IN THE HIGH COURT OFJHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 45 of 2008

[Against the judgment of conviction and order of sentence dated 20.12.2007 passed by the learned 7th Addl. Judicial Commissioner-cum-Special Judge, C.B.I., Ranchi in R.C. Case No. 11(A) of 2004-(R).]

Krishna Mohan Prasad, Son of late Ganesh Prasad, Resident of Qr. No. 1C/42, Gandhi Nagar Colony, Kanke Road, P.O.- Gandhi Nagar, P.S- Gonda, District- Ranchi, (Jharkhand).

……Appellant

Versus

The State of Jharkhand through C.B.I. …. Respondent

For the Appellant : Mr. Indrajit Sinha, Advocate
: Mr. Bibhash Sinha, Advocate
: Mr. Akhouri Awinash Kumar, Advocate

For the State-CBI : Mr. Prashant Pallav, A.S.G.I.
: Mr. K. Hari, A.C. to A.S.G.I.

PRESENT
CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
JUDGMENT

CAV On: 9th July, 2026 **Pronounced On: 05/10/2026**

1. Heard Mr. Indrajit Sinha, learned counsel for the appellant as well as Mr. Prashant Pallav, learned A.S.G.I.

2. The above named sole appellant has preferred this appeal for setting aside his conviction and sentence passed by the learned 7th Addl. Judicial Commissioner-cum-Special Judge, C.B.I., Ranchi in R.C. Case No. 11(A) of 2004-(R), whereby and whereunder, the appellant has been held guilty for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988 and sentenced to undergo R.I. for one and half years alongwith the fine of Rs. 2,000/- for the offence under Section 7 of the P.C. Act and R.I. for two years alongwith the fine of Rs. 4,000/- for the offence under Section 13(2) r/w

13(1)(d) of the Prevention of Corruption Act, 1988 with default stipulation. Both the sentences were directed to run concurrently.

Factual Matrix:-

3. Fact giving rise to this appeal is that late Firat Ram Khote, father of the complainant Reti Lal Khote was working in CCL, Bhurkunda, who died on 06.09.2001 at C.T. Hospital, Ranchi. Initially, elder brother of the complainant, namely, Ram Gopal Khote applied for compassionate appointment in the CCL but he also died due to illness on 27.05.2002. Thereafter, the complainant Reti Lal Khote applied for compassionate appointment in CCL at place of his father. It is alleged that the application of the complainant was sent to CCL Head Office from CCL, Bhurkunda. It is further alleged that several times, the petition was sent to area from headquarter for correction and the complainant visited with the dealing PA/Clerk Sri Krishna Mohan Prasad, Personnel Department, CCL, Ranchi (present appellant) to expedite his petition. It is alleged that on 14.04.2004, the complainant made a telephonic call to said Krishna Mohan Prasad in order to know further progress of his application, then Krishna Mohan Prasad asked the complainant to give Rs. 5,000/- to 7,000/- for expediting and facilitating the compassionate appointment of the complainant. The complainant told that he had only Rs. 1,000/- with him, then K.M. Prasad (appellant) asked the complainant to come with the said amount of Rs. 1,000/- on 15.04.2004 in his office and pay him the said amount and remaining amount may be paid later after making arrangement of the same by the complainant. The complainant was not desiring to pay the bribe amount, hence, he lodged a written complaint before the S.P., C.B.I., Ranchi.

4. After receiving the complaint, Inspector, Vikas Gupta was instructed to verify the allegations made in the complaint and report, who after verifying the allegations submitted report/recommendation. Accordingly, formal F.I.R. (Ext.-11) being R.C. Case No. 11(A) of 2004-(R) was registered for the offences under Sections 7 and 13(2) r/w 13(1)(d) of the P.C. Act against the accused.

5. The investigation commenced and a trap was planted and trap team was constituted consisting of S.K. Sinha, Sri B. C. Chourasia, Sri Vikash Gupta, Inspector, (PW-8) and Habil Oroan (constable) under the leadership of Shri K. K. Singh (PW-9). Two independent witnesses, namely, Umesh Prasad Singh (PW-5), and Patras Lakra (PW-3), both Manager at Allahabad Bank, were also requisitioned to witness the trap proceeding. All the trap team members alongwith independent witnesses and the complainant assembled in the I.O. room at office of S.P., CBI/ACB, Ranchi on 15.04.2004 at about 12:30 hours. Shri K. K. Singh, inspector, after introducing all members with each other, explained the purpose of assemblage and also explained the process of laying trap and use of phenolphthalein powder and sodium carbonate during trap proceeding. The complaint lodged by Reti Lal Khote dated 15.04.2004 was also shown to both the independent witnesses, who after going through the allegations, made some queries with the complainant and being satisfied about genuineness of the complainant, proceeded for trap.

Pre-trap proceeding:-

6. In presence of above officials, independent witnesses and the complainant, a piece of paper was smeared with phenolphthalein

powder and on being asked to independent witness, Umesh Prasad Singh (PW-5), had touched the piece of paper with his right hand finger. Thereafter, a solution of sodium carbonate was prepared in plain water in a clean glass beaker. On being asked, Umesh Prasad Singh (PW-5) dipped his right hand finger in the said solution. Then, the milky white colour of the solution turned into pink. The said solution was transferred in a clean glass bottle and properly sealed and signed by all members. Shri K. K. Singh (PW-9) also explained that GC notes will be treated with phenolphthalein powder and it will be given back to the complainant with instruction to give the same to the accused only on being demanded by him as bribe. The piece of paper was also sealed in an envelope and signed by all. Thereafter, on being asked the complainant Reti Lal Khote produced Rs. 1,000/- brought by him to be given to the accused Krishna Mohan Prasad (appellant) on his demand as bribe. The complainant produced nine numbers of Rs. 100/- denomination GC notes and two numbers of Rs. 50/- denomination GC notes. The number of above currency notes were also noted down and all the notes, 11, in number were treated with phenolphthalein powder and putting in an envelope was given to the complainant, who kept the same in right side pocket of his wearing trouser with specific direction to give the tainted GC notes only if the accused Krishna Mohan Prasad makes specific demand as bribe and not otherwise. The complainant was also instructed to negotiate the bribe amount with the accused Krishna Mohan Prasad in an audible manner and give a signal by scratching his neck with his right hand finger after acceptance of bribe amount by the accused Krishna Mohan Prasad. The witnesses were also

suitably instructed and mutual search of all members was taken. Nobody was allowed to keep anything except pen and identity card. Only the complainant was allowed to keep the tainted amount of Rs. 1000/-. All the trap members washed their hands with soap and water. Accordingly, a pre-trap memorandum of the proceeding was prepared, which was read over and explained to all the members in Hindi and all the members signed over all the pages of pre-trap memorandum (Ext.-12).

Trap Proceeding:-

7. After completion of pre-trap formalities, the trap members alongwith witnesses and complainant proceeded for the place of occurrence and reached near CCL Headquarter, Darbhanga House, Ranchi at about 14:30 hours on 15.04.2004. The trap team members took their suitable position at the entrance gate of the CCL Headquarters, Darbhanga House, Ranchi. The complainant Reti Lal Khote identified the accused Krishna Mohan Prasad, who was entering in the office. The complainant wished the accused by saying "Pranam Sir", which was also reciprocated by the accused nodding his head and gestures. The complainant also followed the accused towards his office, which is situated at Swarnarekha Bhavan at Darbhanga House, Ranchi. The independent witnesses Patras Lakra (PW-3) and Habil Uraon also followed the accused and the complainant. The other CBI team members and witnesses also took their position near the office. The accused and the complainant entered into the Swarnarekha Bhavan and reached on the second floor of the building. Then, the accused asked the complainant, "पैसा लाये हो?". The complainant replied, "जैसा

आपने कहा था रू 1000/- ले आया हूँ." The accused Krishna Mohan Prasad extended his right hand towards the complainant, then the complainant took out the tainted GC note from his pocket and handed over the same to the accused in his extended left hand. The accused Krishna Mohan Prasad, after accepting the said tainted notes, kept the same in his left side pocket of wearing trouser without counting the same. The conversation and transaction took place at the corridor of the second floor of Swarnarekha Bhavan, CCL Headquarter, Darbhanga House, Ranchi. The incident was clearly seen and heard by independent witnesses Patras Lakra (PW-3) and Habil Oraon. Thereafter, the accused Krishna Mohan Prasad and the complainant entered in the chamber of the accused, which was situated on the second floor. The independent witnesses Patras Lakra (PW-3) and Habil Uraon followed them and took their position outside the said chamber. The door of the chamber was open and the said independent witnesses Patras Lakra (PW-3) and Habil Uraon were in a position to see the accused and the complainant. The accused took out typed letter and showed the same to the complainant saying that, "तुम्हारा नौकरी से सम्बंधित फाइल बरका सायल एरिया वापस कर दिया गया है उसमें कुछ कमी थी वापस आते ही तुम्हारा काम हो जायेगा।" The above conversation was clearly overheard by the independent witnesses Patras Lakra (PW-3) and Habil Oraon. Thereafter, on pre-fixed signal raised by complainant, the CBI trap team reached at the second floor of Swarnarekha Bhavan, CCL Headquarter and entered inside the chamber of the accused Krishna Mohan Prasad (appellant). After disclosing their identity to the

accused, they challenged the accused for having demanded and accepted the illegal gratification of Rs. 1000/- from the complainant Reti Lal Khote. The accused became nervous and failed to offer any explanation. Then, Inspector B. C. Chaurasiya and Vikash Gupta (PW-8) caught hold right and left hand of the accused declaring him as arrested and reasons for his arrest was also explained to him.

