

(2017) 01 DEL CK 0289

In the Delhi High Court

Case No : 157 of 2005

ANOOP KUMAR JOSHI

APPELLANT

Vs

THE STATE OF DELHI

RESPONDENT

Date of Decision : 12-01-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 313](#) - Power to examine the accused
[Prevention of Corruption Act, 1988](#), [Section 20](#), [Section 13](#), [Section 6460](#)

Citation : (2017) 01 DEL CK 0289

Hon'ble Judges : P.S.Teji

Bench : SINGLE BENCH

Advocate : Apurb Lal, Meenu Pandey, Panna Lal Sharma

Judgement

1. Aggrieved by the judgment of conviction dated 20th January, 2005 convicting the appellant finding him guilty under Sections 7 & 13 (2) read with Section 13(1) (d) of the Prevention of Corruption Act, 1988 (hereinafter referred to as "PC Act, 1988" for brevity) and order on sentence dated 27th January, 2005 vide which the sentence was passed to undergo rigorous imprisonment for a period of one year each for his conviction under Sections 7 & 13(1)(d) of the PC Act, 1988 and also to pay fine of Rs.5,000/- on each count and in case of default of payment of fine, to undergo rigorous imprisonment for a period of three months, the present appeal has been filed.

2. The facts in brief are that on the basis of the information received from the complainant Prithvi Singh to the effect that the appellant Anoop Kumar Joshi, while working as an employee of the erstwhile Delhi Electric Supply Undertaking (DESU), demanded bribe of Rs.1,000/- for rectifying the electricity bill in

respect of the electricity connection installed at the house of the complainant, with further word of caution that in case of nonpayment of the said amount of bribe, he would get the electricity supply disconnected at the house of the

complainant, Inspector Kanwar Singh posted in Anti-Corruption Branch, along with the Government servant on duty, laid a trap for apprehending the accused red handed at the time of accepting the bribe. The investigating officer and the complainant took seven notes of the denomination of Rs.100/- each and explained it to the panch witness as well with regard to the manner in which the same were to be given to the accused. The said currency notes were treated with phenolphthalein powder and the complainant and panch witness were explained that if a person would touch those notes treated with phenolphthalein powder and the finger of such person is dipped in colourless solution of sodium carbonate, that solution would turn pink. A practical demonstration of the same was given by raiding officer and thereafter the notes were returned back to the complainant for the purpose of giving the same as bribe to the accused. The complainant, thereafter, gave the said seven currency notes to the accused who accepted the same with his left hand and then kept the notes in his right hand fist with the remarks that "Don't worry, your work is done" upon which the panch witness gave a pre-arranged signal to the members of the raiding party upon which Inspector Kanwar Singh rushed to the spot upon which he was informed that the accused had demanded a bribe of Rs.700/-. The accused is stated to have accepted the bribe money with his left hand and kept the same in his right hand fist. The said raiding officer then disclosed his identity to the accused and also offered his own search to the accused before conducting the search

of the accused. Inspt.Kanwar Singh, the raiding officer then recovered the currency notes treated with phenolphthalein which upon comparison, tallied with the numbers already mentioned in pre-raid proceedings. Thereafter, solution of the sodium carbonate was prepared; washes of the hands of the accused were taken into the solution which turned pink. The solution was then poured into four different bottles and sealed. The bribe money was recovered and seized by the raiding officer; post raid report was prepared at the spot and the ruqqa was sent to anti-corruption branch. It emerges from the record that charges under Sections 7/13(1)(d) of the Prevention of Corruption Act, 1988 were framed against the accused to which he pleaded not guilty and claimed trial.

3. The appellant was held guilty by the learned Special Judge, Delhi and by an order dated 27th January, 2005, sentenced to undergo rigorous imprisonment for a period of one year each for his conviction under Sections 7 & 13(1)(d) of the of the Prevention of Corruption Act, 1988 and fine of Rs.5,000/- on each count and in case of default of payment of fine, to undergo further rigorous imprisonment for a period of three months. GROUND OF CHALLENGE

