

# Vijayalakshmi.S vs State Represented By on 31 March, 2022

**Author: G.Chandrasekharan**

**Bench: G.Chandrasekharan**

CRL.A.No.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 17.02.2022

PRONOUNCED ON : 31.03.2022  
CORAM

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL.A.No.440 of 2012

S.Senthil Murugan (Deceased)  
S/o Subramanian,  
Junior Engineer Grade – I,  
Office of the Assistant Engineer,  
Tamil Nadu Electricity Board,  
Kombaikkadu, Palladam Taluk,  
Coimbatore.

1. Vijayalakshmi.S  
2.Dhaarini.S  
3.Kaanupriya.S  
4.Abi Nivesh.S

... Appellants

(Amended as per order in Crl.M.P.No.11690 of 2021  
in Crl.A.440 of 2012 dated 16.11.2021)

Vs.

State represented by  
Deputy Superintendent of Police,  
Vigilance and Anti Corruption,  
Coimbatore,  
Crime No.11/2008/AC/CB

... Respondent

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<https://www.mhc.tn.gov.in/judis>

PRAYER: Criminal Appeal filed under Section 374 of the Code of Criminal Procedure, to reverse the judgment dated 25.06.2012 in Spl.C.C.No.14 of 2011 on the file of Special Court for cases under Prevention and Corruption Act, Coimbatore.

For Appellants : Ms.Vedavallikumar

For Respondent : Mr.E.Raj Thilak  
Additional Public Pro

#### JUDGMENT

Challenge is to the judgment of the learned Special Judge for cases under the Prevention of Corruption Act, Coimbatore, in Spl.C.C.No.14 of 2011, convicting the deceased appellant S.Senthil Murugan for the offences under Sections 7, 13(2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 and sentencing him to undergo two years rigorous imprisonment and to pay the fine of Rs.1,000/- in default to undergo rigorous imprisonment for one month under Section 7 and three years rigorous imprisonment for the offences under Sections 13(2) r/w 13 (1)

(d) of Prevention of Corruption Act, 1988 and to pay a fine of Rs.2,000/- in default to pay the fine to undergo two months rigorous imprisonment. <https://www.mhc.tn.gov.in/judis>

2.The trial Court framed charges against the deceased appellant under Sections 7, 13(2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988. During the trial, respondent examined PW1 to PW11 witnesses, produced Ex.P1 to P27 and MO1 to MO7. Deceased appellant produced Ex.D1 to D5 and not examined any witness.

3. The case of the prosecution is that the deceased appellant was working as a Junior Engineer Grade – I, at Tamil Nadu Electricity Board, Kombaikkadu, Palladam Taluk, Coimbatore. He is a public servant as per Section 2(c) of Prevention of Corruption Act, 1988. The defacto complainant Balachandran approached the deceased appellant on 03.03.2008, for electric service connection to his power loom. He paid a sum of Rs.9,480/- as deposit, on 11.4.2008, at Samalapuram electricity office and met the deceased appellant at 11.00 a.m. and requested him to give electric service connection. The deceased appellant demanded a sum of Rs.2,000/- as bribe for giving electric service connection. The defacto complainant met the deceased appellant at 9.30 a.m. on 11.7.2008 and enquired about the electric service connection. The <https://www.mhc.tn.gov.in/judis> deceased appellant reiterated his demand of Rs.2,000/- as bribe. The defacto complainant who was examined as PW2 did not want to give bribe and therefore, he met the Inspector of Vigilance and Anti Corruption, Coimbatore on 13.07.2008 and gave a complaint along with the receipt for the amount paid by him. On basis of the Ex.P5 complaint, Ex.P6 FIR was registered. PW10, the Inspector of Police, directed him to come at 6.00 a.m. on 14.07.2008 with a sum of Rs.2,000/- demanded as bribe. As directed PW2 met the Inspector of Police at 6.00 a.m. on 14.07.2008 and he arranged Government officials PW3 and one Rabi Ahmed as witnesses. They were given copies of the FIR and they enquired with PW2 about the allegations made in the FIR. At the request of the Inspector of

