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

% *Judgment reserved on: 03.11.2025*
Judgment pronounced on: 10.12.2025
Judgment uploaded on: 12.12.2025

\+ **CRL.A. 45/2010**

VED PRAKASH MAURYA .....Appellant

Through: Ms. Saahila Lamba and Ms. Nidhi Sharma, Advocates.

versus

STATE OF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for State.
Mr. Bheem Singh, SI Pairvee Officer, PS ACB GNCT Delhi.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J

1. The appellant, Ved Prakash Maurya, has preferred the present appeal seeking setting aside of the impugned judgment dated 22.12.2009 and the order on sentence dated 24.12.2009 passed by the learned Special Judge, Delhi [hereafter *'Trial Court'*] Vide the impugned judgment, the appellant was convicted for the offences under Section 7 and Section 13(1)(d), punishable under Section 13(2) of the Prevention of Corruption Act, 1988 [hereafter *'PC Act'*], and was sentenced to undergo rigorous imprisonment for a period of two

years and to pay a fine of ₹5,000/-, and in default of payment of fine, to undergo simple imprisonment for a period of three months – each for the offences under Section 7 and Section 13(2) of the PC Act.

FACTUAL BACKGROUND

2. Broadly stated, the case of the prosecution is that the complainant, Vivek Gupta, had submitted a handwritten complaint to the Anti-Corruption Branch (ACB) on 05.04.2006. He alleged that about a month prior thereto, he had visited the office of the Municipal Corporation of Delhi (MCD) at Sector-5, Rohini, where he submitted two applications – seeking sewer and water connections for Flat No. 118, Pocket B-9, Sector-5, Rohini, belonging to his uncle, Mr. Laxmi Narain – to the appellant, who was working with the Delhi Jal Board on the third floor of the said office. It was alleged that the appellant demanded a bribe of ₹4,000/-, in addition to Government charges of ₹2,800/-, and asked the complainant to bring the bribe amount on 05.04.2006 at 11:00 AM to his office. The complainant then approached the ACB on the said date, pursuant to which a raid was conducted, during which the alleged bribe amount of ₹4,000/-, claimed to have been paid by the complainant, was recovered from the appellant.

3. Upon completion of investigation, a chargesheet was filed, and charges were framed against the accused. During trial, the prosecution examined eight witnesses. The statement of the accused was recorded under Section 313 of Cr.P.C.; however, no defence

evidence was led. The appellant was thereafter convicted by the learned Trial Court *vide* the impugned judgment.

4. Aggrieved by the conviction and sentence, the appellant has filed the present appeal, which was admitted on 15.01.2010, and the sentence awarded to him was suspended on the same date.

SUBMISSIONS BEFORE THE COURT

5. The learned counsel appearing for the appellant argues that the impugned judgment and the order on sentence are contrary to law and the evidence on record. It is submitted that the learned Trial Court erred in convicting the appellant for the offences under Sections 7 and 13(2) of the PC Act, despite the absence of material evidence connecting him with the alleged demand, payment, acceptance, or recovery of bribe money. It is contended that the prosecution has failed to prove beyond reasonable doubt that the appellant had demanded any bribe from the complainant, that the complainant had paid such bribe, or that the appellant had accepted or was found in possession of the tainted money. It is argued that there is no documentary evidence to establish who received the complainant's applications for obtaining sewer and water connections for the property in question, which admittedly belonged neither to the complainant nor to his uncle Laxmi Narain. It is argued that the appellant was merely working as a *Beldar* with the Delhi Jal Board and his duty was limited to distribution of *dak* within the department. He had no role in processing applications or sanctioning sewer or

