



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment Reserved on: 16.02.2026

Judgment pronounced on: 23.02.2026

+ CRL.A. 54/2003

MUNNA LAL NISHAD

.....Appellant

Through: Md. Shamikh and Md. Javed,
Advocates.

versus

C.B.I.

.....Respondent

Through: Mr. Atul Guleria, SPP with Mr. Aryan
Rakesh, Advocate.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. This appeal under Section 374 of the Code of Criminal Procedure, 1973 (the Cr.P.C.) has been filed by the sole accused in C.C.No. 276/1994 on the file of the Court of Special Judge, Delhi, challenging the conviction entered and sentence passed against him for the offences punishable under Sections 7 and 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988 (the PC Act).



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2. The prosecution case is that on 27.12.1990, the accused, while posted as Junior Telecommunication Officer in the office of the Sub Divisional Officer II, Okhla Telephone Exchange, MTNL, demanded illegal gratification of ₹ 1,000/- and later settled for ₹ 800/- from PW1 for facilitating the restoration of a disconnected telephone number of Ms. Roopa Mehta, installed at C-51, East of Kailash, New Delhi.

3. On 27.12.1990, PW1 lodged a complaint, that is, Ext. PW1/B, with the S.P., Anti-Corruption Branch, CBI, New Delhi, based on which crime, RC No. 64(A)/90-DLI, that is, Ext. PW1/B FIR was registered alleging commission of the offence punishable under Section 7 of the PC Act.

4. PW10, Inspector, Anti-Corruption Branch, CBI, New Delhi, conducted investigation into the crime and on completion of the same, submitted the charge-sheet/ final report alleging commission of the offences punishable under the Sections 7 and 13(1)(d) read with 13(2) of the PC Act.



5. Ext. PW5/A sanction order for prosecuting the accused was accorded by PW5, the then Area (South), MTNL, Nehru Place, New Delhi.

6. When the accused on receipt of summons appeared before the trial court, the trial court after complying with the formality contemplated under section 207 Cr.P.C, on 11.02.1994, framed a charge against the accused for the offences punishable under Sections 7 and 13 of the PC Act, which was read over and explained to the accused to which he pleaded not guilty.

7. On behalf of the prosecution, PW1 to PW10 were examined and Ext. PW1/A - G, Ext. PW3/A-B, Ext. PW4/A-1 to A-8, Ext. PW5/A, Ext. PW6/A - B, Ext. PW7/A and Ext. PW9/A were marked in support of the prosecution case.

8. After the close of the prosecution evidence, the accused was questioned under Section 313(1)(b) Cr.P.C. regarding the incriminating circumstances appearing against him in the evidence of the prosecution. The accused denied all those circumstances and



maintained his innocence. The accused submitted that the present case is falsely foisted against him and that the telephone in question had already been restored on 26.12.1990, prior to the trap being laid and, in such circumstances, no motive remained for him to demand or accept any bribe amount. No oral or documentary evidence was adduced on behalf of the accused.

9. On consideration of the oral and documentary evidence on record and after hearing both sides, the trial court *vide* the impugned judgment dated 20.01.2003 held the accused guilty of the offences punishable under Section 7 and Section 13(1)(d) read with Section 13(2) of the PC Act. *Vide* order on sentence dated 22.01.2003, the accused has been sentenced to undergo rigorous imprisonment for a period of two years with fine of ₹3,000/- on each count for his conviction under the abovesaid Sections, and in default of payment of fine, to undergo rigorous imprisonment for three months. The substantive sentences imposed for both



convictions have been directed to run concurrently. Aggrieved, the accused has preferred the present appeal.

10. The learned counsel for the appellant/accused submitted that as per the version of PW1, PW9 after hearing his complaint had called the accused and asked the latter the place and time at which the amount had to be paid. PW9 had told the accused that he was calling on behalf of PW1. However, PW9 has no such case. If there was in fact a conversation between PW9 and the accused before the trap, the same ought to have been produced. However, the same has not been produced.

