



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-S No.1841-SB of 2004 (O&M)

Reserved on: 16.01.2026

Pronounced on: 30.03.2026

Lakhbir Singh (since deceased) through his LR

.....Appellant

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Anmol Partap Singh Maan, Advocate for the appellant.

Mr. Eklavya Darshi, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

Against the judgment of conviction dated 16.09.2004 and order on quantum of sentence of even date, hereinafter being referred to as 'impugned judgment/order' only, the instant appeal had been preferred by the convict-appellant, hereinafter being referred to as 'appellant' only.

2. It is relevant to note here that during the pendency of appeal the appellant has passed away and therefore, against the judgment of conviction this appeal has been pursued by the widow of appellant (now deceased). The primary reason for pursuing the above mentioned appeal despite the death of convict-appellant is the impact of impugned judgment/conviction on the service benefits of the appellant (now deceased).

3. The impugned judgment and order which are subject matter of the



instant appeal were passed in a trial for the commission of offence punishable under Sections 7 and 13(2) of the Prevention of Corruption Act, 1988, hereinafter being referred to as 'P.C. Act' only, arising out of FIR No. 44 dated 17.06.2002, Police Station Vigilance Bureau, Jalandhar.

4. The charge against the appellant (now deceased) was that on 17.06.2002 being a public servant he demanded and accepted a sum of Rs.10,000/- as gratification, other than legal remuneration from 'Sajjan Singh' for entering mutation in the record of rights in favour of 'Charan Kaur' and 'Tarsem Singh'. It was also alleged against the appellant that being a public servant he committed criminal mis-conduct by misusing his official position, and as such demanded and accepted a sum of Rs.10,000/- from 'Surjan Singh', aforesaid by corrupt and illegal means for himself.

5. In nut-shell the facts emerging from record are that the FIR of this case came into being at the instance of 'Surjan Singh', hereinafter being referred to as 'complainant' only. It was alleged by the complainant that his younger brother 'Darshan Singh' had passed away two years ago, leaving behind four daughters and one son, and that 8-9 months prior to 17.6.2002, the complainant had handed over the death certificate of 'Darshan Singh' to the appellant (now deceased) being halqua Patwari and requested him to record entry with regard to mutation of the estate left by 'Darshan Singh', in the name of his widow 'Charan Kaur' and son 'Tarsem Singh' on the basis of Will. According to complainant after the above mentioned event he met the appellant (now deceased) on number of occasions in his office but the



appellant (now deceased) continued to delay the entry on one pretext or the other.

6. The complainant further alleged that on 17.06.2002 when he met the appellant (now deceased) at his residence with regard to above mentioned mutation entry, it was told by the appellant (now deceased) that the mutation had already been entered in the name of 'Charan Kaur' and 'Tarsem Singh' and duly verified by Kanungo also. According to complainant it was further stated by the appellant (now deceased) that the above mentioned mutation had to be approved by Tehsildar Sultanpur Lodhi, and for the above said purpose a demand of Rs.15,000/- as gratification was raised by the appellant (now deceased). It was further alleged by the complainant that, due to his financial hardship, he was unable to meet the initial demand of Rs.15,000/-, consequently, the amount was negotiated down to Rs.10,000/-. The abovesaid sum was demanded by the appellant (now deceased) as illegal gratification to seek approval for the mutation.

7. It was the claim of that the complainant that he was not willing to pay the above mentioned illegal gratification, and therefore, he approached vigilance Bureau Kapurthala, where 'DSP Brij Mohan Sraup' met him and recorded his statement as Ex.PA. As per prosecution thereafter twenty currency notes of the denomination of Rs.500/- each were produced by the complainant before the above named DSP and request was sent to Civil Hospital Kapurthala for deputing an official witness. According to prosecution in view of above mentioned request 'Dr. Chaman Lal' and 'Dara Ram', Junior



Assistant were deputed as official witnesses and they came to the office of Vigilance Bureau.

8. The prosecution had further alleged that thereafter the above named DSP applied phenolphthalein powder to the currency notes and handed over the same to the complainant. As per prosecution with regard to above mentioned event the entrustment-cum-demonstration memo Ex.PB was prepared which was duly signed by the complainant, the complainant, 'Ajit Singh', 'Dr. Chaman Lal' and 'Dara Ram', (who appeared as witnesses during the course of trial). The prosecution further alleged that a tumbler containing water added with sodium carbonate was arranged by the above named police officer, and thereafter, the above said mixture was tested by dipping a paper slip smeared with phenolphthalein powder and above mentioned water turned into pinkish colour.

