

**(2011) 01 DEL CK 0257**  
**In the Delhi High Court**  
**Case No : Writ Petition (C) 212 of 1992**

Janardan Sharma

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

---

**Date of Decision :** 12-01-2011

**Acts Referred:**

**Citation :** (2011) 01 DEL CK 0257

**Hon'ble Judges :** Suresh Kait, J; Pradeep Nandrajog, J

**Bench :** Division Bench

**Advocate :** Naveen R. Nath and Gireish Kandpal, for the Appellant; Barkha Babbar, for UOI, for the Respondent

**Final Decision :** Dismissed

---

## Judgement

Pradeep Nandrajog, J.—To effect recruitment of constables under Border Security Force (BSF) a Recruitment Board was constituted to conduct the Physical Endurance Test and other tests in various towns in the eastern part of the State of Uttar Pradesh between the dates 25th May and up to 12th June 1988. To maintain discipline during the selection process a team was deputed consisting of Head Constables and Constables of which the Petitioner was put in-charge and named as the Commander of the Team. This team was called "Administration Party". It is apparent that the name was so given because the team under in charge of the Petitioner was to ensure that the prospective candidates were well managed as it was expected that a large number would report for recruitment and the number of persons to be handled would be a crowd.

2. The team visited various towns in Eastern Uttar Pradesh which included the towns of Varanasi and Mirzapur. Complaints were received of candidates being fleeced i.e. being made to part with money on the promise of securing employment and as would be noted herein after certain incidents in respect whereof evidence was led had taken place between the said dates.

3. The team returned to Delhi, as scheduled on 14.6.1988 and at the New Delhi

Railway Station, BSF officers intercepted the team headed by the Petitioner and in respect whereof i.e. what happened at the railway station, relevant evidence would be noted by us hereinafter. It may be only noted at this stage that undisputably `2000/- was recovered from the person of the Petitioner by the said raiding party on 14.6.1988 and there is some evidence sought to be relied upon by the Respondents against the Petitioner which is sought to be projected as conduct of a guilty mind and hence incriminating.

4. Section 41(e) of the BSF Act 1968 reads as under:

41. Any person subject to this Act who commits any of the following offences, that is to say, -

(a) .....

(b) .....

(c) .....

(d) .....

(e) Directly or indirectly accepts or obtains, or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence from any person in the service; or

(f) .....

shall, on conviction by a Security Force Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

5. Needless to state, as noted hereinabove, the allegations against the Petitioner and others were of obtaining gratification for procuring enrolment as constables from prospective candidates and thus it is apparent that a case was made out to convene a Security Force Court and lay the indictment. It was so done under cover of a charge-sheet dated 1.4.1991 in which 3 charges were laid against the Petitioner as under:

#### CHARGE SHEET

The accused No. 67001708 HC Janardhan Sharma of 25 Dn BSF is charged with.:

First charge BSF Act Section 41(e) DIRECTLY OBTAINING FOR HIMSELF GRATIFICATION AS A MOTIVE FOR PROCURING THE ENROLMENT OF A PERSON IN THE SERVICE

in that he, at Varanasi, on or about 06 June 1988, obtained a sum of `3,950/- (Rupees three thousand nine hundred and fifty only) from Shri Rajesh Kumar Mishra (Now No. 89254021 Const. Rajesh Kumar Mishra of 25 Bn BSF) as a

motive for procuring the enrolment of the said Shri Rajesh Kumar Mishra as a Constable in the BSF.

Second charge BSF Act Section 41(e) DIRECTLY OBTAINING FOR HIMSELF GRATIFICATION AS A MOTIVE FOR PROCURING THE ENROLMENT OF A PERSON IN THE SERVICE

in that he, at Varanasi, on or about 06 June 1988, obtaining a sum of `4,000/- from Shri Shyam Sunder Dubey S/o Shri Adi Shankar Dubey R/o Village Dhakwan, P.O. Kaithi, Distt. Varanasi as a motive for procuring the enrolment of the said Shri Shyam Sunder Dubey as a Constable in the BSF.

Third charge BSF Act Section 41(e) DIRECTLY OBTAINING FOR HIMSELF GRATIFICATION AS A MOTIVE FOR PROCURING THE ENROLMENT OF A PERSON IN THE SERVICE

in that he, at Mirzapur, on or about 11 June 1988, obtained a sum of `4,000/- (Rupees Four thousand only) from Shri Parsu Ram Yadav S/o Shri Ram Bhajan Singh Yadav, R/o Village Dharmajih, PO Nonhara, Distt. Gazipur as a motive for procuring the enrolment of the said Shri Parsu Ram Yadav as a Constable in the BSF.

