

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1320 OF 2006

STATE OF A.P.

.....

APPELLANT

VERSUS

GURENDAGANTA ANASUYA

.....

RESPONDENT

O R D E R

We have heard the learned counsel for the parties.

The respondent herein was convicted and sentenced by the Special Judge for offences punishable under Section 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, and was awarded a sentence of simple imprisonment for one year and to pay a fine of Rs. 1000/- and in default to suffer further simple imprisonment for six months. She, thereupon, filed an appeal before the High Court of Judicature, Andhra Pradesh which has been allowed by the impugned judgment. The High Court has recorded a finding of fact on an appreciation of the evidence that P.W. 1 - the complainant was a busy body switching political and personal loyalties without the slightest hesitation, well-acquainted with the ways of the world, and that it would have been impossible for him in that

situation to have gone to a lady doctor who was a Gynaecologist to seek an operation for an ulcer in the stomach. The High Court has also found that the defence evidence produced by the accused was to be preferred to the prosecution evidence. Another significant factor which weighed with the High Court was that the amount of Rs. 150/- which represented the bribe money had been recovered from the top of the table which was being used by the respondent and that this story was unacceptable as tainted money would never be left for public display and would, ordinarily, be immediately hidden in a drawer or would be concealed somewhere else. The Court also found that the respondent had accepted the position that the sodium carbonate solution had turned pink, after her hands had been washed but had pleaded that she had handled the money inadvertently as it was lying on the table in front of her. In any case, the High Court has given cogent reasons for recording an acquittal and we would be hesitant to upset the judgment in appeal.

Dismissed.

.....J
[HARJIT SINGH BEDI]

.....J
[T.S. THAKUR]

NEW DELHI
NOVEMEBR 26, 2009.

