2026:AHC:132488

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2870 of 1985

Final AFR

Reserved On 06.04.2026

Delivered On 03.07.2026

Mahesh Chand

…..Appellant

Versus

State of U.P.

…..Respondent

Counsel for Appellant(s)	:	Aushim Luthra, P.N. Khare
Counsel for Respondent(s)	:	A.G.A.

Court No. - 88

HON'BLE SANJIV KUMAR, J.

1. This appeal has been filed, under Section 374(2) Code of Criminal Procedure, 1973, (in short Cr.P.C.), by appellant Mahesh Chand son of Phoola Ram, resident of village- Bavali, Police Station- Kuthau, District- Jalaun, against the judgment and order dated 09.10.1985 passed by Shri K.N. Ojha, Vth Additional Sessions Judge, Kanpur, in Special Trial No.10 of 1981, under Section 161 Indian Penal Code, 1860, (in short IPC) and Section 5(2) of Prevention of Corruption Act,1947.

2. By the impugned judgment and order, dated 09.10.1985, the learned trial court has convicted the appellant for offence punishable under Section 161 IPC and Section 5(2) of Prevention of Corruption Act, and sentenced him to undergo rigorous imprisonment for a period of one year on both counts. It was also directed that all the sentences shall run concurrently.

3. Brief facts of the prosecution case are that Virendra Singh, resident of Bisoha, Tehsil- Derapur, District- Kanpur had a litigation pending against Smt. Asha Devi of the same village. He was allotted Chak No.193 and Smt. Asha Devi was allotted Chak No.7 by the Consolidation Officer during consolidation proceedings. Its appeal was pending in the court of Settlement Officer (Consolidation) (in short SOC), Mr. Sirohi. The date for hearing was fixed as 31.03.1977. On that day, no work was done and the next date fixed was 05.04.1977. It was told to Virendra Singh that judgment will be pronounced on 05.04.1977. To know about the case, Virendra Singh started for Kanpur by the morning bus, on 01.4.1977, which was also boarded by Lekhpal Mahesh Chand and Kanoongo Chandra Sen. Both of them demanded Rs.400/-, as illegal gratification, and promised that the appeal preferred by Smt. Asha Devi for the change of *chak* from that of *chak* No.193, allotted to Virendra Singh, would be got dismissed. Both these accused and Virendra Singh stepped down from the bus at Chunniganj Bus Stand. Virendra Singh gave Rs.100/- to Chandra Sen, in the form of one currency note of Rs.50 and five notes of Rs.10 each. Thereafter, he came to his son Jai Vijai Singh's office at Maal Road, Kanpur and demanded Rs.300/- from him and told that it was to be given to Mr. Sirohi, through the accused. He also told that the money was to be given in the court and the accused would meet in the court of Mr. Sirohi Saheb. Upon this Jai Vijay Singh asked him to get such persons arrested by the Vigilance Department. He wrote down a letter (Ext.Ka.1) and alongwith his father met Mr. D.K. Panda, Superintendent of Police, Vigilance, Kanpur, in his office situated at Laxman Bagh. Mr. Panda made some queries from Jai Vijay Singh and noted down their answers. Three currency notes of Rs.100/- each were given by Jai Vijay Singh, thereafter, S.P. Vigilance passed an order on his application dated 01.07.1977 directing R.B. Tiwari, the Inspector Vigilance to take two officers, along with him and lay down a trap the same day. The questions and answers were also noted down at the back of application given by Jai Vijay Singh.

