2026:CGHC:4149

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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1481 of 2015

Ram Lal Sharma S/o Late Rati Ram Sharma, Aged About 63 Years, Retired Assistant Grade-2, At Present R/o Shyam Nagar Raipur, Distt. Raipur, Permanent Address Village Bhiso, Thana Pamgardha, Distt. Janjgir Champa, Chhattisgarh

... Appellant

versus

State of Chhattisgarh Through Anti Corruption Bureau, Raipur, Distt. Raipur, Chhattisgarh., Chhattisgarh

--- State/Respondent

For Appellant : Mr. K.P.S. Gandhi, Advocates.
For State : Mr. Kishan Lal Sahu, Dy.G.A.

Hon'ble Smt. Justice Rajani Dubey

C A V Judgement

1. This appeal is preferred under Section 374 (2) of the Code of Criminal Procedure, 1973 against the judgment dated 17.11.2015 passed by learned Special Judge (Prevention of Corruption Act, 1988) Dhamtari, District- Dhamtari (C.G.) in Special Criminal Case No. 02/2011 whereby the appellant has been convicted for the offence punishable under Sections 7 and 13 (1) (d) read with Section 13(2) of Prevention of

Corruption Act, 1988, (for short, “the Act, 1988”) whereby the learned trial Court has sentenced the appellant in the following manner with a direction to run both sentences concurrently:

Conviction	**Sentence**
U/S 7 Prevention of Corruption Act, 1988	RI for 04 years, pay a fine of Rs. 1000/-, in default, to undergo additional RI for three months.
U/S 13(d) read with Section 13(2) of Prevention of Corruption Act, 1988	RI for 04 years, pay a fine of Rs. 1000/- in default, to undergo additional RI for 3 months.

2. The case of the prosecution, as unfolded from the impugned judgment and the records of the case is that on 04.11.2009, complainant-Ramesh Kumar Dewangan made a written complaint before the Anti-Corruption Bureau against the appellant, saying that on 31.05.2008, he was retired from the post of Assistant Extension Officer from the Janpad Panchyat, Kurud. The complainant was entitled for benefit of arrears of 6th Pay Commission as granted by the State government with effect from 01.01.2006, for which complainant met with the appellant for getting his arrears of Rs. 1.25-1.50 lakhs. The appellant demanded bribe from the complainant in relation to payment of said arrears in three installments and it is further alleged that if the complainant would pay him illegal gratification of Rs. 5,000/- to the appellant, then he would prepare certificate for payment of arrears and remaining amount of Rs. 5,000/- will be taken by him before payment of arrears. For payment of first installment arrears amount of Rs. 50,000/- to 60,000/- to the complainant, the appellant made a demand of bribe of Rs. 5,000/- from the complainant, but the complainant was not ready to pay

the same, as it was the complainant’s right to receive full arrears for which he is entitled to. On the basis of written complaint of Ramesh Kumar Dewangan, tape recorder was provided to him by the A.C.B. Raipur for recording conversation between the appellant and the complainant regarding the demand of bribe. On 06.11.2009, the conversation between the appellant and the complainant had been recorded, same was put up before the trap party, on the basis of such voice recording, transcription had been prepared and also on the basis of which F.I.R. had been registered by the Anti-Corruption Bureau, Raipur. Panch witnesses were summoned for the trap proceedings and were introduced to the complainant at the Tehsil office in Bhakhara the following morning. A trap was initiated and organized the following morning. Following the initial panchnama proceedings, the complainant went to the Janpad office at Kurud and handed the accused a bribe amount of ₹5,000. Thereafter, the complainant gave a signal to the trap party by making a gesture as he was instructed by the trap team. At that time, the accused handed the notes received from the complainant to hotel owner Shailendra Thakur for counting. The trap party introduced themselves to the accused and asked for his identity. He stated his name as Ramlal Sharma, Clerk, District Panchayat, Kurud. Upon questioning regarding the bribe amount, he stated that the amount was borrowed and that he had handed over to the hotel owner for counting. Constable Pawan Pathak prepared a sodium carbonate solution and had dipped the fingers of all the party members, except the complainant- Ramesh Kumar Dewangan, Ramlal Sharma and the hotel owner and the solution did not turn pink. Subsequently, the accused's fingers were dipped with the sodium carbonate solution at the spot and the solution turned pink. The accused returned the said notes received by the complainant to hotel owner Shailendra Thakur for its counting. The notes were then matched and the numbers on the notes were found to be correct. Then by making a solution of sodium carbonate and dipping the fingers of hotel owner Shailendra Thakur in the sodium carbonate solution, the colour of the solution turned pink. Then by making a solution of sodium carbonate and dipping the bribe notes in the sodium carbonate solution, the colour of the solution turned pink. The bribe amount of Rs 5000/- was dried and a seizure panchnama was prepared. At the spot of the incident itself, the bribe amount, the hands of the complainant, the hotel owner and the accused were washed in the aqueous solution of sodium carbonate, the solution turned pink and the same was sealed separately and the same were sent for F.S.L., Raipur regarding its chemical examination, spot map was prepared by Patwari. During the investigation, the complainant's application, his service book, and other documents were seized from the possession of the accused in the presence of witnesses and the accused was arrested after evidence of the crime was found against him. Furthermore, a certified copy of his service book was obtained. After completing necessary formalities, the charge-sheet was filed before the learned trial Court for the offences under Sections 7, 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988 against the appellant followed by framing of charges by the learned trial Court accordingly, which were abjured by the appellant and he pleaded for trial.