6. The Petitioner pleaded not guilty and hence the matter proceeded to trial.

7. 12 witnesses were examined by the prosecution to prove the charges and in defence the Petitioner examined 6 defence witnesses. For facility of appreciation we may record that the testimony of PW-2, PW-3, PW-6, PW-10 and PW-11 would be relevant for the First Charge; and that of PW-2, PW-6, PW-10 and PW-11 is relevant for the Second Charge; and that of PW-7, PW-8 and PW-9 is relevant for the Third Charge. Relevant would it be to note that the testimony of PW-4, PW-12 and DW-1 would be relevant for proof of what transpired in the morning of 14.6.1988 at New Delhi Railway Station when the team headed by the Petitioner returned by train and disembarked at New Delhi Railway Station. Thus, we note their testimony in brief.

8. PW-2 Shri Rajesh Kumar Mishra deposed that he was a candidate at the selection conducted at Ghazipur on 2nd June 1988 and that on said date Petitioner had met him outside the Medical Examination Room at Ghazipur and demanded to be paid `4,000/- under threat that his i.e. Rajesh Kumar Mishra's medical documents would be torn if money was not paid. He went home and conveyed said fact to his father Dina Nath Mishra PW-3 who arranged for said sum by mortgaging his land and the same day he i.e. Rajesh Kumar Mishra proceeded to Varanasi along with 4 other persons from the village of whom Shyam Sunder Dubey (PW-6) was a candidate to be tested at Varanasi and another was Ghanshyam Dubey (PW-11) i.e. the brother of Shyam Sunder Dubey. He further deposed that at Varanasi he handed over `4,000/- to the Petitioner in the presence of the said 4 persons, 2 of whom as noted herein before were Shyam Sunder Dubey and his brother Ghanshyam Dubey. Dina Nath

Mishra PW-3 has deposed to corroborate his son by stating that upon his son telling him that he had to pay `4,000/- to the Petitioner he i.e. Dina Nath Mishra managed `4,000/- by mortgaging his land and he gave the said sum to his son. PW-6 Sh. Shyam Sunder Dubey and his brother PW-11 Ghanshyam Dubey corroborated Rajesh Kumar Mishra qua his deposition of going to Varanasi with them on 6th June 1988 and further Ghanshyam Dubey PW-11 corroborated Rajesh Kumar Mishra by deposing that in his presence Rajesh Kumar Mishra gave `4,000/- to the Petitioner. Const. Raj Kumar Pandey PW-10 deposed that Rajesh Kumar Mishra (PW-2) who was from his village told him that the Petitioner had extracted `4,000/- from him and that thereupon he confronted the Petitioner as to why he has done so at which the Petitioner told him that he had done the needful for the benefit of Rajesh Kumar Mishra i.e. justified receiving the money from Rajesh Kumar Mishra. It may be additionally noted that as deposed to by PW-10 even Shyam Sunder Dubey had complained to him of the Petitioner having received `4,000/- from Shyam Sunder Dubey and even said illegal receipt of money was admitted by the Petitioner upon the justification of having done the needful.

9. Shyam Sunder Dubey PW-6 deposed of having gone to Varanasi on 6th June 1988 in the company of his elder brother Ghanshyam Dubey PW-11 for enrolment in BSF and that Rajesh Kumar Mishra (PW-2) went with them. Outside the Medical Examination Room Petitioner threatened him to destroy his medical documents if `4,000/- was not paid to him. He returned to the village and took `4,000/- from his father and returned to Varanasi the next day and gave `4,000/- to the Petitioner in the presence of his brother Ghanshyam Dubey who appearing as PW-11 deposed in sync with his brother Shyam Sunder Dubey. Relevant would it be to note, as noted in para 10 above that Const. Raj Kumar PW-10 deposed of the Petitioner having accepted before him that he received `4,000/- to secure employment for Shyam Sunder Dubey.

10. Pertaining to charge No. 3 we note that witnesses who depose are Parsu Ram Yadav PW-7, A.N. Bhatnagar PW-8 and S.N. Yadav PW-9, but we do not note their testimony for the reason the finding by the Security Force Court for said charge is "Not Guilty".