Police, he handed over four 500/- rupees notes meant for giving to the deceased appellant as bribe. The serial numbers of the currency notes were recorded. Then he demonstrated the sequence of Sodium Carbonate - phenolphthalein test. Entrustment Mahazar was prepared narrating the pre-trap proceedings and the serial numbers of the currency notes were entered. Then PW2 and PW3 along with the other witnesses police officials started to the deceased appellant's office. PW2 <https://www.mhc.tn.gov.in/judis> and PW3 were dropped at a distance and they covered the distance by walk. On entering the office, the deceased appellant asked PW2 to come near his seat. PW2 and PW3 sat in front of the deceased appellant. The deceased appellant enquired about PW3 and PW2 told him that PW3 is his friend. Then the deceased appellant asked him as to whether he brought the money demanded by him. PW2 answered in the affirmative. The deceased appellant asked him to give the money and PW2 gave Rs.2,000/- to the deceased appellant. The deceased appellant received the money, counted it and kept in his shirt pocket. He informed PW2 that electric service connection would be given. Then PWs 2 and 3 came out of the office and PW2 signalled to the Inspector of Police with a pre arranged signal. The Inspector and others came near them and asked them about what had happened and PW2 explained as to what had happened inside the office. Then all of them went inside the office and PW2 identified the deceased appellant. The Inspector sent him out and continued with the rest of the proceedings.

<https://www.mhc.tn.gov.in/judis>

4. PW10 on entering the office of the deceased appellant introduced himself and other official witnesses. The deceased appellant was found in a tensed mood and he was pacified. PW10 Inspector informed the higher official of the deceased appellant, requested him to send a responsible official. Then Sodium Carbonate solution was prepared. The deceased appellant was asked to dip his hands in the Sodium Carbonate Solution. Both solutions turned pink. The solution used for dipping right hand is MO4 and the solution used for dipping left hand is MO5. During this process, PW4, the Assistant Executive Engineer came there. He was informed about the case details and was requested to help in the further proceeding. The deceased appellant was asked about the money received from PW2. The deceased appellant produced 500 rupees notes from his left side shirt pocket. There were four 500 rupees notes. Serial numbers in the notes were compared with the serial numbers in the entrustment Mahazar. The deceased appellant also produced Rs.1,240/- as his personal amount that was returned to him. The deceased appellant's shirt was subjected to the Sodium Carbonate - Phenolphthalein test and it turned to pink colour. The <https://www.mhc.tn.gov.in/judis> solution is MO6 and the Shirt is MO7. Then PW7 seized the other materials and documents, prepared Ex.P15 Mahazar. A search was conducted at the residence of the deceased appellant and no incriminating material was seized from his house. PW3 had corroborated the evidence of PW2 with regard to the demand of the money by the deceased appellant and then he corroborated the evidence of PW10 with regard to the trap proceedings.

5. PW5 was working as a lineman in the deceased appellant's office, he spoke about helping in the preparation of estimation for giving electric service connection to the defacto complainant. PW6 is an Assistant working in the same office. He spoke about the receipt of Rs.50, Rs.9480/- and the receipts Ex.P3 and P4. PW7 spoke about sending the material objects to forensic department for analysis. PW9 spoke about analysing the material objects and giving Ex.P21 report. PW11, the

Additional Superintendent of Police conducted the investigation and filed a final report against the deceased appellant for the offences under Sections 7, 13(2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988. <https://www.mhc.tn.gov.in/judis>

6. On the basis of the oral and documentary evidence, the learned trial Judge found that the charges against the deceased appellant for the offences under Sections 7, 13(2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988 were proved and convicted and sentenced him as mentioned earlier. Challenging the said conviction and sentence, this Criminal Appeal is filed.

7. The learned counsel for the deceased appellant submitted that it is alleged by the prosecution that the first demand of bribe by the deceased appellant was on 11.04.2008 followed by a demand on 11.07.2008. The complaint was given only on 13.07.2008 and the trap was conducted on 14.07.2008. There is no explanation for the delay in giving the complaint. There is no corroboration for the alleged demand on 11.04.2008 and 11.07.2008 for the evidence of PW2. A sum of Rs.2,000/- was demanded only for transporting the transformer. This aspect was proved by the deceased appellant by producing relevant <https://www.mhc.tn.gov.in/judis> evidence to show that there was no amount available in the office for meeting the transportation expenses of the transformer. Immediately after the trap proceedings, the electric service connection was given to PW2. It shows that the complaint was given with an ill motive to see that he gets the electric service connection out of turn. The internal wiring was completed only on 23.07.2008 and it is evident from Ex.P5. It reinforces the case that even before the internal wiring, PW2 tried to get the electric service connection by giving a false complaint. There is discrepancy in the sanction order as to the date on which sanction order was signed by PW1. There is also contradiction in the evidence of PWs 2, 3 and 5 as to the presence of PW3 inside the deceased appellant's room. A mere receipt of Rs.2,000/- would not be enough to record the conviction unless the demand is proved. The demand of Rs.2,000/- by the deceased appellant is not proved by acceptable evidence. Thus, the learned counsel for the deceased appellant and the legal heirs of the deceased appellant submitted that the deceased appellant Senthil Murugan is innocent and he was falsely implicated in this case. Therefore, he prayed for setting aside the judgment of the trial Court. <https://www.mhc.tn.gov.in/judis>

