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

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Judgment Reserved on: 23.04.2026

Judgment pronounced on: 28.04.2026

+ **CRL.A. 523/2005**

DEVI SINGH

.....Appellant

Through: Mr. Ajay Verma, Advocate (through
VC).

versus

STATE

.....Respondent

Through: Mr. Utkarsh, APP for the State.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

JUDGMENT

CHANDRASEKHARAN SUDHA, J.

1. This appeal under Section 374 of the Code of Criminal Procedure, 1973 (the Cr.P.C.) read with Section 27 of the Prevention of Corruption Act, 1988 (the PC act) has been filed by the sole accused in C.C. No. 19/1997 on the file of the Court of Special Judge, Delhi challenging the conviction entered and sentence passed against him for the offence punishable under Section 8 of the PC act.



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2. The prosecution case is that on 13.02.1996, at about 01:10 PM, the accused accepted an illegal gratification of ₹1,700/- from PW8 as a motive or reward for inducing public servants within the rationing department to perform an official act, that is, the preparation of a ration card in the name of Ishwar Singh Swamy, thereby committing an offence punishable under Section 8 of the PC Act.

3. On 13.02.1996, PW8 lodged a complaint, that is, Ext. PW8/A, with Anti-Corruption Branch, New Delhi, based on which, Crime No. 7/1996, Ext. PW2/A FIR was registered by PW2, the Head Constable (HC) alleging commission of the offences punishable under Sections 8 and 13 of the PC Act.

4. PW11, Inspector, Anti-Corruption Branch, conducted investigation into the crime and on completion of the same, submitted the charge-sheet/ final report alleging commission of the offence punishable under the Section 8 of the PC Act.



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5. When the accused appeared on receipt of summons before the trial court, the court after complying with the formality contemplated under Section 207 Cr.P.C, on 27.01.1998, framed a Charge under Section 8 of the PC Act, which was read over and explained to the accused, to which he pleaded not guilty.

6. On behalf of the prosecution, PW1 to PW12 were examined and Ext. PW-1/A, Ext. PW-2/A, Ext. PW-3/A, Ext. PW-4/A, Ext. PW-5/A, Ext. PW-6/A-C, Ext. PW-7/A-K, Ext. PW-7/L-1 to L-9, Ext. PW-7/M-O, Ext. PW-8/A-B, Ext. PW-9/A, Ext. PW-11/A-D, and Ext. PW-12/A were marked in support of the case.

7. After the closure of the prosecution evidence, the accused was questioned under Section 313(1)(b) 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. He submitted that he had neither demanded nor accepted any gratification from PW8 for getting a ration card prepared in the name of Ishwar Singh Swami.



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On 13.02.1996 at about 10:30 AM, he was present in the rationing office at Sheikh Sarai, New Delhi, and on that day PW8, after submitting the necessary documents for preparation of the renewal of the ration card of Ishwar Singh Swami, was standing in a long queue for obtaining the same. PW8 was in a hurry to go to college and on the request of PW8 he agreed to get the ration card prepared for which service he demanded ₹200/- as service charges. PW8 agreed to it and said that he would return by about 01:00 PM. Thereafter, the accused stood in the queue in the place of PW8 and obtained the ration card. When PW8 returned, he met the former near the staircase. PW8 informed him that he had brought the money for the ration card. Thereafter, he handed over the ration card to PW8, who instead of paying ₹200/- placed ₹1,700/- in his hand. Immediately he was apprehended by the police.

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



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9. On consideration of the oral and documentary evidence on record and after hearing both sides, the trial court, *vide* the impugned judgment dated 11.05.2005, held the accused guilty of the offence punishable under Section 8 of the PC Act. Accordingly, the accused has been sentenced to undergo rigorous imprisonment for a period of six months and to pay a fine of ₹500/- and in default of payment of fine, to undergo rigorous imprisonment for a period of two months. Aggrieved, the accused has preferred the present appeal.