11. Pertaining to what happened at the New Delhi Railway Station on 14.6.1988, Ct. Dharamvir Saraswat PW-4 deposed that in the morning he received instructions to meet the Deputy Commandant S.K. Sood (DW-1) at the New Delhi Railway Station and proceed to the station in a one ton BSF vehicle and thus he took a one ton BSF vehicle and reached New Delhi Railway Station where he met Sh.S.K. Sood who was in the company of 4 - 5 persons at the railway station. He further deposed that after Prayagraj Express, which was late by 11/2 hours arrived at the station the BSF officials travelling in the team were asked to straight proceed to the BSF vehicle parked at the Paharganj side of the New Delhi Railway Station and that Sh. Sood informed Sh.A.N. Ray the Commandant of the BSF Personnel returning to Delhi the information which was received at

Delhi. After disembarking from the train and shifting their luggage to the vehicle taken by him to the station somebody informed him that the Petitioner had not arrived. When Petitioner arrived after 20 minutes Sh. Sood asked him about his whereabouts he informed that he had gone towards Ajmeri Gate side to look for the vehicle. Thereafter they drove to the BSF Headquarters at CGO Complex where search was conducted and `2,000/- was recovered from the pocket of the Petitioner.

12. Relevant would it be to note that the testimony of PW-4 brings out the conduct of the Petitioner, who inspite of being told to proceed to Paharganj side of the railway station where the vehicle in which everybody had to travel was parked, still walked in the opposite direction and came to the correct spot after 20 minutes and thus a suspicion arises of Petitioner having a motive to walk away. It is apparent that the testimony aforementioned brings out an opportunity gained by the Petitioner to meet somebody else and hand over money to that somebody else.

13. Referring to the defence witnesses relevant would it be to note that Deputy Commandant S.K. Sood who appeared as DW-1 corroborated PW-4 with reference to PW-4's testimony qua the conduct of the Petitioner at the Railway Station on 14.6.1988. It would also be relevant to note that Dr. D.K. Mohanty DW-4 employed as a Medical Officer Grade-I in BSF deposed that he was detailed as Medical Officer pertaining to the recruitment carried out at Azamgarh, Varanasi, Ghazipur and Mirzapur and that on 8th June 1988, at Varanasi, when he went to the urinal he saw a candidate with money in his hand and Const. Thorat nearby. He took the candidate to the presiding officer of the Recruitment Board Sh.A.N. Ray who made an announcement on the public address system that nobody was to give any money to any person for recruitment. He further deposed that a candidate who was declared medically unfit by him had complained to him later on of having given `2,000/- to some BSF person for enrolment. The father of the candidate had also come to him and on enquiry pointed out one Const. Sheesh Ram who had taken the money; when confronted Sheesh Ram denied taking the money and soon thereafter Sheesh Ram slipped away. On 13.6.1988 the same candidate and his father had complained of BSF personnel manhandling the candidate.

14. Relevant would it be to note that the Petitioner was present throughout the trial and had cross-examined the witnesses of the prosecution.

15. The Security Force Court returned a verdict of "Guilty" of the first charge and "Not Guilty" of the second and the third charges. The Court sentenced the Petitioner to undergo a rigorous imprisonment for three months in Force Custody and reduced his rank from Head Constable to Constable.

16. As per Section 107 of The Border Security Force Act 1968 a finding or sentence by a Security Force Court has to be confirmed and a revision also lies against a finding or a sentence returned by the Security Force Court.

17. The Petitioner preferred a Revision against the verdict of guilt and the sentence. Section 113 of the Act empowers the authority empowered to consider the issue of confirmation which incidentally is also the Revisional Authority to direct the Security Force Court to revise its decision. For facility of reference the Section reads as under:

113. Revision of finding or sentence - (1) Any finding or sentence of a Security Force Court which requires confirmation may be once revised by order of the confirming authority and on such revision, the court, if so directed by the confirming authority, may take additional evidence.

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided that, if a General Security Force Court, it still consists of five officers, or, if a Petty Security Force Court, of three officers.

18. On 1st July, 1991 the Confirming Authority passed the Revision Order wherein the Security Force Court was directed to reassemble on 10th July, 1991 to reconsider its finding on the 2nd and 3rd charge and additionally to reconsider the sentence in respect of the 1st charge keeping in mind the observations recorded in the order. The Revision Order reads as under:

#### REVISION ORDER

Order by Shri Net Ram Singh, Inspector General (HQ), HQ DG BSF, New Delhi.

