

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE G BASAVARAJA

CRIMINAL APPEAL NO.305 OF 2020

BETWEEN:

STATE OF KARNATAKA
REPRESENTED BY
SUPERINTENDENT OF POLICE,
KARNATAKA LOKAYUKTHA,
POLICE WING,
BANGALORE CITY DIVISION,
BANGALORE

...APPELLANT

(BY SRI. VENKATESH S ARBATTI, ADV.)

AND:

SMT. N RAJESHWARI
WIFE OF SRI VENKATAKRISHNA M,
AGED ABOUT 34 YEARS,
FIRST DIVISION ASSISTANT,
OFFICE OF THE DEPUTY COMMISSIONER,
BENGALURU URBAN DISTRICT,
(PRESENTLY WORKING IN
OFFICE OF THE TAHASILDAR,
BENGALURU SOUTH TALUK)

RESIDING AT NO.676, 13TH CROSS,
1ST PHASE, 1ST STAGE,
CHANDRA LAYOUT,
BENGALURU-560072

...RESPONDENT

(BY SMT. MANJULA D., ADV.)

THIS CRL.A IS FILED U/S.378(1) AND (3) CR.P.C
PRAYING TO GRANT LEAVE TO FILE OF THE APPEAL AGAINST
THE JUDGMENT AND ORDER OF ACQUITTAL BY THE JUDGMENT
DATED 25.08.2018 PASSED BY THE COURT OF THE XXIII

ADDITIONAL CITY CIVIL AND SESSIONS JUDGE AND SPECIAL JUDGE, BENGALURU CITY IN SPECIAL C.C.NO.388/2014.

THIS APPEAL HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 19.12.2025 AND COMING ON FOR "PRONOUNCEMENT OF ORDERS" THIS DAY, THE COURT, DELIVERED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE G BASAVARAJA

CAV JUDGMENT

1. The appellant-Lokayukta Police has preferred this appeal against the judgment of acquittal dated 25th August, 2018 passed in Spl.C.C.No.388 of 2014 by the XXIII Additional City Civil and Sessions Judge and Special Judge, Bengaluru City (CCH-24) (for short "the trial Court").
2. For the sake of convenience, the parties herein are referred to as per their rank before the trial court.
3. Brief facts leading to this appeal are that, the Superintendent of Police, Karnataka Lokayukta Bengaluru City Division has laid a charge-sheet against the accused for the offence punishable under Section 7 of Prevention of Corruption Act, 1988. It is alleged in the complaint that, the charge-sheet of this case is an outcome of private complaint PCR No.53 of 2012 filed by one Srinivasamurthy, wherein the complainant has alleged that land in Survey No.36/2 measuring to an extent of 1 acre 24 guntas possessed by him as a general power of

attorney holder of Smt. Amrutha, who had purchased it from one Smt. Rudramma in the year 1997 and accused No.4 filed an application before the Tahshildar, Anekal Taluk to change the katha of the said land into her name claiming that she purchased the said property from Smt.Rudramma in the year 2002 and accordingly the katha of the said land was changed. Aggrieved by this, the complainant preferred Revenue Appeal (A) No.120/2010-11 before the Assistant Commissioner, Bengaluru Sub-Division, who allowed the appeal to an extent of 34 guntas of the land. Against this order, accused No.4 has preferred a Revision Petition against accused No.2-the Deputy Commissioner, Bengaluru Urban District.

4. The complainant further alleged that, he was not served with the copy of the revision petition filed by accused No.4, and accused No.2 in collusion with accused No.4 posted the said Revision Petition for orders without hearing the complainant and hence the complainant approached the office of accused No.2 and met accused No.3, who is the case worker attached to the office of accused No.2 for certified copy of the petition and it is alleged that accused No.3, on behalf of accused No.2, demanded bribe amount of Rs.3,00,000/- per acre to get a favourable order to the complainant and after recording the

