



2026:DHC:8493



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of reserving Judgment: 3rd September, 2026

Date of Decision: 30th September, 2026

IN THE MATTER OF:

+ CRL.A. 1326/2014

OM PRAKASH CHOPRA

.....Appellant

Through: Mr. Arvinal Kumar Gupta, Senior Advocate with Mr. C. Prakash, Mr. Ramesh, Mr. Abhishek Rana, Mr. Ashish Singh, Mr. Ishan, Ms. Anushree Rawat & Mr. Abhiesumat Gupta, Advocates.

versus

STATE

.....Respondent

Through: Mr. Shoaib Haider, APP for the State with Inspector Bharat, PS Anti Corruption Branch.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

VIMAL KUMAR YADAV, J.

1. The present appeal challenges the judgment dated 22.08.2014 (hereinafter referred to as 'impugned judgment') passed by the learned Special Judge-07, PC Act Cases, Central District, Tis Hazari Courts, whereby the Appellant herein was held guilty and convicted for offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 (hereinafter referred to as 'PC Act'). Vide order on sentence dated 25.08.2014 (hereinafter referred to as



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‘impugned order’), the Appellant was sentenced to undergo Rigorous Imprisonment (‘RI’) for a period of two years and to pay a fine of Rs.5,000/- under Section 7 of the P.C Act and in default of payment of fine, to undergo Simple imprisonment for a period of three months. He was further sentenced to undergo RI for a period of two years and to pay a fine of Rs.5,000/- under Section 13(2) read with Section 13(1)(d) of the PC Act, and in default of payment of fine, to undergo Simple Imprisonment for a period of 3 months, with the substantive sentences directed to run concurrently.

2. The indispensable facts of the case are required to be looked into before delving further into the intricate aspects of the case. The Appellant was a public servant, serving as a Record Keeper/UDC in the office of the Sub-Registrar-II, Kashmere Gate, Delhi. The prosecution’s case, as has been put forth, emanates from the written complaint dated 25.04.2011 (Ex. PW-3/B) made by one Jagdish Prasad, the complainant herein. It was alleged in the written complaint that the Appellant, had demanded a sum of Rs.1,500/- from the complainant for supplying a certified copy of an old property record relating to the property bearing No.238, T-Extension, First Floor, Vishwas Park, Uttam Nagar, Delhi. The complainant, affronted and feeling wronged by the unofficial or unauthorized demand, approached the Anti-Corruption Branch. The written complaint (Ex.PW-3/B) given by him resulted into, pre-raid proceedings conducted by the Anti- Corruption Branch in preparation of a Raid. Three Government Currency (‘GC’) Notes of Rs.500/- each were produced, their serial numbers were recorded and phenolphthalein powder was applied to them. The Panch witness Vinay Saxena (PW-5) was associated with the proceedings and was instructed to remain with the complainant and observe the transaction. The raiding party,



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thereafter, proceeded towards the office of the Sub-Registrar at Kashmere Gate.

3. It is the prosecution's case that after the complainant and panch witness Vinay Saxena (PW-5) had entered the office and the money exchanged hands, the pre-arranged signal was given prompting the raiding team to enter the premises to execute the raid. The three tainted Government Currency ('GC') notes were allegedly recovered from the possession of the Appellant and their serial numbers tallied with those recorded during the pre-raid proceedings. The right-hand wash of the Appellant was, thereafter, taken in sodium carbonate solution, which turned pink. The relevant wash was sealed and sent to the Forensic Science Laboratory. Additionally, the prosecution's case further rests upon the post-raid proceedings, seizure of the currency notes and the subsequent investigation.

4. The requisites of investigation were thereafter carried out and charge-sheet was filed. The prosecution examined eleven witnesses. The complainant Jagdish Prasad, who was already at that time, an elderly man of about 75 years of age, had unfortunately expired before he could be examined in the trial. The prosecution, therefore, was deprived of his substantive testimony regarding the alleged demand. The Appellant's statement under Section 313 Cr.P.C. was taken on record wherein he denied the incriminating circumstances put to him, stated that he was being falsely implicated. The defence also examined DW-1, Shri Mokhtar Mahto, Record Keeper, Office of Sub-Registrar-II, Kashmere Gate, Delhi, in support of the claim made by the Appellant.

