

**IN THE HIGH COURT OF ANDHRA PRADESH :: AT  
AMARAVATI**

\* \* \* \*

**Criminal Appeal No.1821 of 2007**

Between

S. Vijaya Bharath

.... Appellant

And

The State of Andhra Pradesh,  
Rep. by its Spl.PP for ACB

.... Respondent

JUDGMENT PRONOUNCED ON : 17.03.2025

**THE HON'BLE SRI JUSTICE K. SREENIVASA REDDY : :**

1. Whether Reporters of local newspapers : YES/NO  
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : YES/NO  
marked to Law Reporters/Journals?
3. Whether Their Ladyship/Lordship wish to : YES/NO  
see the fair copy of the Judgment?

**\* THE HON'BLE SRI JUSTICE K. SREENIVASA REDDY****+ Criminal Appeal No.1821 of 2007**

% 17.03.2025

# S. Vijaya Bharath

...Appellant

Vs.

\$ The State of Andhra Pradesh,  
Rep. by its Spl.PP for ACB

... Respondent

!Counsel for the Appellant : Smt. Sodum Anvesha

^Counsel for the Respondent : Public Prosecutor

<Gist :

>Head Note :

? Cases referred:

1. Mir Mustafa Ali Hasmi v. The State of AP (Crl.Appeal No(s).Nil of 2024 (Arising out of SLP (Crl.) No(s).9091 of 2022, dated 10.07.2024).
2. (2014) 13 SCC 55.

APHC010053202007



**IN THE HIGH COURT OF ANDHRA  
PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3327]**

MONDAY, THE SEVENTEENTH DAY OF MARCH  
TWO THOUSAND AND TWENTY FIVE

**PRESENT  
THE HONOURABLE SRI JUSTICE K. SREENIVASA REDDY**

**CRIMINAL APPEAL NO.1821 OF 2007**

**Between:**

S. Vijaya Bharath

**...APPELLANT**

**AND**

The State of AP., rep by its  
Spl. PP for ACB

**...RESPONDENT**

**Counsel for the Appellant:**

1.SODUM ANVESHA

**Counsel for the Respondent:**

1.PUBLIC PROSECUTOR

**The Court made the following JUDGMENT:**

This Criminal Appeal has been preferred against the judgment, dated 20.12.2007, passed in CC No.20 of 2003 by the learned Additional Special Judge for SPE and ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad.

2. The sole accused officer is the appellant herein. He was tried for the offences punishable under Sections 7 and 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988 (for short 'the Act'). By his Judgment, dated 20.12.2007, the learned Additional Special Judge found the accused officer guilty of the offences punishable under Sections 7 and 13(1)(d) read with 13(2) of the Act and, accordingly, convicted him of the said offences, and sentenced him to undergo rigorous imprisonment for a period of one and half year and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for a period of six (6) months for the offence under Section 7 of the Act. The accused officer was further sentenced to undergo rigorous imprisonment of one and half year and to pay fine of Rs.10,000/- in default to undergo simple imprisonment for a period of six (6) months for the offence punishable under Section 13 (1) (d) read with 13 (2) of the Act. Both the sentences of imprisonment were directed to run concurrently. The tainted amount of Rs.25,000/- i.e. MO.3, was ordered to be confiscated to the State and MOs.1, 2 and 4 to 8 were ordered to be destroyed after appeal time is over. The office was directed to initiate separate proceedings for the offence of perjury against PW.1.

3. The sum and substance of the charges against the accused officer is that he, being a public servant, employed as Deputy Executive Engineer, Roads and Buildings, Tadipatri from 01.07.2002 to 25.09.2002, demanded Rs.30,000/- on 18.09.2002 as bribe for check measuring the work of one Devana Ramanjula Reddy (PW.1) and when the said Devana Ramanjula Reddy (PW.1) pleaded his inability to pay the bribe, the accused reduced the amount to Rs.25,000/- and accepted illegal gratification on 20.09.2002 for doing official favour, thereby committed the offence punishable under Section 7 of the Act. In the course of same transaction, on 20.09.2002, by corrupt or illegal means by abusing his position as public servant obtained for his pecuniary advantage to an extent of Rs.25,000/- from Devana Ramanjula Reddy (PW.1) as illegal gratification other than legal remuneration for doing official favour i.e., for check measuring the work, thereby the accused officer committed the offence under Section 13(1)(d) read with 13(2) of the Act.