2. The General Security Force Court which tried the accused No. 67001708 HC Janardhan Sharma of 25 Bn. BSF from 18 April 91 to 07 May 91, will reassemble at HQ Rs 25 Bn. BSF, Chhawla Camp, New Delhi on the 10th of July 1991 to reconsider their findings on the second and third charges as well as the sentence in respect of the first charge. 3. While in no way intending to interfere with the discretion of the court in arriving at a decision, I as the Confirming Authority, direct the Court to keep in mind the following observations while reconsidering their findings on the second and third charges as well as their sentence in respect of the first charge:

(a) It is in evidence of Shri S.S. Dubey (PW-6) and Shri Ghanshyam Dubey (PW-II) that on 07 June 88, Shri S.S. Dubey paid a sum of `4,000/- to the accused at Police Lines Varanasi. According to Ct. Raj Kumar Pandey (PW-10), during last week of July 88 of 1st week of Aug. 88, he had gone to his house on Casual leave. During that period, Shri S.S. Dubey (PW-6) met him and told him that he had gone to Varnasi for recruitment in BSF as a Constable and has paid `4,000/- to the accused for getting enrolment in the BSF. He has also deposed that when he was going back to join his duty, he brought Shri S.S. Dubey (PW-6) and Shri Rajesh Kumar Mishra (PW-2) to Delhi and met the accused at Tigri Camp, New

Delhi. He has also deposed that when he asked the accused as to whether he (the accused) had taken money from them (S/Shri S.S. Dubey and Rajesh Kumar Mishra) the accused replied that he had taken money from them and had done their job. Ct. Rajesh Kumar Mishra (PW-2) has also corroborated Shri S.S. Dubey (PW-6) and Ct. Raj Kumar Pandey (PW-10) on this point.

(b) It is in evidence of Ct. Parsu Ram Yadav (PW-7) that on 11 June 88, during lunch hour, he paid a sum of `4,000/- to the accused at Police Lines Mirzapur and the accused tick-marked his (the witness's) name in a list which the accused was already having with him. He has also deposed that when he did not receive the call letter, he contacted the accused at Ghall Post in Ambala. According to Shri A.M. Bhatnagar (PW-8) and Shri S.N. Yadav (PW-9), Ct. Parsu Ram Yadav had come to Ambala during first week of Sept.88, for meeting the accused. According to Shri A.M. Bhatnagar (PW-8) and Shri S.N. Yadav (PW-9), Ct. Parsu Ram Yadav had come to Ambala during first week of Sept.88, for meeting the accused. According to Shri A.M. Bhatnagar (PW-8), Ct. Parsu Ram Yadav (PW-7) had told him about giving of `4,000/- to the accused for the enrolment and he had also given a complaint in writing against the accused.

4. The Court must consider as to why all these witnesses are deposing against the accused. There is nothing on record to show that either Shri S.S. Dubey (PW-6) or Ct.P.R. Yadav (PW-7) had any enmity with the accused.

5. Keeping in view the above observations, the Court should reconsider as to whether or not the accused is "Guilty" of the second and third charges also. If the Court conclude that the accused is "Guilty" of the said charges also, it should revoke its earlier findings and record the fresh findings. Consequently, the Court should also pass and record a fresh sentence commensurate with the offences committed, after revoking their earlier sentence.

6. Perspective of the decision of the Court on revision of the finding in respect of the second and third charges, the Court should consider whether the sentence awarded to the accused in respect of the first charge is commensurate with the offence committed by him. The sentence has to be just and proper in the circumstances of the case. One of the aims of punishment is maintenance of discipline in the Force and it is for this reason that the BSF Act provides for heavy punishments. The Court should therefore, reconsider the sentence in the light of above observations even if it adheres to its earlier findings. If on reconsideration, it decide to enhance the sentence, it should revoke the sentence already awarded and pass the sentence afresh.

7. The accused shall be given an opportunity to address the court and BSF Rule 105 should be complied with.

8. The proceedings after revision shall be forwarded to the Chief Law Officer, HQ DG BSF, New Delhi. Signed at HQ DG BSF New Delhi on the 1st day of July, 1991.

