



2026:CGHC:11868

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 891 of 2005****Reserved on : 18.02.2026****Delivered on : 12.03.2026**

Hemendra Verma, S/o Late Shri N.D. Verma, aged about 34 years, Manager, Employee State Insurance Corporation, Bilaspur (C.G.), R/o Tikrapara, Bilaspur (C.G.)

... Appellant (s)**versus**

Union of India through C.B.I., Jabalpur

... Respondent

For Appellant : Mr. Kishore Bhaduri, Sr. Advocate with Mr. Neeraj Mehta & Mr. Harsh Dave, Advocates.

For Respondent : Mr. Vaibhav A. Goverdhan, Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas**CAV JUDGMENT**

1. This appeal has been preferred by the appellant under Section 374 (2) of the Code of Criminal Procedure, 1973 against judgment dated 02.12.2005 passed by learned Special Judge, Central Bureau Investigation, Raipur (C.G.) in Special Case No. 42/2004, whereby the appellant stands convicted and sentenced as under:-

Conviction	Sentence
U/s 7 of Prevention of Corruption Act :	R.I. for 1 year and fine of Rs. 20,000/-, in default of payment of fine, additional R.I. for 6 months.
U/s 13(i)(D) & 13(2) of Prevention of Corruption Act :	R.I. for 1 year and fine of Rs. 20,000/-, in default of payment of fine, additional R.I. for 6 months. (Both the sentences are directed to run concurrently)



2. The case of the prosecution, in brief, is that the appellant was working as Manager in Employee State Insurance Corporation (ESIC), Bilaspur and as per duty assigned to him he has to verify whether employers were complying with the provisions of Employees Insurance Scheme and Regulation made under the Employee State Insurance Act, 1948 (for short “the Act, 1948”) or not. It has been alleged that the appellant has demanded a bribe of Rs. 10,000/- from one Manoj Agrawal, proprietor of M/s Manoj Bakery, Jagmal Chowk, Bilaspur, for reducing or eliminating an alleged outstanding amount of Rs. 60,000/- towards ESI contribution for the employees engaged by him in his factory. It is also case of the prosecution that the complainant had no outstanding dues, as such he did not want to fulfill the illegal demand of bribe, therefore, on 16.10.2001 he had made a written complaint before CBI-ACB Jabalpur, who was camping at Central Point Hotel, Bilaspur.
3. It is also case of the prosecution that the complaint was verified by two witnesses and a trap party was prepared to catch the accused red-handed while accepting the bribe. Accordingly, preparation for giving bribe was done by smearing phenolphthalein powder over the notes, the same were given to the complainant and he was advised accordingly. The trap proceedings were conducted in the evening at complainant’s bakery shop situated at Jagmal Chowk, Dayalband as when the appellant came there by his motorcycle, demanded the money from the complainant then the complainant handed over the amount to the appellant which was kept by him in his bag carrying with him. His left hand was washed, the solution turned pink, which was seized. Thereafter, the appellant’s bag was opened and the currency notes were recovered by witness H.S. Tare. A detailed memorandum of



proceedings and a site map were prepared. The accused's office was searched, and files and vouchers related to Manoj Bakery were seized. The accused was arrested and the offence bearing Crime No. RC 12-A/01 for commission of offence under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 (for short "the Act, 1988") was registered against the appellant by the then Superintendent of Police, CBI, Jabalpur. The seized solutions and materials were sent for chemical examination. After usual investigation and completing all the formalities including obtaining sanction from the higher authority to prosecute the appellant, the charge-sheet was filed against the appellant for commission of offence under Section Sections 7 and 13(1)(d) read with Section 13(2) of the Act, 1988.

4. The prosecution, in order to bring home guilt of appellant, has examined 8 witnesses namely R.S. Pal (PW-1), Manoj Kumar Agrawal (PW-2), Anil Kumar Singh (PW-3), Smt. Alka Jawalkar (PW-4), Janardan Rao (PW-5), Hemant Kumar Jha (PW-6), A.K. Dubey (PW-7), Vishvambhar Dixit (PW-8) and exhibited documents namely complaint dated 16.10.2001 (Ex. P/1), Pre-trape memorandum (Ex. P/2), recovery memo (Ex. P/3), spot map (Ex. P/4), search-cum-seizure memo (Ex. P/5), appellant's posting order (Ex. P/6), order issued by Regional Office, Indore (Ex. P/8), inspection report in respect of Manoj Bakery as well as calculation-sheet (Ex. P/9 to P/13), inspection notice (Ex. P/14), inspection report (Ex. P/15), sanction order (Ex. P/16), First Information Report (Ex. P/17) & FSL report (Ex. P/18).
5. R.S. Pal (PW-1) who was working as Deputy Vigilance Officer has been examined before the trial Court wherein he has stated that he



