State Of Andhra Pradesh vs B. Eswaraiah on 3 February, 1983

Equivalent citations: AIR1983SC353, 1983CRILJ688, 1983(1)CRIMES985(SC), 1983(1)SCALE110, (1983)2SCC67, AIR 1983 SUPREME COURT 353, 1983 CRIAPPR(SC) 164.2, 1983 SCC(CRI) 341, 1983 UJ (SC) 362, 1983 UJ (SC) 409, 1983 2 SCC 67, 1983 UJ (SC) 362 (2), (1983) 1 CRIMES 985, (1983) GUJ LH 381

Bench: O. Chinnappa Reddy, S. Murtaza Fazal Ali

ORDER

1. The respondent was convicted under Section 161 IPC and Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act. The facts have been narrated in the judgment of the High Court and Sessions Court. After going through the judgment of the courts below we are satisfied that the High Court was absolutely wrong in acquitting the accused in the face of independent and disinterested evidence produced by the prosecution in support of its case. The only point taken by Mr. A. Subba Rao, learned Counsel for the respondent is that money and ornaments were planted in order to implicate the respondent which was disbelieved by the trial court but appears to have been believed by the High Court. The High Court has not disbelieved the evidence of the Deputy Superintendent of Police and other panch witnesses. The story of the accused that the money was given to the servant alongwith ornaments and was recovered from the Almirah seems to be too good to be true. It is too much to think that the accused had entrusted the keys of the almirah to the servant. On the other hand the evidence shows that the accused pretended that the keys were in the Police Station. In the circumstances we are satisfied that the accused has failed to prove the defence taken by him and in view of the overwhelming evidence adduced by the prosecution, of P.W. 1, P.W. 14 and Panch witnesses including Deputy Collector, it was clearly proved beyond reasonable doubt that there was a demand for a bribe and the bribe was received. We are, therefore, unable to support the judgment of the High Court which is in our opinion manifestly unreasonable. We, therefore, allow this appeal, set aside the order of acquittal passed by the High Court and restore the conviction.

2. The next question to be considered is as to the sentence to be awarded to the respondent. It appears that the case started as far back as 1964, that is to say, 18 years ago and it will really be not proper to send this appellant to jail for a long period at this stage. Nevertheless as the evidence against the respondent has been proved beyond reasonable doubt, he cannot escape punishment. In the circumstances of this case, therefore, we reduce the sentence awarded to the respondent by the trial court to six months rigorous imprisonment maintaining the fine of Rs. 1,000/- which was awarded by the trial court and in default to suffer rigorous imprisonment for six months. The appeal is accordingly disposed of.