water connections, and therefore no occasion to demand or accept any bribe. It is further contended that the learned Trial Court failed to appreciate inherent contradictions in the testimony of prosecution witnesses. Attention is drawn to the cross-examination of the Panch witness, who admitted that although he heard some conversation about a sewer line, he had not heard the complete conversation. It is argued that it was improbable for the Panch witness, while standing outside Room No. 308, to have witnessed the recovery of tainted currency notes from the left shirt pocket of the appellant, who was seated inside the room. Further contradictions are pointed out regarding the location where the "wash" of the shirt was taken. While the complainant stated that the wash was taken at the ACB office, the Panch witness stated it was taken at the spot, and the Raid Officer deposed that both the writing work and the shirt wash were done in Room No. 308. It is also submitted that the Panch witness claimed the complainant had taken the appellant to a side room where others were present, whereas the complainant stated in cross-examination that they never went to any room other than Room No. 308. The complainant also deposed that three to four employees used to sit in Room No. 308, where the raid was conducted, and the complainant never raised any complaint before them regarding any bribe demand. Lastly, it is contended that the prosecution has failed to establish the complainant's *locus standi* to apply for sewer and water connections for a property that neither belonged to him nor to his uncle, and for which he held no power of attorney. It is thus prayed that the present

appeal be allowed as the prosecution has failed to prove its case beyond reasonable doubt.

6. The learned APP for the State, on the other hand, supports the impugned judgment and submits that the foundational facts necessary to establish the offences under the PC Act have been duly proved by the prosecution. It is argued that the demand for bribe stands established on two occasions: first, when PW-6 (the complainant) initially visited the appellant's office, and second, when PW-5 (the Panch witness) accompanied PW-6 to the appellant's office on 05.04.2006. It is further submitted that the pre-trap proceedings were conducted in accordance with law, including the joining of an independent witness (PW-5) and preparation of phenolphthalein-treated currency notes. During the trap, all members of the raiding party were present in the office premises of the appellant; the appellant accepted the tainted currency notes; and the bribe amount was recovered from the left pocket of the appellant's shirt. The sodium carbonate solution test also confirmed the presence of phenolphthalein. The learned APP also contends that the appellant failed to offer any reasonable explanation under Section 313 of Cr.P.C. regarding the recovery of the tainted notes from his possession. The testimonies of prosecution witnesses are consistent and trustworthy, and the minor discrepancies pointed out by the appellant are natural and do not go to the root of the case. It is argued that, in terms of Section 20 of the PC Act, once the recovery of tainted currency notes from the accused is proved, the statutory

presumption of acceptance of illegal gratification arises, and the appellant has failed to rebut this presumption. Thus, it is argued that no infirmity exists in the findings of the learned Trial Court, and the conviction of the appellant deserves to be upheld.

7. Arguments have been **heard** at length from the learned counsel appearing for both sides, and the entire case file has been perused.

ANALYSIS & FINDINGS

8. Having considered the rival contentions and upon perusal of the record, this Court is of the view that, as per the prosecution case, the complainant was informed by the appellant herein that the Government expenses for obtaining the water and sewer connections would be ₹2,800/-, and in addition thereto, the appellant demanded a bribe of ₹4,000/-. The complainant alleged that the appellant instructed him to bring the bribe amount to his office on 05.04.2006. On that date, the complainant approached the ACB and produced ₹4,000/- consisting of eight GC notes of ₹500/- each. The I.O., Sukhbir Singh (PW-8), had the serial numbers of these notes verified by the Panch witness (PW-5). The notes were thereafter treated with phenolphthalein powder. The I.O. explained the purpose and effect of the phenolphthalein treatment to both the complainant and the Panch witness and demonstrated the reaction. The tainted GC notes were then handed back to the complainant, who kept them in the left pocket of his shirt. The Panch witness was instructed to remain close to the complainant, to overhear the conversation between the