Post Trap Proceeding:-

8. Thereafter, a fresh solution of sodium carbonate in plain water in a clean glass beaker was prepared. On being asked, the accused dipped his left hand finger in the said solution, which turned into pink. The said pink solution was transferred in a clean glass bottle which was also sealed and signed by all the members of trap team and witnesses. The bottle was marked "L" for identification. Again, a fresh solution of sodium carbonate in plain water was prepared and in another clean glass beaker. On being asked about bribe money, the accused disclosed that he has kept the bribe amount in his left side pocket of wearing trouser, which was also recovered by Umesh Prasad Singh (PW-5). The notes were tallied with the numbers noted down at the time of pre-trap memorandum. The above recovery of GC notes were also kept in an envelope and sealed and signed by all members. The accused Krishna Mohan Prasad was requested to change his trouser. Accordingly, he did so and left side of his trouser pocket was also dipped in the said solution of sodium carbonate, which turned into pink. The said solution was also reserved in another clean glass bottle, which was sealed and signed by all members, marked "P" for identification. The trouser of the accused was also kept in an envelope,

which was also sealed and signed by all members. The colour of the trouser was light olive and there was tailor mark (V L Solanki, Ranchi) over the trouser. The office table of the accused Krishna Mohan Prasad was also searched and one unsigned typed letter bearing No. PD/MP/9.3.L/BarkaSayal/04/dated07.04.2004, addressed to staff Officer, Barka Sayal Area, was recovered, which was lying on the office table of accused Krishna Mohan Prasad. The said letter was seized. An intimation regarding arrest of accused Krishna Mohan Prasad was given to G.M., CCL Headquarter, Ranchi in writing. A memorandum of recovery and seizure for entire fact was prepared, which was read over and explained to all the persons and signed by all of them. A copy of memorandum was also given to the accused Krishna Mohan Prasad under his acknowledgement.

9. After completion of investigation, the investigating officer submitted charge-sheet against the present appellant for the offence under Sections 7 & 13(2) r/w 13(1)(d) of the P.C. Act. The sanction for prosecution was also granted by the Competent Authority. Accordingly, cognizance on the aforesaid offences was taken.

10. The accused appeared before the SPE-CBI, Ranchi. Charges were read over and explained to him, to which, the appellant denied from the charges levelled against him and claimed to be tried.

11. In the course of trial, altogether 9 witnesses were examined by the prosecution.

i. PW-1: Raj Gopalan Ramchandran

ii. PW-2: Santosh Kumar Singh

iii. PW-3 Patras Lakra (independent witness)

iv. PW-4 Reti Lal Khote (Complainant)

v. PW-5 Umesh Prasad Singh

vi. PW-6 Bimal Chandra Purkait

vii. PW-7 Jay Prakash Sharma

viii. PW-8 Vikash Gupta (Verifying officer)

ix. PW-9 K. K. Singh (Trap Laying Officer/I.O.)

Apart from oral testimony of witnesses, several documentary evidences including material evidences have been adduced by the prosecution.

12. On the other hand, no oral or documentary evidence has been adduced by the defence.

13. The case of the defence is denial from the occurrence and false implication. The accused in his statement under Section 313 of the Cr. P.C. has stated that neither he had demanded bribe nor he was competent to process the application for compassionate appointment of the complainant. He never demanded or talked about demand of any illegal gratification through telephonic call with the complainant. No such talk ever took place in between the complainant and the accused, rather, he has falsely been implicated due to delay in processing the application of the complainant due to his own fault by filing defective application, which was under process.

14. The learned Trial Court after scrutinizing the oral as well as documentary evidence available on record had considered the argument raised on behalf of the prosecution and defence and arrived at a definite conclusion that the accused while working in the capacity of public servant, has made demand of illegal gratification of Rs.

5,000/- to Rs. 7,000/- from the complainant for showing favour in process of application for compassionate appointment of the complainant in CCL. In the course of trap, the accused has been caught red-handed with the bribe amount accepted by him. It was also observed that the prosecution has been able to prove the charges against the accused beyond all shadow of reasonable doubt. Accordingly, the learned Trial Court held the appellant guilty for the offences under Sections 7 & 13(2) r/w 13(1)(d) of the P.C. Act and convicted and sentenced him as stated above, which has been assailed in this appeal.

Submission on behalf of appellant:-

15. Assailing the impugned judgment, the learned counsel for the appellant has submitted that very genesis of the occurrence is said to have taken place through telephonic talk in between the complainant and the appellant on 14.04.2004, wherein, for the first time, demand of Rs. 5,000/- to 7,000/- is alleged to have been raised by the complainant and the complainant was ready to immediately pay only Rs. 1,000 and rest of the money later on. On that basis alone, the F.I.R. was registered without proper verification about truth of the allegations made against the appellant. In the entire complaint petition, there is no whisper at all that the appellant demanded Rs. 1,000/- for processing or expediting the application for compassionate appointment of the complainant. The complainant has miserably failed to prove as to how many times he visited the office of the appellant prior to 14.04.2004, the date of alleged telephonic talk. It is admitted fact that the appellant being a P.A/Clerk has no power or authority to expedite or get

processed the application of compassionate appointment of the complainant at his own level. The entire allegations are malicious and false. The learned Trial Court has miserably failed to take into note that none of the shadow witnesses have been able to prove the exact transaction of demand of any bribe by the appellant from the complainant, its acceptance and payment for showing any favour to the complainant. The members of trap team have also not occasioned to see the actual transaction. Even if the complainant during trial has not testified any clear term that at the time of trap, the appellant asked any bribe or illegal gratification for showing favour to the complainant and in response to the demand made by the appellant. It is further submitted that there were eight members in the trap team, including independent witnesses, but the prosecution has not examined the Inspector B.C. Chaurasiya and shadow witness, Habil Oraon to corroborate the prosecution story. Therefore, the actual conversation of the alleged transaction allegedly heard by witnesses Habil Uraon could not be proved by the prosecution. In the sanction order also, there is no whisper that the appellant has demanded Rs. 5,000/- to 7,000/- for getting processed and expediting the application of the complainant for compassionate appointment. Therefore, sanction order was also accorded in mechanical manner without perusal of the materials. It is also admitted by the complainant in his evidence that when he visited to the appellant on 15.04.2004 in the office, he was shown a letter explaining that his application was defective and under process, which was beyond the capacity of the appellant to deal with at that stage. Therefore, no question of any demand arises. There is also no evidence

that as to what specific demand, which was either Rs. 5,000/- or Rs. 7,000/- or simply Rs. 1,000/-, which also cause serious doubt on the prosecution case. The fact that telephonic talk took place on 14.04.2004 in between complainant and the appellant has also not been proved as per evidence of witnesses. It also transpires that alleged post-trap memorandum was also drafted later in the CBI office and not at the place of occurrence. Therefore, the impugned judgment is absolutely illegal and based upon non consideration of evidence in proper perspective, which is liable to be set aside. The appellant deserves acquittal from the charges extending the benefit of reasonable doubt. Accordingly, this appeal may be allowed.

Submission on behalf of State-CBI:-

16. On the other hand, learned A.S.G.I. has opposed the aforesaid contentions raised by learned counsel for the appellant and defending the impugned judgment has submitted that the prosecution has been able to prove all the ingredients of offences under Sections 7 & 13(2) read with 13(1)(d) of the P.C. Act. In Section 20 of the P.C. Act, there is presumption against the accused if the foundational facts are proved. The appellant has miserably failed to explain or offer any valid and cogent reason for false implication either in his statement under Section 313 of the Cr.P.C. or adduced by defence evidence. The appellant has been caught red handed while asking and accepting bribe of Rs. 1,000/- from the complainant in order to process application for compassionate appointment applied by complainant. The chemical examination report conducted by C.F.S.L., Kolkata also corroborates prosecution case. Therefore, the learned Trial Court has very wisely

and aptly scrutinized the evidence adduced by the prosecution and committed no error of law while convicting and sentencing the appellant for the aforesaid offence calling for any interference in this case. This appeal is devoid of merits and fit to be dismissed.

Analysis, Reasons and Decision:-

17. I have gone through the records of the case alongwith the impugned judgment and order in the light of the contentions raised on behalf of both side.

18. The only point for consideration in this appeal is, as to whether the impugned judgment of conviction and sentence suffers from any serious error or law calling for any interference or not?

19. Before adjudicating the above point, it is pertinent to apprise with the testimony of the witnesses examined during trial.

