

## **Vijay Nath Awasthi vs State Of U.P. on 14 November, 1980**

**Equivalent citations: AIR1981SC1625, (1981)2SCC23, 1981(13)UJ54(SC), AIR 1981 SUPREME COURT 1625, 1981 UJ (SC) 55, 1981 SCC(CRI) 313, 1981 (2) SCC 23**

**Bench: A.D. Koshal, S. Murtaza Fazal Ali**

### **JUDGMENT**

Fazal Ali, J.

1. This appeal by special leave is directed against the judgment of the Allahabad High Court upholding the conviction of the appellant under Section. 161 of the Indian Penal Code and section 5(2) of the Prevention of Corruption Act as also the sentence of two years awarded on each count to run concurrently.
2. We have gone through the judgment of the High Court & have been taken through the evidence. According to the prosecution case, the appellant demanded a bribe of Rs. 100/- from Ram kumar (PW 1 who paid it to the former after a complaint was made to additional District Magistrate and information was passed on the police who organised a trap. The fact that money was paid to the appellant is beyond doubt and, in fact, the appellant does not deny it. His stand was tha money was surreptitiously put into is pocket and that as soon as he was accused of taking it by wasy of a bribe, he throw it away.
3. Mr. Gupta, learned Counsel for the appellant, brought to our notice certain discrepancies in the evidence of the witnesses, but after having gone through the same, we are unable to interfere with its appraisal by the two courts below. There is no reason, factual or leal, such as may persuade us to exercise the special jurisdiction of this Court under Article 136 of the constitution.
4. We therefore find no merit in this appeal which is accordingly dismissed