4. Brief facts of the prosecution case are that the accused officer worked as Deputy Executive Engineer, Roads and Buildings, Tadipatri from 01.07.2002 to 25.09.2002, as such he is a public servant within the meaning of Section 2(c) of the Act.

The *de facto* complainant namely D. Ramanjula Reddy is a native of Boppepally village of Yellanur mandal of Ananthapur district. He is a Registered Class-II Contractor. About seven (7) months prior to 19.09.2002, he participated in the tenders and got the contract work of repairing 4 KMs of Tadipatri-Bukkapuram road with an estimate of Rs.7.00 Lakhs. He completed the said work two months prior to 19.09.2002. After completion of work, Junior Engineer recorded the measurements in the M. Book and the Divisional Engineer had to check measure the work. It is alleged that the *de facto* complainant met the accused officer several times and requested him to undertake the check measurements. The accused officer made the *de facto* complainant to move around him for one month prior to 19.09.2002. On 18.09.2002, the *de facto* complainant met the accused officer at his residence and requested him to check measure the work. On that, the accused officer is alleged to have demanded a bribe of Rs.30,000/- for check measuring the work. When the *de facto* complainant expressed his inability to pay the said bribe amount, the accused officer is alleged to have reduced the bribe amount to Rs.25,000/- and asked P.W.1 to give the said amount at his residence on 20.09.2002, at 08.00 AM. Unwillingly, the *de facto*

complainant agreed to pay the bribe amount of Rs.25,000/- to the accused officer. On 19.05.2002, at 10.30 AM, the *de facto* complainant approached the Deputy Superintendent of Police, ACB, Ananthapur range, Ananthapur and gave a written complaint, which was registered as a case in Crime No.12/RCT-ATP/2002. On 20.09.2002, the accused officer was trapped by the ACB officials when demanded and accepted an amount of Rs.25000/- as illegal gratification other than legal remuneration from the *de facto* complainant to show official favour in the matter of check measuring his work. The phenolphthalein test conducted on both the hand fingers of the accused officer and on the cloth in which tainted amount was wrapped up proved positive, and the tainted amount of Rs.25000/- was recovered at the instance of the accused officer. After completion of investigation and on receipt of prosecution sanction proceedings dated 01.05.2003, charge sheet was filed against the accused officer for the aforesaid offences.

5. On appearance of accused officer, copies of documents were furnished to him as required under Section 207 Cr.P.C. and, thereafter, charges under Sections 7 and 13(1)(d) read with 13(2) of the Act were framed against the accused officer and the contents of the charges

were read over and explained to him in Telugu, for which he pleaded not guilty and claimed to be tried.

6. In support of its case, the prosecution examined PWs.1 to 7 and got marked Exs.P1 to P15 and MOs 1 to 8.

7. After closure of the prosecution evidence, accused officer was examined under Section 313 Cr.P.C., explaining the incriminating material found against him in the evidence of prosecution witnesses, for which he denied.

8. The accused officer filed written statement. He also got examined DWs.1 and 2 and got marked Exs.D1 and D2 on his behalf.

