



2026:UHC:3405

Reserved on 15.04.2026

Delivered on 05.05.2026

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application NO.2399 of 2023

(Under Section 482 of the Cr.P.C.)

Ramesh Chandra TripathiApplicant

Versus

State Of Uttarakhand and AnotherRespondent

Presence:-

Mr. U.K. Uniyal, learned Senior Counsel assisted by Mr. Harshit Sanwal, learned counsel for the applicant.

Mr. Pratiroop Pandey, learned A.G.A. for the State.

Per: Hon'ble Mr. Alok Mahra, J.

Present application under Section 482 Cr.P.C. has been preferred seeking quashing of the entire proceedings of Special Sessions Trial No. 52 of 2023, titled State vs. Ramesh Chandra Tripathi, arising out of Case Crime No. 05 of 2023, under Section 7 of the Prevention of Corruption Act, 1988, Police Station Vigilance Establishment Sector, Nainital, Haldwani, presently pending before the Court of learned Special Judge (Prevention of Corruption Act)/2nd Additional Sessions Judge, Haldwani, District Nainital. The applicant has further prayed for quashing of the charge-sheet dated 19.10.2023, the cognizance/summoning order dated



03.11.2023, and all consequential proceedings arising therefrom.

2. Learned senior counsel for the applicant would submit that, as per the prosecution case, on 24.08.2023, a trap team constituted by the Vigilance Department proceeded from Haldwani and reached near Metropolis Mall, Rudrapur; that, the team allegedly divided into two groups; one consisting of the complainant, shadow witness Girja Shankar Pandey, and Inspector Manohar Singh Dasauni, who were tasked with overhearing the conversation and witnessing the alleged transaction, while the other team was to act upon receiving a pre-arranged signal. It is alleged that the complainant was provided with a voice recorder to capture the conversation.

3. It is further alleged that at about 16:35 hours, the applicant arrived in his vehicle, whereupon the complainant approached him and, upon opening the car door, the applicant allegedly demanded money, and the complainant handed over ₹1,00,000/- from his jeans pocket. Upon signal by the shadow witness, the trap team apprehended the applicant; that, due to an alleged commotion at the spot, the remaining proceedings were conducted at Cyber Police Station, SIDCUL. It is further alleged that the tainted currency notes were recovered



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from the shirt pocket of the applicant and, upon chemical testing with sodium carbonate solution, the solution turned pink. On the basis of these allegations, FIR No. 05 of 2023 was registered on 25.08.2023 under Section 7 of the Prevention of Corruption Act. It is further alleged that a search of the applicant's residence resulted in recovery of cash amounting to ₹25,17,350/- along with certain property documents.

4. Learned senior counsel would further submit that the applicant, who has been serving as District Panchayat Raj Officer, Udham Singh Nagar since 2005, has an unblemished service record spanning over 18 years. It is contended that the present proceedings are a result of false and motivated allegations engineered by the complainant, who was himself under scrutiny; that, the applicant had been entrusted with conducting an inquiry into allegations of misappropriation of public funds involving the complainant and a Village Development Officer, pursuant to complaints received on the Chief Minister's Portal and further directions dated 23.08.2023. It is submitted that the inquiry subsequently culminated in findings against the complainant and others, thereby providing a strong motive for false implication of the applicant. It is further submitted that the foundational



requirement for an offence under Section 7 of the Prevention of Corruption Act, namely, demand and acceptance of illegal gratification, is wholly absent in the present case. It is contended that no dues of the complainant were pending with the office of the applicant, and therefore, there was no occasion or motive for the applicant to demand any gratification. It is further submitted that the applicant, being the District Panchayat Raj Officer, had no statutory authority to release or withhold payments relating to Gram Sabha funds, which, as per Section 40 of the Uttarakhand Panchayat Raj Act, are to be operated jointly by the Pradhan and the Gram Panchayat Officer.

5. Learned senior counsel further contends that the applicant neither had any direct role nor any supervisory authority in the disbursement of the alleged dues, nor is there any allegation of conspiracy with the competent authority. In support, reliance has been placed on information obtained under the Right to Information Act indicating that no dues of the complainant were pending before the applicant's office. It is further argued that the alleged trap proceedings are vitiated by serious procedural irregularities; that, there is no independent witness to corroborate the demand of illegal gratification;



the conversation was not recorded as the voice recorder was allegedly not switched on; and the recovery proceedings were not conducted at the spot but at a different location, thereby casting serious doubt on their authenticity; that, the pocket of the shirt from which recovery is alleged was not seized nor subjected to chemical examination, which materially weakens the prosecution case. He has further submitted that the photocopies of the bill allegedly recovered from the office of the applicant pertain to Gram Panchayat 'Dhankot', Vikas Khand Khatima, District Udham Singh Nagar, which is stated to be a non-existent village. On this basis, it is contended that the applicant has falsely been implicated in the present case.

6. Learned senior counsel has further emphasized that despite the incident allegedly occurring at a public place equipped with CCTV surveillance, the investigating agency failed to collect or preserve such crucial electronic evidence, which could have provided an unbiased account of the incident; that, repeated representations made by the applicant for preservation and production of CCTV footage have not been acted upon. It is also contended that the charge-sheet has been filed in a mechanical and premature manner without completion of investigation as



the Forensic Science Laboratory reports relating to voice samples, audio recordings, and other material evidence were admittedly awaited at the time of filing of the charge-sheet. Further, the requisite sanction for prosecution under Section 19 of the Prevention of Corruption Act and compliance of Section 17A of the Act are alleged to be deficient, thereby vitiating the proceedings.

