



2026:DHC:1042



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

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Judgment Reserved on: 05.02.2026

Judgment pronounced on: 10.02.2026

+ **CRL.A. 916/2006 & CRL.M.A. 4056/2018**

GOBIND SWAROOP PARWANI

.....Appellant

Through: Ms. Sonia Mathur, Sr. Advocate with
Mr. Shailesh N Pathak, Mr. Abhinav
Garg, Mr. Manwendra Gautam, Mr.
Nikhil Chandra, Mr. Radhey S.
Janwa, Ms. Safeena Khan and Mr.
Sachin Gajwani, Advocates.

Versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Bheem Singh, P.S. Anti-
Corruption Branch, Delhi.

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 first accused (A1) in C.C.No. 38/1999 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(2) of the Prevention of Corruption Act, 1988(the PC Act).



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2. The prosecution case is that on 18.03.1996, A1 while working as Junior Engineer in the Commercial Estate Branch of DDA at Vikas Sadan, in collusion with the second accused, (A2), W/C(R), Mate, DDA, demanded illegal gratification of ₹ 5,000 from PW8 for not demolishing the boundary wall of his shop bearing No. 14, A-1 Market, Lawrence Road, Delhi, and later agreed to accept ₹ 2,000 as bribe.

3. On 18.03.1996, PW8 lodged a complaint, that is, Ext. PW6/A, with the Anti-Corruption Branch, New Delhi, based on which, Crime no. 13/1996, FIR was registered alleging commission of the offences punishable under Section 7 and 13 of the PC Act.

4. PW7, Inspector, Anti-Corruption Branch, 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 aforementioned sections.

5. Ext. PW1/A and PW2/A Sanction Order for prosecuting the accused persons was accorded by PW1, Member Engineer,



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DDA and PW2, the then Superintending Engineer, Civil Circle-1, DDA respectively.

6. When the accused persons on receipt of summons appeared before the trial court, the Court after complying with the formality contemplated under section 207 Cr.P.C, on 20.04.2001, framed a Charge against the accused persons for the offences punishable under Sections 7 and Section 13(1)(d) of the PC Act, which was read over and explained to them to which they pleaded not guilty.

7. On behalf of the prosecution, PW1 to PW10 were examined and Ext. PW1/A, Ext. PW2/A, Ext. PW4/A-B, Ext. PW5/A, Ext. PW6/A-K, Ext. PW8/A, Ext. PW9/A-B were marked in support of the case.

8. After the closure of the prosecution evidence, the accused persons were questioned under Section 313(1)(b) Cr.P.C. regarding the incriminating circumstances appearing against them in the evidence of the prosecution. The accused denied all those



circumstances and maintained their innocence. A1 submitted that he has been falsely implicated in this case and that he discharges his duties as an honest and hardworking government official and in recognition of his services he has also been awarded with several accolades.

9. No oral or documentary evidence was adduced by the accused persons.

10. On consideration of the oral and documentary evidence on record and after hearing both sides, the trial court, vide the impugned judgment dated 09.10.2006, held A1 guilty of the commission of offences punishable under Sections 7 and 13(2) of the PC Act and accordingly, sentenced him under Section 248(2) Cr.P.C. to undergo rigorous imprisonment for a period of two years and to fine of ₹15,000/- under Section 13(2) of the PC Act and in default of payment of fine, to undergo simple imprisonment for six months and to rigorous imprisonment for a period of one year and fine of ₹5,000/- under Section 7 of the PC Act and in



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default, to undergo SI for a period of three months. A2 has been acquitted under Section 248(1) Cr.P.C. of the offences charged against him. The sentences have been directed to run concurrently. Aggrieved, A1 has preferred the present appeal.

11. The learned Senior Advocate appearing for the appellant/A1 pointed out that the alleged demand was made on 16.03.1996 and Ext. PW6/A complaint was made on 18.03.1996. But the TLO had not conducted any sort of verification with respect to the demand alleged to have been made by the accused. Reliance was placed on the dictum in **Mir Mustafa Ali Hasmi v State of Andhra Pradesh (2024) 10 SCC 489** to canvass the point that the factum of demand by public servant before laying the trap should be verified by recording telephonic conversation between the decoy and suspect. It was submitted that, PW8 when examined deposed that, an initial demand of ₹10,000 was made by both the accused persons which was later settled at ₹2,000. However, the prosecution case is that only a demand of ₹ 5,000 was made.



