

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27<sup>TH</sup> DAY OF FEBRUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE G BASAVARAJA**

**CRIMINAL APPEAL NO.798 OF 2021**

**BETWEEN:**

STATE BY  
KARNATAKA LOKAYUKTHA POLICE  
RAMANAGARA DISTRICT

...APPELLANT

(BY SRI. K. PRASANNA SHETTY, ADV.)

**AND:**

1. S. DEVAPRASAD,  
S/O. LATE. K. SIDDAIAH,  
AGED ABOUT 56 YEARS,  
SURVEY SUPERVISOR,  
TALUK OFFICE, LAND SURVEY DEPARTMENT,  
RAMANAGARA.
2. K. B. RAJANIKANTH  
S/O. BOREGOWDA,  
AGED ABOUT 36 YEARS,  
LICENCED (PRIVATE) SURVEYOR,  
TALUK OFFICE, LAND SURVEY DEPARTMENT,  
RAMANAGARA.
3. MADIAH,  
S/O LINGEGOWDA,  
AGED ABOUT 56 YEARS,  
FIRST GRADE SURVEYOR,  
TALUK OFFICE, LAND SURVEY DEPARTMENT,  
RAMANAGARA.

...RESPONDENTS

(BY SRI. B. L. SANJEEV, ADV. FOR R1,  
SRI. NARAYAN MAYYAR, ADV. FOR  
SRI. S.R. HEGDE HUDLAMANE, ADV. FOR R2,  
SRI. A. N. RADHAKRISHNA, ADV. FOR R3.)

THIS CRL.A IS FILED U/S.378(1) AND (3) CR.P.C BY THE SPL.P.P. FOR THE STATE PRAYING TO GRANT LEAVE TO PROSECUTE THE APPEAL AGAINST THE JUDGMENT/ACQUITTAL ORDER DATED 16.08.2019 PASSED BY THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE, RAMANAGARA IN SPL.C.NO.6/2009.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 13.01.2026 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

**CAV JUDGMENT**

The appellant/State has preferred this appeal against the judgment of acquittal passed by the Prl. District and Sessions Judge, Ramanagara in Special Case No.6/2009 dated 16.08.2019.

2. For the sake of convenience, the parties herein are referred to as per their status before the trial Court.

3. Brief facts leading to this appeal are that, Karnataka Lokayuktha Police, Ramanagara laid a charge-sheet against accused 1 to 3 for the offence punishable under Section 7, 8, 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988.

4. It is alleged by the prosecution that, accused Nos.1 and 3 are the public servants working as Survey

Supervisor and First Grade Surveyor respectively in Ramanagara Taluk Office and accused No.1 demanded illegal gratification of Rs.1,000/- from CW1-Puttamallaiah on 18.05.2006 for showing official favour i.e. issuing survey sketch in respect of land bearing Survey No.311 of Vibhuthikere and in furtherance of the same, accused No.3 accepted the illegal gratification of Rs.1,000/- on 13.05.2006 in the Survey Department, Ramanagara Office from CW1 on behalf of accused No.1 as a motive or reward to show the official favour without any public interest and thereby committed criminal misconduct under Section 13(1)(d) and is guilty of the offence under Sections 7 and 13(2) of Prevention of Corruption Act.

5. Accused No.2 being the Licensed (Private) Surveyor working in Ramanagara Taluk Office on 31.05.2006 demanded and accepted illegal gratification of Rs.1,300/- from CW1-Puttamallaiah in order to show official favour in the matter of issuing the survey sketch and thereby committed the offence under Section 8 of Prevention of Corruption Act, 1988.

6. Having heard the arguments on both sides, the trial Court has framed the charges against the accused for the alleged offences and same were read over and explained to the accused. Having understood the same, accused pleaded not guilty and claimed to be tried.

7. To prove the guilt of the accused, prosecution has examined 8 witnesses as PW1 to PW8. 32 documents were marked as Exhibits P1 to P32. 18 material objects were marked as Exhibits P1 to P18. On closure of prosecution side evidence, statement under Section 313 of Cr.P.C. was recorded. The accused have totally denied the incriminating materials available on record. The accused have not led any defence evidence on their behalf. However, Exhibit D1 is marked at the time of cross-examination of prosecution witnesses.