9. As per story set-out by the prosecution, thereafter, the above mentioned water was thrown and the raid was planned. As per plan the money was to be handed over by the complainant and 'Ajit Singh' was supposed to play the role of shadow witness, who on acceptance of currency notes by the appellant (now deceased) was supposed to signal the other members of the raiding party, by coming outside the room, about the delivery of money by the complainant to the appellant (now deceased).

10. According to prosecution before going for raid hands of all the members of raiding party were got washed and then as per plan the entire team went to the office of appellant (now deceased) wherein complainant along with



‘Ajit Singh’ went inside the office of appellant (now deceased) whereas remaining members of raiding party scattered in different directions. As per prosecution after some time the shadow witness ‘Ajit Singh’ gave the requisite signal to the official witnesses, i.e. ‘Dr. Chaman Lal’ and ‘Dara Ram’ and in response to above mentioned signal the above named witnesses along with other members of the police party went inside the office of appellant (now deceased) where the appellant (now deceased) was found sitting. The prosecution further alleged that with the help of members of raiding party the appellant (now deceased) was apprehended, his both hands were held by the members of raiding party, and thereafter, ‘Brij Mohan Sarup’ DSP gave his introduction to the appellant (now deceased). It is the case of the prosecution that thereafter a transparent tumbler containing water was arranged in which sodium carbonate was added and then both the hands of the appellant (now deceased) were got washed and the colour of water changed into light pinkish. It is the case of prosecution that the above mentioned water was secured in a nip which was seized vide seizure memo Ex.PD duly signed by ‘Surjan Singh’ the complainant, ‘Ajit Singh’ the shadow witnesses and ‘Dr. Chaman Lal’ and ‘Dara Ram’ the official witnesses.

11. It was further projected by the prosecution that the appellant (now deceased) had thrown the tainted currency notes on the floor, and therefore, those currency notes were collected and lifted by ‘Dr. Chaman Lal’ and on counting it was found that those were twenty currency notes of the denomination of Rs.500/- each (total Rs.10,000/-). The serial number of above



mentioned currency notes were compared with the serial number of currency notes recorded in memo, Ex.PB, and after tallying, the same were seized vide recovery memo Ex.PE. According to prosecution thereafter the search of the person of appellant (now deceased) was undertaken and it was found that in the wallet of appellant (now deceased) there were currency notes worth Rs.1400/-, one slip on which his name was mentioned. In addition to above, the wrist watch, one gold ring, one gold necklace with locket were also seized from the possession of appellant (now deceased) and with regard to above mentioned seizure memo Ex.PH was prepared which was attested by the appellant (now deceased).

12. It is the case of the prosecution that thereafter one shirt (kurta) and one trouser (pajama) were arranged by the raiding party, and then trouser of the appellant (now deceased) was got removed and when it was dipped in the water mixed with sodium carbonate, the colour thereof changed into pinkish. As per prosecution the above mentioned water too was secured in a nip Ex.P-23 along with the trouser of the appellant (now deceased) Ex.P21 and the same were seized vide memo Ex.PF. As per prosecution thereafter other requisite formalities with regard to investigation were completed and on completion of investigation final report under Section 173 Cr.P.C. was filed in the Court.

13. Heard.

14. It has been contended on behalf of appellant that the appellant (now deceased) was innocent having no nexus, whatsoever, with the commission of crime, and that he was falsely implicated in the present case.



According to learned counsel for the appellant the entire event was stage-managed on account of enmity of the complainant with the appellant (now deceased), as the complainant wanted the sanction of mutation, for which the appellant (now deceased) had no authority. According to learned counsel for the appellant in fact the appellant (now deceased) being halka Patwari was authorized to enter mutation which was duly sanctioned by the halka Kanungo also in December 2001 itself, and that the complainant was aggrieved of the fact that the copy of that mutation was not being supplied for want of approval, to be given by the SDM. As per learned counsel for the appellant since the requisite approval was not received from the SDM concerned the demand of the complainant to supply copy of the mutation could not be met by the appellant (now deceased), which annoyed the complainant, and therefore, the complainant staged manged the above mentioned drama of raid by the officials of Vigilance Department.