20. It appears that altogether 9 witnesses have been examined by the prosecution.

PW-4 Reti Lal Khote is the important witness-cum-complainant of this case. He has stated that on 15.04.2004, he had come CBI Office, Ranchi and submitted a complaint petition that K.M. Prasad, PA. of Personnel Manager was demanding bribe for getting service on compassionate ground. He has identified his complaint petition as exhibit-6. After submission of the complaint, S.P., CBI called Sri Vikash Gupta, Inspector and Vikash Gupta interrogated him and thereafter he went away. Thereafter, one another person came there and took him in another room, who was later on identified as K.K. Singh. In that room Sri S.K. Sinha, Inspector, Vikash Gupta, Inspector, Ojha Sahab, two independent witnesses, Sri Umesh Prasad Singh and Patras

Lakra were also present. All persons were introduced with each other and his complaint was read over and explained to all the persons. It was disclosed that all the persons have been called to catch hold of Sri K.M. Prasad red handed while accepting bribe. Thereafter, a practical demonstration was shown. A piece of paper was treated with white powder and Umesh Prasad was asked to touch the paper, who touched it with his right hand finger. A solution was prepared in a glass, which was milky white. The right hand finger of Sri Umesh Prasad was dipped in the said solution. The milky white colour of the solution turned into pink. The said solution was transferred in a clean glass bottle which was sealed and signed by all. The bottle was marked "D" for identification. He has identified the bottle marked as material exhibit-I and his signature as exhibit-4/22. The piece of paper was also sealed in an envelope which was signed by all. He has identified the envelope, marked as material exhibit-Il and his signature as exhibit-4/23. He has further stated that he was asked to produce the money. He produced Rs. 1,000/- consisting of 9 numbers of Rs. 100/- denomination note and 2 numbers of Rs. 50/- denomination notes. The numbers of the notes were noted down and the notes were treated with the white powder and returned to him with a specific direction to give the said money to K. M. Prasad only on his demand. He kept the money in right side pocket of the wearing trouser. The residual powder was also kept and sealed in an envelope and all the persons put their signature over the envelope. He has identified the envelope marked material exhibit-III and his signature as exhibit-4/24. Mutual search of all the persons was taken. He was only allowed to keep the Rs. 1,000/- and none was allowed to keep anything.

All persons washed their hands with soap and water. He was also instructed that after acceptance of the bribe amount to give signal by scratching with the hands. A memorandum of all the proceeding was prepared, which was read over and explained to all the persons in English and Hindi. He has identified his signature on all the four pages of the memorandum. The signature has been marked as exhibit-4/25 to 4/28. He has further stated that after pre trap formalities, all the persons proceeded for CCL, Headquarter, Darbhanga House and reached there at about 2.30 P.M. He went to the office of Sri K.M. Prasad but he was not present there. The office of Sri K.M. Prasad was situated at Second Floor. He alongwith trap team waited at the ground. After sometime, he saw K.M. Prasad coming towards office building. When K. M. Prasad came near the building, he offered "Pranam Sir" and he replied by gesture. He went to the office building with Sri K.M. Prasad and Patras Lakra was following him and the other witness and C.B.1. team members were behind at some distance. When he alongwith K.M. Prasad reached at second floor, then Sri K.M. Prasad asked "पैसा लाये हो?". Then he replied "जैसा आपने कहा था Rs. 1,000/- ले आया हूँ" Sri K.M. Prasad extended his left hand towards him and he took out the amount from his right hand pocket and kept Rs. 1,000/- in his left hand. Sri K.M. Prasad kept the rupees in his left side pocket of his wearing trouser. Thereafter, He alongwith K.M. Prasad entered into his chamber where he was shown a typed letter and told him that "तुम्हारा नौकरी से सम्बंधित फाइल barkakana colliery एरिया वापस कर दिया गया है वापस आते ही तुम्हारा काम हो जायेगा। उसमें कुछ कमी थी वापस आते ही तुम्हारा काम हो

जायेगा।". Thereafter, he gave the pre fix signal after scratching neck by right hand. After receiving signal, all the trap team members of the C.B.I. entered into the room and caught hold both the hands of the accused. Sri K.K. Singh after giving his introduction challenged the accused that he has accepted bribe of Rs. 1,000/-, to which Sri K.M. Prasad became nervous. Thereafter, solution of sodium carbonate was prepared in a clean glass beaker. The left hand finger of Sri K.M. Prasad was dipped in the said solution then the solution turned into pink. The said solution was transferred in a clean glass bottle, which was sealed and signed by all and was marked "L" for identification. He has identified the bottle marked material exhibit-IV and his signature exhibit-4/29. Thereafter, Sri K.M. Prasad was asked about the bribe amount. On the indication of Sri K. M. Prasad the bribe amount was recovered from his pant pocket and was counted and found that 9 numbers of Rs. 100/- denomination and two numbers of Rs. 50/- denomination notes were recovered. Both the independent witnesses compared the number of the notes from the number previously recorded which tallied in toto. The notes were also kept and sealed in an envelope which was signed by all. He has identified the envelope marked material exhibit-V and his signature as exhibit-4/30. The witness also identified the notes material exhibit-VI to V1/10 after being taken it out from the envelope. Thereafter, a big towel was provided and Sri K.M. Prasad was asked to change his pant. Thereafter, a solution of sodium carbonate in a beaker was again prepared and left side pocket of the trouser of accused was dipped in the solution. The colour of the solution turned pink. This pink solution was also transferred in a clean glass bottle which was

sealed and signed. He has identified the bottle marked material exhibit-VII and his signature as exhibd-4/31. The pant was also kept and sealed in an envelope and all the persons put their signature. He has identified the envelope marked material exhibit-VIII and his signature as exhibit-4/32. The witnesses have also identified the pant after taking out from the envelope marked material exhibit-IX. A memorandum of all the proceeding was prepared, which was read over and explained to all the persons in Hindi and English and all the persons put their signature. He has identified his signature on all the 11 pages of the memorandum which has been marked as exhibit-4/33 to 4/43. A copy of the memorandum was also given to Sri K.M. Prasad on his due acknowledgment. He has identified the signature of Sri K.M. Prasad as exhibit-5.

In his cross examination, he admits that he has no any documentary proof to show that he had made telephone to Sri K.M. Prasad on 14.4.2004. He has further stated that he had written the complaint at his house. A petition for service on compassionate ground was submitted in head office on behalf of my elder brother. First of all, he had submitted his application for appointment on compassionate ground in mine B office. He has denied the suggestion of defence that he has falsely stated in his complaint that he made a telephonic talk with Sri K.M. Prasad. He reached the office of C.B.I. at 10:00 am on 15.04.2004. Thereafter, formality was observed and trap was layed. After 8-10 days of trap, his statement was recorded before the Investigating Officer. Sri Vikash Gupta had interrogated him till about 15 minutes. After 15-20 minutes Sri K.K. Singh took him, where other persons were sitting. They

remained there for about one hour. The plane paper which was treated with powder was not signed and signature was taken over the envelope. Sri Umesh Singh and Patras Lakra had noted down the number of the GC notes produced by him on a plane paper. The number of the GC notes produced by him was noted in pre trap memorandum. Pre trap memorandum was prepared after washing hands. The chamber of K.M. Prasad is towards right side of corridor. The chamber of Sri K.M. Prasad is at a distance of 20 to 25 feet from the starting point of corridor. There is one door for entry in the room of Sri K.M. Prasad. First time when he had gone in the room, at that time the C.B.I. team members were towards stairs. He went alone in the room. First time, when he went to the room of K.M. Prasad and came out at the ground. After 10 to 15 minutes, he again entered into the room of Sri K.M. Prasad, at that time Patras Lakra was 20 to 25 fit away behind him. He has further stated he had given money to the accused at the stair and not in the corridor. I gave signal after coming out of room. The CBI team arrived just after giving signal and challenged the accused that he has accepted bribe and accused became nervous. Thereafter, accused was brought to CBI Office and memorandum of all the proceeding was prepared in the office and all the persons put their signature. The complainant has further stated that "K.M. मुझे नौकरी नहीं दे सकते थे। हमारी बहाली के दर्खास्त पर enquiry हो चूका था। 15.04.2004 तक मेरे आवेदन पर enquiry समाप्त हो चुकी थी। ऐसी बात नहीं है की हमारा नौकरी सम्बन्धी फाइल एरिया ऑफिस में था। मैं नहीं जनता कि 15.04.2004 को हमारी नौकरी सम्बन्धी संचिका ऑफिस में थी या एरिया में थी।"

