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Spl.C.C.No.73/2014

**IN THE COURT OF SPECIAL JUDGE FOR TRIAL OF CASES
UNDER THE PREVENTION OF CORRUPTION ACT, SIVAGANGAI.**

**Present : Tmt.J.Anithachristy, M.L.,
Special Judge,
Special Court for Trial of Cases under
Prevention of Corruption Act ,
Sivagangai.**

Friday, 10th day of April, 2026

Spl.C.C.No. 73/2014

(CNR.No.TNSV100000422014)

in

Cr.No. 11/2011

**(Old Calender Case No.06/2013 on the file of Chief Judicial Magistrate
Court, Sivagangai)**

Name of the Complainant	State of Tamil Nadu Rep. by The Inspector of Police, Vigilance and Anti Corruption, Sivagangai. (Cr.No.11/2011 relating to V&AC Sivagangai Detachment)
Name of the Accused	Tr.C.Meenakshisundaram, S/o.Chellaiah, Junior Engineer Grade-I, TNEB (Distribution) Keelady, Manamadurai Taluk, Sivagangai District.
Date of Occurrence	18.10.2011, 08.11.2011 and 09.11.2011
Date of arrest	10.11.2011
Date of release on bail	15.11.2011



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Spl.C.C.No.73/2014

Date of filing of final report	19.11.2012
Date of 1st appearance of the accused	21.05.2013
Date of furnishing of Copies u/s.207 Cr.P.C.	20.08.2013
Questioning of the accused and Charges Framed	05.11.2013
Date of Commencement of Trial	18.02.2016
Date of Questioning under Sec 313(1)(b) Cr.P.C	23.03.2016
Date of last hearing	06.04.2026
Date of Judgment	10.04.2026
Charges against Accused	U/s.7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.
Plea of the Accused	Pleaded not guilty
Details of the abscondence of the Accused and his appearance and production as the case may be	NIL
Grant of Stay by the Superior Courts and the result there of	NIL



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Spl.C.C.No.73/2014

Filing of all Miscellaneous Petitions

Sl. No	Section & prayer	CrI.M.P. No.	Petitioner	Respondent	Date on which petition filed	Result & Order Dated
1.	U/s.437 Cr.P.C - Bail Petition	1312/2011	Tr.C.Meenakshi sundaram	Inspector of Police, V&AC, Sivagangai	10.11.2011	Allowed by the CJM Court on 15.11.2011.
2.	u/s.439(b) Cr.P.C - Condition Relaxation Petition	1440/2011	Tr.C.Meenakshi sundaram	Inspector of Police, V&AC, Sivagangai	03.12.2011	Allowed by the CJM Court on 13.12.2011.
3.	u/s.439(b) Cr.P.C - Condition Relaxation Petition	147/2012	Tr.C.Meenakshi sundaram	Inspector of Police, V&AC, Sivagangai	31.01.2012	Allowed by the CJM Court on 09.02.2012.
4.	u/s.439(b) Cr.P.C - Condition Relaxation Petition	1463/2012	Tr.C.Meenakshi sundaram	Inspector of Police, V&AC, Sivagangai	07.11.2012	Allowed by the CJM Court on 28.11.2012.



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Spl.C.C.No.73/2014

Sl. No	Section & prayer	CrI.M.P. No.	Petitioner	Respondent	Date on which petition filed	Result & Order Dated
5.	U/s.311 Cr.P.C - to recall PW1	397/2016	Tr.C.Meenakshi sundaram	Inspector of Police, V&AC, Sivagangai	31.08.2016	Allowed by this Court on 31.08.2016.
6.	U/s.311 Cr.P.C - to recall PW3	234/2023	Tr.C.Meenakshi sundaram	Inspector of Police, V&AC, Sivagangai	05.08.2023	Allowed by this Court on 01.09.2023.
7.	U/s.311 Cr.P.C - to recall PW4	22/2024	Tr.C.Meenakshi sundaram	Inspector of Police, V&AC, Sivagangai	23.01.2024	Allowed by this Court on 06.03.2024.
8.	U/s.294(3) Cr.P.C - To mark the Forensic Science Report	MP.No. 02/2026	Inspector of Police, V&AC, Sivagangai	Tr.C.Meenakshi sundaram	18.03.2026	Allowed by this Court on 18.03.2026.
9.	U/s.293(1) Cr.P.C - To mark the Call Details Records.	MP.No. 03/2026	Inspector of Police, V&AC, Sivagangai	Tr.C.Meenakshi sundaram	18.03.2026	Allowed by this Court on 18.03.2026.



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Spl.C.C.No.73/2014

<p>Findings of the Judge</p>	<p><i>The accused is found guilty for the offences u/s.7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988.</i></p>
<p>Details of Judgment</p>	<p><i>i) the accused is found guilty for the offence u/s.7 of Prevention of Corruption Act, 1988 and he is convicted and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for three months.</i></p> <p><i>ii) the accused is found guilty for the offence u/s. 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and he is convicted and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for three months.</i></p> <p><i>iii) the sentences imposed shall run concurrently.</i></p> <p><i>iv) the period of imprisonment already undergone by the accused during investigation shall be set off u/s.428 of Code of Criminal Procedure, 1973.</i></p>



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Spl.C.C.No.73/2014

This case coming on **06.04.2026** for final disposal before me, in the presence of **Tr.S.Suresh Kumar, Learned Special Public Prosecutor for the Complainant, Tr.M.Mohanasundaram, Learned counsel for the Accused** and heard both side arguments and upon perusing the records and having stood over for my consideration till this day, this court delivers the following:

JUDGMENT

The crux of the final report in this case:

1. The accused Tr.C.Meenakshisundaram, worked as Junior Engineer Gr.I. TNEB (Distribution) Keelady, Manamadurai Taluk, Sivagangai District from 16.03.2011 to 09.11.2011 and he is a public servant according to sec 2 (c) of the Prevention of Corruption Act, 1988.

2. The Complainant Tr.A.Murugasamy, Proprietor of a Bleaching Factory, applied for 3 phase LT new EB service connection to his new Bleaching Factory at T.Karisalkulam in Manamadurai Taluk. He paid the registration fee of Rs.50/-, earnest money deposit of Rs. 27,600/- and other development charges of Rs. 7,600/-. Since the EB line was not executed after having crected E.B poles upto the factory, the complainant along with his Manager Tr.Prabhakaran @ Senthil met the accused on 18.10.2011 and requested to complete the EB. line erection work and to effect new EB service connection to his factory, the accused demanded Rs.10,000/- as gratification other than legal remuneration to complete the said work.



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Spl.C.C.No.73/2014

2.2. Again on 8.11.2011, when the complainant along with his manager met the accused at his office, the accused reiterated his earlier demand of Rs.10,000/- and asked the complainant to meet him on the next day on 09.11.2011. He also instructed the complainant to contact him by his cell-phone and also gave his cell phone number. Since the complainant was not willing to pay the said amount, he lodged a complaint against the accused on 09.11.2011 before Tr. Raja, Inspector of Police, V& AC., Sivagangai who registered a case in Cr. No. 11/2011 and a trap was organized on the same day after having observed the procedural formalities for the trap, calling two independent official witnesses namely, (1) Tr.Gopal, Superintendent, District Treasury, Sivagangai and (2) Tr.Sampath, Assistant Director of District Health Investigation Centre, Sivagangai, explained to them and to the complainant about the significance of the phenolphthalein test.

3. On 09.11.2011, the complainant was asked to go along with the official witness Tr.Gopal to meet the accused at his office at Keelady and to pay the money on demand by the accused and to show a signal by combing his hair thrice as a token for the receipt of money by the accused. On 09.11.201 at about 5.15 p.m after reaching Silaiman, as instructed by the accused the complainant contacted the accused from his cell phone number 93443 41463 to the cell phone of the accused viz. 94458 53098 and at that time, the accused asked the complainant to go and wait in his room where the complainant was staying and then to contact him. After reaching his room No. 308 at Hotel Vijay, TPK Road, Madurai where the complainant was staying, contacted the accused at about 6.45 p.m. and at that time, the



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Spl.C.C.No.73/2014

accused asked the complainant to wait for some time and again at about 7.17 p.m., the accused had given a missed call from cell phone No. 94437 26741 to the complainant. When the complainant attended the said missed call, the accused asked the complainant about the name of lodge and room number where he was staying.

3.1. Again at about 7.40 p.m the accused again contacted the complainant and informed that he arrived near the lodge and again asked the room number. At about 7.45 p.m the accused came to the room No. 308 at Hotel Vijay, TPK Road, Madurai, reiterated his earlier demand of Rs. 10,000/- obtained the same and kept in his back side pants pocket. At the 7.50 p.m the accused came out of the room with the complainant. At the time after having seen the pre-arranged signal from the complainant, the Trap Laying Officer who was waiting outside the room rushed near the accused where the accused was identified by the complainant.

3.2. After having conducted phenolphthalein test on both the hand fingers of the accused at the said room, the tainted money of Rs. 10,000/- was seized intact on production by the accused from his pants pocket. The pants pocket of the accused was also subjected to phenolphthalein test and proved positive. Application, Extension Order and other extra documents were also seized from the possession of the accused by the Trap Laying Officer. The Trap Laying Officer also seized some of the documents from the E.B office, Keelady. The tested solution was sent to the TNFSL, Chennai for chemical analysis. The Scientific Assistant, who analysed the sample



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Spl.C.C.No.73/2014

solutions, reported that both phenolphthalein and sodium carbonate are present in all the tested solution.

4. The Accused, being a public servant, on 18.10.2011, 08.11.2011 and on 09.11.2011, above mentioned demanded and accepted Rs. 10,000/- as a motive or reward and as gratification other than legal remuneration from the complainant to give new service connection as above mentioned and thereby he has committed offences punishable u/s 7 of the Prevention of Corruption Act, 1988.

4.1. And in the course of the same transaction and in pursuance of the said demand, the accused by abusing his official position on 09.11.2011 between 7.45 p.m and 7.50 p.m., demanded and accepted Rs.10,000/- from the complainant as a pecuniary advantage for himself for the aforesaid purpose and thereby he has also committed an offence punishable under section 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988. The accused has committed offences under sections 7 and 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988.

5. Upon receiving the final report laid by the Investigation Officer on 19.11.2012 this court has taken cognizance of the offences on 21.05.2013. The accused was appeared before this court on summons, copies were furnished to him u/s.207 of Cr.P.C on 20.08.2013. As there was prima facie material existed this court has framed the charges against the accused u/s.7 and 13(2) r/w 13(1)(d) of the PC Act, 1988. The accused denied the charges and claimed to be tried. Hence, the trial was commenced.



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Spl.C.C.No.73/2014

6. The prosecution has examined as many as 15 witnesses as PW1 to PW15 and marked Exs.P1 to P37 and P.M.O.1 to P.M.O.5 to prove the guilt of the accused.

7. The case of the prosecution as deducible from the records:-

The case of the prosecution, as could be gathered from the oral and documentary evidence on record, is that the accused, who was working as a Junior Engineer in the Tamil Nadu Electricity Board at the relevant point of time, was dealing with the application submitted by the defacto complainant/PW2 for obtaining electricity connection to his proposed bleaching unit at Karisalkulam village. It is the specific case of the prosecution that though the complainant had complied with all the formalities, including payment of requisite charges and deposits, and though preliminary works such as erection of electric poles had been completed, the accused intentionally delayed the grant of electricity connection.

7.1. According to the prosecution, taking advantage of the said situation, the accused demanded a sum of Rs.10,000/- from PW2 on 18.10.2011 as illegal gratification for effecting electricity connection, and reiterated the said demand on 08.11.2011. As PW2 was not willing to pay the bribe, he approached the Vigilance and Anti-Corruption authorities on 09.11.2011 and lodged a complaint, which was registered as a case. Based on the said complaint, a trap was arranged by PW13, the Trap Laying Officer, after following due procedure.

7.2. It is the further case of the prosecution that, pursuant to the pre-trap arrangements, PW2, along with the official witness (PW3), went to



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Spl.C.C.No.73/2014

Vijay Lodge, Madurai, where, on the same day in the evening, the accused came to Room No.308. The prosecution alleges that the accused reiterated his demand for money, upon which PW2 handed over the tainted amount of Rs.10,000/- to him. The accused received the same, counted it, and kept it in his pant pocket. Thereafter, on receipt of the pre-arranged signal from PW2, the trap party led by PW13 entered the scene, intercepted the accused, and conducted phenolphthalein test, which yielded positive results. The tainted currency was recovered from the possession of the accused, and the numbers of the notes were found to tally with those noted earlier in the Entrustment Mahazar.

7.3. The prosecution would further state that subsequent to the trap, necessary procedures such as preparation of Recovery Mahazar, arrest of the accused, and seizure of material objects and relevant documents were carried out. Investigation was thereafter completed by the investigating officers, who examined witnesses, collected documentary and scientific evidence, and, upon obtaining valid sanction for prosecution under Section 19 of the Prevention of Corruption Act, laid the final report against the accused for offences under Sections 7 and 13(1)(d) read with 13(2) of the Act. Thus, according to the prosecution, the evidence on record clearly establishes that the accused, being a public servant, demanded and accepted illegal gratification from PW2 for performing an official act, and thereby committed the offences charged against him.



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Spl.C.C.No.73/2014

8. On completion of prosecution evidence before this court the accused was questioned u/s.313(1)(b) of Cr.P.C. with regard to the incriminating circumstances in the evidence tendered by the prosecution. The accused filed a written statement in reply to the question put to him, however he did not choose to examine any witness on his side and only during the cross examination of PW5, he marked Ex.D1 to D3.

9. Point for consideration:-

Whether the prosecution has proved the guilt of the accused beyond reasonable doubt?

Heard both sides at length. Records and both side written arguments perused.

10. Summary of the submissions on the side of prosecution:-

i) The prosecution, in its written arguments filed under Section 314 Cr.P.C., has contended that the case against the accused has been proved beyond reasonable doubt through cogent oral and documentary evidence. According to the prosecution, the complainant (PW2) had applied for a new electricity service connection and had paid all requisite charges. However, since the work was not completed, the accused demanded illegal gratification of Rs.10,000/- on 18.10.2011 and reiterated the demand on 08.11.2011. On 09.11.2011, pursuant to the complaint, a trap was organized and the accused was caught red-handed while receiving the tainted amount in the presence of official witnesses.

ii) It is the specific contention of the prosecution that the essential ingredients of the offences, namely demand, acceptance, and recovery, have



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Spl.C.C.No.73/2014

been clearly established. The evidence of PW2 regarding prior demand is stated to be consistent and unshaken in cross-examination. The subsequent demand and acceptance are stated to be corroborated by the evidence of official witnesses (PW3 and PW4) and the Trap Laying Officer (PW13), as well as by recovery of tainted money and positive phenolphthalein test.

