

SUPREME COURT OF INDIA

Ganapathi Sanya Naik

Vs.

State of Karnataka

Crl.A.No.1218 of 2007

(S.B.Sinha and Harjit Singh Bedi JJ.)

14.09.2007

JUDGMENT

HARJIT SINGH BEDI, J.

1. Leave granted.

2. This appeal arises out of the following facts.

3. The accused/appellant was at the relevant time working as a Village Accountant in Bisalkoppa in Sirsi Taluk in the State of Karnataka. PW.6 Nagaraj had purchased some agricultural land from Smt. Janaki on which he approached the appellant and requested him to effect mutation entries in his name and to issue the requisite record of rights. The appellant told Nagaraja to come after a few days and thereafter told him that some objections had been received with respect to the sale in his favour. It appears that an enquiry was also held by the Deputy Tehsildar who passed an order in Nagaraja's favour.

4. Armed with this order, Nagaraja again approached the appellant requesting him to enter the necessary mutation and to provide a certified copy of the revenue documents. The accused demanded a sum of Rs.1,000/- from him for this purpose and asked for Rs.500/- as an advance, which was reduced to Rs.450/-.

As Nagaraja was apparently not willing to pay the amount, he approached the Lok Ayukta and made a written complaint to the Police on which a case was registered by PW.9 Police Inspector Shambhulingappa. The said police officer requested the Asstt.

Director of Agriculture and Asstt. Director of the Employment Exchange, Karwar to depute a Pancha each to report to him at 6 a.m. on 14.8.1996. Two Panchas PW.4 Mailarappa Neellappa Sunkad and R.N.Cholvekar were accordingly deputed by the said officers. The Police Officer thereafter informed the two Panchas as to what had transpired. Nagaraja also produced MO5, four notes of hundred rupee denomination, and one note of fifty rupees denomination. The Inspector also explained the phenolphthalein/Sodium Carbonate procedure to the Panchas.

Phenolphthalein powder was then smeared on the currency notes where were thereafter handed over to PW6. and PW.4 was instructed to accompany the appellant and he was asked to make a signal for the raiding party after the money had been handed over.