complainant and the person demanding the bribe, and to give a pre-determined signal, by raising his hand over his head twice, upon being satisfied that the bribe had been accepted. At about 10:00 AM, the I.O., the complainant, Panch witness Inspector Hari Chand (PW-3), and other members of the raiding team left the office of ACB for the MCD office in a government vehicle and reached there around 11:00 AM. The complainant and the Panch witness proceeded to the third floor, followed at a reasonable distance by the IO and the remaining members of the raiding team. At about 11:50 AM, upon receiving the predetermined signal from the Panch witness, the I.O. and the raiding team entered the room where the complainant, the Panch witness, and the appellant were present. The Panch witness informed the I.O. that the appellant had demanded and accepted the bribe amount of ₹4,000/- from the complainant with his left hand, counted it, and placed it in the left pocket of his shirt. The I.O. disclosed his identity as an officer from the ACB and confronted the appellant regarding acceptance of the bribe. On the directions of the I.O., the Panch witness recovered the tainted GC notes from the left shirt pocket of the appellant. The serial numbers of the recovered notes were compared with those recorded in the pre-raid report (Ex. PW-5/B) and were found to be identical. The notes were seized. The hand washes of both hands of the appellant and the wash of his left shirt pocket were taken in colourless sodium carbonate solution, each of which turned pink, and the solutions were preserved in six bottles that were duly sealed. The appellant was thereafter arrested, and the

case property was deposited in the Malkhana.

9. This Court notes that the appellant has not led any defence evidence, but in his statement under Section 313 of Cr.P.C., he has denied having demanded or accepted any bribe, asserting that he is innocent and has been falsely implicated. Since the appellant has highlighted alleged discrepancies in the statements of the prosecution witnesses, this Court has carefully examined the judgment of the learned Trial Court as well as the testimonies of the complainant, the Panch witness, the I.O., and other witnesses examined by the prosecution.

10. To prove the case as alleged against the appellant, duty was cast on the Prosecution to prove that the appellant had – *first*, demanded and *second*, accepted the bribe amount or the illegal gratification. The prosecution had, other than the official witnesses, examined the panch witness Chander Prakash as PW-5 and the complainant Vivek Gupta as PW-6 to prove demand and acceptance of bribe amount by the appellant.

11. The Panch Witness (PW-5) deposed that the Raid Officer had instructed him to remain close to the complainant, to overhear the conversation between the complainant and the accused, and to observe the transaction between them. He was further instructed to give the predetermined signal i.e. raising his hand over his head twice, after being satisfied that the bribe had actually been given. After the demonstration of phenolphthalein powder, the treated GC

notes were handed to the complainant, who kept them in his pocket. PW-5 stated that he, along with the complainant, the Raid Officer and other members of the raiding team, had left the ACB office and reached the MCD office, Rohini. He stated that he and the complainant went to the third floor where the accused was sitting. According to PW-5, the complainant called the accused into a vacant side room where some conversation took place. He stated that the complainant handed over the tainted GC notes to the accused, who accepted, counted, and kept them in the left pocket of his shirt. PW-5 claims that he then gave the predetermined signal to the raiding team. He further stated that he recovered the tainted GC notes from the left shirt pocket of the accused on the instructions of the Raid Officer and that the serial numbers tallied with the pre-raid report.

12. The complainant (PW-6) deposed that he, along with the Panch witness, Raid Officer, and raiding team members, reached the MCD office around 11:00 AM. He and the Panch witness went to Room No. 308 on the third floor where the accused was present. According to him, upon his inquiry about the work, the accused asked whether he had brought the money which he had demanded earlier. PW-6 stated that he replied in the affirmative and, upon the accused's demand, handed over the tainted GC notes of ₹4,000/-, which the accused kept in the left pocket of his shirt. He further deposed that after PW-5 gave the predetermined signal, the Raid Officer entered the room, disclosed his identity, and challenged the accused. PW-6 stated that the accused became perplexed, and the Panch witness

informed the Raid Officer that the accused had demanded and accepted the money. The Panch witness thereafter recovered the tainted GC notes from the left pocket of the accused's shirt, and their serial numbers matched the pre-raid report. PW-6 also stated that the hand washes and pocket wash of the accused turned pink and were seized.

13. As already observed above, to establish an offence under Sections 7 and 13 of the PC Act, the prosecution was required to first prove that there was a demand for illegal gratification by the appellant, and in this regard, the prosecution examined two material witnesses i.e. PW-5, the Panch witness, and PW-6, the complainant to discharge this essential burden. Their testimonies, however, when examined closely, reveal certain significant inconsistencies and contradictions.

