

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.A.605-SB OF 1994

Date of Decision: 19-5-2006

Badan Singh son of Mohinder Singh son of Sher Singh aged 57 years, JE,
PSEB, Mehal Kalan

.....Appellant

VERSUS

State of Punjab

.....Respondent

CORAM:- HON'BLE MR.JUSTICE R.S.MADAN

PRESENT: Mr.SK Bawa,Advocate for
Mr.Gurcharan Dass,Advocate
for the appellant.

Mr.Narender Kapur,AAG, Punjab.

JUDGMENT

The appellant was convicted and sentenced under
Sections 7, 13(2) of the Prevention of Corruption Act, 1988 by the Special
Judge, Barnala as under:

U/S 7 of Prevention of Corruption Act, 1988 : R.I. for one year
and fine of Rs.1000/-
or in default of
payment of fine to
further R.I. for two
months.

U/S 13(2), Prevention of Corruption Act, 1988 : R.I. for one year
and fine of
Rs.1000/- or in default
of payment of fine to
further R.I. for two
months.

The prosecution version as recorded has been mentioned
in para 2 of the judgment.

PW-Kulwinder disclosed the prosecution version as
under:

“He and his father Jangir Singh (who has
since died) applied for 7-1/2 H.P. motor
connection each under self financing scheme
whereupon demand notice had been received as
a result whereof a sum of Rs.22,000/- was
deposited in the name of Chamkaur Singh while
Rs.13,000/- in the name of Jangir Singh in that
connection. Further, they had also prepared
necessary documents and had submitted that the
same to the office of PSEB at Mehal Kalan and
accused was J.E. in the PSEB at that time and
was incharge of their area and that even poles
had been erected and wires laid after they had
submitted relevant papers but connection was
not released;

He then contacted the accused in PSEB

Gird at Mehal Kalan for the release of connection after providing necessary cables but he demanded Rs.400/- as illegal gratification for each connection though he ultimately agreed to release the connections for Rs.200/- whereupon it was settled that he would see him on 6.7.93 in the grid itself alongwith just referred Rs.200/-. However, he went to bus-stand Mehal Kalan on 6.7.93 and met PW Jagroop Singh and narrated him everything about the demand made by the accused whereupon they decided to get the accused arrested for the demand made and approached DSP Vigilance Ajmer Singh in his office at Sangrur and made known to him all that has been referred above;

DSP Ajmer Singh then recorded his statement Ex.PF which he signed after contents were read over to him and he admitted the same to be correct. He thereafter handed over two currency notes each of the denomination of Rs.100/- to DSP Ajmer Singh whereafter latter noted down their numbers in a memo and applied some powder (phenolphalin powder) to them and returned the same to him whereafter memo to that effect was prepared which he and PW Jagroop Singh attested. Further, DSP then

directed to him to give these currency notes to the accused on demand. Further, DSP arranged a glass of water and had put soda(sodium carbonate) in the same but the colour of the water did not change whereafter the DSP applied said powder to a piece of paper and dipped the same into said solution as a result whereof colour of the water changed into pink whereafter he threw that water on the ground and had prepared memo in relation to the demonstration made. The DSP had then directed PW Jagroop Singh to accompany him with direction that after money is passed on to the accused he would put his right hand on his head to give signal to the police officials;

He and other members of the police party then came to bus-stand of Mehal Kalan where PW Ujjagar Singh a Gram Sewak was also joined after narrating facts and entire police party reached the grid but it became known that accused had gone towards the side of village Dasaundha Singh Wala and in consequence they went to village Chhapa and then to village Dasaundha Singh Wala and ultimately found the office of accused which was in a Chobara. He and PW Jagroop Singh went to the Chobara

while other members of the police party including Ujjagar Singh stayed back on the ground itself near electric pole;

Accused was found sitting in the Chobara on a cot. He then passed on above said two currency notes to the accused whereafter PW Jagroop Singh gave assigned signal whereupon other members of the police party headed by DSP came there. However, DSP introduced himself to the accused and arranged a glass of water and added soda on which colour of the water did not change. Thereafter he made the accused put his hands into said solution on which colour of the water changed into pink. This solution was then transferred into a quarter bottle and sealed and was taken into possession vide memo. Further, thereafter, DSP took personal search of the accused and recovered said currency notes from the left chest pocket of the shirt which he was wearing and on comparison the said two notes tallied with the number of the currency notes given in the memo prepared earlier. Tainted currency notes recovered were then taken into possession vide a separate memo while other currency notes recovered on further personal search were taken

into possession vide another separate memo. Further, shirt of the accused was also taken off whereafter DSP arranged for another glass of water and put Soda therein on which colour of the water did not change whereafter he dipped left chest pocket of the shirt of the accused into that solution on which colour of water changed into pink. This solution was also transferred into another pint and sealed separately. Shirt too was sealed into a parcel.”

On appearance of the accused before the Court, accused-Badan Singh was charged-sheeted under Sections 7,13(2), Prevention of Corruption Act, 1988 as provided under Section 228 of the Code of Criminal Procedure, to which he pleaded not guilty and claimed trial.

To bring home the guilt of the accused, the prosecution examined William Nand Senior Assistant Office of Chief Engineer South PSEB Patiala as PW-1, Constable Balbir Singh as PW-2, Kuldeep Singh Sahni, Assistant Executive Engineer as PW-3, Kulwinder Singh as PW-4, Jagroop Singh as PW-5, Ujjaggar Singh as PW-6, Ajmer Singh DSP as PW-7.

It is, thereafter, the case of the prosecution was closed. The accused was examined in terms of statement under Section 313 Cr.P.C. in which all the incriminating evidence appearing in the prosecution case was put to the accused to which he denied and pleaded innocence.

The accused also examined C.Shukhdev Singh as DW1, Jit Singh as DW-2, Bakhtawar Singh as DW-3, Ravinder Kumar, Assistant

Line Man as DW-4 and Malkiat Singh, Constable as DW-5.

After going through the evidence of the prosecution, the learned Special Judge, Barnala passed the impugned order of conviction and sentence as mentioned above.

I have heard the learned counsel for the parties.

At the very outset, learned counsel for the appellant produced the copy of Death Certificate of the accused. According to which, he is stated to have expired on 3-9-1997. The Certificate has been duly issued by the Registrar of Births and Deaths, Ludhiana in this regard, which is taken on record.

Learned State counsel has not disputed the factum of death of the appellant.

Accordingly, the proceedings initiated against the accused are dropped as the appeal abates.

Disposed of as such.

**(R S MADAN)
JUDGE**

May 19, 2006
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