

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 1865 OF 2011

MAHENDRA MAGANLAL VACHHANI ... Appellant

VERSUS

STATE OF GUJARAT ... Respondent

O R D E R

Heard learned counsel for the parties.

Mr. K.T.S. Tulsi, learned senior counsel appearing for the appellant, made a neat submission at the Bar that the essential ingredient for convicting a person under the provisions of the Prevention of Corruption Act, 1988, (hereinafter referred to as 'Act') has not been established inasmuch as, as per the complainant's own version and his deposition during trial, he has accepted that the appellant herein had not demanded any money and, in fact, he had kept the same on the table(Tipoy). In order to demonstrate this, Mr. Tulsi has taken us through the deposition of the complainant which could not be successfully refuted by the respondent's counsel.

We, thus, are inclined to accept this appeal and set aside the impugned judgment of the High Court as well as the Trial Court convicting the appellant under the provisions of Sections 7, 13(1) (d) read with Section 13(2) of the Act.

We, however, make it clear that our order would not enure any advantage to the appellant insofar as the benefits of his Government Service are concerned. In other words, if because of the conviction recorded by the Courts below, the appellant was dismissed/terminated from service, he would neither be entitled to the reinstatement nor salary for the intervening period nor any other service benefits. We have said so because of the reason that the conviction has been set aside on technical grounds giving benefit of doubt to the appellant.

We also place on record the statement of Mr. Tulsi that the appellant shall not be claiming any such benefits.

The appeal is allowed in the aforesaid terms.

....., J.  
[ A.K. SIKRI ]

....., J.  
[ N.V. RAMANA ]

New Delhi;  
July 13, 2016.

ITEM NO.105

COURT NO.12

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. 1865/2011

MAHENDRA MAGANLAL VACHHANI

Appellant(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(With appln.(s) for suspension of sentence and office report)

Date : 13/07/2016 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE N.V. RAMANA

For Appellant(s)

Mr. K.T.S. Tulsi, Sr. Adv.  
Mr. A. Faraz Khan, Adv.  
Mr. Haresh Raichura, Adv.

For Respondent(s)

Mr. Nitin Sanghra, Adv.  
Ms. Hemantika Wahi, Adv.UPON hearing the counsel the Court made the following  
O R D E R

The appeal is allowed in terms of the signed order.

(Nidhi Ahuja)  
Court Master(Tapan Kr. Chakraborty)  
Court Master

[Signed order is placed on the file.]