IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-06-2026

CORAM

THE HON'BLE MR JUSTICE **G.K. ILANTHIRAIYAN**

CRL A No. 601 of 2018

T.K. Ramalingam ..Appellant(s)

Vs

The State
Represented by,
The Inspector of Police,
Vigilance and Anti-Corruption,
Vellore. ..Respondent(s)

Prayer: This Criminal Appeal is filed under Section 374(2) of Cr.P.C., R/W Section 27 of Prevention of Corruption Act, to set aside the Judgment and Special Case No.4 of 2014 passed against he Appellant on 20.09.2018 on the file of the Special Judge and Chief Judicial Magistrate, Vellore and acquit him from all the investigation of the type of case.

For Appellant(s) : Mr.M.Palanivel
For Respondent(s) : Mr.R.Ganesh Kumar,
Counsel for Government of Tamil Nadu
(Criminal Side)

JUDGMENT

This Criminal Appeal has been filed challenging the order dated 20.09.2018 passed in Special Case No.4 of 2014 on the file of the Special Judge and Chief Judicial Magistrate, Vellore, convicting the petitioner for the offence punishable under Section 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 (herein after referred to as “the Act”).

2. The case of the prosecution is that A1 was working as a Zonal Deputy Tahsildar and A2 was working as Deputy Tahsildar (Reception) Taluk Office, Vellore. After getting a recommendation letter from Puthur VAO, the Defacto Complainant met the A2 on 19.12.2012 at about 12.30 P.M at Vellore Taluk Office and enquired about the Residential and Property Valuation Certificates. A1 and A2 were the parties to a criminal conspiracy to commit an offence of getting bribe from the public for issuance of various types of certificates. Therefore, A2 demanded Rs.1000/- from the Defacto Complainant for himself and on behalf of A1 for the purpose of issuing the said Residential and Property Valuation Certificate and he again took the defacto complainant to A1. The defacto complainant has expressed his inability and has given Rs.500/- to A1 which was refused by A1 and A1 had strictly demanded Rs.1000/-. As the defacto complainant was unwilling to pay the said gratification, he preferred a complaint to the Inspector of Police, V&AC, Vellore on 21.12.2012 at about 09:00 AM and a case in Cr.No.28/2012 u/s 7 and Section 13(2) r/w Section 13(1)(d) of the Act was registered.

3. A trap was duly organised on 21.12.2012 between 02.10PM and 02.20PM in Vellore Taluk Office and in the presence of the accompany official witness. The accused were caught red handed and were found to have committed an offence under Section 120B of IPC and Section 7 and Section 13(2) r/w Section 13(1)(d) of the Act for obtaining an illegal gratification of

Rs.1000/- other than the legal remuneration as a reward for issuing the Residential and Property Valuation Certificate. The Trial Court, after conducting a detailed trial, found A2 not guilty of the alleged offences and he was acquitted from all charges and found A1 to be guilty and sentenced him to undergo four years simple imprisonment and imposed a fine of Rs. 2500/-, in default, to undergo two months simple imprisonment for the offence under Section 7 of the Act. The Trial Court further sentenced A1 to undergo four years simple imprisonment and imposed a fine of Rs. 2,000/-, in default, to undergo two months imprisonment as per Section 248(2) of Cr.P.C., for the offence under Section 13(2) r/w Section 13(1)(d) of the Act. Aggrieved by the same, the A1 had preferred this present appeal.

4. The learned counsel for the appellant submits that the prosecution had examined PW1 to PW14 and marked exhibits P1 to P21. The defacto complainant was examined as PW2. However, he turned hostile before the trial Court and did not support the case of the prosecution. The Tahsildar, who stood as a witness, was examined as PW7. His presence on the date of occurrence is doubtful. The attendance register of PW7 is marked as Ex.D2 and PW7 has categorically admitted that he did not sign in the attendance register on the alleged date of occurrence. PW8 and PW10 turned hostile and did not support the case of the prosecution. Only on the basis of the evidence of PW3, PW4 and PW7, the trial Court mechanically convicted the appellant. In fact, though there

are two accused, the appellant/A1 alone was convicted. A2 was acquitted. The prosecution failed to prove the demand, acceptance and recovery of tainted money.

