

KABC010003142022



**IN THE COURT OF XXI ADDL.CITY CIVIL AND
SESSIONS JUDGE AND PRINCIPAL SPECIAL JUDGE
FOR CBI CASES, BENGALURU [CCH-4]**

PRESENT: SRI.MANJUNATH SANGRESHI

B.A.LL.B [HONS.]

**XXI Addl. City Civil & Sessions Judge and
Principal Special Judge for CBI Cases(CCH-4)
Bengaluru.**

DATED THIS DAY OF 25TH JULY, 2025

Spl.C.C.No.9/2022

Complainant : The State by CBI/ACB,
Bengaluru.

[By Senior Public Prosecutor]

V/S.

Accused : Sri.Lalit Bazad,
S/o Sh. Aman Singh,
Aged about 34 years,
R/at House No.105 and 109,
Hiranki, Bazad Wali Gali, Delhi,
Hiranki, North West Delhi,
Delhi – 110036.

[By Sri.Sanket M. Yenagi, Advocate]

Particulars regarding date of commission of offence, report of offence, arrest of accused & Etc.,.

Date of commission of offence	28.01.2021, 29.01.2021 & 09.02.2021
Date of report of offence	01.06.2021
Date of arrest of accused	09.06.2021
Date of release of accused on bail	11.08.2021
Total period of custody	2 months and 2 days
Name of the complainant	Source Information
Date of commencement of recording evidence	20.08.2024
Date of closing of evidence	11.03.2025
Charge-sheeted offences	Section 384 of Indian Penal Code and Section 7 of Prevention of Corruption Act, 1988.
Opinion of the Judge	As per Final Order

JUDGMENT

The Inspector of Police, Central Bureau of Investigation [‘CBI’ in short], Anti Corruption Bureau Bengaluru, has submitted charge sheet against the accused alleging the commission of offences punishable U/Sec.384 of Indian Penal Code [‘IPC’ in short] and U/Sec.7 of the Prevention of Corruption Act-1988 [‘PC Act’ in short].

2. The facts of the prosecution case, as per Charge-Sheet, are that;

On 28.01.2021 and 29.01.2021, when CW.1 Sri. Mikhil Innani, CW.2 Smt. Diksha and CW.3 Sri. Harish Innani visited Office of Enforcement Directorate [‘ED’ in short], Bengaluru, in connection with enquiry in ECIR No.3/2021 registered by ED, Bengaluru; at that time, accused, being the public servant as Enforcement Officer, working at Directorate of Enforcement, Bengaluru, demanded undue advantage of Rs.50 lakhs in cash from CW.1 to close the matter of M/s. Apollo Finvest and received undue advantage of Rs.5 lakhs from CW.1 which was sent through CW.7-Manavendra Bhati on 09.02.2021 at Levels Pub and Kitchens situated at J.P.Nagar, Bengaluru at night hours as a reward for the improper and dishonest performance of a public duty and accused being the public servant as Enforcement Officer at ED Bengaluru, has intentionally and dishonestly threatened CW.1-Mikhil Innani to register a case against M/s. Apollo Finvest and also threatened to drag on the said matter for at least 10 years and to ruin

the name and business of M/s. Apollo Finvest and its management, if CW.1 fails to pay Rs.50 lakhs in cash and subsequently accused was succeeded in extorting Rs.5 lakhs from CW.1 and thereby the accused has committed the offences punishable U/Sec.384 of Indian Penal Code and U/Sec.7 of Prevention of Corruption Act.

3. During the crime stage, the accused was arrested and thereafter, this court has granted statutory bail to him as provided under Section 167(2) of Cr.P.C. After submitting Charge-Sheet, this court had taken cognizance of the offences against the accused. Summons was issued to the accused. After service of summons, accused appeared before the court through his counsel. The copy of Charge-Sheet and other materials have been provided to accused as required under Section 207 of Cr.P.C.

4. After hearing both side regarding framing of charge, the charges were framed against the accused for the offences punishable under Section 384 of IPC and under Section 7 of the PC Act. After framing of charges, accused pleaded not guilty and claimed to be tried.

5. In order to prove their case, the prosecution has examined 19 witnesses as per PW.1 to PW.19 and also marked 32 documents as per Ex.P1 to P.32. MO.1 and 2 are also marked. After closing the prosecution side evidence, the statement of accused has been recorded as provided under Section 313 of Cr.P.C. The accused has denied the incriminating circumstances found in the prosecution evidence. After recording the statement of accused, the accused has submitted that he has no defence evidence, but stated that he would file his written statement as provided U/Sec.313(5) of Cr.P.C. Thereafter, the accused has filed written statement under Section 313(5) of Cr.P.C., in support of his defense.

6. The Ld. Senior Public Prosecutor has relied upon the following case authorities.

1. (2004) 1 SCC, 184 [Chaudhari Ramjibhai Narasangbhai Vs. State of Gujarat and Others]
2. 1959 SCR (2) 875 [Tahsildar Singh and Another Vs. State of U.P.]
3. (2003) 12 SCC 684 [Shamsuddin and Others Vs. State of M.P]

4. (1982) 3 SCC 466 [Kishan Chand Mangal Vs. State of Rajasthan]
5. (1998) 1 SCC 557 [State of UP Vs. Zakaullah]
6. (2004) 3 SCC 753 [T.Shankar Prasad Vs. State of A.P.]
7. AIR 1958 SC – 61 [State of TN Vs. A. Vaidyanatha Iyer]
8. (2000) 8 SCC 571 [Madhukar Bhaskarrao Joshi Vs. State of Maharashtra]
9. AIR 2007 SC 960 [State of Andhra Pradesh Vs. V. Vasudeva Rao]

7. The defense side have relied upon the following case authorities.

1. (2015) 10 SCC, 152 [P. Satyanarayana Murthy Vs. District Inspector of Police, State of Andhra Pradesh]
2. (2015) 3 SCC 247 [M.R.Purushotham Vs. State of Karnataka]
3. (2013) 14 SCC 153 [State of Punjab Vs. Madan Mohan Lal Verma]
4. 2023 SCC Online SC 245 [Neeraj Dutta Vs. State (NCT of Delhi), (Constitution Bench)]
5. 2025 SCC Online SCC Online SC 646 [C. Nagaraj Vs. State of Lokayukta Police, Davanagere]

6. (2014) 13 SCC 55 [B. Jayaraj Vs. State of A.P.]
7. AIR 1979 SC 1408 [Suraj Mal Vs. State (Delhi Administration)]
8. (2016) 12 SCC 150 [V. Sejappa Vs. State by Police Inspector, Lokayuktha]
9. (2009) 3 SCC 779 [C.M.Girish Babu Vs. CBI]
10. (W.P.No.8316/2020 (S-RES) D.D. 22.07.2020 [Sri. Shashi Kumar Shivanna Vs. The Government of Karnataka.
11. AIR 1997 SC 3400, 1997(7) SCC 622 [Mansukhlal Vithaldas Chauhan Vs. State of Gujarat]
12. Subhash Bhatia and others Vs. State of Rajasthan and Others [S.B. Civil Writ Petition No.590 of 2010, DD on 10.12.2010] HC Rajasthan.
13. Ajay Kumar Mishra Vs. State of Jharkhand and Others (WP (S) No.864 of 2004 disposed of on 21.06.2004) HC Jharkhand
14. 1999 (6) SCC 667 [Common Cause, a Registered Society Vs. Union of 8 India and Others]
15. 1998 (9) SCC 268 [State of T.N. Vs. M.M.Rajendran]
8. Heard both side. Perused all the records.

9. After having heard both side and after having gone through the evidence on record, both oral and documentary, the points that would arise for my consideration are as under;

1. *Whether the sanction obtained U/Sec.19 of PC Act to prosecute the accused for the alleged offences, is valid one and in accordance with law ?*
2. *Whether the prosecution proves beyond all reasonable doubt that, during the month of January, 2021, when CW.1, CW.2 and CW.3 visited the ED Office, Bengaluru, in connection with enquiry ECIR No.3/2021 registered by ED; at that time, the accused, who being the public servant as Enforcement Officer, working at Directorate of Enforcement, Bengaluru, had demanded undue advantage of Rs.50 lakhs in cash to close the matter of company of CW.1 by name M/s. Apollo Finvest and thereby received undue advantage of Rs.5 lakhs from CW.1 which was sent through CW.7 on 09.02.2021 at Levels Pub and Kitchens, JP Nagar Bengaluru at night hours, as reward for the improper and dishonest performance of a public duty and thereby*

the accused has committed the offence punishable under Section 7 of the PC Act ?

3. Whether the prosecution proves beyond all reasonable doubt that, during the above said date and place, accused being the public servant as Enforcement Officer, Directorate of Enforcement, Bengaluru has intentionally and dishonestly threatened CW.1 Sri. Mikhil Innani to register a case against M/s. Apollo Finvest and to drag on the said matter for at least 10 years and ruin the name and business of M/s.Apollo Finvest and its management, if CW.1 fails to pay Rs.50 lakhs and subsequently, accused had extorted Rs.5 lakhs from CW.1 by threatening and thereby the accused has committed the offence of extortion punishable under Section 384 of IPC ?

4. What order ?

10. My findings to the above stated points are as
as under;

Point No.1 : In the Affirmative

Point No.2 : In the Affirmative

Point No.3 : In the Affirmative

Point No.4 : As per the final order
for the following;

REASONS

11. **Point No.1:** This point is with regard to the sanction granted for the prosecution to prosecute the accused. In order to prosecute the accused for the charge-sheeted offences, it is necessary for the prosecution to obtain sanction from the concerned competent authority as provided U/Sec.19 of PC Act. Under Section 19 of PC Act, Sanction is to be given by the Government or the authority which would be competent to remove the public servant from his office.