8. The learned counsel for the appellant relied on the judgment reported in Criminal Appeal No.1350 of 2009 in State of Maharashtra Vs. Dnyaneshwar Laxman Rao Wankhede (Supreme Court) and the judgment in Criminal Appeal No. 696 of 2014 in B.Jayaraj Vs. State of A.P. (Supreme Court) for the proposition that the demand of illegal gratification is sine qua non to constitute the offence under Section 7 of the Prevention of Corruption Act, 1988. The relevant portion of the judgment in Criminal Appeal No.1350 of 2009 in State of Maharashtra Vs. Dnyaneshwar Laxman Rao Wankhede (Supreme Court) is extracted hereunder:

16. Indisputably, the demand of illegal gratification is a sine qua non for constitution of an offence under the provisions of the Act. For arriving at the conclusion as to whether all the ingredients of an offence, viz., demand, acceptance and recovery of the amount of illegal gratification have been satisfied or not, the court must take into consideration the facts and circumstances brought on the record in their entirety. For

the said purpose, indisputably, the presumptive evidence, as is laid <https://www.mhc.tn.gov.in/judis> down in Section 20 of the Act, must also be taken into consideration but then in respect thereof, it is trite, the standard of burden of proof on the accused vis-à-vis the standard of burden of proof on the prosecution would differ. Before, however, the accused is called upon to explain as to how the amount in question was found in his possession, the foundational facts must be established by the prosecution. Even while invoking the provisions of Section 20 of the Act, the court is required to consider the explanation offered by the accused, if any, only on the touchstone of preponderance of probability and not on the touchstone of proof beyond all reasonable doubt.

The relevant portion of the judgment in Criminal Appeal No. 696 of 2014 in B.Jayaraj Vs. State of A.P. (Supreme Court) is extracted hereunder:

7. In so far as the offence under Section 7 is concerned, it is a settled position in law that demand of illegal gratification is sine qua non to constitute the said offence and mere recovery of currency notes cannot constitute the offence under Section 7 unless it is proved beyond all reasonable doubt that the accused voluntarily <https://www.mhc.tn.gov.in/judis> accepted the money knowing it to be a bribe. The above position has been succinctly laid down in several judgments of this Court.

He relied on the judgment reported in AIR 1979 SC 1408 in Suraj Mal Vs. The State (Delhi Administration) and the judgment in Criminal Appeal No.1098 of 2006 in State of Kerala & Anr. Vs. C.P.Rao (Supreme Court) for the proposition that the mere recovery of money is not sufficient to prove the charges against the accused in the absence of any evidence to prove the payment of bribe or to show that the accused voluntarily accepted the money knowing it to be bribe. The relevant portion of the judgment in AIR 1979 SC 1408 in Suraj Mal Vs. The State (Delhi Administration) is extracted hereunder:

Thus mere recovery by itself cannot prove the charge of the prosecution against the appellant, in the absence of any evidence to prove payment of bribe or to show that the appellant voluntarily accepted the money.

The relevant portion of the judgment in Criminal Appeal No.1098 of 2006 in State of Kerala & Anr. Vs. C.P.Rao (Supreme Court) is extracted hereunder:

<https://www.mhc.tn.gov.in/judis> In the context of those observations, this Court in paragraph 28 of A. Subair (supra) made it clear that the prosecution has to prove the charge beyond reasonable doubt like any other criminal offence and the accused should be considered innocent till it is proved to the contrary by proper proof of demand and acceptance of illegal gratification, which is the vital ingredient to secure the conviction in a bribery case.