8. Having heard the arguments on both sides, the trial Court has acquitted the accused for the alleged commission of offences. Being aggrieved by the judgment of acquittal, the appellant/State has preferred this appeal.

**Submission of learned Counsel on behalf of the appellants:**

9. The learned counsel for the appellant would submit that, the impugned judgment is opposed to law and facts of the case. Same is contrary to the material evidence on record. The trial Court proceeded to acquit the accused by taking the view that application filed by the complainant is not produced by the prosecution while it was seized along with other documents by PW7. The trial Court has erred in acquitting the accused by disregarding the fact that accused demanded illegal gratification and the tainted cash was recovered from the accused. The trial Court has not properly appreciated the document given by the accused at the time of conducting trap panchanama. The trial Court acquitted the accused for giving undue importance to the minor contradictions in the evidence of the witnesses, while all of them have supported the case of the prosecution, touching the demand and acceptance of bribe and pendency of work of the complainant on the day of trap.

10. To substantiate the arguments advanced on behalf of the appellants, the learned counsel has relied on the decisions of the Hon'ble Apex Court in the case of ***Mrs. Neeraj Dutta v. State (Govt. of NCT of Delhi)*** reported in ***(2019)14 SCC 311***; ***P.Somaraju v. State of Andhra Pradesh*** reported in ***2025 LiveLaw (SC) 1040***, ***State of Lokayuktha Police, Davanagere v. C.B.Nagaraj*** reported in ***2025 LiveLaw (SC) 620***.

**Submissions of learned counsel on behalf of the Respondent:**

11. As against this learned counsel for the respondent would submit that the trial Court has properly appreciated the evidence on record in accordance with law and facts and absolutely that there are no grounds to interfere with the impugned judgment of acquittal and hence, sought for dismissal of the appeal. To substantiate his argument, he relied on the decision of Hon'ble Apex Court in the case of ***P. Satyanarayan Murthy v. District Inspector of Police, State of Andhra Pradesh and Another*** reported in ***(2015)10 SCC 152*** and

***Ayodhya Singh v. State of Bihar and Others*** reported in ***2005 SCC (Cri) 1252***.

12. Having heard the arguments on both sides and on perusal of the materials placed before this Court, the following points would arise for my consideration.

1. Whether the trial Court is justified in acquitting the accused for the offence under Sections 7, 8, 13(1) (d) read with 13(2) of Prevention of Corruption Act?

2. What Order?

13. My answer to the above points are:

Point No.1: in the affirmative;

Point No.2: as per final order.

**Reasons:**

14. Before appreciation of evidence and record, it is necessary to mention as to the judgments of the Hon'ble Apex Court in the Case of CONSTABLE 907 SURENDRA SINGH AND ANOTHER v. STATE OF UTTARAKHAND

reported in (2025)<sup>5</sup> SCC 433; BABU SAHEBGOUDA RUDRAGAUDAR AND OTHERS v. STATE OF KARNATAKA reported in (2024)<sup>8</sup> SCC 149; CHANDRAPPA v. STATE OF KARNATAKA reported in (2007)<sup>4</sup> SCC 415; and H.D. SUNDARA v. STATE OF KARNATAKA reported in (2023)<sup>9</sup> SCC 581. In the case of H D SUNDARA (supra), the Apex Court has summarized the principles governing exercise of appellate jurisdiction while dealing with an appeal against judgment of acquittal under section 378 of Code of Criminal Procedure as under:

*"8. ...8.1. The acquittal of the accused further strengthens the presumption of innocence;*

*8.2. The appellate court, while hearing an appeal against acquittal, is entitled to re-appreciate the oral and documentary evidence;*

*8.3. The appellate court, while deciding an appeal against acquittal, after re-appreciating the evidence, is required to consider whether the view taken by the trial court is a possible view which could have been taken on the basis of the evidence on record;*