12. In the case on hand, the sanction order has been marked as per Ex.P17. That Ex.P17 has been granted by one Smt.Sudha Koka, then Commissioner of GST and Central Excise, South Commissionerate, Chennai. She has been examined in the case as PW.17. It is undisputed fact that, at the time of commission of offence, the accused-Sri.Lalit Bazad was working as Enforcement Officer at Directorate of Enforcement, Bengaluru. It is to be noted here that, accused was

basically appointed as Inspector in the office of GST and Central Excise, South Commissionerate, Chennai. It appears that, later on, he was deputed to Enforcement Directorate, Bengaluru as Enforcement Officer. Since the parent department of accused is GST and Central Excise, Chennai; therefore, the appointing authority is the Commissioner of GST and Central Excise, Chennai and obviously PW.17-Commissioner, GST and Central Excise, Chennai is the Disciplinary Authority also, who is having power to remove the accused from his office.

13. As already stated, the accused is a public servant, worked as Enforcement Officer at ED Office, Bengaluru at the time of commission of alleged offence and PW.17-Smt.Sudha Koka is the appointing as well as Disciplinary Authority in respect of accused. Accordingly, PW.17 has accorded sanction to prosecute the accused when it is requested by the CBI through a letter addressed to her.

14. At this juncture, it is apt to appreciate the evidence of PW.17, in order to know whether PW.17 had

applied her mind to the material or documents placed before her or not, while granting the sanction to prosecute the accused. In her evidence, PW.17 has deposed that, she received a letter from CBI to grant sanction to prosecute the accused; along with the letter, the CBI had sent FIR, statement of witnesses and other documents seeking sanction order. It is her further evidence that, she had gone through all the documents furnished by IO and after verifying the entire documents and after meticulously perusing the same, prima-facie, she satisfied as to the commission of offences by the accused as stated in the investigation papers and accordingly, she accorded sanction to the prosecution to prosecute the accused. This witness has identified her sanction order marked at Ex.P17. She has also identified her signature found in Ex.P17 as per Ex.P17(a). It is also her evidence that one Ganesh Murthy, who was working as Assistant Commissioner [Vigilance] in her office had sent sanction order accorded by her to the office of the CBI under a covering letter signed by him. She also identified said letter, which is marked at Ex.P18.

15. The learned counsel for the accused has cross examined this witness in detail. In her cross examination, PW.17 stated that she received FIR, Documents and Statements of witnesses from I.O., and she understood what was the allegation made against the accused. She denied the suggestions to the effect that, she has not applied her mind to any of the documents; she simply gave sanction against the accused at the instance of I.O.; and she did not understand the allegations in its entirety and not examined the documents properly. Further, to a suggestion that she had no authority to grant sanction to prosecute the accused; for which, PW.17 has specifically stated by denying the said suggestion that, she is the competent authority to remove the accused from his office; therefore, she is competent to accord sanction. Thus, nothing worth has been elicited from the mouth of PW.17, so as to show that her sanction has not been issued in accordance with law.

16. The learned counsel for the accused has argued that sanction order issued by PW.17 under Section 19 of the PC Act is not a valid sanction and it is

not in accordance with law. Except arguing that sanction order is not in accordance with law, the learned counsel has not demonstrated before this court as to how the sanction order is not valid one and not in accordance with law.

17. In the case of **Mansukhlal Vithaldas Chauhan Vs. State of Gujarat** reported in (1997) 7 SCC 622, it is held, at Paragraph 18, as under;

“18. The validity of the sanction would, therefore, depend upon the material placed before the sanctioning authority and the fact that all the relevant facts, material and evidence have been considered by the sanctioning authority. Consideration implies application of mind. The order of sanction must ex facie disclose that the sanctioning authority had considered the evidence and other material placed before it. This fact can also be established by extrinsic evidence by placing the relevant files before the Court to show that all relevant facts were considered by the sanctioning authority.”

18. Further, in the case of **Subhash Bhatia & Others Vs. State of Rajasthan & Others** reported in

(2010) 0 Supreme (Rajasthan) 1023, it is held, at Paragraph No.11, as under;

“11. The authority competent to remove a public servant from service is clothed with the power to grant sanction for prosecution to such public servant by the Legislature with a definite intention as that authority being having administrative and disciplinary control on the person concerned is in a position to assess and weigh the accusation on basis of intimate knowledge of the work and conduct and also having day to day knowledge of overall administrative interest of the department. The sanction for prosecution represent a deliberate decision and that requires objective satisfaction of the competent authority about a prima facie case against the person facing accusation. The authority competent while granting sanction is also required to record reasons for launching prosecution and is further required to specify its need in public interest. This important duty can be discharged only on independent application of mind to all the relevant facts on basis of which prosecution is proposed. If any extraneous pressure is mounted on the authority competent then there shall be all chances of frivolous and malicious prosecution. To maintain the spirit

of the provisions for the grant of sanction to prosecute a public servant, the authority competent is required to act independently, objectively and with an intention for not saving a culprit from prosecution but at the same time with a view to afford a reasonable protection to a public servant from unnecessary harassment and undue hardship through vexatious prosecution”.

19. Further, in the case of **CBI Vs. Ashok Kumar Agarwal** reported in **2014 (84) ACC 252** [CrI.A.No.1838/2013], the Hon’ble Supreme Court has observed that,

“.....Therefore, the order of sanction must ex facie disclose that the sanctioning authority had considered the evidence and other material placed before it. In every individual case, the prosecution has to establish and satisfy the court by leading evidence that those facts were placed before the sanctioning authority and the authority had applied its mind on the same. If the sanction order on its face indicates that all relevant material i.e. FIR, disclose statements, recovery memos and other material on record were placed before the sanctioning authority and if it is further discernible from the recital

of sanction order that the sanctioning authority perused all the material, an inference may be drawn that the sanction had been granted in accordance with law.”

20. Further, in the case of **State of Maharashtra V/s. Mahesh G. Jain**, reported in (2013) 8 SCC 119, the Hon’ble Supreme Court held that;

“Grant of sanction U/Sec.19(1) of the Prevention of Corruption Act-1988 for prosecution is administrative function and only prima facie satisfaction of the sanctioning authority is needed”.

21. In the background of Principles laid down in the above cited decisions, when we examine the prosecution case on the point of sanctioning, it would go to show that, the prosecution has satisfied this court by leading evidence on sanction order that the sanctioning authority had applied its mind on the materials produced by the CBI/prosecution. That PW.17, who is author of Ex.P17-Sanction Order, has specifically deposed that she has applied her mind to the investigation papers and accordingly, she accorded sanction. Further, on perusal

of Ex.P17 i.e. sanction order, which runs into nearly five pages, it is seen that, PW.17 has gone through all the records and recorded her reasons for according the sanction for prosecuting the accused. In her sanction order marked at Ex.P17, she has taken into consideration of contents of FIR, allegation of demand of bribe by the accused, acceptance of Rs.5 Lakh as bribe by the accused through one D.Sagar, a parking staff at Levels Pub and Kitchens, J.P.Nagar, Bengaluru, the statement of witnesses recorded U/Sec.161 and 164 of Cr.P.C., and CCTV Footage along-with all other records and finally came to the conclusion that prima-facie, the accused has committed the alleged offences; as such, she accorded the sanction order.

22. Thus, on mindful reading of evidence of PW.17 and contents of the Sanction order marked at Ex.P17, it is very clear that the sanctioning authority has considered all the relevant materials and after having satisfied as to prima-facie case made out against the accused for prosecuting him; accordingly, PW.17 has issued sanction order marked at Ex.P17. Hence, this

court is of the considered opinion that the prosecution has proved that sanction accorded by the PW.17 to prosecute the accused with regard to the offences charged against him, is valid one and in accordance with law. Accordingly, I answered the Point No.1 in the ***Affirmative.***

23. Points No.2 and 3: As these two points are interconnected and interrelated; hence, they are taken together for common discussion in order to avoid repetition of facts.

24. Before going to the evidence on record, at this stage, it is important to take note of two main contentions raised by the defense side. That one contention is with regard to, ***not obtaining proper prior permission to investigate the case as provided U/Sec.17A of PC Act*** and second one is with respect to, ***delay in registering the FIR.*** It is contended by the learned counsel for the accused that, the Investigating Officer has not obtained prior permission or approval from the competent authority for conducting any enquiry

or inquiry or investigation as contemplated under section 17A of PC Act. That said prior permission order captioned as 'sanction order' marked at Ex.P20 clearly reflects that it was sanction granted to conduct the investigation in RC 3(A)/2021 but not with respect to the case on hand i.e. RC 7(A)/2021. Thus, there is no prior permission to investigate the accused so far as RC 7(A)/2021 is concerned; however, the prosecution have produced the prior permission dated:25.05.2021 accorded by Sri.Sanjay Kumar Mishra, Director of Enforcement Directorate, New Delhi but said permission makes a reference to RC 3(A)/2021 dated:12.04.2021 and not RC 7(A)/2021. Thus, it is contended that, the alleged prior permission/approval has been issued by the competent authority is without the application of mind.