PW-3 Patras Lakra is the independent and shadow witness of this case. He was Manager at Allahabad Bank and was requisitioned through his controlling authority to witness the trap proceeding as an independent witness. He has stated that on 15.4.2004, he went CBI Office at about 12.30 P.M. on the direction of Chief Manager of Regional Office Sri Nayar and met Sri K.K. Singh, Inspector, CBI, Other Inspector of CBI were also present there. The purpose of assemblage was explained and was introduced with some inspectors, who were present there and he was also introduced with Reti Lal Khote, complainant. He was informed that K.M. Prasad, who is employee of CCL, has demanded Rs. 1,000/- from Reti Lal Khote for his appointment on compassionate ground and the petition of complainant was also read over. We also put some questions to the complainant. The reaction of phenolphthalein powder in the solution of sodium carbonate was also shown and the color of the solution turned pink. A piece of plain paper was treated with phenolphthalein powder and on being asked to Umesh Prasad Singh, touched the piece of paper from his right hand finger. Thereafter, a milky white power was put into a glass beaker full of water. On being asked, Umesh Prasad Singh touched the solution and the color of the solution turned pink. That pink solution was transferred in a clean glass bottle which was sealed and signed by all. He has identified the bottle (material ext.-I) and identified his signature as exhibit-4. The piece of paper was also kept and sealed in an envelope, which was sealed and signed by all. The witness has identified the envelope as material exhibit-II and his signature as exhibit-4/1. Thereafter, the complainant was asked to produce the

money and he produced 9 numbers of Rs. 100/- denomination and 2 numbers of Rs. 50/- denomination GC note amount to Rs. 1000/-. The number of GC notes were noted down and GC notes were treated with phenolphthalein powder and given back to the complainant. He has identified the envelope as material exhibit-III and his signature as exhibit-4/2. Mutual search of all the persons was taken. None was allowed to keep anything except pen and identity card. Only the complainant was allowed to keep the GC Notes amount to Rs. 1,000/- with him. All the persons washed their hand. A memorandum of all the proceeding was prepared, which was read over and explained to all the persons and all the persons put their signature on every page. He has identified his signature over all the four pages of pre-trap memorandum, which has been marked as exhibit-4/3 to 4/6 respectively. He has further stated that all the persons were waiting near the gate of Darbhanga House. After 5-10 minutes, K.M. Prasad came and the complainant offered Pranam to K. M. Prasad said, पैसा लाये हो? then the complainant replied, जैसा आपने कहा था लाये हैं। K. M. Prasad सीढ़ी के ऊपर चढ़ने लगे रतिलाल भी उनके साथ थे हमलोग थोड़ी दूर में उनके पीछे चल रहे थे। सीढ़ी चढ़ते हुए रतिलाल ने पैसा निकलकर K. M. Prasad को दिया, जिसे K. M. Prasad ने बायाँ हाथ में लेकर पैंट के बायाँ जेब में रख लिया। They went to the office chamber. K.M. Prasad told the complainant that तुम्हारे फाइल में कुछ कमी है बड़काकाना चला गया है वहां से आते ही तुम्हारा काम हो जायेगा। Thereafter, the complainant Reti Lal Khote gave signal and the CBI team reached there. They caught hold the hand of K.M. Prasad and asked him “have you taken money?” K. M. Prasad became nervous and subsequently

accepted. Thereafter, solution of sodium carbonate was prepared in a glass and left hand finger of K.M. Prasad was dipped in the solution, which turned pink. The solution was preserved in a bottle marked as material exhibit-IV and his signature on it as exhibit-4/7. Thereafter, K.M. Prasad was asked to produce the GC notes and he took out the GC notes. Umesh Prasad Singh counted and tallied the number from pre trap memorandum and found 9 numbers of Rs.100/- denomination and 2 numbers of Rs. 50/- denomination. GC notes were sealed in an envelope and marked as material ext.-V and signature as ext. 4/8. GC notes were marked as material ext.-VI to VI/10. Thereafter, K.M. Prasad was asked to change his wearing trouser and a towel was provided and one trouser was arranged. Left pocket of wearing trouser was also washed in freshly prepared solution of sodium carbonate and the color of the solution turned pink. This pink solution was also transferred in a clean glass bottle, which was sealed and signed by all. The sealed bottle was marked as material ext.-VII and signature as ext.-4/9. The trouser of the accused was also kept and sealed in an envelope and all persons put their signature, marked material ext.-VIII and signature as ext.-4/10. He has also identified the trouser marked material ext.-IX. A memorandum of all proceeding was prepared which was read over and explained to all and all the persons put their signature. He has identified his signature over all pages of memorandum of recovery and seizure as Ext. 4/11 to 4/21. A copy of memorandum was also given to K.M. Prasad. He has also identified the endorsement of receipt as exhibit-5.

In his cross-examination, he has stated that only two bottles were sealed on that day in his presence. One bottle was sealed during pre-trap

proceeding and another bottle during post-trap proceeding. He has put his signature on both the bottles marked material ext.-IV and VII. GC notes were also sealed in his presence. He has further stated in para 16 that K.M. Prasad is not competent to provide employment. He has further stated in his cross that he was at 10 yard distance in the corridor when the complainant went to the accused second time. Habil Oraon was standing at a distance of 5 feet in the corridor from the accused and the complainant. While entering in the room and reading a letter, signal was given and an envelope was handed over to the accused. The complainant remained there and thereafter, inspector and other members reached in the room. They challenged the accused and caught hold his hand. The accused was asked to take out money, then he took out the money. They remained there for five minutes and thereafter came to CBI office and completed further procedure.

PW-5 Umesh Prasad Singh is the independent and shadow witness of this case. He was Manager at Allahabad Bank and was requisitioned through his controlling authority to witness the trap proceeding as an independent witness. He has stated that on 15.4.2004, he went CBI Office at about 12.15 P.M. on the direction of Chief Manager of Regional Office and met Sri K.K. Singh, Inspector, CBI, Other Inspector of CBI were also present there. The purpose of assemblage was explained and was introduced with some inspectors, who were present there and he was also introduced with Reti Lal Khote, complainant. He was informed that K.M. Prasad, who is employee of CCL, has demanded Rs. 1,000/- from Reti Lal Khote for his appointment on compassionate ground and the petition of complainant

was also read over. The procedure of trap was explained and the reaction of phenolphthalein powder in the solution of sodium carbonate was also shown. A piece of plain paper was treated with phenolphthalein powder and he touched the piece of paper from his right hand finger. Thereafter, a milky white power was put into a glass beaker full of water. He touched the solution and the color of the solution turned pink. That pink solution was transferred in a clean glass bottle which was sealed and signed by all. He has identified the bottle (material ext.-I) and identified his signature as exhibit-4/44. The piece of paper was also kept and sealed in an envelope, which was sealed and signed by all. He has identified the envelope as material exhibit-II and his signature as exhibit-4/45. Thereafter, the complainant was asked to produce the money and he produced 9 numbers of Rs. 100/- denomination and 2 numbers of Rs. 50/- denomination GC note amounting to Rs. 1000/-. The numbers of GC notes were noted down and GC notes were treated with phenolphthalein powder and given back to the complainant. Further, the complainant was instructed to give the notes only on demand by the accused. He has identified the envelope as material exhibit-III and his signature as exhibit-4/46. This witness alongwith others were instructed to keep nearer distance so that conversation between the complainant and accused be heard. Mutual search of each member was done. None was allowed to keep anything except pen and identity card. A memorandum of all the proceeding was prepared, which was read over and explained to all the persons and all the persons put their signature on every page. He has identified his signature over all the four pages of pre-trap memorandum, which has

been marked as exhibit-4/47 to 4/50 respectively. He has further stated that all the persons proceeded for CCL Heardquarter, Darbhanga House. They reached there at 2:30 P.M. They were again briefed about the trap proceeding. They were waiting at the gate of Darbhanga House. The complainant identified the accused K.M. Prasad came and offered "Pranam" to him. K. M. Prasad instructed the complainant by signaling to come behind him. This witness has further stated that they also went toward office of accused, which is situated at second floor in Swarnrekha Bhawan. Thereafter, K.M. Prasad asked to complainant, पैसा लाये हो ? then the complainant replied, "जितना आपने कहा था उतना रुपया लेकर आया हूँ" K. M. Prasad ने अपना बायाँ हाथ शिकायतकर्ता की तरफ बढ़ाया और शिकायतकर्ता ने अपने जेब से रुपया निकलकर अभियुक्त के हाथ में दे दिया। K. M. Prasad ने उक्त रुपया को अपने पहने पेंट का बायां जेब में रख लिया। Thereafter, they went to the office chamber. This witness was standing at gate and others were standing at stair. Thereafter, the complainant Reti Lal Khote gave signal and the CBI team reached there. They caught hold the hand of K.M. Prasad and K.K. Singh said him “you have demanded and accepted bribe from the complainant.” K. M. Prasad became nervous. Thereafter, solution of sodium carbonate was prepared in a glass and left hand finger of K.M. Prasad was dipped in the solution, which turned pink. The solution was preserved in a bottle marked as material exhibit-IV and his signature on it as exhibit-4/51. Thereafter, K.M. Prasad was asked to produce the GC notes and Patras Lakra (PW-3) took out the GC notes. He counted and tallied the number from pre trap memorandum and found 9 numbers of Rs.100/-

denomination and 2 numbers of Rs. 50/- denomination. GC notes were sealed in an envelope and marked as material ext.-V and signature as ext. 4/51. GC notes were marked as material ext.-VI to VI/10. Thereafter, K.M. Prasad was asked to change his wearing trouser and a towel was provided and one trouser was arranged. Left pocket of wearing trouser was also washed in freshly prepared solution of sodium carbonate and the color of the solution turned pink. This pink solution was also transferred in a clean glass bottle, which was sealed and signed by all. The sealed bottle was marked as material ext.-VII and signature as ext.-4/52. The trouser of the accused was also kept and sealed in an envelope and all persons put their signature, marked material ext.-VIII and signature as ext.-4/53. He has also identified the trouser marked material ext.-IX. Thereafter, Office table of K. M. Prasad was searched and a post trap memorandum of all proceeding was prepared, which was read over and explained to all and all the persons put their signature. He has identified his signature over all pages of memorandum of recovery and seizure as Ext. 4/54 to 4/64. A copy of memorandum was also given to K.M. Prasad. He has also identified the endorsement of receipt as exhibit-5.