10.1. The learned counsel for the accused further submitted that Ext. PW9/A FIR dated 27.12.1990 was registered hastily at about 11:00 a.m. immediately upon receipt of Ext. PW1/B complaint without even conducting a preliminary inquiry as to the genuineness of the complaint given by PW1. The crime was registered prior to the trap proceedings, which was subsequently conducted at about 2:30 P.M. It was further submitted that there



exists a material contradiction between the testimony of PW2 and PW3, the two independent witnesses regarding who had taken the pant pocket wash of the accused after the apprehension of the accused post trap.

10.2. The learned counsel for the accused also submitted that the evidence on record clearly establishes that the telephone connection in question had been restored on 26.12.1990, and therefore, the allegation that the appellant had demanded or received any bribe amount on 27.12.1990 for restoration of the said connection is completely improbable. He further contended, on the point of sanction, that PW5 accorded Ext. PW5/A Sanction Order without proper application of mind to the allegations levelled against the accused and the documents produced in support of the prosecution case.

10.3. The learned counsel for the accused further pointed out that during his examination, PW3, one of the independent witnesses, failed to identify the accused present in Court.



Reference was also made to the testimony of PW1 wherein he deposed that upon the demand being made by the accused, he informed his superior officer, S. K. Malhotra, who in turn intimated his Managing Director, pursuant to which PW1 was provided with ₹1,000/- and directed to meet a particular CBI officer. This indicates that everything was preplanned.

10.4. The learned counsel for the accused further pointed out that PW1 in the cross examination deposed that the accused was arrested at about 2:30 p.m. while he was coming out of the telephone exchange. Further, PW1 significantly deposed that as instructed by the accused, he had put the eight ₹100/- currency notes into the pocket of the accused. It was therefore submitted that if the money was directly put into the pocket and there was no contact with the hands of the accused, there is no explanation as to how the hand wash of the accused turned pink, particularly when a suggestion was put that both hands were not washed in sodium carbonate solution thus, creating a serious doubt regarding the



prosecution version of recovery. These circumstances, according to the learned counsel for accused, clearly demonstrate that the case against the accused was falsely foisted and pre planned due to a quarrel that happened between the accused and Mrs. Roopa Mehta, the actual customer/ subscriber of the telephone in question who was well acquainted with a CBI officer.

11. *Per Contra*, the learned Special Public Prosecutor submitted that the foundational facts necessary to substantiate the prosecution case stand duly proves. The prosecution case is proved by the materials on record. There are only minor inconsistencies in the testimonies of the witnesses which are not in any way material and has in no way affected the prosecution case. There is no infirmity calling for an interference by this Court.

12. Heard both sides and perused the records.

13. The only point that arises for consideration in the present appeal is whether there is any infirmity in the impugned judgment calling for an interference by this Court.



14. I shall first refer to the evidence on record relied on by the prosecution in support of the case. PW1, in Ext. PW1/B complaint dated 27.12.1990 based on which the crime was registered, has stated thus:- “...Mrs. Roopa Mahta R/o C-51, East of Kailash, New Delhi is a relative of my M.D. She had authorised me to process the restoration of her telephone no. 633770. For the purpose, I approached Shri Munna Lal J.E. Okhla Exchange of the area. He demanded Rs. 1000/- only (Rs. one thousand only) for restoring the telephone. I told him that I have already paid Rs. 2080/- vide demand note dated 14/12/90. Munna Lal told me that phone cannot be restored till I pay him Rs. 1000/- only. He has called me at telephone exchange for [paying] the bribe between 4 and 5 pm today. I do not want to pay bribe and reporting the matter to you for the necessary action.”

15. PW1, when examined before the trial court, deposed that during December 1990 he was working as a Liaison Officer with M/s Ronaq Automotive Components, Nehru Place, New



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Delhi, and that Mr. S.K. Malhotra was his immediate superior officer. In December 1990, Mr. Malhotra entrusted him with the work of getting the telephone of Mrs. Mehta restored. PW1 deposed that he initially visited the Nehru Place Telephone Exchange where he was informed that the exchange concerned was Okhla Telephone Exchange. Thereafter, he went to the Telephone Exchange, Okhla where he was informed that the telephone in question had been kept in safe custody for a long time and that an amount of about ₹2050/- or ₹2080/- was pending towards outstanding bills against the said telephone number. He got a demand draft prepared for the requisite amount and deposited the same at the telephone exchange. On deposit of the demand draft, Ex. PW1/A receipt was issued to him. He met the S.D.O. regarding restoration of the telephone, who directed him to meet the Junior Engineer, the accused. The accused inquired about the area where the telephone was installed and upon being informed that it was in East of Kailash, told him that there was heavy



workload, but if he paid a sum of ₹1000/-, the telephone would be restored. He informed Malhotra about the demand.