*8.4. If the view taken is a possible view, the appellate court cannot overturn the order of acquittal*

*on the ground that another view was also possible;  
and*

*8.5. The appellate court can interfere with the order of acquittal only if it comes to a finding that the only conclusion which can be recorded on the basis of the evidence on record was that the guilt of the accused was proved beyond a reasonable doubt and no other conclusion was possible."*

15. In the case of BABU SAHEBGOUDA RUDRAGOUDAR AND OTHERS (supra) it is observed that it is beyond the pale of doubt that the scope of interference by an appellate court for reversing the judgment of acquittal recorded by the trial court in favour of the accused has to be exercised within the four corners of the following principles. The same are:

*"1. That the judgment of acquittal suffers from patent perversity;*

*2. That the same is based on a misreading/omission to consider material evidence on record; and*

*3. That no two reasonable views are possible and only the view consistent with the guilt of the accused is possible from the evidence available on record."*

16. I have examined the materials placed before this Court. It is alleged by the prosecution that, accused Nos.1 and 3 are the public servants working as Survey Supervisor and First Grade Surveyor respectively, in Ramanagara Taluk Office. Accused No.1 demanded illegal gratification of Rs.1,000/- from CW1-Puttamallaiah on 18.05.2006 for showing official favour i.e. issuing survey sketch in respect of land bearing Survey No.311 of Vibhuthikere and in furtherance of the same, accused No.3 accepted the illegal gratification of Rs.1,000/- on 13.05.2006 in the Survey Department, Ramanagara Office from CW1 on behalf of accused No.1 as a motive or reward to show the official favour, without any public interest and thereby committed criminal misconduct under Section 13(1)(d) and guilty of the offence under Sections 7 and 13(2) of Prevention of Corruption Act.

17. Further, accused No.2 being the Licensed Private Surveyor working in Ramanagara Taluk Office on 31.05.2006 demanded and accepted illegal gratification of Rs.1,300/- from CW1-Puttamallaiah in order to show

official favour in the matter of issuing the survey sketch and thereby committed the offence under Section 8 of Prevention of Corruption Act, 1988 for the alleged commission of offences.

18. To prove the case of the prosecution, CW1-Puttamallaiah-complainant examined as PW1. PW1 has not supported to the case of the prosecution. He has clearly deposed that he do not know the contents of Exhibit P1. This witness was treated as hostile witness with the permission of the Court has been cross-examined. Even in his cross-examination, the prosecution has not elicited any favourable answers from him to substantiate the case of the prosecution.

19. P.W.2-Sri Venkateshaiah, working as First Division Assistant in Town Planning Office, Bengaluru. Witness stated that he was summoned to the Lokayuktha Police Station on 31.05.2006 at 10.30 a.m. and when he went there, P.W.1-Puttamallaiah, another witness-Basavaraju and Lokayuktha police officials were present. He came to know that PW1 had filed an application for

surveying his land, but the officials in survey section are demanding bribe for surveying the land. PW1 confirmed this fact and also confirmed filing of the First Information. Subsequently, PW1 produced Rs.2,300/- which were subsequently smeared with phenolphthalein powder after their denomination and serial numbers were noted in a paper. The said documents are marked as Exs.P.10 and 11. The phenolphthalein powder smeared currency notes were given to the witness-Basavaraju, who confirmed the said currency notes after tallying with Ex.P.10 and kept in the pant packet of PW1. The hands of Basavaraju were washed in sodium carbonate concentrate which turned into light pink colour, which was seized. Necessary instructions were given to him and PW1 to go and meet the Accused and to pay the phenolphthalein smeared currency notes on demand by the Accused. The pre-trap panchanama is as per Ex.P2.

