[2025] 6 S.C.R. 180 : 2025 INSC 655

Paritala Sudhakar
v.
State of Telangana

(Criminal Appeal No. 2541 of 2025)

09 May 2025

[Sudhanshu Dhulia and Ahsanuddin Amanullah,* JJ.]

Issue for Consideration

The appellant was convicted for the offence punishable u/s.7 of the Prevention of Corruption Act, 1988 and also for the offence punishable u/s.13(1)(d) r/w. s.13(2) of the Act by the trial Court. The High Court affirmed the conviction of the appellant.

Headnotes†

Prevention of Corruption Act, 1988 – ss.7, 13(1)(d) r/w. s.13(2) – The complainant sought compensation for trees that dried due to drought – Allegation that appellant demanded a bribe of Rs.20,000/- to conduct an inquiry and prepare a report – A trap was laid for appellant – It was alleged that at the decided place, appellant asked PW1 to keep the bribe amount in a rexine bag attached to the petrol tank of his motorcycle – Accordingly, PW1 kept the bribe amount in the said bag – PW1 then signalled to the trap party indicating acceptance of bribe by the appellant – The trap party then approached the appellant and questioned him regarding the bribe amount – Tests were conducted on the hands of the appellant which proved negative – However, money was recovered from the rexine bag attached to the petrol tank of the appellant's motorcycle:

Held: To begin with, PW3 had stated that a few days prior to the incident, there was hot talk between the complainant-PW1 and the appellant, and in fact, PW3 had reprimanded the appellant for quarrelling with PW1 – However, the High Court has disbelieved this aspect without assigning any reason(s) for the same – On perusal of the Judgment(s)/Orders(s) of the Courts below and the material on record, it transpires that there are material contradictions in the evidence of the witnesses – From all the official versions of the witness' depositions before the Trial Court, the claimed/projected sequence of events by the prosecution-respondent, of both (i)

* Author

the money being placed in the rexine bag attached to the petrol tank of the appellant's bike, and; (ii) its recovery as also whether the same was in the presence of the appellant, does not seem to inspire confidence – The same cannot be said to have been proved beyond reasonable doubt – As far as presumption u/s.20 of the Act is concerned, the factum of demand, in the backdrop of an element of animus between the appellant and complainant, is not proved – In such circumstances, the presumption u/s.20 of the Act would not militate against the appellant – Thus, the conviction and sentence awarded to the appellant is set aside, extending to him the benefit of doubt – The judgments of the Courts below are quashed. [Paras 17, 19, 21, 22]

Case Law Cited

Yogesh Singh v. Mahabeer Singh **[2016] 7 SCR 713 : (2017) 11 SCC 195;** *Krishnegowda v. State of Karnataka* **[2017] 4 SCR 934 : (2017) 13 SCC 98;** *Om Parkash v. State of Haryana* **[2006] 1 SCR 423 : (2006) 2 SCC 250 – relied on.**

Mir Mustafa Ali Hasmi v. State of A.P. **[2024] 7 SCR 640 : 2024 SCC OnLine SC 1689;** *Rajesh Gupta v. State* **[2022] 2 SCR : 864 2022 SCC OnLine SC 1107;** *K Shantamma v. State of Telangana* **(2022) 4 SCC 574;** *Suresh Thipmppa Shetty v. State of Maharashtra* **[2023] 11 SCR 1135 : 2023 SCC OnLine SC 1038 – referred to.**

List of Acts

Prevention of Corruption Act, 1988.

List of Keywords

Section 7 of Prevention of Corruption Act, 1988; 13(1)(d) r/w. s.13(2) of Prevention of Corruption Act, 1988; Bribe; Prior verification of demand by investigator; Use of shadow witness; Successful pH test; Trap cases; Contradictions in evidence of witnesses.

