

**State of Rajasthan Vs. Roop Narayan**

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**SooperKanoon Citation :** [sooperkanoon.com/763467](http://sooperkanoon.com/763467)

**Court :** Rajasthan

**Decided On :** Feb-21-1989

**Reported in :** 1989WLN(UC)235

**Judge :** G.K. Sharma, J.

**Appeal No. :** S.B. Cr. Appeal No. 122 of 1984

**Appellant :** State of Rajasthan

**Respondent :** Roop Narayan

**Disposition :** Appeal dismissed

**Judgement :**

**G.K. Sharma, J.**

1. This appeal has been preferred by the State against the judgment dated 29-10-1983 passed by Special Judge (A.C.D.) Jaipur by which the appellant has been acquitted from the charges levelled against him.

2. The appellant was prosecuted Under Section 161, IPC and Section 5(1)(d) read with Section 5(2) PC Act The accused did not plead guilty and claimed trial. The learned Special Judge after concluding the trial found that the prosecution has failed to establish its case and acquitted the accused.

3. The learned P.P. argued that the learned Judge has committed error in acquitting the accused. It was argued that from the evidence it is clear that the accused can charge Rs. 2/- only from one person but he had charged Rs. 6/- so this amount he had taken by way of illegal gratification. The learned Counsel for the respondent argued that the Panchayat by its resolution empowered the Secretary to prepare the map for taking Patta and for preparing one map, he can charge Rs. 2/- from the person. As 3 copies of map are to be submitted by each person he was entitled to charge Rs. 6/- for the maps. This amount the respondent has charged. So there is no case of taking or demanding illegal gratification.

4. Considered the arguments and in this light the entire evidence and the judgment has been perused. In paras 2, 13 and 14 the learned Judge has discussed the evidence and the contention of the accused respondent. The Dy. S.P. who laid the trap and has investigated the matter has also admitted that there was a resolution of the Panchayat authorising the accused to prepare the map and he can charge Rs. 2/- per map. So the argument and contention of the learned Counsel for the respondents has great force and substance. The learned Judge has also discussed this point elaborately in the judgment and had correctly appreciated the point. The accused demanded his above charge for preparing the map. Rs. 2/- per map was the permitted amount. As 3 copies of map are to be submitted, he was authorised to charge Rs. 6/- for 3 copies of map. Hence there is no illegality in the judgment. The learned lower court has rightly acquitted the accused. There is no ground to interfere in the judgment of acquittal.

5. The State appeal is, therefore, dismissed.