5. The impugned judgment came under challenge by the Appellant primarily and solely on the ground that the prosecution has failed to



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establish the foundational requirement of demand of illegal gratification. It has been submitted by the learned Senior Counsel for the Appellant that the complainant, being the sole author of the complaint and the person to whom the alleged demand was made, had died before entering the witness box, therefore, the contents of the written complaint Ex. PW-3/B cannot be treated as substantive proof of the truth of the allegations of demand because the same has been merely exhibited but its execution cannot be proved.

6. It has further been submitted by the learned Senior Counsel for the Appellant that Vinay Saxena (PW-5), who was associated as the panch witness, turned hostile and has not been able to support the prosecution's case on material aspects more particularly on demand of illegal gratification. Learned Senior Counsel for the appellant pointed out specific parts in PW-5's deposition, wherein it was stated that during the raid, the complainant directly went inside the office of the Appellant and, that he (PW-5) remained at a distance of about ten steps, that there were three-four tables inside the office between him and complainant and the Appellant. Though, the Appellant and the complainant had a conversation but he could not hear the same. Learned Sr. Counsel for the appellant laid special emphasis on the portion of PW-5's cross-examination wherein he has categorically stated that he could not say whether the Appellant had demanded any bribe from the complainant. The relevant portion of PW-5's cross-examination is reproduced herein below for reference:

"The accused and the complainant had conversation with each other but I could not hear the same as I was standing at a distance of about 10 steps. There were 3-4 tables inside the office of the accused"



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7. It has been argued by the learned Senior Counsel for the Appellant that PW-5 had joined the proceedings of Anti-Corruption Branch on at least 15-16 occasions, therefore, his evidence is required to be examined with greater care. Especially owing to the fact that he was already familiar with the working of the department and therefore could not be treated as an independent witness.

8. It has also been submitted that several material documents which could have otherwise corroborated the very basis of the alleged demand *vis-à-vis* the prosecution's case, were not collected during investigation. The alleged agreement to sell towards which the complainant had paid a sum of 1 lakh, the receipt/application relating to the certified copy and the relevant Register of the Sub-Registrar were not seized and the alleged seller of the property was neither cited nor examined as a prosecution witness.

9. However, these are not very relevant for the case in hand. In any case, any lapse on the part of the investigating agency cannot be attributed to the complainant, nor the case can be thrown out merely on this issue.

10. Learned Senior Counsel for the Appellant has further drawn attention to the admissions of Inspector Naresh Kumar (PW-11), the Raid Officer, in cross-examination, wherein he has stated that he had not seen the documents relating to the property referred to in the complaint, nor had seen the receipt of the application for the certified copy, nor confirmed the position from the seller, or inquired into the procedure for applying for the certified copy from the office of the Sub-Registrar and had not seized the relevant Register. Further submitting that PW-11 had also admitted that he had not tried to verify the alleged demand of bribe through telephone. Relevant portion of PW-11's cross-examination is reproduced herein below for ready reference:



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“I had not seen any document relating to property purchased by him as mentioned in the complaint. The complainant told me that he had applied for certified copy on 13.4.2011. I had not seen the receipt of the application for the certified copy as applied by the complainant. I had not asked from the complainant as to when he was going to complete the sale transaction relating to the said property. I do not know if the certified copy was applied on 19.4.2011.”

11. It has also been argued by the learned Sr. Counsel for the Appellant that the discrepancy regarding the date on which the certified copy was allegedly applied for is not a mere clerical or inconsequential discrepancy, but assumes considerable significance when examined in the backdrop of the overall evidentiary position. It has been pointed out that while the complaint dated 25.04.2011 (Ex. PW-3/B) proceeds on the basis that the certified copy had been applied for on 13.04.2011, however, the record relied upon by the prosecution reflects the date of such application as 19.04.2011. According to the learned Senior Counsel for the appellant a discrepancy such as this leaves a gaping hole in the prosecution's case through which doubt and suspicion about the credibility of the case seeps in. Consequently, any uncertainty regarding the very date on which the request for the certified copy was made has a direct bearing upon the sequence of events culminating in the alleged demand and trap. It has further been contended that this discrepancy assumes greater significance because the complainant, who was the author of the complaint and the person who could have explained whether the reference to 13.04.2011 was a mistake or whether there were, in fact, two separate interactions or applications, unfortunately could not be examined during trial therefore, this creates a more than reasonable doubt qua the prosecution's case. The complainant, unfortunately left this mortal world before he could depose.