In his cross examination, he has stated that pre trap formality stated at about 12:30 hour and concluded at about 2:00 P.M. He had not taken such information whether the complainant was liable to get service on compassionate ground or not. He further admits that Clerk or P.A. cannot appoint any person in service. The paper of all proceeding in CBI Office was prepared by K.K. Singh in I.O. room. This witness has further stated that office of the accused is situated at a distance of 150-

200 yards at 2nd floor form the gate of CCL, Headquarter, Darbhanga House. He has further stated that Patras Lakra (PW-3) had followed the complainant, when he had gone in the office with accused. He had not gone with him. He alongwith other members went in the room after receiving signal. He had not seen the transaction and the accused was not a competent authority to appoint the complainant.

PW-8 Vikash Gupta, Inspector, CBI (ACB), Ranchi is the verifying officer and member of the trap team. He has stated that on 15.4.2004 Sri N.C. Jha, S.P., C.B.I. endorsed him the verification of the complaint of complainant Reti Lal Khote. He has identified the endorsement as exhibit-9. He verified the allegation by interrogating the complainant and by visiting C.C.L Headquarter, Darbhanga House and submitted his report and recommended for institution of case U/s 7 P.C. Act against K.M. Prasad. He has identified the verification report as exhibit-10. This witness has further stated that on my report Sri N.C. Jha endorsed to K.K. Singh to register and investigate the case. He has identified the endorsement as exhibit-9/1. He has further stated that at about 12.30 hours he alongwith S.K. Sinha, B.C. Chaurasia both Inspector and Habil Oraon constable assembled in I.O. Hall under leadership of Sri K.K. Singh. The complainant Reti Lal Khote, Independent witness Umesh Prasad Singh (PW-5) and Patras Lakra (PW-3) Officers of Allahabad Bank also assembled. Sri K.K. Singh introduced all the persons with each other and disclosed the purpose of assemblage and complaint of Reti Lal Khote was shown. The witnesses read the complaint and asked some questions and became satisfied. Sri K.K. Singh explained the use of phenolphthalein powder and sodium

carbonate and its chemical reaction, which followed with a practical demonstration. This witness has fully supported the pre trap proceeding and has identified his signature over bottle material exhibit-1 as exhibit-4/69 signature over envelope containing piece of paper material exhibit-Il as exhibit-4/70, signature over envelope containing residual phenolphthalein material exhibit-III as exhibit-4/71. He has stated that a piece of paper was treated with phenolphthalein powder and on being asked Umesh Prasad Singh (PW-5) touched the piece of paper from his right hand finger and his right hand finger was washed in freshly prepared solution of sodium carbonate which turned pink. This pink solution was transferred in clean glass bottle which was sealed and signed by all and was marked "D" for identification. Piece of paper was also kept and sealed in an envelope and all the persons signed over the said envelope. He has further stated that on being asked Reti Lal Khote produced 9 numbers of Rs. 100/- denomination and 2 numbers of Rs. 50/- denomination G.C. notes amounting to RS. 1,000/-. The number and denomination of these GC notes were noted down and the G.C. notes were treated with phenolphthalein powder and given back to the complainant with direction that he will give the G.C. notes to the accused only on his demand otherwise not. Complainant was also directed to give signal by scratching neck after acceptance of bribe amount. Residual phenolphthalein powder was also kept and sealed in an envelope and all the persons put their signature. Independent witness Patras Lakra (PW-3) was directed to remain with complainant and to see the transaction and to overhear the conversation. Other persons were also directed to keep themselves as near as possible hiding themselves

and try to see the transaction and over hear the conversation. Mutual search of every person was taken and all the persons washed their hands with soap and water. A pre trap memorandum of all the proceeding was prepared which was read over and explained to all and all members put their signature. He has identified his signature as exhibit-4/72 to 4/75. This witness has further stated that after completion of pre trap formalities, all the trap team members, including independent witnesses and the complainant proceeded for place of occurrence on 15.4.2004 and reached near gate of the office of accused Darbhanga House. All the persons were again briefed. All the persons took their position near the gate. At that time, K.M. Prasad entered from the main gate, Reti Lal Khote offered "Pranam" and K.M. Prasad replied by gesture and asked to follow him. Complainant entered in Swarn Rekha Building alongwith K.M. Prasad. Witnesses Patras Lakra (PW-3) and Habil Oraon were following them. Other team members and other independent witnesses were also following them by hiding themselves. When complainant reached at 2nd floor talking with accused, at that time he was at stair. After sometime constable Habil Oraon gave signal. After getting signal all the trap team members and witness Umesh Prasad Singh rushed towards office and entered into the office of K.M. Prasad. Sri K.K. Singh challenged the accused K.M. Prasad for having demanded and accepted illegal gratification of RS. 1,000/- and accused became nervous and pale. On being directed, he and B.C. Chaurasia caught hold right and left hand from wrist. Thereafter, solution of sodium carbonate was prepared and left hand finger of accused was washed in the said solution. The colour of the solution turned pink. This solution was

transferred in a clean glass bottle which was sealed and signed by all and marked "L" for identification. He has identified the bottle material exhibit-IV and his signature as exhibit-4/76. Thereafter on being asked Sri Umesh Prasad Singh (PW-5) recovered the bribe amount from left side pocket of wearing trouser of accused. The recovered notes were counted and number of the GC notes were compared from pre trap memorandum, which tallied in toto and was found Rs. 1,000/-. The recovered notes were also kept and sealed in an envelope, which was signed by all. The witness has identified the envelope material exhibit-V and his signature as exhibit-4/77 and also identified the G.C. notes material exhibit-VI to VI/10 after comparing its number and denomination. He has further stated that one towel was provided and accused was asked to change his trouser. Left pocket of wearing trouser was also washed in freshly prepared solution of sodium carbonate which turned pink. This pink solution was also transferred in a clean glass bottle which was sealed and signed by all and was marked "P" for identification. The witness has identified the bottle material exhibit-VII and his signature as exhibit-4/78. The trouser was also kept and sealed in an envelope which was signed by all. This witness has identified the envelope material exhibit-VIII and his signature as exhibit-4/79. The witness has also identified the trouser material exhibit-IX. He has further stated that table of accused was also searched and some documents were seized. A memorandum of recovery was prepared which was read over to all and all the persons put their signature. He has identified his signature as exhibit-4/81 to 4/90. A copy of memorandum

was given to accused. He has identified the endorsement of receipt exhibit-5.

In his cross-examination, he has stated that he was directed in writing for verification. He has not mentioned the time of starting and finishing of verification in his report. He had read the complaint. It was mentioned in complaint petition that application of complainant was sent several times to Area Office for necessary correction. He had not gone Area Office for verification. He had not verified about the point on which the application was being sent to Area Office. He has further stated that after he and the independent witness have read the complaint petition, the question put by the independent witness and its reply given by the complainant is not mention in pre trap memorandum. It is not mention in pre trap memorandum that a big towel is being carried in trap kit or with the trap team. It is not mention in post trap memorandum from where the big towel was provided. He cannot say as to how much quantity of phenolphthalein and sodium carbonate was brought during pre-trap proceeding nor it is mention in pre trap memorandum. Quantity of solution in bottle of demonstration is not mention in pre trap memorandum. He cannot say how many story are in Swarn Rekha Building. After getting signal, we had entered into the office of the accused. He had neither seen nor had over heard anything. This witness has clearly admitted that he had not seen the transaction and had not over heard the conversation taken between the complainant and the accused.