15.1 Malhotra spoke to the Managing Director of the Company and thereafter gave him ₹1000/- with instructions to contact a particular officer in the CBI whose name PW1 was unable to recollect. As instructed, he went to the office of the CBI and met the said officer who entertained his grievance and directed him to meet PW9. PW9 instructed him to reduce his complaint into writing, which is Ext. PW1/B. PW9 enquired whether he knew the telephone number of the accused. He gave the number of the accused to PW9, who made a telephone call to the accused and asked the latter where and at what time the money should be paid. PW9 while making the call told the accused that he was speaking on behalf of PW1. PW1 further deposed regarding the pre trap proceedings. PW9 introduced him to two independent witnesses and was told that they would be members of the trap team and one of the said witnesses was directed to remain with him. He was



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instructed to hand over the money to the accused on demand and to give a pre-determined signal by scratching his head after the bribe amount had been paid. PW1 further deposed that no documents were prepared prior to their departure from the CBI office.

15.2 They left the CBI office at about 1.30 PM and proceeded to Okhla Telephone Exchange. The vehicle was parked at a distance of about 1 kilometre from the Telephone Exchange. One of the witnesses accompanied him, while the other members of the raiding party took positions at places which were not disclosed to him. The accused was found waiting outside the gate of the telephone exchange. He told the accused that he had brought ₹800/- and that he had taken ₹200/-. The accused directed him to put whatever amount he had brought into the former's pocket. As directed by the accused, he put the eight currency notes of the denomination of ₹100/- each and placed it inside the pant pocket of the accused. PW1 further deposed that after handing over the money, he gave the pre-arranged signal. Immediately thereafter,



the officials of the raiding party reached the spot and caught hold of the accused by his collar. The pant of the accused was removed and the pocket was washed. The solution turned pink in colour. The accused was searched and the tainted currency notes were recovered from his pocket.

15.3 PW1 identified the currency notes, namely, Ex. P-1 to Ex. P-8 as the currency notes which he had placed in the pocket of the accused. PW1 was unable to recollect as to who had actually taken out the currency notes from the pocket of the accused. PW1 further deposed that no writing work was done at the scene. He further deposed that the personal search of the accused was not conducted in his presence. He also deposed that he does not know what had been done with the pink colour solution obtained from the wash of the pants pocket of the accused. At this juncture, the prosecutor is seen to have requested the permission of the Court to “cross examine” the witness on the ground that the latter had resiled from his previous statement. The request was allowed.



15.4 On further examination by the prosecutor, PW1 denied having stated to the police that when he had first met the accused, the latter had asked him to come with the money at about 4.00 or 5.00 PM or that PW9 had a telephonic conversation with the accused fixing the time and place of meeting. PW1 was unable to say whether the two independent witnesses were Sondhi (PW2) and Kainth (PW3). He denied having stated to the police that his complaint had been shown to the independent witnesses and that they had read the same and questioned him about it. PW1 further denied having stated to the police that Inspector Kishore Kumar had demonstrated by applying phenolphthalein powder to the currency notes, touching the hands of Sondhi (PW2) with those notes and thereafter washing the hands in a colourless sodium carbonate solution which turned pink. He stated that no such demonstration was given and that he had not stated so to the police. He denied telephoning the accused from the reception gate or the accused asking him to wait for ten minutes. PW1 denied



having stated to the police that he had asked the accused as to when the telephone would be restored and that the accused had told him that it would be restored by 5.30 PM on the same day. PW1 denied having stated to the police that the accused had asked him whether he had brought the money and had enquired as to how much he had brought. He further denied having stated that the accused had told him that the latter had to pay ₹300/- to the Cable Jointer and could retain only ₹200/- for himself. PW1 further denied having stated to the police that PW2 had told the accused that since they both of them had come, the accused should reduce ₹100/- for each of them and that thereafter the accused reduced the demand to ₹800/-. PW1 also denied having stated that the accused had agreed to accept ₹800/- on the request of PW2. PW1 admitted that he had handed over the money to the accused near a tea stall situated about five steps away from the gate of the Telephone Exchange. He admitted that he had paid ₹800/- to the accused and had kept ₹200/- in his own pocket. PW1 denied having stated to