25. It is pertinent to note here that, the above said contention of the accused side was already taken by the accused before this court in his discharge application. He had sought his discharge from the alleged offences on the ground that I.O. has not obtained prior permission to investigate as under Sec.17A of PC Act; and sanction

order [i.e. Ex.P20] is not relating to the case on hand i.e. RC 7(A)/2021, but it is with reference to RC 3(A)/2021. However, his said discharge application was rejected by this court vide order dated:10.03.2023. But said order has not been challenged by the accused before Higher Courts. Be that as it may, though Ex.P20 makes a reference to the case in RC 3(A)/2021; in fact, it is a sanction order according the permission to investigate the present case i.e. RC 7(A)/2021. If we go through the charge sheet material, it goes to show that, while investigating RC 3(A)/2021, the I.O. has come to know about the commission of offence by the accused pertaining to the case on hand; hence, said letter was written seeking grant of permission under section 17A of the Act. In order to get prior permission, the I.O. needs a reference to seek permission and accordingly, he makes a reference of RC 3(A)/2021 in the said letter as commission of offence [relating to the case on hand i.e. RC 7(A)/2021] was first culled out during the investigation of said RC 3(A)/2021; wherein accused herein was also one of the accused. As such, mere

reference to said FIR and crime number does not mean that the permission was sought to investigate the case in RC 3(A)/2021. Therefore, it cannot be held that the I.O. had not sought the prior permission as required under section 17A of PC Act and had not obtained the same before registering the FIR in RC 7(A)/2021. Therefore, this court is of the opinion that the involvement of the accused in RC 3(A)/2021 cannot be read into this case as investigation conducted in RC 3(A)/2021. Therefore, the above said contention of the accused side does not hold any water.

26. It is the another main contention of the accused side that there is inordinate delay in registering the FIR in the case. It is argued that, FIR has been belatedly registered and no explanation for the delay is forthcoming from the evidence adduced and material placed by the prosecution. That no complaint has been filed either by PW.1 or his wife/CW.2 or PW.2, alleging the meeting with the accused and demand of bribe by accused at any point of time. Further, the complaint is registered allegedly based on source information. As per

the prosecution version, the alleged offence was taken place on 09.02.2021; however, the FIR has been registered on 01.06.2021 much later to the alleged incident, creating scope for manipulation. Thus, it is contended that, delay in registering the FIR and non-lodging the complaint by victim/aggrieved party vitiates the very proceedings of prosecution against the accused.

27. It is well settled Principle of Criminal Jurisprudence that anyone can set the criminal law into motion. In the case on hand, the FIR has been registered by the investigating agency i.e. CBI based on a source information. When it was revealed that the accused herein has committed the alleged offences during the investigation of RC 3(A)/2021; therefore, based on some incriminating materials, the investigating officer, has proceeded to investigate the case by registering the FIR after obtaining necessary prior permission from the competent authority. In the process of collecting materials against the accused, the delay might be occurred in registering the FIR; however, the same does not take away the entire case of prosecution.

28. So far as delay in registering the FIR is concerned, the Hon'ble Apex Court, time and again, in plethora of judgments, has clarified that, delay in registering the FIR is not fatal to the case of prosecution. It is no doubt true that belated FIR raises suspicion on the prosecution case; however, the impact of the delay is varies from case to case and it would be based on the facts and circumstances of each case. Though a delay in registering a FIR can raise suspicion, but it does not automatically render the prosecution case as doubtful. It is important to note here that, the law has not fixed any time bound as to within which the FIR has to be registered. As held by the Hon'ble Apex Court in one of its judgments, though the delay in FIR registration is a factor to be considered, but it is not a decisive factor in determining the outcome of the case.

29. The Hon'ble Supreme Court, in the case of **Amar Singh V/s. Balwinder Singh & Ors** reported in **(2003) 2 SCC 518** has held that,

'There is no hard-and-fast rule that any delay in filing a FIR would

automatically render the prosecution case doubtful’.

Further, in the case of ***Ravinder Kumar V/s. State of Punjab*** reported in ***2001 (3) ACR 2497 (SC)***, it is held that,

‘There is no as such guarantee that the FIR is genuine if filed without any delay’.

Therefore, the contention of accused that there is inordinate delay in registering the FIR; as such, the very prosecution proceedings got vitiated, is not acceptable one in view of above stated settled principles of law on the point.

30. It is the very prosecution case that, the accused-Lalit Bazad, being a public servant as Enforcement Officer, working in Directorate of Enforcement, Bengaluru has illegally demanded a bribe of Rs.50 lakhs from CW.1-Mikhil Innani for closing the case relating to the company of CW.1 by name M/s. Apollo Finvest India Ltd., and also threatened CW.1 with dire consequences and thereby put CW.1 in fear and thereby obtained Rs.5 lakhs as bribe by way of extortion.

Accordingly, after perusing the charge sheet materials, this court has charged the accused for the offences punishable U/Sec.7 of Prevention of Corruption Act and U/Sec.384 of Indian Penal Code.

31. Before appreciating the evidence of prosecution led on the charged offences, at this juncture, it is worth to reproduce the provision U/Sec.7 of Prevention of Corruption Act 1988, here for better understanding. Section 7 of the Act, 1988 reads as under:

7. Offence relating to public servant being bribed.—Any public servant who,—

(a) obtains or accepts or attempts to obtain from any person, an undue advantage, with the intention to perform or cause performance of public duty improperly or dishonestly or to forbear or cause forbearance to perform such duty either by himself or by another public servant; or

(b) obtains or accepts or attempts to obtain, an undue advantage from any person as a reward for the improper or dishonest performance of a public duty or for forbearing to

perform such duty either by himself or another public servant; or

(c) performs or induces another public servant to perform improperly or dishonestly a public duty or to forbear performance of such duty in anticipation of or in consequence of accepting an undue advantage from any person,

shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.

Explanation 1.—For the purpose of this section, the obtaining, accepting, or the attempting to obtain an undue advantage shall itself constitute an offence even if the performance of a public duty by public servant, is not or has not been improper.

Illustration.—A public servant, ‘S’ asks a person, ‘P’ to give him an amount of five thousand rupees to process his routine ration card application on time. ‘S’ is guilty of an offence under this section.

Explanation 2.—For the purpose of this section - (i) the expressions “obtains” or “accepts” or “attempts to obtain” shall cover cases where a person being a public servant, obtains or “accepts” or attempts to obtain, any

undue advantage for himself or for another person, by abusing his position as a public servant or by using his personal influence over another public servant; or by any other corrupt or illegal means;

(ii) it shall be immaterial whether such person being a public servant obtains or accepts, or attempts to obtain the undue advantage directly or through a third party.

32. The essential ingredients required to be proved for holding the accused as guilty for the offence punishable U/Sec.7 of the PC Act are as follows;

- (i) the accused must be a public servant,*
- (ii) that he has obtained or accepted or attempted to obtain from any person an undue advantage with an intention,*
 - (a) to perform or cause performance of public duty improperly or dishonestly or*
 - (b) to forbear or cause forbearance to perform public duty, either by himself or by another public servant, as a reward for such act.*

33. Thus, a plain reading of provision U/Sec.7 of PC Act makes it clear that, in order to bring the case within the ambit of Sec.7 of the Act, the prosecution is

required to establish that a public servant obtains or accepts or attempts to obtain from any person an undue advantage as a reward with intention to perform or cause performance of public duty improperly or dishonestly either by himself or by another public servant.

Proof of Demand and Acceptance:

34. In order to prove the charge for the offence P/U/Sec.7 of PC Act against the accused, *Firstly*, the prosecution has to establish that the accused was a public servant at relevant point of time. To prove that accused was a public servant, the prosecution has produced Ex.P23 and P24. That Ex.P23 is a letter dated:21.06.2021 issued by the office of Joint Director, Enforcement Directorate, Bengaluru which discloses that the accused-Sri.Lalit Bazad was appointed as Inspector of Service Tax Commissionerate, Chennai on 30.11.2015. Further, Ex.P24 is the letter dated:06.08.2021 issued by the Office of Commissioner of Central Goods & Service Tax and Central Excise, Chennai which contains the details as to designation, pay scale and other things pertaining to the accused. Further more, PW.17 who is

appointing as well as disciplinary authority, has accorded sanction as provided U/Sec.19 of PC Act to prosecute the accused for the charge-sheeted offences. Further, oral evidence of PW.12 and PW.17 and the Sanction order of PW.17 marked at Ex.P17 reveal that accused was working as Enforcement Officer at ED Office, Bengaluru on deputation, during the time of commission of offence and further, Ex.P23 and P24 disclose that accused was appointed as Inspector on 30.11.2015 in the office of Service Tax Commissionerate, Chennai. Moreover, the fact that accused was public servant during the time of commission of alleged offence is not all disputed by the accused side. Hence, from above said materials, it is crystal clear that the accused-Sri. Lalit Bazad was public servant during the time of commission of alleged offences.

Demand:

35. In order to prove the demand of bribe, the prosecution has examined CW.1-Sri.Mikhil Innani and CW.2-Sri.Harish Innani as PW.1 and PW.2 respectively. PW.1-Sri.Mikhil Innani is the Managing Director and

CEO of M/s. Apollo Finvest India Ltd., Mumbai. The evidence of PW.1 in his examination-in-chief, goes to show that, he is the MD & CEO of M/s. Apollo Finvest India Ltd., Mumbai, which is a money lending company registered with RBI and also publicly listed in Bombay Stock Exchange (BSE). That on 16.01.2021, his wife got a call from HDFC Bank stating that Bank account of M/s. Apollo Finvest India Ltd has been freezed; and on enquiry, it came to know that, a complaint was lodged before Hyderabad Cyber Crime Department by one of the borrowers. Therefore, himself and his wife went to Hyderabad Cyber Crime Department to make enquiry and at that time, he came to know that the name of his company is not mentioned in the complaint or FIR and at the same time, he was told by the Cyber Crime Department that accounts of more than 300 companies have been frozen under the investigation relating to Chinese Loan Apps.

36. It is the further chief evidence of PW.1 that, on 27.01.2021, he got a phone call from one Tushar Tarun, who is the legal head of Razorpay Company, informing

that Enforcement Directorate has decided to examine the accounts of all the 300 companies which were examined by the Hyderabad Cyber Crime Department and advised him to meet the officer of ED voluntarily, and it is also informed him that if he fails to meet the officer of ED, then they may issue summons to him and seize the accounts of his company.