4. Thereafter, Virendra Singh and his son Jai Vijay Singh along with trap party, led by Inspector R.B. Tiwari, along with S.I. Surya Bhan Singh, two constables, one Sub-Inspector and S.I. M.R. Singh reached near Kaushik Park in Civil Courts, Kanpur. Public witness, Shyamlal and Onkar Singh were arranged. S.I. Kirat Singh put phenolphthalein powder on three currency notes of Rs.100/- each, (Exhibits 2, 3 and 4), respectively, given to him by Virendra Singh and then S.I. R.B. Tiwari, signed in the corner of these notes and circled it with red ink. After making other formalities and giving necessary precautions, these currency notes were given to Virendra Singh. Thereafter, constable Gaya Prasad and Virendra Singh, went to the court of Mr. Sirohi, SOC, to meet Lekhpal Mahesh Chand and Kanoongo Chandra Sen, the accused of the case. Witnesses Onkar Singh and Shyam Singh were present inside the court room, after a short while they came out of the court and went to the Chaurasiya Hotel.

5. According to the prosecution, when the money was offered by Virendra Singh to Chandra Sen, he did not take the money and asked Virendra Singh to give it to Mahesh Chand. The witnesses, the informant and others reached Chaurasiya Hotel and there they had a cup of tea. One Police Sub-Inspector was already sitting inside the Chaurasiya Hotel. When Virendra Singh asked the owner to provide tea, then Mahesh Chand asked Virendra Singh whether he had money with him and told that he was sent by Chandra Sen, Kanoongo. Virendra Singh handed over those three currency notes to Mahesh Chand who kept them in pocket of his pant and told that his *chak* would not be disturbed.

6. Inspector Suraj Bhan Singh came there, public witnesses Ram Chandra Mewalal was already sitting there having tea and upon gesture made by constable Gaya Prasad, S.I. R.B. Tiwari and others came inside the Chaurasiya Hotel and took personal search of Mahesh Chand and recovered three currency notes from his possession and a wrist watch was also recovered from his another pocket. Mahesh Chand was asked about the money to which he admitted that it was given by Virendra Singh. Chandra Sen was also called and from his personal search five

currency notes of Rs. 10 each (total Rs. 50/-) were recovered from his pocket. Kanoongo Chandra Sen's pant was also taken in custody. The recovery memo was prepared, upon recovery of notes, Mahesh Chand's hands was washed which turned into pink colour. The pant of Mahesh Chand which was taken into custody, was also sealed. The sample of water in which Mahesh Chand's hands were washed, was kept in bottles (Ext.5 and 6) and recovery memo (Ext. Ka.3), was prepared.

7. The investigation was conducted by S.I. R.B. Singh, under the orders of S.P. Vigilance, Kanpur. He recorded statements of witnesses reached at the place of occurrence and prepared the site-plan (Ext. Ka.8).

8. After his transfer, further investigation was carried out by S.I. Basdeo Sahai. Since accused Mahesh Chand was temporary in service so, he was removed from his service immediately, therefore, no sanction for his prosecution was taken from the District Magistrate. Kanoongo Chandra Sen was placed under suspension. Superintendent of Police, U.P. Vigilance Department, Kanpur, sent letter to the District Magistrate, on 16.06.1979, seeking sanction to prosecute Chandra Sen. Sanction (Ext. Ka-4) for prosecuting Chandra Sen was granted by the District Magistrate on 19.06.1979, under Section 6(1)(c) of the Prevention of Corruption Act. S.I. Basdev Sahai conducted further investigation and filed charge-sheet (Ext.Ka.6) against both the accused before the competent court.

9. The concerned court took cognizance of the offence and summoned the accused. The copies of relevant prosecution papers were furnished to them under Section 207 Cr.P.C., and thereafter, the case was committed to the court of Sessions for trial. The trial court summoned the accused and framed charge under Section 161 IPC and Section 5 (2) of Prevention of Corruption Act, against both the accused. They pleaded not guilty and claimed to be tried.

10. The prosecution examined six witnesses, to wit, P.W.1 Ram Bahadur Tiwari, (Inspector Vigilance Department); P.W. 2 Constable Gaya Prasad, (Vigilance Department); P.W.3 Mewa Lal; P.W.4 Jai Vijai

Singh, P.W. 5 Retired Inspector Basdeo Sahai, (Vigilance Department); and P.W. 6 Sub-Inspector Rabjeer Singh, Investigating Officer, to prove its case.