15. In addition to above, the learned counsel for the appellant has also contended that one of the pre-requisite for proving a charge for the commission of above mentioned offence was the demand, and such demand could have been fulfilled, if there was anything which was expected to be done by the appellant (now deceased), but for want of illegal gratification he was not doing so. As per learned counsel for the appellant in the present case once the entry had already been recorded by the appellant (now deceased), nothing was left at his level for which he could have demanded money from the complainant, and in view of above mentioned fact itself the entire story set-out



by the prosecution stood demolished.

16. With regard to the manner in which raid was conducted the learned counsel for the appellant has contended that in the present case the testimonies of witnesses of raid were full of contradictions & inconsistencies, and therefore, rendered unreliable. According to learned counsel for the appellant one of the theory propounded by the prosecution was that during the course of raid first of all hands of appellant (now deceased) were got washed, and thereafter, the pocket of his trouser, and that on both the occasions the water mixed with sodium carbonate turned in pink colour. As per learned counsel for the appellant the above mentioned events suggest that on receipt of money from the complainant the appellant kept the same in his pocket and that is why his pocket on being washed with water mixed with sodium carbonate, turned in pink colour.

17. As per learned counsel for the appellant on the other hand the testimony of complainant, the shadow witness and the official witnesses showed that when the police party entered the room, the money was lying on the floor, and that the above mentioned money was collected by the official witness namely DR. Chaman Lal. According to learned counsel for the appellant since at the time of entry of raiding party the money was lying on the floor, the only and only inference which could be drawn was that it was not kept in the pocket by the appellant (now deceased).

18. With regard to above, the learned counsel for the appellant has further submitted that the above mentioned events, in fact, supported the



defence theory qua the fact that the appellant had refused to accept the money and he had thrown the same on the floor. According to learned counsel for the appellant in view of above, the story set-out by the prosecution with regard to demand and acceptance of money, as illegal gratification, by the appellant (now deceased) did not hold good and deserved to be ignored.

19. It has also been contented on behalf of appellant (now deceased) that an error of judgment has been committed by the learned trial Court, while believing the unreliable & inconsistency evidence adduced by the prosecution which was full of contradictions. According to learned counsel for the appellant (now deceased), merely, on the basis of conjectures and surmises the learned trial Court has observed that the evidence adduced by the prosecution was sufficient to bring home guilt of the accused.

20. It has been further contended by learned counsel for the appellant that, in fact, there were numerous deficiencies in the prosecution evidence, which rendered it unreliable, and that the evidence so adduced by the prosecution was not good enough to meet, the standard, prescribed for proving a charge in criminal case. While arguing that, merely, on the basis of presumptions and assumptions a finding of conviction had been returned by the learned trial Court, the learned counsel for the appellant sought for intervention of appellate jurisdiction of this Court in the impugned judgment.

21. As a sequel to above mentioned arguments, the learned counsel for the appellant has contended that the impugned judgment of conviction and order of sentence are not sustainable and deserves to be set aside. The learned



counsel for the appellant has requested that by accepting the instant appeal the impugned judgment and order be set aside.

22. The learned State counsel has controverted the above mentioned arguments. The learned State counsel has contended that instant case was a foolproof case wherein each and every essential ingredients meant for proving a charge for the commission of offence punishable under Sections 7 and 13 (2) of the Prevention of Corruption Act had been proved by the prosecution beyond the shadow of all the reasonable doubts. According to learned State counsel although a vein efforts was made by the learned defence counsel to impeach the credibility of the evidence adduced by the prosecution, but the above mentioned evidence, so adduced by the prosecution, was so consistent and reliable that the efforts made by the appellant (now deceased) to impeach its credibility could not produce a fruitful result.

23. The learned State counsel has further contended that there was a reason for which the illegal gratification was demanded by the appellant (now deceased) as he was not supplying the copy of mutation entered with regard to estate of deceased brother of the complainant. According to learned State counsel in addition to above the execution of raid in a copybook style was duly proved by the complainant and other official witnesses. The learned State counsel has also contended that all the above mentioned witnesses had successfully faced the test of cross-examination, and thus, the above mentioned evidence adduced by the prosecution was sufficient to discharge the burden of the prosecution beyond the shadow of all the reasonable doubts. While



defending the impugned judgment and order the learned State counsel has contended that there is no scope for indulgence and interference in the impugned judgment/order. As per learned State counsel the present appeal is devoid of merits and deserves dismissal.