37. It is his further evidence that, he has informed about the said fact to his cousin brother-CW.3/Harish Innani. Thereafter, on the advise of Legal Head of Razorpay Company, he decided to meet the officer of ED at Bengaluru voluntarily and accordingly, on 28.01.2021, himself, his wife-CW.2 and his cousin brother-Harish Innani/CW.3 came to Bengaluru to meet the Officer of ED. In the ED Office, he was asked to meet Enforcement Officer i.e. accused No.1/Lalit Bazard and it is also informed that he alone has to meet Lalit Bazard. Accordingly, he went to the chamber of accused; at that time, accused threatened him to seize the bank accounts of his company. Then PW.1 proceeded to explain the business transactions of his company and also informed

the accused that he is ready to furnish any information and documents pertaining to his company so as to show that his company is running in accordance with applicable laws. Despite that, the accused has threatened him by stating that ED is very powerful agency and it has power to freeze the Bank account of M/s. Apollo Finvest and also to divest the properties of M/s. Apollo Finvest as well as their personal properties.

38. It is the further evidence of PW.1 that thereafter, they met Senior Officer of ED namely Manoj Mittal and explained everything to him about their company. Again, he returned to the chamber of accused wherein accused told him that, in order to give clean chit to his company, he has to give Rs.50 lakhs to him. Further, the accused threatened him that, if he did not give Rs.50 lakhs as demanded by him, he will freeze the bank accounts of his company and that would cause monetary damage and will destroy the reputation of the company.

39. It is the further evidence that, again on 29.01.2021, himself, his wife and his cousin Harish

Innani went to the chamber of accused and informed him that, they are not in a position to comply his demand, for which, accused became aggressive. Thereafter, accused has shown them an e-mail on his computer which was sent to HDFC Bank, Mumbai instructing to freeze the accounts of M/s. Apollo Finvest India Ltd., and accused further said that, if they do not comply with his demand, it will take years together to solve the problem. It is the further evidence of PW.1 that on 30.01.2021, he was informed by M/s.Razorpay that, payment gateway account of M/s. Apollo Finvest India Ltd., with M/s. Razorpay has been frozen by the ED. Thereafter, on 03.02.2021, they filed a Writ Petition before the Hon'ble High Court of Telangana challenging the freezing of the accounts of their company and after hearing, the Hon'ble High Court has ordered to de-freeze their bank accounts. That on coming to know about de-freezing of accounts, the accused had sent summons to his company on 05.02.2021 to his official mail containing 20 questions and directed him to appear on 09.02.2021 before the ED. Despite submitting answers to 20 questions in writing

along with documents on 09.02.2021, the accused further asked him either to pay Rs.50 lakhs as demanded by him or spend next 10 years to solve the problem and he will destroy the career of his company. But PW.1 did not agree for the demand of accused and went back to Mumbai.

40. It is his further evidence that, after reaching Mumbai, he saw missed call from accused, so he called him back but accused was talking with him very aggressively with ugly words and asked him to pay Rs.5 Lakhs on the very same day failing which he will start taking all possible negative actions. Therefore, he informed said fact to his elder cousin-Harish Innani and his cousin has arranged to pay Rs.5 Lakh to accused as demanded by him during night time on 09.02.2021 itself. Further, on 17.02.2021, an e-mail from M/s. Razorpay received to his company about de-freezing of payment gateway account of his company.

41. It is the further evidence of PW.1 that, one of the relatives of his cousin brother Sri.Harish Innani by name Sri.Manavendra Bhati had paid Rs.5 lakhs to

accused. He further deposed that he has given his statement before the Investigating Officer and also has given his statement before the Magistrate U/Sec.164 of the Cr.P.C.

42. In order to support the evidence of PW.1 regarding alleged demand of bribe and threat given by the accused, the prosecution has examined CW.3-Harish Innani, who is cousin brother of PW.1. He is examined as PW.2. The evidence of PW.2, in his examination-in-chief, would go to show that, on 28.01.2021 himself, PW.1 and his wife CW.2 visited the office of ED at Bengaluru; and PW.1 had met accused in his chamber. After coming out of chamber of accused, PW.1 told him that accused is demanding Rs.50 Lakh as bribe to close the case relating to M/s. Apollo Finvest India Ltd. Further, on 29.01.2021 again himself, PW.1 and CW.2 visited the office of ED at Bengaluru and PW.1 had met the accused in his chamber and pleaded his inability to pay Rs.50 Lakh to accused. Further, this witness has also specifically deposed that, after submitting documents and particulars on 09.02.2021 as sought under summons, this witness,

PW.1 and CW.2 went back to Mumbai, and when they landed at Mumbai Airport, PW.1 switched on his mobile and he found that there were some missed Whatsapp calls from accused; when PW.1 made return call, accused started shouting by using abusive language in the phone call itself and asked PW.1 to pay Rs.5 Lakh by end of the day itself. Thereafter, PW.1 requested him to arrange Rs.5 Lakh and deliver it to accused. Immediately, he called his friend at Bengaluru and requested him to deliver Rs.5 lakh to accused. Thus, PW.2 has also supported the version of PW.1 and his evidence goes to show that accused has demanded Rs.50 lakhs as bribe in order to close the case of M/s. Apollo Finvest India Ltd; also threatened PW.1 that in case he did not give money he would freeze the Bank accounts of his company and spoil the reputation of his company and also put PW.1 in fear and thereby obtained Rs.5 Lakh from PW.1.

Acceptance:

43. Now, in order to prove the acceptance of bribe and in order to show how the bribe amount of Rs.5 Lakh has been paid to accused, the prosecution has examined

CW.4-Shyam Sundar Mantri, CW.5-Sunil Maheshwari, CW.6-Rajendrakumar Jain, CW.7-Manvendra Bhati and CW.10-D.Sagar.

44. That CW.4-Shyam Sundar Mantri is examined as PW.3. The evidence of PW.3, in his examination-in-chief, goes to show that on 09.02.2021, he received a phone call from PW.2-Harish Innani and he told him that his brother Mikhil Innani i.e. PW.1 is in requirement of Rs.5 lakhs urgently. Therefore, he intimated to CW.5-Sunil Maheshwari to pay Rs.5 lakhs to the person told by Harish Innani. Thereafter, said Sunil Maheshwari, after paying Rs.5 lakhs to the person told by Harish Innani, has intimated him in that regard.

45. That CW.5-Sunil Maheshwari is examined as PW.4. He deposed that, he knows PW.3-Shyam Sundar Mantri. That on 09.02.2021, said Shyam Sundar Mantri called him over phone and asked him to arrange Rs.5 lakhs to be paid to his friend Harish Innani. As he was in Hosuru, Tamil Nadu and was not in a position to arrange said money therefore, he asked his neighbour Mr.Rajendrakumar Jain to arrange Rs.5 lakhs; in turn,

said Rajendrakumar Jain told him that he will arrange said amount through his son-in-law, who is in Bengaluru. Accordingly, one Manavendra Bhati, had collected the said amount from the son-in-law of said Rajendrakumar Jain and he had sent mobile number of Harish Innani i.e. PW.2 to said Manavendra Bhati. Also deposed that said Manavendra Bhati had paid Rs.5 lakhs to a staff of Pub at Bengaluru as instructed by Harish Innani. This witness also deposed hat, after payment of amount of Rs.5 lakhs, said Manavendra Bhati had intimated said fact to him as well as to Harish Innani over phone.

46. Further, CW.6-Rajendrakumar Jain is examined as PW.5. He deposed that on 09.02.2021, Sunil Maheshwari came to his home and requested him to arrange Rs.5 lakhs to be delivered at Bengaluru; therefore, immediately he called his son-in-law who has been residing at Bengaluru and asked him to arrange Rs.5 lakhs and also asked him to send the said amount with one Manavendra Bhati. That on his request, his son-in-law had arranged Rs.5 lakhs and paid the same to

Manavendra Bhati. Said Manavendra Bhati had paid Rs.5 lakhs to the person told by Sunil Maheshwari and after payment of the said amount, said Manavendra Bhati informed him as to payment of amount to the person told by Sunil Maheshwari.

47. That CW.7-Manavendra Bhati, is examined as PW.6. As per prosecution version, he is the person who has handed over the amount of Rs.5 lakhs to the hand of valet parking employee of Levels Pub and Kitchens, situated at J.P. Nagar, Bengaluru. In his evidence, this witness deposes that on 09.02.2021, he received a call from Rajendrakumar Jain and said Rajendrakumar Jain told him to go and meet his son-in-law Ritesh Kumar and to collect Rs.5 lakhs and he also told him that, Sunil Maheshwari will send location and mobile number of the person to whom the amount is to be delivered. His evidence further discloses that, as per the instruction of Rajendrakumar Jain, this witness went to Mangalam Jewellery of Ritesh Kumar, who is the son-in-law of Rajendrakumar Jain and collected Rs.5 lakhs from him and after receiving the amount, he intimated the same to

said Rajendrakumar Jain and thereafter, he went to Levels Pub and Kitchens, situated at J.P. Nagar, Bengaluru and after parking his scooter near the Pub, he called Sunil Maheshwari and in turn, said Sunil Maheshwari gave him a mobile phone number to call. Therefore, he called to said number, but other side did not pick the call, and after few minutes, he received the call from the person to whom he called; thereafter, a Pub boy came outside and this witness called Harish Innani and told him that he was handing over the money to said Pub boy, then Harish Innani talked to said Pub boy through his mobile phone and thereby confirmed the person to pay the amount. Accordingly, he handed over the money in yellow packet to said Pub boy. Further, this witness has identified said Pub boy through DVD, which is marked at Ex.P3. This witness also identifies the scene of parking of his vehicle and arrival of Pub boy wearing black shirt and handing over the yellow colour packet to the said Pub boy, in the DVD marked at Ex.P3.

