

Ravi Dubey Vs. State

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Court : Madhya Pradesh

Decided On : Nov-30-2001

Reported in : 2002(1)MPHT222

Judge : N.S. Azad, J.

Acts : Code of Criminal Procedure (CrPC) , 1974 - Sections 228; [Prevention of Corruption Act, 1988](#) - Sections 13(1) and (2)

Appeal No. : Cr. Revision No. 981/2001

Appellant : Ravi Dubey

Respondent : State

Advocate for Def. : Chanchal Sharma, Panel Lawyer

Advocate for Pet/Ap. : Prashant Singh, Adv.

Disposition : Revision dismissed

Judgement :

ORDER

N.S. Azad, J.

1. Arguments heard.

2. By order dated 12-7-2001 the Special Judge (Lokayukta), Jabalpur framed a charge against this petitioner for offences punishable under Section 13(1)(d) and Section 13(2) of [Prevention of Corruption Act, 1988](#) giving rise to this revision.

3. Shri Prashant Singh has drawn my special attention to Paragraph 9 of the order passed by Special Judge (Lokayukta), Jabalpur wherein it is opined by the learned Special Judge that even if something is accepted without any demand been made for doing some official work, the transaction would fall in the category of bribe. According to Shri Singh there is no iota of evidence on the fact that the petitioner ever made a demand of Rs. 700/- and the amount which is alleged to have been recovered from the possession of the petitioner at the time of trap is well explained. It is also submitted by Shri Singh that the petitioner has satisfactorily explained his being in possession of the aforesaid amount, by filing documents marked as Document Nos. 7 to 10, alongwith this petition.

4. It is not in dispute that the complainant moved the Lokayukta making an allegation that the petitioner is demanding bribe for issuance of licences for plying cycle-rickshaws. It is also not in dispute that under supervision of officials of the unit of the Special Police Establishment, a trap was laid and currency notes amounting to Rs. 700/- were seized from the possession of the petitioner, on which the Phenolphthalein test was found positive. So far as the documents marked as Document Nos. 7 to 10 are concerned, all these documents are to be considered at the time of trial. The learned Special Judge is found to have committed no impropriety in forming an opinion that on the receipt of something for doing some official work, even without there being any demand, the transaction falls in the category of bribe and hence no illegality or impropriety is found committed in framing the charge by Special Judge. Thus, I do not find any substance in this revision. It is accordingly disallowed and rejected.

5. Criminal Revision dismissed.