



2026:DHC:1319



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

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Judgment Reserved on: 11.02.2026

Judgment pronounced on: 17.02.2026

+ **CRL.A. 672/2003**

V.K.GUPTA

.....Appellant

Through: Mr. Lovkesh Sawhney, Senior Advocate
with Mr. Hari Kishan, Mr. Rohit Kumar
and Mr. Kartik Dhingra, Advocates.

versus

STATE (C.B.I.)

.....Respondent

Through: Mr. Atul Guleria, SPP with Mr. Aryan
Rakesh and Ms. Atreyi Chattrjee,
Advocates.
SI Vivek Chahar, PS – Lodhi Colony.

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. In this appeal filed under Section 374 of the Code of Criminal Procedure, 1973 (the Cr.P.C), the sole accused in CC No. 101/1998 on the file of the Special Judge, Tis Hazari Court, Delhi, assails the judgment dated 12.09.2003 and order on sentence dated 16.09.2003 as per which he has been convicted and sentenced for



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the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 (the PC Act).

2. The prosecution case is that the accused while posted as Inspector at the Delhi Vidyut Board (DVB), Green Park office demanded an illegal gratification of ₹5,000/- from PW4 on 10.06.1998 to be paid on 11.06.1998 for expediting the inspection report which was pending with the accused in relation to electricity connection applied by PW4's father for his residence. As per the chargesheet/ final report dated 10.06.1998, the accused was alleged to have committed the offences punishable under Section 7 and Section 13(1)(d) read with Section 13(2) of the PC Act.

3. On 10.06.1998 PW4 lodged a complaint, i.e., Exhibit PW4/A with the Anti-Corruption Branch, CBI, Delhi, based on which crime, RC No. 32(A)/98-CBI/ACB/DLI, i.e., Exhibit PW7/B was registered alleging commission of offences punishable under Sections 7 of the PC Act.



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4. PW7 conducted investigation into the crime and on completion of the same, submitted the charge-sheet/ final report dated 10.06.1998 alleging commission of offences punishable under the aforementioned sections.

5. Exhibit PW2/A sanction order dated 26.08.1998 for prosecuting the accused was accorded by PW2, the then Additional General Manager (Administration), DVB.

6. When the accused on receipt of summons appeared before the trial court, the Court on 15.11.1999, framed a Charge against the accused for the offences punishable Section 7 and Section 13(1)(d) read with Section 13(2) of the PC Act which was read over and explained to the accused which he pleaded not guilty and claimed trial.

7. On behalf of the prosecution, PWs 1 to 9 were examined and Exhibits PW1/A, PW2/A, PW4/A-E, PW5/A, PW/6A-D, PW6/DC, PW7/A-B, PW8/A1-A6 in support of the case.



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8. After the closure of the prosecution evidence, the accused was questioned under Section 313(1)(b) of the Cr.P.C. regarding the incriminating circumstances appearing against him in the evidence of the prosecution. The accused denied all those circumstances and maintained his innocence. It was stated by the accused that he had been falsely implicated in the present case.

9. No oral or documentary evidence was adduced by the accused.

10. On consideration of the oral and documentary evidence on record and after hearing both sides, the trial court, *vide* the impugned judgment dated 12.09.2003, held the accused guilty of offence punishable under Section 7 of the PC Act and accordingly *vide* order on sentence dated 16.09.2003, sentenced him to undergo rigorous imprisonment for a period of 1 year along with fine of ₹2,000/- and in default of payment of fine, to rigorous imprisonment for a period of 3 months. The accused has been acquitted of the offence punishable under Section 13(1)(d) read



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with Section 13 of the PC Act. Aggrieved, the accused has preferred the present appeal.

11. The learned senior counsel appearing for the appellant/accused submitted that the conviction entered into by the trial court is contrary to law and the materials placed on record. Despite PW1 and the other material witnesses examined in the case failing to identify the accused, the trial Court erroneously proceeded to convict the accused. Hence, the judgment is liable to be set aside.

12. *Per contra*, it is submitted by the learned Additional Public Prosecutor, there is no infirmity in the impugned judgment calling for an interference by this Court.

13. Heard both sides and perused the records.

14. The only point that arises for consideration in the present appeal is whether there is any infirmity in the impugned judgment calling for an interference by this Court.