14. This Court is of the opinion that PW-5, the independent Panch witness, was specifically instructed to remain close to the complainant, to overhear the conversation between the complainant and the appellant, and to observe the transaction. His role as a shadow witness was critical. Courts have consistently emphasised that the Panch witness acts as an independent verifier of the complainant's version, and it is his presence and corroboration that lend assurance to the allegation of demand of bribe. In this regard, this Bench in case of ***Joginder Singh Malik v. CBI:*** *2022/DHC/005401* had held as under:

> "41. A shadow witness, in any given case, must be in a position to depose not only about the passing of money but also about the conversation which takes place between a complainant and an accused so as to find out the basis for the exchange of money/bribe. As expressed by Hon'ble Supreme Court in ***Meena v. State of Maharashtra (2000) 5 SCC 21***, law always favours the presence and importance of a shadow witness in the trap party, who is supposed to be there not only to see but to overhear what happens and how it happens also."

15. In his examination-in-chief, PW-5 did not depose that he had heard the appellant demanding any bribe amount. His narration was vague; he merely stated that "some talks took place" between the complainant and the appellant, without specifying the nature or content of such conversation. He did not attribute any demand of bribe to the appellant in his examination-in-chief. It was only after he was declared hostile, and while being cross-examined by the learned APP for the State, that PW-5 improved his version and stated that the appellant had asked the complainant to give the "full settled amount." However it is material to note that in his subsequent cross-examination by the defence counsel, PW-5 once again changed his version and categorically admitted that he had not heard the complete conversation, and that he heard only something relating to the sewer line and "*nothing else*." He further admitted that he stood behind the complainant while the complainant and the appellant were seated facing each other. These statements, made by the panch witness, who was also asked to act as a shadow witness, for the purpose of independent verification of demand, therefore makes it improbable that he had heard the alleged demand of bribe. These inconsistencies

in the testimony of PW-5 reveal that he was unreliable on the most crucial aspect of the case i.e. to prove the demand of bribe.

16. It is also a matter of fact that no independent verification proceedings were conducted in this case by the trap laying officer, to verify the factum of demand of bribe by the accused, and the trap had been laid immediately and on the same day the complainant had visited the ACB office and filed his complaint. It is also a matter of fact that no voice recordings or any recording of the alleged conversation were made, either by the complainant or at the instance of the raiding team, which could corroborate the factum of demand.

17. Since the Panch witness (PW-5) has not supported the prosecution case on the aspect of demand of bribe, and there is no other corroborative material to prove the demand of bribe, the case now rests solely on the testimony of the complainant with respect to the alleged demand of bribe.

18. This Court, however, finds that the complainant's version is rendered doubtful not only for want of corroboration but also because the factual foundation underlying the alleged demand is contradicted by the record itself. The complainant has alleged that the appellant had demanded bribe for securing water and sewer connections and had asked him to come to the office on 05.04.2006 with the bribe amount. *However*, it is an admitted position that the water and sewer connections pertaining to the property in question had already been sanctioned on 28.03.2006 and 31.03.2006 – well before the alleged

demand and the trap date of 05.04.2006. When the work for which illegal gratification is allegedly demanded had already been completed prior in time, the very motive or occasion for making such a demand becomes inherently improbable. The improbability is further compounded by the fact that the appellant, at the relevant time, was working merely as a *beldar* in the Delhi Jal Board. It is undisputed that such an employee has no authority to process or sanction applications for water or sewer connections. It is an admitted case of the prosecution that the duties of appellant were confined to distributing *dak* within the department. PW-3 Inspector Hari Chand has admitted in his cross-examination that JE and AE were the competent persons to sanction the water and sewer connection and appellant herein was only a fourth-class employee (*beldar*), whose duty was to receive dak.

19. *In these circumstances*, there was no occasion or authority vested in the appellant on the basis of which he could have demanded any amount – whether as legal charges or as illegal gratification – for sanctioning water or sewer connections. The prosecution has not brought on record any evidence to show that the appellant had any role, discretion, or influence in the processing or sanctioning of such connections. In a nutshell, when the water and sewer connections had already been sanctioned and the appellant had no authority whatsoever to further process or facilitate the complainant's request, the allegation that he demanded ₹4,000/- for doing that work becomes doubtful.