along with the complainant had visited the office of the appellant wherein the appellant has told him that his due is approximately Rs. 60,000/- which has to be reduced to the extent Rs. 20,000/- and how it has to be adjusted, will be explained to the complainant later on. Subsequently, the complainant- Manoj Agrawal has hinted me to go outside of the room then he left the room thereafter they discussed. Again the witness has stated that the appellant had told the complainant that he will meet him in the evening in his shop bakery shop and since he has already met the appellant, therefore, this witness was asked to maintain distance with the appellant and without appearing before him so that their negotiation can be heard. In paragraph 6, he has stated that after receiving instruction, he along with CBI officer entered into the bakery shop and accused both hands have been caught hold by two Inspectors. This witness was subjected to cross-examination wherein he has admitted that he is not aware what is the procedure adopted for trapping.

6. Complainant/Manoj Kumar Agrawal (PW-2) in his examination-in-chief has supported the case of the prosecution and stated that the accused has demanded Rs. 10,000/- as bribe money for settling the dues. The complainant was subjected to cross-examination wherein he has admitted that the accused has demanded dues of Rs. 60,000/- towards ESIC contribution but the office of the ESIC has not issued any notice to him regarding the dues. In the cross-examination in paragraph 17 has not stated that the money which was given to him is a bribe money as demanded by the appellant.
7. Smt. Alka Jawalkar (PW-4) in his examination-in-chief has stated that in October 2001 she was working as an Upper Division Clerk (UDC) in



the Employees' State Insurance Corporation (ESIC), Bilaspur. She had been posted in that position since 1992. She has further stated that she knows the accused, Hemendra Verma, who was posted as Manager in the ESIC office at Bilaspur. Apart from the accused, there was no other officer or Inspector posted in that office, therefore, in addition to his administrative duties, the accused also carried out inspection work of various factories. In the cross-examination, she has admitted that her statement had been recorded once by the CBI in Hindi language but the statement was not read over to her after recording. She has also admitted that she is sitting outside the chamber of the appellant. She has also stated that the documents marked as Exhibits P/6 to P/15 are not known to her from where the CBI obtained those documents. She also stated that she does not have knowledge about the detailed procedure of inspection work, therefore, she cannot explain its process.

8. Hemant Kumar Jha (PW-6) in his examination-in-chief has supported the case of the prosecution but in the cross-examination in paragraph 5 has admitted that he is not aware that when Manoj Agrawal has made complaint for demand of Rs. 10,000/- by the appellant. He has also admitted that at the time of pre-trap proceeding what negotiation was going on between Hemendra Verma, Manoj Agrawal and R.S. Pal, is not heard by him. In paragraph 7, he has admitted that he was sitting outside the counter where Hemendra Verma was sitting and his distance must be 2 or 3 feet from where he was sitting, he can see the entire body of Manoj Agrawal & Hemendra Verma.
9. A.K. Dubey (PW-7) who was working as Inspector in the Central Bureau of Investigation (CBI), Jabalpur Branch in his examination-in-



chief has supported the case of the prosecution and in the cross-examination he has admitted that at the time of recording the statement of the witness, he has asked the question and their statement has been recorded by him in his words. In the cross-examination, he has admitted that he has not participated in the trap proceeding.

10. Vishwambhar Dixit (PW-8) who was working as Inspector in CBI-ACB Jabalpur Branch in his examination-in-chief has stated in paragraph 13 that at about 7:10 p.m., the accused came to the complainant's shop by his motorcycle, entered into the shop then he has demanded money from the complainant who has given some money. The accused kept the money given the appellant in his left hand and then put the same in the bag which was carried by him thereafter he told the complainant that the work will be done. In paragraph 15, he has narrated the proceedings related to seizure of tainted money. In the cross-examination, he has denied that the accused has not taken bribe and the trap proceedings are false. In paragraph 31, he has admitted that he has not included any employee of the bakery in the trap proceeding as at that time no employee was available in the shop.
11. The statement of the appellant/accused under Section 313 Cr.P.C. was recorded before the trial Court wherein he has denied the allegations levelled against him, pleaded innocence and falsely implication. The appellant in order to prove his innocence has examined witnesses namely Moon Majumdar (DW-1), P.D. Maheshwari (DW-2) and exhibited documents namely certificate dated 14.11.2005 issued by ESIC (Ex.D/2).
12. Learned counsel for the appellant would submit that the learned trial