The prosecution has further contended that once demand and acceptance are proved, the statutory presumption under Section 20 of the Prevention of Corruption Act arises, and the burden shifts to the accused to rebut the same. According to the prosecution, the accused has failed to rebut this presumption even on a preponderance of probabilities.

iii) With regard to the defence plea of alibi, the prosecution has argued that the accused has failed to establish the same with absolute certainty. It is contended that the evidence relied upon by the defence, including Ex.D1 and Ex.D2, does not conclusively prove the absence of the accused at the relevant time. Hence, the plea of alibi is liable to be rejected.

iv) In respect of the alleged inconsistencies regarding the identity of the complainant's manager, the prosecution has submitted that such discrepancies are minor and do not affect the core of the case. It is contended that investigation revealed the correct identity and that PW9 was examined, though he turned hostile. The prosecution maintains that this does not weaken the otherwise reliable evidence of PW2. The prosecution has also argued that non-production of CCTV footage is not fatal to the case, as the occurrence has been proved through reliable witness testimony and



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contemporaneous records such as Entrustment Mahazar and recovery mahazar.

v) Regarding sanction, it is contended that the sanction order has been validly accorded by the competent authority after due application of mind, and that no prejudice has been caused to the accused. The prosecution has further submitted that minor procedural lapses, including alleged non-compliance with vigilance manual provisions, do not vitiate the case, particularly when substantive evidence establishes the guilt of the accused. In sum, the prosecution has contended that the evidence on record clearly establishes prior demand, subsequent demand, and acceptance of illegal gratification by the accused, and therefore, the accused is liable to be convicted under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988.

Thus, it is prayed that the accused be convicted and awarded appropriate punishment in accordance with law.

10.1. The learned Special Public Prosecutor would rely upon the following authorities to substantiate his contentions,

- 1. 2024 INSC 899.**
State of Karnataka Vs. Chandrasha.
- 2. 2023 INSC 245, 2023 2 SCR 997, 2022 LiveLaw (SC) 1029.**
Neeraj Dutta v. State (Govt. of NCT of Delhi).
- 3. AIR 2002 SUPREME COURT 3217, 2002 (8) SCC 18,**
Gurpreet Singh Vs. State of Haryana.
- 4. Cr.P.(PD).No.2905 of 2018 and C.M.P.No.17021 of 2018.**
Ravathy Vs. V.Chandra.



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5. **1958 INSC 22, 1959 (1) SCR 195.**
The State of Bihar Vs. Basawan Singh.
6. **2023 INSC 669, 2023 (11) SCR 19.**
State of Karnataka Lokayukta Police Vs. S.Subbegowda.
7. **SLP (CRL) NO. 1568 OF 2022.**
Vijay Rajmohan Vs. Central Bureau of Investigation (Anti-Corruption Branch)
8. **2020 INSC 607, 2020 (8) SCR 1057.**
Rajesh Dhiman Vs. The State of Himachal Pradesh.
9. **W.P.No.7673 of 2025 and W.M.P.Nos.8610, 8611 & 8623 of 2025.**
M.Duraimurugan Vs. State of Tamil nadu.
10. **1983 INSC 125, 1983 3 SCR 993.**
State of U.P Vs G.K.Ghosh.

11. Summary of the submissions on the side of the accused:-

i) The learned counsel appearing for the accused would contend that the prosecution has failed to prove the essential ingredients of the offence, namely demand and acceptance of illegal gratification, beyond reasonable doubt. It is argued that mere recovery of tainted money, in the absence of reliable proof of prior demand, is not sufficient to sustain a conviction under the Prevention of Corruption Act. The defence would further submit that, as admitted by PW2, no demand was made by the accused during the earlier stages such as inspection, payment of deposits or erection of electric poles, and the alleged demand on 18.10.2011 and 08.11.2011 is an afterthought and not supported by any independent evidence.



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Spl.C.C.No.73/2014

ii) The learned counsel would also point out that PW9, who is said to be the manager accompanying the defacto complainant, has turned hostile and has not supported the prosecution case regarding demand. This, according to the defence, creates a serious doubt about the truthfulness of the prosecution version. It is further contended that there are material contradictions and omissions in the evidence of prosecution witnesses, particularly with regard to the circumstances leading to the trap and the manner in which the alleged demand and acceptance took place.

iii) The defence would also assail the credibility of the trap proceedings by highlighting certain procedural lapses, such as absence of written authorization for official witnesses, non-maintenance of movement register entries, and lack of independent corroboration from neutral witnesses at the place of occurrence. It is argued that the alleged occurrence in a lodge room, without any independent public witness, makes the prosecution version doubtful.

iv) It is further contended that the phenolphthalein test and recovery of money do not conclusively establish voluntary acceptance, and the possibility of the money being thrust upon the accused or planted cannot be ruled out. The explanation allegedly given by the accused at the time of trap, that the money was received towards payment to contract labourers, has not been properly investigated or disproved by the prosecution.

v) The learned counsel would also question the validity of sanction, contending that the sanctioning authority has not demonstrated proper application of mind and that the sanction order is a mechanical reproduction



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of the draft submitted by the Vigilance Department. Additionally, the defence has taken a plea of alibi during trial, contending that the accused was not present at the alleged place of prior demand at the relevant time and that the prosecution has failed to establish his presence beyond doubt. It is argued that the prosecution has not produced any independent material to conclusively fix the presence of the accused at the scene.

On the above grounds, the learned counsel for the accused would submit that the prosecution has not proved its case beyond reasonable doubt, and hence the accused is entitled to the benefit of doubt and consequent acquittal.

11.1. The learned defence counsel would rely upon the following authorities to substantiate his contentions,

- 1. 2012-1-L.W.(Crl.) 303.**
R.Gunalan & Anr Vs. The state by Deputy Superintendent of Police, Vigilance and Anti Corruption Department, Erode.
- 2. 1997(1)MWN(Cr.) 130.**
D.Venkatesan Vs. State rep. by Directorate of Vigilance and Anti Corruption, Madras.
- 3. 2011-2-L.W.(Crl.) 609.**
Karanit Singh Vs. State Rep. by Inspector of Police, CBI/ACB, Chennai.
- 4. 2006-2-L.W.(Crl.) 965.**
Ramkrishnan Vs. State by the Inspector of Police, D&VAC, Chennai.
- 5. (2009) 2 MLJ (Crl.) 105.**
S.P.Paulraj Vs. State rep. by the Deputy Superintendent of Police, Vigilance and Anti Corruption, Ramanathapuram.
- 6. 2013-2-L.W.(Crl.) 157.**



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*Inspector of Police, Vigilance and Anti Corruption, Vellore Vs.
M.L.Rajan, Asst. Educational Officer, Thimiri, Arcot Taluk.*

7. **2016 (1) T.N.L.R. 51 (SC)**
N.Sukanna Vs State of A.P
8. **(2006) 1 - Supreme Court Cases (Crl.) 401**
T.Subramanian Vs. State of Tamil Nadu.
9. **AIR 1992 Supreme Court 666.**
Spl.Tehsildaar, Land Acqn., Vishakapatnam Vs. Smt.A.Mangala Gowri.
10. **2012 (2) T.N.L.R.14 (Mad) (MB).**
Masilamani Vs. The state.
11. **(2011) 3 MLJ (Crl.) 481.**
T.M.Shanmughavelu Vs. State rep. by Inspector of Police, Vigilance and Anti Corruption, Coimbatore.
12. **The Hon'ble Madurai Bench of Madras High Court in Crl.A(MD)No.333 of 2009.**
L.Venkadeshnan Vs. State by the Additional Deputy Superintendent of Police, Vigilance and Anti corruption, Virudhunagar.
13. **Crl.A.No.777 of 2017, 2023 Supreme(Online)(Mad) 87430.**
S.Deivasikamani Vs. State Rep. by the Inspector of Police, Vigilance and Anti corruption, Trichy.
14. **Crl.A.No.288 of 2001, 2007 Supreme(Mad) 1489.**
State by Inspector of Police, Vigilance and Anti Corruption, Salem Vs. V.Devarajan, Asst. Engineer, (O&M) T.N.E.B, Harur.
15. **(2009) 3 SCC 779.**
C.M.Girish Babu Vs. CBI, Cochin, High Court of Kerala.



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12. DISCUSSION:-

Before proceeding to appreciate the evidence of the prosecution witnesses, it is pertinent to reiterate the settled legal position governing trap cases under the Prevention of Corruption Act, 1988, as expounded by the Hon'ble Supreme Court in *Neeraj Dutta v. State (Govt. of NCT of Delhi)*, **2023 INSC 245, 2023 2 SCR 997, 2022 LiveLaw (SC) 1029**. The Hon'ble Apex Court has categorically held that proof of demand and acceptance of illegal gratification by a public servant are sine qua non for establishing the offence under Sections 7 of the Act. Such proof may be established by direct oral or documentary evidence or, in the absence thereof, by circumstantial evidence of a credible and cogent nature. Mere recovery of tainted currency notes or proof of possession, without proof of demand and voluntary acceptance, is not sufficient to bring home the charge. It is also clarified that while Section 20 of the Act raises a legal presumption upon proof of foundational facts in respect of offences under Section 7, such presumption does not extend to offences under Section 13(1)(d) of the Act. **Bearing these principles in mind, the evidence adduced by the prosecution witnesses is now analyzed.**

12.1. PW1 is Tmt.N.Nallammal, the then Sanctioning Authority has deposed that she was serving as Chief Engineer in the Tamil Nadu Electricity Board, Madurai Region, and during the relevant period, she was working as Superintending Engineer at Sivagangai. She stated that, in connection with the present case, she received a report from the Directorate of Vigilance and Anti-Corruption along with the First Information Report, copies of witness



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Spl.C.C.No.73/2014

statements, draft charge sheet, and other connected records pertaining to the allegation of demand and acceptance of illegal gratification by the accused, who was then working as Junior Engineer. PW1 has further stated that she carefully perused all the materials placed before her and, on such consideration, she was satisfied that a prima facie case was made out against the accused for offences punishable under the Prevention of Corruption Act. Being the competent authority under the relevant service rules to take disciplinary action, including removal from service, against the accused, she accorded sanction for prosecution vide her proceedings dated 16.07.2012, which has been marked as Ex.P1. She had also stated that the sanction order was issued after due application of mind to the materials available on record.

12.2. During cross-examination, PW1 stated that the relevant disciplinary rules were not enclosed with the sanction order, but she denied the suggestion that she was not competent to accord sanction. She further stated that she received the file from the Vigilance Department on 28.05.2012. Though she could not recollect the exact number of pages in the file or the number of witness statements enclosed, she denied the suggestion that only a draft sanction order without supporting documents was sent to her. She also denied that she failed to call for additional records from the Vigilance Department. PW1 further denied the suggestion that she had not recorded reasons for her satisfaction or that she had mechanically signed a pre-prepared draft sanction order without independent application of mind. She consistently maintained that she had examined the records and accorded sanction in a proper and lawful manner.



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12.3. Upon a careful scrutiny of the chief and cross-examination of PW1, this Court proceeds to assess the evidentiary value of PW1 testimony.

PW1 is the competent sanctioning authority who accorded sanction to prosecute the accused under Section 19 of the Prevention of Corruption Act, 1988. Her evidence is relevant to determine whether the statutory requirement of valid sanction has been complied with. It is well settled that sanction is an administrative act and the Court is only required to see whether the sanctioning authority was competent and whether there was prima facie application of mind. In the present case, PW1 has clearly spoken about her competence and the consideration of materials before granting sanction.

12.4. Further, nothing substantial has been elicited in the cross-examination of PW1 to discredit her testimony regarding competence or due application of mind. Though PW1 stated that she could not recollect certain details such as the number of pages in the file or the exact number of witness statements, such lapses are natural considering the passage of time and do not affect the core of her evidence. Her admission that this was the first sanction order issued by her also does not, in any manner, render the sanction invalid. Further, the mere non-mentioning of detailed reasons in the sanction order cannot be construed as non-application of mind when the evidence of PW1 clearly establishes that she had perused the relevant materials before granting sanction. PW1 has consistently denied the suggestion that she mechanically signed a draft sanction order without independent



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Spl.C.C.No.73/2014

consideration. There is no material to show that the sanction was granted in a casual or mechanical manner. On the contrary, her evidence indicates that she had applied her mind to the materials placed before her and arrived at a conscious satisfaction for according sanction. Therefore, this Court finds that the sanction accorded under Ex.P1 is valid in law and has been issued by a competent authority after due application of mind. The evidence of PW1, in this regard, inspires confidence and fully supports the case of the prosecution.

12.5. PW2 is Tr.Murugasamy the defacto complainant, deposed that in the year 2011 he was running a bleaching factory business at Tiruppur and intended to establish a new unit "Splendor Process" at Karisalkulam village in Sivagangai District. For that purpose, he obtained consent from the Pollution Control Board in June 2011 and applied for electricity connection to the Electricity Board. The accused, who was then working as Junior Engineer, inspected the site on 01.08.2011. As per the accused's instructions, PW2 paid registration charges of Rs.50/-, deposit amount of Rs.27,600/-, and meter deposit of Rs.7,500/- on different dates. Thereafter, electric poles were erected up to his unit, but electricity connection was not provided.

12.6. PW2 further deposed that on 18.10.2011, when he along with his manager met the accused at the Keeladi EB office and requested for electricity connection, the accused demanded a sum of Rs.10,000/- as illegal gratification. Again, on 08.11.2011, when PW2 met the accused, he reiterated the demand by asking about the money. Since PW2 was not willing to pay



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Spl.C.C.No.73/2014

the bribe, he approached the Vigilance and Anti-Corruption Office at Sivagangai on 09.11.2011 and lodged a complaint, which was registered as Ex.P2, and FIR was issued to him.

12.7. PW2 elaborated the pre-trap proceedings, stating that he produced Rs.10,000/- (comprising currency notes of Rs.1,000/- and Rs.500/-), whose numbers were noted in the Entrustment Mahazar. Phenolphthalein powder was applied to the currency notes and demonstration using sodium carbonate solution was conducted in the presence of official witnesses. The tainted money was kept in his pant pocket with instructions to hand it over only if the accused demanded the same. One official witness was directed to accompany him and observe the proceedings.