Further, PW8 deposed that the money was paid to A2, whereas the prosecution case is that the money had been paid to A1.

11.1. It was further submitted that, as per the testimony of PW6, the *panch* witness, at the time of the acceptance of bribe, he was not present in the shop of PW8, as he had gone to attend the call of nature and it was only upon his return that PW8 informed him that the money had been paid. Thus, the testimony of PW6 is purely hearsay insofar as the alleged acceptance is concerned, and he is not an eye witness to the transaction. Further, as per PW10, the Trap Laying Officer (TLO), it was PW6 who informed him that PW8 had given the money to the accused. There is no independent witness to the alleged acceptance of bribe. Therefore, the prosecution has failed to prove either the demand or the acceptance of the bribe by the accused. It was further submitted that the trial court acquitted A2 by extending the benefit of doubt on the ground that the evidence against him was not sufficient enough to prove the case beyond reasonable doubt, but at the same



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time used the same evidence to convict A1/the appellant. As the demand and acceptance have not been proved, the statutory presumption contemplated under Section 20 of the PC Act cannot be invoked against A1/ the appellant, goes the argument.

12. *Per Contra*, it was submitted by the Additional Public Prosecutor appearing for the State that the impugned judgment does not suffer from any infirmity warranting interference by this court as the trial court has duly considered each and every ground raised in the present appeal and, upon an overall appreciation of the materials on record, adjudicated the matter on merits. It was further submitted that the essential ingredients of demand and acceptance of illegal gratification stand established primarily through testimony of PW8.

13. Heard both sides and perused the records.

14. 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.



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15. I shall first briefly refer to the evidence on record relied on by the prosecution in support of the case. The initial demand in this case is alleged to have taken place on 16.03.1996 and the trap laid on 18.03.1996. PW8 submitted a written complaint, that is, Exhibit PW6/A on 18.03.1996 in the office of the Anti-Corruption Branch in which he has stated thus:- *"...I reside at the above-mentioned address and run an STD PCO shop at shop no. 14, A-I Market, Lawrence Road. On the roof of this shop, I had a 'parda boundary' (partition wall) built for quite some time. On 16.3.96 at around 4:00 PM, a man who identified himself as G.S. Parwani, along with another man whose name I do not know, arrived at my shop on a scooter (No. DDN 2710, Make LML Vespa, grey color). He stated that he is a J.E. in the DDA and the other person is his colleague. Pointing towards the partition wall on the roof, the J.E. said, "You have not taken permission for this and we will demolish it." I replied that this is just a partition wall and not a room etc., so permission is not required. At this, he said, "You will have to pay*



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at least five thousand rupees." I told him that I cannot give that much money, you may go ahead and demolish it. Upon this, the J.E. said, "Fine, give only two thousand rupees". I said that I do not have the money at this time, come and collect it later. On this, G.S. Parwani said, "Fine, we will come this Monday, on 18.3.96, between 11:00 AM and 1:00 PM." The man who came with the J.E. said that "if Parwani Sahib cannot come, I will come, you keep the money ready." I am against giving or taking bribes, but I have agreed out of compulsion. I have no personal enmity or dealings with the J.E. or his companion. I have brought two thousand rupees with me; appropriate action should be taken."