The judgments reported in AIR 1992 SC 665 in Som Parkash Vs. State of Punjab and (2011) 3 MLJ (Crl) 481 in T.M.Shanmughavelu and Another Vs. State rep. by Inspector of Police, Vigilance and Anti-

Corruption, Coimbatore are relied for the proposition that the witnesses associated in the conduct of raid for recovery of tainted money cannot be termed as independent witnesses. The relevant portion of the judgment in AIR 1992 SC 665 in Som Parkash Vs. State of Punjab is extracted hereunder:

2. The High Court found that the witnesses who were associated in the conduct of the raid for recovery of tainted money from the appellant could not be termed as independent who could be associated with such raids. The High Court further <https://www.mhc.tn.gov.in/judis> expressed doubt about veracity of the witness who claimed that money was actually handed over in his presence. The High Court, however, drew an adverse inference against the appellant from the circumstance that the, bill which was delayed for unreasonable period had suddenly been passed by the appellant on an overall assessment the High Court entertained some suspicion about the credibility of the prosecution witnesses but at the same time did not find the suspicion to be strong enough to raise doubt about the guilt of the appellant. We agree with the learned Counsel for the appellant that in the face of the finding that the witnesses who formed part of the raiding party were not independent and the evidence regarding handing over money to the appellant being unbelievable, the conviction of the appellant cannot be sustained. The guilt of the appellant has not been proved beyond reasonable doubt and as such the benefit must go to him.

The relevant portion of the judgment in (2011) 3 MLJ (Crl) 481 in T.M.Shanmughavelu and Another Vs. State rep. by Inspector of Police, Vigilance and Anti-Corruption, Coimbatore is extracted hereunder:

10.6. The prosecution also cannot place <https://www.mhc.tn.gov.in/judis> reliance on the evidence of PW.3, the trap witness, who cannot be considered to be an independent witness as he forms part of the raiding party, to corroborate the version of PW.2 as held by the Hon'ble Apex Court in Som Parkash Vs. State of Punjab (AIR 1992 SC 665) to the effect that "the witnesses who formed part of the raiding party were not independent".

The judgment reported in (2002) 10 SCC 371 in Punjabrao Vs. State of Maharashtra is pressed into service for the proposition that the accused can establish his defence by preponderance of probability. If the explanation offered by him under Section 313 Cr.P.C is found to be reasonable, then it cannot be thrown away. The relevant portion of the judgment in (2002) 10 SCC 371 in Punjabrao Vs. State of Maharashtra is extracted hereunder:

The accused can establish his defence by preponderance of probability - If the explanation offered by him under S.313 Cr.P.C is found to be reasonable, then it

cannot be thrown away merely on the ground that he did not offer the said explanation at the time when the amount was seized.

It is undisputed that from 24th to 26th the <https://www.mhc.tn.gov.in/judis> Patwari was collecting loans in a collection campaign. It is, of course, true as observed by the High Court that when the Investigating Officer seized the amount from the Patwari-accused, he did not offer the explanation that it was in relation to a collection of loan, but that by itself would not be sufficient to throw away the explanation offered by the accused in his statement under Section 313 when such explanation could be held to be reasonable under the facts and circumstances of the case, as indicated by the learned Special Judge while acquitting the accused. It also transpires that the High Court, while setting aside an order of acquittal recorded by the Special Judge, has not focussed its attention to the reasoning advanced by the Special Judge, and by mere re-appreciation has come to the conclusion, and in our view the conclusion is based upon a mis-reading of the relevant evidence including the evidence of PW-2. In the aforesaid circumstances, we have no hesitation to come to the conclusion that the High Court erred in interfering with the well reasoned judgment of the Special Judge in an order of acquittal.

The judgment reported in 1973 AIR 2773 in Kali Ram Vs. State of <https://www.mhc.tn.gov.in/judis> Himachal Pradesh is relied for the proposition that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. The relevant portion of the judgment in 1973 AIR 2773 in Kali Ram Vs. State of Himachal Pradesh is extracted hereunder:

Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favorable to the accused should be adopted.

9. In response, the learned Additional Public Prosecutor appearing for the respondent submitted that the deceased appellant received Rs.2,000/-. The reasons stated by the deceased appellant that Rs.2,000/- was received for transporting the transformer cannot be accepted. PW2 had categorically given evidence with regard to the demand of bribe made by the deceased appellant for giving electric service connection. Even on the date of the trap, the deceased appellant reiterated his demand and that was spoken to by PW2 and PW3. The demand of bribe, its <https://www.mhc.tn.gov.in/judis> acceptance by the deceased appellant and recovery were satisfactorily proved by the evidence of the prosecution witnesses especially PWs 2, 3, 4 and 10. The deceased appellant was rightly convicted and sentenced and therefore, the learned Additional Public Prosecutor prayed for confirming the judgment of the trial Court and for dismissal of the Criminal Appeal.