48. The prosecution has examined CW.10-D.Sagar as PW.8. As per prosecution version, he is the person,

who had received the amount of Rs.5 lakh in yellow packet from said Manavendra Bhati and kept the said amount in the dash board of the Car of accused. This witness appears to be a star witness for the prosecution case. He is the Valet parking Employee working at Levels Pub & Kitchens JP Nagar, Bengaluru. He is examined as PW.8. His evidence in his examination-in-chief goes to show that he knows the accused, his name is Lalit Sir, who used to come to Levels Pub & Kitchens and on 09.02.2021 at about 8 to 9 PM, accused had come to the Pub and parked his Car in Valet Parking Area and handed over the Car key to him. His evidence further goes to show that, on 09.02.2021 at about 9.30 PM, when he was working at Valet Parking, accused called him through his mobile and asked him to collect the parcel from one person who will be coming there and to keep the same in his Car. Thereafter, one person came to the parking area and handed over one parcel envelope, he took the said envelope and kept the same on dashboard of Car of accused. He further deposed that, after keeping said envelope, he went inside the Pub and handed over

Car key to accused. This witness has identified his statement recorded U/Sec.164 of Cr.P.C., which is marked at Ex.P8. Upon playing DVD-Ex.P3 in the open court, the witness saw the CCTV Footage which is transferred into Ex.P3-DVD and identified the scene of arrival of person with white shirt handing over parcel to him at around 21:35:57 hours.

49. Further, the prosecution has examined CW.8-Vinay Vijayachandran, CW.11-Mithun Nayak and CW.9-Yamauna B.S., in order to show that the accused had come to M/s. Levels Pub and Kitchens situated in JP Nagar, Bengaluru on 09.02.2021 at night hours along his friend Yamuna.

50. That CW.7-Vinay Vijaychandran is examined as PW.7. He is the Manager of M/s. Levels Pub and Kitchens at J.P. Nagar, Bengaluru. He deposed that, he knows accused Lalit Bazad as he is the customer of his Pub. That on 09.02.2021, at about 7.30 PM, said Lalit Bazad had come to their Pub with his friend. This witness has further deposed that he has handed over CCTV Footage Dated:09.02.2021 of M/s. Levels Pub and

Kitchens to CBI Officer as per the instructions of the Pub owner-Vijayakumar. This witness has identified the seizure of CCTV footage which is marked at Ex.P4. Further, this witness has deposed that, he has given a certificate under Section 65-B of Indian Evidence Act for having taken the copy of CCTV footage in DVD and he has identified said certificate as per Ex.P5. Further, by watching said DVD in the open court, this witness has identified the scene of arrival of accused in his Car and getting down from the Car at around 19:01:30 hours and he also deposed that in the said DVD, he can see the Car of his owner coming at 19:02:28 hours.

51. That CW.11-Mithun Nayak is examined as PW.9. He was an employee of said M/s. Levels Pub & Kitchens during the time of commission of alleged offence. His evidence goes to show that, the name of accused is Lalit Bazad and he used to come to Levels Pub and Kitchens, therefore, he knows him. That on 09.02.2021, the accused had come to their Pub between 8 PM to 9 PM and at that time, accused had come with one lady, he supplied the food to them, his Manager

Vijayakumar asked him to hand over his mobile to the accused; as per his instruction, he gave his mobile to accused and accused used his mobile for about half-an-hour and thereafter, accused has returned the same to him. By watching the DVD-Ex.P3 in the open court, this witness has identified the scene of himself handing over the mobile to accused at about 21:32:21 hours.

52. Further, the prosecution has examined CW.9- Ms.Yamuna B.S., as PW.16. As per prosecution case, she is the lady who had accompanied accused to M/s. Levels Pub and Kitchens, JP Nagar, Bengaluru on 09.02.2021, she witnessed accused talking with some one in Phone at Pub and she received Rs.50,000/- from him out of the amount of Rs.5 Lakh which was kept on the dash board of his Car in Yellow Cover. Her evidence, in her examination-in-chief, goes to show that, she was working as Data operator in Enforcement Directorate, Bengaluru on contract basis during the year 2020-21 and she knows accused-Sri. Lalit Bazad, he was an Enforcement Officer at ED Office Bengaluru, she left her contractual job at ED office on 09.02.2021 and she was attached

with accused. That on 09.02.2021, accused-Sri. Lalit Bazad told her that he will give send-off party to her; accordingly, on 09.02.2021 at about 7 PM, herself and accused went to M/s. Levels Pub & Kitchens situated at JP Nagar, Bengaluru for send-off party; where they were received by Pub owner and while taking food at the table, accused received a call from one Chennakeshavalu and many calls were also coming to him. Further, accused asked the owner to provide him one phone for his personal use, accordingly Pub owner gave one phone to him and through which accused called someone and asked to bring something; further, accused asked waiter to send one person from parking staff and thereafter, one person from parking staff came to their table, accused asked him to give his Cell phone and asked said parking staff to call last dialed number and handed over said Cell phone and Car key to parking staff and accused told parking staff that someone will come and hand over the parcel and to keep said parcel in his Car. It is her further evidence that, after keeping the parcel in Car, said parking staff came to their table and returned Car key

and cell phone to accused and told accused that parcel is kept in the Car dashboard. It is the further evidence of PW.16 that, accused gave her Rs.50,000/- from Yellow colour envelope placed on Car dashboard, she received said amount and she went to her home by booking a Cab. This witness has also watched CCTV Footage transferred to DVD-Ex.P3 which was played in the open court and by seeing the said DVD, she deposed that at about 19:02:30 hours, herself and accused were getting from the Car in front of Pub; at about 19:02:28 hours, herself, accused-Lalit Bazad and Pub owner were coming inside the Pub on Staircase; and at about 21:32:16-18 hours herself, accused and Pub Boy coming near the table and had discussion with accused for taking cell phone.

53. Thus, from the combined reading of evidence of above stated prosecution witnesses, it is shown that, the accused has demanded the bribe of Rs.50 Lakhs initially and thereafter, by putting pressure on PW.1 and creating fear in the mind of PW.1, the accused, finally, succeeded in extorting Rs.5 Lakh from PW.1 on 09.02.2021 by threatening him that if he did not give

money as demanded by him, he will freeze the bank accounts of his company, would cause monetary damage to his company and destroy the reputation of his company.

54. The learned Senior Public Prosecutor has argued that, the prosecution has proved the charges leveled against the accused, beyond any shadow of doubt. That PW.1, who is victim in the case, has specifically deposed that how he was subjected to threat at the hands of accused and how he was forced to give amount of Rs.5 Lakh to the accused as bribe under fear put on him by the accused. That sole testimony of PW.1 is sufficient enough to come to the conclusion that the accused has demanded bribe in order to de-freeze the bank account and to close the case pertaining to company of PW.1. That PW.2, who went along with PW.1 and CW.2 to the ED office at Bengaluru, has specifically deposed about the threat and demand of bribe made by the accused to PW.1. Further, from the evidence of PW.3, PW.4, PW.5, PW.6 and PW.8, it is proved that the accused has accepted Rs.5 Lakh from the end of PW.1 and from

the evidence of PW.7, PW.9 and PW.16, it is shown that, on 09.02.2021 at night hours he had come to M/s. Levels Pub and Kitchens at JP Nagar, Bengaluru, along with his friend-Yamuna/PW.16. Further, the CCTV Footage collected from the said M/s. Levels Pub and Kitchens which is marked as per Ex.P3-DVD corroborates the evidence of PW.7 to 9 and PW.16. That the prosecution has successfully established the demand and acceptance of bribe by the accused. Once the demand and acceptance is proved then, the statutory presumption provided under section 20 of PC Act is made available for the prosecution; however, the accused has not rebutted the said presumption by adducing cogent evidence on his behalf nor elicited anything to rebut the presumption in the cross examination of the prosecution witnesses.

55. Further, it is argued that minor discrepancies found in the prosecution witnesses does not take away the entire case of prosecution. In support of his argument, Ld. Public Prosecutor has relied upon the judgment passed in the case of ***Shamsuddin and***

Others Vs. State of M.P. reported in ***(2003) 12 SCC***

684; wherein, at Paragraph No.7, it is held that,

“7. It could not be pointed out to us as to how the evidence of PW.1 suffers from any infirmity. The core of the evidence has to be seen and not any borderline aspect. Minor variations which do not have any effect on the credibility of the evidence cannot be the basis to discard intrinsic value of the evidence.”.

56. Further, it is argued by the Ld. Public Prosecutor that, it is true that, in the case on hand, the PW.1 who is the victim has not paid Rs.5 Lakh directly in the hands of accused. The said amount of Rs.5 Lakh kept in Yellow color cover or envelope has been passed through PW.6-Manvendra Bhati to the hands of PW.8-Sagar.D; and thereafter, said Sagar-PW.6 has kept Yellow Color Cover or Envelope containing Rs.5 Lakh on the dashboard of Car belonging to accused as instructed by the accused while he was having dinner along with PW.16 in the said Pub. Thus, obtainment or acceptance of Rs.5 Lakh has been successfully established by the

prosecution with the aid of other circumstantial evidence as such the inference regarding the guilt of public servant under Section 7 of the Act can be drawn, based on other evidence adduced by the prosecution. As the prosecution has proved its case against accused for the charge sheeted offences beyond reasonable doubt; therefore, it is prayed this court to convict the accused for the charge sheeted offences.

57. The learned counsel for the accused vehemently argued that, the prosecution has not proved demand of bribe by accused from PW.1 and there was no any eye witnesses who had seen demanding the bribe by PW.1. That on the basis of mere oral evidence of PW.1, the prosecution cannot prove the demand of bribe. The evidence of PW.1 is not reliable one. According to prosecution version, CW.2, who is the wife of PW.1, had gone with PW.1 to the chamber of accused on 28.01.2021, 29.01.2021 and 09.02.2021; thus, she might be an eye witness to the said alleged demand of bribe as per prosecution case, but the prosecution has not examined her before the Court. The prosecution has

examined CW.3 who is cousin of PW.1 as PW.2, but PW.2 is a hearsay witness as though he was accompanied with PW.1 to the ED Office but he had not gone with PW.1 to the chamber of accused when alleged demand was made by the accused, as such he is not competent witness to depose about alleged demand and threat.