11. P.W.1 Inspector Ram Bahadur Tiwari, of Vigilance Department, Kanpur is the first informant of this case. He has led the police party, under the orders of Superintendent of Police, Vigilance Department, to lay a trap to capture the accused taking/ demanding illegal gratification. He has stated that he arranged three currency notes of Rs.100/- each and thereafter, making all necessary formalities and arranging public witnesses, apprehended accused, Mahesh Chand at the spot while he took three currency notes of Rs.100/- each, as illegal gratification from Virendra Singh. The accused Kunwar Sen was also caught and from his personal search Rs.50/- (five notes of Rs.10/- each) were recovered.

12. P.W.2 Gaya Prasad is the constable and was one of the members of the police team which trapped the accused taking illegal gratification. He has supported the prosecution case.

13. P.W.3 Mewalal is one of the public witness of the recovery of the alleged currency notes from accused which were taken by them for illegal gratification. He has also supported the prosecution case.

14. P.W.4 Jai Vijai singh, is son of Virendra Singh, for whose *chak* illegal gratification was taken by the accused and who was present at the time when the accused were trapped, while taking currency notes in the form of illegal gratification.

15. P.W.5, Retired Inspector Basdeo Singh, is the first Investigating Officer of the case. He had stated about the investigation carried out by him and has said that an application for grant of prosecution sanctionwas moved before the District Magistrate, who granted the prosecution sanction against Kanoongo Chandra Sen. As Lekhpal Mahesh Chand was dismissed from service, therefore, no sanction was required to prosecute him.

16. P.W. 6 Inspector Rajbeer Singh, is the second Investigation Officer of the case, he has carried further investigation from the stage left by the first I.O. and after completing the investigation, he filed charge-sheet against the accused.

17. The statement of accused were recorded under Section 313 Cr.P.C. The appellant, Mahesh Chand, denied the prosecution case and stated that under the drive of the Vigilance Department, he has been falsely implicated in this case. He has further stated that, Jai Vijai Singh lodged a false case so that his *chak* land remains at the same place and after consolidation proceedings his *chak* remained at the same place. He has said that no such case was pending before S.O.C. Kanpur, regarding which there is allegation that the accused demanded illegal gratification so that the case be decided in Virendra Singh's favour. In his written statement, Mahesh Chand has admitted that he was posted as a Lekhpal in the Consolidation Department at Tehsil- Derapur, District- Kanpur on 01.04.1977. He has also admitted that he went with Virendra Singh to have a cup of tea in Chaurasiya Hotel. He has denied that on 01.04.1977, he and co-accused Chandra Sen did go by bus and had conversation regarding payment of bribe, which took place between them and Virendra Singh. He has stated that in fact they had come by train to Kanpur and performed their respective work, in the office of Settlement Officer Consolidation (S.O.C.). He further stated that Virendra Singh came in his office and took him to Chaurasiya Hotel. He has stated that Ram Chandra and Mewalal, were not present there and that Sub-Inspector Tiwari has falsely implicated him in this case, at the instance of Jai Vijai Singh. He has also said that in fact Chandra Sen was called by Sub-Inspector Tiwari and upon his direction Chandra Sen handed over Rs.100/- and 90 paise. He has further stated that no proceeding with regard to the alleged recovery took place in Chaurasiya Hotel. They remained there for about a year and Tiwari took them outside and after calling the witnesses got their signature over the *fard baramadagi* in court. He has stated that Chak No.7 under Village- Bisoha, District- Derapur was carved in the name of Smt. Asha Devi and Chak No.193 in