10. Points for consideration:

Whether the findings of the trial Court convicting and sentencing the deceased appellant for the offences under Sections 7, 13(2) r/w 13 (1)

(d) of Prevention of Corruption Act, 1988, is required to be interfered?

11. The prosecution case is that the deceased appellant demanded Rs.2,000/- for giving the electric service connection to the power loom of PW2. The demand was made on 11.04.2008 and 11.7.2008 and again on 14.07.2008. The trap proceedings was successful. It is established from the evidences of PWs 2, 3, 4 and 10 that the bribe money was recovered from the deceased appellant from his shirt pocket. The Sodium <https://www.mhc.tn.gov.in/judis> Carbonate Phenolphthalein test of his hands and Shirt resulted in positive finding establishing that the bribe money of Rs.2,000/- was received by the deceased appellant and it was recovered from his pocket. It is seen from the cross examination of PW2 that a suggestion was made to him that the transformer for giving electric service connection is available at Coimbatore and it has to be transported from Coimbatore. There is no ready cash available in the office for meeting the transportation expenses. If PW2 spends Rs.2,000/- for engaging a private vehicle for transporting the transformer, later he can get back the money, once the money is received in the office. It is also claimed that PW2 accepted for this proposal and Rs.2,000/- received by the deceased appellant on the belief that it was given for the transportation expenses of the transformer. Therefore, from this suggestion put to PW2, it is clear that the deceased appellant admitted the receipt of Rs.2,000/- from PW2. But he claims that it is not a bribe but the amount meant for transport charges of the transformer. The same suggestion was made to PW3 and PW10. Whether this defence is probable and can be accepted is a question to be decided in this case.

<https://www.mhc.tn.gov.in/judis>

12. Ex.D1 is relied by the learned counsel for the appellant that as on 22.05.2008, only a sum of Rs.80 was available in the petty cash reserve and that was the reason why the deceased appellant received a sum of Rs.2,000/- from PW2 for transporting the transformer. True it is that it is shown in Ex.D1 that only a sum of Rs.80/- was available in the petty cash reserve as on 22.05.2008. The issue is whether the deceased appellant was empowered legally to receive Rs.2,000/- from PW2 for the transportation expenses of the transformer.

13. Admittedly, PW2 had deposited the requisite fee and deposited the amount to meet the necessary expenses for giving electric service connection. It is for the Tamil Nadu Electricity Board to make all the necessary arrangements, including securing the transformer. The deceased appellant or for that matter any other officials of the Tamil Nadu Electricity Board cannot request the consumer to meet the expenses and later recover from the department. This course is not permissible and against the rules of the finance code. What is the necessity for getting <https://www.mhc.tn.gov.in/judis> the money for the purpose of transportation of transformer from PW2. If there was no sufficient Government money available to meet the transportation expenses, at best, though not permissible, the deceased appellant could have asked PW2 to arrange a vehicle at his cost for transporting the transformer. It is not necessary for him to receive the money from PW2 for this purpose. Therefore, the defence set up by the deceased appellant that he received Rs.2,000/-



from PW2 to meet the transport expenses of the transformer cannot be accepted.

14. Ex.D5 is relied by the learned counsel for the appellant to show that the test report was made ready only on 23.07.2008, suggesting thereby, only on 23.07.2008, necessary primary works like wiring and other related works had been completed and inspected. It also implies that prior to 23.07.2008, wiring and other works had not been completed and therefore, it is not possible for giving electric service connection and it also ruled out the alleged demand of bribe. This case of the deceased appellant cannot be accepted for the reason that the main allegation against the deceased appellant is that though PW2 made the premises <https://www.mhc.tn.gov.in/judis> ready for electric service connection after completing the necessary works like wiring and other works, demanding a bribe of Rs.2,000/-, the deceased appellant had not given electric service connection. It is apparent that the test report was generated after the trap proceedings were over. It does not mean that the wiring and other works had not been completed prior to that, especially, prior to the trap proceedings. Therefore, Ex.D5 would not be of much use to the case of the appellant.

15. PW2 has given evidence with regard to the demand of bribe by the deceased appellant on 11.07.2008 and again on 11.07.2008. When the demand was reiterated on 14.07.2008, PW3 was also present. Though PW5 says that PW3 was not present inside the room, this Court is not inclined to believe the evidence of PW5 for the reason that he is a colleague of the deceased appellant and may want to help him by saying that no one entered into the room of the deceased appellant. This Court goes with the evidence of PW3 in finding corroboration for the evidence of PW2 for the demand of the bribe money by the deceased appellant on 14.07.2008.