said demand made by the accused No.3, the complainant approached the Lokayukta Police to lodge a complaint against accused 2 to 4. But the Inspector concerned advised him to record the demand if any made by accused No.2 and hence, he again went to the office of accused No.2 and learnt that accused No.1 being the Superintendent of Police, Bengaluru Urban had already leaked out the information received at the Lokayukta Office about the demand of bribe by accused 2 and 3 to accused No.2, which was supposed to maintain strict confidence. Aggrieved by this, the complaint filed PCR before the Court on 21st May, 2012 against accused 1 to 4, which was referred to the Lokayukta Police and the Superintendent. After investigation, Investigating Officer has submitted charge-sheet against Accused No.3 only and dropped the case against accused 1, 2 and 4. Summons was issued to accused and in response to summons, accused No.3 appeared before the trial Court and enlarged on bail.

5. Upon hearing on charges, the trial Court has framed charges for the alleged offences and the same was read over and explained to the accused. Having understood the same, accused pleaded not guilty and claimed to be tried.

6. To prove the guilt of the accused, in all seven witnesses were examined as PWs1 to 7. Thirty-three documents were marked as Exhibits P1 to P33. Five material objects were marked as MO1 to 5. On closure of prosecution said evidence, Statement of the accused under section 313 of Code of Criminal Procedure was recorded. The accused has totally denied the evidence of prosecution witness. However, she got marked 3 documents as Exhibits D1 to D3 on her behalf.

7. Having heard the arguments on both sides, the trial Court has acquitted the accused for the offence punishable under Section 7 of Prevention of Corruption Act, 1988. Being aggrieved by the judgment of acquittal, the State has preferred this appeal.

8. Sri Venkatesh Arabatti, learned Special Public Prosecutor appearing on behalf of the appellant, would submit that the impugned order is opposed to law and facts of the case and is contrary to the material evidence on record. The learned judge failed to appreciate that in the evidence of complainant-PW6, PW6 has already stated about the demand made by the accused in the presence of Sri Lakshminarayan who recorded the conversation on the mobile and same is transcribed in Exhibit P21. In the said conversation, the demand made and

bribe amount is clear. The learned judge failed to appreciate that the voice of the accused has been identified and confirmed to be correct as per FSL report as deposed by PW4-Assistant Director of Forensic Science Laboratory. After comparing the disputed conversation found, the compact disk/Article 5-MO4, was compared with the sample conversation under Article 3/MO2. The learned judge failed to appreciate in the instant case that, charge-sheet is filed only under Section 7 of Prevention of Corruption Act. Hence, proof of demand of illegal gratification is sufficient and the question of passing of tainted amount does not arise.

9. He would further submit that the learned judge erred in placing sole reliance on the judgment of Hon'ble Apex Court in the case of ANWAR P. v. V.ERSUS P. K. BASHEER AND OTHERS reported in (2014)10 SCC 473. The very same issue was dealt with by the Apex Court in the case of SONU ALIAS AMAR v. STATE OF HARYANA reported in (2017)3 SCC (CRI) 663 and also in the case of SHAFI AHMAD v. STATE OF HIMACHAL PRADESH REPORTED in (2018)2 SCC 801.

10. The Apex Court in the case of Shafi Ahmad (supra), held that requirement of Section 65B(4) of the Evidence Act to produce certificate being procedural can be relaxed by the

Court wherever interest or justice so justifies. Thus, the requirement of certificate under Section 65B(4) of Evidence Act is not always mandatory. Further, he would submit that the trial judge has wrongly chosen to ignore the transcript-Exhibit P21 though the certificates under Section 65B of the Indian Evidence Act, 1872 is not produced. There is no cross-examination of PW1 and other witnesses about the voice of the accused found in CD/MO5. CD/MO5 remains unchallenged. Hence, the Certificate and Section 65B of Indian Evidence Act, 1872, are not required.

11. The learned trial judge failed to appreciate the judgment of Hon'ble Supreme Court of India in the case of SHAFIA AHMAD v. STATE OF HIMACHAL PRADESH SLP (Cri) No.2302 of 2017 decided on 03rd April, 2018 wherein at paragraph No.4 it is observed that party who is not in a possession of electronic device from which the document is produced, cannot be required to produce the certificate under Section 65B(4) of the Indian Evidence Act. Hence, non-production of the certification under Section 65B of the Evidence Act is not fatal to the case of the prosecution. On all these grounds, sought for allowing this appeal.