9. In the written statement, the accused officer stated that PW.1 has not completed the work by July 2002; the Assistant Engineer has to record the measurements in the presence of the contractor; no such recording of measurements by the concerned Assistant Engineer was done in the M.Book of PW.1 in his presence; PW.1 has not commenced and completed the work within the stipulated period and PW.1 has not filed any application for extension of time even by the date of trap. It is further stated that PW.1 never met the accused officer for extension of time and there was no demand of bribe by him at any point of time before the trap. PW.1 showed the tainted amount to the trap party,

who in turn removed the same, and at the instance of the Deputy Superintendent of Police, ACB, Ananthapur, the tainted currency was shown and it was recovered; he has not recorded anything on the file of PW.1 in his presence on the date of trap; he check measured the work of PW.1 on 21.07.2002 as in Ex.P2 and prepared the bill on 24.07.2002 itself under Ex.P3. It is further stated that no official favour that can be done by him to PW.1 on the alleged date of trap and there was no any demand of bribe made by him. It is stated that the Deputy Superintendent of Police, ACB enquired with PW.1 about his file for which the services of Attender by name Sunkanna were taken and the file of PW.1 was brought from the office; that on perusal of the said file of PW.1 by the trap party members on the date of trap incident, it was evident that he check measured the work of PW.1 and some objections were raised while forwarding the same to the Executive Engineer for payment; that PW.1 stated that he himself planted the currency notes under the cot in the bed room of his facing the hall in his absence; that the statements of Sunkanna, Attender and his wife were not recorded by the ACB personnel. He protested the Deputy Superintendent of police, ACB, Ananthapur for not incorporating his true version in the mediator report. No preliminary enquiry was made against him by the ACB authorities before conducting trap proceedings.

10. The learned Additional Special Judge, on appreciation of entire oral and documentary evidence on record, found the accused officer guilty of the charges under Sections 7 and 13(1)(d) read with 13(2) of the Act and, accordingly, convicted and sentenced him as aforesaid. Against the said conviction and sentence, the present Criminal Appeal has been preferred.

11. Sri P. Veera Reddy, learned Senior Counsel appearing on behalf of Smt. Sodum Anvesha, learned counsel for the appellant, submits that the entire prosecution case rests on the solitary testimony of PW.1. According to the learned Senior Counsel, PW.1 did not support the prosecution case and he was treated hostile by the prosecution. He further emphasized that in order to prove the aforesaid offences, it is essential that there should be demand by the accused officer and thereafter the amount has been accepted by him. In the present case on hand, there is absolutely no evidence to prove the demand made by the accused officer. He further emphasized that the bribe amount of Rs.25,000/- has not been recovered from the possession of the appellant/accused officer. Learned Senior Counsel further submitted that PW.1 himself wrapped the tainted currency notes in a piece of cloth and placed the same

underneath the cot in the house of the appellant/accused officer and after planting of the said money, the *de facto* complainant shook his hands with the accused officer and by virtue of the same, the fingers of the accused officer were turned into pink colour during Sodium Carbonate solution test. He further submits that the learned Special Judge, without considering the said aspects in a right perspective, erred in convicting the accused officer, hence the conviction and sentence recorded against the accused officer are liable to be set aside. In support of his contention, he relied on the decisions reported in **Mir Mustafa Ali Hasmi v. The State of AP, (Criminal Appeal No(s).Nil of 2024 (Arising out of SLP (Crl.) No(s).9091 of 2022, dated 10.07.2024)** and **B. Jayaraj v. State of Andhra Pradesh**<sup>1</sup>.

12. On the other hand, learned Additional Public Prosecutor, appearing on behalf of the respondent/State, submits that merely because a witness was treated hostile, his entire evidence will not efface from the record. He further submitted that the evidence of P.W.1, coupled with seizure of the tainted amount from the house of the accused officer and result of the chemical

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<sup>1</sup> (2014) 13 SCC 55

test i.e. in Sodium Carbonate solution test, the fingers of the accused officer turned into pink colour, can be basis for convicting the appellant/accused officer. According to him, the said evidence is sufficient enough to convict the accused officer in the present case and the learned Special Judge has rightly convicted the accused officer, which calls for no interference by this Court.