Case Arising From

CRIMINAL APPELLATE JURISDICTION : Criminal Appeal No. 2541 of 2025

From the Judgment and Order dated 06.03.2024 of the High Court for the State of Telangana at Hyderabad in CRLA No. 157 of 2008

Appearances for Parties

Advs. for the Appellant:
Siddharth Aggarwal, Sr. Adv., Abhinav Sekhri, Ashish Raghuvanshi, Pareekshit Bishnoi, Ms. Mehaak Jaggi.

Advs. for the Respondent:
Ms. Devina Sehgal, Vineet George.

Judgment / Order of the Supreme Court

Judgment

Ahsanuddin Amanullah, J.

Leave granted.

2. This is an appeal at the instance of the sole Appellant-convict (hereinafter also referred to as the 'accused officer') against the Final Judgment and Order dated 06.03.2024 (hereinafter referred to as the 'Impugned Judgment') in Criminal Appeal No.157 of 2008 passed by a learned Single Judge of the High Court for the State of Telangana at Hyderabad (hereinafter referred to as the 'High Court'). The High Court dismissed the Criminal Appeal and affirmed the Judgment dated 29.01.2008 of the learned Additional Special Judge for Special Police Establishment & Anti-Corruption Bureau Cases at Hyderabad (hereinafter referred to as 'Trial Court') in Calendar[1] Case No.19 of 2004, whereby the Trial Court convicted the Appellant and sentenced him to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs.1,000/- (Rupees One Thousand) and in default to undergo simple imprisonment for a further period of six months for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988 (hereinafter referred to as the 'Act') and also for the offence punishable under Section 13(1)(d) r/w Section 13(2) of the Act to undergo Rigorous Imprisonment for a period of one year and pay a fine of Rs.1,000/- (Rupees One Thousand) and in default to undergo Simple Imprisonment for a further period of six months.

1 [Mis-spelt as '*Calender*' in the Trial Court Judgment.]

FACTUAL POSITION:

3. The Appellant, presently aged about 70 years, was working as a Revenue Inspector in the office of the Mandal Revenue Office (hereinafter referred to as the 'MRO') posted at Gundala Mandal, Nalgonda District, which was in the undivided State of Andhra Pradesh between 12.10.2001 to 20.08.2003. On 06.08.2003, the complainant submitted an application to the MRO, Gundala Mandal, claiming compensation for trees that dried up due to drought. The MRO forwarded the same to the accused officer/Appellant for conducting an inquiry. On the same day, in the evening, it was alleged that when the complainant (hereinafter also referred to as 'PW1') approached the Appellant to discuss a matter regarding compensation for the damaged trees, the Appellant demanded a bribe of Rs.2,000/- (Rupees Two Thousand) to conduct the inquiry and prepare a report. It was further alleged that on 07.08.2003, PW1 met the accused officer and requested that he is not in a position to pay such huge amount, whereupon the accused officer is said to have stated that unless the bribe amount of Rs.2000/- (Rupees Two Thousand) is paid to him, he would not come to the village for inspection. It is alleged that the Appellant finally asked PW1 to come with the bribe amount of Rs.2000/- (Rupees Two Thousand) and meet him at his residence at Mothukur Village on 11.08.2003.

4. Aggrieved by these demands, PW1 filed a written complaint with the Deputy Superintendent of Police, Anti-Corruption Bureau, Hyderabad Range, Hyderabad (hereinafter referred to as 'PW7') on 08.08.2003. PW7 registered a case being Cr. No.19/ACB-HR/2003 against the Appellant under Section 7 of the Act, on 11.08.2003.

5. On 11.08.2003, in presence of independent mediators, PW1 and others, pre-trap proceedings were conducted. The trap party then went to the Appellant's house. The house of the Appellant was found locked and PW1 was informed by the Appellant's neighbours that the Appellant had gone to the MRO at Gundala. From the house, independent witness-PW2 and PW1 went on scooter to the MRO, where PW7 and the other trap members followed them in a jeep. PW1 met the Appellant in the MRO. The Appellant informed that he would come over to Ambala Village and meet him. PW1 and PW2 came out of the office and informed PW7 that the Appellant would

meet him at Ambala Village. Again, PW1 and the trap party members went to Ambala Village and waited there. Around 6 PM, the Appellant came on his motorcycle and PW1 approached him, whereafter the Appellant and PW1 both went to PW1's house on their respective vehicles. Both vehicles were parked in front of PW1's house. The Appellant visited the garden/fields of PW1 and thereafter returned to PW1's house.