20. Witness stated that on the same day at 11.30 am, all of them went to the Ramanagara Survey Office, parked the vehicle about 800 feet away from the Survey

Office. Witness stated that he along with PW1 went inside the office and PW1 met Survey Supervisor-accused No.3. This witness has not identified Accused No.1. Accused No.2 came to the office at 3.45 p.m. P.W.1 asked for his survey sketch and Accused No.2 demanded the bribe amount. PW1 paid Rs.1,300/- powder smeared currency notes. Accused No.2 accepted the same and kept in his pant pocket. Accused No.2 also insisted for payment of Rs.1,000/- to the Survey Supervisor and accordingly, PW1 tendered the amount to Accused No.3, who accepted the same and kept in the table drawer. PW1 gave signal to Lokayukta Police, who were standing outside and immediately, they came inside and introduced themselves. The hands of Accused 2 and 3 were separately washed in the Sodium Carbonate concentrate and the concentrate turned into light pink colour, which were siezed in the presence of the witnesses. The police have seized the currency notes found in the drawer of the Accused No.3 and also wiped the place with cotton. The said cotton when washed in Sodium Carbonate concentrate, also turned into pink colour, which was also seized by the

police. The bribe amount paid to Accused No.2 was produced by him, which was also seized by the police. The pant pocket portion was washed in Sodium Carbonate concentrate which had also turned into pink colour. The documents pertaining to PW1 were seized by the police and a trap mahazar was drawn as per Ex.P3. The documents relating to PW1 which were seized from the Office of the Tahasildar is as per Ex.P12. They have returned to the Lokayukta Police Station at 9.30 p.m.

21. Though this witness, by and large supported the case of the prosecution, deviated to some extent from his statement before the police. Therefore, he was treated as partially hostile witness and cross-examined by the learned Special Public Prosecutor. Even in his cross-examination made by the learned Public Prosecutor, he has denied the suggestion that the hands of accused 2 and 3 were also washed in the sodium carbonate concentrate to evidence the acceptance of bribe amount of Rs.1,000/- and Rs.1,300/-. Further, he has admitted that, all the

accused have given their explanation to the Investigating Officer as per Exhibit P13 to 15.

22. PW3-Basavaraju, 2<sup>nd</sup> pancha fully supported the case of the prosecution in the matter of procedures and drawing up of pre-trap and post-trap panchanama and seizure of the materials.

23. PW4-Ramanna, who was working as Junior Engineer in PWD, Ramanagara, has deposed in his evidence that, at the request of Lokayukta Police, he drew the sketch of scene of offence as per directions of his higher officer. On 27.06.2006 also he has deposed as to the issuance of rough sketch prepared by him as per Exhibit P21.

24. PW5-Sri. Rajeev Chawla, who was working as a Commissioner in Survey Settlement and Land Records, has deposed as to the sanction to prosecute the accused 1 and 3 as per Exhibit P22.

25. PW6-Sri.Mahadevaiah, Police Inspector and PW7-Mahammed Jaffer, Police Inspector have deposed as to their respective investigation.

26. PW8-Manjappa has deposed as to his investigation.

27. I have carefully examined the materials on record and perused the impugned judgment. The trial Court, at paragraphs 61 to 74, has observed as follows:

*"61. Specific contention of the prosecution is that Accused Nos. 1 and 3 are the Public Servants working as Survey Supervisor and First Grade Surveyor in the Survey Section of the office of Tahasildar, Ramanagara and Accused No.2 is the Licensed (Private) Surveyor, working in the said office. This fact is not in dispute.*

*62. It is the further contention of the prosecution that Accused Nos. 1 and 2 have demanded bribe of Rs.1,000/- and Rs.1,300/- respectively by the Informant for ordering to issue the survey sketch and for prearing the survey sketch by them respectively, which was denied by the Accused. It is the contention of the prosecution that Accused No.1 accepted the bribe amount of Rs.1,000/- through Accused No.3, whereas Accused No.2 accepted Rs.1,300/- directly from the Informant to show the official favour. This fact is also denied by the Accused.*

63. *P.W.1 – the First Informant has not supported the case of the prosecution and he has completely turned hostile. Even during cross-examination by the learned Special Public Prosecutor, nothing has been elicited from him except the denial of the suggestion. This witness denied that he had produced the cash of Rs.2,300/- before the Lokayuktha Police or that he had received the said amount through cheque from Lokayuktha Office.*