13. Heard. Perused the record.

14. A perusal of the material on record goes to show that the entire prosecution case rests on the solitary testimony of PW.1. PW.1 deposed that he is a registered contractor and he knows the accused officer, who worked as Deputy Executive Engineer, R & B Department, Tadipatri, Ananthapur district; the contract work to lay metal road from Tadipatri to Bukkapuram for 4 KMs was entrusted to him by the R & B Department for Rs.7,00,000/- in the year 2002; he executed an agreement in favour of the department to complete the said work within three months; he could not complete the work within three months time, but later he completed the work, and after completion of work, concerned the AE recorded the measurement of work in the measurement book, and the Deputy Executive Engineer i.e. the accused officer, has to check measure the work; PW.1 met the AE

namely Srinivas Reddy and enquired about the check measurements of the work; then the AE demanded PW.1 to pay Rs.30,000/- to meet the office expenses; that when PW.1 expressed his inability to pay the said amount, the AE said that without the said amount, the DE will not check measure the work and prepare the bill; that when the AE was demanding the money, PW.1 met the local MLA and informed about the demand made by AE; the said MLA appears to have advised PW.1 to lodge a complaint against AE and DE; on the next day, PW.1 went to the DSP, ACB Office, Ananthapur and met the DSP, ACB. PW.1 further deposed that his MLA told that he would talk to the DSP about the said matter; PW.1 prepared a written complaint against AE and DE; the DSP received the said complaint and verified it. PW.1 further deposed that the DSP enquired about the demand of amount by the AE and he questioned PW.1 as to why he gave report against AE, who already recorded the measurements of the work, and asked him to give report only against the accused officer, who has to check measure the work; accordingly, he wrote a complaint against the accused officer and gave it to the DSP, ACB. PW.1 further deposed that the DSP asked him to bring the bribe amount of Rs.25,000/- on the next day. After complying with the formalities, as suggested by the DSP, PW.1 had gone to the accused officer quarters and enquired with the Attender about the accused officer; the Attender informed him that the

accused officer was inside and he asked PW.1 to wait for five minutes; PW.1 sat in the house of the accused officer for about 15 to 20 minutes. PW.1 further stated that as he did not find the accused officer in the house, he kept the tainted amount after tying it in a piece of cloth and kept the same underneath the cot in the bed room of the accused officer; after having kept the amount in the bed room of the accused officer, PW.1 came and sat in a chair in the hall. Few minutes later, the accused officer came to the hall wearing a lungi and he enquired PW.1 as to why he came to his house; then PW.1 informed him that the work executed by him has to be check measured. thereafter, the accused officer asked his Attender to go and bring concerned record from the office; accordingly, the Attender brought the files to the residence of the accused officer, and after verification, the accused officer informed to PW.1 that he already check measured the work about two months back and asked him to meet the Executive Engineer and thereafter, the files were handed over to PW.1 by the accused officer; after receiving the files from the accused officer, he shook hands of the accused officer and came out from his residence. PW.1 informed to DSP, ACB that he did not handover the tainted amount to the accused officer and he kept the same in the bed room of the accused officer. PW.1 also informed to DSP that the accused officer did not ask any amount from him. At this stage, learned Special

Public Prosecutor sought permission of the Court to treat PW.1 as hostile and accordingly PW.1 was treated hostile by the prosecution. Though PW.1 was cross-examined at length by the learned Special Public Prosecutor, nothing incriminating has been elicited from the evidence of PW.1 against the accused officer.

15. PW.2, who worked as Industrial Promotional Officer in the office of the District Industries Centre, Ananthapur, acted as a mediator. He stated that, on the instructions of his superior officer, he went to the office of the DSP, ACB, Ananthapur on 20.09.2002 and, on their instructions, he went along with PW.1. He categorically stated that the DSP gave instructions to PW.1 that he should give tainted currency notes to the accused officer on his demand only and also instructed to him that in case the accused officer receives the bribe amount from PW.1 he should come out and gave pre-arranged signal by wiping his face with his hand kerchief to the Inspector, ACB.

16. Learned Senior Counsel strenuously contended that when once the *de facto* complainant, who was examined as PW.1, did not support the prosecution case and when he was treated hostile by the prosecution, the entire prosecution case has to be thrown out. He further contended that PW.2, who accompanied PW.1 and acted as a

mediator at the time of trap, did not state anything with regard to demand of bribe amount by the accused officer.