58. It is further argued that, there is lack of material evidence to prove the alleged arrival of PW.1, his wife CW.2 and PW.2 to Bangalore on 28.01.2021 and 29.01.2021 and meeting the accused in the office of ED and alleged demand made by the accused on 29.01.2021 and 09.02.2021 has not been proved by the prosecution as there was no any summons issued to PW.1 or his wife by the Office of ED, Bangalore or by the accused, asking them to appear on 28.01.2021 and 29.01.2021; yet, PW.1, his wife-CW.2 and PW.2 have claimed to have visited the Office of ED, Bangalore and met the accused on 28.01.2021 and 29.01.2021. However, in this regard, the prosecution has not placed any travel documents of PW.1, his wife-CW.2 and PW.2 to prove their arrival to Bangalore on 28.01.2021 and 29.01.2021. Further, the

alleged meeting of PW.1, his wife-CW.2 and PW.2 on 29.01.2021 and 09.02.2021 with accused in his chamber is also not proved by the prosecution as no official witnesses have been examined, no CCTV Footage of ED office of relevant time has been placed on record by the prosecution. That no electronic evidence in the form of Audio-Video Clips has been placed by the prosecution to prove the alleged meeting of PW.1 or CW.2 or PW.2 with accused on 28.01.2021 and 29.01.2021 in the office of ED at Bangalore and alleged demand made by the accused in the office of ED.

59. Further, it is argued that, as per the evidence of PW.1, after meeting of accused, they also met CW.16-Manoj Mittal, who is the Investigating Officer and superior officer of accused and submitted all the documents before him but they have not made any complaint to said CW.16-Manoj Mittal or before any authority, alleging demand of bribe by the accused during their visit to ED office on 29.01.2021 and also on 09.02.2021. Therefore, non-complaining about demand of bribe by the accused before any authority including

superior officer of accused creates strong suspicion over the credibility of their allegations made against the accused.

60. It is further argued that, the Visitors Dairy and the alleged entries therein pertaining to the dates i.e. 28.01.2021 and 29.01.2021, have not been proved in accordance with law. Though M/s. Apollo Finvest India Ltd had not received any summons or any intimation from the ED, Bengaluru but PW.1 claims to have visited the office of the ED at Bengaluru on 28.01.2021 and 29.01.2021 along with his wife and his brother-PW.2 but the same is unofficial as it is without summons. The alleged entry of name of accused in Visitors Dairy particularly, on 28.01.2021 and 29.01.2021 has created serious doubts on credibility of the case of prosecution.

61. Further, it is argued that, the testimony of PW.1 is inconsistent, unreliable and contradictory. The other witness to alleged demand i.e. PW.2 is a hearsay witness and his testimony is inconsistent with the testimony of PW.1 which is also unreliable and contradictory. Further, in his entire evidence, PW.11 has

never whispered that he has advised PW.1 to meet the officer in office of ED at Bengaluru; therefore, the testimony of PW.1 is inconsistent with the testimony of PW.11.

62. It is further argued that, the exclusive power of investigation in respect of M/s. Apollo Finvest India Ltd was vested with PW.12-Manoj Mittal, who was the Investigation Officer in the matter. The accused was never entrusted with any investigation of the matter pertaining to M/s Apollo Finvest India Ltd nor he had any role to play in the investigation of the matter pertaining to M/s Apollo Finvest India Ltd. In such circumstances, there is no reason for the accused to demand Rs.50 Lakhs from PW.1. No material has been placed on record by the prosecution to prove the authority or power of the accused in order to demand to perform or to cause to perform his public duty improperly or dishonestly. Further, the testimony of PW12-Manoj Mittal, goes to show that, the authority or power in respect of matter of PW.1 was absolutely vested with himself and the accused had no any decision taking authority except assisting

him in the matter of investigation like issuing summons to parties, receiving the documents only at his instruction. Thus, the prosecution has not proved authority or power of the accused in relation to the matter of PW.1 or his wife CW.2 or PW.2, at any point of time.

63. Further, it is argued that the prosecution has failed to prove alleged acceptance or obtainment of illegal gratification by the accused. The prosecution has not established any communication held between the accused and PW.1, his wife-CW.2, PW.2, PW.3 to PW.8. The prosecution has not established the meeting of PW.6-Manvinder Bhatti with said Ritesh at J.P. Nagar, Bengaluru and handing over of money by said Ritesh in a yellow cover to the hands of PW.6-Manvinder Bhatti nor the prosecution has examined said Ritesh, in that regard. Thus, alleged yellow cover and money therein alleged to have been handed over by said Ritesh to PW.6-Manvinder Bhatti has not been established and so also, the prosecution has not proved handing over of alleged yellow cover and money therein by PW.6-Manvinder

Bhatti to PW.8-Sagar. Even the prosecution has not recovered alleged yellow cover and money therein which was handed over by PW.6-Manvinder Bhatti to PW.8-Sagar.

64. Further, it is argued that, the prosecution has not proved the guilt of accused beyond reasonable doubt and the presumption as under Sec.20 of PC Act is not available to the prosecution as prosecution has miserably failed to establish the essential ingredients of Sec.7 of PC Act i.e. Demand and Acceptance with cogent and clinching evidence. Further, the prosecution has not proved the very ingredients of offence of Extortion with cogent evidence. As the prosecution has failed to prove the charge-sheeted offences; therefore, it is prayed to acquit the accused.

Appreciation of Evidence and Arguments:

65. It is true that, in the case on hand, except PW.1, CW.2 and PW.2, there is no any independent witnesses who have actually witnessed the demand of bribe by the accused in his chamber from PW.1 and causing threat or fear in the mind of PW.1 nor no any

electronic evidence in the form of Audio-Video clips have been produced by the prosecution. However, it is highly improbable to expect that bribe-taker should demand the bribe from bribe-giver, publicly. Therefore, expecting the evidence of independent witnesses in order to prove the demand of bribe cannot be accepted, considering the facts and circumstances of the present case.

66. The testimony of PW.1 is so clear and free from any ambiguity in deposing that the accused has demanded Rs.50 Lakh from him; threatened him and put him in fear saying that if he fails to give money he would damage his company's name and cause loss, and finally accused has succeeded in extorting Rs.5 Lakh from PW.1, and his testimony has not been shaken by the defense side in his cross examination. It is pertinent to note here that, until meeting the accused at ED office, Bengaluru, PW.1 never knew the accused before; therefore, there is no such theory that PW.1 had grudge on accused, as such he made false allegation of demand of gratification against accused.

67. It is the very contention of accused side that, PW.1 or his Wife-CW.2 or PW.2 never met accused and never demanded any gratification. However, on perusal of evidence of PW.12, it goes to show that, at Paragraph No.11, in his chief examination, PW.12 has deposed that,

“He [i.e. PW.1] appeared before me in my office. He handed over the documents and information through Pen Drive to Assistant Sri.Lalit Bazad who in-turn handed over the same to me”.

Further, at Paragraph No.12 of his chief examination, PW.12 has deposed that,

“.....After my discussion I sent Mr.Mikhil Innani [i.e. PW.1] and his wife to Lalit Bazad for submitting the documents”.

Further, at Paragraph No.22 of his cross examination, PW.12 has stated that,

“Sri.Mikhil Innani met me once in my office before issuance of summons and he met me once after issuance of summons”.

Thus, from the above statements in the evidence of PW.12, it is very clear that, PW.1 has visited ED office at

Bengaluru once before official summons issued to him; that is to say, as per official summons, PW.1 has met PW.12 on 09.02.2021 and thus, an inference can be drawn that PW.1, CW.2 and PW.2 have visited ED office prior to 09.02.2021 once and the same inference can also be drawn that they have visited ED office either on 28.01.2021 or 29.01.2021 and met accused also.

68. Moreover, in his statement recorded U/Sec.313 of Cr.P.C., the accused has answered as **‘True’** to the Question No.39, which reads as under;

Q.No.39: *PW.1 has further deposed that they met Sri.Manoj Mittal who told that if they have submitted all the documents matter will be closed and then they again came to your chamber and informed you as to what Mr.Manoj Mittal said and left your chamber to Bombay. What do you say ?*

Further, in his statement recorded U/Sec.313 of Cr.P.C., the accused has answered as **‘True’** to the Question No.156, which reads as under;

Q.No.156: *PW.12 has further deposed that Sri.Mikhil Innani appeared before him in his office and handed over the documents and*

information through Pen Drive to you accused, you in turn handed over the same to him. What do you say ?

Thus, the above mentioned admissions of accused in his 313 statement negates the very contention of accused that PW.1 never met him on 28.01.2021 or 29.01.2021 or 09.02.2021 and he never demanded any money from PW.1.

Further, in his statement filed under Sec.313 of Cr.P.C., the accused has answered as '**I do not know**' to Question No.35, which reads as under;

Q.No.35: *PW.1 has further deposed that immediately, after filing of the writ petition, the freezed bank accounts were defreezed and within few minutes after defreezing of their accounts, he had received the phone call from you accused saying that he has to come to ED at Bengaluru to close the matter. What do you say ?*

It is important to note here that, the accused has not answered to the above question as '*false*', instead he answered it as '*I do not know*'. If at all he did not call PW.1 and ask him to come to ED office for closing the

matter, he would have certainly answered to said question as '*false*'. Therefore, through the answer given to question No.35, again it could be inferred that the accused has demanded the money from PW.1, when PW.1 has met him in his chamber, in order close the matter pertaining to the company of PW.1.

