

PUNJAB AND HARYANA HIGH COURT

Hoshiar Singh

Vs

State of Haryana

(K.S.Kumaran, J.)

01.05.1995

JUDGEMENT

K.S.Kumaran, J.

(1.) THE appellant Hoshiar Singh, son of Kalu Ram, faced trial under Section 13(1) (a) of the Prevention of Corruption Act, 1988, for having received a sum of Rs. 2000/- as illegal gratification from Buta Singh on 21.3.1990, while he (appellant) was working as a Tehsil Welfare Officer, Jind. The learned Additional Sessions Judge-I, Jind, accordingly convicted and sentenced the appellant herein to undergo rigorous imprisonment for one year, to pay Rs. 2000/- as fine and in default to undergo R.I. for three months. The case of the prosecution briefly is as follows :

(2.) THE Government of Haryana had decided to confer proprietary rights on pattedars of certain lands. The complainant, Buta Singh (P.W.6), who is also one of the pattedars approached the appellant-Hoshiar Singh, who was working as a Tehsil Welfare Officer, Jind, for the purpose of getting the numbers of the land that was under the cultivation of Buta Singh PW so that he could apply and get ownership. Hoshiar Singh is alleged to have demanded Rs. 2,000/- as illegal gratification for giving the numbers. Buta Singh PW mentioned this to Sucha Singh (P.W.8) who incidentally was also one of the pattedars intending to get proprietary rights in respect of some lands. On the next day, Buta Singh and Sucha Singh PWs went to the Vigilance Inspector Prakash Chand (P.W.11) and Buta Singh gave a statement (Ex.PA) which was recorded by him (P.W.11). Buta Singh also gave Rs. 2,000/- in currency notes to the Vigilance Inspector PW11 and the numbers of these notes were also recorded in the statement Ex.PA. This statement of Buta Singh (Ex.P.A.), with the endorsement of the Vigilance Inspector, was sent to Police Station S.V.B. Hissar on the basis of which a formal FIR (Ex.PA/1) was recorded. The Vigilance Inspector (P.W.11) got the currency notes under memo Ex.PL, attested by Buta Singh and Sucha Singh PWs. Vigilance Inspector filed an application before District Magistrate Jind for deploying an officer for conducting a raid. Narinder Kumar Singla, City Magistrate, Jind (P.W.10) was nominated by the District Magistrate. The Vigilance Inspector apprised Mr. Singla of these

facts. According to the prosecution, the Vigilance Inspector (P.W.11) gave a demonstration to Messrs Singla, Sucha Singh, and Buta Singh PWs by treating phenolphthalein powder on a piece of paper and then washing it with sodium carbonate water. The Vigilance Inspector put his initials on the 20 currency notes and handed over the same to Buta Singh. Sucha Singh was deployed as a shadow witness. They went towards the office where the appellant Hoshiar Singh worked and stopped the jeep at a distance. Buta Singh PW was asked to give a signal after paying the money to the appellant. Buta Singh went inside the office and after some time, he along with the appellant-Hoshiar Singh went on a cycle rickshaw. They were followed by the raiding party. Near about the bus stand, Hoshiar Singh received the money from Buta Singh PW. Buta Singh gave a signal to Sucha Singh who, in turn, gave the signal to the raiding party. Appellant-Hoshiar Singh was arrested. He was searched and the sum of Rs. 2,000/- with the initials of the Vigilance Inspector, was seized from him. The hands of the appellant, the currency notes and a pocket of the pant of the appellant (into which he had put the money) were washed with sodium carbonate and the colour of the water turned pink.

(3.) IN order to establish its case, the prosecution examined 12 witnesses. PW6 is the complainant Buta Singh, PW8 is a shadow witness Sucha Singh, PW10 is the City Magistrate, Mr. Singla and PW11 is the Vigilance Inspector-Parkash Chand, who are important among them. The learned Addl. Sessions Judge accepted the case of the prosecution and accordingly convicted and sentenced the appellant as mentioned above, aggrieved by which the appellant has come forward with this appeal. ;