the name of Virendra Singh. There was some dispute in this regard and Asha Devi has filed a case against Virendra Singh before S.O.C., that her Chak No.7 should be carved at the place of Chak No.193 of Virendra Singh. Virendra Singh has opposed it and after hearing appeal Mr. Siroha (SOC), passed verbal judgment against Virendra Singh on 31.03.1977. Virendra Singh came to his son Jai Vijai Singh, who was employed in Flex Company Maal Road, Kanpur and told him the entire facts, thereupon Jai Vijai Singh, hatched a plan to rope in the Lekhpal and the Consolidation Officer in a bribery case so that the concerned record of appeal would be confiscated and the decision could not be reduced in writing. For this purpose Jai Vijai Singh, gave a false application before S.P. Vigilance Department and the applicant has been falsely implicated in this case. The concerned record was also confiscated as a result the judgment could not be dictated or implemented. Later on in revision of Chak No.193 remained at the place with Virendra Singh, thus, Jai Vijai Singh succeeded in his plan.

18. The accused have not adduced any evidence in their defence.

19. The learned trial court after perusing the evidence on record, came to the conclusion that the prosecution has been able to prove its case beyond reasonable doubt against appellant Mahesh Chand. So far as co-accused Chandra Sen, the learned trial court observed that the prosecution failed to prove charge against him, accordingly, co-accused Chandra Sen was acquitted and the appellant Mahesh Chand was held guilty and convicted for offence punishable under Section 161 IPC and Section 5(2) of Prevention of Corruption Act, and was sentenced to the term as indicated above.

20. I have heard Shri Aushim Luthra, learned Counsel for the appellant and Shri Om Prakash Mishra, learned A.G.A on behalf of the State and perused the evidence on record.

21. It is submitted by learned Counsel for the appellant that there are major contradictions in the statement of prosecution witnesses which raise doubt over the prosecution case. It is also submitted that Virendra

Singh, the owner of the land, regarding whom case was pending before S.O.C., Kanpur and from whom bribe was allegedly demanded, has not been examined by the prosecution which raises serious doubt over the prosecution case.

22. It is further submitted that the alleged place of recovery, namely Chaurasiya Hotel, is a public place. It is difficult to believe that the accused would choose such a public place, for the purpose of accepting an illegal gratification. It is also submitted that no independent public witness has been examined by the prosecution to corroborate the alleged trap proceedings. In the absence of any such independent evidence, the trap proceedings and the entire prosecution case appears highly doubtful. Consequently, the prosecution has failed to establish its case beyond reasonable doubt, and the appellant is entitled to the benefit of doubt and deserves to be acquitted.

23. Learned A.G.A. on behalf of the State has submitted that prosecution has been able to prove its case beyond reasonable doubt. The testimony of the prosecution witnesses is consistent, reliable and trustworthy. There is no reason why the prosecution witnesses would depose falsely against the appellant, when some of them are public servant. It is further submitted that appellant demanded bribe regarding which S.P. Vigilance Department, Kanpur was informed, who after query ordered to lay trap and formed a police team, which carried out further proceedings and the appellant was caught red handed taking illegal gratification. There are public witnesses of the recovery, who have been examined by the prosecution. Therefore, this appeal has no force and is liable to be dismissed.

24. In a criminal case, the burden of proof lies upon the prosecution case to prove its case beyond reasonable doubt. In the present case, the allegation against the applicant is that he, while being posted as Lekhpal in Consolidation Department, alongwith Kanoongo Chandra Sen Saxena, had taken illegal gratification from Virendra Singh to save his *Chak* No.193 from being disturbed in consolidation proceedings and remains

with him and in this regard, he was caught red handed taking bribe of Rs.300/- from Virendra Singh after a complaint was made by Virendra Singh's son Jai Vijai Singh with the Superintendent of Police, Vigilance Department, Kanpur, who ordered to lay a trap and the concerned police party laid trap and caught him red handed taking bribe.