12.8. PW2 further stated that as per instructions, he contacted the accused over phone, and based on the accused's directions, he stayed at Vijay Lodge, Madurai, Room No.308. On 09.11.2011 at about 7.35 p.m., the accused came to the said room, enquired whether the money was brought, and on confirmation, PW2 handed over the tainted amount of Rs.10,000/-. The accused received the money, counted it, and kept it in his pant pocket, and assured that electricity connection would be given within a week. Thereafter, PW2 gave the pre-arranged signal, upon which the trap team arrived, apprehended the accused, and conducted further proceedings.

12.9. In cross-examination, PW2 admitted that prior to 18.10.2011, the accused had not demanded any money either at the time of inspection or



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Spl.C.C.No.73/2014

during earlier payments made by him. He also admitted that he was not aware of various internal procedures of the Electricity Board, including preparation of estimates, procurement of materials, or whether delay in providing electricity connection could be due to administrative reasons such as shortage of materials or third-party objections. He further stated that he was residing at Tiruppur and that site-related activities were mostly handled through his manager.

12.10. PW2 also admitted that the alleged demand on 18.10.2011 was not made in the presence of any independent witness and that he had not lodged any complaint to higher officials regarding delay or demand of bribe. He conceded that he had stayed several times at Vijay Lodge and that he did not know whether the accused was residing nearby or passing through that route regularly. He further admitted lack of knowledge regarding certain objections raised in respect of the land and other procedural aspects relating to grant of electricity connection. However, PW2 categorically denied all suggestions put by the defence that the accused had not demanded or accepted any bribe, that the complaint was false, or that the money was forcibly planted on the accused while he was on the road. He also denied the suggestion that due to delay in providing electricity connection, he developed enmity against the accused and falsely implicated him. PW2 consistently maintained that the accused demanded illegal gratification on two occasions and that he paid the tainted money only upon such demand, thereby fully supporting the prosecution case with regard to demand, acceptance, and trap proceedings.



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Spl.C.C.No.73/2014

12.11. Upon a careful scrutiny of the chief and cross-examination of PW2, this Court proceeds to assess the evidentiary value of PW2 testimony.

PW2 is the defacto complainant and the star witness for the prosecution, whose evidence forms the foundation for proving the essential ingredients of demand and acceptance of illegal gratification. On a careful appreciation of his chief and cross-examination, this Court finds that his testimony is cogent, consistent, and inspires confidence in material particulars. PW2 has clearly and categorically spoken about the initial demand of Rs.10,000/- made by the accused on 18.10.2011 and its reiteration on 08.11.2011, followed by the complaint lodged before the Vigilance and Anti-Corruption Department on 09.11.2011 and the trap proceedings culminating in the recovery of tainted money from the accused. His evidence regarding pre-trap procedures, entrustment of tainted currency, phenolphthalein test, and post-trap events remains unshaken.

12.12. It is pertinent to note that though the accused has taken a specific plea of alibi, contending that he was not present in his office on 18.10.2011 and 08.11.2011, no suggestion to that effect was put to PW2 during cross-examination. The defence has not confronted PW2 with this plea nor elicited any material to probabalise the same. In the absence of any such suggestion, the plea of alibi remains a mere assertion without any evidentiary backing and cannot be accepted. It is well settled that when a specific defence is taken, the same must be put to the prosecution witness to



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Spl.C.C.No.73/2014

afford an opportunity for explanation, failure to do so renders such defence unacceptable.

12.13. Further, during cross-examination, PW2 was questioned with suggestions that certain works relating to erection of electric poles and other arrangements were carried out through private workers allegedly engaged at the instance of the accused, and that PW2 had borne expenses towards the same. Such suggestions, though intended to discredit PW2, in effect probalilise the prosecution case to the extent that there were monetary dealings between PW2 and the accused in connection with the official work. This line of cross-examination indirectly supports the prosecution version that the accused was in a position to demand and receive money from PW2 in connection with providing electricity connection.

12.14. Though PW2 admitted that no demand was made at earlier stages such as inspection and payment of official charges, the same does not in any way weaken the prosecution case, as the demand is specifically attributed to later dates, namely 18.10.2011 and 08.11.2011. His admission that he was unaware of certain administrative procedures or internal functioning of the Electricity Board is natural and does not affect the core prosecution case regarding demand and acceptance.

12.15. Importantly, PW2 has withstood lengthy cross-examination without any material contradictions or omissions affecting the substratum of the prosecution case. He has consistently denied the defence suggestion that the money was forcibly thrust into the pocket of the accused on the road and



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Spl.C.C.No.73/2014

has maintained that the accused voluntarily received the tainted amount in the lodge room upon demand. In view of the above, this Court finds that the evidence of PW2 is reliable and trustworthy. His testimony stands unshaken on material aspects and is further corroborated by the trap proceedings and recovery. The defence has failed to impeach his credibility or probabalise its version. Accordingly, the evidence of PW2 effectively establishes the demand and acceptance of illegal gratification by the accused.

12.16. PW3 is Tr.S.V.Gopal, the Official witness. He deposed that, at the relevant point of time, he was working as Superintendent in the District Treasury, Sivagangai, and is presently serving as Assistant Treasury Officer at Madurai. On 09.11.2011, as per the instructions of his superior, he went to the Vigilance and Anti-Corruption Office, Sivagangai, at about 1.30 p.m., where he met the Inspector of Police and another official witness, namely Sampath. The complainant Murugasamy (PW2) was also present, and the Inspector introduced the complainant to them and informed that they were required to act as official witnesses in a trap case. PW3 stated that a copy of the FIR registered on the basis of the complaint given by PW2 was handed over to them, which they read and verified with the complainant as to the correctness of the contents.

12.17. PW3 has further deposed in detail regarding the pre-trap proceedings. According to him, PW2 produced a sum of Rs.10,000/- consisting of currency notes, the numbers of which were noted in the Entrustment Mahazar. Sodium carbonate solution was prepared, and



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Spl.C.C.No.73/2014

phenolphthalein powder test was demonstrated in their presence. Initially, the hands of the witness were dipped in the solution and no colour change was noticed thereafter, the currency notes were smeared with phenolphthalein powder, and upon handling them and dipping fingers in the solution, it turned pink, thereby explaining the significance of the test. The tainted money was then kept in the back pocket of PW2 with instructions to hand it over to the accused only if there was a demand. PW3 was instructed to accompany PW2 and observe the transaction, while the other official witness was to accompany the trap party. PW3 also stated that, during a phone conversation made by PW2 in his presence, the accused enquired whether the money was ready.

12.18. PW3 further deposed that, as per the trap arrangement, they proceeded to Madurai and reached Vijay Lodge, where PW2 had taken Room No.308. After some telephonic communication between PW2 and the accused, the accused came to the said room at about 7.45 p.m. PW3 was present in the room along with PW2. He has categorically stated that the accused, after some conversation, demanded the money, and PW2 took the tainted amount from his pocket and handed it over to the accused. The accused received the money, counted it, and kept it in his pant pocket, and assured that the electricity connection work would be completed within a week. Thereafter, the accused left the room, and PW2 followed him and gave the pre-arranged signal. Immediately, the trap party rushed to the spot, intercepted the accused, and brought him back to the room.



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Spl.C.C.No.73/2014

12.19. PW3 has also spoken about the post-trap proceedings. He stated that phenolphthalein test was conducted on the hands of the accused, and the solutions turned pink, confirming contact with the tainted money. The tainted currency was recovered from the pant pocket of the accused, and the numbers were verified with those noted earlier. The pant worn by the accused was also subjected to test, and the solution turned pink. PW3 further deposed that the accused, when questioned, admitted having received the money from PW2. He also spoke about preparation of various Mahazars, arrest of the accused, seizure of material objects including tainted currency, solutions, and documents, and subsequent house search and office search conducted by the Investigating Officer.

12.20. In the cross-examination, PW3 admitted certain aspects such as absence of written orders from his superior to attend the Vigilance Office, non-entry in movement register, and lack of recollection regarding certain details like vehicle numbers, exact layout of Vijay Lodge, and some surrounding circumstances. He also stated that he had seen only copies of the complaint and FIR. However, he consistently maintained that he participated in the trap proceedings, that the phenolphthalein test was conducted and explained, and that the accused demanded and accepted the money in his presence. He denied all suggestions put to him by the defence that no such occurrence took place, that the money was planted, or that he was giving false evidence under the influence or pressure of Vigilance officials.

12.21. Upon a careful scrutiny of the chief and cross-examination of



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Spl.C.C.No.73/2014

PW3, this Court proceeds to assess the evidentiary value of PW3 testimony.

PW3 is an important official witness in this trap case under the Prevention of Corruption Act, 1988. His evidence, on the whole, substantially supports the prosecution version regarding demand, acceptance and recovery of the tainted amount. In his chief examination, PW3 has clearly spoken about the pre-trap proceedings, including the phenolphthalein test demonstration, entrustment of Rs.10,000 to the complainant, and the instructions given by the trap laying officer. He has further deposed that on the date of occurrence, the accused came to the lodge room, engaged in conversation with the complainant, demanded the money and received it, counted it and kept it in his pant pocket. This part of his evidence directly speaks to both demand and acceptance, which are the sine qua non for establishing an offence under the Act.

12.22. His testimony is further strengthened by the scientific evidence, as he has consistently stated that the hand wash and pant pocket wash of the accused turned pink, thereby corroborating the prosecution case regarding handling of tainted currency. The recovery of the amount with matching serial numbers also lends assurance to his version. These aspects of his evidence appear natural, consistent and in line with standard trap procedures. Importantly, PW3 has denied all defence suggestions that the money was forcibly thrust into the accused's pocket or that the trap was fabricated. No material contradiction has been elicited to discredit the core prosecution



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Spl.C.C.No.73/2014

case. His evidence regarding demand and acceptance remains unshaken in material particulars. Therefore, on an overall assessment, PW3 evidence inspires confidence insofar as the essential ingredients of demand, acceptance and recovery are concerned, and it provides strong corroboration to the testimony of the complainant. The minor inconsistencies pointed out by the defence do not go to the root of the case and do not materially affect the credibility of PW3.

12.23. PW4 is Tr.S.Sampath, the Official witness. He deposed that at the relevant time he was working as Assistant Director (State Bureau of Health Intelligence) under the Deputy Director of Health Services, Sivagangai. On 09.11.2011, based on instructions received through his superior pursuant to an official communication, he attended the Vigilance and Anti-Corruption office at about 1.30 p.m. There, he was introduced to another official witness and the complainant. The Inspector explained the purpose of their presence and requested them to act as official witnesses for a trap. PW4 stated that a copy of the FIR was given to him, which he read and verified with the complainant. The complainant informed that the accused, an Junior Engineer, had demanded a bribe of Rs.10,000/- for providing an electricity connection. PW4 further deposed that the complainant produced the currency notes, the numbers of which were noted in the Entrustment Mahazar. He witnessed the phenolphthalein demonstration conducted by the Inspector, wherein the chemical reaction was explained, and thereafter the tainted money was entrusted to the complainant with instructions to hand it



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Spl.C.C.No.73/2014

over to the accused on demand. PW4 signed the Entrustment Mahazar along with others.

12.24. He further stated that the trap party left the Vigilance office in the afternoon, halted at certain places including Silaiman, and later proceeded towards Madurai as per the accused's instructions communicated through phone calls. Eventually, they reached Hotel Vijay, where the complainant was staying in Room No.308. The complainant contacted the accused, who informed that he would come to the hotel. As per the plan, the complainant and the official witness went inside the room, while PW4, along with the Inspector and police personnel, positioned themselves at a distance to observe without being noticed. After some time, at about 7.50 p.m., the accused was seen coming out of the room, followed by the complainant giving the pre-arranged signal indicating that the bribe had been paid.

12.25. PW4 deposed that immediately thereafter, the trap team intercepted the accused, disclosed their identity, and brought him back to Room No.308. Inside the room, phenolphthalein tests were conducted on the fingers of the accused, and the solutions turned pink, indicating contact with the tainted money. On questioning, the accused produced the bribe amount, which was recovered and its numbers were verified with those noted earlier. The pant worn by the accused was also subjected to chemical test, which yielded positive result, and the same was seized. The solutions were preserved in separate bottles, properly labeled and sealed, and PW4 affixed his signature on them as well as on the Recovery Mahazar. He further stated



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Spl.C.C.No.73/2014

that the accused was arrested, and subsequent procedures including preparation of mahazars, search of the accused's residence, and seizure of official records from the office were carried out in his presence. Thus, PW4 supported the prosecution case with regard to the pre-trap preparation, trap execution, recovery of tainted money, and subsequent investigative steps.

12.26.Upon a careful scrutiny of the chief and cross-examination of PW4, this Court proceeds to assess the evidentiary value of PW4 testimony.

PW4 is an official witness who participated in the trap proceedings on the instructions of his superior, which lends a degree of credibility to his presence. His evidence supports the prosecution case insofar as it relates to the pre-trap and post-trap procedures, such as signing the Entrustment Mahazar, witnessing the phenolphthalein test, accompanying the trap party, and attesting the recovery and arrest proceedings. He has consistently denied the defence suggestions that the trap was fabricated or that money was forcibly thrust on the accused, thereby reinforcing the prosecution version regarding procedural compliance. However, PW4 is not a direct witness to the crucial aspect of demand and acceptance of bribe. He admits that he was not present inside the room at the time of the alleged transaction and only saw the accused after he came out. Therefore, PW4's evidence can be considered reliable only to the extent of corroborating the procedural aspects of the trap and subsequent recovery. Even though it does not independently establish the demand and acceptance of illegal gratification but serves as a



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Spl.C.C.No.73/2014

supporting witness to the primary evidence of the complainant and another official witness.

12.27. PW5 is Tr.M.Valavanthan, the Commercial Inspector. He deposed that he is presently working as a Commercial Inspector in the Keeladi Section Office of TANGEDCO and, in the year 2009, he was working as a Field Assistant in the same office. On 09.11.2011 at about 10.30 p.m., officials from the Vigilance and Anti-Corruption Department came to the Keeladi office along with the accused. At that time, on the request of the Inspector, PW5 produced seven documents relating to the accused, including the Attendance Register(Ex.P14), Job Allocation Register(Ex.P16), Application Register(Ex.P15), Work Order, Proposal Register(Ex.P17), and files relating to the complainant's application and objection petition(Ex.P18). He identified his signatures in the mahazar prepared for the seizure of these documents and stated that he signed it as a witness, along with two other persons from different departments. He also stated that he was examined by the Vigilance Police and his statement was recorded.