15.1. PW8 when examined before the trial court reiterated his case given in Exhibit PW6/A and further deposed that after lodging the complaint he handed over the said currency notes to the raid officer, who recorded their serial numbers in the pre-raid report marked as Ex.PW6/B. PW8 deposed regarding the pre-trap formalities. According to him, PW6, the *panch* witness, was



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directed by the TLO to overhear the conversation between him and the accused persons, and after being satisfied that the bribe had actually been given, PW6 was to give a signal to the raiding party by moving his hand over his head. PW8 deposed that he, along with PW6, PW10, the TLO, and other members of the raiding party, left the Anti-Corruption Branch at about 10:40 a.m. and reached Lawrence Road at shop no. 14 at about 11:00 a.m. He, along with PW6, entered the shop, while the other members of the raiding party remained outdoor and took their respective positions. At about 12:00 noon, both the accused persons arrived on a two-wheeler scooter. The first accused remained standing outside the shop, while the second accused entered the shop and asked PW8 to give the bribe amount as settled on the previous day. On his demand, PW8 handed over the treated currency notes to the second accused by taking them out from his shirt pocket and placing them in the right hand of the latter. PW8 further deposed that he was not sure whether the bribe amount was given in the name of A2.



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Thereafter, PW6 went outside the shop and gave the pre-determined signal to the raiding party, upon which the raiding party entered the shop and introduced themselves. Thereafter, the search of A2 was conducted by the officials of the Anti-Corruption Branch, and the treated currency notes were recovered from the pocket of the former.

15.2. PW8 further deposed that serial numbers of the recovered currency notes confirmed with those mentioned in Ex.PW6/B pre raid report and the recovered currency notes were seized vide Ex.PW6/D, seizure memo. Thereafter, the right-hand wash of the accused was taken in a solution, which turned pink. The solution was transferred into two clean bottles, duly sealed, with paper slips affixed thereon. He as well as PW6 signed on the same. The pocket wash of the shirt of the accused was also taken, which similarly turned pink and the wash was transferred into sealed bottles. The shirt of the accused was converted into a pullanda and all the material objects along with the pullanda were



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seized vide Ex.PW6/E, seizure memo duly signed by him. At this juncture, the prosecutor sought the permission of the trial court to “cross-examine” PW8 on the ground that he was resiling from his previous statement. The request was allowed by the trial court.

15.3. On further examination by the prosecutor, PW8 deposed that that he could not recall whether A1 was a Junior Engineer or whether A2 was the former’s colleague. PW8 denied having stated to the police that in the presence of PW6, A1 asked him whether the bribe money had been arranged or not. He denied having stated to the police that he had some conversation with A1 and then handed over the treated currency notes to the latter, who received it with his right hand and kept it in the left pocket of his shirt. PW8 further deposed that at the time of delivery of the bribe amount, the accused persons had told him that they were doing his work for a small amount and that normally they charge ₹10,000/-. PW8 deposed that he cannot recall whether he had mentioned in his complaint that the initial demand was ₹5,000/-. He could not



recall the person from whom the bribe money had been seized.

15.4. PW8 denied the suggestion that he had given the bribe money to A1; or that the money was recovered from the shirt pocket of A1 or that the wash of the pocket of the shirt of A1 was taken along with his right-hand wash in a solution of sodium carbonate.

15.5. PW8, in his cross examination, deposed that he had seen Ex. PW6/A complaint, which is not in his handwriting. He had not read the said complaint before signing it; however, he had heard the contents of the complaint. He could not recall the name of the officer who had recorded the Ex. PW6/A complaint. He was unable to recall whether the *panch* witness (PW6) had arrived at the Anti-Corruption Branch before the complaint was written or thereafter. According to PW8, he had told the Inspector in his complaint that both the accused persons had demanded ₹10,000/- from him. PW8 admitted that he had got P.K. Sharma, JE, and K.C. Verma, JE of DDA trapped in RC No. 68A/94, DLI. PW8 deposed



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that he was unable to recall whether he was the complainant in another trap case, namely, RC No. 13A/97/(CBI versus Anil Kumar Gupta, JE, DVB).