6. The Appellant had tea and informed that he would conduct '*panchanama*' in the presence of the mediators in the garden and asked PW1 to keep the bribe amount in a rexine bag attached to the petrol tank of his motorcycle. Accordingly, PW1 kept the bribe amount in the said bag. PW1 then signalled to the trap party indicating acceptance of bribe by the Appellant. The trap party then approached the Appellant and questioned him regarding the bribe amount. Tests were conducted on the hands of the Appellant which proved negative. However, money was recovered from the rexine bag attached to the petrol tank of the Appellant's motorcycle.

7. On 29.01.2008, considering the evidence and after hearing arguments on behalf of the prosecution and the defence, the Trial Court concluded that the prosecution had proved its case beyond reasonable doubt. The Trial Court convicted the Appellant and sentenced him to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs. 1,000/- (Rupees One Thousand) and in default to undergo Simple Imprisonment for a further period of six months for the offence punishable under Section 7 of the Act and also sentenced to undergo Rigorous Imprisonment for a period of one year and to pay a fine of Rs.1,000/- (Rupees One Thousand) and in default to undergo Simple Imprisonment for a further period for six months for the offence punishable under Section 13(1)(d) r/w Section 13(2) of the Act.

8. Aggrieved by the Trial Court's Judgment dated 29.01.2008, the Appellant preferred Criminal Appeal No.157 of 2008 before the High Court and on 06.03.2024, the High Court delivered the Impugned Judgment, whereby it dismissed the Criminal Appeal on the grounds that the prosecution had successfully established the element of demand of bribe and acceptance thereof by the Appellant beyond reasonable doubt.

APPELLANT'S SUBMISSIONS:

9. Learned senior counsel for the Appellant contended that the triple test for gauging trustworthiness of trap cases i.e., (i) Prior verification of demand by investigator; (ii) use of shadow witness, and; (iii) successful pH test are entirely absent, in the instant case.

10. Learned senior counsel contended that the entire factual matrix surrounding the alleged bribe is extremely flawed. It was submitted that the alleged demand was made during the late evening of 11.08.2003 at PW1's house where there were no independent witnesses. The demand was also not heard by any of the trap team members who were present at the scene of the incident. It was argued before us that the complainant also failed to disclose the fact that he had previously approached the MRO for grievance(s) regarding drought compensation, and this had led to a prior altercation with the Appellant. This shows a further insight into the entire (alleged) crime being a farce and a ploy to take revenge from the Appellant, due to prior *animus* between the Appellant and PW1.

11. It was argued that there is no verification of alleged demand or of the genuineness of the grievance made before deciding to lay trap. It was contended that the need for proper verification of demand and allegation has been held to be a settled convention in trap cases as per the recent judgment of a Coordinate Bench of this Court in ***Mir Mustafa Ali Hasmi v State of A. P.*, 2024 SCC OnLine SC 1689**.

12. Reliance was further placed on ***Rajesh Gupta v State*, 2022 SCC OnLine SC 1107** and ***K Shantamma v State of Telangana*, (2022) 4 SCC 574**, wherein conviction was overturned due to the prosecution's failure to adequately prove demand by means of evidence.

13. While referring to DW1's (complainant's wife) statements, it was pointed out that her narration of the events that transpired completely contradicted the one given by the complainant-PW1. In fact, the wife had not supported the case of any demand being made at the time when both parties were present in the house. It was, hence, urged that the appeal be allowed, as there was no evidence worth the name available against the Appellant.