PW-9 Kaushal Kishore Singh is the trap laying officer and the investigating officer of this case. He has stated that on 15.4.2004, Sri

Reti Lal Khote submitted a written complaint to S.P., C.B.1., Ranchi alleging the demand of illegal gratification of Rs. 1,000/- by K.M. Prasad P.A. Personnel Department, CCL, Ranchi. After verification, a case being R.C. Case No. 11(A)/2004(R) was registered against K.M. Prasad. He has identified the F.I.R. as exhibit-11. After registration of the case, investigation was entrusted to him. After discussion, it was planned to lay a trap to catch Sri K.M. Prasad red handed while demanding and accepting bribe of Rs. 1,000/- from the above complainant. For this purpose a trap team was constituted consisting of Sri S.K. Sinha, B.C. Chaurasin, Vikash Gupta, all Inspector and Habil Oraon, (Constable) under my leadership. Two independent witnesses, namely, Sri Umesh Prasad Singh (PW-5) and Patras Lakra (PW-3) both officer of Allahabad Bank, were arranged through their controlling officer. All the members of the trap team, both the independent witnesses and the complainant assembled in I.O. room on 15.4.2004 at 12.30 hours. This witness has fully supported the pre trap formalities during which, all the persons were introduced with each other for the purpose of assemblage and use of phenolphthalein powder and its reaction with solution of sodium carbonate was also explained, which followed with a practical demonstration. The complainant produced the GC notes consisting of 9 numbers of Rs. 100/- denomination and 2 numbers of Rs. 50/- denomination G.C. notes. The numbers of GC notes were noted and the G.C. notes was treated with phenolphthalein powder and the same was given back to the complainant with a direction to give the GC notes to the accused K.M. Prasad only on his demand otherwise not. All the persons washed their hands and mutual search of all the

persons was taken. Only the tainted G.C. notes amounting to Rs. 1,000/ was left with the complainant and no other person was allowed to keep anything with them. A memorandum of all the proceedings was recorded, which was read over and explained to all the persons and all the persons put their signature. This witness has identified the bottle material exhibit-l and his signature as exhibit- 4/91. He has further identified the envelopes material exhibit-II in which piece of paper was kept and sealed and identified his signature as exhibit-4/92. He has identified the envelope material exhibit-III in which residual phenolphthalein was kept and sealed and also identified his signature as exhibit-4/93. He has identified the pre trap memorandum as exhibit-12. This witness has further supported the case of the prosecution during post trap formalities. He has stated that after completion of the pre trap proceeding, we proceeded for CCL Headquarter. All the persons were again briefed and the topography of the area and location of the office of Sri K.M. Prasad was studied discreetly. At about 1:30 P.M. on 15.4.2004, the team members took their respective position at the entrance gate of C.C.L. Headquarter, Darbhanga House. By that time Sri K.M. Prasad was entering C.C.L. Headquarter, Darbhanga House. Sri Reti Lal Khote wished him by saying "प्रणाम सर ". Sri K.M. Prasad asked the complainant to follow him by way of gesture and headed towards Swarn Rekha Bhawan, where he has got his office. The independent witness Patras Lakra (PW-3) and Habil Oraon (Constable) also followed them. The other C.B.I. team member and other independent witnesses also followed them. The complainant and K.M. Prasad reached on the second floor of the said building. After sometime,

after getting signal, C.B.I. trap team members and witness Umesh Prasad Singh (PW-5) rushed in the office room of Sri K.M. Prasad. After disclosing his identity, he challenged Sri K.M. Prasad of having demanded and accepted a bribe of Rs. 1,000/- from the complainant. Sri K.M. Prasad became nervous and did not offer any explanation. On his direction, Sri B.C. Chaurasia and Vikash Gupta (PW-8) caught hold right and left hand of K.M. Prasad by wrist and he was declared arrested. This witness has further supported the post trap proceeding during which left hand and left side pocket of wearing trouser of K.M. Prasad was washed, bribe amount was recovered, number and denomination of recovered G.C. notes were compared, which tallied and bribe amount and trouser of K.M. Prasad was kept and sealed in envelope over which all the persons put their signature. He has identified the bottle containing washed solution of left hand of K.M. Prasad marked "L" for identification and material exhibit-IV and his signature as exhibit-4/94. This witness has also identified the bottle containing washed solution of pocket marked "P" for identification and material exhibit-VII. He has also identified the envelope containing bribe amount material exhibit-V and his signature as exhibit-4/95 and also identified the G.C. notes material exhibit-VI to VI/10. This witness has also identified the envelope in which trouser of K.M. Prasad was sealed marked as material exhibit-VIII and his signature as exhibit-4/96 and identified the trouser material exhibit-IX. He has further stated that office table of Sri K.M. Prasad was searched and one unsigned typed letter dated 07.04.2004 addressed to Staff Officer (Personal), Barka Sayal was recovered. He has further stated that a memorandum of

recovery and seizure was prepared which was signed by all. He has identified the memorandum of recovery and seizure as exhibit-13. A copy of memorandum was given to the accused K.M. Prasad. He identified his endorsement of receipt exhibit-5. He has further stated that a bunch of paper containing the case of Reti Lal Khote was seized through seizure memo dated 15.4.2004 from S.K. Singh, Personal Manager. After collection of documents and recording of statement of witnesses and obtaining sanction order, charge sheet has been submitted.

He has stated during his cross examination that he does not remember that exact time of entrustment of F.I.R. to him and he has not mentioned it in his case diary. Before starting investigation he had read complaint petition, verification report and F.I.R. The complainant has written in his complaint petition that he had a talk with accused on telephone on 14.4.2004, in which he had demanded bribe. I had not made any investigation on the talk on telephone. There is no mention about enquiry on telephone talk in verification report. It is not mentioned in complaint and verification report that demand was made for processing the application. It is written in complain that his application was being sent area for correction. I had not made any investigation by visiting area as to on which point the application was being sent for correction. Verifying officer has not mentioned name of any other person except complainant from whom he enquired. He also did not investigate from whom the verifying officer had enquired. He had also not interrogated Sri N.C. Jha, who had drawn the F.I.R., but he used to discuss with him time to time. He had not discussed with him as

to how the processing for service has been mentioned in F.I.R. The complainant had not stated as to from which telephone number had made telephone to the accused. He had not interrogated him on this point. There is no other witness except complainant for the demand of bribe on 14.4.2004. He had not investigated whether the accused was competent to process and expedite the application of complainant or not, nor he had seized any such office order or document. Office order for constituting trap team is not before him today. Only the independent witnesses had asked question to the complainant and complaint petition was also read by them only. The question asked by witnesses and its reply given by complainant has not been mentioned in his case diary or pre trap memorandum. The quantity of sodium carbonate and phenolphthalein used and the quantity of solution of pre trap and post trap has not been mentioned in pre trap, post trap memorandum in his case diary. There is no endorsement of big towel in pre trap memorandum, but it is part of trap kit. It is not mentioned in post trap memorandum and case diary as to where the big towel was provided. The office of the accused is at 2nd floor toward left of stair. There is office room at both side of varanda / corridor. In every room, there is one entrance door. Habil Oraon had given him the signal. At that time, he and other members had reached at the varanda of 2nd floor. He had neither seen the transaction nor had heard conversation between the complainant and the accused. The towel, which was given to the accused to change his pant/trouser, was also not seized. There is no document except recovery memorandum with respect to seized pant/trouser of the accused. During investigation, the statement of

complainant was recorded on 28.04.2004, statement of Patras Lakra (PW-3) and Umesh Pd. Singh (PW-5) was recorded on 29.04.2004, and the statement of Vikash Gupta (PW-8) and Habil Oraon (constable) was recorded on 07.05.2004. He has further stated that during his investigation, he had not examined any Dhananjay. He had not found any evidence during investigation that examination and enquiry of application of complainant was completed before 15.04.2004. He had also not found any evidence that accused had complained about the complainant that he is not nominated son of his father. He has denied that all proceeding of trap and post trap memorandum was completed in the CBI office.

PW-2 Santosh Kumar Singh is Personnel Manager of C.C.L. He has stated that in the month of April, 2004, he was posted as Personnel Manager in Industrial Relation Department of CCL. His duty was to scrutinize the application of appointment of dependent of any employee or workman who died during duty period and to make correspondence. He has further stated that Sri K.M. Prasad was working with him since May, 2002 as P.A. His main duty was to take dictation and to type. He has knowledge as to in how many copies the letter is to be typed. He had also instructed to type any letter in three copies. One copy of the letter was being sent to the applicant's address. One copy was kept as office copy and one copy was for him. Sri K.M. Prasad used to type one more copy and he used to keep it in his personal record, which was not signed by him. He has proved letter No. 10028 dated 26.3.04, letter no. 1922 dated 8.4.2004 which is addressed to Staff Officer Personnel, Barka Sayal Area, which is in respect of service of Reti Lal Khote, Son

of Late Firat Ram Khote on compassionate ground. This letter was typed by Sri K.M. Prasad on his dictation and it bears his signature. This letter has been marked as exhibit 2. Case file of correspondence in 7 pages is also attached with this letter. The case file has been marked as exhibit-3. He has also proved the letter in respect of service of Reti Lal Khote as exhibit-2/1. He has also identified the carbon copy of letter exhibit-2 which did not bear signature of this witness. This letter has been marked as exhibit-4.