16. PW6, *Panch* witness, deposed that in March 1996, he was posted in the Minor Irrigation Division, Flood Control Dept., Shastri Nagar, Delhi. On 18.03.1996, he was called to the Anti-Corruption Branch at about 8:00 a.m. or 8:30 a.m. In his presence, the complaint of PW8 was recorded. PW6 further deposed about the pre-trap proceedings. He deposed that he had been instructed by the TLO to give a signal by placing his hand over his head after receipt of the bribe and to overhear the conversation between PW8 and the accused. The tainted currency notes were handed over to PW8. He further deposed that by about 10:15 to 10:30 a.m., he and PW8 along with PW10, the TLO, and team left the office and reached Lawrence Road Market by about 11:00 to 11:15 a.m. The vehicle was parked approximately 200 to 250 yards away from the PW8's shop. He and PW8 proceeded to the shop of the former,



while the remaining officials, including the TLO, stayed nearby in the market. He and PW8 sat inside the shop. They waited for about 15 to 20 minutes. He then told PW8 that the appointed time had passed and enquired how much longer he would have to wait, having arrived early in the morning. PW6 further deposed that after waiting for a further 10 to 15 minutes, he sought the permission of the Inspector to go and attend the call of nature. When he returned to PW8's shop, the seat earlier occupied by him was seen taken by someone else. After waiting for some time, when he was about to leave, PW8 informed him that the persons had arrived and that the bribe money had already been given to them. On enquiry as to who the persons were, PW8 pointed to A1.

16.1. PW6 further deposed that he, thereafter came out of PW8's shop and gave the signal agreed to earlier, upon which the police team immediately reached the spot and enquired as to who had taken the money and so he pointed towards A1, who was then surrounded by the trap team. Thereafter, the post trap formalities



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were completed. At this juncture, the prosecutor sought the permission of the trial court to “cross-examine” the witness. The request was allowed by the trial court.

16.2. On further examination by the prosecutor, PW6 denied having stated to the police that both the accused persons had arrived on a two-wheeler scooter bearing registration number DDN-2710, LML Vespa; or that when A1 asked for money, PW8 had taken out the money from his pocket and enquired whether any other officer would harass him with another complaint and what he should do in such a situation, to which A1 replied that he was responsible for the state of affairs till that date only and that he would not take responsibility for the future; or that he heard A1 telling PW8 that the former was doing the work for less money or that he had seen A1 accepting the money with his right hand and keeping it in the upper pocket of his shirt. PW6 denied having stated to the police that he thereafter came outside and gave signal to PW10 or that he had told PW10 that A1 had received the bribe.



However, he admitted that A1 was searched in his presence and that ₹2,000 was recovered from the latter's pocket and that the right-hand wash of A1 and the wash of the pocket of the shirt worn by A1 were taken in a colourless solution of sodium carbonate, which turned pink.

16.3. PW6 in his cross examination deposed that the transaction of giving and taking money did not take place in his presence. He, however denied the suggestion that the recovery of the tainted money was not effected in his presence. PW6 also denied the suggestion that the recovery memo was prepared subsequently at the Anti-Corruption Branch or that his signatures had been obtained at a later point of time.

17. PW-10, Inspector, Anti-Crime Branch, deposed that on 18.03.1996, PW8 came to his office at about 10:00 a.m. and got his complaint recorded in the presence of PW6, *panch* witness. PW10 further deposed regarding the pre-trap formalities completed. He instructed PW6 and PW8 to remain close to each



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other so that the conversation and transaction could be heard and seen by PW6. PW6 was further directed to give a signal by 'hurling' his hand over his head upon receipt of the bribe.

18. PW10 further deposed that by about 1:00 p.m., both the accused persons arrived at the spot on a two wheeler scooter, parked it, and entered the PW8's shop. After 2 to 3 minutes, PW6 gave the pre-determined signal, upon which he along with the raiding party immediately entered the shop. PW6 informed him that PW8 had handed over the treated currency notes to A1, who had kept them in his shirt pocket. PW10 disclosed his identity and challenged the accused for having accepted bribe of ₹2,000. On searching A1, the treated currency notes were recovered from the latter's shirt pocket. The serial numbers of the recovered notes tallied with those recorded in Ex. PW 6/B pre raid report and found correct, where upon the notes were seized vide Ex. PW 6/D memo. PW 10 further deposed that the right hand wash of A1 was taken in sodium carbonate solution, which turned pink, and then



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the shirt pocket wash was also taken separately. He further deposed that Inspector Ramesh was called to the spot, and the custody of both the accused persons, the recovered currency notes, exhibits, the pullanda of the shirt along with seizure memos and other relevant documents handed over.