24. The record has been perused carefully.

25. While dealing with relevant issue involved in the instant case the learned trial Court dealt with the issue that the appellant (now deceased) was a public servant. With regard to above mentioned issue there was ample evidence on record, such as the complainant had specially and categorically deposed that the appellant (now deceased) was 'Halka Patwari'. The above mentioned testimony of PW-1 was duly sported and corroborated by the shadow witness and the official witnesses.

26. It shall not be out of place to mention here that in his statement under Section 313 Cr.P.C. or during the course of cross-examination of prosecution witnesses it was never denied by the appellant (now deceased) that he was not a public servant, i.e. 'Halka Patwari' at the time of raid. In view of above mentioned overwhelming evidence the learned trial Court has rightly observed that in the present case it was established that appellant was a public servant. In view of above mentioned observations the above mentioned finding of learned trial Court deserves to be upheld.

27. The second issue i.e. acceptance of money was depending upon the two essential components:

i) that the demand of illegal gratification by the appellant (now



deceased);

ii) that acceptance of money.

28. With regard to above mentioned two points of determination the prosecution had examined several witnesses. The most important amongst them was PW-1 the complainant. The PW1 in his examination-in-chief had duly supported and corroborated the prosecution version by deposing the fact that the appellant had demanded money for sanctioning the mutation. However, the relevant part to be taken into consideration with regard to deposition of PW-1 was that in the witness-box it was deposed by the PW-1 that on first occasion when he had visited the appellant (now deceased) and when the demand for illegal gratification was raised by the appellant (now deceased), the PW-2 Ajit Singh was accompanying him. This deposition of PW-1 was at variance in comparison to his statement which was recorded by the police officer.

29. In addition to above, the quantum of money demanded by the appellant (now deceased) was also mentioned differently by the PW-1. In the complaint before the police it was stated by the complainant that demand was for a sum of Rs.15,000/- but in the witness-box the PW-1 deposed that it was 25-30 thousand.

30. Here it shall not be out of place to mention that as per defence plea the appellant (now deceased) had taken a specific plea that at his own end the requisite formalities had been completed, and whatever, the requisite formalities were left with regard to mutation demanded by the complainant it



was to be done by the concerned SDM, a much superior officer than the appellant (now deceased). As per appellant in such circumstance there was no possibility of demand of money by the appellant (now deceased). If the conduct of the appellant coupled with the above mentioned factual matrix is taken into consideration a very valid and prominent question erupts with regard to claim of the complainant that there was a demand of money. It fails to convince a prudent mind that an official, who at his own level, and that, too, much before the execution of raid, had already recorded the entry as per wishes of complainant and was simply waiting for the approval of his superior for such an entry, would expect money from the complainant. It is quite unnatural and improbable that after performing his own part of the work, the appellant (now deceased) would have been expecting the payment of money by the complainant. If any expectation of illegal gratification on the part of appellant (now deceased) was there, the same would have been at the stage when he himself was supposed to record the entry of mutation. But he did so almost six months prior to the raid and there was no iota of evidence that on that occasion there was any demand of illegal gratification by the appellant (now deceased).

31. In view of above mentioned discussion it is hereby observed that this plea of the prosecution was doubtful that there was demand for illegal gratification by the appellant (now deceased). While dealing with similar situation the Hon'ble Supreme Court of India in the case 'Babu Lal Bajpai Vs. State of U.P.' AIR 1994 SC 1538, acquitted the accused by observing that *firstly*, the money received by the public servant was thrown on the floor and



secondly, there was no motive on the part of the accused to demand and accept bribe, because no dues of the complainant was pending before the accused.

32. Similar was the situation in the case in hand, and thus, this conclusion can safely be drawn that the present case is squarely covered by the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Babu Lal Bajpai (supra)'. The point No.1 is therefore, answered accordingly in favour of appellant.