64. *During cross-examination, this witness states that the Surveyor had surveyed his land on the basis of his application on 20.05.2006 itself, but denied the suggestion that he had obtained the copy of the survey sketch on 22.05.2006.*

65. *P.W.2 – Sri.Venkateshaiah is the shadow witness, who has supported the case of the prosecution. But he could not identify Accused No.1. However, there is no dispute regarding the identification of the Accused Nos. 1 to 3 and further the incident alleged is of the year 2006 and this witness was examined during 2018. Therefore naturally the witness may find it difficult to identify the Accused.*

66. *Regarding the material facts by and large, the witness has supported the case of the prosecution. But since he could not elaborately states the lengthy procedure that was followed by the Investigating Officer during the pre-trap and trap mahazar, witness was partially treated hostile and during cross-examination, he supported the case and stated that since several years have lapsed, he does not remember all the minute details.*

67. *In view of the fact that the date of the incident as per the case made out is on 31.05.2006 and since the prosecution witnesses were examined during 2018, there will be natural inconsistencies in the oral evidence that will be led by the prosecution. I deem it proper to ignore simple contradictions and omissions in the evidence of the witnesses, who were made to depose after long lapse of more than 12 years. However, it has to be looked into as to whether the prosecution is successful in proving the guilt of Accused Nos. 1 to 3 as contended by them beyond reasonable doubt.*

68. *It is the requirement of Sec.7 and 8 of Prevention of Corruption Act that there must be demand and acceptance of illegal gratification to do or favour to do any official act or in the exercise of official function or to show official favour. It is the well settled proposition of law that it is incumbent on the prosecution to prove that some official function was pending with the Accused as on the date of complaint.*

69. *In the present case, according to the case made out, the Informant P.W.1 had filed an application to survey his land, to the survey section in the Taluk Office, Ramanagara. The said application is said to have been dated 16.05.2006. The said application is not placed before the Court. Ex.P.12 is said to be the set of documents siezed from the office of the Accused on the date of incident. As per these records and also as per the evidence of P.W.1, the land belong to P.W.1 was surveyed by P.W.2 and survey sketch along with the report and form No.5 were prepared. Of course, these documents do not contain the date on which the documents were prepared by Accused No.2. P.W.1 in his evidence*

*specifically admits that Accused No.2 had surveyed his land on 20.05.2006 and had obtained his signature for having properly surveyed the land and the documents are as per Ex.D.1. There is absolutely no dispute regarding Ex.P.12 , the documents said to have been seized from the Office of Tahasildar.*

*70. One of the register which is part of Ex.P.12 discloses that P.W.1 – Puttamallaiah had applied for survey sketch on 16.05.2006 and he had obtained the sketch on 22.05.2006. The prosecution has not placed any explanation as to how it can constitute an offence against Accused Nos. 1 to 3 when the survey sketch applied by P.W.1 was already issued on 22.05.2006 itself and why P.W.1 should approach either A.1 or A.2 after obtaining the survey sketch. There is absolutely no explanation by the prosecution about this document. Of course, P.W.2 states during his evidence that the said endorsement found in Ex.P.12 was not there when he signed the original documents. But it is the contention of the prosecution that the original documents were copied and signatures of the witnesses were taken to the copies. Thereafter the original documents were entrusted to a responsible officer in Taluk Office and the attested copies of the documents i.e. Ex.P.12 was in the custody of the Investigating Officer through out. When that is the situation, the prosecution was required to explain as to how that endorsement of P.W.1 could find a place to the effect that he had received the survey sketch on 22.05.2006 itself and still he can lodge the First Information as per Ex.P.1 on 31.05.2006. When no official work was pending with Accused Nos. 1 to 3 relating to P.W.1, there was no question of either demanding,*

*paying/accepting the bribe amount by the Accused. The prosecution has failed to establish this material event to seek conviction of the Accused Nos.1 to 3.*

*71. It is also pertinent to note here that even according to the case made out by the prosecution, the original records, copy of which is before the Court as per Ex.P.12, were not recovered from the custody of either Accused No.1, 2 or 3. On the other hand, the original document was in the custody of the Sheristedar – Sri.Shivamurthy. Under such circumstances, it is hard to believe that Accused Nos. 1 to 3 can either demand or accept the bribe amount from P.W.1 or I do not see any reason for P.W.1 to go and pay the bribe amount to these Accused, when no official work was pending with them.*