20. While observing so, this Court is mindful of the settled principle that the fact that a person may not actually be in a position to perform the work for which a bribe is allegedly demanded cannot, by itself, exonerate him, since the offence under the PC Act is attracted by the very act of demanding illegal gratification, irrespective of whether the public servant is capable of doing the work. However, it is equally well-settled that proof of demand is *sine qua non* for establishing an offence under Sections 7 and 13 of the PC Act.

21. The Constitution Bench of the Hon'ble Supreme Court, in ***Neeraj Datta v. State:*** *2022 SCC OnLine SC 1724*, has held as under:

> "88.4.(d)(iii)……mere acceptance or receipt of an illegal gratification without anything more would not make it an offence under Section 7 or Section 13 (1)(d), (i) and (ii) respectively of the Act. Therefore, under Section 7 of the Act, in order to bring home the offence, there must be an offer which emanates from the bribe giver which is accepted by the public servant which would make it an offence. Similarly, a prior demand by the public servant when accepted by the bribe giver and inturn there is a payment made which is received by the public servant, would be an offence of obtainment under Section 13 (1)(d) and (i) and (ii) of the Act....

22. Even to invoke the presumption under Section 20 of the PC Act, it is essential that the demand of bribe must have been established. In ***B. Jayaraj v. State of Andhra Pradesh:*** *(2014) 13 SCC 55*, the Hon'ble Supreme Court held as under:

> "9...In so far as the presumption permissible to be drawn under Section 20 of the Act is concerned, such presumption can only be in respect of the offence under Section 7 and not the

> offences under Section 13(1)(d)(i)(ii) of the Act. In any event, it is only on proof of acceptance of illegal gratification that presumption can be drawn under Section 20 of the Act that such gratification was received for doing or forbearing to do any official act. Proof of acceptance of illegal gratification can follow only if there is proof of demand. As the same is lacking in the present case the primary facts on the basis of which the legal presumption under Section 20 can be drawn are wholly absent."

23. Similarly, in ***Madan Lal v. State of Rajasthan:*** *(2025) 4 SCC 624*, the Hon'ble Supreme Court has held as under:

> "19. On an examination of the entire evidence, we are of the opinion that the prosecution has failed to establish beyond all reasonable doubt, the demand of bribe and its acceptance, in a trap laid by the trap team of the ACB. In that circumstance there is no question of a presumption under Section 20 arising in this case. The conviction and sentence of the accused as brought out by the Trial Court and affirmed by the High Court, hence, is set aside. The bail bonds, if any executed by the accused, in these cases, shall stand cancelled.
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> 20. Accordingly, the appeals stand allowed, acquitting the accused for reason of the prosecution having not established and proved the allegation of demand and acceptance of bribe by the accused beyond reasonable doubt."

24. In ***State of Lokayuktha Police v. C.B. Nagaraj:*** *2025 SCC OnLine SC 1175*, the Hon'ble Supreme Court has recently held as follows:

> "25. It is pertinent to note that till 05.02.2007, when the Respondent had conducted the physical/spot inspection, there is not even a whisper of there being any demand of bribe. Moreover, when the Complainant went back to the Respondent's office at 5:30 PM with the money, the prosecution case itself as per the deposition of its witnesses makes it clear that the Respondent had informed the Complainant that he had already forwarded the concerned file. Thus, if the same is accepted, there was no occasion for the