17. In the case on hand, there is no evidence on record to show that the accused officer made a demand of bribe amount from PW.1 on the fateful day. Neither PW.1, who is the defacto complainant, nor PW.2, who accompanied PW.1 and acted as a mediator, states that at the time of the trap, any demand was made by the accused officer. It is an admitted fact that much prior to the date of the trap i.e. two months back, the accused officer check measured the work done by PW.1. If really such is the situation, the question of accused officer demanding PW.1 to pay the bribe amount of Rs.25,000/- does not arise.

18. In **Mir Mustafa Ali Hasmi's** case (supra), relied on by the learned counsel for the appellant/accused officer, the Hon'ble Supreme Court held as follows.

"51. The complainant(PW-1) alleged that after he lodged the complaint(Exhibit P-1) to the DySP(PW-10) on 22<sup>nd</sup> January, 2003, he was called by the appellant(AO1) and AO2 and was directed to come to the Hotel Quality-Inn with the proposed bribe amount of Rs.5,000/-. Acting on his own wisdom, the complainant(PW-1) asked his friend PW-2 to accompany him to the ACB office. The complainant(PW-1)

further alleged that when he and Ramesh Naidu(PW-2) were about to proceed to ACB office, he received another phone call from the appellant(AO1) and AO2 in the morning of 23<sup>rd</sup> January, 2003 and who instructed him to reach Hotel Quality-Inn. This fact, however, does not find place in the complaint(Exhibit P-1) and is thus a very significant omission. When the pre-trap panchnama(Exhibit P-4) was drawn, the complainant(PW-1) modified his version and alleged that it was AO2, who telephoned him in the morning and asked him to come to the Hotel Quality-Inn with the bribe amount. This apparent modulation by the complainant(PW-1) regarding the accused who had made the demand again throws a doubt on his conduct and credibility. The call detail records proved by PW-6 again decimates the version of the complainant(PW-1) because they clearly established that no call was made from the mobile number of the appellant(AO1) to the mobile number of the complainant(PW-1) after 17<sup>th</sup> January, 2003. As against the noting in the pre-trap panchnama(Exhibit P-4), the complainant(PW-1), during his sworn testimony, deposed that the phone call was made on 21<sup>st</sup> March, 2003 by both the appellant(AO1) and AO2. The complainant(PW- 1) also alleged that after the pre-trap proceedings, the DySP(PW-10) called Ramesh Naidu(PW-2) and instructed him to act as a shadow witness. However, the fact remains that Ramesh Naidu(PW-2) had already been asked by the complainant(PW-1) to accompany him in the trap proceedings. The complainant(PW-1) further alleged that a little while after he and Ramesh Naidu(PW- 2) had occupied one table in the said coffee shop, the mediators and Inspector N. Chandrasekhar(PW-11) also came to the coffee shop and

occupied a nearby table. The appellant(AO1) entered the coffee shop after some time and took the chair opposite to the ones wherein the complainant(PW-1) and the shadow witness were sitting. The appellant(AO1) asked the complainant(PW-1) whether he had brought the bribe amount of Rs.5,000/- to which the complainant(PW-1) replied in affirmative. When the complainant(PW-1) was about to handover the tainted currency notes, the appellant(AO1) hesitated and said that the amount should not be given in the coffee shop. The complainant(PW-1) was directed by the appellant(AO1) to proceed to the cellar of the hotel and accordingly, both he and PW-2 proceeded to the cellar and reached the generator room. There, the appellant(AO1) opened the zip of his rexine bag and instructed the complainant(PW-1) to place the bribe money inside the same. The complainant(PW-1) complied and placed the tainted currency notes in the rexine bag of the appellant(AO1). The appellant(AO1) then handed him the papers which were prepared during the inspection of the saw-mill by the Flying Squad. This version of the complaint was corroborated only by Ramesh Naidu(PW-2). However, the version of the complainant(PW-1) and PW-2 that the appellant(AO1) while sitting inside the coffee shop, initially demanded the bribe and then refused to accept the same does not find corroboration from the evidence of K. Srinivas Rao(PW-3) and the Inspector(PW-11). If at all, the complainant(PW-1) and the appellant(AO1) were sitting on the table adjoining the one on which the panch witnesses and the Inspector, N. Chandrasekhar(PW-11) were sitting then, these persons would not have missed out hearing the appellant(AO1) demanding the bribe from the