Court has passed the impugned judgment without proper appreciation of evidence and in disregard of settled principles of criminal jurisprudence, thereby causing miscarriage of justice. He would further submit that in a trap case, proof of demand of illegal gratification is *sine qua non* and the prosecution has failed to establish any specific, clear, and unequivocal demand by the appellant. He would further submit that sanction for prosecution, being a mandatory requirement, has not been properly proved and the sanctioning authority was not examined, which goes to the root of the matter. He would further submit that the testimonies of R.S. Pal (P.W.-1) and H.K. Jha (P.W.-6) are materially contradictory regarding presence of persons and sequence of events, rendering the trap doubtful. He would further submit that the complainant's statement suffers from vital omissions and contradictions, particularly regarding time of visit to the office, conversion of dues from Rs. 60,000/- to Rs. 20,000/-, knowledge of presence of CBI officers in the hotel and non-seizure of "No Dues Certificate" allegedly obtained by him. He has further stated that the alleged bribe amount of Rs. 10,000/- was not recovered from person or exclusive possession of the appellant, but from a bag lying on the table and the entire trap plan is alleged to be fabricated, with no independent witness examined despite availability. He would further submit that the trial Court has failed to properly consider defence witnesses who supported the appellant's innocence, thus the prosecution has failed to prove its case beyond reasonable doubt, particularly the essential ingredient to attract the offence i.e. demand made by the appellant which is *sine qua non*, therefore, the appellant deserves acquittal.

13. To substantiate his submission, he would refer to the judgment



rendered by Hon'ble the Supreme Court in case of **P. Satyanarayana Murthy Vs. District Inspector of Police, State of Andhra Pradesh & another [(2015) 10 SCC 152]**, **Mukhtiar Singh (Since Deceased) Through His L.R. Vs. State of Punjab [Criminal Appeal No. 1163/2017 (decided on 14.07.2017)]**, **Mir Mustafa Ali Hasmi Vs. State of Andhra Pradesh [(2024) 10 SCC 489]**, **State of Lokayuktha Police, Davanagere Vs. C.B. Nagaraj [2025 SCC OnLine 1175]**, **Paritala Sudhakar Vs. State of Telangana [2025 SCC OnLine 1072]** and the judgment rendered by this Court in case of **Ramratan Yadav Vs. State of Chhattisgarh [CRA No. 649/2003 (decided on 19.09.2025)]**.

14. On the other hand, learned counsel for the CBI opposing the submission made by learned counsel for the appellant would submit that the complainant (P.W.-2) has categorically deposed regarding demand of illegal gratification by the appellant. He would further submit that the recovery of tainted currency notes from the spot, coupled with positive phenolphthalein test, corroborates the prosecution case. He would further submit that minor contradictions in testimonies are natural and do not affect the core of the prosecution story and once recovery is proved, statutory presumption under law arises against the accused. He would further submit that the trial Court has rightly appreciated the evidence and recorded conviction based on cogent material. Thus he would pray for dismissal of the appeal. He would further contend that as per Section 20 of the Act, 1988, the presumption under the Act, 1988 would operate against the appellant as tainted money was recovered from the bag carried by the appellant and he was caught hold by the trap team, as such the conviction of the



appellant cannot held to suffer from perversity or illegality warranting interference by this Court.

15. I have heard learned counsel for the parties and perused the documents placed on record with utmost satisfaction.
16. From the submissions made by both the parties, this Court has to examine whether the proof of demand which is *sine qua non* for the offences to be established under Sections 7 and 13 of the Act, 1988 has been proved by the prosecution or not.
17. Before adverting to the evidence brought on record by the prosecution, it is expedient for this Court to analyzing the law what may be the essential ingredients to attract the offence by the public servant under the Act, 1988 and if direct evidence of demand is not available, can it be proved by other circumstantial material/evidence by the prosecution. As such, this Court is examining the matter whether there is a direct or circumstantial evidence of demand available on record for affirmation of conviction by the trial Court or not.
18. Hon'ble the Supreme Court in case of **Neeraj Dutta Vs. State (Government of NCT of Delhi) [2023 (4) SCC 731]** has summarized the principle of proving demand by direct or circumstantial evidence in case relates to the Act, 1988. Hon'ble the Supreme Court in paragraphs 88 to 88.8 has held as under:-

“88. What emerges from the aforesaid discussion is summarised as under:

88.1 (a) Proof of demand and acceptance of illegal gratification by a public servant as a fact in issue by the prosecution is a sine qua non in order to establish the guilt of the accused public servant under Sections 7 and 13(1)(d)(i) and (ii) of the Act.