<https://www.mhc.tn.gov.in/judis>

16. The learned counsel for the appellant drew the attention of this Court that Ex.P1 sanction proceedings is dated 07.02.2009, but it was signed by PW1 on 20.02.2009. The evidence of PW1 shows that the signature in the sanction order was on 20.02.2009 and it was received by the Vigilance department on 16.02.2009. When it is signed by PW1 on 20.02.2009, the seal found in Ex.P1 that it was received by the Vigilance department on 16.02.2009 creates a strong suspicion as to whether the sanction order was obtained, as claimed, in a proper and legal manner. When the sanction is not proper, the entire prosecution fails.

17. Ex.P1 shows that the sanction proceedings was dated 07.02.2009 and signed by PW1 on 20.02.2009. There is a seal of the Vigilance department in Ex.P1. Though the month and year is clearly visible, there is some number missing before the number 6 because it was not properly imprinted in Ex.P1. It could have been 16.02.2009 or 26.02.2009. Merely because the date is not clearly imprinted on Ex.P1, we cannot doubt the genuineness and legality of the sanction order. <https://www.mhc.tn.gov.in/judis>

18. Section 19 (3) of the Prevention of Corruption Act 1988 makes it clear that no finding, sentence or order passed by the 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. In the case before hand, the appellant has not made out any prejudice or failure of justice occasioned to him in the matter of granting sanction for prosecution. As already stated, the Ex.P1 sanction could have been received by the Vigilance department on 26.02.2009 as well. Therefore, the contention of the learned counsel for the appellant that the sanction given for prosecution of the appellant is illegal, cannot be accepted.

19. There is no second opinion with regard to the judgment relied by the learned counsel for the appellant for the proposition that the demand is sine qua non to prove the charge under Section 7 of the Prevention of Corruption Act, 1988 and mere recovery of money is not <https://www.mhc.tn.gov.in/judis> sufficient to prove the charge that the accused received the bribe amount. The explanation given by the accused when questioned under Section 313 Cr.P.C can also be accepted, if it is plausible. However, in the case before hand, the explanation given by the deceased appellant that he received a sum of Rs.2,000/- for meeting the transportation expenses of the transformer, in the absence of any lawful authority, cannot be accepted. The demands made by the deceased appellant on 11.04.2008, 11.07.2008 and on the date of trap on 14.07.2008, was clearly spoken by PW2. Though there is no corroborative evidence for the demands made on 11.04.2008 and 11.07.2008, PW3 corroborated the demand made on 14.07.2008. Acceptance and recovery of bribe amount were proved beyond any doubt. Thus, this Court is of the considered view that the demand of bribe, its acceptance by the deceased appellant and recovery are clearly proved through the evidences of PW2, 3 and 10 and the charges against him are proved beyond any reasonable doubt. In this view of the matter, this Court finds that the judgments relied by the learned counsel for the appellant are not applicable to the facts and circumstances of this case.

<https://www.mhc.tn.gov.in/judis>

20. In fine, this Court confirms the judgment of the learned Special Judge for cases under Prevention and Corruption Act, Coimbatore in Spl.C.C.No.14 of 2011 in convicting the deceased appellant for the offences under Sections 7, 13(2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988. However, in view of the death of the accused during the pendency of the appeal, sentence of imprisonment cannot be imposed. Sentence of fine alone is sustained. The fine amount is ordered to be recovered from the estate of the deceased, if not already paid. In fine, the criminal appeal is dismissed as indicated above. Consequently, connected miscellaneous petitions, if any, is also closed.

31.03.2022 Index: Yes/No Internet: Yes/No Speaking Order/Non-Speaking Order sli To

1. The Special Court for cases under Prevention and Corruption Act, Coimbatore.

<https://www.mhc.tn.gov.in/judis>

2. The Deputy Superintendent of Police, Vigilance and Anti Corruption, Coimbatore, Crime No.11/2008/AC/CB

3. The Public Prosecutor, High Court, Madras.

<https://www.mhc.tn.gov.in/judis> G.CHANDRASEKHARAN.,J sli PRE-DELIVERY JUDGMENT  
MADE IN 31.03.2022 <https://www.mhc.tn.gov.in/judis>