3. In order to bring home the guilt, the prosecution has examined as many as 11 witnesses to prove its case against the accused person.

Statement of the accused was also recorded under Section 313 of Cr.P.C., in which he denied all the incriminating circumstances appearing against him in the prosecution case and pleaded his innocence and false implication in the case. However, one witness examined by him in his defence.

4. The learned trial Court after hearing the counsel for the respective parties and considered the material available on record thereby convicted and sentenced the accused/appellant as mentioned in inaugural para of this judgment. Hence, this appeal.

5. Assailing correctness and validity of the impugned judgment of conviction and order of sentence, learned counsel for the appellant submits that the impugned judgment assessed against the appellant is *per se* illegal and contrary to the material available on record. The prosecution has failed to prove the necessary ingredients of the offence beyond all reasonable doubt. Statements of the prosecution witnesses are full of contradictions and omissions, but the learned trial Court did not consider the same minutely. Learned trail Court has failed to see the conduct and wicked nature of the complainant that by one three persons have been falsely implicated by him in the aforesaid in relation to that there is material evidence and it is admitted by the complainant himself at para 9 of his cross-examination. It is admitted by complainant (PW-1) that it is not mentioned in Ex. P/1 and Ex.P/5, in which time, place and date with regard to demand of bribe amount by the appellant has not been made. The evidence of the complainant is wholly un-reliable in light of his unnatural conduct and looking to the habit of the complainant to make false allegation against the other public servant

apart from the appellant, thus looking to the conduct of the complainant, until and unless corroborated by the shadow witness conviction of the appellant is not liable to be sustained. The presumption, under section 20 of the P.C. Act is also not at all applicable in the present case, for want of recovery of bribe amount from the possession of the appellant and the habit of the complainant to make false allegation against the public servant, thereby he wants to collect money from the accused, as well as he wants to take a shelter from fear of conviction, it is admitted at para-9 of his cross-examination that he made allegation against Clerk of treasurer and pension department to falsely implicate them, however he did not succeed. He further submits that recording of conversation between the appellant and complainant in which no allegation regarding demand of bribe as alleged against in the written complaint. Voice sample has also not sent for F.S.L. for want of expert Report and alleged translated transcription is not admissible in the evidence. The bribe amount which was kept by the complainant was in his own pant, the same has not been seized nor washed in solution of sodium carbonate. Hence, inference should be drawn against the prosecution in view of Section 114 (g) of the Evidence Act. The entire trap proceedings bristled with suspicious circumstances, it creates doubt and improbable in view of the evidence of the shadow witness i.e. PW-3 T.P. Bhusakhare.

