

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD**

THE HON'BLE MR. JUSTICE K. SURENDER

CRL.A. NO. 779 OF 2010

19.06.2024

Kotla Narsimlu

... Petitioner

v.

The State of A.P., rep. by Inspector of Police, ACB, Hyderabad Range

... Respondent

Code of Criminal Procedure — Acquittal of Accused — §. 313 Cr.P.C. explanation considered — Demand for bribe not proved — Partial recovery of marked currency insufficient in absence of clear demand — Conviction under Prevention of Corruption Act unsustainable — Trial Court's judgment set aside — Accused acquitted.

Prevention of Corruption Act, 1988 — Offence under §§. 7 and 13(1)(d) r/w 13(2) — Demand of bribe, a sine qua non — Mere recovery or possession of bribe money, held, not sufficient — Presumption under §. 20 arises only on proof of acceptance following a proven demand — Defence of forced acceptance (thrusting) negates such presumption — Trial court's conviction set aside for want of proof of demand — Appellant acquitted.

FACTS. The appellant was employed in the MRO office and was accused of demanding and accepting a bribe from a defacto complainant who had purchased land and required corrections in the revenue records. A trap was set by the ACB on 21.04.2005, allegedly leading to the recovery of marked money from the appellant's pocket and partial recovery linked to a co-accused. The prosecution maintained that the appellant demanded illegal gratification for processing land-related work, prompting conviction under the Prevention of Corruption Act in C.C. No.8 of 2007 dated 18.06.2010. The appellant appealed, arguing that no demand was proven and that the evidence linking the recovered amount to him was insufficient. Some proceedings resulted in the court concluding that the prosecution had not established the essential element of demand, leading to the appellant's acquittal.

ISSUES OF LAW.

Whether the appellant's conviction for demanding and receiving a bribe is sustainable in light of the evidence presented; Whether there was sufficient proof of demand and acceptance of the alleged bribe; Whether partial recovery of the alleged bribe could suffice to corroborate the demand against the appellant; Whether the prosecution proved the appellant's demand for a bribe and whether partial recovery alone could establish culpability.

SUMMARY. The appellant was charged under the Prevention of Corruption Act for allegedly demanding and accepting a bribe from a land purchaser requiring corrections in revenue records. A trap was conducted, resulting in partial recovery of marked currency from the appellant and a co-accused, though the co-accused was eventually acquitted. The trial court convicted the appellant, but on appeal the essential element of demand was deemed unproven, and the appellant was ultimately acquitted.

HELD. The court concluded that the essential element of demand was not proven. Partial recovery without proof of demand did not suffice to establish guilt. Accordingly, the trial court's judgment was set aside, and the appellant was acquitted, underscoring that a clear demand must be shown for a bribery conviction.

FINAL STATUS. Appeal allowed, the appellant is acquitted.

CASES REFERRED

B.Jayaraj vs State of A.P [2014(13) SCC 55]
Bansilal Yadav vs State of Bihar [1981(3) SCC 69]
K.Shantamma vs State of Telangana [MANU/SC/0218/2022]
N.Vijayakumar vs State of T.N [2012(3) SCC 687]
P.Satyanarayana Murthy vs District Inspector of Police, State of A.P [2015(10) SCC 152]
Punjabrao vs State of Maharashtra [2002(10) SCC 371]

COUNSELS

Sri C.Sharan Reddy (for the Appellant)
Sri Sridhar Chikyala (Special Public Prosecutor for the Respondent)

Judgment Pronounced on 19.06.2024