18.1. PW10 in his cross examination deposed that he is unaware whether on the complaint of PW8 raids had been conducted against other public servants through the Anti-Corruption Branch or the CBI. According to PW10, the raiding party waited near the spot for about two hours for the arrival of the accused persons and that during the said period neither PW6 nor PW8 had requested him to close the raid proceedings.

19. PW1, Engineer Member, DDA, Delhi Vikas Sadan, deposed that he perused the documents relating to A1 and accorded sanction to prosecute the latter. The Sanction Order is marked as Ex. PW 1/A.

20. PW2, Superintending Engineer, Civil Circle I, DDA,



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deposed that after perusal of the record relating to A2, who was working in a subordinate capacity to A1 in the Commercial Estate Branch, he accorded sanction to prosecute the latter. The sanction order has been marked as Ex. PW 2/A.

21. The testimony of the aforesaid witnesses is mainly relied on by the prosecution to prove the demand and acceptance of the bribe by A1, the appellant herein.

22. As can be seen from the materials on record, the definite prosecution case is that it was A1, in the presence of A2 who demanded the money from PW8 and thereafter received it from the latter. However PW8, who had given the Ext. PW6/A complaint, when examined deposed that, it was actually A2 who had received the money from him. But PW6, the panch witness, who was supposed to have been present throughout the transaction, does not support the version of PW8. On the other hand, he deposed that he was not physically present at the time when PW8 had handed over the money to the accused. According to PW6, he had gone to



attend the call of nature and when he returned to the shop of PW8, the latter told him that the money had been given to A1. Therefore, the version of PW8 and PW6 are inconsistent. Apart from the testimony of PW8 and PW6, there is only the testimony of PW10, the TLO, who did not actually witness the acceptance of the bribe by either A1 or A2. He was the Officer who had completed the formalities before and after the trap.

23. It was further submitted by the learned Senior Counsel appearing for the appellant/A1 that when PW8 gave PW6/A complaint, the authorities should have verified the same to ascertain whether the complaint was genuine. Relying on the dictum in **Mir Mustafa Ali Hasmi, v. State of Andhra Pradesh, 2024 (10) SCC 489**, it was submitted that the TLO ought to have made efforts to verify the factum of demand by the public servant, namely, A1, before laying the trap by recording a telephonic conversation between the decoy and the suspect. It is true that no such attempt was made in the case on hand. However, in all cases



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the non-recording of the conversation would not be fatal to the prosecution case. If the other materials on record are creditworthy and reliable, there would be no bar in the court on relying on the same for arriving at a conclusion regarding the guilt of the accused. However, in this case as noticed earlier, the testimony of PW8 and PW6 is quite unsatisfactory. The argument that some verification of the complaint ought to have been done by the TLO, appears justified, taking into account the subsequent events that have transpired in this case. PW8 and PW6 do not support the prosecution case, which raises doubts in the mind of the Court regarding the prosecution case. In fact, the trial court found that PW8 was deliberately deposing falsehood and hence proceeded to take proceedings against him under Section 344 Cr.P.C. The trial court acquitted A2 by giving him the benefit of doubt. But quite interestingly, convicted A1, relying on the very same evidence, which was found unsatisfactory as far as A2 was concerned. It is true that merely because PW8 had given a few other complaints



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against public servants, is not a sole ground to disbelieve his testimony. But the said conduct read with his testimony in Court, does raise suspicions in the mind of the Court, regarding his actual intention. That being the position, I find that the trial court went wrong in relying on the unsatisfactory evidence on record, relied on by the prosecution to prove the case. In these circumstances, I find that the appellant/ A1 is entitled to the benefit of doubt.

24. In the result, the appeal is allowed and the impugned judgment by which A1/appellant has been convicted and sentenced for the offence punishable under Section 13(2) of the PC Act is set aside. The accused is acquitted under section 248(1) Cr.P.C. of all the offences charged against him. He shall be set at liberty and his bail bond shall stand cancelled.

25. Applications, if any, pending, shall stand closed.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

FEBRUARY 10, 2026/ABP