

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

Criminal Appeal No(s). 1030/2015

STATE OF GUJARAT

Appellant(s)

VERSUS

BHARATKUMAR RAMNIKLAL SHAH

Respondent(s)

O R D E R

1. Heard learned counsel, Ms. Aneesha Rastogi, appearing for the State as also the learned counsel appearing for the respondent.

2. This appeal is directed against the impugned order of acquittal rendered by the High Court acquitting the respondent of the charges punishable under Sections 7 and 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988. The respondent was convicted by the Trial Court for the aforesaid offences and was sentenced to undergo R.I. for two years.

3. At the relevant time, respondent was aged about 51 years and was working as an Executive Engineer, Water Supply and Sewerage Board, Mechanical Sub Division at Palanpur. The respondent allegedly accepted a sum of Rs.400/- for release of cheque amounting to Rs.3,900/-

which was drawn in favour of the complainant in lieu of the goods supplied by him to the Department.

4. Without adverting to the details of the evidence led by the prosecution before the Trial Court, we observe that there is no evidence in the form of tape recorded conversation of demand made by the respondent-accused.

5. Similarly, there is no independent evidence corroborating the allegation of the demand made by the respondent and even the complainant has not made specific statement that when they met for the first time on 11.01.1989, the respondent-accused made any demand of Rs.400/-. Even on the date of the offence, i.e. on 16.01.1989, they first met at a restaurant from where they went to the respondent's chamber in the office where the amount was allegedly paid.

6. Having gone through the evidence on record, we are of the considered view that the findings recorded by the High Court that there is no proof of respondent having demanded the amount, is borne out from the record and in any case, the said view taken by the High Court appears to be one plausible view in view of the state of evidence on record.

7. Such being the fact situation as also the fact that the alleged incident has taken place way back in the year 1989 i.e. about 36 years back, we do not find any substance in the appeal and the same is, accordingly, dismissed.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(K. VINOD CHANDRAN)

New Delhi
21.08.2025

ITEM NO.111

COURT NO.16

SECTION II-E

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 SCriminal Appeal No(s). 1030/2015

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Date : 21-08-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Appellant(s) :

Ms. Aneesha Rastogi, Adv.
Ms. Swati Ghildiyal, AOR
Mr. Rishi Yadav, Adv.

For Respondent(s) :

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

1. The appeal is dismissed in terms of signed order.
2. Pending application(s), if any, shall stand closed.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(signed order is placed on the file)

(MANOJ KUMAR)
BRANCH OFFICER