19. Rule 105 of the Border Security Force Rules 1969 reads as under:

105. Revision - (1)(a) Where the finding is sent back for revision u/s 113, the Court shall re-assemble in open Court, the revision order shall be read and if the Court, is directed to take fresh evidence such evidence shall be taken in open Court.

(b) Where such fresh evidence is recorded otherwise than at the instance of the accused, the accused shall be given a further opportunity to lead evidence in respect of matters brought out in such fresh evidence.

(c) The prosecutor and the accused shall be given a further opportunity to address the Court in respect of the fresh evidence led.

(d) The Law Officer may also give a further summing up.

(2) Where the revision of finding does not involve taking of fresh evidence, the accused shall be given an opportunity to address the Court in respect of matter raised in the revision order.

(3)(a) The Court shall then deliberate on its finding in closed Court and if the Court does not adhere to its former finding, it shall revoke the finding and sentence and record a new finding and if such new finding involves a sentence pass sentence afresh.

(b) Where the original finding was one of "Not Guilty", the Court shall, before passing sentence comply with rules 101 and 102.

(4)(a) Where the sentence alone is sent back for revision, the revision order shall be read in open Court and the accused given an opportunity to address the Court in regard to matters referred to in the revision order.

(b) The Court shall then reconsider its sentence in closed Court and if it does not adhere to the sentence, revoke the sentence and pass sentence afresh.

(5) Where the sentence alone is sent for revision the Court shall not revise the finding.

20. The Security Force Court reassembled on 10th July 1991, on which date the Petitioner was produced from custody and was heard. The Petitioner was held "Guilty" of the 1st and the 2nd charge and "Not Guilty" of the 3rd. He was directed to be dismissed from service which finding was confirmed by the Confirming Authority vide order dated 25.7.1991.

21. Relevant would it be to note that the Petitioner did not file any Revision against the decision dated 10.7.1991 of the Security Force Court when the writ petition was filed but later on amended the same to challenge the order passed rejecting the statutory petition filed by him.

22. It was urged by learned Counsel for the Petitioner that Section 113 of the BSF Act 1968 contemplates a finding or a sentence of a Security Force Court to be revised by the Court for which orders have to be passed by the Confirming Authority and the same is hedged by the condition that additional evidence is

required. Submission made was that at the 2nd stage, the Security Force Court was obliged to record additional evidence.

23. The argument has to be noted and rejected for the simple reason that Sub-Section 1 of Section 113 contemplates recording of additional evidence by the Security Force Court if so directed by the Confirming Authority and not in each and every case. Further, Rule 105, vide Sub-rule 1 thereof elaborates on the issue when fresh or additional evidence is required to be led and Sub-rule 2 of Rule 105 deals with the procedure to be followed when no further evidence is required. Thus, we conclude on the issue by recording that there is no procedural taint committed by the Security Force Court to not record the evidence. Indeed, a perusal of the revisional/confirmation order dated 1.7.1991, contents whereof have been noted in para 18 above shows that the Confirmation/Revisional Authority drew the attention of the Security Force Court to relevant evidence impinging upon charge No. 2 and charge No. 3 and required the Court to reconsider its verdict by keeping in mind the said evidence to which attention of the Court was drawn by the Confirmation/Revisional Authority. Thus, at the 2nd stage the Court was not to record any evidence.

24. It was secondly urged that when the Security Force Court reassembled on 10.7.1991, the Petitioner was never brought before the Court and much less heard.

25. Needless to state, the said plea was vehemently opposed.

26. We find that in the writ petition no plea has been urged to this effect and since it relates to a matter of fact, which we find not pleaded in the writ petition, we hold that the Petitioner cannot raise this plea by way of an oral submission.

27. The third plea urged was on merits and foundation whereof Section 87 of the BSF Act which stipulates: "The Indian Evidence Act 1872, shall, subject to the provisions of this Act, apply to all proceedings before a Security Force Court". It was urged that the indictment being penal, the standard of proof required would be at par with a criminal trial. It was thus urged that read as a whole, the evidence led does not inspire confidence, much less achieves the status of standard of proof beyond reasonable doubt i.e. the standard required to be achieved at a criminal trial.