25. As per prosecution, the appellant was caught red handed at Chaurasiya Hotel in Civil Lines, Kanpur. In this regard, prosecution has examined P.W.1 Retired Inspector Ram Bahadur Tiwari, who led the police party to trap the appellant. He has stated that upon application of Jai Vijai Singh against Chandra Sen, Kanoongo and Mahesh Chand, Lekhpal of Consolidation Department, S.P. Vigilance, Mr. Panda, passed an order to lay the trap to apprehend them. He has proved concerned orders and documents and has said that he alongwith other police men gathered in the park alongwith public witness Shyam Singh and Onkar Singh. Jai Vijai Singh handed him over three currency notes of Rs.100/- each, which were to be give as bribe to the accused. Inspector Ram Kirat Singh sprinkled phenolphthalein powder over them and made his initials, not easily visible, and thereafter, these notes were handed over to Virendra Singh and Jai Vijai Singh after giving them necessary directions. Constable Gaya Prasad was directed to accompany them to hear the conversation with regard to illegal gratification. As per plan they collected around court premises and after a while Virendra Singh and accused Mahesh Chand, Lekhapal and Gaya Prasad came out and proceeded to Chaurasiya Hotel.

26. The witness has said that he himself sat at a nearby table having a cup of tea. Virendra Singh and Mahesh Chand kept on their conversation and thereafter, Virendra Singh handed over the three currency notes to Mahesh Chand, which he kept in his left pocket of trouser. Thereafter, they reached near them and upon search three notes of Rs.100/- each were recovered from the possession of Mahesh Chand. The serial numbers of the recovered notes were matched with the *fard baramadagi*, which was also got down having small initials. Mahesh Chand's hands were washed from sodium carbonate solution, as a result the solution

turned red in colour. The pocket was also dipped in solution which also turned red, thereafter, necessary formalities were made and *fard baramadagi* was prepared. The witness has been cross-examined at length, but nothing material has come in his statement which can raise any doubt over his testimony. His statement is consistent, reliable and trustworthy. There is no reason and also no evidence why he would depose falsely against the appellant. He has said that the trap party was present till the money was handed over to Mahesh Chand.

27. P.W. 2 Gaya Prasad, a Constable of the Vigilance Department, was one of the members of the trap party. He has also supported the prosecution case and stated that he accompanied Virendra Singh. He deposed that at the time money was handed over, the appellant Mahesh Chand said that give me the money and your *chak* would remain where it is presently located. He further stated that he had accompanied Virendra Singh to the SOC office. This witness has also been cross-examined at length but no material contradiction has come in his statement to raise any suspicion over his testimony. He has stated that they did not try to have any public witness from SOC office and he does not know that SOC was informed that any accused was arrested. He further stated that he was standing very close to Virendra Singh and that the conversation with regard to the bribe took place in SOC office and not in the court room. There were many persons present when appellant Mahesh Chand was arrested.

28. P.W.3, Mewa Lal, is one of the public witness, before whom the appellant, Mahesh Chand, was allegedly caught red-handed while accepting a bribe. He has supported the prosecution case and stated that on the date of incident at about 02:30 p.m. he and some other persons were having tea at Chaurasiya Hotel, near court premises. Mahesh Chand was also present there and he was having conversation with Virendra Singh, sitting on a bench. Mahesh Chand said that your *chak* would remain at the same place and for that, you have to pay Rs.300/-. Thereupon, Virendra Singh handed over him over three notes of Rs.100/- each, which Mahesh Chand kept in his trouser’s pocket, then

the Inspector took personal search of Mahesh Chand and recovered those three notes, given by Virendra Singh. They matched the numbers from the documents and then other formalities took place. The appellant's hands were washed in solution which turned red. His pant was also washed, which had also turned red and the Inspector collected sample in bottle and sealed them at the spot. Thereafter, other formalities took place and *fard baramadagi* was reduced into writing. He has also been cross-examined at length, but nothing material has come in his statement to raise any suspicion over his testimony. He has said that, he reached at the Chaurasiya Hotel. Virendra Singh and others came there. It took about 5-10 minutes for the conversation to be over, between Virendra Singh and Mahesh Chand and then Virendra Singh handed over money to Mahesh Chand and at once he was arrested. Therefore, his testimony is reliable and trustworthy and there is no reason and also no evidence why he would depose falsely against the appellant.