4. The main ground of challenge is that there is no legal evidence against the appellant justifying his conviction. The next ground of challenge is that the honesty, diligence and promptness of the appellant in discharge of his official duty are clearly established from the application/complaint dated 22nd November, 1991 which was dealt with finally on the same day in favour of the

complainant. The appellant had no legitimate power to comment/modify the report of M.R.I. Shri G.C. Gupta. It was alleged that the appellant was not the only person who had dealt

with the case in question. It is alleged that PW 9 Mr.J.K. Lumba had deposed that he gave a favourable report on the complaint of PW 1 prior to raid and that the appellant had nothing to do after submitting of the report. The next ground of challenge is that the complainant deposed that the raiding officer recovered money from the right hand grip of the appellant whereas the panch witness deposed that the raiding officer lifted money in question from the floor. It was alleged that, therefore, relying on the substantive evidence of recovery is baseless. Challenge is also laid on the ground that there was no cogent reason for the appellant to demand Rs.1,000/- from the complainant for an act which is not within his legitimate power and control. Another ground of challenge is that in the statement of the complainant it was stated by him that nothing was added in the colourless solution prepared by the raiding officer, however, the hand of the appellant was washed and, therefore, it is beyond comprehension how water can turn into pink colour. Lastly, the ground of challenge is that in the year 1992, the Inspector, as in the present case, was not competent to investigate the corruption cases under the Prevention of Corruption Act.

5. In support of his contention, learned counsel for the appellant relies on the pronouncements of the Supreme Court in State of Punjab Vs.Sohan Singh (2009) 6 Supreme Court Cases 444 & State Vs. K. Narasimhachary AIR 2006 Supreme Court 628.

6. Per contra, arguments advanced by learned Additional Public Prosecutor for the State is that the appellant was rightly held guilty under Sections 7 & 13 (2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. It was submitted that on a complaint recorded by the investigating officer, a trap was laid for

apprehending the accused red handed while accepting bribe. It is further submitted that upon receiving the signal from the panch witness, the members of the raiding party rushed to the spot and Inspt.Kanwar Singh, the raiding officer, recovered the currency notes which were treated with phenolphthalein which upon comparison, tallied with the numbers already mentioned in pre-raid proceedings.

7. The prosecution had examined as many as thirteen witnesses namely PW 1 Inspt.Prithvi Singh ; PW 2 Navin Chawla; PW 3 Dr.A.K. Singh; PW 4 ASI Rajinder Singh; PW 5 Rameshwar Dass; PW 6 Inspt.Tej Pal Singh; PW 7 Inspt.Shivji Tiwari; PW 8 Mr.Garish Chand Gupta; PW 9 Mr.J.K. Lumba; PW 10 Mr.H.P. Malhotra & PW 11 Mr.Kalyan Singh; PW 12 Inspt.Balwan Singh & PW 13 Mr.Kanwal Singh. The statement of the accused Anoop Kumar Joshi was recorded under Section 313 of the Cr.P.C.

8. It emerges from the record that the appellant was on bail almost through the

trial and at the time of filing of appeal, he was on bail upto 26th February, 2005. Vide order dated 24th May, 2005 passed by this Court, the substantive sentence of the appellant was suspended till 25th July, 2005 on the same terms and conditions as were stipulated earlier. Vide order dated 25th July, 2005 passed by this Court, it was observed that after conviction, the sentence of the appellant was suspended by the trial court for enabling him to file an appeal against conviction. It was observed that fine has already been deposited. Inter alia, considering the grounds of appeal and the facts and circumstances of the case, the sentence of imprisonment of the appellant was suspended till the disposal of the appeal and the appellant was ordered to be released on bail upon executing a personal bond in the sum of Rs.20,000/-

with one surety of the like amount to the satisfaction of the trial court.

9. Upon hearing the rival contentions of the parties at length, evidence led is being examined.

(I) PW 1 Prithvi Singh in his testimony deposed that he was holding domestic connection of electricity in his house since before 1992 and that in the month of September, 1991, a commercial bill of more than 9,000/- was received by him from DESU. This witness deposed that with regard to the above bill, he visited DESU office for the purpose of rectification of the bill from commercial to domestic connection. Mr.Anoop Kumar Joshi, the accused herein, recorded his application and sent an Inspector for verification to his house wherein the inspector submitted a report stating that no commercial connection was there in the house. Upon meeting the accused a couple of times with regard to correction of bill, the said accused demanded a bribe of Rs.1,000/- which was later on reduced to Rs.700/-. This witness further stated that he was called by the accused on 19th May 1992 along with the stated amount for the purpose of rectifying the said bill. It was further stated by this witness that thereafter on 19th May, 1992, he lodged his complaint Exh.PW 1/A at A.C. Branch in the presence of panch witness and handed over Rs.700/- to Inspector Kamal Singh, the numbers of which were noted down and a powder was applied to the said notes. Thereafter, this witness was briefed about the trap of the raiding party to the effect that when the accused would touch the said notes and thereafter his hands would be dipped in colourless solution, the same would turn pink meaning thereby the accused had accepted the said bribe notes. This witness further deposed that money was returned to him by