88.2 (b) In order to bring home the guilt of the accused, the prosecution has to first prove the demand of illegal



gratification and the subsequent acceptance as a matter of fact. This fact in issue can be proved either by direct evidence which can be in the nature of oral evidence or documentary evidence.

88.3 (c) Further, the fact in issue, namely, the proof of demand and acceptance of illegal gratification can also be proved by circumstantial evidence in the absence of direct oral and documentary evidence.

88.4 (d) In order to prove the fact in issue, namely, the demand and acceptance of Criminal Appeal No.1669 of 2009 illegal gratification by the public servant, the following aspects have to be borne in mind:

(i) if there is an offer to pay by the bribe giver without there being any demand from the public servant and the latter simply accepts the offer and receives the illegal gratification, it is a case of acceptance as per Section 7 of the Act. In such a case, there need not be a prior demand by the public servant.

(ii) On the other hand, if the public servant makes a demand and the bribe giver accepts the demand and tenders the demanded gratification which in turn is received by the public servant, it is a case of obtainment. In the case of obtainment, the prior demand for illegal gratification emanates from the public servant. This is an offence under Section 13(1)(d)(i) and (ii) of the Act.

(iii) In both cases of (i) and (ii) above, the offer by the bribe giver and the demand by the public servant respectively have to be proved by the prosecution as a fact in issue. In other words, mere acceptance or receipt of an illegal gratification without anything more would not make it an offence under Section 7 or Section 13(1)(d), (i) and (ii) respectively of the Act. Therefore, under Section 7 of the Act, in order to bring home the offence, there must be an offer which emanates from the bribe giver which is accepted by the public servant which would make it an offence. Similarly, a prior demand by the public servant when accepted by the bribe giver and in turn there is Criminal Appeal No.1669 of 2009 a payment made which is received by the public servant, would be an offence of obtainment under Section 13(1)(d) and (i) and (ii) of the Act.

88.5 (e) The presumption of fact with regard to the demand and acceptance or obtainment of an illegal gratification may be made by a court of law by way of an inference only when the foundational facts have been proved by relevant oral and documentary evidence and not in the absence thereof. On the basis of the material on record, the Court has the discretion to raise a presumption of fact while considering whether the fact of demand has been proved by the prosecution or not. Of course, a presumption of fact is subject to rebuttal by the accused and in the absence of rebuttal presumption stands.



88.6 (f) In the event the complainant turns 'hostile', or has died or is unavailable to let in his evidence during trial, demand of illegal gratification can be proved by letting in the evidence of any other witness who can again let in evidence, either orally or by documentary evidence or the prosecution can prove the case by circumstantial evidence. The trial does not abate nor does it result in an order of acquittal of the accused public servant.

88.7 (g) In so far as Section 7 of the Act is concerned, on the proof of the facts in issue, Section 20 mandates the court to raise a presumption that the illegal gratification was for the purpose of a motive or reward as mentioned in the said Section. The said presumption has to be raised by the court as a legal presumption or a presumption in law. Of course, the said presumption is also subject to rebuttal. Section 20 does not apply to Section 13(1)(d) (i) and (ii) of the Act.

88.8 (h) We clarify that the presumption in law under Section 20 of the Act is distinct from presumption of fact referred to above in sub-para 88.5(e), above, as the former is a mandatory presumption while the latter is discretionary in nature.”

19. Again Hon'ble the Supreme Court in case of **Neeraj Dutta vs. State (Government of NCT of Delhi) [2023 (18) SCC 251]** has held that the demand and acceptance of illegal gratification can be proved by circumstantial evidence also and has held in paragraphs 20 and 21 as under:-

“20. In view of what is laid down by the Constitution Bench, in a given case, the demand and acceptance of illegal gratification by a public servant can be proved by circumstantial evidence in the absence of direct oral or documentary evidence. While answering the referred question, the Constitution Bench has observed that it is permissible to draw an inferential deduction of culpability and/or guilt of the public servant for the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the PC Act. The conclusion is that in absence of direct evidence, the demand and/or acceptance can always be proved by other evidence such as circumstantial evidence.