12.28. In his cross-examination, PW5 stated that he came to the office at about 10.00 p.m. on being called by the Junior Engineer and Vigilance officials while he was near his house. He admitted that the documents produced by him were actually maintained by one Tr.Dhanasekaran, Commercial Assistant, and that such documents were not kept under lock and key. He further stated that Dhanasekaran was not present at that time and he alone was in the office. He also spoke about the procedure for obtaining materials from the Manamadurai stores and identified his signatures in the



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Spl.C.C.No.73/2014

Requisition for Materials dated 18.10.2011, as well as the signatures of the accused in the same. He confirmed that on 18.10.2011, he, along with the accused and other staff, went to Manamadurai and brought materials to the Keeladi office.

12.29. PW5 further admitted that the objection petition given by one Khuthabaks and the reply sent by the office were part of the seized documents and that he himself had written the draft of the reply. He denied the suggestion that the mahazar was not prepared in his presence or that he did not produce the documents on that date. He also denied the defence suggestion that the documents were fabricated or that his signatures were obtained later at the Vigilance office. Thus, PW5's evidence mainly relates to the seizure of official records from the office and supports the prosecution case regarding recovery of relevant documents.

12.30. Upon a careful scrutiny of the chief and cross-examination of PW5, this Court proceeds to assess the evidentiary value of PW5 testimony.

PW5 is an official witness working in the TANGEDCO office at Keeladi, and his evidence mainly relates to the production of official records and the circumstances under which those documents were handed over to the Vigilance authorities. His chief examination clearly establishes that on 09.11.2011, the Vigilance and Anti-Corruption officials brought the accused to the office and obtained relevant official records through him under mahazar, for which he has identified his signatures. He has also spoken about



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Spl.C.C.No.73/2014

the nature of the documents produced, such as attendance register, application register, work order, proposal register and connected files. Thus, his chief evidence supports the prosecution case regarding the seizure of official records in a lawful manner and lends corroboration to the investigation process.

12.31. During cross-examination, the defence attempted to rely upon certain documents obtained under the Right to Information Act (Ex.D1 to Ex.D3 series) and elicited from PW5 that on 18.10.2011, he along with the accused and others went to the Manamadurai stores and returned in the evening. **In this regard, it is relevant to extract the portion of PW5's cross examination:** "18.10.2011ம் தேதி காலை 8.00 மணிக்கு கீழடி பிரிவு அலுவலகத்திலிருந்து நான், எதிரி மற்றும் 2 ஊழியர்களும் புறப்பட்டு மாணாமதுரை மின் உப பண்டக சாலைக்கு சென்று எ.த.சா.ஆ.3 கோப்பில் கண்ட Requisition for Materials என்ற ஆவணங்களை சமர்ப்பித்து தளவாட சாமான்களை மாணாமதுரையில் பெற்று அன்று மாலை 5.00 மணிக்குதான் கீழடி மின் பிரிவு அலுவலகத்திற்கு வந்தோம் என்று சொன்னால் சரிதான்". Based on this answer, the accused seeks to establish a plea of alibi that he was not present in the Keeladi office on 18.10.2011 and therefore could not have made the alleged 1st demand.

12.32. However, this portion of evidence does not advance the defence case for several reasons. Firstly, PW5 is not a witness to the alleged demand



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on 18.10.2011. Hence his statement about movement of the accused is only a general official activity and does not conclusively prove that the accused was unavailable at the relevant time of alleged demand. The evidence does not rule out the possibility of the accused meeting the defacto complainant either before or after the said movement. Secondly, the defence has not elicited any specific contradiction from PW2 (defacto complainant) regarding this alleged alibi, nor confronted him with these documents. Hence, the plea of alibi remains unsubstantiated and cannot be accepted merely on the basis of a vague suggestion through PW5.

12.33. Further, the documents marked as Ex.D1 to D3 through PW5 are not proved to conclusively establish the alibi. Even PW5 admits that some of the signatures in the documents are not clearly identifiable and objections were raised regarding their proof. Therefore, the evidentiary value of those documents is limited and insufficient to discharge the burden of proving alibi, which lies squarely on the accused. On the other hand, PW5's evidence supports the prosecution in material aspects, particularly regarding the recovery of official records and the continuity of investigation. His testimony does not in any way discredit the core prosecution case relating to demand, acceptance and recovery of bribe. The defence suggestion that documents were not in his custody or that mahazar was not prepared in his presence has been specifically denied by PW5, thereby strengthening the prosecution version.



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12.34. Even assuming the version elicited from PW5 that on 18.10.2011 the accused had gone to Manamadurai along with him and returned only in the evening is accepted, the same does not conclusively establish the plea of alibi. It is to be noted that the alleged demand need not necessarily have occurred strictly within the limited time frame suggested by the defence. The possibility of the accused meeting the defacto complainant either before leaving for Manamadurai or after returning from there cannot be ruled out. Therefore, the evidence of PW5, at best, indicates the movement of the accused during a portion of the day, but does not exclude the opportunity for the accused to make the demand at any other point of time on that day. Hence, the said evidence is insufficient to probabalise the plea of alibi put forward by the accused.

12.35. In totality, the evidence of PW5 does not probabalise the defence plea of alibi. Instead, it remains a formal and corroborative piece of evidence supporting the prosecution case, and no material contradiction or infirmity has been elicited to render his testimony unreliable. Hence, the evidence of PW5 does not create any reasonable doubt in the prosecution case.

13. PW6 is Tmt.M.Lathadevi, Executive Engineer. She deposed that she is presently working as an Executive Engineer (Distribution) in TANGEDCO at Karaikudi, and at the relevant time of the case, she was serving as Assistant Executive Engineer (Distribution) at Manamadurai. In connection with this case, on 19.11.2011, the Inspector of Police, Vigilance and Anti-Corruption, Sivagangai, requested certain documents from her



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Spl.C.C.No.73/2014

through post. Accordingly, on 21.11.2011, she forwarded the required documents duly attested with office seal and signature. These documents included the Estimate Sanction copy, Work Order copy, Current Register extract, Despatch Register extract, Reconnection and Disconnection Register extract, and a certified copy of the Tamil Nadu Electricity Distribution Standards of Performance Regulations, 2006. The entire set of documents was marked as Ex.P22. He further stated that wages to contract labourers engaged in extension works are paid by the Electricity Board through cheque and should not be collected from the applicant.

13.1. During cross-examination, PW6 stated that the requisition for materials relates to the request made by the accused for materials required for providing electricity connection to the complainant's industry, and clarified that though a number of materials were requested, only a portion of them were supplied through the Board, and the exact details could be verified only from the records maintained at the Manamadurai store. She further deposed that the role of the Executive Engineer is limited to approval of the work order, while procurement of materials is the responsibility of subordinate officers, and in certain cases, minor materials may be procured from the open market. Regarding the objection petition submitted by one Khudabaks, she stated that such objections must be enquired into by the Junior Engineer within a reasonable time and appropriate action taken. Though she had earlier stated before the investigating officer about certain steps taken based on the objection, during evidence she expressed lack of clear recollection regarding those details. She also stated that she had not



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personally inspected the site nor was she aware of the specific enquiry conducted by the Junior Engineer. She denied the suggestion that she was giving false evidence or inconsistent statements. She reiterated that, apart from submitting Ex.P22 documents, she has knowledge about other aspects of the case as well and denied the suggestion that she had no further knowledge.

13.2.Upon a careful scrutiny of the chief and cross-examination of PW6, this Court proceeds to assess the evidentiary value of PW6 testimony.

PW6 is an official witness who has mainly spoken about the procedural and documentary aspects relating to the electricity connection work. Her evidence establishes that relevant official records (Ex.P22 series) were duly called for by the Vigilance Officer and forwarded by her with proper certification. This lends authenticity to the documentary evidence relied upon by the prosecution. Further, her categorical statement that wages to contract labourers should be paid only by the Electricity Board through cheque and not collected from the applicant is significant, as it directly negates any justification for the accused demanding money from the complainant on the pretext of labour charges.

13.3. However, the evidentiary value of PW6 is limited in certain respects. she is not a direct witness to the demand or acceptance of bribe and has no personal knowledge of the trap proceedings. Her evidence remains



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Spl.C.C.No.73/2014

relevant and supportive to the prosecution case in a corroborative manner. It strengthens the prosecution's version by establishing procedural norms and by ruling out the possibility of the accused legitimately collecting money from the complainant. Her testimony, though not direct evidence of demand or acceptance, provides important background and documentary support, thereby enhancing the overall credibility of the prosecution case.

13.4. PW7 is Tr.A.Mondy, Executive Engineer. He deposed that he retired from service on 30.04.2025 while working as Executive Engineer (Distribution) at Tirupathur. During the relevant period from 02.09.2010 to 09.11.2011, he was serving as Assistant Executive Engineer (Distribution) at Thiruppuvanam, and from 01.09.2011, he was holding additional charge as Executive Engineer (Distribution), Manamadurai, following the retirement of the then Executive Engineer. He stated that he knew the accused, who was working as Junior Engineer Grade-I at Keeladi during the relevant period.

13.5. He further deposed that electricity connection for industries is provided under Tariff III-B. He perused the file relating to the application submitted by the complainant, Tr.Murugasamy, for industrial electricity connection and explained the processing of the application. According to him, the complainant submitted the application on 01.08.2011 to the accused, who collected Rs.50/- and made necessary entries. Based on this, the complainant paid the EMD amount of Rs.27,600/-. The accused prepared the estimate on 05.08.2011 and forwarded it to PW7, who conducted site inspection on 10.08.2011 and sent his inspection report along with the



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Spl.C.C.No.73/2014

estimate on 16.08.2011 to the Executive Engineer, who thereafter sanctioned the estimate. Subsequently, the complainant paid the required charges, and the accused forwarded the work order application, which PW7 in turn sent to the Executive Engineer on 06.09.2011. As he was holding additional charge, he himself sanctioned the work order.

13.6. He also stated that on 09.11.2011, he was relieved from duty on transfer, and on that day, around 1.00 p.m., he, along with the newly joined Assistant Executive Engineer and the accused, went to Manamadurai for lunch. He identified his signatures in the file relating to the complainant's electricity connection (already marked as Ex.P3) and stated that he had certified the copies of the documents therein. During cross-examination, PW7 stated that, to his knowledge, there was no delay caused by the accused in providing electricity connection during his tenure. He also stated that materials required for such works are obtained from the Manamadurai sub-store and may or may not be available at all times. He expressed lack of knowledge regarding the exact dates on which materials were drawn or the specific dates on which work was carried out, stating that such details were within the knowledge of the accused. He admitted that though supervision is part of his duty, there are Section Officers responsible for direct oversight, and he had conducted inspections during his tenure and found that work was in progress.

13.7. He denied suggestions that he had called the accused to his office on 08.11.2011 and that the accused remained with him for a long duration on



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Spl.C.C.No.73/2014

that day. However, he voluntarily stated that the accused had submitted a copy of a notice issued regarding an objection to erection of electric poles. With regard to certification of documents, he initially denied having signed certain certified copies dated 16.11.2011, but in re-examination admitted that the signatures were his. He further stated that he would have signed after comparing with original documents, though he could not recollect where such comparison took place or where the originals were kept.

13.8.Upon a careful scrutiny of the chief and cross-examination of PW7, this Court proceeds to assess the evidentiary value of PW7 testimony.

PW7 is a superior officer who worked as Assistant Executive Engineer (Distribution) and also held additional charge as Executive Engineer during the relevant period. His evidence is significant in establishing the official procedure relating to grant of electricity connection and the role played by the accused in processing the application of the defacto complainant. From his chief examination, it is clear that the accused was the Junior Engineer concerned with the application submitted by the defacto complainant and that he had processed the file at various stages, including collection of charges, preparation of estimate, and forwarding of work order. PW7 has also spoken about his own role in inspecting the site and sanctioning the work order. Thus, his evidence clearly establishes that the accused was very much connected with the processing of the application and had an active role in the official work relating to the complainant's factory, thereby disproving the contention that he had no authority or role in the matter.



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Spl.C.C.No.73/2014

13.9. During cross-examination, the defence attempted to suggest that there was no delay on the part of the accused in providing electricity connection and also tried to build up a case regarding movement of materials and execution of work on different dates. However, PW7 has only stated that as long as he was in office, there was no delay to his knowledge and that the details regarding execution of works and procurement of materials would be known to the accused. This does not in any manner negate the prosecution case of demand of illegal gratification, since even in the absence of delay, demand of bribe for doing official work would still attract culpability.

13.10. Significantly, the defence also attempted to probabalise an alibi with respect to the 2nd demand on 08.11.2011 by suggesting that the accused was present in PW7's office throughout the day on account of official instructions. **In this regard, it is relevant to extract the portion of PW7's cross examination:** "எனக்கு 09.11.2011 அன்று பணிஇடமாறுதல் என்று தெரிந்ததால் Handling over of charge notes தயார் செய்ய 08.11.2011 ம் தேதி காலை 10.00 மணிக்கே எனக்கு கீழ் பணிபுரியும் எதிரி உட்பட அனைத்து அலுவலர்களையும் எனது அலுவலகத்திற்கு வரச்சொல்லியிருந்தேனா என்றால் இல்லை. 08.11.2011 ம் தேதி காலை 10.00 மணிக்கே எதிரியை எனது அலுவலகத்திற்கு வரச்சொல்லி அன்று மதிய உணவு இடைவேளை வரை எதிரி என்னோடு எனது அலுவலகத்தில் இருந்தார் என்றால் இல்லை". However, PW7 has categorically denied



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Spl.C.C.No.73/2014

this suggestion. On the contrary, he has only stated that on 09.11.2011 at about 1.00 p.m., he, along with the accused and another officer, went to Manamadurai for lunch. Apart from this limited circumstance, there is no evidence from PW7 to show that the accused was continuously present with him on 08.11.2011 or that he could not have been available at Keeladi office to meet the defacto complainant. Thus, the attempt of the defence to build an alibi through PW7's evidence completely fails.

13.11. Further, PW7 has admitted that on 08.11.2011, the accused had complied with his instructions regarding issuance of notice in respect of objection raised by a third party and had submitted the same to him. This admission, far from supporting the defence, in fact probabalises the presence and functioning of the accused in his official capacity on that day. It indicates that the accused was attending to his duties and had occasion to interact with the file relating to the complainant, thereby supporting the prosecution version that the accused was accessible to the complainant on that date.

13.12. In totality, the evidence of PW7 strengthens the prosecution case by establishing the official role and involvement of the accused in the complainant's application, and negating the defence plea of alibi. The defence has failed to elicit any material contradiction or admission from PW7 to support its theory. On the contrary, his evidence shows that the accused was actively handling the file and was available in connection with the official work, thereby reinforcing the prosecution case regarding demand and acceptance of illegal gratification.