7. In support of the above submissions, reliance has been placed upon the judgment of the Hon'ble Supreme Court in Neeraj Dutta vs. State (NCT of Delhi), (2023) 4 SCC 731, wherein it has been held that proof of demand and acceptance of illegal gratification is a sine qua non for establishing an offence under the Prevention of Corruption Act. It is further submitted, relying upon Soundarajan vs. State, 2023 SCC OnLine SC 424, that mere recovery of currency notes, in the absence of proof of demand, is insufficient to sustain a conviction.

8. Per contra, learned State counsel would vehemently oppose the C-482 application and submitted that the applicant was apprehended in a trap proceeding while accepting illegal gratification, and the prosecution case is supported by ocular as well as documentary evidence, including statements of witnesses and scientific evidence. It is further submitted that the sanction for



prosecution has been duly obtained and that any alleged deficiencies in investigation or sanction are matters to be adjudicated during trial and not at the stage of quashing. It is further contended on behalf of the State that although the formal disbursement of funds may have been the responsibility of the Village Panchayat Development Officer, the applicant, being the head of the department, exercised supervisory control and influence over such disbursement, and therefore, the demand of illegal gratification cannot be ruled out at this stage.

9. To this, learned senior counsel for the applicant submits that the prosecution's case rests on conjectures and assumptions regarding "verbal influence" without any supporting material; that, in the absence of any legally recognizable authority or documented control over the disbursement process, the allegation of demand is essentially improbable and unsustainable in the eyes of law.

10. Heard learned counsel for the parties and perused the record.

11. Upon hearing both sides and examining the record, the Court finds that the following questions need to be decided:

- (i) Whether the basic requirements of an offence under Section 7 of the Prevention of



Corruption Act, 1988 are made out at this stage?

- (ii) Whether this Court should quash the proceedings by using its powers under Section 482 Cr.P.C.?

12. It is a settled legal position that to prove an offence under Section 7 of the P.C. Act, the prosecution must show that there was a demand and acceptance of illegal gratification/bribe. In this regard, reference may be made to the judgment of the Hon'ble Supreme Court in *Neeraj Dutta v. State (NCT of Delhi)*, (2023) 4 SCC 731, wherein it has been held that proof of demand and acceptance of illegal gratification is a sine qua non for establishing the offence, and such demand may be proved either by direct or circumstantial evidence. The relevant extract is reproduced hereinbelow:

“88.4 (d) *In order to prove the fact in issue, namely, the demand and acceptance of 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*



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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 would fall 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 payment made which is received by the public servant, would be an offence of obtainment under Section 13(1)(d) (i) and (ii) of the Act.”

13. In the present case, the prosecution alleges that a trap was laid on 24.08.2023, pursuant to which the applicant was apprehended while accepting a sum of ₹1,00,000/- from the complainant. The material collected during investigation includes recovery of tainted currency notes, their verification, and a positive phenolphthalein



test.

14. The contention of the applicant that there is no recorded conversation, owing to the recording device not being operational, and that there is no independent proof of demand, cannot be conclusively adjudicated at this stage. The statements of the shadow witness and members of the trap team prima facie indicate demand and acceptance; however, their evidentiary value and credibility can only be tested during trial. Likewise, the plea that the applicant lacked authority to release the payment involves disputed questions of fact. The prosecution asserts that the applicant, being a Senior Officer, exercised influence over subordinate officials and was in a position to facilitate the release of payment. The veracity of such assertion can only be determined upon appreciation of evidence during trial. The further plea of false implication on account of a pending enquiry against the complainant is also a matter of defence, which cannot be examined at this stage.

15. The objections regarding absence of CCTV footage, non-availability of the FSL report, and alleged procedural irregularities in the conduct of the trap proceedings relate to the evidentiary appreciation of the prosecution case. These aspects are to be considered



during trial and do not furnish a valid ground for quashing the proceedings at the threshold. Insofar as sanction is concerned, the record indicates that requisite approval has been granted by the competent authority prior to submission of the charge-sheet. The validity or adequacy of such sanction is also a matter to be examined during trial.

16. It is trite law that the inherent jurisdiction under Section 482 Cr.P.C. is to be exercised sparingly, with circumspection, and only in cases where no offence is made out on the face of the record or where continuation of proceedings would amount to an abuse of the process of law. In the present case, the allegations made in the F.I.R. and the material collected during investigation prima facie disclose the commission of an offence under Section 7 of the Prevention of Corruption Act. The defences raised by the applicant involve disputed questions of fact, which are not amenable to adjudication in proceedings under Section 482 Cr.P.C.

17. In view of the aforesaid discussion, this Court finds no ground to interfere in exercise of its inherent jurisdiction under Section 482 Cr.P.C. Accordingly, the present application is dismissed. It is, however, clarified that any observations made herein are confined to the



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disposal of the present application and shall not prejudice the trial on merits.

18. No order as to costs.

(ALOK MAHRA, J.)
06.05.2026

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