69. Further, from the very testimony of PW.12, it goes to show that, during his investigation he has issued summons to PW.1, accordingly PW.1 appeared before him for enquiry and thereafter, PW.1 has handed over the documents and information in Pen Drive to his Assistant-Sri. Lalit Bazad, who in turn, handed over the same to him. As the accused was Assistant to PW.12, therefore PW.1 had submitted documents and Pen Drive containing the information to the accused; as such, there is no any force in such argument that PW.1 had never met accused in his chamber

70. It is no doubt true that, it has come in the cross examination of PW.12 that, accused had no any role to play in the matter; and himself and Joint Director of ED are the authorities who take the decision regrading

freezing of accounts and accused had no any decision taking authority except assisting him in the matter of investigation. The learned counsel for the accused has also contended that, the accused did not have any investigative power in respect of matter pertaining to company of PW.1 and he acted only as assistant to said Manoj Mittal; therefore, it cannot be said that accused has demanded bribe in order to close the case of PW.1.

71. However, the above said contention of the Ld. counsel for the accused is not acceptable one. It is because, there is no requirement that public servant must have power but it is sufficient enough, if he is in position to show favour or disfavour or render service or not. This my view is supported by the judgment of Hon'ble Apex court passed way back in 1955 in the case of ***Mahesh Prasad Vs. State of UP*** reported in ***AIR 1955 SC 70***. It is held in the said case that,

“.....all that prosecution has to establish is that the accused was a public servant and that he had obtained illegal gratification for showing or forbearing to show, in the exercise of his official functions, favour

or disfavours to the complainant. The question whether there was any offence, which the accused could have investigated or not is irrelevant for that purpose. If he had used his official position to extract illegal gratification the requirement of the law is satisfied”.

72. The above cited judgment is squarely applicable to the case on hand. In the instant case also, though the accused is not an investigating officer in the matter pertaining to the company of PW.1, but he was assisting PW.12-Manoj Mittal in the matter and even as per evidence of PW.12 also, the Joint Director of ED has also appointed accused-Lalit Bazad as assistant to him in conducting the investigation. Thus, though the accused was not provided with any investigating powers but as he was an assistant to PW.12 therefore, he used his position in extorting the money from PW.1.

73. It is important to note here that, in his evidence, PW.12-Manoj Mittal has stated that during the investigation, he asked PW.13-Arpit Chug to freeze the accounts of all companies/merchants shown in the list and accordingly, M/s. Razorpay Software Pvt Ltd has

freezed 582 accounts of its different companies and the list contain the account of M/s. Apollo Finvest India Ltd which has been maintained its bank account with HDFC Bank. Because of this sense of apprehension of freezing of his accounts in view of investigation by Cyber Department, Hyderabad pertaining to Chinese Loan Apps, and on the advise of Tushar Tarun, who is legal head of M/s.Razorpay Software Pvt Ltd, PW.1 went to ED office where he fell into the *Web* designed by the accused and accused took disadvantage of his apprehension of bank accounts being freezed and thereby demanded the money illegally. Though the accused had no any power to investigate the case of PW.1 except to assist PW.12, but he has put PW.1 in fear of freezing his company's bank accounts and causing damage to his company, thereby he demanded Rs.50 Lakh and finally succeeded in extorting Rs.5 Lakh from PW.1 on 09.02.2021 in the night ours. Thus, this court is of the opinion that the prosecution has proved the demand of gratification by the accused from PW.1, with cogent and satisfactory evidence.

74. So far as acceptance or obtainment of bribe/gratification by the accused is concerned, the evidence of PW.1 to 6 and PW.8 coupled with the evidence of PW.7, 9 and 16 is very crucial to prove the element of acceptance. The evidence of PW.1 to 6 and 8 reveal that, when PW.1 was unable to withhold the pressure or consistent demand of bribe by the accused, he decided to give Rs.5 Lakh to accused; accordingly, he requested his cousin-PW.2 to arrange the money; in turn, PW.2 called his friend who is staying at Bengaluru over Phone and requested him to deliver Rs.5 Lakh to the accused. Thereafter, PW.3-Shyam Sundar Mantri received phone call from PW.2-Harish Innani and he told PW.3 that his brother-Mikhil Innani is in urgent requirement of Rs.5 Lakh. Therefore, PW.3 has intimated to PW.4-Sunil Maheshwari to pay Rs.5 Lakh to the person told by PW.2-Harish Innani. Thereafter, PW.4-Sunil Maheshwari, as he was at Hosur, Tamilnadu on 09.02.2021 at about 8 PM and as he was unable to arrange the money and go to Bengaluru and give, hence he requested his neighbour Rajendrakumar Jain-PW.5 to arrange Rs.5 Lakhs; in

turn, said Rajendrakumar Jain-PW.5, immediately called his son-in-law staying at Bengaluru and asked him to arrange Rs.5 Lakh and also asked him to hand over said amount to Manvendra Bhati-PW.6 and on his request his son-in-law has arranged Rs.5 Lakh and paid it to Manvendra Bhati-PW.6. Thereafter, PW.6-Manvendra Bhati in the evening of 09.02.2021, he received a call from PW.5-Rajendrakumar Jain and said Rajendrakumar Jain told him to go and meet his son-in law-Ritesh Kumar at his Mangalam Jewelry Shop situated at Jayanagar, Bengaluru and to collect Rs.5,00,000/- from him and to hand over urgently to a person at J.P.Nagar, Bengaluru; and as per instruction of said Rajendrakumar Jain-PW.5, PW.6-Manvendra Bhati went to Mangalam Jewelry, Jayanagar and collected Rs.5,00,000/- from Ritesh Kumar and after receiving the amount, he intimated about the same to Rajendrakumar Jain. Thereafter, as per location sent to his Mobile Phone, he went to M/s. Levels Pub & Kitchens situated at J.P.Nagar, Bengaluru, parked his Scooter near said Pub, after 5-10 minutes a Pub boy [i.e. PW.8-Sagar], wearing

Black Shirt & Balck Pant came to him, then he made call to PW.2-Harish Innani and told him that he is handing over the money to said Pub boy who is now before him and asked to confirm the person; said Harish Innani talked with said Pub boy through his phone and thereby confirmed the person to whom the amount to be paid; thereafter, PW.6 handed over the money in yellow pocket to said Pub boy [i.e. PW.8-Sagar] and then went away. Thereafter, PW.8-Sagar.D, who was working at Valet Parking Area on 09.02.2021 at about 9.30 PM, took the parcel envelope containing Rs.5 Lakh from PW.6 as per instruction of accused and kept the same on the dashboard of Car of accused and after keeping the same on Dashboard, PW.8 went inside the Pub and handed over the Car Key to accused. Thus, as per demand of accused, an amount of Rs.5 Lakh has been passed through the hands of PW.6-Manvendra Bhati to the hands of PW.8-Sagar and it was kept on the dashboard of Car of accused; and thereafter, out of said amount of Rs.5 Lakh, the accused gave Rs.50,000/- to PW.16-Yamuna on the same day i.e. on 09.02.2021 in night

hours, which is also proved from the testimony of PW.16 herself. Thus, there completes the element of acceptance.

75. Added to this, the evidence of PW.7, PW.9 and PW.16, who are termed as circumstantial witnesses, is also substantiate the allegations made against the accused. As per evidence of PW.9-Mithun Nayak, on 09.02.2021, the accused-Lalit Bazad had come to M/s. Levels Pub & Kitchens between 8 PM to 9 PM along-with one lady [i.e. PW.16-Yamuna] and as per instruction of his Pub Manager-Vijayakumar, PW.9 gave his mobile to accused, then accused used his mobile for about half-an-hour. This witness i.e. PW.9 has identified the scene of himself handing over his mobile to accused at about 21:32:21 hours in the Pub, by watching CCTV Footage of Pub transferred into DVD marked at Ex.P3. Further, the evidence of PW.7 discloses that on 09.02.2021, at about 7.30 PM, accused-Lalit Bazad had come to M/s. Levels Pub and Kitchens with his friend-PW.16-Yamuna. This witness has further deposed that he has handed over CCTV Footage Dated:09.02.2021 of M/s. Levels Pub and Kitchens to CBI Officer as per the instructions of the Pub

owner-Vijayakumar. This witness has identified the seizure of CCTV footage which is marked at Ex.P4 and certificate under Section 65-B of Indian Evidence Act as per Ex.P5. The evidence of PW.16-Yamuna reveals that, she had accompanied accused-Lalit Bazad to M/s. Levels Pub and Kitchens, JP Nagar, Bengaluru on 09.02.2021; wherein they had dinner and thereafter, one person from Parking staff came to their table, then accused handed over Cell phone and Car key to said Parking staff and accused told parking staff that someone will come and hand over the parcel and to keep said parcel in his Car. It is her further evidence that, after keeping the parcel in Car said parking staff came to their table and returned Car key and cell phone to accused and he told accused that parcel is kept in the Car dashboard. It is the further evidence of PW.16 that, accused gave her Rs.50,000/- from Yellow colour envelope placed on Car dashboard, she received said amount and she went to her home by booking a Cab. This witness has also watched CCTV Footage transferred to DVD marked at Ex.P3 which was played in the open court and by seeing the said DVD, she

deposed that at about 19:02:30 hours, herself and accused were getting from the Car in front of Pub; at about 19:02:28 hours, herself, accused-Lalit Bazad and Pub owner were coming inside the Pub on staircase; and at about 21:32:16-18 hours herself, accused and Pub Boy coming near the table and had discussion with accused for taking cell phone. Thus, the evidence of PW.7, PW.9 and PW.16 corroborates the evidence of PW.8-Sagar in particular.