the Inspector and he was instructed to keep close to the panch witness so that he could hear the conversation and watch transactions; give signal by moving his hand over his head when the money was accepted by the accused. It was further stated by this witness that he along with the raiding party reached the spot where the accused was found sitting in a room. Thereafter the accused came out and told this witness that his work has been done and demanded Rs.700/-. It is stated that the accused accepted the said money in left hand and transferred the same to his right hand. The said witness thereafter gave pre-arranged signal

upon which the raiding party came and Inspector Kanwal Singh recovered the money which when compared, tallied with the numbers detailed in pre-raiding report. The said GC notes were seized vide seizure memo Exh.PW 1-B which bears the signatures of this witness at point "A". Thereafter, the hands of the accused were dipped in sodium carbonate solution which turned pink and the wash of the left hand Exh.P 1 & P 2 and right hand Exh.P 3 & P 4 were transferred into two bottles separately which were sealed. This witness stated that one paper of note sheet Exh.P-5 and copy of eleven bills Exh.P 6 to P 16 were taken into possession vide memo Exh.PW 1/D. It is stated that the accused was arrested vide personal search memo Exh.PW 1/E which bears his signatures at point "A".

(II) PW 10 Mr.H.P. Malhotra in his statement stated that on 21st May, 1992 he was posted as Assistant Finance Officer when PW 12 Inspt.Balwan Singh took possession of one original application of PW 1 Prithvi Singh Exh.PW 1/D-1 and one original report of MRI Exh.PW 8/A with photocopy of meter reading book Exh.PW 9/A and photocopy of attendance register Exh.PW 9/B and the

same were seized by the PW 12 vide Exh.PW 9/C which bears the signature of this witness at point "B".

(III) PW 2 Mr.Navin Chawla in his statement stated that on or about 25th June, 1997, while working as a Chairman, Delhi Vidyut Board, he granted sanction under Section 19 of POC Act for the purpose of prosecuting the accused vide order Exh.PW 2/A.

(IV) PW 3 Dr.A.K. Singh in his statement stated that on 19th May, 1992, while posted as ACP Anti-Corruption Branch, PW 12 Inspector Balwan Singh had handed over two sealed exhibits bottles marked RHW-1 & LHW-1 along with the sample seal of BS which was kept by him in his office almirah as it was received and that the almirah was locked with the seal of JS. PW 12 Inspt. Balwan Singh again visited his office. On the next day PW 3 handed over the sealed sample to PW 12 for the purpose of depositing to CFSL laboratory.

(V) PW 4 ASI Rajinder Singh in his statement deposed that while working as Malkhana Moharar at Police Station Sabzi Mandi, PW 12 PW Inspector Balwan Singh deposited seven GC notes numbered along with two bottles marked RHW-II & LHW-II respectively, along with the sample seal duly sealed with the seal of BS. He made entry in register no.19 at serial no.1691/1893 copy whereof is Exh.PW 4/A. This witness further deposed that on 8th September, 1992, PW 12 Inspt.Balwan Singh deposited two bottles marked RHW-I & LHW-1 along with and that the same were deposited with him vide entry no.1893 in register no.19 copy whereof was marked as Exh.PW 4/B.

(VI) PW 5 Mr.Rameshwar Dass, APOB, Janak Puri, in his statement deposed that as per the summoned record of Anoop Kumar Joshi, he was superannuated on 31st September, 2008 and

on the date of trap, the accused was posted in the DESU office, Vikas Puri.

(VII) PW 6 Inspt.Tej Pal Singh in his statement stated that while posted in anti-corruption branch, the investigation of the present case was given to him on 18th January, 1994 and that on 13th September, 1994, he recorded the statement of one Girish Chand Gupta, who happened to be an employee of DESU.

(VIII) PW 7 Inspt.Shivji Tiwari in his statement stated that during the course of investigation, he obtained sanction (Exh.PW 2/A) from PW 2 Mr.Naveen Chalwa, Chairman of the Delhi Vidyut Board. He also recorded the statement of Davinder Singh, Senior Clerk, DESU.

