

State Vs. Jagdamba Prasad

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Court : Rajasthan Jodhpur

Decided On : Aug-30-2013

Appellant : State

Respondent : Jagdamba Prasad

Judgement :

[1] IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR
ORDER S.B. CRIMINAL LEAVE TO APPEAL NO.17/2013 State of Rajasthan
Versus Jagdamba Prasad Date of Order :

30. 08.2013 PRESENT HON'BLE MR. JUSTICE GOVIND MATHUR Mr. Mahipal Bishnoi, Public Prosecutor, for the State BY THE COURT : This leave to appeal as per the provisions of Section 378 (iii) and (i) of the Cr.P.C. is preferred to have a leave to appeal the judgment dated 26.10.2012 passed by learned Special Judge, Prevention of Corruption Cases, Bikaner. The leave to appeal is barred by limitation from six days. Having considered the facts of the case, the delay of six days is condoned, though no application as per the provisions of Section 5 of the Limitation Act is filed. Heard learned Public Prosecutor on merits. Respondent Jagdamba Prasad S/o Mr. Jainarayan was charged for the commission of offences punishable under Section 7, 13 (1) (D) and 13 (2) of the Prevention of Corruption [2] Act, 1988. The prosecution to substantiate its case got examined 17 witnesses including the complainant. The complainant did not support the prosecution story. The allegation of having illegal gratification in a tune of Rs.500/- too was not established as there was discrepancy with regard to recovery of currency notes

from the respondent-accused. Learned trial court after considering the entire evidence acquitted the accused. On consideration of the evidence as discussed in the judgment impugned, it is apparent that the complainant did not support the prosecution case and he was declared hostile. No witness supported the prosecution story that a sum of Rs.500/- was tendered to the accused-respondent as illegal gratification and he threw the same in sink. There is discrepancy also with regard to mixing of phenolphthalein coated notes, those were said to be tendered to accused- respondent. In such circumstances, I do not find any wrong with the finding arrived at the trial court. No reason, therefore, exists to grant the leave as prayed for. The leave to appeal, therefore, is dismissed. [GOVIND MATHUR],J.

Pramod

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