5. Per contra, the learned Counsel for Government of Tamil Nadu (Criminal Side) submitted that though the complainant turned hostile, PW3, PW4 and PW7 categorically deposed about the alleged occurrence and the prosecution proved the charges. On a demand made by A1 through A2, an FIR has been registered and the same has been marked as Ex.P19. Thereafter, a trap was set up, in which the PW7, who is the Tahsildar, stood as a witness. He has categorically deposed that in his presence the trap proceeding was set up. PW3, who is another officer, has deposed that as demanded by the accused A1, PW2 had given a sum of Rs.1000/- in denomination of two Rs.500/- notes and the same was received by the appellant and he put the money in his pocket and after signalling, PW4 entered into the office of the first accused and the accused was caught red-handed with the tainted money. Thereafter, the money was sent for forensic examination and it was also tested positive. Therefore, the minor discrepancies would not affect the case of the prosecution, since the prosecution categorically proved the demand, acceptance and recovery of the illegal gratification. Therefore, the trial Court rightly convicted the accused. The Judgment and conviction of the trial Court do not warrant the interference of this Court.

6. Heard the learned counsels appearing on either side and perused the materials available on record.

7. It is alleged that the appellant had sought for an illegal gratification of Rs. 1000/- from the defacto complainant other than the legal remuneration as a reward for issuing the Residential and Property Valuation Certificate. However, the appellant has denied the fact that he demanded the said legal gratification. It was the further contention of the appellant that the defacto complainant who was examined as P.W.1 had turned hostile. In support of the above contention, the appellant had cited a Judgment of the Hon'ble Supreme Court and the relevant paragraph are extracted hereunder:

> *"7. In so far as the offence under Section 7 is concerned, it is a settled position in law that demand of illegal gratification is sine qua non to constitute the said offence and mere recovery of currency notes cannot constitute the offence under Section 7 unless it is proved beyond all reasonable doubt that the accused voluntarily accepted the money knowing it to be a bribe. The above position has been succinctly laid down in several judgments of this Court. By way of illustration reference may be made to the decision in C.M. Sharma Vs. State of A.P. and C.M. Girish Babu Vs. C.B.I.*
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> *In the present case, the complainant did not support the prosecution case insofar as demand by the accused is concerned. The prosecution has not examined any other witness, present at the time when the money was allegedly*

handed over to the accused by the complainant, to prove that the same was pursuant to any demand made by the accused. When the complainant himself had disowned what he had stated in the initial complaint (Ex.P.11) before LW-9, and there is no other evidence to prove that the accused had made any demand, the evidence of PW-1 and the contents of Ex.P.11 cannot be relied upon to come to the conclusion that the above material furnishes proof of the demand allegedly made by the accused."

8. On perusal of the above judgement, it can be understood that recovery of currency notes from the accused alone is not enough to prove the demand made by the accused. However, this judgment is not applicable to the case on hand for the simple reason that, in contradiction to the above judgement, in this present case, though the defacto complainant had turned hostile, the prosecution had submitted other valid and direct evidences to prove the demand made by the accused beyond reasonable doubts. It is a settled proposition of law that, if a part of evidence of a hostile witness corroborates with other reliable evidences, then that part of the evidence is admissible.

9. In the present case, though the defacto complainant had turned hostile, he had signed the complaint as well as the seizure mahazar. Further, as rightly pointed out by the Learned Public Prosecutor, though the complainant turned hostile, PW3, PW4 and PW7 had categorically deposed about the alleged

occurrence and the appellant failed to attract the doubt of this Court on the same for the reason that though PW7 did not sign the attendance register, he attended a meeting, in which he had signed the attendance register and thereafter, he had gone to the office of the first accused. Therefore, based on the said fact and other material evidences, the Trial Court had rightly convicted the appellant herein. Furthermore, the Trial Court had also categorically discussed the presence of demand, acceptance and recovery and the prosecution had proved the guilt of the appellant beyond all reasonable doubts and the minor discrepancies shall not be fatal to the case of the prosecution.

10. For the foregoing reasons, this Court finds that the conviction of the appellant does not suffer from any legal infirmity, perversity, or evidentiary deficiency. This Court finds no merit in this appeal and the conviction of the appellant for offences under the Prevention of Corruption Act is sustained. The sentence imposed by the learned Trial Court is appropriate and proportionate to the gravity of the offence.

11. Accordingly, the Criminal Appeal stands dismissed.

12-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
TSG/rts

G.K.ILANTHIRAIYAN, J.

rts

To

1. Special Judge cum Chief Judicial Magistrate,
Vellore

2. The Inspector of Police,
Vigilance and Anti-Corruption,
Vellore.

3. The Public Prosecutor,
Madras High Court,
Chennai.

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