He has stated during his cross examination that it is not mention in exhibit-2 in how many pages the enclosure of case file is attached. This case file is in respect of the service of Reti Lal Khote but the complete file is not before him. There is provision in National Coal Wages agreement for giving service to the dependent of the deceased worker. His duty was to scrutinize the file and put up before the competent authority. Sri N.D. Sharma, Personnel Manager was also with him at that time. Sri K.M. Prasad was only doing the work of typing in the matter of appointment. Steno used to keep one copy of unsigned letter for reference. Sri Reti Lal Khote had not approached him in respect of his application for his service on compassionate ground before 15.4.2004. None other persons had approached me in respect of the application of Reti Lal Khote before 15.4.2004. He has further stated that none had complaint against the conduct and integrity of Sri K.M. Prasad. This is the file in respect of service of Reti Lal Khote. It is not mention in this file that Gopal Ram had also applied for service as S/o Late Firat Ram Khote but in affidavit of wife of Late Firat Ram Khote, it is stated that Gopal Ram is elder son of Late Firat Ram Khote. Sri

Reti Lal Khote had submitted his application on 26.7.2002 as dependent of Late Firat Ram Khote. If any person applies for service in place of his deceased father the enquiry is made in this respect. In this case screening committee had made enquiry. After enquiry the screening committee recommends, thereafter, area and G.M. recommend the application to headquarter. In the case of Reti Lal Khote, the enquiry is going on. There is a complaint against Reti Lal Khote that he is a forged person and he had wrongfully entered his name as son of Late Firat Ram Khote. A committee is making enquiry regarding the above allegation. After enquiry report and after receiving vigilance report the process of appointment will start. There was a grave allegation against him as such enquiry is going on. During enquiry photo copy of service book of Late Firat Ram Khote was made available in which name of the sons and daughter of Late Firat Ram Khote was mentioned. During enquiry there was difference of Khote and Khunte in the certificate and the officer had ordered to furnish bond. The file use to come for compliance and observation. When this file was received at his office, it is not mention but he had returned this file to area on 13.5.2003. This file was again sent back on 13.10.2003 and again he sent this file on 08.04.2004, thereafter this file had not came back in his office till 15.4.2004. This file was again sent on 30.04.2004, 20.05.2004 and 24.8.2004 to area. Now this file is pending before vigilance committee for its report. After 15.4.2004, a request of Sri K.K. Singh, Inspector was received for disposal of the file on priority basis. Sri K.M. Prasad was not competent to pass any order in respect of service of Reti Lal Khote and he was not authorized to give any note sheet in respect of the

service of Sri Reti Lal Khote. He has further stated that Sri K.M. Prasad is the patient of depression.

PW-6 Bimal Chandra Purkhait is the Junior Scientific Officer at C.F.S.L., Kolkata, who has examined the solution of hand wash, pocket wash of post trap proceeding and pre trap proceeding and has found phenolphthalein and sodium carbonate in all the three solutions. He has stated that sealed bottles of R.C. Case No. 11(A)/2004(R) was received with forwarding of S.P., C.B.I., Ranchi to Director, C.F.S.L. and the Director deputed him for its examination. He tallied the seal with seal impression which tallied. He broke the seal and measured the liquid of the bottles separately and examined separately and found phenolphthalein sodium carbonate and water. The residual was again sealed separately and put his initial and official stamp. He prepared his report. He has identified his report as exhibit-7. The report and bottle was sent to S.P., C.B.I. Ranchi with forwarding. He has identified the forwarding as exhibit-8. He has identified his signature over bottle material exhibit-I, IV and VII as exhibit-4/66, 4/67 and 4/68 respectively.

In his cross examination, he has stated that quantity of solution is not mentioned in the forwarding letter of C.B.I. laboratory sheet over which he had notes during examination, is not before him today. He has prepared the report on the basis of finding over laboratory report.

PW-7 Jai Prakash Sharma is the Chief Managing Director of CCL. he has stated that being CMD, he was competent to remove Sri K. M. Prasad, P.A. attached with S.K. Singh (PW-2), Personnel Manager, CCL from his service. He has further stated that he had perused the

F.I.R., memorandum, statement of witnesses and accused and considered the circumstances before according sanction and after application of mind, after finding prima facie case, he accorded sanction. He dictated the sanction order to Sri R. Chandran and after reading and finding it correct, he put his signature. He has identified the sanction order marked exhibit-1.

In his cross-examination, he has stated that after receipt of requisition from CBI, a file was opened for according sanction. That file is not before him in the Court. There is no mentioned of perusing case diary in the sanction order. It is not mentioned in the sanction order as to statement of how many witnesses were perused. Where the conversation between the complainant and the accused took place, is not mentioned in the sanction order. There is no signature of Mr. Ram Chandran, who recorded his dictation, over the sanction order.

PW-1 Raj Gopalan Ram Chandran is the Secretary in Vigilance Department of CCL, Ranchi. He has stated that this is the sanction order for prosecution against K.M. Prasad, P.A. to Personnel Manager, CCL, accorded by Jay Prakash Sharma, the then CMD, who was competent to remove K.M. Prasad from his service. He has identified the sanction order as exhibit-1.

In his cross-examination, he has stated that it is not written that Sri Jay Prakash Sharma has signed the sanction order after reading it. There is no signature of mine as typist. He had not seen as to what paper his officer has perused for given him dictation. He cannot say whether any file was opened in his office for according sanction order or not.

21. On the other hand, the defence has not examined any oral or documentary evidence to prove his innocence and his false implication.

22. It is also pertinent to apprise with Sections 7, 13(2) r/w 13(1)(d), 19 and 20 of the P.C. Act for better appreciation of the case.

> **Section-7: Public servant taking gratification other than legal remuneration in respect of an official act.**
>
> Whoever, being, or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person or for rendering or attempting to render any service or disservice to any person, with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of section 2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than six months but which may extend to five years and shall also be liable to fine.
>
> Explanations.-
>
> *(a) "Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.*
>
> *(b) "Gratification." The word "gratification" is not restricted to pecuniary gratifications or to gratifications estimable in money.*
>
> *(c) "Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government or the organisation, which he serves, to accept.*
>
> *(d) "A motive or reward for doing." A person who receives a gratification as a motive or reward for doing what he does not intend or is not in a position to do, or has not done, comes within this expression.*
>
> *(e) Where a public servant induces a person erroneously to believe that his influence with the Government has obtained a title for that person*

and thus induces that person to give the public servant, money or any other gratification as a reward for this service, the public servant has committed an offence under this section

Section-13 Criminal misconduct by a public servant

(1) A public servant is said to commit the offence of criminal misconduct,-

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in section 7; or

(b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or

(d) if he,-

(i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or

(iii) while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest; or

(e) if he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation.-For the purposes of this section, "known sources of income" means income received from any lawful source and such receipt

has been intimated in accordance with the provisions of any law, rules or orders for the time being applicable to a public servant.

(2) Any public servant who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to seven years and shall also be liable to fine.

Section-19 Previous sanction necessary for prosecution

(1) No court shall take cognizance of an offence punishable under section 7, 10, 11, 13 and 15 alleged to have been committed by a public servant, except with the previous sanction,-

(a) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;

(b) in the case of a person who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office.

(2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.

(3) Notwithstanding anything contained in the code of Criminal Procedure, 1973,-

(a) no finding, sentence or order passed by a special Judge shall be reversed or altered by a Court in appeal, confirmation or revision on the ground of the absence of, or any error, omission or irregularity in, the sanction required under sub-section (1), unless in the opinion of that court, a failure of justice has in fact been occasioned thereby;

(b) no court shall stay the proceedings under this Act on the ground of any error, omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error, omission or irregularity has resulted in a failure of justice;

(c) no court shall stay the proceedings under this Act on any other ground and no court shall exercise the powers of revision in relation to any interlocutory order passed in any inquiry, trial, appeal or other proceedings.

(4) In determining under sub-section (3) whether the absence of, or any error, omission or irregularity in, such sanction has occasioned or resulted in a failure of justice the court shall have regard to the fact whether the objection could and should have been raised at any earlier stage in the proceedings.

Explanation.-For the purposes of this section,-

(a) error includes competency of the authority to grant sanction;

(b) a sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature.

Section-20 Presumption where public servant accepts gratification other than legal remuneration

(1) Where, in any trial of an offence punishable under section 7 or section 11 or clause (a) or clause (b) of sub-section (1) of section 13 it is proved that an accused person has accepted or obtained or has agreed to accept or attempted to obtain for himself, or for any other person, any gratification (other than legal remuneration) or any valuable thing from any person, it shall be presumed, unless the contrary is proved, that he accepted or obtained or agreed to accept or attempted to obtain that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 7 or, as the case may be, without consideration or for a consideration which he knows to be Inadequate.

(2) Where in any trial of an offence punishable under section 12 or under clause (b) of section 14, it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed, unless the contrary is proved, that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 7, or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(3) Notwithstanding anything contained in sub-section (1) and (2), the court may decline to draw the presumption referred to in either of the said sub-sections, if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn.

23. In the case of **"Neeraj Dutta vs. State (NCT of Delhi)"** reported in **(2022) Supreme SC 1248** or **(2023) 4 SCC 731**, wherein, ***the moot question arose for answering the reference that in absence of complainant letting in direct evidence of demand owing to non-availability of complainant or owing to his death or other reason, whether demand for illegal gratification could be established by other evidence?***

The constitution Bench of the Hon'ble Apex Court, after taking into consideration the conflict judgment passed by the Hon'ble Apex Court has led relevant provision of law has summarized the principle as under:-

> "88.1. (a) Proof of demand and acceptance of illegal gratification by a public servant as a fact in issue by the prosecution is a sine qua non in order to establish the guilt of the accused public servant under Sections 7 and 13(1)(d)(i) and (ii) of the PC Act.
>
> 88.2. (b) In order to bring home the guilt of the accused, the prosecution has to first prove the demand of illegal gratification and the subsequent acceptance as a matter of fact. This fact in issue can be proved either by direct evidence which can be in the nature of oral evidence or documentary evidence.
>
> 88.3. (c) Further, the fact in issue, namely, the proof of demand and acceptance of illegal gratification can also be proved by circumstantial evidence in the absence of direct oral and documentary evidence.