10. The learned counsel appearing for the appellant/accused submitted that the accused, being a private individual, has been erroneously convicted under Section 8 of the PC Act in absence of proof of the essential statutory ingredients inasmuch as the prosecution has failed to demonstrate that such receipt was as a motive or reward for inducing any public servant by corrupt or illegal means. It was further submitted that the *sine qua non* for constituting an offence under Section 8 is the existence of a clear



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nexus between the alleged gratification and the inducement of a public servant in discharge of official functions but no such nexus has been established in this case. It was further submitted that there is no evidence on record to show that the accused had any interaction with, influence over, or connection with any public servant(s). No public servant has been identified, nor has any material been brought on record to indicate any meeting of minds or understanding between the accused and any official. A mere allegation that the accused possessed influence in the rationing office, in absence of supporting evidence, is wholly insufficient to attract the Charge under Section 8 of the PC Act. Reliance was placed on the dictum made in **Devan v. State, 1987 SCC OnLine Ker 159**, wherein it has been held that mere receipt of money by a private person does not constitute an offence under Section 8 unless it is proved that the same was for the purpose of influencing a public servant.



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11. It was also submitted that the explanation given by the accused under Section 313(1)(b) Cr.P.C. is cogent and plausible. However, the same has not been effectively rebutted by the prosecution and appears reasonably probable in the facts and circumstances of the present case. It was further submitted that neither Ishwar Singh Swami, on whose behalf PW8 was allegedly getting the ration card, nor any independent witness, including the persons present at the spot or officials of the rationing office, were examined by the prosecution, thereby casting serious doubt on the veracity of the prosecution case.

12. *Per contra*, the learned Additional Public Prosecutor appearing for the State submitted that the impugned judgment does not suffer from any infirmity warranting an interference by this court as the trial court has duly considered each and every ground raised in the present appeal and, upon an overall appreciation of the materials on record, adjudicated the matter on merits. It was further submitted that the prosecution has duly proved its case and



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has successfully established all the essential ingredients required to bring home the charge under Section 8 of the PC Act, as elucidated by the Apex Court in **Babji v. State of A.P., (2018) 17 SCC 732**.

13. Heard both sides and perused the materials on record.

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. I shall first briefly refer to the evidence on record relied on by the prosecution in support of the case. The demand in this case is alleged to have taken place on 13.02.1996 and the trap laid on the same date. PW8 lodged a written complaint, namely, Ext. 8/A, on 13.02.2026 with the officials of the Anti-Corruption Branch, (the ACB) who reached his residence on receiving a telephonic intimation from his friend. In the complaint he has stated thus:-“*...I am a student of M.E. in Delhi College of Engineering Delhi. Today morning, I had gone to the ration office Sheikh Sarai Triveni Phase II to get the ration card made for my*



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friend Ishwar Singh Swami. There, an agent whose name is Devi Prasad (the accused) met me outside the ration office and asked me what work I had, so I said that I have to get the ration card made for my friend Ishwar Singh Swami but I do not have any documents for proof. Agent Devi Prasad said that it does not matter, he has good connections with the officials in the ration office, he will get the ration card made even without proof. But for that, ₹2000/- will be charged. I replied that I am a student and that I don't have much money. Then, the agent started saying that since I do not have any proof, money will have to be given because from this amount, some amount would have to be given to the ration office people who will make the ration card. Upon my repeated requests, Devi Prasad (the accused) said that the work would not be done for less than Rs. 1700/-. As I told him that I did not have the money, agent Devi Prasad asked me to bring ₹1700/- by 01:00 pm and that he would get my ration card done. I, out of compulsion, has agreed to his demand. I have brought ₹1700/-.



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am against giving and taking of bribes, I have no enmity or dealings with that agent or the ration office people. Action may be taken.”