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12. The learned Senior Counsel for the Appellant has on this very aspect submitted that discrepancies in the prosecution's evidence, when read cumulatively with the discrepancy in dates, render a large and material part of the prosecution's case doubtful and, breaks the chain of circumstances sought to be relied upon to establish the alleged demand.

13. It has lastly been submitted that the learned Trial Court proceeded to invoke the presumption under Section 20 of the P.C. Act without first recording a clear and independent finding regarding proof of demand. In order to hammer in and strengthen his case, learned Senior Counsel for the Appellant has placed reliance on the following judgments:

- a. ***P. Satyanarayana Murthy v. District Inspector of Police, State of Andhra Pradesh and another***, (2015) 10 SCC 152.
- b. ***A. Subair v. State of Kerala***, (2009) 6 SCC 587.
- c. ***Krishan Chander v. State of Delhi***, (2016) 3 SCC 108.
- d. ***Prem Raj Meena v. Central Bureau of Investigation***, 2011 SCC OnLine Del 909.
- e. ***Somashekhappa v. Karnataka Lokayukta***, 2013 SCC OnLine Kar 1305.

14. Per contra, learned APP has contested the appeal and has raised arguments in support of the conviction and sentence vide the impugned judgment and the impugned order. It has been submitted by the learned APP that the written complaint itself has been corroborated by several material witnesses, the pre-raid proceedings were duly conducted, the tainted currency notes were recovered from the Appellant immediately after the signal, their serial numbers tallied with those recorded before the raid and



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the hand-wash of the Appellant tested positive. It has been submitted by the learned APP that despite the fact that the complainant himself could not be examined as a prosecution witness, and all that remains, in somewhat of a disproportionate substitution of sorts, is the written complaint, even so, the surrounding circumstances when taken cumulatively, establish the essential ingredients for conviction under sections 7 and 13 of the PC Act i.e. demand, acceptance and recovery of illegal gratification.

15. It has further been submitted by the learned APP that as per settled law, merely because of the fact that the panch witness Vinay Saxena (PW-5) was declared hostile, his entire testimony does not stand effaced and that the portions of his deposition which support the prosecution can be relied upon. It has been submitted by the learned APP that at the very outset of the entire case, the written complaint Ex. PW-3/B and its authenticity was vouched for by the panch witness (PW-5). It has also been argued by the learned APP that PW-5 had admitted to material circumstances relating to the demand in his deposition before the learned Trial Court that the Appellant had demanded and accepted illegal gratification. It is therefore urged that the testimony of the Raid Officer, read with the recovery proceedings and scientific evidence, sufficiently corroborates the prosecution case.

16. The State has also contended that the discrepancies relied upon by the Appellant are minor and do not go to the root of the matter. The failure of the Investigating Officer namely Inspector B.K. Singh (PW-10) to seize every document relating to the property transaction, according to the learned APP, does not render the trap proceedings or recovery unreliable. It has been submitted that once demand and acceptance of illegal gratification is established, the statutory presumption under Section 20 of the PC Act



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operates against the Appellant and that mere denial in the statement under Section 313 Cr.P.C. is insufficient to rebut the same.

17. Having considered the rival submissions and on perusal of the record, the question which arises for consideration is whether the prosecution has succeeded in establishing, beyond reasonable doubt, the foundational facts necessary to sustain conviction under Sections 7 and 13(1)(d) of the PC Act, particularly with respect to the demand of illegal gratification.

18. The law is settled and the jurisprudence on the subject has been extensively discussed and propounded, that the requirement of proof of demand and acceptance of illegal gratification is a vital component of the offences with which the Appellant has been charged. And as it stands, criminal proceedings require that the prosecution has to establish the foundational facts beyond reasonable doubt. Additionally, it is in such proceedings like the one in hand, where this court once again takes note of and is aware that the presumption that an accused in such cases has, in fact, been recipient of illegal gratification (as contemplated under Section 20 of the PC Act) does not arise in a vacuum or in absence of proof of demand and cannot be employed to supply the very foundational fact which the prosecution is required to prove.