(IX) PW 9 Mr.J.K. Lumba in his statement stated that on 22nd November, 1991, while posted as Meter Heading Superintendent in the area of Janak Puri district, he received complaint Exh.PW 1/D- 1 from PW 1 Prithvi Singh which he marked to Mr.G.C. Gupta. This witness stated that he along with Mr.G.C. Gupta visited the place of the complainant and submitted a detailed report Exh.PW 8/A with remark that report is not clear. On 21st May, 1992, the original application Exh.PW 1/D-1 along with the original report of M.R.I. (Exh.PW 8/A) and photocopy of meter reading book Exh.PW 9/A along with photocopy of attendance register Exh.PW 9/B were seized by the investigating officer vide seizure memo Exh.PW 9/C.

(X) PW 8 Mr.Garish Chand Gupta in his statement deposed that he had seen the complaint (Exh.PW 1/D-1) dated 22nd November, 1991 lodged by PW 1 Prithvi Singh, which was marked to him by MSR Mr.J.K. Lumba. He further deposed that he visited the place in question and that a detailed report was submitted by him which

is Exh.PW 8/A and signed by him at point "A".

(XI) PW 11 Mr.Kalyan Singh corroborated the testimony of the complainant (PW 1). PW 11 deposed that in the year 1992, while he was posted as UDC in the office of Deputy Commissioner, Delhi Civil Supply Building, Tis Hazari Building, he was directed to perform duty in the office of the Anti Corruption Branch (ACB). He reached the ACB office. Several proceedings were conducted in ACB office. He accompanied the complainant and raiding party to DESU office wherein he was deputed, to take position in the veranda of the first floor whereas the other police officials were made to scatter around. The complainant, was directed to go inside the office and call the accused. It was stated that after ten to fifteen minutes, the complainant and the accused met in the veranda; stood and talked with each other; the complainant took out the money from his pocket and handed it over to the said accused. This witness then gave a signal to the raiding police officials and accused was apprehended. Thereafter, the personal search of the accused was conducted. During the journey from DESU office to Anti Corruption Branch, both hands of the accused were held in such a way that he could not touch anything. Upon reaching the office of Anti Corruption Branch, handwash of both the hands of the accused were taken separately into a

colourless solution which turned pink upon his touch. The two hand washes which were marked as Exh.P 1 & P 2 of left hand and right hand Exh.P 3 & P 4, were subsequently filled in separate bottles and sealed. The pant of the accused was also removed and its pocket wash was taken which also turned into pink. This witness deposed that the writing work was done by the police officials and his signatures were obtained.

(XII) PW 13 Shri Kanwar Singh in his statement deposed that on 19th May, 1992, while working as ACP in Anti Corruption Branch, PW 1 Prithvi Singh, the complainant visited the police station when PW 11 Kalyan Singh was also there, and lodged a report Exh.PW 1/A with this witness which was after submission signed by PW 1 at point "A". This witness further stated that PW 1 Prithvi Singh then handed over to him seven currency notes of Rs.100/- denomination each in the presence of panch witness. The numbers of these currency notes were mentioned by this witness in the pre-raid report. All the proceedings conducted in ACB office were recorded in pre-raid report which is marked as Exh.PW 1/F. A raiding party was organized by him which reached the spot and PW 1 and the complainant were directed to take position. The details thereof were recorded in Exh.PW 13/A. On receiving the signal, he along with the raiding party reached the gallery of the second floor near the stair case where the accused Anoop Kumar Joshi, was apprehended. On the pointing out by PW 1 Prithvi Singh about demanding and accepting bribe of Rs.700/-, the accused was challenged of his demanding and accepting bribe. Search of the accused was conducted in which seven currency notes of Rs.100/- each were recovered from his right hand fist. He verified the currency note numbers with the pre-raid report; seized the same as Exh.P-17 to P-23 vide memo Exh.PW 1/B. Thereafter he obtained the hand wash of the left and right hand of the accused by putting the same in colourless solution of sodium carbonate and on dipping the left hand of the accused, it turned into pink colour and the said solution was filled in two separate clean bottles marked as LHW-I & LHW-II. Similarly, the right hand wash was marked as RHW-I & RHW-II. PW 13 further stated that he recorded the post raid

proceedings as Exh.PW 1/G and endorsed as Exh.PW 13/B which was later on handed to Constable Kuldeep Singh who took the same to the police station and the case was registered. The investigation was then marked to Inspector Balwan Singh to whom he handed over the custody of the accused Anoop Kumar Joshi along with copy of ruqqa, original memos and the seized articles i.e. seven currency notes, four bottles of handwash and sample seal.

(XIII) PW 12 Mr.Balwan Singh in his statement corroborated the testimony of the complainant and trap laying officer. He admitted the conducting of raid and proceedings conducted at the spot as well as in ACB office. He admitted his signatures on the documents.