12. To substantiate his arguments, he has relied on the following decisions:

1. DEVINDER KUMAR BANSAL v. STATE OF PUNJAB - (2025)4 SCC 493;
2. SITA SOREN v. UNION OF INDIA - (2024)5 SCC 629

13. As against this, Smt. Manjula D., learned counsel appearing for the respondent would submit that the trial Court has properly appreciated the evidence on record in accordance with law and facts and absolutely there are no grounds to interfere with the impugned judgment of acquittal. To substantiate his submission, she placed reliance on the following decisions:

1. B. JAYARAJ v. STATE OF ANDHRA PRADESH - (2014)123 SCC 55;
2. P. SATYANARAYAN MURTHY v. STATE OF ANDHRA PRADESH - (2015)10 SCC 152;
3. N. VIJAYAKUMAR v. STATE OF PUNJAB - (2021)3 SCC 687;
4. K. SHANTHAMMA v. STATE OF TELANGAMA - (2022)2 SCC (CRI) 193;
5. MR. MURALI KRISHNA v. STATE OF KARNATAKA - CRL.P. NO.204 OF 2024 decided on 30.07.2025.

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

1. Whether the trial Court is justified in acquitting the accused for the alleged offence?
2. What Order?

15. My answer to the above points are:

Point No.1: in the affirmative;

Point No.2: as per final order.

Regarding Point No.1:

16. I have examined the materials placed before this Court. Before appreciation of evidence on record, it is necessary to mention as to the judgments of the Hon'ble Apex Court in the cases of CONSTABLE 907 SURENDRA SINGH AND ANOTHER v. STATE OF UTTARAKHAND reported in (2025)5 SCC 433; BABU SAHEBGOUDA RUDRAGOUDAR AND OTHERS v. STATE OF KARNATAKA reported in (2024)8 SCC 149; CHANDRAPPA v. STATE OF KARNATAKA reported in (2007)4 SCC 415; and H.D. SUNDARA v. STATE OF KARNATAKA reported in (2023)9 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."

17. In the case of BABU SAHEBGOU DA RUDRAGOU DAR 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."

18. In the case on hand, the complainant R Srinivasamurthy-PW6 had filed a private complaint under Sections 190 and 200 of Code of Criminal Procedure and the same was registered in PCR No.53 of 2012. The complaint was referred to Additional Director of Police, Karnataka Lokayukta, Bangalore under Section 156(3) of Code of Criminal Procedure for investigation. After investigation, the Investigating Officer submitted charge-sheet only against accused No.3-Smt. Rajeshwari and has not submitted charge-sheet against the other accused. Therefore, the trial Court has taken cognizance against accused No.3-Rajeshwari for offence under Sections 7 and 13(2) of Prevention of Corruption Act as per order dated 04th September, 2014. It is the case of the prosecution that on 24th September 2012, accused being the Public servant working as

First Division Assistant in the office of the Deputy Commissioner, Bangalore Urban District, was approached by de-facto complainant-Srinivasamurthy for issuance of certified copies of the Revision Petition filed by one Smt. C S Gayathri to who demanded an amount of ₹3,00,000/- per acre of the disputed land for forgetting the order made in his favour through Deputy Commissioner, Bangalore City. Thereby, accused committed the offence punishable under Section 7 of Prevention of Corruption Act. To prove the guilt of the accused, prosecution has examined seven witnesses as PWs 1 to 7 and marked 33 documents as per Exhibits P1 to P33 and five material objects as MO1 to 5. The defendant has produced documents marked as Exhibits D1 to D3.

19. CW1-Srinivasamurthy R is examined as PW6 and CW2-Sri C R Mundasada is examined as PW1 to prove the mahazar of marking of documents from the office of the Commissioner and to prove the audio and video recordings pertaining to the demand of bribe amount which is transferred to a compact disc and also to prove the transcription of voice recordings in compact disc, reduced into writing.