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the police that both the hands of the accused were washed in sodium carbonate solution and that the handwash solutions had turned pink. PW1 could not recollect as to who had taken out the money from the pocket of the accused. He denied having stated to the police that the money was recovered from the pocket of the accused by PW2.

15.5 PW1 further deposed that no solutions were sealed in his presence and he denied having stated to the police that the hand wash bottles and the pant pocket wash bottle were sealed in his presence and that he had signed the labels. He denied the suggestion that the pre raid proceedings were recorded in the CBI office in the form of a handing over memo. PW1 further denied the suggestion that all the proceedings conducted at the spot were recorded in the recovery memo at the spot itself. In his cross examination, PW1 deposed that he does not recollect the date on which the accused had demanded money from him. PW1 further deposed that the CBI officer never recorded the statement of



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Malhotra and that Malhotra always avoided giving any statement. PW1 further deposed that his senior officer Malhotra had informed him that the Managing Director of the Company where he was working had spoken to some officer in the CBI and had directed him to meet that officer. PW1 denied the suggestion that Mrs. Mehta had a quarrel with the accused and as she was known to the Managing Director, the latter had contacted someone in the CBI, pursuant to which, he had been sent to the CBI office.

16. PW2 deposed that on 02.01.1991, he along with PW3 were directed by their officer to report at the office of the CBI. They went to the CBI office and met PW9. After some time, PW1 also reached the office. A tape-recorded conversation was played before them in which the accused was heard demanding bribe from PW1. The said tape-recorded conversation was played in the presence of PW1, PW3 and the CBI officials. Thereafter, he went along with PW1, while PW3 remained with the CBI officials. After they reached the office of the accused, PW1 made a



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telephone call to the accused from a public telephone situated downstairs. The accused replied that he would be coming down in five minutes. After about five minutes, the accused came down and took them outside the telephone exchange. PW1 asked the accused whether the work had been done to which the latter replied that the work would be done by 05.00 or 5.30 PM and thereafter demanded money. When PW1 requested reduction of the amount by ₹200/-, the accused replied that the telephone instrument itself would cost ₹800/- and that he could not reduce the amount further as he would get only ₹200/- PW2 further deposed that while the conversation with the accused was going on, PW3 also reached there and joined the conversation. They requested the accused to reduce ₹200/- since PW3 had also come along. Accordingly, the accused reduced the demand by ₹200/- and agreed to accept ₹800/-. PW2 further deposed that PW1 gave ₹800/- to the accused, who received the same in his right hand, counted the notes with both hands and kept the money in the right side back pocket of his pants. Thereafter, he



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gave the predetermined signal by scratching his head. The CBI team reached the spot and caught hold of the accused by both his wrists. PW9 disclosed his identity and challenged the accused that he had accepted ₹800/- as bribe from PW1. The accused remained silent. The money was recovered from the pocket of the accused either by some CBI officer or by PW3. The right-side pocket of the pants of the accused was washed and the solution turned pink. The proceedings conducted at the spot were recorded and Ex. PW1/E recovery memo was prepared. PW2 further identified Ex. P 14 pants as the one worn by the accused at the time of the incident. He further deposed that the personal search of the accused was conducted vide Ex. PW3/A memo. At this juncture, the prosecutor sought the permission of the trial court to “cross examine” the witness on the ground that he was suppressing the truth and resiling from his previous statement, which request is seen allowed by the trial court.