SUBMISSIONS BY THE RESPONDENT:

14. Learned counsel for the Respondent drew our attention to Paragraph no.17 of the Trial Court Judgment and contended that ordinarily, a

demand for illegal gratification would not be made openly by corrupt officials to avoid being reported and to safeguard their reputation. Therefore, the absence of other direct witnesses to the demand would not amount to controverting or denying the demand but would only suggest that the same was not made in the presence of other persons. In fact, PW2 had stated in his examination-in-chief that the Appellant had asked the complainant about the bribe amount and after nodding his head, the Appellant instructed the complainant to meet him at the crossroads. It was submitted that as to the fact that PW2 was not inside the room when the afore-noted conversation occurred, he was just outside the door, showing that he was at a hearing distance.

15. The learned counsel further submitted that there is no motive for complainant to falsely concoct a story against the Appellant and even if the altercation between complainant and the Appellant is believed to have taken place, it was an attempt by the Appellant to signal to the complainant that his application for compensation would be rejected unless he approves it. This was nothing more than a prelude to the demand being made by the Appellant of illegal gratification and it only strengthens the Respondent's case. Furthermore, it was urged that the presumption against the Appellant would be operative under Section 20 of the Act, as recovery was effected from the rexine bag attached to the petrol tank of the Appellant's motorbike.

16. Learned counsel contended that though it was brought to the Court's attention that the complainant had contradicted his statement when he stated that the Appellant was not with him when he placed the money in the pouch/bag, but the same is not true as the complainant had corrected his statement(s) thereafter in the cross-examination. But, even if it were to be believed that only the complainant was present at the time the money was kept, as noted by the Trial Court, there is a clear line of sight from inside the house towards where the Appellant's motorcycle was parked. Therefore, even in such scenario, it is clear that the currency notes were placed in the Appellant's bag with his knowledge and upon his instructions, hence, establishing the acceptance of illegal gratification. Even while referring to the statements made by DW1, it was contended that the entire conversation relating to the bribe amount happened while she was preparing tea for the parties, so naturally, she could not have

heard anything. It was urged that the appeal deserved dismissal at the hands of this Court.

ANALYSIS, REASONING AND CONCLUSION:

17. Having heard learned counsel for the parties, perused the Judgment(s)/Orders(s) of the Courts below and the material on record, it transpires that there are material contradictions in the evidence of the witnesses. In this connection, it would not be out of place to take note of the observations in ***Yogesh Singh v Mahabeer Singh*, (2017) 11 SCC 195** to the following effect:

> '***29.*** *It is well settled in law that the minor discrepancies are not to be given undue emphasis and the evidence is to be considered from the point of view of trustworthiness. The test is whether the same inspires confidence in the mind of the court. If the evidence is incredible and cannot be accepted by the test of prudence, then it may create a dent in the prosecution version. If an omission or discrepancy goes to the root of the matter and ushers in incongruities, the defence can take advantage of such inconsistencies. It needs no special emphasis to state that every omission cannot take place of a material omission and, therefore, minor contradictions, inconsistencies or insignificant embellishments do not affect the core of the prosecution case and should not be taken to be a ground to reject the prosecution evidence. The omission should create a serious doubt about the truthfulness or creditworthiness of a witness. It is only the serious contradictions and omissions which materially affect the case of the prosecution but not every contradiction or omission. (See Rammi v. State of M.P. [Rammi v. State of M.P., (1999) 8 SCC 649: 2000 SCC (Cri) 26], Leela Ram v. State of Haryana [Leela Ram v. State of Haryana, (1999) 9 SCC 525: 2000 SCC (Cri) 222] , Bihari Nath Goswami v. Shiv Kumar Singh [Bihari Nath Goswami v. Shiv Kumar Singh, (2004) 9 SCC 186: 2004 SCC (Cri) 1435], Vijay v. State of M.P. [Vijay v. State of M.P., (2010) 8 SCC 191: (2010) 3 SCC (Cri) 639], Sampath Kumar v. Inspector of Police [Sampath Kumar v. Inspector of Police, (2012) 4 SCC 124: (2012) 2 SCC (Cri) 42], Shyamal Ghosh v. State of W.B. [Shyamal Ghosh v.*

State of W.B., (2012) 7 SCC 646: (2012) 3 SCC (Cri) 685] and Mritunjoy Biswas v. Pranab [Mritunjoy Biswas v. Pranab, (2013) 12 SCC 796: (2014) 4 SCC (Cri) 564].)'