19. Moving on to the main issue that is to be decided in the present case, the Constitution Bench in **Neeraj Dutta v. State (Govt. of NCT of Delhi)**, (2023) 4 SCC 731, has clarified that demand and acceptance are facts in issue and that even where direct evidence of the complainant is unavailable or in absence of the same, such facts may be established by circumstantial evidence. The absence of the complainant, therefore, is not by itself fatal to the prosecution. At the same time, the circumstances relied upon must form a cogent and reliable chain from which the fact of demand can be



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established beyond reasonable doubt. In the present case, the complainant Jagdish Prasad was the person to whom the alleged demand of Rs.1,500/- was made. He unfortunately expired before his evidence could be recorded. His written complaint Ex. PW-3/B, therefore, is the only evidence available on record which establishes or gives somewhat of a first-hand account of the fact that such an allegation was made before the Anti-Corruption Branch. However, while the central allegation may be established through the written complaint, it cannot be pushed beyond its limitations by treating it as evidence deposited before court, especially in substitution of the complainant himself. In the absence of the actual author of the allegation vide the written complaint Ex. PW-3/B, it cannot be conclusively held or presumed that the truth of its contents stand proven and as the complainant himself was unavailable and the contents of the written complaint itself could not be subjected to cross-examination.

20. The fact that the complaint was made contemporaneously and that the pre-raid proceedings followed thereupon undoubtedly lends assurance to the prosecution case as regards the genesis of the proceedings. However, the making of a complaint and the truth of the allegation contained therein are two distinct matters. In the absence of the complainant's substantive testimony, there is a greater requirement to examine whether the remaining evidence cumulatively establishes the factum of demand which appears to be the only missing link qua the prosecution's case.

21. On this aspect, the testimony of the panch witness (PW-5) assumes considerable importance. While acting as a panch witness, PW-5 was instructed and expected to observe what all transpired between the complainant and the Appellant while maintaining a close proximity, in order to be at a safe enough distance to at least provide some ocular evidence or



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first-hand evidence. However, he has stated that he was standing at a distance of about ten steps, that there were three-four tables inside the office and he saw that the complainant and the Appellant had a conversation but, he could not hear the same. He further stated that he could not say whether the Appellant had demanded any bribe from the complainant. The aforesaid testimony cannot be brushed aside as a discrepancy relating to a peripheral or irrelevant aspect. If PW-5 himself has stated that he was unable to hear the conversation and could not say whether any demand was made, his evidence does not furnish direct proof of the demand.

22. It is true that PW-5, when cross-examined by the prosecution, admitted that he had earlier stated before the police that the Appellant had demanded and accepted Rs.1,500/- and that the money was recovered from the Appellant. Such admissions may certainly be taken into consideration while assessing his credibility and the evidentiary worth of his deposition. However, the distinction must be made in the aspect of how his testimony can be considered. With the unfortunate demise of the complainant, the only other evidence that can be looked into to find corroboration to the prosecution's case is the testimony of the panch witness. While his testimony alone may not be enough to completely shift the weight of the case, it does play a substantive role in the ultimate outcome of the case. However, the inability to derive credible or substantive evidence from his testimony which may directly or in-directly supplement the factum of demand may prove detrimental for the prosecution's case.

23. The position, therefore, which emerges is that PW-5 supports the prosecution substantially on the aspect of the pre-raid proceedings and recovery, but his evidence does not provide a clear and reliable account of



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the conversation between the complainant and the Appellant, which is said to have contained the demand.

24. The Raid Officer Inspector Om Prakash (PW-11), has deposed about the complaint, preparation of the pre-raid proceedings, treatment of the currency notes, deployment of the panch witness, receipt of the signal and subsequent recovery. His evidence, insofar as the mechanism of the trap and recovery are concerned, substantially supports the prosecution. However, he was not a witness to the conversation between the complainant and the Appellant. His testimony, therefore, cannot be regarded as direct evidence of the demand allegedly made by the Appellant to the complainant.

25. On the issue of recovery, the prosecution case stands on a materially stronger footing. Three currency notes of Rs.500/- each were produced before the Raid Officer and their serial numbers were recorded. The notes were treated with phenolphthalein powder. After the signal was given, the same notes were allegedly recovered from the Appellant and the serial numbers were found to tally with those recorded in the pre-raid proceedings. The panch witness Vinay Saxena (PW-5) also supports the recovery to this extent.

26. The scientific evidence further lends corroboration to the fact that the Appellant had handled the treated currency. The right-hand wash turned pink and the FSL report confirmed the presence of phenolphthalein and sodium carbonate in the relevant exhibit. The evidence of PW-7 and PW-8 also establishes the movement of the sealed exhibit to and from the FSL. Thus, the factum of recovery of the identified currency notes from the Appellant and his contact with the treated notes cannot be lightly brushed aside. The said evidence constitutes a strong incriminating circumstance against the Appellant in relation to possession and handling of the currency.



