

Balu Vs. Rex

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SooperKanoon Citation : sooperkanoon.com/754917

Court : Rajasthan

Decided On : Feb-24-1950

Reported in : 1950CriLJ1301

Judge : Atma Charan, J.C.

Appellant : Balu

Respondent : Rex

Judgement :

ORDER

Atma Charan, J.C.

1. Heard the parties.

2. The accused-applicant stands convicted under Section 161, Penal Code, read with 116, Penal Code and sentence to undergo six months' rigorous imprisonment. The case of the prosecution is that he attempted to offer a bribe to a police-officer to show some favour to certain persons required in connection with some offence. The prosecution case against him rests on the evidence of three police-officers and two search-witnesses. The sum total of the evidence of the three police-witnesses is to the effect that the accused-applicant wanted to have some talk in private with the S.O. The S.O. took him to another portion of the building, and came back with him after some time. The S.O. had already sent for two search-witnesses. The accused-applicant then offered him some currency-notes of Rs. 6

each, and said that he would pay him more money later on. The latter portion of the story is corroborated by the two search-witnesses. The story as narrated by the prosecution on the face of it looks very suspicious. On the own showing of the prosecution the accused-applicant wanted to have some talk in private with the S.O . This fact by itself goes to show that the accused-applicant is neither a fool nor a simpleton. It does not accordingly stand to reason that he would have offered money in full view of the Public to the S.O. There seems to be something wrong somewhere in the prosecution version of the story.

3. The accused-applicant has come out with his own story. The story may or may not be correct. The prosecution version of the story, however, appears to be altogether unnatural and illogical. Further, it appears that the case, though not required, was investigated by the police. Yet the copies of the statements of the witnesses recorded were not made over to the accused-applicant by the trial Court, though asked for by him. Then there is yet another flaw in the case. The fact of the alleged recovery of the currency notes does not find place in the general-diary. In view of these two serious defects in the case the accused-applicant, any way, deserves the benefit of doubt and acquittal.

4. The application in revision accordingly is Allowed, the conviction and the sentence of the accused-applicant are set aside and he is acquitted; the sum of money said to have been recovered from the possession of the accused-applicant be made over to him.