33. As far as, second point is concerned to prove the fact that there was acceptance of money by the appellant (now deceased) the prosecution had primarily relied upon the testimony of as many as four witnesses. They were complainant, who was examined as PW-1, the shadow witness Ajit Singh as PW-2, the official witnesses Dr. Chaman Lal as PW-3 and the Investigating Officer of the case DSP Brij Mohan Sarup as PW-8. All the above mentioned witnesses in the witness-box duly supported the prosecution case qua the fact that the raid was conducted exactly in the manner in which it was planned by the Investigating Officer (PW-8). All the above mentioned witnesses consistently deposed that on entry into the office of appellant (now deceased) the currency notes smeared with phenolphthalein powder, worth Rs.10,000/-, i.e. 20 currency notes of denomination of Rs.500/- each were handed over by the complainant to the appellant (now deceased) and at that point of time the shadow witness, i.e. PW2 Ajit Singh, was accompanying him.

34. It was also deposed by all the witnesses that the moment money was accepted by the appellant (now deceased) the PW-2 gave signal to the



official witnesses, and that the team comprising of official witnesses and police officials entered into the room of the appellant (now deceased), nabbed him, held both of his hands and got it washed. However, with regard to the testimonies of above mentioned four witnesses, there were two very crucial factors, challenging the sanctity of the raid conducted by the official of vigilance bureau.

35. The first component was that as per theory set-out by the prosecution at the time of raid not only the hands of the appellant but also the reverse side of pocket of his trouser had been washed, and that on both the occasion the water mixed with sodium carbonate turned pink. If the above mentioned theory of the prosecution is to be believed it supported the prosecution case to the effect that once the money was handed over by the complainant to the appellant (now deceased) the appellant kept the same in his pocket.

36. It is the case of the prosecution that the moment PW-2 Ajit Singh, the shadow witness gave signal and the other members of raiding party entered the room of appellant (now deceased) and there members of raiding party held the hand of appellant (now deceased) and then he was asked to wash them in the water mixed with sodium carbonate. The above mentioned chain of events showed that there was no occasion for the appellant (now deceased) to pick-up currency notes from his pocket and throw the same on the ground, because before the introduction by the head of the raiding party, the appellant could not have an occasion to sense that a trap was laid. Thus, he was not supposed to



throw the currency notes on the ground. As per prosecution case by the time DSP Brij Mohan Sarup (PW-8) gave his introduction to the appellant (now deceased) the hands of appellant were already in the grip of officials of raiding party. The above mentioned factual matrix falsify the theory set-out by the prosecution that the currency notes were thrown by the appellant (now deceased) on the ground.

37. For the sake of arguments, if the above mentioned theory of the prosecution is accepted, that when the raiding party went inside the room the appellant (now deceased) had thrown the currency notes on the floor, then the above mentioned fact-situation is more close to the theory set-out by the appellant (now deceased), wherein he alleged that the complainant had tried to place the above mentioned currency notes into his hand, but he did not accept the same and that's why the same had fallen on the ground. The above mentioned fact- situation does not convince the prosecution story that when the appellant (now deceased) sensed the presence of raiding party, he picked up currency notes from his pocket and threw it on the floor.

38. It shall not be out of place to mention here that even with regard to sequence of events which unfolded at the time of raid, the testimonies of official witnesses were contradictory. Those may be summarized as under:-

39. As per PW-1 the notes thrown on the floor were collected by Dara Ram at the instance of DSP, but the PW-2 did not disclose the identity of the member of raiding party, who collected the notes from the floor. The PW-2 and PW-3 were silent about the identity of person who had collected the notes



from the floor and as per PW-8 it was Dr. Chaman Lal PW-3 who had picked-up the same from the floor.

40. It shall not be out of place to mention here that the sequence of events particularly the throwing of currency notes on the floor were deposed in a different manner by the above mentioned four witnesses. As per PW-3 when he entered the room both the hands of the appellant (now deceased) were already held by the officials of raiding party and the notes were lying on the earth, whereas as per PW-1 and PW-2 the currency notes were thrown on the floor by the appellant (now deceased) when the raiding party entered and gave its introduction to the appellant (now deceased). However, as per PW-8 once the entire proceedings with regard to washing of hands of the appellant had been undertaken he was told that the appellant had thrown the currency notes on the floor and from there it was picked-up by the PW-3.

41. If the above mentioned evidence adduced by the prosecution with regard to sequence of events which had unfolded on the spot at the time of raid is taken into consideration, it transpires that all the four witnesses i.e. PW-1, PW-2, PW-3 and PW-8 had narrated altogether different story with regard to the manner in which the currency notes were thrown on the floor and also the manner in which they were picked-up/collected. Thus the very sanctity of the raid comes within the shadow of suspicion.