(emphasis supplied)

18. In ***Krishnegowda v State of Karnataka*, (2017) 13 SCC 98**, it was observed as under:

'***26.*** *Having gone through the evidence of the prosecution witnesses and the findings recorded by the High Court we feel that the High Court has failed to understand the fact that the guilt of the accused has to be proved beyond reasonable doubt and this is a classic case where at each and every stage of the trial, there were lapses on the part of the investigating agency and the evidence of the witnesses is not trustworthy which can never be a basis for conviction. The basic principle of criminal jurisprudence is that the accused is presumed to be innocent until his guilt is proved beyond reasonable doubt.*

27. *Generally in the criminal cases, discrepancies in the evidence of witness is bound to happen because there would be considerable gap between the date of incident and the time of deposing evidence before the court, but if these contradictions create such serious doubt in the mind of the court about the truthfulness of the witnesses and it appears to the court that there is clear improvement, then it is not safe to rely on such evidence.*

28. *In the case on hand, the evidence of the eyewitnesses is only consistent on the aspect of injuries inflicted on the deceased but on all other factors there are lot of contradictions which go to the root of the matter.*

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32. *It is to be noted that all the eyewitnesses were relatives and the prosecution failed to adduce reliable evidence of independent witnesses for the incident which took place on a public road in the broad daylight. Although there is no absolute rule that the evidence of related witnesses has to be corroborated by the evidence of independent*

witnesses, it would be trite in law to have independent witnesses when the evidence of related eyewitnesses is found to be incredible and not trustworthy. The minor variations and contradictions in the evidence of the eyewitnesses will not tilt the benefit of doubt in favour of the accused but when the contradictions in the evidence of the prosecution witnesses proves to be fatal to the prosecution case then those contradictions go to the root of the matter and in such cases the accused gets the benefit of doubt.

33. *It is the duty of the Court to consider the trustworthiness of evidence on record. As said by Bentham, "witnesses are the eyes and ears of justice". In the facts on hand, we feel that the evidence of these witnesses is filled with discrepancies, contradictions and improbable versions which draws us to the irresistible conclusion that the evidence of these witnesses cannot be a basis to convict the accused.*'

(emphasis supplied)

19. To begin with, PW3 had stated that a few days prior to the incident, there was hot talk between the complainant-PW1 and the Appellant, and in fact, PW3 had reprimanded the Appellant for quarrelling with PW1. However, the High Court has disbelieved this aspect without assigning any reason(s) for the same. Further, PW1's version itself during his deposition before the Trial Court is self-contradictory, inasmuch as initially he stated in his examination-in-chief that both he and the accused officer came back to his house and were drinking tea inside the house, when PW1 came out and kept the amount in the rexine bag attached to the petrol tank of the Appellant's bike. However, when he was re-examined by the Public Prosecutor concerned, PW1 stated that the Appellant was with him when the tainted currency was kept in the rexine bag attached to the petrol tank. Why this aspect is of significance is for the reason that if the Appellant had come out of the house along with PW1 and in full view of the trap party members who were just 20 yards away and could witness the signal from PW1 of removing his spectacles and wiping it and then they would, but naturally, also have seen that PW1 had directly kept the bribe amount in the rexine bag