29. P.W. 4, Jai Vijai Singh, is the son of Virendra Singh from whom the accused allegedly demanded a bribe. He has also supported the prosecution case and stated that his father, Virendra Singh, came to him and asked for Rs.300/- and when he asked the reason then his father told that the accused had demanded a bribe. Thereupon, P.w. 4, Jai Vijai Singh, moved an application before S.P. Vigilance, Kanpur, to trap them and as per order of Mr. Panda, S.P. Vigilance, the police team was constituted and laid trap and apprehended Mahesh Chand red-handed. P.W. 4 further stated that he was present when the money was handed over by his father to the appellant, Mahesh Chand, and the entire proceeding took place before him. There are no material contradictions in his statement to reject his testimony or raise any doubt over his evidence. He has said that his father handed over three notes to Mahesh Chand, who kept in his pocket at about 02:45 p.m. Mahesh Chand asked his father give money. The witness has proved his application given to S.P. Vigilance, for taking action against the appellant and co-accused.

30. Therefore, all the above witnesses have supported and proved the prosecution case. There is no evidence that there was any enmity

between these witnesses and the appellant and there is no reason why they would depose falsely against him. It is submitted by learned Counsel for the appellant that Virendra Singh had not been examined, who is the person from whom the alleged demand of bribe was raised by the appellant, therefore, the prosecution case is not reliable. I do not agree with this submission, because it has come in the statement of P.W.4 Jai Vijai Singh, the son of Virendra Singh, that his father's mental condition is not stable and his treatment is going on as such, he is not in a position to depose before the court. P.W.4 has produced photo copy of the prescriptions of the treating doctor. In this regard, the witness has been cross-examined in which he has stated that he has not produced the cash memo of the medicine purchased and has stated that his father's treatment was going on in District- Gwalior from doctor Mrs. Mehrotra, the Superintendent of Mental Hospital, there. It has come in evidence that Jai Vijai Singh and his father are villagers and if under these circumstances, the further treatment of Virendra Singh has not taken place then it has no adverse effect over the case. Even, if for the sake of argument, it is accepted that Virendra Singh was deliberately withheld by the prosecution to depose before the court then it has no adverse effect over the prosecution case because the alleged taking of illegal gratification has taken place not only before Jai Vijai Singh, son of Virendra Singh, but also before the Inspector of Vigilance Department under whose leadership the raid party was formed by the Vigilance and also before the public witness who has been examined before the court. Therefore, the argument advanced on behalf of the appellant has no force.

31. It is submitted on behalf of appellant that there is no evidence that there was any litigation pending between the Virendra Singh and Smt. Asha Devi with regard to *chak* under Consolidation proceedings, therefore, the prosecution has no legs to stand. I do not agree with this submission because the appellant Virendra Singh in his written statement before the court, at the time of recording of his statement under Section 313 Cr.P.C., has admitted that the dispute between Virendra Singh and

Smt. Asha Devi was pending before SOC with regard to *chak* No.193 and Chak No.7 and in this regard, the appeal was fixed for hearing at the stage of argument before Mr. Sirohi, the S.O.C.

32. It is submitted by learned Counsel for the appellant that no public witness has been examined by the prosecution which has adverse effect over the prosecution case. I do not agree with this submission also because the appellant was trapped after the team of police officers was formed and public witnesses were collected. There are two public witness of the alleged recovery, beside Jai Vijai Singh and his father Virendra Singh, so if no other person, present at Chaurasiya Hotel was made a witness, then it would have no adverse effect over the prosecution case.