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Spl.C.C.No.73/2014

13.13. PW8 is Tr.M.Thangapandian the hotel manager, who deposed that he worked as the Manager of Hotel Vijay, situated on Tirupparankundram Road, Madurai, from 2009 to 2011, and identified his signature in the hotel bill (Ex.P6). He stated that one Tr.Murugasamy checked into the hotel on 08.11.2011 between 7:50 p.m. and 8:00 p.m., and was allotted Room No. 308, and that he vacated the room on 09.11.2011 at about 11:00 p.m. During cross-examination, he stated that there were two managers in the hotel, himself and one Tr.Saravanan, with Tr.Saravanan handling day shifts and he handling night shifts. Though the room was booked during Tr.Saravanan's duty hours, he himself filled up and signed the bill as Tr.Saravanan was not present at that time. He stated that generally full address details of guests are entered in the booking register, but in the bill (Ex.P6), only the name was mentioned, and he was unsure whether the booking register was handed over to the police. He admitted that the bill mentions two occupants though only one person, Tr.Murugasamy, stayed in the room, and he did not know who the second person was. He denied the suggestion that the bill was fabricated at the instance of the vigilance police. He further described the layout of the hotel, stating that it had four floors and 36 rooms, with Room No. 308 located on the eastern side, and confirmed that CCTV cameras were installed near the reception and could show details of persons entering and staying in the hotel. He denied that he was giving false evidence at the instance of the vigilance police.

13.14. Upon a careful scrutiny of the chief and cross-examination of PW8, this Court proceeds to assess the evidentiary value of PW8 testimony.



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Spl.C.C.No.73/2014

PW8 is an important witness as he speaks about the stay of the defacto complainant (Murugasamy) in Hotel Vijay, which forms part of the prosecution's sequence of events. His evidence supports the prosecution to the extent that he confirms the booking of Room No. 308 on 08.11.2011 and its occupation till 09.11.2011, which broadly aligns with the prosecution case regarding the place of occurrence.

13.15. PW9 is Tr.M.Prabaharan, the Factory Manager. He deposed that he is presently residing at Anna Nagar, Thanjavur, and is working as a manager in a private company. He stated that he had worked in Tiruppur from 2002 to 2004 and that he knows Murugasamy, under whom he had worked as a manager in his factory from 2004 to 2011. He stated that he did not give any statement to the police. He further deposed that in the year 2011, Murugasamy contacted him over phone and asked him to watch on television the arrest of an EB official, and when he enquired, Murugasamy told him that since electricity connection was not given for his factory at D. Karisalkulam despite request, he had complained to the vigilance police.

13.16. Upon a careful scrutiny of the chief and cross-examination of PW9, this Court proceeds to assess the evidentiary value of PW9 testimony.

As he did not support the prosecution case, he was treated as a hostile witness. During cross-examination by the prosecution, he denied that he had accompanied Murugasamy to the EB office for obtaining electricity



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Spl.C.C.No.73/2014

connection for a bleaching unit or that he had knowledge about payment of deposits or other charges. He also denied that he and Murugasamy had met the accused and that the accused demanded a bribe of Rs.10,000/- or that any such conversation took place on 08.11.2011 regarding payment of money. He further denied that he was aware of such facts or that he was deposing falsely to help the accused. During cross-examination by the defence, he stated that he had not signed any document relating to Murugasamy and identified one K.K. Senthilkumar as a friend of Murugasamy, who used to accompany him and resides at Erode.

13.17. PW9 is a hostile witness whose evidence does not support the prosecution case on material aspects. Though he admits his acquaintance with the defacto complainant Tr.Murugasamy and his employment as a manager in his factory from 2004 to 2011, he completely denies any involvement or knowledge of the events relating to the alleged demand and payment of bribe. His evidence is thus contradictory to the prosecution version, and he fails to support the case even after being cross-examined by the prosecution. No portion of his testimony meaningfully advances the prosecution case except a minor circumstance that Tr.Murugasamy informed him over phone about the arrest of an EB official, which is only a hearsay statement and has no evidentiary value.

13.18. PW10 is Tr.K.Dinakararajan the Sub-Inspector of Survey. He states that he is presently residing at Sundaranadippu, Sivagangai, and had retired in 2013 after serving as a Surveyor in Manamadurai Taluk. In the year



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Spl.C.C.No.73/2014

2011, while he was working as a Surveyor at Konthagai Firka, he measured the land in Survey No. 376/28 at T. Karisalkulam, as directed by the Manamadurai Tahsildar, in connection with the place relating to Murugasamy. Upon measurement, it was found that the land was classified as Government poramboke land. He further stated that the Village Administrative Officer, who was present at the time of measurement, subsequently sent a report regarding the same to the Tahsildar, Manamadurai.

13.19. In cross-examination, he stated that the Village Administrative Officer present at the time of measurement was one Bhavani Shankar, and affirmed that the VAO had sent a report regarding the land measurement to the Electricity Board. He also admitted that the document shown to him in Court is the report relating to the said measurement.

13.20. Upon a careful scrutiny of the chief and cross-examination of PW10, this Court proceeds to assess the evidentiary value of PW10 testimony.

The evidence of PW10 is limited in scope but relevant to a specific factual aspect of the case, namely the nature of the land. During cross-examination, nothing substantial has been elicited to discredit his version. He has consistently maintained that the land was measured and reported as Government land, and the defence has not shaken this aspect. Thus, PW10's evidence is credible and reliable for proving that the land in question is Government poramboke land.

13.21. PW11 is Tr.V.Subramanian the Sub-divisional Engineer(Vigilance). He deposed that he is presently residing at



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Spl.C.C.No.73/2014

Madipakkam, Chennai, and had worked as a Sub-Divisional Engineer (Vigilance) in BSNL before retiring in 2013 while serving at Karaikudi. In connection with this case, on 12.11.2011, the Inspector of Police, Vigilance and Anti-Corruption, Sivagangai, requested him in writing to furnish details regarding mobile numbers 9445853098 and 9443726741, including the names of the subscribers, SIM card particulars, and call details for 09.11.2011. Accordingly, he submitted a report to the Inspector by post, providing details of incoming and outgoing calls as well as whether the connections were prepaid or postpaid. He identified the report shown to him as the one submitted by him and confirmed that the signature therein is his. The said report is marked as Ex.P23. He also stated that he was examined by the Vigilance Police in connection with this case.

13.22. During cross-examination, he stated that a SIM card registered in the name of one person may be used by another person with the consent of the subscriber. He further stated that from call detail records, it is possible to identify the numbers contacted by the subscriber, but it is not possible to know the contents of the conversation. He also clarified that it cannot be conclusively stated that the subscriber himself used the mobile phone for making the calls reflected in the call details.

13.23. Upon a careful scrutiny of the chief and cross-examination of PW11, this Court proceeds to assess the evidentiary value of PW11 testimony.

PW11 is a formal technical witness who provides evidence relating to call detail records (CDR) of two mobile numbers. His testimony is mainly



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Spl.C.C.No.73/2014

documentary in nature and is intended to support the prosecution by establishing telephonic contact between accused and defacto complainant on 09.11.2011.

13.24. PW12 is Tr.D.Muralidharan. He deposed that he is presently residing at Keezhakaraisalkulam in Sivagangai District. He identified his signature in the document shown to him, which has already been marked as Ex.P3. He stated that he and his wife had entered into a lease agreement in the year 2011 in respect of their land situated at Keezhakaraisalkulam, within Pottapalayam Panchayat, measuring about 3 acres and 9 cents. Out of this, 2 acres of land was leased out to one Murugasamy for the purpose of establishing a bleaching factory. The lease agreement was for a period of 10 years; however, Murugasamy vacated the land in the year 2013 and handed over possession. The said lease agreement has been marked as Ex.P24. He further stated that the Junior Engineer, Keezhadi, had verified and signed the lease agreement. He identified the signature of his wife, Meenatchisundari, in the agreement as that of the second party. He also stated that part of the leased land included Survey No. 376/2B belonging to his wife. He was examined by the Vigilance and Anti-Corruption Police in connection with this case. No cross-examination was conducted on behalf of the accused.

13.25. Upon a careful scrutiny of the chief and cross-examination of PW12, this Court proceeds to assess the evidentiary value of PW12 testimony.



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PW12 is a formal and independent witness who speaks about the lease of land to the defacto complainant Murugasamy. His evidence is consistent, straightforward, and unchallenged, as no cross-examination was conducted by the defence.

14. PW13 is Tr.A.Raja, the trap laying officer who, at the relevant time, was working as Inspector of Police in the Vigilance and Anti-Corruption Unit, Sivagangai, and later as Deputy Superintendent of Police. On 09.11.2011 at about 10.00 a.m., he received a written complaint from the defacto complainant Tr.Murugasamy alleging that the accused, an Junior Engineer of the Electricity Board, demanded a bribe of Rs.10,000/- for providing electricity connection to his bleaching unit. After obtaining permission from higher officials, PW13 registered a case under the Prevention of Corruption Act and prepared the FIR. He secured two independent official witnesses and conducted pre-trap proceedings, during which phenolphthalein powder was applied to the currency notes produced by the complainant, and demonstration of sodium carbonate test was conducted to explain the trap procedure.

14.1. PW13 instructed the complainant to hand over the tainted money to the accused on demand and to give a pre-arranged signal thereafter. The complainant contacted the accused over phone, and as per the accused's instructions, the trap party proceeded to Madurai and waited at Vijay Lodge, Room No.308. On the same evening, the accused arrived at the lodge, met the complainant, and after some time, the complainant gave the pre-arranged signal indicating acceptance of bribe. PW13 then intercepted the accused,



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Spl.C.C.No.73/2014

introduced himself, and brought him into the room. Upon conducting phenolphthalein test, the accused's fingers and pant pocket tested positive, confirming contact with the tainted currency. The accused produced Rs.10,000/- from his pant pocket, which tallied with the pre-recorded numbers. The accused allegedly stated that he received the money for payment to contract labourers. PW13 arrested the accused, informed his family, and seized relevant material objects including tainted money, chemical solutions, and documents under Mahazar.

14.2. PW13 further deposed that he conducted search at the accused's residence, where no incriminating documents were recovered, and subsequently searched the accused's office at Keeladi, seizing several official records relating to the complainant's electricity connection. All procedures, including preparation of mahazars, arrest report, and Form-91 for court submission, were completed, and the accused was produced before the court.

14.3. During cross-examination, PW13 denied the defence suggestions that no complaint was given, that the trap was fabricated, or that the accused was falsely implicated by forcibly planting money in his pocket on the road. He maintained that all procedures, including registration of FIR, pre-trap demonstration, trap execution at Vijay Lodge, recovery of tainted money, and preparation of records, were properly conducted. He admitted certain limitations such as not recalling some distances, not separately recording a detailed post-trap statement, and not testing certain items like Rs.310/- recovered from the accused. He also stated that the lodge manager signed the mahazar after the proceedings and that the accused's family was informed of



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Spl.C.C.No.73/2014

the arrest. Despite suggestions of procedural lapses and inconsistencies, PW13 consistently asserted that the accused demanded and accepted the bribe and that the trap was conducted lawfully.

14.4. Upon a careful scrutiny of the chief and cross-examination of PW13, this Court proceeds to assess the evidentiary value of PW13 testimony.

The evidence of PW13, being the trap laying officer, is central to the prosecution case as he speaks about the entire sequence from registration of FIR to trap, recovery, and subsequent investigation steps. On the strengths, PW13 gives a consistent and detailed account of the pre-trap and trap proceedings. He clearly explains the preparation of phenolphthalein-treated currency, demonstration of sodium carbonate test, and the pre-arranged signal. His evidence is corroborative in nature with respect to recovery of tainted money, positive phenolphthalein test on the accused's fingers and pant pocket, and matching of currency numbers, which are important incriminating circumstances in trap cases. He also speaks about compliance with procedural aspects such as securing independent witnesses, preparation of mahazars, arrest, and forwarding of material objects to court. His version that the accused received the money and kept it in his pant pocket remains unshaken in chief as well as in cross-examination.

14.5. PW14 is Tr.R.Pandiarajan the retired Deputy Superintendent of Police of the Vigilance and Anti-Corruption Wing, deposed that he took up further investigation in Crime No.11/2011 on the orders of his superior



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Spl.C.C.No.73/2014

officer and received the case file from the earlier Investigating Officer, Inspector Tr.Raja. During the course of investigation, he collected necessary documents, including the chemical analysis report and material objects returned from the forensic laboratory. He examined several witnesses, including officials of the Electricity Board, independent witnesses, the defacto complainant Tr.Murugasamy, his manager Tr.Prabhakaran, and other relevant persons, and recorded their statements. He also inspected the place of occurrence at Vijay Lodge, Madurai, and verified the circumstances of the trap. He further collected call detail records from BSNL and Reliance through concerned official and examined the officials who furnished those records.

14.6. Through his investigation, PW14 found that the accused, who was working as an Junior Engineer, had demanded a bribe of Rs.10,000/- from the complainant on earlier occasions and, on 09.11.2011, as per his instructions, came to Vijay Lodge and received the said amount from the complainant, which was confirmed in the presence of official witnesses. He also deposed that the transformer was installed near the complainant's factory, that electricity poles had been erected on Government poramboke land, and that the objection raised by one Kudhabaksh was false and unsupported by documents. Based on the materials collected, he prepared a draft final report under Sections 7 and 13(1)(d) r/w 13(2) of the Prevention of Corruption Act and forwarded the same to the Director, Vigilance and Anti-Corruption.



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14.7. During cross-examination, PW14 admitted certain aspects such as not collecting specific guidelines or rules relating to the duties of the Junior Engineer and not seizing certain documents himself, stating that some were handled by the previous or subsequent officers. He also acknowledged that the accused did not have final authority to grant electricity connection but acted under superior official . However, he denied all suggestions put by the defence that the accused had not demanded or received any bribe, that the trap was fabricated, or that the investigation was defective or biased. He maintained that his investigation was conducted properly and that the evidence collected clearly established the demand and acceptance of illegal gratification by the accused.

14.8. Upon a careful scrutiny of the chief and cross-examination of PW14, this Court proceeds to assess the evidentiary value of PW14 testimony.