16.1 On further examination by the prosecutor, PW2 deposed that when he and PW3 reached the CBI office, they were introduced to the PW1. He admitted that the complaint was not shown to them, however its contents were conveyed to them verbally. He deposed that he did not make any enquiry regarding the complaint from PW1. He further admitted that PW1 had been instructed to hand over the money to the accused only upon specific demand. They were instructed that when the accused accepted the money and kept it, either of them was to give the signal. PW2 deposed that PW9, the TLO, had not telephoned the accused in his presence. PW2 was unable to recollect whether the tape-recorded conversation had been played before them. According to him, the tape recorder might have been played. He further admitted that PW3 was not present when the conversation between PW1 and the accused took place and that PW3 reached the spot only after the signal was given. He deposed that he could not recollect whether the hands of the accused were washed in



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separate solutions and whether both the solutions turned pink. PW2 also deposed that he could not recollect whether he had made such a statement to the police. PW2 deposed that he is not sure about the hand wash proceedings and therefore cannot depose about the same.

16.2 In his cross examination, PW2 deposed that his earlier statement regarding playing of the tape was not correct and clarified that in fact no tape was played in the CBI office in his presence.

17. PW3 deposed that on 27.12.1990, he was working as P.S. to Director Finance in the Accounts Section of HIL, Scope Complex, Lodhi Road, Delhi. On the directions of Director Finance, he along with PW2 went to the CBI office and met PW9. He was introduced to PW1 and was verbally apprised of the complaint of the latter. PW3 deposed regarding the pre trap proceedings also. They reached Okhla Telephone Exchange at about 4.00 PM. He along with members of the raiding party stood



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at a distance of about 10 metres from the gate of the MTNL office building. PW2, along with PW1 or someone he does not know went towards the gate of the building. They were visible to him and the other members of the party. After about 10 to 15 minutes, PW3 and other members of the raiding party also went to the gate, where one other person was present. PW9 apprehended the accused. PW3 failed to identify the accused present in Court during his examination and stated that due to passage of time he is unable to identify the person. PW3 further deposed that PW9 caught hold of the accused by his wrist and he might have recovered money from the pant pocket of the accused. PW3 could not recall the exact amount recovered and stated that it could have been ₹800/- or ₹1000/-. The pant of the accused was removed and the pocket was dipped into a chemical solution which turned pink. The solution was transferred into bottles and the bottles were sealed. He deposed that he cannot recall whether any paper work was done at the spot or whether his signatures had been obtained



on any writing. At this juncture, the prosecutor is seen to have sought permission to “cross-examine” PW1 on the ground that he was suppressing the truth. The request was allowed by the trial court.

17.1 On being further examined by the prosecutor, PW3 deposed that that after the trap he had never gone to the CBI office and that his statement was not recorded by the CBI. He identified Ex. PW3/A the personal search memo of the accused. PW3 denied the suggestion that the accused present in Court is the same person who was arrested and whose personal search was conducted vide memo Ex. PW3/A. He further denied that any site map was prepared at the spot. According to him, the map was prepared in the CBI office and his signatures were obtained thereon in the CBI office. PW3 deposed that he does not know whether any instructions had been given to PW1 to remain close to PW2 and to talk to the accused in such a manner that PW2 could hear and watch the transaction and to give signal by scratching his head



upon acceptance of money. He denied having stated so to the police. PW3 denied any instructions being given to PW1 to give signal by scratching his head after the accused accepted the money. PW3 further deposed that after reaching Okhla Telephone Exchange, PW1 had telephoned someone. PW3 denied seeing PW1, PW2 and the accused coming out of the building towards the gate of the Exchange building. PW3 denied that on seeing the signal he along with other members of the raiding party had gone to the gate of the Exchange building. PW3 admitted that upon apprehension of the accused, the CBI officer had challenged the accused and informed him that he had accepted the money as bribe, and on being so challenged, the accused kept silent and did not say anything. PW3 denied hearing PW1 saying that the accused had accepted ₹800/- out of ₹1000/-. He further denied hearing PW1 and the shadow witness saying that the accused had counted the money and kept the same in the pocket of his pant. PW3 denied recovering ₹800/- from the pant pocket of the



accused. PW3 could not recollect whether both the hands of the accused had been washed separately in solution prepared at the spot. He admitted that the hand wash was transferred to two bottles and sealed with the seal of CBI. PW3 could not recollect whether PW1 was searched and ₹200/- recovered from his pocket.