33. It is submitted by learned Counsel for the appellant that it was highly improbable that within a public view of such kind, the appellant would ask for and accept illegal gratification at Chaurasiya Hotel, so the prosecution story is highly doubtful. I do not agree with this submission also, because such kind of trap are laid in secrecy and the information is kept secret between the members of raiding party and the place is arranged in such a manner that the accused would not have any apprehension of his being caught red handed. Here it is relevant to mention that the appellant in his written statement, alongwith statement under Section 313 Cr.P.C., has admitted that he went to Chaurasiya hotel with Virendra Singh and he put his signature over *fard baramadgi*, though as per him, the signatures were taken in court. There is also no evidence on his behalf to prove it.

34. It is also submitted by learned Counsel for the appellant that he has been falsely implicated in this case as there was a drive against bribery going on in Vigilance Department, so under the pressure of Jai Vijai Singh, the appellant has been falsely implicated in this case. I do not agree with this submission, as there is no evidence that any such drive was going on in Vigilance Department and there is also no reason why the Superintendent of Police, Vigilance Department, the Inspector

and other police personnel of the raiding party as well as public witness would all be pressurized by Jai Vijay Singh and they would collude with him to falsely implicate the appellant in this case.

35. The appellant has admitted that Virendra Singh came in the office and took him to Chaurasiya Hotel to have a cup of tea, so he admits that he was present at the place of occurrence alongwith Virendra Singh. He also admits that the leader of raiding party, Inspector Mr. Tiwari, was also there but says that after keeping him there for about an hour, Inspector Tiwari took him outside and got signatures upon the *fard baramadagi*, in the court campus, and thus the appellant admits that *fard baramadagi* was prepared inside the court campus. The appellant also admits that Virendra Singh came to his son Jai Vijai Singh and told him the entire things on 01.04.1977. It is the statement of the appellant that Jai Vijai Singh hatched conspiracy to falsely rope him in a bribery case so that the concerned file would be confiscated and the judgment would not be dictated. The above stand of the appellant is not very convincing. There is no evidence that the concerned file was confiscated or Mr. Sirohi, the SOC had dictated oral judgment on 31.03.1977 and the judgment could not be reduced into writing. Therefore, the entire reason and motive assigned by the appellant against Jai Vijai Singh, regarding his false implication has no force.

36. In view of the above discussion, I come to the conclusion that the prosecution has been able to prove its case beyond reasonable doubt and it is proved that appellant Mahesh Chand, while being posted as Lekhpal in the Consolidation Department, demanded bribe from Virendra Singh to do undue favour to him in Consolidation proceedings and in this regard, Virendra Singh's son Jai Vijay Singh moved an application before S.P. Vigilance raising complaint, and thereupon S.P. Vigilance ordered to lay a trap forming a trap party lead by Inspector Tiwari, who as per plan reached at the Chaurasiya Hotel, where, the appellant Mahesh Chand was caught red handed taking bribe of Rs.300/- from Virendra Singh. Therefore, the appellant Mahesh Chand is guilty of

offence punishable under Section 161 I.P.C. and Section 5(2) Prevention of Corruption Act.

37. In view of the above, the prosecution has proved its case beyond reasonable doubt. So the Trial Court has appreciated the evidence on record correctly and reached at the right conclusion of guilt of the appellant. The appellant is rightly held guilty and covicted and sentenced under Section 161 I.P.C. and Section 5(2) Prevention of Corruption Act, by the learned trial court. Accordingly, this appeal has no force and is liable to be dismissed.

38. Thus, the present appeal lacks merit and is, accordingly, **dismissed**. The impugned judgment and order is **upheld** and the conviction and sentence of the Appellant Mahesh Chand is **affirmed**. Appellant Mahesh Chand is on bail. His personal bonds and bail bonds are cancelled and sureties are discharged. He is directed to surrender before the learned Trial Court within four weeks to undergo the remaining part of his sentence, failing which, the Trial Court is directed to adopt coercive measures for securing his presence.

39. Let a copy of this order be forwarded to the learned Trial Court concerned, alongwith trial court record for information and necessary compliance.

(Sanjiv Kumar,J.)

July 03, 2026
AdityaG

Digitally signed by :-
ADITYA GAUTAM
High Court of Judicature at Allahabad