Complainant to go ahead with paying the amount, which he claims to be in the nature of bribe demanded by the Respondent, after the work for which the bribe was purportedly sought, had already been done. The observation of the High Court to this extent is correct that just because money changed hands, in cases like the present, it cannot be ipso facto presumed that the same was pursuant to a demand, for the law requires that for conviction under the Act, an entire chain – beginning from demand, acceptance, and recovery has to be completed. In the case at hand, when the initial demand itself is suspicious, even if the two other components – of payment and recovery can be held to have been proved, the chain would not be complete. A penal law has to be strictly construed [*Md. Rahim Ali v State of Assam, 2024 SCC OnLine SC 1695 @ Paragraph 45 and Jay Kishan v State of U.P., 2025 SCC OnLine SC 296 @ Paragraph 24*]. While we will advert to the presumption under Section 20 of the Act hereinafter, there is no cavil that while a reverse onus under specific statute can be placed on an accused, even then, there cannot be a presumption which casts an uncalled for onus on the accused. Chandrasha (supra) would not apply as demand has not been proven. In *Paritala Sudhakar v. State of Telangana, 2025 SCC OnLine SC 1072*, it was stated thus:

> *"21. As far as the submission of the State is that the presumption under Section 20 of the Act, as it then was, would operate against the Appellant is concerned, our analysis supra would indicate that the factum of demand, in the backdrop of an element of animus between the Appellant and complainant, is not proved. In such circumstances, the presumption under Section 20 of the Act would not militate against the Appellant, in terms of the pronouncement in Om Parkash v. State of Haryana, (2006) 2 SCC 250:*
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> > *'22. In view of the aforementioned discrepancies in the prosecution case, we are of the opinion that the defence story set up by the appellant cannot be said to be wholly improbable. Furthermore, it is not a case where the burden of proof was on the accused in terms of Section 20 of the Act.* ***Even otherwise, where demand has not been proved, Section 20 will also have no application.*** *(Union of India v.Purnandu Biswas [(2005) 12 SCC 576 : (2005) 8 Scale 246] and T. Subramanian v. State*

of T.N. [(2006) 1 SCC 401 : (2006) 1 Scale 116])..."

25. In the present case, when the Panch witness has not corroborated the demand and has, in fact, stated that he did not hear the relevant conversation, the case against the appellant, so far as it relates to proof of demand, is left solely with the testimony of the complainant. Thus, the surrounding circumstances are relevant to be taken note of while examining the testimony of the complainant.

26. *Another aspect* in this case relates to the very property for which the complainant claims to have applied for water and sewer connections. It is an admitted position that the property did not belong either to the complainant, and he claimed that this was purchased by his uncle, Laxmi Narain. The complainant himself stated in cross-examination that the recorded owner of the property was one Shri Raj Kumar, and the documents filed along with the application also reflected Raj Kumar as the owner. He further conceded that he did not possess any power of attorney or authorisation from Raj Kumar to submit the applications. His explanation that his uncle had allegedly purchased the property from Raj Kumar but that the papers had not yet been executed is an entirely oral assertion unsupported by any material. Not a single piece of paper or any document evidencing any such transaction was produced by the prosecution or the complainant. Even the PW-8 i.e. the I.O. of the case admitted in his cross-examination that he had not inquired from the complainant about the ownership of the property,

nor had he asked from him to show him any papers qua the same. He also stated that he cannot say whether Raj Kumar had actually sold the property to the uncle of complainant.

27. This Court also notes that in the impugned judgment, the learned Judge has repeatedly accepted the complainant's version as though it was conclusive merely because the complainant stated so. The learned Trial Court appears to have answered each defence argument only by referring again to the complainant's statement and allegations, as though these assertions were totally sufficient to establish the prosecution case. However, the complainant's claim regarding ownership or the alleged purchase of the property by his uncle Laxmi Narain is wholly unsubstantiated. There is no document to show that his uncle ever acquired rights in the property. Indeed, even the identity and role of this uncle, who never entered the witness box, is unclear from the record. Therefore, the absence of any authority or locus, for the complainant to apply for these connections also raises a legitimate question as to why the alleged bribe would be demanded from him at all.

28. Therefore, viewed cumulatively, this Court is of the opinion that the sole testimony of the complainant, in the absence of any corroboration from the Panch witness and in light of the surrounding circumstances – i.e. the fact that the water and sewer connections had already been sanctioned prior to the alleged demand, the appellant had no authority whatsoever in sanctioning the connections, and the

complainant himself could not prove as to what locus he had for applying connections for the property in question – cannot form a safe basis to hold that demand of illegal gratification has been proved.

