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Cr1.A.No. 612 OF 2001
Item No.107

Court No.6

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Cr1. Appeal No.612/2001

Manmohan Singh (D) through LRs

Appellant (s)

VERSUS

State of Punjab
(With office report)

Respondent(s)

Date : 23/01/2003 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE B.P. SINGH

For Apqellant (s) Ms. S. Janani,Adv.

For respondlent(s) Mr. Bimal Roy Jad,Adv.
Ms. Sunita Pandit,Adv.

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

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.SP2

Ms. S. Janani, learned counsel started her arguments at 12.20 p.m. and concluded at 12.55 p.m.
The appeal is dismissed in terms of the signed order.

.SP1

(Ganga Thakur)
P.S.to Registrar

(Prem Prakash)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 612 OF 2001@@
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Manmohan Singh (D) through LRs

..... Appellant

-Versus-

O R D E R@@
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.SP2

The accused Manmohan Singh was working as a Revenue Patwari. He was charged of an offence punishable under Section 5(2) of the Prevention of Corruption Act for having demanded and collected a sum of Rs.100/- from one Gurnam Singh for supplying a copy of a jamabandi. On a complaint made by said Gurnam Singh, a trap was laid on 28.5.1985 and in the said trap accused was caught receiving the bribe in the form of two 50 Rupees notes which were treated with Phenolphthalein powder. On being caught, the accused's hand and shirt pocket turned pink on being tested with water and sodium carbonate. The trap was conducted in the presence of independent witness PW-7 and other official witnesses.

Both the courts below have found the said accused
...2/-

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guilty of the offence charged against and he was sentenced to undergo RI for a period of one year and to pay a fine of Rs.200/- under Section 5(2) of the said Act and for a period of one year under Section 161 IPC.

During the pendency of the appeal before the High Court, the said accused died and since he was a Govt. servant and his family members were entitled for family pension in the event of his conviction being set aside, the proceedings were continued by his legal representatives, hence, the said legal representatives are in appeal in this Court against the said conviction and judgment of the courts below.

We have heard Smt. S. Janani, learned counsel appearing for the appellant who contended that the courts below erred in not taking into consideration the motive, the complainant entertained against the accused in implicating him. She also contended that PW-7 was not an independent witness but was a person known to the complainant, therefore, in regard to the trap there is no independent evidence to establish the prosecution case.

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We have gone through the record of the evidence and we find no infirmity in the judgments of the courts below. For the said reason this appeal fails and the same is dismissed.

.SP1

.....J.

(N. Santosh Hegde)

New Delhi,
January 23, 2003.

.....J.
(B.P. Singh)