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However, recovery and chemical evidence have to be kept conceptually distinct from the proof of demand. The positive hand-wash establishes contact with the treated currency; it does not, by itself, establish the purpose for which the currency came into the Appellant's possession. Likewise, recovery of the very Government Currency notes used in the trap is strong evidence of receipt or possession, but it cannot, by itself, prove that such receipt was pursuant to a demand for illegal gratification.

27. Even after keeping the lack of the complainant's testimony aside, the surrounding circumstances in the present case certainly create a very strong suspicion that a transaction involving the treated currency took place between the complainant and the Appellant. However, it is required under the law governing the matter, to determine whether the circumstances go further and establish, beyond reasonable doubt, that the transaction was preceded by a demand of illegal gratification. The investigation assumes significance on this aspect. The Raid officer (PW-11) admitted that he had not seen the documents relating to the property which formed the basis of the complaint, had not seen the receipt or application for the certified copy, had not confirmed the position from the seller, had not inquired into the procedure for obtaining the certified copy from the concerned officials and had not seized the relevant register. He further admitted that he had not attempted to verify the alleged demand through telephone.

28. These omissions, individually, may not be sufficient to discard an otherwise cogent prosecution case. An investigation cannot be expected to be perfect in every respect. However, in the facts of the present case, where the complainant is unavailable and the panch witness does not claim to have heard the demand, the failure to collect the very documents which could have corroborated the underlying transaction assumes greater significance.



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29. The discrepancy regarding the date of the application for the certified copy also requires consideration. The record contains reference to the date as 13.04.2011, whereas the documentary material relied upon by the Defence reflects 19.04.2011. By itself, such discrepancy may not be decisive. Nevertheless, in the absence of the complainant and in conjunction with the failure to seize the relevant Application and Register, it adds to the uncertainty surrounding the factual foundation of the alleged demand. The learned Trial Court has relied upon the fact that the complaint was duly exhibited and that its execution was proved through the witnesses associated with the proceedings. However, such proof establishes that the complaint was made by Jagdish Prasad and bears his signatures. It does not, in the absence of his substantive testimony, automatically establish the truth of the allegation of demand contained therein. The testimony of PW-5 also cannot be assessed by simply designating him as a hostile witness and then selecting only the portions favourable to the prosecution without examining the nature of those portions. It is settled law that testimony of a hostile witness is not effaced from the record and may be relied upon to the extent found credible and corroborated. At the same time, the earlier version of the witness cannot be treated as substantive proof of a fact merely because the witness admits that such version was given to the police.

30. In the present case, PW-5's evidence can be relied upon to establish his participation in the pre-raid proceedings and, to a substantial extent, the recovery proceedings. His testimony, however, does not establish that he heard the Appellant demand Rs.1,500/- from the complainant. On the contrary, his final position before the Court is that he could not hear the conversation and could not say whether any demand was made. The fact that PW-5 had participated in Anti-Corruption Branch proceedings on several



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earlier occasions does not, by itself, render him an unreliable witness. There is no rule that a panch witness becomes disqualified from giving evidence merely because he has previously joined similar proceedings.

31. On the aspect of statutory presumption under Section 20 of the PC Act, the proper sequence has to be maintained. The prosecution must first establish the foundational facts of demand and acceptance. The presumption cannot be used to prove the very fact of demand which remains to be established. In other words, recovery may be a circumstance supporting acceptance, but the presumption cannot be invoked at a stage where demand itself has not been proved beyond reasonable doubt.

32. In the present case, while the evidence regarding recovery and handling of the tainted currency is substantial, the Court is unable to hold with the same degree of certainty that the alleged demand of illegal gratification has been proved. The surviving evidence does not bridge the gap created by the death of the complainant. PW-5 does not claim to have heard the demand, and PW-11 was not present during the conversation.

33. This Court is also conscious of the fact the underlying property transaction and the application for the certified copy were not independently verified to the extent they could have been. The relevant Register was not seized, the alleged seller was not examined and the application relied upon by the complainant was not produced. These circumstances, though not individually fatal, assume significance when viewed against the existing deficiency in direct evidence of demand.

