

State of AP Vs. M. Radhakrishnamurthy

Criminal Appeal No. 386 of 2002 [JT 2009 (3) SC 410] Sec. 7 & 13(1)(d) of PC Act.

An Excise Inspector demanding Rs. 4000/- as illegal gratification - Rs. 2000/- were paid immediately - rest to be paid on 19.6.89. On 19.6.89, accused was caught red handed while accepting bribe and Sodium Carbonate yielded positive test -tainted amount recovered in presence of mediators -conviction by trial court. High Court, however, acquitted accused as first part relating to acceptance of Rs. 2000/- was allegedly not proved and remaining part of the case was not accepted by the High Court in view of the decision of Haridev Sharma Vs. State (Delhi Administration) [1977 (3) SCC 352] - Hon'ble Supreme Court had held that Haridev case did not lay Rule of universal application that where a part of the case relating to demand and acceptance is not accepted, the entire case would fail. Supreme Court further held that courts should discuss factual situation of the case in hand while placing reliance on decisions of a case on which reliance was placed - Appeal of State of AP was accordingly allowed and conviction awarded by the trial court was maintained.