6. Learned counsel for the appellant would further submit that the story of demand of bribe by the appellant from the complainant is not proved, but even the story of payment of the money by the complainant is not established beyond reasonable doubt of that being so, the rule of

presumption engrafted in Section 4(1) of the PC Act, cannot be made use of for convicting the appellant. From perusal of para 21 of the cross-examination of P.W-10 Deputy S.P. in Ex. P/1, nowhere it was mentioned that when and which date appellant made demand of bribe from the complainant as also it was not mentioned that on which date the application for getting arrears was moved by the complainant. Hence, there being no valid proof of demand, the essential ingredients of offence Under section 7 of the Prevention of corruption Act regarding demand of bribe and acceptance of bribe money has not established by the prosecution. Mere recovery of currency notes that too lying on the sofa of hotel owner, by itself cannot be held to be proper or sufficient proof of the acceptance of the bribe by the accused. The results of phenolphthalein test, viewed in the context that the accused could have also come into contact with the currency note when he pushed it away with his hands cannot by itself be considered to be of any relevance to prove that the accused really accepted the bribe amount. The prosecution has failed to establish that what conversation had been happened between the appellant and complainant while giving or taking bribe money and transaction of the said money also could not be seen by the shadow witness, whereas the law always favored to the evidence of the shadow witness and transcription prepared by the A.C.B. is inadmissible for want of getting report from F.S.L. The trap witnesses is an interested witnesses in the sense that he is interested to see that the trap laid by him succeeded and it could not be advisable to rely upon his evidence without corroboration. Learned trial Court did not minutely appreciate the oral and documentary evidence on record which make it clear that the prosecution has utterly failed to prove demand and acceptance of bribe by the appellant. Hence, the impugned judgment is liable to be set aside and the appellant be acquitted of all the charges leveled against him. In support of his contention, he relied upon the judgment passed by Hon'ble the Apex Court in the matters of ***P. Somaraju vs. State of Andhra Pradesh***[1], ***Sanjaysinh Ramrao Chavan vs. Duttatrey Gulabrao Pahlke***[2],***Ganga Kumar Shrivastav vs. State of Bihar***[3] ***Lallu Manjhi vs. State of Jharkhand***[4] & ***Smt. Meen Balwant Hemke vs. State of Maharashtra***[5] and in the matters of ***Rajjak Miya vs. State of Chhattisgarh***[6] & ***Laxman Singh vs. State of Chhattisgarh,***[7] passed by this Court.

7. *Ex adverso,* learned counsel for the respondent/State supporting the impugned judgment submits that the learned trial Court minutely appreciated the oral and documentary evidence and rightly convicted the appellant. Therefore, the impugned judgment does not suffer from any irregularity or infirmity warranting interference by this Court in the instant appeal.

8. Heard learned counsel for the parties and perused the material available on record including the impugned judgment.

9. It is evident from record of learned Trial Court that it framed charges against the appellant for offence punishable under Sections 7 & 13(1)(d) read with Section 13 (2) of Prevention of Corruption Act, 1988. learned trial Court after appreciating the oral and documentary

1 2025 SCC OnLine SC 2291
2 2015 (3) SCC 123
3 2005 (6) SCC 211
4 AIR 2003, SC 854
5 AIR 2000, SC 3377
6 2013 (3) CGLJ 21
7 CRA No. 458 of 2001

evidence, convicted and sentenced the appellant for the aforesaid offences.

10. It is not disputed in this case that at the time of incident i.e., 09.11.2009, the accused/appellant was posted as a Clerk/Assistant Grade in the office of Janpad Panchayat, Kurud, District- Dhamtari (C.G.).

11. PW-1 complainant- Ramesh Kumar Dewangan has stated that he was retired from the post of Assistant Extension Officer from the Panchayat and Rural Development Department. He was to receive (Rs. 1,01,000/-) one lakh one thousand rupees under the Sixth Pay Commission in three installments. He went to the accused seven or eight times to pay the first installment of Rs. 38,053/- to the department. Each time, the accused said he would charge Rs. 5,000/- for clearing the bill and then another Rs. 5,000/- before sending the bill to the treasury. Distressed by the accused's illegal demands for money, he went to the Anti-Corruption Bureau, Raipur to file a complaint with the Superintendent of Police and Ex.P/1 is a complaint, wherein he admitted his signature on A to A part. To verify the veracity of his complaint, he was given a micro cassette and a tape recorder with the instruction to record conversations with the accused. Then, he went to the Janpad office to meet the accused and he recorded the conversation about giving bribe in the tape recorder. After that on 09/11/2009, he went to deposit the tape recorder before the Anti Corruption Bureau, Raipur, where the micro cassette of the said tape was heard and its transcription was done vide Ex.P/3. The police seized micro cassette and tape recorder. As per plan, he gave tainted currency notes to the accused, at that time the accused was having tea in the hotel in front of Janpad Panchayat, but he left his tea and was counting the notes as he had given him. At

that very moment, he signaled the trap party by making a gesture on being instructed beforehand by the party, who arrived at the hotel, then the accused threw the bribe amount towards the owner of the hotel namely Thakur and the hotel owner picked up the bribe amount and the same was seized from the possession of the hotel owner and the currency notes those given him were matched at the hotel itself and documents were prepared.