complainant(PW-1). In total diversion to the version of the complainant(PW-1) and PW-2, the panch witness(PW-3) and the Inspector(PW-11) did not utter a word in their testimonies, that they both went to the coffee shop and occupied a table adjacent to the table where the complainant(PW-1), PW-2 and the appellant(AO1) were sitting. This can be supported by post-trap panchnama(Exhibit P-11), which also doesn't elucidate on the fact that K. Srinivas Rao(PW- 3) and Inspector(PW-11) heard the conversation of the complainant(PW-1) and the appellant(AO1). Thus, it can be presumed and put the Court on guard that the testimonies of PW- 3 and PW-11 and the post-trap panchnama(Exhibit P- 11) distorted the facts.

52. Thus, there is a grave suspicion on the story as put forth by the prosecution that the accused, the appellant(AO1) demanded the bribe money from the complainant(PW-1) while in the coffee shop of Hotel Quality-Inn.

53. In view of the above analysis and elaboration of evidence, we have no hesitation in holding that the prosecution miserably failed to prove the factum of demand of bribe against the appellant(AO1) by reliable direct or circumstantial evidence. The allegation regarding acceptance of bribe by the appellant(AO1) is primarily based on the evidence of the complainant(PW-1) and PW-2 and the DySP(PW-10). From the extracted portion of the deposition of the complainant(PW-1) supra, it is comprehensible that he admitted that the appellant(AO1), forgot his rexine bag in the coffee shop and that the complainant(PW-1) picked up the same and handed it over to the appellant(AO1). Thus,

unquestionably, the complainant(PW-1) had the opportunity to plant the tainted currency notes into the bag being carried by the appellant(AO1).

54. As we have observed above that the entire case seems to have been planned at the behest of M. Ashok, it is clear that the complainant(PW-1) was simply used as a tool to get the appellant(AO1) trapped on made up allegations. The High Court while discussing the case, brushed aside the said part of the evidence of the complainant(PW-1) by observing that the same was an afterthought. However, the fact remains that these vital facts were elicited during the cross-examination of the complainant(PW- 1) and hence, the benefit thereof would have to be given to the appellant(AO1) more particularly as the prosecution did not make any effort to clarify this anomaly by way of re-examination. If at all, the prosecution felt that the captioned admission extracted above as appearing in the cross-examination of the complainant(PW-1) was a material deviation from the case set up by the prosecution, then, the public prosecutor was under an obligation to re-examine the witness to remove the anomaly. Having failed to do so, the prosecution cannot be permitted to cry foul that the decoy complainant(PW-1) modulated his testimony in the cross-examination so as to favour the accused. It is admitted that the DySP(PW-10) and the other members of the trap party were standing outside the coffee shop and thus, they could not have seen the sequence of events wherein, the complainant(PW-1) picked up the bag of the AO1(appellant). PW-2, of course denied this suggestion, but we cannot be oblivious to the fact that the star witness of the prosecution,

namely, the complainant(PW-1) himself made a candid admission to the suggestion given by the defence in cross-examination, that he got unhindered access to the bag of the appellant(AO1) and that this fact remained contraversed by the prosecution. In addition to the above, this Court has to remain conscious of the fact that the prosecution made no effort whatsoever to get the wash taken from the hands of the appellant(AO1) and the rexine bag examined through the FSL. Hence, there is no satisfactory evidence on record to establish that the appellant(AO1) had actually handled the tainted currency notes as claimed by the complainant(PW-1).”

19. In another decision, relied on by the learned counsel for the appellant/accused officer, in **B. Jayaraj’s** case (supra), the Hon’ble Apex Court held as follows.