20. CW5-Bhadraiah and CW4-Chandrachary B N examined as PW3 and PW5 respectively, to prove Exhibit P5 and the video

clippings, showing demand of bribe by the accused. CW43-Smt. Srividya is examined as PW4 to prove the audio recording containing the alleged to be voices of accused, which tallies with the sample voice of accused collected by the investigating officer during investigation.

21. CW45- Shivarama Reddy is examined as PW7 who stated about the investigation conducted by him.

22. The trial Court, in paragraph 22 to 26 of its judgment, has observed as under:

"22. On thorough scrutiny of the evidence of PW6, Ex. P24 complaint and the arguments advanced by the learned counsel for accused, it can be seen that in Ex. P24 the complainant states that he approached accused on 24.09.2012 seeking for certified copies of revision petition, I.A.s and order sheets and she explained about the case and at the instance of the Deputy Commissioner, she negotiated with PW6 to pay a bribe of Rs 3 lakhs per acre to oblige them and to get a favourable order to PW6. He further averred in his complaint that he recorded the said conversations and he also expresses his shock in the complaint that the Deputy Commissioner had demanded bribe to get favourable orders. He annexed the DVD containing the said demand of the accused along with his complaint. But in his substantive evidence before Court, he deposes that he met accused along with his friend Lakshminarayan on 24.09.2012 at 12.00 noon and enquired about the orders. Then the accused informed

that she will get it done if Rs. 3 lakhs per acre, as such Rs. 5 lakhs are given and she should also be taken care of. Para 3 of evidence of PW6 at Page No.2 is thus:

“ಆರೋಪಿಯನ್ನು ಕೇಳಿದಾಗ ಮಾಡಿಸಿಕೊಡುತ್ತೇನೆ ಒಂದು ಎಕರೆಗೆ ರೂ 3 ಲಕ್ಷದಂತೆ ಒಟ್ಟು ರೂ 5 ಲಕ್ಷ ಕೊಡಬೇಕು ಅದರ ಜೊತೆಗೆ ತನ್ನನ್ನು ಗಮನಿಸಿಕೊಳ್ಳಬೇಕು ಎಂದು ಹೇಳಿದರು”.

23. Therefore, it is clear that the testimony of PW6 that accused told him that she should be taken care of which finds no place in his complaint, is only the embellishment he has made to substantiate his stance that accused demanded bribe. Moreover, he does not say that she contacted the Deputy Commissioner before making the said demand and on behalf the Deputy Commissioner she is demanding bribe. He says that she assured him that she would get the order made in his favour. It is not clear from whom she will make it. In Ex. P24 complaint it is stated that, at the instance of the Deputy Commissioner she negotiated with PW 6. It can be seen that from the evidence on record that on 24.09.2012 at 12.00 noon PW6 and his friend Lakshminarayan met accused at her office and they were talking with her at a stretch and from his evidence it is proved that while he talking with her, she did not leave her seat or contacted anyone else. Therefore, the averments in the complaint that she demanded bribe at the instance of the Deputy Commissioner and later the improved version of PW6 in his substantial evidence before Court that she told him she should also be taken care of, cannot be believed. Moreover, in Ex. P21 or Ex. D3 there is no whisper that accused told her that she also should be taken care of while demanding bribe. There exist apparent gaps in his testimony with regard to demand of bribe which are left

incomplete. Hence the testimony of PW6 does not in any way inspire the confidence of this Court.

24. The evidence of PWs 1, 3 and 5 does not throw any light to the prosecution case with regard to demand of bribe by the accused. They only speak with regard to the scene mahazar, seizure mahazars and obtaining voice samples of accused and Deputy Commissioner by the investigating officer, copying of the conversation from the DVD produced by PW6 along with his complaint to CDs and reducing the contents thereof into writing. If these aspects are admitted as such this will not in any way facilitate the prosecution case that accused demanded bribe. Now coming to the evidence of PW4, wherein she states that the voice of the accused found in the recordings were found to be similar to that of the sample voice of accused collected by the Investigating Officer during investigation, as already pointed out in the earlier part of this judgment, the CDs being electronic evidence and no certificate u/s 65-B of the Indian Evidence Act is attached with them, these cannot be relied upon. Even if they are considered as such, since, there is no demand of bribe found in the conversation between the complainant and the accused, the Ex. P6 report issued by the PW4 will not help the prosecution to connect the accused to the alleged offence.

