

SUPREME COURT OF INDIA

State of A.P.

Vs.

Kommaraju Gopala Krishna Murthy

(K. T. Thomas and R. P. Sethi JJ.)

26.07.2000

ORDER

The Text below is only a summarized version of the order pronounced

The Supreme Court is not interested in disturbing the findings of the High court that the defense adopted by the respondent cannot be dubbed as improbable as well as the Supreme Court does not approve the proposition of law that the initial burden is on the prosecution to prove that the amount was not paid by returning the hand loan. It is well settled that when the amount have been passed to the public servant then the burden is on the public savant to establish that it is not by way of illegal gratification. The appeal is dismissed in this case.