10. As per the judgment in case of Ram Chander Vs. State (Govt. of NCT of Delhi) 2009 CrL.J. 4058 (Del), to succeed in a case of bribery, the prosecuting agencies are obligated to prove the previous demand of bribe, its acceptance and

recovery of tainted money. It was observed that the demand can be proved by the testimony of the complainant as well from the complaint made by him. The presumption as to the demand of bribe can be drawn if the tainted money is recovered from the possession of the accused, though the presumption is rebuttable.

11. To prove the demand of bribe by the appellant from the complainant (PW 1) at the initial stage i.e. prior to laying of trap, complainant PW 1 had testified that in September, 1991, a commercial bill of more than Rs.9,000/- was received by him from DESU whereas he was holding a domestic connection of electricity in his house. He visited the DESU office for rectification of the bill with his application where the appellant met the accused. An

inspector was sent to his house for verification who had submitted a report that no commercial connection was there in the house of the complainant. The complainant met the appellant number of times for correction of bill but he demanded the bribe of Rs.1,000/- which was later on reduced to Rs.700/-. The complainant also testified that on 19th May, 1992, he was called by the appellant along with the bribe money. On 19th May, 1992, he lodged his complaint Exh.PW 1/A to the Anti Corruption Branch of Delhi Police with regard to demand of bribe by the appellant.

12. Perusal of complaint Exh.PW 1/A shows that the complainant made a complaint to the Anti Corruption Branch of Delhi Police mentioning therein that he met the appellant number of times for rectification of his bill but the appellant had demanded bribe of Rs.1,000/- to rectify his bill. On 15th May, 1992 at about 12:00 noon, the complainant met the appellant in his Janak Puri office where he requested the appellant to reduce the bribe amount. On this, the appellant asked the complainant to come on 19th May, 1992 in the noon time to pay him Rs.700/- else the electricity connection of the complainant would be disconnected.

13. From the testimony of the complainant PW 1 and his written complaint Exh.PW 1/A, it has duly been established that the appellant demanded a bribe of Rs.1,000/- from the complainant for rectification of his electricity bill and later on the bribe amount was reduced to Rs.700/- and the complainant was asked to pay the same on 19th May, 1992. Thus, the prosecution has successfully established the demand of bribe by the appellant at the initial stage i.e. prior to laying of trap.

14. To prove the demand of bribe by the appellant at the time of laying trap, complainant PW 1 had testified that on 19th May, 1992,

after completing proceeding in the office of ACB, he along with panch witness and members of raiding team reached the DESU office, Janak Puri. He along with panch witness went to room no.203, Second Floor, DESU Office while the other raiding party members took their position. The appellant was found sitting in front side room of room number 203. Appellant came outside in the gallery near

the staircase and told the complainant that his work had been done and demanded Rs.700/- from him. The panch witness Kalyan Singh (PW 11) had deposed that he along with complainant and raiding party members went to the DESU office. He had taken position in the veranda of first floor. The complainant went inside the room to call the appellant whereas PW 11 remained standing in the veranda. After about ten to fifteen minutes, the complainant and the appellant came in the veranda and they started talking with each other.

15. As per the report PW 13/A prepared by the trap laying officer (PW 13), the complainant informed that when he along with panch witness went to room number 203, appellant came to them on seeing the complainant and told that he had done the work of the complainant and demanded Rs.700/-. Apparently, this report bears the signatures of the complainant (PW 1), panch witness (PW11) and trap laying officer (PW 13).

16. From the testimony of the complainant (PW 1), it has duly been established that during the laying of trap, appellant demanded the pre-fixed bribe of Rs.700/- from the complainant by saying that he had done the work of the complainant. The testimony of complainant has duly been corroborated by panch witness (PW 11) who had deposed that he had seen the appellant talking with the complainant when trap was laid. The report Exh.PW 13/A further

corroborates the testimony of complainant that demand of bribe was also made by the appellant at the time of laying trap. Thus, it has duly been established that the appellant demanded bribe of Rs.700/- from the complainant at the time of laying trap.