attached to the petrol tank of the motorcycle of the Appellant. In this background, the statement of PW7 that when the Appellant was already on his motorcycle and was about to start it, he was stopped and taken inside the house, where he was made to dip his hand in the solution mixed with water, but his hands did not change colour, is inexplicable for the reason that the trap party members had already witnessed the complainant directly putting the tainted notes, allegedly as demanded by the Appellant, in the rexine bag. Thus, there was no occasion for the Appellant to be taken inside the house to get his hands dipped in the solution, as the Appellant had not touched the notes. Further, when the solution did not change colour, PW7 states that he called the complainant to narrate what had happened and then, upon coming to know that the money was kept inside the rexine bag directly, the same was recovered and the number of the notes matched with those which had been kept for the purposes of the trap. The actual circumstances leading to the recovered notes being kept by the complainant-PW1 directly in the rexine bag attached to the petrol tank of the motorcycle of the Appellant are not forthcoming. To further confound the matter, DW1-wife of the complainant stated that her husband/PW1 went outside the house and again came back inside the house with the Appellant. Thereafter, DW1 states, after consuming tea, both went outside. Subsequently, the trap party entered the house along with PW1 and the Appellant. Thus, from all the official versions of the witness' depositions before the Trial Court, the claimed/projected sequence of events by the prosecution-Respondent, of both (i) the money being placed in the rexine bag attached to the petrol tank of the Appellant's bike, and; (ii) its recovery as also whether the same was in the presence of the Appellant, does not seem to inspire confidence. The same cannot be said to have been proved beyond reasonable doubt, in our considered opinion. In ***Suresh Thipmppa Shetty v State of Maharashtra*, 2023 SCC OnLine SC 1038**, while allowing the appeals preferred by the convicts therein, it was observed that when the Court is to choose between the version proffered by the prosecution *vis-à-vis* the defence version, in the face of reasonable doubt towards the prosecution story, the Court should lean in the defence's favour.

20. One further aspect which the Court would like to dwell on is that as per the version of the witnesses themselves, at the very least,

what is common is that the Appellant had taken a round of the horticulture garden of the complainant for preparing a report relating to the claim of insurance/compensation for PW1's trees which were destroyed due to drought, whereafter the Appellant returned to the house and had tea. The presence of DW1-wife of the complainant inside the house, who prepared the tea, is undisputed. She has stated during deposition that she was not aware of any demand by the Appellant of any money for preparing any report. Thus, on an overall circumspection of the facts and circumstances of the case, the evidence on record and for reasons stated above, we find that the guilt of the Appellant has not been proved beyond reasonable doubt. Having found so, this is a case where benefit of doubt was required to be given to the Appellant.

21. As far as the submission of the State is that the presumption under Section 20 of the Act, as it then was, would operate against the Appellant is concerned, our analysis *supra* would indicate that the factum of demand, in the backdrop of an element of *animus* between the Appellant and complainant, is not proved. In such circumstances, the presumption under Section 20 of the Act would not militate against the Appellant, in terms of the pronouncement in ***Om Parkash v State of Haryana*, (2006) 2 SCC 250**:

> '***22.*** *In view of the aforementioned discrepancies in the prosecution case, we are of the opinion that the defence story set up by the appellant cannot be said to be wholly improbable. Furthermore, it is not a case where the burden of proof was on the accused in terms of Section 20 of the Act. Even otherwise, where demand has not been proved, Section 20 will also have no application. (Union of India v. Purnandu Biswas [(2005) 12 SCC 576: (2005) 8 SCALE 246] and T. Subramanian v. State of T.N. [(2006) 1 SCC 401: (2006) 1 SCALE 116])*'
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> (emphasis supplied)

22. Accordingly, for reasons afore-stated, the instant appeal is allowed. The conviction and sentence awarded to the Appellant is set aside, extending to him the benefit of doubt. The Judgments of the Courts below are quashed.

23. As the Appellant was already granted exemption from surrendering, no further orders are required to be passed in this regard. If fine was deposited by the Appellant, let the same be refunded within four weeks from date. No order as to costs.

24. I.A. No.91184/2024 is allowed – the Appellant is exempted from filing a Certified Copy of the Impugned Judgment.

Result of the case: Appeal allowed.

†*Headnotes prepared by:* Ankit Gyan