12. PW-3 T. P. Bhushakhare is a panch witness has stated about preliminary proceedings and stated that he went with the complainant and trap party. The accused gave bribe amount to Thakur, who is the hotel owner and tainted currency notes were seized from the possession of hotel owner, he also prepared transcription of tape recorder. In his cross-examination, he admitted that money was recovered from hotel owner, but in seizure memo, it was written that the bribe amount was seized from the accused, he explained that the hotel owner received the money from the accused in his presence and gave the note to Netam Sir, hence the seizure was shown from the accused. Further stated that the pant of the appellant in which the bribe notes were kept was not seized before him. In para 7 of his cross-examination, he stated that the transcription was done at Charra Mod, Kurud vide Ex. P/3, which was typed by Typist, he heard the same, but did not know, who dictated the transcription.

13. PW-5 Shailendra Pratap Singh has stated that he is running a hotel located on the main road of the Tehsil office at Kurud. The incident occurred at around 10:00 am, he had gone to the market to buy groceries, when he returned from the market at around 10:30-10:45 am, the accused was present in his hotel, he went to his counter and

noticed some notes of Rs. 500-500 scattered around his counter, then he looked at the money and picked it up and asked who it belonged to, but no one answered. Meanwhile, a man came and grabbed his hand, he asked him why he was holding his hand, as he was not familiar to him, then he told him that he was from the Anti-Corruption Bureau. He told him that he was not a government employee, to which the unknown person replied by saying that he would find out immediately. After that, he washed his hands and then washed the accused's hand. The prosecution declared him hostile and cross-examined him, but he denied all suggestion of prosecution and also denied his police statement (Ex. P/22). He admitted the suggestion of the defence that the officers of the Anti-Corruption Bureau came and told him that the currency notes had to be confiscated and instructed him to hand them over to the accused Ramalal. Following this, the officers started further hand washing process.

14. PW-6 Constable- Pawan Kumar Pathak, PW-8 Constable Rampravesh Mishra, PW-9 Inspector S. K. Sen and PW-10 Inspector/Investigating Officer- Bhagwan Singh Rathore have stated about the preliminary proceedings and trap proceedings, but all witnesses have stated that money was recovered from PW-5 Shailendra Pratap Singh, who is the hotel owner, but as per seizure memo Ex. P/16, seizure was made from the accused and Shailendra Pratap Singh was added as the witness.

15. It is held in seizure memo (Ex.P/16) as under:-

" <u>विवरण</u>

" प्रार्थी श्री रमेश कुमार देवांगन ने आरोपी रामलाल शर्मा को दिया था रिश्वती रकम 500-500 रूपये के 10 नोट जुमला 5000/- रूपये जिसे आरोपी रामलाल शर्मा द्वारा प्राप्त कर

गिनकर पुनः गिनने के लिए होटल मालिक श्री शैलेन्द्र प्रताप सिंह को दिया गया। जिसे आरोपी द्वारा उससे मांगकर पेश किया नोटों की गिनती कर नोटों के नम्बरों को प्रारंभिक कार्यवाही पंचनामा में लिखे नोटों के नम्बरो से मिलान किया गया, जो सही मिलान हुआ। धोवन कार्यवाही के बाद नोटों को सुखाकर मुताबिक जप्ती पत्रक के जप्त कर एक लिफाफा में भरकर सीलबंद किया गया...”

16. PW-5 is the witness of seizure memo (Ex.P/16), but he stated that bribe amount was seized from him and he found this money in his counter however, he denied his police statement (Ex. P/22).

