

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

CRIMINAL APPEAL NO(s). 176 OF 2006

STATE Appellant (s)

VERSUS

T. GRACE Respondent(s)

(With office report)

Date: 27/10/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. V.Kanagaraj, Sr. Adv.
Ms. Promila, Adv.
Mr. S. Thananjayan, Adv.

For Respondent(s) Dr. P.H.Pandian, Sr. Adv.
Mr. R. Ayyam Perumal, Adv.

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

The appeal is dismissed.

Bailable warrants issued against the respondent,
stand discharged.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 176 OF 2006

STATE .. APPELLANT(S)

vs.

T. GRACE .. RESPONDENT(S)

O R D E R

The respondent herein was working as a Revenue

Inspector in Nanguneri Taluk at the relevant time. The case of the prosecution is that in that capacity she had taken Rs.100/- from the complainant (PW.2) for the purpose of providing him a certificate evidencing the fact that his house had been burnt in a fire. The respondent was accordingly prosecuted for offences punishable under Section 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. The Trial Court relied on the evidence of the prosecution particularly the statements of PW.2-the complainant and PW.5 and PW.13-the two Police Inspectors who had made the investigation and convicted the respondent and sentenced her to various terms of imprisonment and fine. This judgment has been reversed by the High court in appeal. The reason that weighed with the High Court was that as per the statement made by the respondent under Section 313 of the Cr.P.C. the Rs.100/- which had been taken from PW.2 was in fact a contribution

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towards the Flag Day celebration and did not represent a bribe. This plea has been accepted by the High Court by observing that it was substantiated by the evidence of PW.9 the Assistant working in the office who deposed that instructions had indeed been issued by the Head of the Department fixing targets for the purpose of selling flags towards the Flag Day contribution. We are of the opinion that no fault can be found with the order of the High Court. We also see that in a somewhat similar matter where acquittal had been rendered, State of T.N. vs. S.Krishnamurthy reported in 2002 (9) SCC 530 it has been observed as under:

"In the appeal, we have heard learned counsel for the parties and perused the evidence. We are unable to come to the conclusion that the finding given by the High Court is either perverse or based on no evidence. The prevalence of the practice in the office in question of collecting the flag day fund and the teacher's day fund seems to have been an authorized practice, though we do not approve of such practice. While considering a criminal appeal, if the existence of such

practices established and the defence taken by the accused is in conformity with such practice, we

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are in agreement with the High Court that the mere fact that the respondent received a sum of Rs.300/- would not ipso facto lead to the conclusion that the money in question was received by him as a bribe for showing an official favour."

We feel that the aforesaid judgment fully supports the view taken by the High Court and accordingly decline to interfere in this appeal against acquittal.

Dismissed.

The bailable warrants issued against the respondent, stand discharged.

.....J.
(HARJIT SINGH BEDI)

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi,
October 27, 2010.