15. The initial demand in this case is alleged to have been made on 10.06.1998 and the trap was laid on 11.06.1998. In Exhibit PW4/A complaint dated 10.06.1998 PW4 has stated thus –

“ ... my father had applied for an electric domestic connection for house no. 33 Hauz Khaz Village in November 1997. The finalisation of the electric connection is pending with Sh. V.K Gupta Inspector (DVB) Delhi Vidyut Board having office at Green Park. In connection with the above said matter I contacted Sh. V.K Gupta in his office on 10.06.1998 requested to expedite the site report pending with him (Sh. V.K Gupta). On this Sh. V.K Gupta demanded an amount of Rs. 5,000/- as bribe and directed me to pay the amount on 11.06.1998 at his office in forenoon session. I have been able to arrange only 3000/-. I do not want to pay the bribe to Sh. V.K Gupta. I request you to take necessary action against Sh. V.K Gupta.”

(Emphasis supplied)

16. PW4 when examined before the Court failed to identify the accused. He deposed that in June 1998, his father had applied for domestic electric connection. Based on the application, the officials of DVB, were required to inspect the premises. However, they did not inspect the site, but made a report that at the time



of their visit, the premises, was found locked. On 10.06.1998, he went to the office of DVB, situated at Green Park, Delhi and met one Gupta, Inspector, DVB to find out the fate of the application. When PW1 was asked to identify the accused, he deposed that he cannot say whether the accused the said Gupta. When PW4 did not support the prosecution case, the prosecutor sought permission of the court to “*cross-examine*” the witness, which request was allowed. On further examination by the prosecutor also, he did not identify the accused. The relevant portion of the testimony reads thus-

“.....I do not recollect therefore, I cannot identify the accused V K. Gupta present in Court as the same Inspector Gupta who demanded and accepted bribe. It is incorrect to suggest that I deliberately declining to identify the accused in order to save him.....”

16.1. PW5, one of the *Panch* witnesses, also does not support the prosecution case. He deposed that he alongwith PW6, the other *Panch* witness; PW4 and the raiding party proceeded to the office of Delhi Vidyut Board. After reaching the office, PW4 alongwith



PW6 was asked to contact the accused. He alongwith the other members of the trap party did not enter the office of the accused. He alongwith the other members of the trap party took position at a distance of about 20 paces from the office of the accused. About five minutes later, accused V. K. Gupta arrived at his office. PW5 deposed thus-

“.....accused present in court appears to be the same person, but at that time, he was wearing pant and coat.....”

The prosecutor then sought the permission of the trial court to “*cross-examine*” the witness, which request was allowed by the trial court and on further examination, PW5 deposed that he had not seen PW4 giving the money to the accused.

16.2. PW6, the other *Panch* witness, deposed that no money was given by PW4 in his presence to the accused. On the other hand, he deposed that by about 9:00 to 9:30P.M., he alongwith the other members of the raiding team left for the office of the accused. PW4 was directed to go inside the office of the accused.



PW6 further deposed that he had followed PW4 also into the office of the accused but he did not meet the suspect there. The testimony of PW6 on this aspect reads thus-

“.....complainant was directed to went inside the DESU office to see the accused and I followed him at 2 or 3 steps. Suspect was not met there. He came after half an hour. No conversation took place between the complainant and accused in my presence. No bribe was also given to suspect in my presence. After giving the bribe amount, complainant came out on the road and told that he had given the bribe amount.”

(Emphasis supplied)

The prosecutor then sought the permission of the trial court to “*cross-examine*”, which request was allowed by the trial court and on further examination, PW6 again denied that the money had been given by PW4 to the accused in his presence.

17. In the light of the aforesaid testimony of PW4, PW5 and PW6, it can only be held that the trial court went wrong in finding the accused guilty of the offence charged against him.



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When PW4 himself is not sure as to whether the accused and Gupta, Inspector, DVB is one and the same person, it can only be held that prosecution has failed in establishing the case beyond reasonable doubt.

18. In the result, the appeal is allowed. The impugned judgment is set aside. The conviction of the appellant/accused for the offences charged against him is set aside and he is acquitted under Section 248(1) Cr.P.C. of the offences charged against him. He shall be set in liberty and his bail bond shall stand discharged against him.

19. Application(s), if any, pending, shall stand closed.

CHANDRASEKHARAN SUDHA
(Judge)

FEBRUARY 17, 2026/RN