16. PW8 when examined before the trial court, stood by his version given in Ext.PW8/A. PW8 further deposed that after he and his friend Ajay Kumar returned to his house, at about 11.00 AM, his friend Ajay made a telephone call to the office of the Anti-Corruption informing about their encounter with the accused. At about 12.00 noon, the officials from the ACB reached his house at Pushp Vihar. The officials of the ACB made inquiries from him and his friend Ajay, pursuant to which he lodged Ext. PW8/A written complaint, in the presence of PW7, *panch* witness. He also handed over two currency notes of ₹500/- each and seven notes of ₹100/- each, the numbers of which were noted down. PW8 further deposed about the pre-raid proceedings. PW7 was instructed to remain with him and to give a pre-arranged signal on acceptance of the bribe. At about 12.45 PM, they proceeded to the office of



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the Food and Civil Supply while the police officials followed them and parked at some distance. On reaching the office, they searched for the accused and while returning from the second floor, he found the accused near the staircase. The accused became suspicious of the *panch* witness and enquired about him, to which he replied that he was his friend. PW8 further deposed that upon asking about his work and ration card, the accused asked “*Paise Laye Ho*”. PW8 replied in the affirmative and handed over the tainted currency notes of ₹1,700/-, which the accused accepted with his right hand and simultaneously handed over the ration card. PW7 gave the pre-arranged signal and the police officials arrived and apprehended the accused. PW8 further deposed that the police recovered ₹1,700/- from the right hand of the accused and the numbers tallied with those noted earlier and the currency notes were seized. Thereafter, the right-hand wash of the accused was taken in sodium carbonate solution which turned pink and the wash was preserved in two bottles marked RHW I and RHW II,



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sealed, and taken into possession *vide* memo Ext. PW7/D. PW8 identified the currency notes Ext. P1 to Ext. P9 and the bottles Ext. PW7/K and Ext. PW7/L. PW8 further deposed that the ration card handed over by the accused was seized *vide* memo Ex. PW7/E and is Ext. PW7/H. Some other ration cards were also seized *vide* memo Ext. PW7/F. PW8 further deposed that the police officials also collected documents from inside the office and that pre raid report Ex. PW7/A and post raid report Ex. PW7/B were prepared. Thereafter, they all returned to the office of the Anti-Corruption. PW8 further deposed that when they had contacted the rationing authority earlier to meeting the accused, they were told that new ration card had not been prepared in those days.

16.1. PW8 in his cross examination admitted that he had not handed over any document to the accused for preparation of ration card of his friend. According to PW8, the accused demanded more money from him for preparation of ration card due to non-availability of such documents. PW8 denied the suggestion



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that the accused had not demanded any gratification for preparation of ration card. PW8 further denied the suggestion that on the said day he was in a hurry to go to college, and as there was a long queue for preparation of ration card, he had requested the accused to take his place in the queue and get the ration card prepared for which the accused demanded ₹200/- and that instead of ₹200/-, he had placed ₹1,700/- in the hand of the accused.

17. PW7, the *panch* witness, when examined, supported the prosecution case in all material particulars.

18. PW12, the Trap Laying Officer (TLO), when examined, supported the prosecution case.

19. Going by the prosecution case, on 13.02.1996, at about 01:10 PM, the accused, initially demanded ₹2,000/- and thereafter accepted an illegal gratification of ₹1,700/- from PW8 as a motive or reward for inducing public servants within the rationing department to perform an official act, that is, the preparation of a



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ration card in the name of Ishwar Singh Swamy, friend of PW8, and that he was caught red handed by PW12 and team.

20. A bare perusal of Section 8 of the PC Act (prior to its substitution) shows that any person who accepts, obtains, agrees to accept, or attempts to obtain any gratification, for himself or for any other person, as a motive or reward for inducing, by corrupt or illegal means, a public servant, whether named or otherwise, to perform or forbear from performing any official act, or to show favour or disfavour in the exercise of official functions, or to render any service or disservice to any person in connection with the Government or any public authority, commits an offence under the Section. Therefore, the essential ingredients to constitute an offence under Section 8 of the PC Act are that there must be solicitation, acceptance, or attempt to obtain gratification by the accused, and secondly, such gratification must be as a motive or reward for inducing a public servant, by corrupt or illegal means, to perform or forbear from performing any official act, or to show



favour or render service in the manner contemplated under the provision.