17. To prove the acceptance and recovery of bribe by the appellant, the complainant PW 1 testified that when he along with panch witness PW 11 went to the office of the appellant, appellant came outside his room in the gallery near staircase. The appellant demanded Rs.700/- from him on which the complainant took out GC notes of Rs.700/- each and extended the same to the appellant who accepted the money in his left hand and transferred it to his right hand. Thereafter, the complainant gave pre-arranged signal on which the raiding party apprehended the appellant. On being asked whether he received any bribe from the complainant, the appellant denied. Inspector Kanwar Singh recovered the bribe money from the right hand grip of the accused. Numbers of recovered GC notes were tallied with their numbers mentioned in pre-raid report Exh.PW 1/F. The same were seized vide memo Exh.PW 1/B. Both the hands of the appellants were dipped in the solution of sodium carbonate which turned pink and washes were transferred to bottles. The hand washes were identified by the complainant as Exh.P-1 to P-4 which were seized vide Exh.PW 1/C. He also identified the recovered GC notes as Exh.PW P-17 to P-23 as the same which were recovered from the appellant. The raid report was prepared in his presence and he proved the same as Exh.PW 1/F and PW 1/G (Exh.PW 13/A).

18. The panch witness Kalyan Singh (PW 11) duly corroborated the testimony of

PW 1. PW 11 stated that he had seen at the spot that after having some talk with the complainant, the

appellant took out money from his pocket and handed it over in the hand of the appellant. After giving pre-appointed signal, the raiding party came there for apprehending the appellant. PW 13 Kanwal Singh testified that after receiving pre-appointed signal, he along with the other members of raiding party, apprehended the appellant. The complainant pointed towards the appellant and said that the appellant had demanded bribe from him and he had paid Rs.700/- to him. The panch witness confirmed the statement of the complainant. In the search of the appellant, seven currency notes of the denomination of Rs.100/- were recovered from the right hand fist of the appellant. Numbers of recovered currency notes were tallied with the numbers mentioned in pre-raid report. The currency notes exhibits P 17 to P 23 were seized vide memo PW 1/B. Hand washes of the appellant were taken in the solution of sodium carbonate which turned pink. Left hand washes of the appellant were transferred to bottles marked LHW-I & LHW-II (Exh.P-1 & P-2), whereas his right hand washes were transferred to bottles marked RHW-I & RHW-II (Exh.P-3 & P-4). The same were seized vide memo Exh.PW 1/C. The post-raid proceedings were recorded vide Exh.PW 1/G.

19. The testimony of complainant regarding acceptance and recovery of bribe by the appellant has also been corroborated by PW 12 Inspector Balwan Singh who was also part of the raiding team and conducted proceedings after registration of case. He had testified about the proceedings conducted in Anti-Corruption Branch office, at the spot and the recovery of bribe money from the appellant.

20. The CFSL report Exh.PW 12/C further corroborates the testimony of the prosecution witnesses. Report Exh.PW 12/C

shows that hand washes marked RHW-I & LHW-I were examined in the laboratory and as per the opinion of the scientific expert, the same gave positive test for phenolphthalein powder and sodium carbonate. Thus, the CFSL report Exh.PW 12/C duly establishes that the appellant accepted the bribe from the complainant and its recovery was effected from his hands.

21. Section 20 of the Prevention of Corruption Act provides for raising of a presumption where in a trial of offences punishable under Section 7 or 13 of the P.C. Act, it is proved that an accused has accepted or obtained any gratification other than legal remuneration. Though the presumption under Section 20 of the PC Act is rebuttable, in the present case the appellant has failed to rebut the same. In the present case, the prosecution has proved its case beyond reasonable doubt that the appellant demanded and accepted bribe from the complainant and its recovery was duly effected from him. So, there is every reason to raise a presumption under Section 20 in the instant case.

22. The discussion made above shows that the testimony made by the police officials including the raiding party members was coupled with CFSL report

Exh.PW 12/C, is trustworthy.

23. Thus, it is clear from the discussion made above in detail that the appellant has failed to make out any ground in support of his appeal. However, it has duly been established that the appellant demanded bribe of Rs.1000/- from the complainant at the initial stage i.e. prior to laying of trap which was later on reduced to Rs.700/-. It has also been duly established that during laying of trap, the appellant accepted illegal gratification other than legal remuneration amounting to Rs.700/- from the complainant and its recovery was duly proved from the person of the appellant. The

appellant, therefore, clearly falls within the ambit of Sections 7 & 13(1)(d) of the PC Act, 1988. Thus, there is no ground to interfere with the judgment of conviction dated 20th January, 2005 and the order on sentence dated 27th January, 2005 passed by the Trial Court. The appeal is hereby dismissed. The appellant is on bail. His personal bond and surety bonds stand cancelled. He is directed to surrender before the Trial Court concerned within fifteen days from the date of judgment, to serve the remainder of sentence. The appeal is disposed of accordingly.