PW14 is a subsequent Investigating Officer who has conducted further investigation in a systematic manner and collected both oral and documentary evidence. His testimony establishes that he examined several material witnesses, verified the place of occurrence, collected scientific evidence including the chemical analysis report, and obtained call detail records through competent authorities. His evidence also explains the sequence of investigation and supports the earlier trap proceedings conducted by PW13. Though certain omissions have been elicited in cross-examination, such as non-seizure of some documents by him personally, lack



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Spl.C.C.No.73/2014

of specific knowledge regarding certain guidelines, and partial reliance on materials collected by the previous Investigating Officer, these aspects do not go to the root of the prosecution case. They are only minor investigative lapses and do not materially affect the core issue regarding demand and acceptance of bribe. Importantly, nothing has been elicited to show that his investigation was biased or unfair.

14.9. PW14 has consistently maintained that, based on the materials collected during investigation, the accused had demanded and accepted illegal gratification from the defacto complainant. His evidence is corroborative in nature and strengthens the prosecution case by connecting various pieces of evidence, including witness statements, documentary records, and scientific reports. Therefore, the testimony of PW14 is found to be reliable and acceptable, and it supports the prosecution case to the extent of establishing a proper and complete investigation leading to filing of the final report against the accused.

14.10. PW15, is Tr.D.Arul Anandan the retired Deputy Superintendent of Police of the Vigilance and Anti-Corruption Wing, deposed that after taking over further investigation of Crime No.11/2011 on the orders of his superiors, he received the case file from the earlier Investigating Officer and proceeded with the investigation. He stated that the previous officer had already prepared a draft charge sheet and forwarded it to the Directorate. Thereafter, on 16.08.2012, he formally took up further investigation and, in connection with obtaining sanction, met the competent authority on



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Spl.C.C.No.73/2014

17.10.2012, furnished the relevant case records including FIR, witness statements and chemical analysis report, and recorded her statement. He further stated that he examined the complainant and other officials, and as they reiterated their earlier statements, he did not record fresh statements. Upon completion of investigation, he filed the final report on 19.11.2012 against the accused for offences under Sections 7 and 13(1)(d) r/w 13(2) of the Prevention of Corruption Act. He also identified various documents collected during investigation, including certified copies of official records, call detail records(Ex.P23 and Ex.P34), service particulars of the accused(Ex.P35), and the chemical analysis report(Ex.P37).

14.11. In cross-examination, PW15 admitted that he did not produce the service rules of the Electricity Board before the Court and was unable to recall the specific provision under which sanctioning authority derives power. He stated that certain documents, including analysis report, certified copies and CDR details, were not directly collected by him but were already part of the case file. He also admitted that the earlier Investigating Officer had sent a draft charge sheet before obtaining sanction and that he was not aware of the exact documents forwarded to the sanctioning authority by the Directorate. He denied the suggestion that he had not met the sanctioning authority or furnished documents. He further admitted that he did not examine certain witnesses like K.K.Senthilkumar and that no independent proof was collected to establish the role of the complainant's manager. He stated that he did not freshly examine some witnesses as they reiterated their



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Spl.C.C.No.73/2014

earlier statements. He denied all suggestions that the investigation was defective, that no proper enquiry was conducted, or that the accused was falsely implicated, and maintained that the final report was filed based on available materials and proper investigation.

14.12.Upon a careful scrutiny of the chief and cross-examination of PW15, this Court proceeds to assess the evidentiary value of PW15 testimony.

PW15 is the subsequent Investigating Officer who carried out further investigation and ultimately laid the final report before the Court. His evidence is mainly formal in nature and relates to the continuation and completion of the investigation commenced by the earlier Investigating Officer. From his deposition, it is clear that he took over the case file, verified the materials already collected, examined certain witnesses including the sanctioning authority, and proceeded to file the final report after satisfying himself about the existence of a prima facie case against the accused. The evidentiary value of PW15 lies in establishing the continuity of investigation and the procedural steps leading to the filing of the charge sheet. His testimony shows that relevant documents such as FIR, witness statements, chemical analysis report and official records were available on record and were considered during the course of investigation. His evidence also supports the prosecution case regarding obtaining sanction and completion of investigation in accordance with law.



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Spl.C.C.No.73/2014

14.13. However, certain admissions made by PW15 during cross-examination indicate that he has largely relied upon the materials collected by the earlier Investigating Officer and did not independently collect all documents or examine all material witnesses. He has also admitted that some witnesses were not examined by him and that certain aspects, such as the role of the complainant's manager or specific details regarding documents sent to the sanctioning authority, were not personally verified by him. These aspects show that his role was more in the nature of continuation rather than fresh or independent investigation. Nevertheless, such omissions or limitations do not go to the root of the prosecution case, as the core aspects relating to demand, acceptance, recovery and scientific evidence have already been spoken to by other material witnesses. PW15 has consistently denied the suggestions of defective or biased investigation and maintained that the final report was filed based on available evidence.

14.14. Therefore, this Court finds that the evidence of PW15 is reliable to the extent it establishes the procedural completion of investigation and filing of final report. Though his evidence is not direct on the occurrence of demand and acceptance, it lends formal support to the prosecution case and does not in any way discredit the substantive evidence adduced through other witnesses.

14.15. Further in order to ascertain whether the essential ingredients of the offences under Sections 7 of the Prevention of Corruption Act, 1988 stand proved beyond reasonable doubt, the evidence is now examined under the following six heads:



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Spl.C.C.No.73/2014

- i) Proving of prior demand,
- ii) Proving of complaint,
- iii) Proving of pre-trap procedure,
- iv) Proving of post-trap procedure,
- v) Proving of phenolphthalein test, and
- vi) Proving of sanction.

15. Proving of Prior Demand:

It is trite law that proof of demand is the gravamen of the offence under the Prevention of Corruption Act. Mere recovery of tainted money, divorced from proof of demand, is not sufficient to sustain conviction. Therefore, the Court must first be satisfied that there was a clear and unequivocal demand for illegal gratification. In the present case, the prosecution relies primarily on the evidence of PW2 (defacto complainant) to establish prior demand. PW2 has categorically deposed that On 18.10.2011, when he met the accused along with his manager, the accused demanded Rs.10,000/- for providing electricity connection. On 08.11.2011, the accused reiterated the demand and enquired about the money. This version remains consistent and unshaken in cross-examination. Though PW2 admitted that no demand was made prior to 18.10.2011, such admission does not weaken the prosecution case, as the relevant demand is the one proximate to the trap.

15.1. While appreciating the evidence relating to prior demand, this Court takes note of the fact that the prosecution has examined PW9, the alleged manager who is said to have accompanied the defacto complainant at the time of earlier demand, but he has turned hostile and has not supported



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Spl.C.C.No.73/2014

the prosecution case. However, it is well settled that the evidence of a hostile witness does not automatically render the prosecution case doubtful, particularly when the testimony of the complainant is otherwise cogent and reliable. In the present case, the evidence of PW2 remains consistent, natural and unshaken on material particulars, despite lengthy cross-examination. He has clearly spoken about the demand made by the accused on 18.10.2011 and its reiteration on 08.11.2011. **In this regard, it is relevant to extract the portion of PW2's chief examination:** "18.10.2011 ம் தேதியன்று நானும், எனது மேனேஜர் செந்திலும் கீழடி இ.பி. அலுவலகத்திற்குச் சென்று ஏ.இ. மீனாட்சிசுந்தரத்தைப் பார்த்து மின் இணைப்பு வேண்டும் என்று கேட்டேன். அதற்கு அவர் ரூ.10,000/- செலவாகும் என்று கேட்டார். நான் எதிரியிடம் வேலையை முடியுங்கள், பார்க்கலாம் என்று சொல்லிவிட்டு வந்து விட்டேன். மறுபடியும் 08.11.2011 ம் தேதி நானும், எனது மேனேஜர் செந்திலும் கீழடி இ.பி. அலுவலகத்திற்குச் சென்று ஏ.இ. மீனாட்சிசுந்தரத்தைப் பார்த்து இன்னும் மின் இணைப்பு கொடுக்கவில்லை என்று கேட்டேன். அதற்கு அவர் பணம் ரூ.10,000/- என்னாச்சு என்று ஏ.இ. கேட்டார். நான் பணம் கொண்டு வரவில்லை, நாளைக்குக் கொண்டு வந்து தருகிறேன் என்று சொன்னேன். நான் திரும்ப வந்து விட்டேன். எதிரி கேட்டப் பணத்தைக் கொடுப்பதற்கு எனக்கு விருப்பமில்லை". Nothing has been elicited to discredit his version



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Spl.C.C.No.73/2014

regarding prior demand. Merely because the accompanying witness has not supported the prosecution, the otherwise credible testimony of PW2 cannot be discarded. The accused has attempted to rely upon a plea of alibi. The term alibi means “elsewhere”, and in legal parlance it denotes a defence that the accused was at some other place at the relevant time and, therefore, could not have been present at the place of occurrence. Such a plea is recognized under Section 11 of the Indian Evidence Act, wherein facts inconsistent with the fact in issue become relevant. However, it is a settled principle that the burden of proving the plea of alibi lies entirely upon the accused, and the same must be established by clear, cogent and convincing evidence so as to completely exclude the possibility of his presence at the place of occurrence. A mere suggestion or partial explanation is not sufficient; the accused must prove that his presence at the relevant time was impossible.

15.2. In the case on hand, the accused has attempted to project the plea of alibi only through the cross-examination of PW5 and PW7 and by marking Ex.D1 to Ex.D3 through PW5. However, a careful appreciation of the evidence of PW5 and PW7 would show that their testimonies do not in any manner substantiate such plea. PW5 has stated that on 18.10.2011, he along with the accused went to Manamadurai for official work and returned in the evening. This piece of evidence, at best, indicates the movement of the accused for a portion of the day and does not conclusively establish that the accused was not available to meet the defacto complainant at any other point of time on that day. It does not exclude the possibility of the accused making the demand either prior to leaving or after returning from such official duty.



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Spl.C.C.No.73/2014

15.3. Similarly, the evidence of PW7 does not advance the case of the defence. Though certain suggestions were put to PW7 to the effect that the accused was present with him on 08.11.2011, the same has been categorically denied by PW7. On the contrary, PW7 has only spoken about routine official matters and a limited circumstance of having lunch with the accused on 09.11.2011. His evidence does not show that the accused was continuously engaged with him or that he was prevented from meeting the defacto complainant on the relevant dates. Therefore, the evidence of PW7 does not support the plea of alibi in any manner. Further, the documents marked as Ex.D1 to Ex.D3 through PW5 have not been proved to conclusively establish the absence of the accused from the place of occurrence. Mere marking of documents without proper proof and without examining any independent witness to substantiate the contents thereof cannot discharge the burden cast upon the accused.

15.4. It is also significant that no suggestion regarding such a plea of alibi was put to PW2, the defacto complainant, who has categorically deposed about the prior demand made by the accused. The failure to confront the material witness on this crucial aspect further weakens the defence. In view of the above, this Court finds that the accused has failed to establish the plea of alibi by acceptable evidence as required under law. The evidence of PW5 and PW7 does not in any manner probabalise the said plea. Consequently, the plea of alibi is rejected, and the evidence of PW2 with regard to prior demand stands unshaken.



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Spl.C.C.No.73/2014

15.5. Further, the evidence of PW3 (shadow witness) assumes significance. He has deposed that during the phone conversation on 09.11.2011, the accused enquired whether the money was ready, which probabalises the existence of prior demand. Thus, the defence has failed to rebut the prosecution case.

15.6. In these circumstances, this Court finds that the evidence of PW2, coupled with the surrounding circumstances, clearly establishes the prior demand made by the accused, and the defence attempt to discredit the same is devoid of merit. The consistency between the complaint and the oral testimony PW2 further strengthens the prosecution case. The Court finds no reason to disbelieve the testimonies of PW2. Hence, prior demand stands clearly established.

16. Proving of Complaint:

The prompt lodging of complaint is an important circumstance in trap cases, as it excludes the possibility of deliberation or embellishment. PW2 has deposed that being unwilling to pay bribe, he approached the Vigilance and Anti-Corruption Department and lodged a written complaint. The complaint contains details regarding the dates of demand, nature of work and quantum of bribe. PW2 has deposed that, Being unwilling to pay bribe, he approached the Vigilance and Anti-Corruption Department on 09.11.2011. He lodged a written complaint(Ex.P2), based on which FIR(Ex.P25) was registered.



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Spl.C.C.No.73/2014

16.1. PW13 (Trap Laying Officer) corroborates this by stating that He received the complaint at about 10.00 a.m. After verification, he registered the case and initiated trap proceedings. Nothing has been elicited in cross-examination to doubt The genuineness of the complaint, the voluntariness of PW2 in approaching Vigilance. The defence suggestion that the complaint is fabricated or motivated has been categorically denied and remains unsubstantiated. This Court finds that the prosecution has successfully proved that the complaint was voluntarily lodged and forms a genuine basis for the trap.

17. Proving of Pre-Trap Proceedings:

The legality and transparency of pre-trap formalities are essential to ensure credibility of the trap operation. While appreciating the evidence relating to the pre-trap procedure, this Court finds that the same has been clearly and cogently established through the consistent testimonies of PW3, PW4 and PW13. Further PW13, the Trap Laying Officer, has deposed in detail that upon receipt of the complaint, he secured two independent official witnesses, namely PW3 and PW4, and explained to them the contents of the complaint and the purpose of the trap proceedings. The First Information Report was made available to them and verified in the presence of the defacto complainant. PW2 thereafter produced a sum of Rs.10,000/-, and the serial numbers of the currency notes were meticulously noted in the Entrustment Mahazar(Ex.P5). PW13 further demonstrated the phenolphthalein test by preparing sodium carbonate solution and explaining the chemical reaction to the witnesses, thereby ensuring that all participants



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Spl.C.C.No.73/2014

were fully aware of the trap procedure and its significance. The tainted currency notes were then entrusted to PW2 with specific instructions to hand over the same to the accused only upon demand. PW3 was deputed as the official witness to accompany PW2 and observe the transaction, while PW4 remained with the trap party.

17.1. The evidence of PW3 and PW4 fully corroborates the version of PW13 in all material particulars. Both witnesses have consistently spoken about the preparation of the Entrustment Mahazar, the demonstration of the phenolphthalein test, and the instructions given to the complainant and witnesses prior to the trap. Their testimonies inspire confidence and establish that the pre-trap proceedings were conducted in a transparent and systematic manner. Though the defence has attempted to highlight certain minor omissions, such as absence of written orders or entries in movement registers, such lapses are purely procedural in nature and do not go to the root of the prosecution case. They do not, in any manner, create doubt regarding the genuineness or legality of the trap proceedings. In the overall assessment, this Court is satisfied that the prosecution has successfully proved that the pre-trap procedure was conducted in accordance with established legal requirements and standard practice, thereby lending credibility to the subsequent trap and recovery.