21. Coming to the case on hand, the prosecution from the materials on record has established the demand of illegal gratification through cogent and consistent testimony of PW8 and PW7, the *panch witness*. PW7 further proved the recovery of the tainted currency notes from the accused. Even otherwise, the recovery of the tainted currency was not denied by the accused. On the other hand, he admits that he had received the money from PW8, though according to him it was for services rendered. At the risk of repetition, I once again refer to a portion of the cross examination of PW8 which reads:-

“.....It is wrong to suggest that accused had not demanded gratification for the official of ration office for getting prepare ration card. It is also wrong to suggest that I was in hurry to go to college while standing in the long queue for getting preparing the ration card. It is wrong to suggest that on account of my hurry to go to college I requested accused Devi Singh to take my position in the queue and get my ration card prepared and for this such service the accused



demanded sum of ₹200/-. It is also incorrect to suggest that on such demand of the accused of his service charges I instead of ₹200/- placed ₹1700/- in his hand....”

(Emphasis Supplied)

22. I also refer to explanation given by the accused when questioned under Section 313(1)(b) Cr.P.C., which reads:-

“ ...that on 13.2.96 at about 10:30 AM, I was present in the rationing office Sheikh Sarai, New Delhi and there on that day Sanjay Sharma after submitting necessary documents in the rationing office for getting prepared the renewed ration card of Ishwar Singh Swami was standing in long queue for getting the card and that at that time Sanjay Sharma see me there, requested me that since he was in hurry to go to college I should get his ration card prepared. On this I demanded ₹200/- as my service charges and he agreed for the same and told me that he would be coming back at about 1 PM. Thereafter, I stood in the queue at his place and obtained ration card and at the given time on the same date Sanjay Sharma came there and met me near stair case and he told me that he had brought the money for ration card. On this I gave him ration card and Sanjay Sharma instead of paying ₹200/- placed ₹1700/- in my hand and that at the same time the police apprehended me.”

(Emphasis Supplied)

23. The explanation of the appellant/ accused that though he had demanded only ₹200/- for standing in queue in the place of



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PW8, does not appear probable or believable because if that was the case why would PW8 give him ₹1,700/-. Normally in these circumstances, a person would try to bargain and bring down the demanded amount and not pay far more than the amount demanded. The amount given by PW8 is more than eight times the demanded amount. Therefore, the defence does not appear probable. It is true that other persons present at the scene were never examined. But, evidence has to be weighed and not counted. Conviction can be based on the testimony of a single witness if it is found to be reliable and trustworthy. In the present case, the testimony of PW8 as well as PW7 who was present along with PW8 throughout the trap proceeding, constitute direct evidence of the demand and acceptance and cannot be discarded merely for want of additional independent witnesses. Also, minor discrepancies or omissions pointed out in the cross examination of PW8 and PW7 are not fatal in nature and do not go to the root of the matter. Further, the defence has failed to assign any plausible



motive as to why PW8 would falsely implicate the accused in a corruption case inasmuch as there is no evidence of prior enmity or animosity between the parties.

24. It is also not fatal to the prosecution that the specific public servant, on whose behalf or influence the accused was allegedly acting, has not been identified. At the risk of repetition, it is reiterated that a plain reading of Section 8 of the PC Act makes it evident that the provision expressly uses the expression “*any public servant, whether named or otherwise*”, thereby clearly indicating that identification of a particular public servant is not a *sine qua non* for constituting the offence. What is required to be established is that the accused accepted or agreed to accept an undue advantage as a motive or reward for inducing, by corrupt or illegal means or by exercise of personal influence, a public servant to perform or forbear from performing a public duty. In the present case, the evidence on record clearly shows that the accused represented that he had acquaintances in the rationing department



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and that he would get the ration card prepared through his 'contacts'. Such representation itself brings the act within the scope of Section 8 of the PC Act, irrespective of whether the exact identity of the public servant was disclosed or proved. Therefore, non-identification of the public servant concerned does not in any manner weaken the prosecution case.

25. Hence in these circumstances, I find no infirmity in the impugned judgement calling for an interference by this court.

26. In the result, the appeal, sans merit, is dismissed.

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

**CHANDRASEKHARAN SUDHA
(JUDGE)**

APRIL 28, 2026

p'ma/rs