

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 379 OF 2013

A.G. RAJAPPA

Appellant(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

O R D E R

Heard learned counsel for the parties.

It appears that the acquittal of the appellant was reversed by the High Court, vide order dated 27.02.2012, in Criminal Appeal No. 131 of 2009. The appellant-accused was put on trial in respect of the offences punishable under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

It appears that the only question in this case is whether the appellant demanded a sum of Rs.600/- from the Complainant - Shivamurthy and further to show his motive to get a favour for issuing a *bona fide* certificate to purchase a tractor for the purpose of agriculture.

It is not necessary for us to narrate all the facts in the matter as we have only tried to find out that the amount which has been alleged to have been claimed by the appellant was specifically shown in the account with regard to his work of collection of water revenue. We have purposely gone through the documents to which our attention has been drawn and we have been

able to find out that the amount, as stated to be claimed as bribe given to the appellant, was shown in the account of such collection in its book being Book No. 44436 and with a positive receipt No. 2221777 given there on 09.01.2006 which has been included in the said document.

Therefore, in our opinion, the High Court has escaped this fact in arriving at the conclusion in the matter and, as such, we hold that the High Court should have considered the said fact in respect of the said receipt being Ex.P-21 for the said amount of Rs.600/-.

In view of the same, we find that there is a gross mistake which has been done by the High Court in holding the appellant guilty in the matter. Accordingly, the said order of the High Court is set aside and the order of the trial Court is affirmed.

Since the appellant is on bail, his bail bonds stand discharged.

The appeal is allowed as indicated above.

..... J.
(PINAKI CHANDRA GHOSE)

..... J.
(R.K. AGRAWAL)

New Delhi;
December 09, 2014.

ITEM NO.102

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(s). 379/2013

A.G.RAJAPPA

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STATE OF KARNATAKA

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(with office report)

Date : 09/12/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Appellant(s) Mr. Sushil Kumar Jain, Sr. Adv.
Mr. Ashwin V. Kotemath, Adv.
Mr. R.N. Poddar, Adv.
Mr. Abhinav Gupta, Adv.
Ms. Ankita Gupta, Adv.
Mr. Manu Maheshwari, Adv.
For Ms. Pratibha Jain, AOR

For Respondent(s) Mr. V. N. Raghupathy, 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.

(R.NATARAJAN)
Court Master

(SNEH LATA SHARMA)
Court Master

(Signed order is placed on the file)