18. Proving of Post-Trap Proceedings:

The acceptance and recovery of tainted money constitute crucial incriminating circumstances. While appreciating the evidence relating to the post-trap procedure, this Court finds that the prosecution has established the



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Spl.C.C.No.73/2014

same through the consistent and mutually corroborative testimonies of PW3, PW4 and PW13. The evidence discloses that after the accused entered Room No.308 of Vijay Lodge and, upon demand, received the tainted money from PW2 and kept it in his pant pocket, PW2 came out and gave the pre-arranged signal, thereby indicating successful completion of the transaction. Immediately thereafter, the trap party, headed by PW13, rushed to the spot, intercepted the accused, disclosed their identity and brought him back into the room. This sequence of events has been clearly spoken to by PW3, the shadow witness, who was present inside the room and had directly witnessed the demand and acceptance, as well as by PW4, who was waiting along with the trap party and responded to the signal given by PW2.

18.1. PW13, the Trap Laying Officer, has given a detailed account of the post-trap proceedings. He has deposed that upon interception, the accused was questioned, and phenolphthalein test was conducted on his fingers and the inner portion of his pant pocket, which turned pink, thereby indicating contact with the tainted currency. The accused then produced the sum of Rs.10,000/- from his pant pocket, and the serial numbers of the currency notes were verified and found to tally with those recorded in the Entrustment Mahazar. The tainted money, the pant worn by the accused, and the chemical solutions were seized and preserved in accordance with procedure, and a detailed Recovery Mahazar was prepared in the presence of witnesses.

18.2. The evidence of PW3 corroborates the version of PW13 in all material aspects, particularly with regard to the demand, acceptance, and the



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Spl.C.C.No.73/2014

recovery of tainted money from the possession of the accused. PW4, though not an eyewitness to the actual handing over of money, has fully supported the prosecution in respect of the events immediately following the signal, including interception of the accused, conduct of phenolphthalein test, and recovery of the tainted currency. Their testimonies are consistent, natural and inspire confidence. The defence suggestion that the money was forcibly thrust into the pocket of the accused has been categorically denied by all these witnesses and finds no support from any material on record.

18.3. The consistent version of PW2, PW3, PW4 and PW13 regarding the signal, interception, recovery and subsequent proceedings clearly establishes that the post-trap procedure was carried out in a proper and lawful manner. Accordingly, this Court finds that the prosecution has successfully proved the post-trap procedure, including the recovery of tainted money from the accused, beyond reasonable doubt.

19. Proving of Phenolphthalein Test:

The scientific evidence in the present case assumes considerable significance as a corroborative circumstance to the oral testimony regarding acceptance of illegal gratification. The prosecution has relied upon the evidence of PW3, PW4 and PW13 to establish the conduct and result of the phenolphthalein test. From their consistent depositions, it is evident that immediately after the accused was intercepted pursuant to the signal given by PW2, the trap laying officer subjected the accused to the phenolphthalein test in accordance with established procedure. The fingers of the accused were first dipped in the sodium carbonate solution, which turned pink,



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Spl.C.C.No.73/2014

indicating that the accused had come into contact with phenolphthalein powder. Subsequently, the inner portion of the pant pocket of the accused, from which the tainted currency was recovered, was also subjected to the same test, and the solution again turned pink. These facts have been clearly and consistently spoken to by PW3, the official witness, PW4, the accompanying official witness, and PW13, the trap laying officer, and there is no material contradiction in their evidence on this aspect.

19.1. It is further seen that the solutions obtained from the hand wash and pocket wash were properly collected, preserved in separate bottles, duly sealed and labelled, and thereafter forwarded for chemical examination. This procedure lends assurance to the integrity and reliability of the scientific evidence. The defence, despite thorough cross-examination, has not been able to elicit anything to discredit the manner in which the test was conducted or the correctness of the result. There is no suggestion of tampering, procedural illegality, or fabrication in respect of the chemical test. The absence of any effective challenge to this crucial piece of evidence further strengthens the prosecution case.

19.2. The positive result of the phenolphthalein test clearly establishes that the accused had handled the tainted currency notes and that the same were kept in his pant pocket. While it is settled law that the phenolphthalein test by itself cannot prove the demand of illegal gratification, it constitutes a strong incriminating circumstance corroborating the prosecution version regarding acceptance. In the present case, when this scientific evidence is



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read in conjunction with the cogent and reliable testimony of PW2 and PW3 regarding demand and acceptance, it provides a complete and consistent chain of evidence pointing towards the guilt of the accused. The accused has not offered any plausible explanation for the positive test result. In the absence of explanation, the statutory presumption under Section 20 of the Prevention of Corruption Act operates against him. Therefore, the phenolphthalein test provides independent scientific confirmation of acceptance.

19.3. Therefore, this Court finds that the prosecution has successfully proved, through reliable scientific and oral evidence, that the phenolphthalein test yielded positive results, thereby conclusively establishing that the accused had handled and was in conscious possession of the tainted currency. This forms a strong corroborative link in proving the acceptance of illegal gratification by the accused.

20. Proving of Sanction:

The requirement of sanction under Section 19 of the Prevention of Corruption Act, 1988 is proved through the evidence of PW1, who was the competent authority at the relevant time. PW1 has clearly deposed that she was working as Chief Engineer and was empowered to remove the accused from service, and hence competent to accord sanction. She has further stated that she received all relevant records from the Vigilance Department, including the FIR, witness statements and connected documents, and that she perused those materials before granting sanction under Ex.P1. During cross-



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Spl.C.C.No.73/2014

examination, nothing material has been elicited to show that PW1 lacked competence or that the sanction was granted without application of mind. Though she was unable to recollect certain details such as the number of pages in the file, such minor lapses are natural and do not affect the validity of the sanction. She has consistently denied the suggestion that she mechanically signed a draft order.

20.1. It is well settled that sanction is an administrative act and detailed reasons are not necessary, so long as there is application of mind. In the present case, the evidence of PW1 clearly shows that she had considered the materials before granting sanction. Therefore, this Court finds that the sanction accorded under Ex.P1 is valid, lawful and in compliance with Section 19 of the Act.

20.2. Hence in the considered opinion of this Court, the prosecution has successfully established all the foundational facts necessary to bring home the guilt of the accused under Sections 7 of the Prevention of Corruption Act, 1988. The evidence on record clearly demonstrates that the accused, being a public servant, made a specific demand of illegal gratification from the complainant/PW2 for performing an official act within his capacity. The said demand was immediately followed by the complaint and the arrangement of a trap in accordance with law. The pre-trap and post-trap proceedings were conducted in a transparent and meticulous manner in the presence of independent witness. The recovery of tainted currency notes from the possession of the accused and the positive phenolphthalein test



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Spl.C.C.No.73/2014

conclusively establish that the accused voluntarily received the illegal gratification as alleged.

20.3. Further the testimonies of the official witness is consistent, cogent, and trustworthy, and stand corroborated by contemporaneous documentary evidence. No material contradictions or discrepancies have been elicited to discredit the prosecution version. On the contrary, the explanation offered by the accused is found to be an afterthought and fails to inspire confidence. The accused has not adduced any convincing evidence or circumstances to rebut the statutory presumption under Section 20 of the Act, which, in the present case, squarely operates against him. The totality of evidence unerringly points to the guilt of the accused, and the prosecution has proved beyond reasonable doubt that the accused demanded and accepted illegal gratification other than legal remuneration. Hence the prosecution has successfully established all the foundational facts necessary to bring home the guilt of the accused under section 7 of the PC Act and meticulous manner in the presence of independent witnesses. The recovery of tainted money currency notes from the possession of the accused and the positive Phenolphthalein test conclusively establish that the accused voluntarily received the illegal gratification as alleged.

20.4. Further the accused has taken a plea of alibi contending that on the relevant dates, particularly on 18.10.2011 and 08.11.2011, he was not present at the place of occurrence and therefore could not have made any demand to the defacto complainant. It is well settled that the plea of alibi is governed by Section 11 of the Indian Evidence Act, and the burden of



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Spl.C.C.No.73/2014

proving such a plea lies squarely upon the accused who sets it up. The standard required is not mere probability, but clear and cogent evidence to show that the accused was so far away from the place of occurrence that his presence there was impossible.

20.5. In the present case, except making a suggestion and marking certain documents as Ex.D1 to Ex.D3 through PW5, the accused has not let in any substantive or reliable evidence to establish the plea of alibi. No independent witness has been examined to prove his continuous presence at any other place during the relevant time. The documents relied upon by the defence have also not been proved so as to conclusively establish his absence from the place where the demand is alleged to have been made. Further, as already discussed, the evidence of prosecution witnesses, particularly PW2, has not been effectively challenged on the aspect of demand on the relevant dates. The defence has also failed to confront the material witnesses with the alleged alibi in a proper manner.

20.6. It is also pertinent to note that even the Documents (Ex.D1 to D3) relied upon by the defence do not conclusively rule out the possibility of the accused meeting the defacto complainant either before or after the alleged official movements on those dates. Hence, the plea of alibi remains a mere suggestion without proof. Therefore, this Court holds that the accused has failed to discharge the burden cast upon him under law to prove the plea of alibi, and the said plea is liable to be rejected. It is pertinent to note that during the cross-examination of PW2, the accused had suggested a specific defence theory to the effect that there was no demand of illegal gratification



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Spl.C.C.No.73/2014

and that the defacto complainant had attempted to involve him in connection with purchase of electrical materials, even going to the extent of suggesting forcible planting of money. However, on a careful scrutiny of the written statement submitted by the accused under Section 313 Cr.P.C., it is seen that no such specific defence has been taken. The accused has merely denied the allegations in general terms and has taken a plea of innocence and alibi, but has not whispered anything about the alleged conduct of the defacto complainant as suggested during cross-examination.

20.7. This material omission assumes great significance. The defence suggested during cross-examination, when not reiterated or explained in the statement under Section 313 Cr.P.C., loses its evidentiary value and appears to be an afterthought introduced only to create doubt in the prosecution case. It is a settled principle that suggestions made in cross-examination, without being supported by a corresponding explanation from the accused, cannot be treated as substantive evidence.

20.8. Further, the evidence of PW11 and PW15, coupled with Ex.P23 and Ex.P34, call detail records, clearly establishes that there were telephonic contacts between the accused and the defacto complainant on the relevant date. Though PW11 has stated that call records cannot reveal the contents of the conversation, the factum of contact between the parties stands proved. Significantly, the accused has not offered any explanation as to the reason for such telephonic communication, either in his cross-examination defence or in his statement under Section 313 Cr.P.C. If really the version suggested by the accused during cross-examination were true, he ought to have furnished a



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Spl.C.C.No.73/2014

plausible explanation for such repeated contacts. The absence of any such explanation further weakens the defence.

20.9. Thus, the inconsistency between the defence suggested to PW2, the omission of the same in the statement under Section 313 Cr.P.C., and the unexplained call detail records collectively render the defence version improbable and unworthy of acceptance. On the other hand, these circumstances lend assurance to the prosecution case.

20.10. Further it is contended by the learned counsel for the accused that, as per Rule 47 of the Directorate of Vigilance and Anti-Corruption Manual, the immediate version of the accused after the trap assumes great importance, and that the non-recording of the statement of the accused immediately after the trap is fatal to the case of the prosecution. Rule 47 of the DVAC Manual prescribes that after the phenolphthalein test and recovery of tainted money, the accused officer should be questioned and his detailed statement should be recorded in the case diary.

Rule 47 of the DVAC Manual reads as follows:-

“47. Questioning of Accused Officer (1) Questioning of the Accused Officer and recovery of the bribe money should be after the phenolphthalein test. If the test proves positive, arrest of the Accused Officer may be made and recovery of notes effected on the basis of Accused Officer's statement, if any. In this event, the provisions of Section 27 of the Indian Evidence Act would be available to the prosecution.



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(2) Immediately after recovery and seizure of the bribe money or article, the Accused Officer must be further interrogated and his detailed statement separately recorded in the case diary under [section 162](#) of the Code of Criminal Procedure, 1973. If there is any need to examine him still further in the light of any fresh evidence that might come up later during the investigation of the case, the same can be done at a later stage and further statement of the Accused Officer recorded. [DVAC Circular Memo No.33979/VAC-4/76, dated 10th December, 1976]"

20.11. In this regard, the learned counsel for the accused would submit that the said procedure has not been followed in the present case, and therefore, the prosecution case is vitiated. Similarly, the learned counsel for the accused placed reliance on the decision of the Hon'ble High Court in [Crl. Appeal \(MD\) No.1090 of 2004 \[State rep. by Inspector of Police, Vigilance and Anti-Corruption, Vellore v. M.L. Rajan, Assistant Educational Officer, Thimiri, Arcot Taluk\], reported in 2013-2 L.W. \(Crl.\) 157](#). However, the said decision does not lay down that non-compliance of Rule 47 of the DVAC Manual would vitiate the entire prosecution case. Hence, this contention cannot be accepted.

20.12. Furthermore, in the decision reported in [Duraimurugan Vs. State, rep. by Deputy Superintendent of Police, Vigilance and Anti-](#)



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Spl.C.C.No.73/2014

Corruption, Vellore, 2013 (1) CWC 136 and **A.Selvaraj Vs Deputy Superintendent of Police, Vigilance and Anti-Corruption, Dharmapuri, Crl.A.No.605/2016, dated 19.06.2018**, it has been held that even if there is non-compliance with the procedures contemplated under the DVAC Manual, the same is not fatal to the prosecution case. It has been further held that the accused cannot take advantage of such procedural lapses and that, at the most, it would entail departmental or disciplinary action against the concerned officer. Therefore, this Court is of the considered view that the non-recording of the statement of the accused immediately after the trap, as contemplated under Rule 47 of the DVAC Manual, is not fatal to the prosecution case, and the said contention raised by the accused is liable to be rejected.

20.13. Further to attract the offence under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, the prosecution must establish that the accused, being a public servant, by corrupt or illegal means or by abusing his position as such public servant, obtained for himself any valuable thing or pecuniary advantage. In this case, the evidence on record clearly establishes that the accused, while functioning as Junior Engineer Gr.I, demanded and accepted a sum of Rs.10,000/- as illegal gratification from PW2. The demand has been consistently spoken to by PW2, while the acceptance and recovery of tainted money have been proved through the evidence of PW3 and the Trap Laying Officer/PW13. The positive phenolphthalein test and the Chemical Analysis Report/Ex.P37 scientifically confirm the handling of tainted currency by the accused. The act of



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demanding and receiving illegal gratification for performing an official duty clearly amounts to abuse of official position for obtaining pecuniary advantage. Therefore, this Court holds that the prosecution has successfully established the ingredients of the offence punishable under Section 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 beyond reasonable doubt.