17.2 PW3 in his cross-examination was unable to recall whether the currency notes were recovered from the left or right pocket of the pant of the accused. PW3 further deposed that the post-raid proceedings were conducted in the Okhla Exchange office and that the raid officer neither called any official from the telephone exchange nor associated any member of the public. PW3 also deposed that the hands of the accused were not washed in his presence.

18. PW9, posted as Inspector, CBI, ACB, Delhi, the TLO supported the prosecution case.



19. PW5, Director-cum-Area Manager (South), MTNL, Nehru Place, New Delhi is the sanctioning authority and Ext. PW5/A is the Sanction Order.

20. The testimony of the aforesaid witnesses is mainly relied on by the prosecution to prove the demand and acceptance of the bribe by the accused/ the appellant herein.

21. As can be seen from the materials on record, the prosecution case is that the accused demanded illegal gratification of ₹1000/- for restoration of the telephone number of one Roopa Mehta, an acquaintance of the Managing Director of the Company in which PW1 was an employee. An amount of ₹2080/- had already been paid to the service provider *vide* Ext. PW1/A demand notice dated 14.12.1990. It is well settled that mere recovery of tainted money is insufficient to bring home the charge under the PC Act. To sustain a conviction under Sections 7 and 13(1)(d) of the PC Act, it must be proved beyond reasonable doubt that the public servant voluntarily accepted the money knowing it to be



illegal gratification. The Hon'ble Supreme Court in **Aman Bhatia v. State (NCT of Delhi), 2025 SCC OnLine SC 1013** has held that demand of bribe is *sine qua non* for establishing an offence under Section 7 of the Act.

22. The statutory presumption under Section 20 of the PC Act would arise only when the foundational facts are established by the prosecution. The question is whether the prosecution has proved the foundational facts in the case on hand beyond reasonable doubt. The same appears quite doubtful from the materials on record. PW9, the TLO, upon receipt of Ext. PW1/B complaint, is not seen to have done any verification whatsoever regarding the alleged demand. Though it is claimed that a telephonic conversation had taken place between PW9 and the accused, the same has not been produced before the court, for which no reason(s) are given. PW2, one of the independent witnesses, denied that any such call had been made, recorded or played in his presence. According to PW1, during the pre-trap



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proceedings, PW9 had spoken on his behalf to the accused at which time the accused reiterated his demand. However, PW9, the TLO, does not seem to have such a case. Further, according to PW1, as instructed by the accused, he had put the currency notes inside the pocket of the accused. PW1 does not have a case that the currency notes had been handled by the accused. On the other hand, the specific case of PW1 is that he had put the currency notes directly inside the pant pocket of the accused. PW1 denied having stated to the police that he had handed over the money to the accused and that the hand wash of the accused had turned pink. PW2, on the other hand, deposed that PW1 gave the amount of ₹800/- to the accused and that the latter had received the money with his right hand and counted the notes with both his hands and thereafter kept it in his pant pocket. PW2 was unable to recall whether the hand wash of the accused had turned pink. PW2 deposed that he was not sure about the hand wash conducted by the raiding team. PW2 in his chief examination deposed that the



telephonic conversation between PW9 and the accused during the pre trap proceedings had been recorded and the same played in the presence of PW1 and PW3. However, in cross examination he denied the same. PW3, the other independent witness failed to identify the accused. PW1 to PW3 gave different versions regarding the paperwork alleged to have been done by the TLO before and after the trap proceedings. PW1 denies any paperwork having been carried out by the raiding team at the scene of occurrence.

23. Another contention raised by the appellant's counsel is that the telephone connection in question stood restored on 26.12.1990, as reflected from Ex. PW6/A Jumper Clip and the corresponding entry "320/26/12" in the CGS Register, and that the trap having been laid on 27.12.1990, there was no occasion for the accused to demand any illegal gratification for restoration. It is apparent from the testimony of PW8, OCS Operator that on 26.12.1990, he tested the line, found it operational, spoke to a lady



subscriber and made the endorsement “RCTSSS” (Right on Test, Subscriber Spoken and Certified). These endorsements are contemporaneous official records maintained in the ordinary course of business and, unless discredited, possess considerable evidentiary value. Also, PW6, SDO of the Okhla Exchange during the relevant time proved that PW6/A jumper letter denotes that the telephone connection in question had been restored on 26.12.1990.