29. Therefore, this Court is of the considered opinion that the prosecution has failed to establish, beyond reasonable doubt, the foundational fact of demand of bribe. As demand itself has not been proved, the statutory presumption under Section 20 of the PC Act does not arise.

30. The evidence relating to the sequence of events surrounding the trap proceedings also reveals material inconsistencies among the prosecution witnesses.

31. Of particular significance is the contradiction about where the shirt-wash of the appellant was taken. The Panch witness (PW-5) deposed that the shirt and hand wash of the appellant was taken at the spot itself. In contrast, it is pertinent to note PW-6 (the complainant) expressly deposed in his cross-examination that the appellant had been brought to ACB office immediately after him being apprehended, and while the hand wash of the appellant was taken at the MCD office, *the shirt wash was taken thereafter at the office of ACB.* Thus, their testimonies cast doubt on how, when and where the wash of the shirt of the appellant was taken.

32. Similarly, the Panch witness (PW-5) has stated in his cross-examination that all the writing work (*post-raid formalities*) was

done at the office of ACB, whereas the I.O. of the case (PW-8) stated in cross-examination that the writing work was done in Room No. 308 itself.

33. Another material inconsistency relates to the duration for which the raiding party remained at the spot and when the accused was taken to the ACB office. According to the I.O. (PW-8), he had received the signal from PW-5 at about 11:50 a.m. and he had continued to remain at the spot until 2:10 p.m., at which time Inspector Hari Chand (PW-3) had arrived at the spot, and had prepared the site plan and completed all other the formalities. The complainant (PW-6), however, has stated that the appellant was taken to the ACB office immediately after being apprehended at the spot, and that even the shirt-wash of the appellant was taken at the ACB office. PW-5, the Panch witness, *in contrast*, has stated that they remained at the spot only for about half an hour after the raid and thereafter returned to the ACB office by 1:00 p.m., where he signed several documents. In contrast, PW-3, Inspector Hari Chand, has deposed that he had reached the spot at 2:10 p.m. and that he, along with other members of the raiding party, had remained there until about 5:30 p.m., after which they had proceeded to the hospital, P.S. Civil Lines and then to ACB office. In the considered opinion of this Court, these versions are mutually incompatible and cannot be reconciled. The wide divergence regarding the time spent at the spot, the movement of the raiding team and the sequence of procedural steps casts further doubt on the reliability of the prosecution's

account of the trap proceedings.

34. Such mutually irreconcilable versions regarding how long the raiding party remained at the spot, when the appellant was taken to ACB office, and when the post-raid formalities were completed, casts further doubt on the reliability of the prosecution's account of the trap proceedings in the present case.

35. To conclude, in view of foregoing discussion, this Court is of the opinion that in view of the numerous infirmities in the prosecution case – beginning with the fact that the shadow witness (PW-5) admittedly did not hear any demand of bribe; that the appellant, being a *beldar*, was not in a position to sanction or process the complainant's request; that the water and sewer connections had already been sanctioned prior to the alleged demand; and that the complainant himself could not establish who the true owner of the property was or what locus he had to submit applications for such connections – the foundation of the allegation of demand of bribe becomes doubtful. These doubts are compounded by the contradictory accounts regarding where the shirt-wash was taken, whether the writing work was done at the spot or at the ACB office, and the completely inconsistent versions of how long the raiding party remained at the spot and when the appellant was taken to the ACB office.

36. This Court is, therefore, of the view that the evidence brought on record by the prosecution was insufficient to return a finding of

guilt against the appellant beyond all reasonable doubt, and the appellant is entitled to benefit of doubt.

37. As a *sequitur*, the impugned judgment and order on sentence are set aside. **The appellant, who has been facing trial for about 20 years**, is accordingly acquitted in the present case.

38. Bail bonds stand cancelled; surety stands discharged.

39. The appeal is accordingly allowed and disposed of.

40. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

DECEMBER 10, 2025/A