21. The allegation of demand of gratification and acceptance made by a public servant has to be established beyond a reasonable doubt. The decision of the Constitution Bench does not dilute this elementary requirement of proof beyond a reasonable doubt. The Constitution Bench was dealing with the issue of the modes by which the demand can be proved. The Constitution Bench has laid down that the proof need not be only by direct oral or documentary evidence, but it can be by way of other evidence including circumstantial evidence. When reliance is placed on circumstantial evidence to prove the demand for gratification, the prosecution must establish each and every circumstance from which the



prosecution wants the Court to draw a conclusion of guilt. The facts so established must be consistent with only one hypothesis that there was a demand made for gratification by the accused. Therefore, in this case, we will have to examine whether there is any direct evidence of demand. If we come to a conclusion that there is no direct evidence of demand, this Court will have to consider whether there is any circumstantial evidence to prove the demand.”

20. From the abovestated legal position and in terms of evidence, material brought on record, now this Court has to examine whether the evidence brought on record by the prosecution, is sufficient for affirmation of conviction by the trial Court.
21. R.S. Pal (PW-1) has stated that subsequently, the complainant- Manoj Agrawal has hinted me to go outside of the room then he left the room thereafter they discussed. Again the witness has stated that the appellant had told the complainant that he will meet him in the evening in his bakery shop and since he has already met the appellant, therefore, this witness was asked to maintain distance with the appellant without appearing before him so that their negotiation can be heard but this witness has nowhere has stated that he has heard about the demand made by the appellant and even he was not present when the appellant was discussing with the complainant. In paragraph 6, he has stated that after receiving instruction, he along with CBI officer entered into the bakery shop and accused both hands have been catch hold by two Inspectors. This clearly establishes that he has not heard the demand made by the appellant.
22. Hemant Kumar Jha (PW-6) has stated that at the time of pre-trap proceeding what negotiation was going on between Hemendra Verma, Manoj Agrawal and R.S. Pal, is not heard by him and in paragraph 7, he has admitted that he was sitting outside the counter where



Hemendra Verma was sitting and his distance must be 2 or 3 feet from where he was sitting, he can see the entire body of Manoj Agrawal & Hemendra Verma but he has nowhere stated that the appellant has demanded money and in pursuance of that demand, amount of Rs. 10,000/- was given to the accused by the complainant to fulfill the essential ingredients to attract the offence under the Prevention of Corruption Act.

23. Vishwambhar Dixit (PW-8) has stated that at about 7:10 p.m., the accused came to the complainant's shop by this motorcycle, entered into the shop then he has demanded money from the complainant who has given some money. The accused kept the money given by the complainant in his left hand and then put the same in the bag which was carried by him thereafter he told the complainant that the work will be done. In paragraph 31, he has admitted that he has not included any employee of the bakery in the trap proceeding as at that time no employee was available in the shop.
24. Complainant/Manoj Kumar Agrawal (PW-2) in his evidence has not stated that the money which was given to him is a bribe money as demanded by the appellant and office of the ESIC has not issued any notice to him regarding the dues. From the above discussion, it is quite vivid that the testimony of the complainant as discussed above does not inspire confidence inasmuch as the prosecution could have placed the documents on record or sufficient material to demonstrate that there was really demand of Rs. 60,000/- of ESIC contribution and then only negotiation can be made for reducing the quantum of contribution. In fact the complainant itself has admitted that he has not received any



notice from the department for the demand of Rs. 60,000/- unless such foundation is led, the demand cannot be raised to reduce the same. So far as Ex. P/6 is concerned, the same is joining report of the appellant, Ex. P/7 is regarding information of withdrawal of benefit of amnesty scheme issued by Deputy Director. So far as Ex. P/8, P/9, P/10, P/11 are concerned, these are the alleged inspection report which do not bear signature of the appellant and even Alka Jawalkar (PW-2) has raised doubt over the availability of the documents by the prosecution. Similarly the prosecution has not taken assistance of expert to obtain opinion whether Ex. P/8 to P/13 have been written by the accused. So far as Ex. P/14 is concerned, it is a notice for inspection on 20.04.2001 asking complainant establishment to place on record the record which is statutory compliance under the Act, 1948. So far as Ex. P/15 is concerned, it is inspection report which does not bear any seal and signature of the appellant. Thus, the prosecution has failed to establish that a demand was made by the appellant to reduce the statutory assessment of ESIC contribution as the allegation pertains to specific statutory duty of assessing the ESIC contribution then it is necessary for the prosecution atleast to suggest *prima facie* material that there was some outstanding legally permissible dues under the Act, 1948 was payable by the complainant then only a demand to reduce the same can be made. Even the complainant in his evidence has stated that he has deposited the entire ESIC contribution then the appellant has asked him to show that documents then he has stated that the papers are given by one Mr. Yadav of this department and papers are lying with him then the appellant has asked him to show the documents but he has not stated that he has shown any documents to