28. The submission is rejected for the reason the Evidence Act defines as to when would a fact be treated as "proved", "disproved" and "not proved". This concept is equally applicable to all trials, be it civil or a criminal trial. The concept of proof beyond reasonable doubt at a criminal trial has been evolved by Courts as a Rule of Prudence for the reason if there exists a possibility of an accused being innocent, notwithstanding there being evidence pointing towards the guilt, Courts have held that the possibility of innocence would justify an acquittal. Thus, the argument as projected stands no legal scrutiny. That apart, we note that the issue is no longer res integra and the verdict of the Courts is against the Petitioner. In the decision reported as Union of India and Others Vs. Himmat

Singh Chahar, Chahar, pertaining to a Court-Martial proceedings under the Navy Act 1957 the Supreme Court categorically rejected the concept of the high-level of proof required at a criminal trial as being applicable to a trial before a court-martial. Similarly, pertaining to a trial by a Security Force Court under the BSF Act, a Division Bench of this Court held in the decision reported as Union of India and Another Vs. O.P. Bishnoi, that the High Court's power of judicial review under Article 226 of the Constitution of India is restricted to find out whether there has been an infraction of a mandatory provision or the procedure causing gross miscarriage and as long as there is some evidence to sustain the findings of the Security Force Court, sufficiency or otherwise of the evidence cannot be gone into by the Writ Court. The only exception was a case of total lack of evidence.

29. We have noted herein above in paragraphs 8 - 13 the incriminating evidence and thus we refrain from re-appreciating the evidence, which was attempted to be done by learned Counsel for the Petitioner. Our job is not to sift through the evidence as a Court of Appeal. Suffice would it be to note that the crux of the testimony noted by us as deposed to by the prosecution witnesses to which some corroboration has come through even 2 defence witnesses, there is sufficient evidence to sustain the verdict of guilt qua charge No. 1 and charge No. 2. Needless to state, that Dr. D.K. Mohanty DW-4 proved incidents of money being demanded during the ongoing recruitment process. PW-5 Asif Ally has proved that a father and a son had come to complain of one Ct. Sheesh Ram demanding money from candidates i.e. proof of the fact that the candidates who were desirous of being employed as constables were being subjected to extortion. Needless to state, PW-2, PW-3, PW-6, PW-10 and PW-11 deposed such facts which prove charge No. 1 being established. Rajesh Kumar Mishra PW-2, the candidate who paid `4,000/- to the Petitioner fully supported charge No. 1. PW-6 Shyam Sunder Dubey, himself a candidate established charge No. 2 and was corroborated by his brother PW-11 as also by PW-10. The conduct of the Petitioner in the morning of 14.6.1998 deposed to by Ct. Dharamveer Saraswat PW-4 and as corroborated by Deputy Commandant S.K. Sood DW-1 shows the anxiety of the Petitioner to wander away and not subject himself to a search with purity. In this connection we find no merit in the submission made by learned Counsel for the Petitioner that the Petitioner has proved withdrawing `3,000/- from his bank account before proceeding on the tour and with respect thereto justifying Petitioner being possessed of `2,000/-. It is true that there is evidence of the Petitioner withdrawing `3,000/- from his account maintained with a bank before he proceeded with the interviewing board to Eastern Uttar Pradesh. But the fact that the Petitioner did not straightaway proceed to the vehicle brought at the railway station and walked away to return after 20 minutes gives rise to strong credible evidence that the Petitioner did so to get rid of money which he had with him. We may note that the testimony of PW-4 establishes that various amounts were received from the members of the Administration party and thus there is proof that members of the Administration party were possessed with

money which they could not explain, it is in this context of the conduct of the Petitioner his explanation of having ` 2,000/- needs to be considered.

30. Last submission was that the decision rejecting the statutory petition filed by the Petitioner was without reasons. The plea takes the Petitioner nowhere for the reason it is settled law that where an authority concurs with the decision of the lower authority it need not reiterate the reasons and as long as there is evidence that the authority concerned has applied its mind, it would be sufficient to sustain the order. We may note that in the statutory petition filed by him the Petitioner was wanting re-appreciation of evidence and for the evidence noted by us in paras 7 to 13 above there is sufficient evidence to establish that incidents of extracting money from prospective candidates were detected during the recruitment process and some remedial action was taken at the spot and that there is sufficient evidence through the mouth of the candidates and the relations of the Petitioner having demanded and received money from candidates.

31. We find no case made out to interfere with the verdict of guilt and the sentence imposed and thus we dismiss the writ petition, but refrain from imposing costs.