25. On close scrutiny of the evidence of PW 7 the investigating officer, there is no fruitful investigation conducted by him to ascertain the demand of bribe made by accused. His line of investigation goes to show that he was behind the land dispute case of PW6 with C. S. Gayathri and he was keen in collecting all the materials

with regard to that case from the Tahsildar, Anekal taluk, Assistant Commissioner, Bengaluru and sale deeds from Sub-Registrar's office, etc. Since, he was investigating the allegations made by PW6 in his private complaint with regard to A1, A2 and A4 along with allegations against the A3 of that complaint, he is duty bound to investigate the same to ascertain genuineness of the case of PW 6. When he testifies that after investigation he could not find out any evidence against either A1, A2 or A4, he deleted their names from the charge sheet and he laid charge sheet against A3 alone, it is his bounden duty to place before the Court all the materials which bring home the guilt of accused against whom he has laid charge sheet and it is the burden of the prosecution to prove beyond reasonable doubt that accused committed the alleged offences with cogent and reliable evidence. He deposes that he laid charge sheet on the basis of audio and video recordings and other evidence. The audio-video clippings are not proved before the Court with admissible evidences. The prosecution case hinges solely upon the testimony of PW6. The allegation made in Ex. P24 complaint as well as the material collected during investigation and exhibited before Court, even if they are taken at their face value and accepted, do not convincingly prove the prosecution case that the accused demanded bribe.

26. The Hon'ble Apex Court, time and again through its various judgments reminds us the principle that the golden thread which runs through the web of administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to

his/her innocence, the view which is favourable the accused should be adopted. The paramount consideration of the Court is to ensure that miscarriage of justice is prevented. I find considerable merit in the contentions raised by the learned counsel for accused that the prosecution evidence suffers from embellishments and materials contradictions to find the accused guilty of the offences charged against her. Law is well settled that only after discharge of initial burden cast upon the prosecution to prove the demand of bribe by the accused, the onus of proof would shift to the accused. From evaluation of the overall evidence on record, it does not establish the demand of bribe by the accused to extend official favour towards PW6. Hence, the guilt of the accused has not been established beyond the shadow of reasonable doubt by the prosecution. For the reasons mentioned supra, I answer point No. 1 in the NEGATIVE."

23. The Hon'ble Supreme Court, in the case of K SHANTHAMMA (supra), at paragraph 11 of the judgment, has observed as under:

"11. In the case of P. Satyanarayana Murthy v. District Inspector of Police, State of Andhra Pradesh and another¹, this Court has summarised the well-settled law on the subject, in paragraph 23 it reads thus:

"23. The proof of demand of illegal gratification, thus, is the gravamen of the offence under Sections 7 and 13(1)(d)(i) and (ii) of the Act and in absence thereof, unmistakably the charge therefor, would fail.

Mere acceptance of any amount allegedly by way of illegal gratification or recovery thereof,

dehors the proof of demand, ipso facto, would thus not be sufficient to bring home the charge under these two sections of the Act. As a corollary, failure of the prosecution to prove the demand for illegal gratification would be fatal and mere recovery of the amount from the person accused of the offence under Section 7 or 13 of the Act would not entail his conviction thereunder."

24. In the case on hand, on re-appreciation, reconsideration, and re-examination of the entire evidence on record, I do not find any legal or factual error in the impugned judgment of acquittal passed by the trial court. Keeping in mind, the aforesaid decisions of the Apex Court and considering the fact and circumstances of the case, I do not find any ground to interfere with the judgment of acquittal. Accordingly, answer Point No.1 in the affirmative.

Regarding No.2:

25. For the reason aforestated and discussions, I proceed to pass the following:

ORDER

Appeal is dismissed.

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

Inn