) that the death of Deivanayagam was duly reported by the Sub-Inspector of Police, Panruti Police Station, to the Commissioner, Panruti Municipality, on 23.06.2008, and the same was registered on 24.06.2008. Ex.P8 clearly reflects that both the date of registration and issuance of the death certificate were on 24.06.2008. The evidence of P.W.5 also establishes that he had collected the death certificate on the same day and thereafter, submitted the application on 27.06.2008 along with the required documents. The mere fact that a subsequent date, namely 06.08.2009, is found in the records does not, in any manner, negate the earlier issuance or registration of the death certificate. Therefore, this Court holds that the contention of the appellants that the death certificate could not have been enclosed with the application on 27.06.2008 is devoid of merit and liable to be rejected.

24. With regard to the next contention of the appellants that the non-recovery of the Chitta Register and the failure to send the same for chemical analysis vitiates the prosecution case, this Court is of the considered

view that such a lapse, even if assumed, is only a minor irregularity in investigation. It is a settled principle of law that defective investigation or omission to seize certain material objects would not, by itself, be a ground to discard an otherwise reliable prosecution case. When there is clear, cogent, and convincing evidence to establish the demand and acceptance of illegal gratification, such minor lapses do not go to the root of the matter. In the present case, the prosecution has, through the consistent evidence of the witnesses and the scientific evidence relating to phenolphthalein test, clearly proved the recovery of tainted money and the acceptance of illegal gratification by the accused. Therefore, the alleged non-seizure and non-examination of the Chitta Register does not create any reasonable doubt in the prosecution case. The accused had taken a weak defence stating that the applicant was not eligible for the benefit under the Scheme. If that be so, he ought not have kept the application pending from 03.07.2008 to 01.09.2008 without returning the same which would expose his intent to receive illegal gratification.

25. In view of the aforesaid discussion, this Court is of the considered view that the prosecution has successfully established its case beyond all reasonable doubt. The conviction recorded by the learned trial Court is well-founded and is based on proper appreciation of oral and documentary evidence, and consequently, the judgment of conviction does not warrant any interference by this Court. While the findings recorded by this Court affirming the conviction on merits remain undisturbed, no further adjudication with regard to the sentence survives for consideration on account of the passing away of the appellant.

26. In the result, this criminal appeal stands dismissed.

09.06.2026

Index: Yes/No.

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To

1. The Special Judge/Chief Judicial Magistrate
   Cuddalore.

2. The Inspector of Police
   Vigilance and Anti-Corruption
   Cuddalore.

3. The Public Prosecutor
   High Court of Madras
   Chennai 600 104

A.D.JAGADISH CHANDIRA, J.

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Pre delivery judgment in
Crl. A. No.315 of 2017

09.06.2026