

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.558 OF 2007

S.K. SHAMBAPPA

.. APPELLANT(S)

VERSUS

STATE OF KARNATAKA

.. RESPONDENT(S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Karnataka at Bangalore in Criminal Appeal No.706 of 2001, dated 09.06.2006. By the impugned judgment and order, the High Court had set aside the order of acquittal passed by the Trial Court and convicted the appellant for the offence punishable under Section 7, 13(1) (d) read with Section 13(2) of the Prevention of Corruption Act, 1988 (for short, "the Act")

2. Facts of the prosecution in brief are: The appellant was working as First Division Assistant, in the office of Superintendent of Police, Railways,

Bangalore. On 10.12.1997, the appellant demanded a bribe of Rs.250/- from the complainant for the purpose of forwarding his brother's application concerning appointment for a job on compassionate grounds. The appellant demanded and accepted an amount of Rs.50/- at the same time and asked the complainant to pay the remaining amount of Rs.200-/ in the afternoon of the same day.

3. The complainant was not willing to pay the aforesaid amount and he therefore lodged a complaint against the appellant before the Lokayuktha police. A trap was laid and the complainant was handed over with the currency notes smeared with phenolphthalein. PW-2 was instructed to accompany the complainant and watch the entire transaction. On the afternoon of 10.12.1997, the complainant and PW-2 approached the appellant, who demanded Rs.200/- and accepted the tainted currency notes from the appellant. Lokayukta police rushed to the spot and recovered the tainted currency notes from the appellant.

4. The chargesheet was filed and the Trial Court took cognizance of the matter where the appellant denied the allegations made against him and the case was committed to Trial. The Trial Court framed charges against the appellant for the offence punishable under Section 7, Section 13 (1) (d) read with Section 13 (2) of the Act.

5. In order to substantiate the charges framed against the appellant, the prosecution examined eight witnesses and relied on sixteen exhibits during the Trial.

6. The Trial Court after detailed examination of the evidence on record had come to the conclusion that the prosecution had failed to prove its case beyond reasonable doubt. Accordingly, the Trial Court gave benefit of doubt to the appellant-herein and acquitted him of all the charges framed against him.

7. Aggrieved by the aforesaid order, the State had preferred an appeal before the High Court. The learned

Single Judge of the High Court by a cryptic order, had allowed the appeal filed by the State and convicted the appellant-herein for the offence punishable under Section 7, 13(1) (d) read with Section 13 (2) of the Act and sentenced the appellant-herein to rigorous imprisonment for a period of one year and imposed a fine of Rs.10,000/-, in default, sentenced the appellant to simple imprisonment for a period of six months.

8. In our considered opinion, the learned Single Judge before coming to the conclusion that the Trial Court was not justified in acquitting the appellant-herein ought to have appreciated the evidence on record.

9. Since the order passed by the High Court is passed without appreciation of evidence on record, we have no other alternative but to set aside the judgment and order passed by the High Court and remand the matter back to the High Court for its consideration and decision in accordance with law.

10. Accordingly, we remand the matter back to the High Court and request the High Court to dispose of the matter as expeditiously as possible, at any rate, within six months from today.

11. All the contentions of both the parties are kept open.

12. The criminal Appeal is disposed of accordingly.

.....CJI.
[H.L. DATTU]

.....J.
[V. GOPALA GOWDA]

.....J.
[AMITAVA ROY]

NEW DELHI,
SEPTEMBER 02, 2015.

ITEM NO.7

COURT NO.1

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 558/2007

S.K.SHAMBAPPA

Appellant(s)

VERSUS

STATE OF KARNATAKA TR.SECRETARY,HOME

Respondent(s)

(With office report)

Date : 02/09/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Mr. H.N. Nagmohan Das, Sr. Adv.
Mr. Shekhar G. Devasa, Adv.
Mr. Manish Tiwari, Adv.
Mr. Dinesh Kumar Garg, Adv.

For Respondent(s) Ms. Anitha Shenoy, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The criminal appeal is disposed of in terms
of the signed order.

[Charanjeet Kaur]
A.R.-cum-P.S.

[Vinod Kulvi]
Asstt. Registrar

[Signed order is placed on the file]