

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2083 OF 2014

STATE OF MADHYA PRADESH

...Appellant

Versus

HARIRAM PATEL

...
Respondent

O R D E R

We have heard learned counsel for the appellant-State of Madhya Pradesh as well as learned counsel appearing on behalf of the respondent.

This appeal by special leave is directed against the judgment and order dated 11.3.2010 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No. 399 of 2003, whereby the High Court allowed the same, while interfering with the judgment of the trial Judge and setting aside the conviction and sentence imposed on the respondent herein.

The Special Judge found the respondent herein guilty of the offence under Section 7 of the Prevention of Corruption Act, 1988 and sentenced him to undergo rigorous imprisonment for one year and fine of Rs.1,000/- in default of payment of fine, to further suffer three months rigorous imprisonment and for offence under Section 13(1)(d) read with Section 13(2), he was sentenced to rigorous imprisonment of one year and fine of Rs.1,000/- and in default of payment of fine, to further suffer rigorous imprisonment of three months.

Aggrieved by the order of the Special Judge, the respondent approached the High Court by way of an

appeal.

The High Court allowed the appeal of the respondent herein and set aside his conviction.

The State has preferred this appeal against the acquittal of the respondent.

The accused respondent herein was posted as Tehsildar at the time of incident. On the basis of the complaint of villagers, respondent herein served a notice upon Churaman who was working on the post of Kotwar. The case of the prosecution is that the respondent demanded Rs.500/- from the complainant Dr. Sunil Kumar Chandeya for stopping the proceedings against Churaman, who was his maternal grandfather.

P.W.9 along with P.W.3 went to the house of the accused Tehsildar, who is the respondent herein, after consulting the Lokayukata police. The police trap team followed them. The police trap team recovered an amount of Rs.400/- from the accused Tehsildar and Rs.100/- from the wife of the said officer. Immediately after the trap, the respondent accused had stated that he received the said money towards the sale consideration of some mango trees, which has to be paid by the said Patwari and he has not demanded any amount. It was further stated by him that, as per the earlier orders, these five hundred rupees were given by the complainant towards auction money of six mango trees at a rate of Rs.75/- per mango tree and four hundred rupees he kept with himself and remaining Rs.100/- currency note he had given to his wife who had returned two currency notes of Rs.50/- each, out of which he returned one currency note of Rs.50/- to the complainant.

After a full-fledged trial, the trial Court convicted the accused.

The High Court, while re-appreciating the evidence

has come to a conclusion that there is no clear evidence that the accused had made any demand for bribe. The amount which was recovered, was towards the account of mango trees and it is not a bribe amount.

In pursuit to establish that the amount in question was not a bribe, PW-7, Dr. K. Swami, Reader of the Tehsildar admitted that the said amount is received towards collection of money of sale of six mango trees. He has also further stated that the respondent accused had directed Churaman Kotwar to collect Rs.75/- per mango tree from the farmer. P.W.-3, who had all the time accompanied P.W.-9, complainant, had turned hostile. Except the evidence of PW-9, there is no other supported evidence from any of the prosecuting witnesses.

Upon considering the overall facts and circumstances of the case, the High Court felt that the case against accused-respondent has not been proved beyond reasonable doubt and hence the High Court has rightly given benefit of doubt to the accused respondent and acquitted him

We therefore see no reason to interfere with the view taken by the High Court.

The appeal is, accordingly, dismissed.

Pending applications, if any, shall stand disposed of.

.....J.
(N.V. RAMANA)

.....J.
(PRAFULLA C. PANT)

New Delhi,
August 22, 2017

ITEM NO.104

COURT NO.10

SECTION II-A

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). 2083/2014

THE STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

HARIRAM PATEL

Respondent(s)

Date : 22-08-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s)

Mr. Ankit Kr. Lal, Adv.
For Mr. Mishra Saurabh, AOR

For Respondent(s)

Mr. Kunal Verma, AOR
Ms. Yugandhara Pawar Jha, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Pending applications, if any, shall stand disposed of.

(SUKHBIR PAUL KAUR)
AR CUM PS(S. SIVARAMAKRISHNA)
ASST.REGISTRAR

(Signed order is placed on the file)