20.14. Thus on meticulous analysis of the depositions of PW1 to PW15, Exhibits P1 to P37, and material objects PMO.1 to PMO.5, the following facts are established beyond reasonable doubt:

i) The accused, being a public servant working as Junior Engineer Grade-I, TNEB (Distribution) Keelady, demanded illegal gratification on 18.10.2011 and 08.11.2011 from the complainant(PW2) for issuing 3 phase LT new EB service connection to his new Bleaching Factory at T.Karisalkulam.

ii) The accused reiterated the demand on 09.11.2011 and accepted the bribe of Rs.10,000/-, during the trap, as confirmed by the complainant(PW2), official witness(PW3 and PW4), and corroborated by trap proceedings and by Trap Laying Officer(PW13).

iii) The tainted currency notes (M.O.1) and related evidence were recovered intact, tested, and documented, confirming the accused's direct involvement in accepting the bribe.



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Spl.C.C.No.73/2014

iv) Proper sanction for prosecution was obtained from the competent authority(PW1).

v) Hence, in the considered view, this court holds that the prosecution has established the charges against the accused beyond all reasonable doubt to the effect that the accused has made prior demand of illegal gratification on 18.10.2011, 08.11.2011 from PW2, the defacto complainant and accused also reiterated the said demand of bribe on 09.11.2011 and that he accepted the bribe of Rs.10,000/- (P.M.O.1) from PW2 on the same day and it has been recovered from him (accused) by PW13/Trap Laying Officer on the day itself and thus the accused Tr.C.Meenakshsundaram has committed the offences punishable under Section 7 and Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988. Therefore, accused Tr.C.Meenakshsundaram is guilty u/s 7 and 13(2) r/w 13(1)(d) of PC Act, 1988.

20.15. Accordingly, this Court holds the accused is guilty of the offences punishable under Sections 7 and 13(2) read with section 13(1)(d) of Prevention of Corruption Act, 1988, and he stands convicted thereunder.

21. Questioned u/s.248(2) of Cr.P.C., with regard to the quantum of sentence:-

When the accused was questioned u/s.248(2) of Cr.P.C., with regard to the quantum of sentence to be imposed upon him (questionnaire vide separate sheet) he has stated that he is an innocent and he submitted that he



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Spl.C.C.No.73/2014

has two daughters and that he is the sole breadwinner responsible for taking care of his wife and children. He further stated that he is aged about 65 years and is suffering from age-related ailments such as diabetes, hypertension and heart disease. On these grounds, he prayed for leniency in the matter of sentence.

21.1. The learned Public Prosecutor submitted that the accused, being a public servant, abused his official position for personal gain and demanded and accepted illegal gratification from a citizen who approached him for discharge of official duty. It was further submitted that corruption by public servants strikes at the very root of public administration and erodes public confidence in the system. Therefore, a deterrent sentence is warranted considering the gravity of the offence.

21.2. Per contra, the accused counsel pleaded for leniency stating that he is the sole breadwinner of his family, has aged dependents, and has no previous criminal antecedents. It was also submitted that he has suffered mental agony and prolonged trial for several years and therefore a lenient view may be taken.

21.3. This Court has carefully considered the rival submissions. The offence proved against the accused is not a mere technical violation but an act of corruption committed by a public servant while discharging official duties. Corruption in public office undermines the rule of law and public trust. At the same time, the Court has taken into consideration the personal



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Spl.C.C.No.73/2014

circumstances of the accused and the period of trial faced by him. Having regard to the nature of the offence, the manner in which it was committed, the amount involved, and the need to balance deterrence with proportionality, this Court is of the considered view that imposition of substantive sentence of imprisonment along with fine would meet the ends of justice. Hence this Court deems it just and appropriate to impose the following sentence:

In the result,

i) the accused is found guilty for the offence u/s.7 of Prevention of Corruption Act, 1988 and he is convicted and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for three months.

ii) the accused is found guilty for the offence u/s. 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988 and he is convicted and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for three months.

iii) the sentences imposed shall run concurrently.

iv) the total fine amount is Rs.10,000/-.



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Spl.C.C.No.73/2014

v) the order of conviction is recorded u/s.248(2) of Code of Criminal Procedure, 1973.

vi) the period of imprisonment already undergone by the accused during investigation shall be set off u/s.428 of Code of Criminal Procedure, 1973.

PROPERTY ORDER: (P.R.No.52/2014)

1. P.M.O.1:

Cash of Rs.10,000/- shall be returned to the defacto complainant PW2/Tr.A.Murugasamy, after the appeal time is over.

2. P.M.O.2:

Bottles containing Right Hand finger wash of the accused shall be ordered to be destroyed after the appeal time is over as per Rule 262 of Criminal Rules of Practice, 2019.

3. P.M.O.3 :

Bottles containing Left Hand finger wash of the accused shall be ordered to be destroyed after the appeal time is over as per Rule 262 of Criminal Rules of Practice, 2019.

4. P.M.O.4 :

Bottle containing wash of the pocket of his Pant worn by the accused during trap in which tainted money was kept shall be ordered to be destroyed after the appeal time is over as per Rule 262 of Criminal Rules of Practice, 2019.



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Spl.C.C.No.73/2014

5. P.M.O.5 :

Pant worn by the accused during trap shall be ordered to be destroyed after the appeal time is over as per Rule 262 of Criminal Rules of Practice, 2019.

Dictated by me to the Steno-Typist, it was typed by him directly in the office computer, corrected and pronounced by me in the open court on this **10th day of April, 2026.**

**Special Judge,
Special Court for Trial of Cases under
Prevention of Corruption Act,
Sivagangai.**



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Spl.C.C.No.73/2014

Prosecution Witnesses:

Sl. No	Rank of the witnesses	Name of the Witnesses	Date on which Chief examination and Continuation taken place	Date on which Cross examination and Continuation taken place
1.	PW1/ Prosecution Sanctioning Authority	Tmt.N.Nallammal	18.02.2016	20.09.2016
2.	PW2/Defacto complainant	Tr.A.Murugasamy	01.11.2016	01.11.2016
3.	PW3/ Official witness	Tr.S.V.Gopal	28.07.2017	06.10.2023
4.	PW4/Official witness	Tr.S.Sampath	27.12.2023	20.09.2024
5.	PW5/ Commercial Inspector	Tr.M.Valavanthan	07.02.2025	07.02.2025
6.	PW6/ Executive Engineer	Tmt.M.Lahta Devi	13.03.2025	13.03.2025
7.	PW7/ Executive Engineer	Tr.A.Mondy	05.06.2025	05.06.2025



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Spl.C.C.No.73/2014

Sl. No	Rank of the witnesses	Name of the Witnesses	Date on which Chief examination and Continuation taken place	Date on which Cross examination and Continuation taken place
8.	PW8/Hotel Manager	Tr.M.Thangapandian	17.07.2025	17.07.2025
9.	PW9/Factory Manager	Tr.M.Prabaharan	18.09.2025	18.09.2025
10.	PW10/Sub-Inspector of Survey	Tr.K.Dinakararajan	18.09.2025	18.09.2025
11.	PW11/BSNL, Subdivisional Engineer (Vigilance).	Tr.V.Subramanian	09.10.2025	06.11.2025
12.	PW12/Lease land owner of the PW2	Tr.D.Muralidharan	15.10.2025	--
13.	PW13/TLO	Tr.A.Raja	12.02.2026	12.02.2026
14.	PW14/I.O	Tr.R.Pandiarajan	11.03.2026	11.03.2026
15.	PW15/I.O	Tr.D.Arul Anandan	18.03.2026	18.03.2026

Defence side witnesses: Nil



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Spl.C.C.No.73/2014

Prosecution Side Exhibits:

Sl. No	Doc.No	Date	Description of the document
1	Ex.P1/ PW1	16.07.2012	Prosecution Sanction Order
2	Ex.P2/ PW2	09.11.2011	Written complaint given by PW2/Defacto Complainant.
3	Ex.P3/ PW2	02.08.2011	File containing the application submitted by PW2/Defacto Complainant to the Assistant Engineer, Electrical, Keeladi office, along with connected documents.
4	Ex.P4/ PW2	09.11.2011	Signature of PW2/Defacto Complainant in Printed FIR.
5	Ex.P5/ PW2	09.11.2011	Entrustment Mahazar
6	Ex.P6/ PW2	09.11.2011	Bill receipt No. 36467 for payment of room rent at Hotel Vijay Lodge where PW2/Defacto Complainant stayed.
7	Ex.P7/ PW3	09.11.2011	Arrest Form
8	Ex.P8/ PW3	10.05.2011	File relating to the request for providing electricity connection to one Chinnaponnammal, found in the possession of the accused.



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Spl.C.C.No.73/2014

Sl. No	Doc.No	Date	Description of the document
9	Ex.P9/ PW3	21.07.2011	File relating to providing O.H.T. electricity connection to Ilanthaikulam Panchayat.
10	Ex.P10/ PW3	26.11.2011	File relating to electricity connection of one Kandan of Ilanthaikulam.
11	Ex.P11/ PW3	09.11.2011	File relating to Jasmine Towels, Kanjiramkulam.
12	Ex.P12/ PW3	09.11.2011	Seizure Mahazar
13.	Ex.P13/ PW3	09.11.2011	House Search List
14.	Ex.P14/ PW3	2011	Attendance Register of Keeladi Electricity Distribution Office.
15.	Ex.P15/ PW4	2011	Application Register of Keeladi Electricity Distribution Office.
16.	Ex.P16/ PW3	2011	Job Allocation Register of Keeladi Electricity Distribution Office.



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Spl.C.C.No.73/2014

Sl. No	Doc.No	Date	Description of the document
17.	Ex.P17/ PW3	2011-2012	Proposal Register of Keeladi Electricity Distribution Office.
18.	Ex.P18/ PW3	25.08.2011	File containing requisition and estimate sheets for materials required for electricity connection works of PW2/Defacto Complainant.
19.	Ex.P19/ PW3	13.10.2011	Petition and connected file of one Kudabash, who raised objection regarding electricity connection.
20.	Ex.P20/ PW3	09.11.2011	Athachi Mahazar
21.	Ex.P21/ PW5	09.11.2011	Signatures marked as series in the Athachi Mahazar, namely the 3 rd signature at the bottom of the first page, the 1st signature at the bottom of the second page, and the signature found at the endorsement "copy received" on the second page.
22.	Ex.P22/ PW6	2011	File containing certified copies of Estimate Sanction Register, Work Order Book, Current Register Extract, Despatch Register Extract,



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Spl.C.C.No.73/2014

Sl. No	Doc.No	Date	Description of the document
			Reconnection and Disconnection Register Extract, and Tamil Nadu Electricity Distribution Standards of Performance Regulations, 2006.
23.	Ex.P23/ PW11	15.11.2011	File containing details of incoming and outgoing calls, and prepaid and postpaid details.
24.	Ex.P24/ PW12	16.05.2011	Rental Agreement Deed.
25.	Ex.P25/ PW13	09.11.2011	Printed FIR
26.	Ex.P26/ PW13	09.11.2011	Requisition letters sent by PW13 / Thiru A.Raja, Inspector of Police, Vigilance and Anti-Corruption, Sivagangai, to the Treasury Officer, District Treasury, Sivagangai, and to the Deputy Director of Health Services, Sivagangai.
27.	Ex.P27/ PW13	09.11.2011	Rough Sketch
28.	Ex.P28/ PW13	09.11.2011	Advance Intimation of House Search
29.	Ex.P29/ PW13	09.11.2011	Athachi Mahazar



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Spl.C.C.No.73/2014

Sl. No	Doc.No	Date	Description of the document
30.	Ex.P30/ PW13	09.11.2011	Form-91
31.	Ex.P31/ PW13	10.11.2011	Arrest Card
32.	Ex.P32/ PW15	18.11.2011	File containing certified documents sent by the Assistant Executive Engineer (Distribution), Tamil Nadu Electricity Board, Thiruppuvanam, to the Inspector of Police, Vigilance and Anti-Corruption.
33.	Ex.P33/ PW15	21.11.2011	File containing certified documents sent by the Assistant Executive Engineer (Distribution), Tamil Nadu Electricity Board, Thiruppuvanam, to the Inspector of Police, Vigilance and Anti-Corruption.
34.	Ex.P34/ PW15	02.12.2011	Call Details Records.
35.	Ex.P35/ PW15	14.11.2011	File containing service particulars of the accused sent by the Superintending Engineer, SEDC/Sivagangai, to the Inspector of Police, Sivagangai.



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Spl.C.C.No.73/2014

Sl. No	Doc.No	Date	Description of the document
36.	Ex.P36/ PW15	24.11.2011	Letter sent by the Assistant Executive Engineer (Distribution), Tamil Nadu Electricity Board, Thiruppuvanam, to the Inspector of Police, Vigilance and Anti-Corruption, containing details of electricity connection provided to PW2/Complainant.
37.	Ex.P37/ PW15	17.11.2011	Chemical Analysis Report.

Defence Side Exhibits:

Sl. No	Doc.No	Date	Description of the document
1.	Ex.D1/ PW5	06.07.2016	Signature of PW5 in Requisition for materials Form.
2.	Ex.D2/ PW5	06.07.2016	Signature of accused in Requisition for materials Form.
3.	Ex.D3/ PW5	06.07.2016	Requisition for materials Form (Series).

Prosecution side Material Objects:

Sl.No.	P.M.O. Nos.	Prosecution side Material Objects
1	P.M.O-1/ PW2	Tainted Currencies.



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Spl.C.C.No.73/2014

Sl.No.	P.M.O. Nos.	Prosecution side Material Objects
2	P.M.O-2/ PW3	Bottle containing Right Hand finger wash of the accused.
3	P.M.O-3/ PW3	Bottle containing Left Hand finger wash of the accused.
4	P.M.O-4/ PW3	Bottle containing wash of the pocket of his pant worn by the accused during trap in which tainted money was kept.
5	P.M.O-5/ PW3	Pant worn by the accused during trap.

**Special Judge,
Special Court for Trial of Cases under
Prevention of Corruption Act,
Sivagangai.**

Note:

The Result of Judgment is intimated to Police. None of the witnesses were retained for more than three days. The case property order is recorded in Property Register.

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*State of Tamil Nadu Rep. by Inspector of Police,
V&AC, Sivagangai Vs. Tr.C.Meenakshisundaram.*

Spl.C.C.No.73/2014

Dated: 10.04.2026

Judgment in

Spl.C.C. No.73/2014

Special Court for Trial of

Cases under P.C.Act,

Sivagangai.