42. With regard to the fact situation which was prevalent in the present case the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Babu Lal Bajpai (supra)' are relevant wherein also the



currency notes were found on the floor and the Hon'ble Supreme Court acquitted the appellant.

43. In the case of 'T. Subrmanian Vs. State of Tamil Nadu' AIR 2006 SC 836, the Hon'ble Supreme Court of India has observed that if the element of demand and acceptance of money was missing the appellant was entitled for acquittal. In the above mentioned case the Hon'ble Supreme Court has also observed that defence version supposed to be proved by the accused beyond the shadow of reasonable doubt.

44. In the present case as already discussed above, the quantum of demand of money raised by the appellant (now deceased) was stated differently by the complainant on two occasions, such as in the complaint he had mentioned that the demand was for a sum of Rs.150,000/- but in the witness-box he deposed that it was 25-30 thousand. The similar situation was dealt with by the Hon'ble Supreme Court in the case of 'Khaleel Ahmed Vs. State of Karnatka' 2015(16) SCC 350, wherein with regard to payment of Rs.25,000/- only Rs.1500/- were recovered from the possession of appellant.

45. In the case of 'Tarlok Singh Vs. State of Punjab', 2015(3) RCR (Criminal) 204, this High Court has observed that once the demand and acceptance was not proved beyond the shadow of reasonable doubts the appellant was entitled for acquittal. In the case of 'M. Narsinga Rao Vs. State of Andhra Pradesh', 2001 (1) RCR (Criminal) 95, the Hon'ble Supreme Court of India has observed that it is not enough that some currency notes were handed over to the public servant to make it acceptance of gratification.



According to Hon'ble Supreme Court of India for the successful prosecution of the public servant the prosecution has a further duty to prove that what was paid amounted to gratification.

46. Similar view has been taken by the Hon'ble Supreme Court of India in the case of 'Suresh Kumar VS. State of Haryana' 2009 (4) RCR (Criminal) 608, wherein the Hon'ble Supreme Court of India has observed that mere recovery of tainted amount is not sufficient to prove the offence. In the case of 'Smt. Meena wife of Balwant Hemke Vs. State of Maharashtra' 2000(2) RCR (Criminal) 661, it has been observed by the Hon'ble Supreme Court of India that mere recovery of currency notes and positive result of the phenolphthalein test is not sufficient to establish the guilt of the appellant.

47. In the case of 'Anand Parkash Vs. State of Haryana' 2008(2) RCR (Criminal) 137 and in the case of 'Ganapathi Sanya Naik Vs. State State of Karnataka' 2007 (4) RCR (Criminal) 184, the appellants were acquitted by the Hon'ble Supreme Court as the currency notes were not found in the physical position of the appellant. In the case of 'Anand Parkash (supra)' it was lying in almirah and in the case of 'Ganapathi Sanya Naik (supra)' beneath the files kept on the table.

48. If the totality of the circumstances prevalent in the present case are analysed in the light of above mentioned principles of law, it transpires that in the present case the very credibility of the raid, conducted by the officials of vigilance bureau, was under the shadow of doubts as all of them had deposed different sequence of events, with regard to collection of money from the floor



and also the manner in which the currency notes were found on the spot. In addition to above there was also a question mark with regard demand of money as the requisite duty which was supposed to be performed by the appellant (now deceased) had already been performed. Thus, the point of determination No.2 framed in this case is hereby answered accordingly,i.e. in favour of the appellant.

49. Taking into consideration the finding recorded in the above mentioned two points of determination it is hereby observed that an error of judgment was committed by the learned trial Court when on the basis of above mentioned evidence, which was not consistent and reliable enough to inspire confidence it observed that the prosecution was successful in discharging its duty. Thus, it is hereby held that the present appeal has got merit.

50. In view of above observations, it is hereby held that by accepting the present appeal the impugned judgment of conviction and order of sentence deserves to be set aside. Thus, the present appeal is hereby accepted and the impugned judgment of conviction and order of sentence are hereby set aside. Hence, the appellant is hereby **acquitted** of the charges framed against him.

(SURYA PARTAP SINGH)
JUDGE

30.03.2026
Manoj Bhutani

Whether speaking/reasoned Yes/No
Whether reportable Yes/No