

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 22 OF 2009

STATE OF M.P. APPELLANT

VERSUS

RAKESH GANDHI RESPONDENT

O R D E R

1. We have heard learned counsel for the parties at length.

2. The trial court convicted the respondent accused for an offence punishable under Section 13(2) of the Prevention of Corruption Act and sentenced him to one year's rigorous imprisonment and a fine of `1,000/- and in default of payment of fine to suffer rigorous imprisonment for three months. The judgment of the trial court has been set aside by the High Court and the accused has been acquitted. The present appeal has been filed by the State of M.P. impugning the judgment of acquittal.

3. We have gone through the various reasons that have been given by the High Court in arriving at its conclusion that the case against the accused had not been proved beyond doubt and these have been culled out in paragraph 16 thereof. It has been found that the prosecution had

failed to prove that the accused had ever demanded any illegal gratification or bribe from the complainant as he was not authorised to issue a No Objection Certificate. It has also been highlighted that the seizure of the currency notes was not from the possession of the accused but from a drawer of the table which had been kept in the office concerned and this table was equally available to other persons working in the office. Likewise, it has been noted that P.W. 3, the only independent witness, had not supported the prosecution and had been declared hostile on that account.

4. We have examined the observations aforesaid and find that they are borne out by the evidence. No interference is, therefore, called for in this appeal.

5. Dismissed.

.....J
[HARJIT SINGH BEDI]

JUDGMENT

.....J
[GYAN SUDHA MISRA]

NEW DELHI
JULY 12, 2011.