17. Ex. P/3 is a transcription of the conversations between the complainant and accused, but in last line of voice transcription, it was written as under:-

" आरोपी- अस्पष्ट……….. ले जा न त (आरोपी के द्वारा बताया गया की वह शुक्रवार को बाहर रहेगा तथा अपने हाथ में लिख कर 5000 रूपये प्रार्थी को दिखाया) ”

18. In other transcription Ex. P/8, again it was written as unclear ″अस्पष्ट ″, thus, from both the transcriptions, it is not clear that the accused had demanded any money from the complainant and as per panch witness and other witnesses including PW-5, money was recovered from PW-5. The complainant has stated in para 2 of his statement that at the instnace of the trap team, he went to the accused to hand over him ten tainted currency notes of Rs. 500/- each i.e., amounting to Rs. 5,000/-. At that time, the accused was in a hotel and having tea, upon receiving the said amount, he started counting the tainted notes by keeping aside his tea, thereafter the complainant stated that he signaled the trap team by making a gesture and upon the arrival of the trap team, the accused got panicked of the situation and threw the money towards the hotel owner and the hotel owner picked up those notes which were scattered

in the hotel and also as per the panch witnesses, the accused threw the money.

19. PW-9 Investigating Officer/Inspector- S.K. Sen has stated that accused gave bribe amount to the hotel owner and then he apprised the trap proceedings to the hotel owner and returned that amount to the accused and the same was recovered from the accused. In his cross-examination, he admitted in para 18 as under:-

"....यह कहना सही है कि ट्रेप दल जब मौके पर पहुंचा तब रिश्वती रकम होटल मालिक के हाथ में था।"

20. It has been held by the Hon'ble Apex Court in the matter of **P. Somaraju** *(supra)* in paras 18 and 19, which read as under:-

"18. The statutory presumption under Section 20 of the PC Act is not automatic and arises only once the foundational facts of demand and acceptance are proved. The same has been reiterated time and again by this Court; in the recent decision of Rajesh Gupta vs. State[8] through Central Bureau of Investigation,9 it was held:

21. "17. For an offence under Section 7 of PC Act, the demand of illegal gratification is a sine qua non to prove the guilt. Mere recovery of currency notes cannot constitute an offence under Section 7 of PC Act, unless it is proved beyond reasonable doubt that accused voluntarily accepted the money, knowing it to be a bribe. The proof of acceptance of illegal gratification can follow only if there is proof of demand."

19. It is therefore vital to examine these elements before the

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circumstance of recovery can assume any significance. We once again rely on the observation of this Court in Rajesh Gupta (supra):

> 22. "16. ….The law is well-settled by the judgments of this Court in Panna Damodar Rathi vs. State of Maharashtra (1979) 4 SCC 526 and Ayyasami vs. State of Tamil Nadu (1992) 1 SCC 304, whereby it has been clarified that the sole testimony of the complainant, who is the interested witness, cannot be relied upon without having corroboration with the independent evidence."

23. It has been held by the Hon'ble Apex Court in the matter of ***Meena*** *(supra)* in para 9, which reads as under:-

> "9. The essential ingredients to be established to indict a person of an offence under Section 5(1)(d) of the Act are that he should have been a public servant; that he should have used corrupt or illegal means or otherwise abused his position as such public servant, and that he should have obtained a valuable thing or pecuniary advantage for himself or any other person. Likewise, Section 161 IPC re-quires that the person accepting the gratification should be a public servant, that he should accept the gratification for himself and the gratification should be as a motive or reward for doing or for-bearing to do any official act or for showing or forbearing to show, in the exercise of his official function, favour or disfavour to any person. Like any other criminal offence, the prosecution has to prove the charge beyond reasonable doubt and the accused should be considered innocent, till it is established otherwise

by proper proof of acceptance of the illegal gratification, the vital ingredient, necessary to be established to procure a conviction for the offences under consideration."

24. It has been held by this Court in the matter of **Laxman Singh** *(supra)* in paras, 13, 14 and 15, which read as under:-

" 13. In ***C. K. Damodaran Nair v. Govt. of India*** reported in ***1997 (9) SCC 477*** Hon'ble Supreme Court held in para 12 as under:

"12. The position will, however, be different so far as an offence under Section 5 (1)(d) read with Section 5(2) of the Act is concerned. For such an offence prosecution has to prove that the accused 'obtained' the valuable thing or pecuniary advantage by corrupt or illegal means or by otherwise abusing his position as a public servant and that too without the aid of the statutory presumption under Section 4(1) of the Act as it is available only in respect of offences under Section 5 (1) (a) and (b) - and not under Section 5 (1)(c), (d) or (e) of the Act. 'Obtain' means to secure or gain (something) as the result of request or effort (Shorter Oxford Dictionary). In case of obtainment the initiative vests in the person who receives and in that context a demand or request from him will be a primary requisite for an offence under Section 5 (1) (d) of the Act unlike an offence under Section 161 IPC, which, as noticed above, can be, established by proof of either 'acceptance' or 'obtainment'."