88.4. (d) In order to prove the fact in issue, namely, the demand and acceptance of illegal gratification by the public servant, the following aspects have to be borne in mind:

(i) if there is an **offer to pay by the bribe-giver** without there being any demand from the public servant and the latter simply accepts the offer and receives the illegal gratification, it is a **case of acceptance** as per Section 7 of the Act. In such a case, there need not be a prior demand by the public servant.

(ii) On the other hand, **if the public servant makes a demand and the bribe-giver accepts the demand** and tenders the demanded gratification which in turn is received by the public servant, **it is a case of obtainment**. In the case of obtainment, the prior demand for illegal gratification emanates from the public servant. This is an offence under Sections 13(1)(d)(i) and (ii) of the Act.

(iii) In both cases of (i) and (ii) above, the offer by the bribe-giver and the demand by the public servant respectively have to be proved by the prosecution as a fact in issue. In other words, mere acceptance or receipt of an illegal gratification without anything more would not make it an offence under Section 7 or Sections 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 in turn there is a payment made which is received by the public servant, would be an offence of obtainment under Sections 13(1)(d)(i) and (ii) of the Act.

88.5. (e) The presumption of fact with regard to the demand and acceptance or obtainment of an illegal gratification may be made by a court of law by way of an inference only when the foundational facts have been proved by relevant oral and documentary evidence and not in

the absence thereof. On the basis of the material on record, the court has the discretion to raise a presumption of fact while considering whether the fact of demand has been proved by the prosecution or not. Of course, a presumption of fact is subject to rebuttal by the accused and in the absence of rebuttal presumption stands.

88.6. (f) In the event the complainant turns "hostile", or has died or is unavailable to let in his evidence during trial, demand of illegal gratification can be proved by letting in the evidence of any other witness who can again let in evidence, either orally or by documentary evidence or the prosecution can prove the case by circumstantial evidence. The trial does not abate nor does it result in an order of acquittal of the accused public servant.

88.7. (g) Insofar as Section 7 of the Act is concerned, on the proof of the facts in issue, Section 20 mandates the court to raise a presumption that the illegal gratification was for the purpose of a motive or reward as mentioned in the said Section. The said presumption has to be raised by the court as a legal presumption or a presumption in law. Of course, the said presumption is also subject to rebuttal. Section 20 does not apply to Sections 13(1)(d)(i) and (ii) of the Act.

88.8. (h) We clarify that the presumption in law under Section 20 of the Act is distinct from presumption of fact referred to above in sub-para 88.5(e), above, as the former is a mandatory presumption while the latter is discretionary in nature."

24. I have given anxious consideration to the overall aspects of the case and the material evidence available on record.

25. In the instant case, there is no doubt that the appellant was a public servant and he was working as PA/Clerk, Personnel Manager, CCL Headquarter, Ranchi at the relevant time of occurrence. The father of the complainant, namely, late Firat Ram Khote, who died on

06.09.2001. Thereafter, the elder brother of the complainant namely Ram Gopal had applied for his service in the CCL on compassionate ground of his deceased father but he also died on 27.05.2002 due to illness. Thereafter, the complainant Reti Lal Khote applied for his service in place of his late father. The complainant filed an application at CCL, Bhurkunda for his appointment on the basis of compassionate ground. The application was sent to CCL, Head Office at Ranchi for acceptance from CCL, Bhurkunda. The complainant alleges that on 14.04.2004, P.A./Clerk Krishna Mohan Prasad, Personnel Department, CCL Ranchi had demanded Rs. 5000/- to Rs. 7,000/- for expediting the work. When the complainant showed his inability to arrange the money as he had only Rs. 1000/- then the accused said him to come with Rs. 1000/- in his office at CCL, Headquarter, Darbhanga House, Ranchi. The complainant on being aggrieved for demand of Rs. 1000/- and rest of the amount later on in installment, made a complaint on 15.04.2004 before the S.P. CBI, Ranchi. The complaint petition filed against the accused shows that the appellant had demanded bribe. The verification was done by PW-8 Vikash Gupta, Inspector, CBI, Ranchi and found the case to be true and submitted his verification report on the same day. Thereafter, trap was proceeded and caught hold of the accused K.M. Prasad for demand and acceptance of Rs. 1,000/- as bribe at his office at CCL, Headquarter, Darbhanga House, Swarnrekha Bhawan, Ranchi.

26. In the background of aforesaid factual aspects, the complainant Reti Lal Khote has stated that he alongwith CBI team and independent witness reached at the CCL Headquarter at 2:30 P.M. When the accused was seen coming towards office building, the complainant offered

pranam and accused replied by gesture and instructed to follow him. Patras Lakra (PW-3) was also following him and other members were behind him. When they reached at 2nd floor, the complainant took out the amount from his right hand pocket and kept in left hand of the accused. Thereafter, they went to office chamber and the accused showed him a typed letter and told that his file has been sent to Barkakana Area, as soon as it comes back, your work will be done. Thereafter, he gave signal to trap team members. He further states that he has no documentary proof of making telephone to accused on 14.04.2004. He further admits that although he knew the telephone number of the accused but same was not even mentioned in the application to CBI. On 15.04.2004, one Dhananjay Saw had also gone with them but he has not been made witness by the CBI.

27. It further appears that Santosh Kr. Singh (PW-2), who is Personnel Manager of C.C.L. Ranchi has categorically stated the appellant being P.A/Clerk, has no authority to appoint anybody, make any note in the file or process the claim of compassionate appointment. This fact has also been corroborated by Patras Lakra (PW-3) and Umesh Pd. Singh (PW-5). PW-2 Santosh Kr. Singh has further stated that the complainant's own claim for compassionate appointment was under scrutiny because of allegations regarding his eligibility and that matter was pending before the vigilance committee. As such, the appellant could not have expedite or proceed for application of the complainant until completion of vigilance inquiry. It also appears that Inspector S.K. Sinha, Inspector B.C. Chourasia and constable Habil Oraon have not been examined in this case. Habil Oraon was accompanying the

complainant, who was only person stated to have heard the conversation relating to demand and acceptance of bribe by accused. His deliberate non-examination warrants an adverse inference against the prosecution.

28. The entire evidence has to be considered and evaluated in proper perspective. Here, in this case, only pre-trap memorandum and pre-trap proceeding has been proved by the prosecution but the foundational facts, which are essential to establish the guilt of the appellant regarding demand of bribe, its acceptance and recovery from conscious possession of the appellant, has not been proved. The record of complaint petition clearly shows that the complainant has not whispered at all that the appellant demanded Rs. 1,000/- for processing or expediting the application for his compassionate appointment. The complainant has miserably failed to prove as to how many times, he visited the office of the appellant prior to 14.04.2004. PW-2 Santosh Kumar Singh, who is personal Manager in CCL, Ranchi, has also stated that no other persons had approached him in respect of the application of complainant before 15.04.2004. PW-2 has further stated that none had complaint against the conduct and integrity of the accused. PW-9 Kaushal Kishore Singh, the investigating officer has stated in his cross-examination that there is no mention in the complaint and verification report that demand was made for processing the application. He has further stated that there is no other witness except the complainant for the demand on 14.04.2004. The offer by the bribe-giver and the demand by the public servant respectively have to be proved by the prosecution mere acceptance of illegal gratification without anything more is not an offence under Section 7 and Section 13(1)(d) of the P.C. Act. Therefore, the very

genesis of the case appears to be malicious. The materials brought on record by the prosecution does not establish the very foundational facts of demand of any bribe by the appellant, which is sine quo non for establishing the guilt of the appellant for the charges levelled against him.

29. In my considered view, the learned Trial Court has miserably failed to properly appreciate the evidence available on record in the factual background of the case and without recording any reason for arriving at the conclusion of the guilt of the appellant, has simply held the appellant guilty for the charges levelled against him.

30. Therefore, impugned judgment and order of conviction and sentence of the appellant is apparently illegal, devoid of reasons and based on non-consideration of material evidence available on record.

31. Accordingly, impugned judgment of conviction and order of sentence of the appellant passed by the learned Trial Court is hereby set aside.

32. This appeal is **allowed**.

33. Pending I.A.(s), if any, stands disposed of.

34. The appellant is on bail. He is discharged from the liability of bail bond and sureties are also discharged.

35. Let a copy of this judgment alongwith the trial Court records be sent back immediately to the concerned Trial Court for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand at Ranchi
Dated: 05/10/2026
Rahul- ***A.F.R.***
Uploaded On:06/10/2026