*72. It is the contention of the prosecution that the trap was held in the office of the Accused i.e. the Survey Section in Tahasildar Office at Ramanagara. But strangely, the trap mahazar – Ex.P.3 was drawn in the Lokayuktha Office from 6 to 9.10 p.m. It is stated in the mahazar – Ex.P.3 that since there was no electricity supply in the office of the Taluk Surveyor in Ramanagara, they left the office at 4.00 p.m. and reached Bengaluru at 5.40 p.m. The trap of Accused Nos. 1 to 3 according to the prosecution was at 3.30 p.m. after P.W.1 gave signal to the Investigating Officer and informed regarding acceptance of the bribe amount by Accused Nos. 2 and 3. The introductory part of Ex.P.3 states that the trap mahazar was drawn in the Office of the Tahasildar, Ramanagara Taluk at the time of trap i.e. at about 3.30 p.m., but the concluding part of this document reveals that the mahazar was drawn in the Office of Lokayuktha at Bengaluru Rural from 6.00 to 9.10 p.m. I do not think*

*the explanation given by the prosecution that there was no electricity supply in the Office of Tahasildar, Ramanagara, was a hindrance for Investigating Officer to draw the mahazar at about 3.45 p.m. There is no satisfactory explanation by the prosecution in this regard and it is also pertinent to note that there is no document to confirm the disturbance in supply of electricity to the Office of Tahasildar, Ramanagara at the relevant date and time. Further, Ex.P.3 – the trap mahazar also do not disclose the procedures which were actually conducted in the Tahasildar's Office and what are all the procedures that were conducted in the Office of Lokayuktha, Bengaluru Rural. According to the Investigating Officer, who deposed before the Court as P.W.7, conducted almost all the procedures mentioned in Ex.P.3 in the office of the Accused and not in Lokayuktha Office. However, he had drawn the mahazar Ex.P.3 in Lokayuktha Office. But his say before the Court do not get support from Ex.P.3.*

*73. It is also not made clear as to how the independent charge U/Sec. 8 of the Prevention of Corruption Act is maintainable against Accused No.2 alone.*

*74. In view of the discussions held above, I am of the opinion that the prosecution has failed to prove the fact that the official work of P.W.1 was pending with Accused Nos. 1 to 3 as on the date of filing the First Information or on the date of trap. Further, no proper trap mahazar is either drawn by the Investigating Officer or he has not supported his say that the trap mahazar was drawn in his office at Bengaluru for any valid reasons. It cannot be said that all the procedures*

*regarding the trap of Accused Nos. 1 to 3, such as recovery of tainted amount, handwash of Accused Nos. 1 to 3, recovery of material objects including the pant of Accused No.2, getting the explanation from Accused Nos.1 to 3, were conducted in the office of the Accused and only drawing of the mahazar – Ex.P.3 was in the office of the Investigating Officer at Bengaluru. These aspects are very serious, which go to the root of the matter.*

*75. Therefore, I am of the opinion that the prosecution has failed to prove the guilt of Accused Nos. 1 to 3 beyond reasonable doubt. Accused Nos. 1 to 3 are entitled for the benefit of doubt and they are to be acquitted. Accordingly, I answer the above points in the Negative".*

28. This Court has independently examined all the all the evidence of prosecution witnesses and materials on record. On re-examination/reconsideration and re-appreciation of the entire evidence on record and keeping in the mind the decisions relied upon by both the learned counsel and also the decision of Hon'ble Apex Court, stated supra, I do not find any legal or factual error in the judgment of acquittal passed by the trial Court. Hence, I answer point No.1 in the affirmative.

29. For the aforestated reasons and discussions, I  
proceed to pass the following:

**ORDER**

- i) Appeal is dismissed.

**Sd/-  
(G BASAVARAJA)  
JUDGE**

Inn/KBM