demonstrate that he has deposited the ESIC contribution.

25. This clearly demonstrates that the complainant's story does not inspire much confidence regarding demand of money by the appellant. Thus, the learned trial Court has committed illegality in recording its finding that the demand has been proved by the prosecution beyond reasonable doubt and there is a seizure of tainted money, therefore, the offence under the Act, 1988 is made out, suffers from perversity and illegality.
26. Further submission of the State that the presumption under Section 20 of the Act, 1988 operates against the appellant, is not applicable to the facts of present case as from the analysis of the evidence, material on record, it is quite vivid that the element of animus between the appellant and the complainant, is not proved. In such circumstances, the presumption under Section 20 of the Act, 1988 would not militate against the appellant. Hon'ble the Supreme Court in case of **State of Lokayuktha Police, Devanagere Vs. C.B. Nagaraj [2025 SCC OnLine SC 1175]** in paragraph 21 has held as under:-

"21. As far as the submission of the State is that the presumption under Section 20 of the Act, as it then was, would operate against the Appellant is concerned, our analysis supra would indicate that the factum of demand, in the backdrop of an element of animus between the Appellant and complainant, is not proved. In such circumstances, the presumption under Section 20 of the Act would not militate against the Appellant, in terms of the pronouncement in *Om Parkash v. State of Haryana*, (2006) 2 SCC 250:

'22. In view of the aforementioned discrepancies in the prosecution case, we are of the opinion that the defence story set up by the appellant cannot be said to be wholly improbable. Furthermore, it is not a case where the burden of proof was on the accused in terms of Section 20 of the Act. Even otherwise, where demand has not been proved, Section 20 will also have no application. (*Union of India v. Purnandu Biswas* [(2005) 12 SCC 576: (2005) 8 Scale 246] and *T. Subramanian v. State of T.N.* [(2006) 1 SCC 401:



(2006) 1 Scale 116])' (emphasis supplied)'''

27. In view of the above analysis and elaboration of evidence, this Court has no hesitation in holding that the prosecution miserably failed to prove the factum of demand of bribe against the appellant by reliable, direct or circumstantial evidence. The record of the case further demonstrates that allegation regarding acceptance of bribe by the appellant is primarily based on the evidence of complainant (PW-6) and R.S. Pal (PW-1). From the extracted portion of the deposition of the complainant (supra), it is comprehensible that the complainant has nowhere stated that the money which was given to him is a bribe money as demanded by the appellant. Similarly R.S. Pal (PW-1) who was not present as the complainant has hinted him to leave the room of appellant's office when the complainant discussed with the appellant in his office. Thus, after thread bearing analysis and evaluation of the evidence available on record, it is quit vivid that the prosecution case is full of contradiction doubting, thus, it is not safe to convict the appellant for having demand and accepted the bribe money from the complainant, therefore, the appellant is entitled to get benefit of doubt as the prosecution is unable to prove its case beyond reasonable doubt by direct evidence as no tape recording proceeding was followed by the prosecution to prove regarding demand of bribe by the appellant as the complainant made his complaint on 16.10.2001 and on the next date i.e. 17.10.2001, the trap proceeding was initiated. Even there is no circumstantial evidence available on record as discussed above to demonstrate that there was demand of bribe by the appellant.
28. Accordingly, for the reasons aforestated, the instant appeal is allowed. The conviction and sentence awarded to the appellant is set aside



extending to him the benefit of doubt. He is acquitted from all the charges leveled against him granting benefit of doubt. The judgment of the trial Court is quashed.

29. The appellant is reported to be on bail. His bail bond shall continue for a further period of six months from today in view of Section 437-A of Cr.P.C. The fine amount deposited by the appellant is directed to be refund to him within two months from the date of receipt of copy of this order by the concerned trial Court.

Sd/-
(Narendra Kumar Vyas)
Judge