34. The prosecution has, therefore, been able to establish that the Appellant was found in possession of the very currency notes which had been produced for the trap and that the chemical test supported his contact with the treated currency notes. However, the prosecution has failed to



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establish with the requisite degree of certainty that such possession was the consequence of a demand for illegal gratification made by the Appellant. It is in this context that the decision in **P. Satyanarayana Murthy v. State of A.P.**, (2015) 10 SCC 152 assumes significance wherein the Hon'ble Supreme Court has made it clear that mere recovery of tainted money, even when supported by chemical evidence, cannot substitute the proof of demand. Likewise, numerous authorities have time and time again established that demand of illegal gratification is a foundational requirement which has to be proved like any other essential and indispensable fact. The present case falls short on that essential aspect. The relevant portion of **P. Satyanarayana Murthy's** case (supra) has been reproduced hereunder:

“22. In a recent enunciation by this Court to discern the imperative prerequisites of Sections 7 and 13 of the Act, it has been underlined in B. Jayaraj [B. Jayaraj v. State of A.P., (2014) 13 SCC 55 : (2014) 5 SCC (Cri) 543] in unequivocal terms, that mere possession and recovery of currency notes from an accused without proof of demand would not establish an offence under Section 7 as well as Sections 13(1)(d)(i) and (ii) of the Act. It has been propounded that in the absence of any proof of demand for illegal gratification, the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing or pecuniary advantage cannot be held to be proved. The proof of demand, thus, has been held to be an indispensable essentiality and of permeating mandate for an offence under Sections 7 and 13 of the Act. Qua Section 20 of the Act, which permits a presumption as envisaged therein, it has been held that while it is extendable only to an offence under Section 7 and not to those under Sections 13(1)(d)(i) and (ii) of the Act, it is contingent as well on the proof of acceptance of illegal gratification for doing or forbearing to do any official act. Such proof of acceptance of illegal gratification, it was emphasised, could follow only if there was proof of demand. Axiomatically, it was held that in absence of proof of demand, such legal presumption under Section 20 of the Act would also not arise.



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23. The proof of demand of illegal gratification, thus, is the gravamen of the offence under Sections 7 and 13(1)(d)(i) and (ii) of the Act and in absence thereof, unmistakably the charge therefore, would fail. Mere acceptance of any amount allegedly by way of illegal gratification or recovery thereof, de hors the proof of demand, ipso facto, would thus not be sufficient to bring home the charge under these two sections of the Act. As a corollary, failure of the prosecution to prove the demand for illegal gratification would be fatal and mere recovery of the amount from the person accused of the offence under Section 7 or 13 of the Act would not entail his conviction thereunder.”

35. The learned APP has contended that the circumstances, taken cumulatively, sufficiently establish demand and acceptance. This Court has no hesitation in accepting that the circumstances strongly support the prosecution on the aspect of receipt and handling of money. The difficulty, however, remains that the inference of demand is being sought to be drawn principally from the fact of recovery and from the complaint made by a person who was not available for cross-examination, whereas the panch witness is the only person who could have furnished direct corroboration but he has not supported the demand in his final testimony.

36. This Court is not oblivious of the seriousness of corruption allegations and the difficulties which arise when a complainant dies before trial. Nevertheless, the standard of proof does not stand diluted by the nature of the offence. Suspicion, however grave, cannot take the place of proof. The prosecution has to establish the essential ingredients of the offence beyond reasonable doubt. In the totality of the facts and circumstances, the evidence on record does establish a substantial part of the trap proceedings and recovery, but the crucial link of demand of illegal gratification remains insufficiently proved. The failure to establish that foundational fact is fatal to the prosecution case under Sections 7 and 13(1)(d) of the P.C. Act.



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37. In view of the aforesaid discussion, it would be unsafe to sustain the conviction of the Appellant on the evidence available on record. The Appellant is consequently entitled to the benefit of doubt.

38. Accordingly, the appeal is allowed. The impugned judgment dated 22.08.2014 and the order on sentence dated 25.08.2014 are set aside. The Appellant, Om Prakash Chopra, is acquitted of the offences punishable under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.

39. Bail bond(s), if any, stands discharged. The fine, if deposited, shall be dealt with in accordance with law.

40. Appeal along with pending application(s), if any, stand disposed of accordingly.

41. Copy of the judgment be transmitted to the learned Trial Court and Prison Authorities for information and requisite compliance.

VIMAL KUMAR YADAV, J

SEPTEMBER 30, 2026/ij