“8. In the present case, the complainant did not support the prosecution case insofar as demand by the accused is concerned. The prosecution has not examined any other witness, present at the time when the money was allegedly handed over to the accused by the complainant, to prove that the same was pursuant to any demand made by the accused. When the complainant himself had disowned what he had stated in the initial complaint (Ext.P-11) before LW-9, and there is no other evidence to prove that the accused had made any demand, the evidence of PW-1 and the contents of Ext.P-11 cannot be relied upon to come to the conclusion that the above material furnishes proof of the demand allegedly made by the accused. We are, therefore, inclined to hold that the learned trial court as well as the

High Court was not correct in holding the demand alleged to be made by the accused as proved. The only other material available is the recovery of the tainted currency notes from the possession of the accused. In fact such possession is admitted by the accused himself. Mere possession and recovery of the currency notes from the accused without proof of demand will not bring home the offence under Section 7. The above also will be conclusive in so far as the offence under Section 13(1)(d)(i) and (ii) is concerned as in the absence of any proof of demand for illegal gratification, the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing or pecuniary advantage cannot be held to be established.”

20. The essential ingredients of Section 7 of the Act are that; the person accepting the gratification should be a public servant, he should accept gratification for himself and gratification should be as a motive or reward for doing or forbearing to do any official act or to show any favour or disfavour to any person. Insofar as Section 13(1)(d) of the Act is concerned, the essential ingredients are that; he should have been a public servant and that he should have been used corrupt or illegal means or otherwise abusing his position as public servant he should have been obtained a valuable thing or pecuniary advantage for himself or for any other person.

21. In the case on hand, the entire prosecution case rests on the solitary testimony of PW.1 with regard to the alleged demand and acceptance of bribe by the accused officer. When the entire case rests on the solitary testimony of a witness, the law is well settled that it must be proved free from doubt and it must be trustworthy and reliable. In a case where the witness is put in the purview of wholly reliable, then there is no legal bar to base conviction on the solitary testimony of the witness. Whereas, in the present case on hand, the *de facto* complainant - PW.1 did not support the prosecution case and he was treated hostile by the prosecution. In the cross-examination of PW.1, nothing incriminating has been elicited against the accused officer by the prosecution. Apart from the evidence of PW.1, PW.2, who accompanied PW.1 and who acted as a mediator at the time of trap, too did not state to the fact that there was any demand of bribe amount by the accused officer from PW.1. It is pertinent to mention here that the tainted amount has not been seized from the possession of the accused officer. The theory propounded by PW.1 is that he went into the bed room of the accused officer's house and planted the money. The said theory of PW.1 that he went into the bed room of the accused officer, without there being any permission from any of the inmates of the house, and planted money, appears to be quite unnatural, hence the same cannot be accepted. It is also relevant to

mention here that much prior to the date of trap i.e. about two months prior to the date of trap, the accused officer check measured the work done by PW.1. When such is the case, the question of any demand being made by the accused officer with PW.1 would not arise.

22. In view of the aforesaid facts and circumstances of the case and the principle laid down by the Hon'ble Apex Court in the above referred decisions, this Court has no hesitation to come to the conclusion that the prosecution failed to bring home the guilt of the accused officer of the alleged charges beyond reasonable doubt and the accused officer, therefore, deserves to be acquitted of the charges.

23. Accordingly, the Criminal Appeal is allowed and the conviction and sentence passed by the learned Additional Special Judge for SPE and ACB Cases-cum-V Additional Chief Judge, City Civil Court, Hyderabad, in the judgment in CC No.20 of 2003, dated 20.12.2007 are set aside. The appellant/accused officer is found not guilty of the charges leveled against him and accordingly he is acquitted of the same, and he is set at liberty. The bail bonds, if any, shall stand discharged. Fine amount, if any, paid by the appellant shall be refunded to him.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Criminal Appeal, shall stand closed.

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**JUSTICE K. SREENIVASA REDDY**

Dated:17.03.2025  
Nsr

**THE HON'BLE SRI JUSTICE K.SREENIVASA REDDY**

**CRIMINAL APPEAL No.1821 OF 2007**

Dated:17.03.2025

Nsr