24. The prosecution, however, seeks to explain this circumstance by contending that although restoration was technically effected on 26.12.1990, PW1 was unaware of the same since the confirmation was conveyed only to the subscriber who answered the test call. According to the prosecution, PW1 continued to believe that the line had not been restored and, therefore, the demand and trap on 27.12.1990 remain unaffected. This explanation may account for the PW1’s subjective lack of knowledge, but it does not by itself resolve the legal issue.



25. At the risk of repetition, it is reiterated that the core of the offence under the PC Act is the demand and acceptance of illegal gratification in connection with a pending or proposed official act. If the restoration of the telephone had already been completed on 26.12.1990, the prosecution must clearly establish that the demand for bribe was made prior to such restoration and that the payment on 27.12.1990 was in pursuance of that earlier demand. In the absence of cogent evidence demonstrating such a prior demand, the existence of documentary proof showing completion of the official act before the payment of the bribe, does raise doubts.

26. A perusal of the testimony of PW1 reveals material inconsistencies both within his own deposition and with the prosecution case. According to him, the accused had demanded a sum of ₹1000/- for restoration of the telephone. However, at the time of the alleged trap he admittedly paid only ₹800/- and retained ₹200/- with himself. He also denied any negotiation or



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reduction of the demand occurred, yet no explanation emerges as to why the full amount of ₹1000/- was not paid if that was indeed the settled illegal gratification creating an inherent inconsistency regarding the very quantum of demand. Further, while he deposed that PW9 made a telephonic call to the accused and even spoke to him to fix the meeting, he later professed ignorance of the accused's telephone number and admitted that the number was neither mentioned in his complaint nor in his statement, thereby casting doubt on the alleged pre-arranged contact.

27. Serious inconsistencies also appear in respect of the recovery proceedings. PW1 deposed that the tainted currency notes were recovered and their numbers tallied in his presence, yet in cross-examination he stated that he does not recollect who took out the money, that the numbers were not tallied in his presence, that no writing work was done at the scene, and that he was sent to sit in the vehicle soon after the accused was apprehended. Likewise, although he acknowledged that powder was applied to the



currency notes, he denied that any demonstration was conducted or that any handing-over memo was prepared before departure from the CBI office, which stands at variance with the testimony of the other prosecution witnesses.

28. The learned counsel for the accused also challenged the validity of Ex. PW5/A sanction order on the ground of non-application of mind. PW5, the competent authority, has deposed that he was empowered to remove the accused from service and thus he accorded sanction after perusing the relevant documents. He also identified his signatures on the sanction order and denied that he acted mechanically or at the behest of the CBI. Though in cross-examination, PW5 deposed that he did not specifically mention the documents perused, did not bring the sanction file, and could not recall whether a request was received from SP, CBI, these omissions by themselves do not establish absence of application of mind. As held by the Hon'ble Apex Court in **State of Maharashtra v. Mahesh G. Jain (2013) 8 SCC 119**, the



sanctioning authority is only required to arrive at a *prima facie* satisfaction that relevant facts would constitute the offence, and once it is shown that relevant material was placed before it and considered, the court cannot undertake a deeper evaluation of the adequacy of such material. In the absence of material proof that the sanction was mechanical or without proper application of mind, the challenge against Ext. PW5/A sanction order cannot sustain.

29. In the light of the aforesaid unsatisfactory evidence, I find it unsafe to find that the prosecution has proved the case beyond reasonable doubt. Therefore, the trial court went wrong in finding the evidence sufficient to conclude regarding the guilt of the accused. I find that the appellant/ accused is entitled to the benefit of doubt.

30. In the result, the appeal is allowed. The impugned judgment is set aside. The appellant/ accused is acquitted under Section 248(1) of Cr.P.C. of the offences charged against him. He is set at liberty and his bail bond shall stand cancelled.



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31. Application(s), if any, pending, shall stand disposed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

FEBRUARY 23, 2026/ABP