14. ***Pannalal Damodar Rathi Vs. State of Maharashtra***

reported in ***AIR 1979 Sc 1191*** the Supreme Court observed as under:-

> “8. there could be no doubt that the evidence of the complaint should be corroborated in material particulars. After introduction of Section 165-A of the Indian Penal Code making the person who offers bribe guilty of abetment of bribery, the complainant cannot be placed on any better footing than that of an accomplice and corroboration in material particulars connectingthe accused with the crime has to be insisted upon”

15. Again in ***M.O. Shamsudhin Vs. State of Kerala*** reported in ***1995 (3) SCC 351*** the Hon'ble Supreme Court observed as under:-

“12. Now confining ourselves to the case of bribery it is generally accepted that the person offering a bribe to a public officer is in the nature of an accomplice in the offence of accepting illegal gratification but the nature of corroboration required in such a case should not be subjected to the same rigorous tests which are generally applied to a case of an approver. Though bribe- givers are generally treated to be in the nature of accomplices but among them there are various types and gradations. In cases under the Prevention of Corruption Act the complainant is the person who gives the bribe in a technical and legal sense because in every trap case wherever the complaint is filed there must be a person who has to give money to the accused which in fact is the bribe money which is demanded and without such a giving the trap cannot succeed. When there is such a demand by the public servant from a person who in unwilling, and if to do public good approaches the authorities and lodges a complaint, then in order that the trap succeeds he has to give the money. There could be another type of bribe-giver who is always willing to give money in order to get his work done and having got the work done he may send a complaint. Here he is a particeps criminis in respect of the crime committed and thus is an accomplice. Thus, there are grades and grades of accomplices and therefore a distinction could as well be drawn between cases where a person offers a bribe to achieve his own purpose and where one is forced to offer bribe under a threat of loss or harm that is to say under coercion. A person who falls in this category and who becomes a party for laying a trap stands on a different footing because he is only a victim of threat or coercion to which he was subjected to. Where such witnesses fall under the category of 'accomplices' by reason of their being bribe-giver, in the first instance, the court has to consider the degree of complicity and then look for corroboration if necessary as a rule of prudence. The extent and nature of corroboration that may be needed in a case may vary having regard to the facts and circumstances."

25. In light of the aforesaid decisions, if the facts and evidence available in the present case are examined, it is clear in the present case that prosecution has utterly failed to prove demand of bribe amount from the accused/appellant as the transcription of the voice recorder was made on assumptions which itself is doubtful and cannot be taken into consideration and also failed to prove the recovery of bribe amount beyond reasonable doubt as at first the bribe amount was in the possession of the hotel owner i.e., PW-5, and only when being apprised by the Investigating Officer (PW-9) regarding the trap proceedings, he returned the bribe amount by saying that it belongs to the accused. PW-5 Shailendra Pratap Singh, hotel owner has not supported the prosecution case, so it is clear in the present case the key aspects i.e., both demand and recovery are not proved beyond reasonable doubt by the prosecution, but the learned trial Court did not appreciate all these facts minutely and thereby has wrongly convicted the appellant for the aforesaid offences.

26. *Ex consequenti*, the appeal is **allowed.** The impugned judgment is set aside and the appellant is acquitted of the aforesaid charges.

27. The appellant is reported to be on bail. Keeping in view the provision of Section 481 of BNSS, 2023., the appellant is directed to furnish the personal bond a sum of Rs. 25,000/- before the Court concerned which shall be effective for a period of six months along with an undertaking that in the event of filing of special leave petition against the instant judgment or for grant of leave, the aforesaid appellant on receipt of

notice thereof, shall appear before the Hon'ble Supreme Court.

28. The trial Court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-

(Rajani Dubey)

JUDGE

AMIT PATEL