76. The evidence of the above said witnesses is so accurate and so corroborate with each other that, no further substantiation or corroboration of their testimony is required. The circumstances which form the chain link that starts from a chain with request for Rs.5 Lakh [to be paid to accused as per his demand] made to PW.2 by PW.1, to the chain of in-turn request by PW.2 to PW.3 and the chain of in-turn request from PW.4 to PW.5 and to the chain of collecting of Rs.5 Lakh by PW.6 from son-in-law of PW.5 and to the chain of handing over the amount of Rs.5 Lakh to the hands of PW.8 by PW.6, and to the chain of keeping the Yellow Packet containing Rs.5

Lakh on the dashboard of Car of accused by PW.8, till the chain of giving Rs.50,000/- out of said Rs.5 Lakh to PW.16 by the accused in his Car, never de-linked in the present case in between the process of demand and acceptance of bribe by the accused.

77. However, it is the contention of learned counsel for the accused that there is no corroboration in the evidence of PW.1, PW.2 and PW.11 with regard to meeting of accused in his chamber and regarding demand of gratification. So far as corroboration is concerned, the Hon'ble Supreme Court in the case of **Goseph Varkey Vs. State** reported in **AIR 1954 TC 492**, has held that,

“The rule of corroboration is only a rule of prudence. So, where the sole evidence of the complainant is found to be thoroughly reliable and acceptable, there is no rule of law precluding the court from convicting the accused solely on the basis of such evidence. Corroboration need not necessarily be direct evidence and may even be circumstantial evidence.

78. Further, in the case of **Barot Manganlal Premji Vs. State** reported in **AIR 1955 (NUC) 955**, it is held that,

“Where (by force of circumstances) a person is compelled to give bribe to a public servant, he is more credible than another person who voluntarily gives the bribe. Hence, slight corroboration would be sufficient to render the first person’s evidence credible.

79. Further, in the case of **Biswabhushan Naik Vs. State**, reported in **AIR 1952 Orissa 289**, it is held that,

“Where a bribe is alleged have been given under threat, the court must be satisfied that the story of threat, is itself reliable and neither the outcome of conspiracy to involve a strict officer in troubles nor motivated by some other personal malice. After satisfying that the testimony of the accomplice is safe to be acted upon, a conviction can be based on such evidence. In such a case, even if corroboration is considered desirable, a less strict standard of corroborative evidence may be accepted e.g., evidence of previous statements and the like.”

80. In the case on hand, PW.1 was compelled by the accused to give Rs.5 Lakh as bribe. Thus, in the case on hand also, as held in the above cited decisions of Hon'ble Apex Court, the sole evidence of PW.1, who is victim in the case, is found to be thoroughly reliable and the threat given by the accused to PW.1 for demand of money and putting him in fear by saying that he will freeze the Bank accounts and to cause damage to the company of PW.1 and deposing about the same by PW.1, is itself reliable.

81. Further, there is no explanation from accused in his 313 statement as to why he had been to M/s. Levels Pub & Kitchens, JP Nagar, Bengaluru on 09.02.2021 at night hours, along with PW.16 and what he did speak with Pub boy and why he gave his Car key and asked him to keep the Yellow Cover containing Rs.5 Lakh on the dashboard of his Car. That arrival of accused with PW.16 to the said Pub, his welcome by the Pub owner, himself moving with Pub owner and PW.16 on the staircase of Pub and talking with Pub boy at the table, all is recorded in the CCTV Cameras installed at the Pub.

The footage of CCTV dated:09.02.2021 of relevant of time has been obtained by the I.O. in a DVD. That said DVD is marked in the case as per Ex.P3. While hearing the arguments of the instant case, this court has played DVD-Ex.P3 through the Court Hall Computer and watched the scenes recorded under CCTV. The scene of PW.16 and accused getting down from the Car in front of Pub at about 19:02:30 Hours; the scene of PW.16, accused and Pub owner going inside the Pub on Staircase at about 19:02:38 hours; the scene of Pub boy, PW.16 and accused coming near to the table at about 21:32:16-18 hours; the scene of handing over mobile phone to accused by PW.9 at about 21:32:21 hours; and the scene of arrival of a person with white shirt and handing over the parcel/cover to PW.8-Sagar at about 21:35:57 hours, are all not explained by the accused in his 313 statement.

82. Further, in his written statement filed U/Sec.313(5) of Cr.P.C. at Paragraph No.7, the accused stated that,

“7. The summons issued by Sri.Manoj Mittal, Investigating Officer, were accompanied by questionnaires seeking answers for 31 questions and PW.1 had replied only 20 questions. The Investigating Officer while personally verifying the same, had instructed me to call PW.1 in front of him asking PW.1 to furnish the complete information to IO for questionnaires of 31 questions. Accordingly, I have called PW.1 in presence of IO on his regular number and as his regular number was not reachable, I have called PW.1 in presence of IO on his WhatsApp number. It is false to say that, I have aggressively spoken to PW.1 and demanded money and threatened him and I have never demanded any amount of Rs.5 lakh from PW.1”.

Thus, through his statement filed U/Sec.313(5) of Cr.P.C., the accused has specifically admitted that he had made Whatsapp Call to PW.1 on 09.02.2021. Contrary to the stand taken by the accused in his written statement U/Sec.313(5) of Cr.P.C., the PW.12 in his evidence, never deposed that he had asked the accused to call PW.1 and asked to furnish complete information to all 31 questions as such accused had made Whatsapp Call to PW.1 in his

presence. Even in his cross examination also, the defense side have not suggested anything, in that regard. Thus, it is very clear that in order to counter the Call Details Records of his Mobile Number of the relevant period of time, the accused has taken a week defense in his written statement filed U/Sec.313(5) of Cr.P.C. that at the instance of PW.12, he has made Whatsapp Call to PW.1 on 09.02.2021.

The cumulative effect of cross examination of the prosecution witnesses:

83. On perusal of cross examination of PW.1, it is seen that, the witness has denied all the suggestions to the effect that, he never met accused in the ED office; he deposed falsely stating that he had demanded Rs.50 Lakh from him; that he never paid any amount to the accused; and that accused never threatened him as to freezing of accounts of his company. Further, during the cross of PW.2, at Paragraph No.27, he replied to suggestion to the effect that, he is not aware about deep-fake Audio, Video and Voice calls and he is not aware that PW.1-Mikhil Innani had made any enquiry as to

alleged call received is deep fake call or genuine. Through this suggestion, accused side have made efforts to show that Whatsapp call allegedly made by the accused may be deep-fake Whatsapp Call. However, it is the burden cast upon the accused to prove that Whatsapp call made by him to PW.1 on 09.02.2021 is deep fake call and it is not him. In the cross examination of PW.3, nothing worth has been elicited by the defense side so as to disprove his testimony with respect to asking of Rs.5 Lakh by PW.2 for his brother PW.1. Further, nothing worth has been elicited in the cross examination of PW.4 except denial to the suggestions of defense side. Further, in his cross examination, PW.6 has specifically stated that he had seen money in the cover and it had contained Rs.5 Lakh. He denied the suggestion that there was no money in the said cover. Further, in the cross examination of PW.7 also, nothing worth has been elicited so as to discard his testimony. In his cross, PW.8-Sagar has denied the suggestion that he had not taken parcel for accused and had not kept the same in his Car. In his cross, at Paragraph No.8, PW.9 has specifically stated that on

09.02.2021, he had given his mobile to the hands of accused himself as the owner asked him to handover the mobile to accused. Even during the cross examination of PW.18-I.O., except denial to the suggestions, nothing worth is elicited. Thus, the cumulative effect of cross examination of prosecution witnesses shows that the defense side have failed elicit anything worth in support of their defense.

84. Further, in his statement filed U/Sec.313(5) of Cr.P.C., the accused made allegation against PW.18-I.O., that during search at his house on 15.02.2021 by the I.O., no incriminating documents were found and no recovery was made; therefore, I.O. got angry and embarrassed, as a result I.O. has misbehaved with his wife and out of rage and anger, I.O. has falsely implicated him in the case. But the accused has not led any evidence to prove his above statement. But PW.18-Rakesh Ranjan/I.O., in his cross examination, has denied the suggestions to the effect that, due to personal grudge against accused, he got registered the present case against accused though there was no any source

information. Thus, the accused has miserably failed to show that the I.O. has grudge on him as such, he has falsely implicated him in the present case.

85. The learned counsel for the accused has contended that demand of illegal gratification is *sine qua non* to constitute the offence U/Sec.7 of PC Act but in the case on hand, the prosecution has not proved the demand of illegal gratification. In support of his argument, he relied upon the judgment of Hon'ble Supreme court passed in the case of **B.Jayaraj Vs. State of Andhra Pradesh** reported in **(2014) 13 Supreme Court Cases 55**; wherein at Paragraph No.7, it is held that,

“In so far as the offence under section 7 is concerned, it is settled position in law that demand of illegal gratification is sine qua non to constitute the said offence and mere recovery of currency notes cannot constitute the offence under section 7 unless it is proved beyond all reasonable doubt that the accused voluntarily accepted the money knowing it to be a bribe.”

86. Further, the Ld. counsel for the accused argued by relying the above said judgment that, when acceptance is not proved then there is no question of demand. At Paragraph No.9 of above said judgment, it is held that,

“..... In any event, it is only on proof of acceptance of illegal gratification that presumption can be drawn under section 20 of the Act that such gratification was received for doing or forbearing to do any official act. Proof of acceptance of illegal gratification can follow only if there is proof of demand”.

87. Further, the learned counsel for the accused has relied upon the decision of the Hon'ble Apex Court passed in **P.Satyanarayana Murthy Vs. District Inspector of Police, State of Andhra Pradesh**, reported in (2015) 10 SCC, 152, wherein it is held at Paragraph No.23 as under;

“23. The proof of demand of illegal gratification, thus, is the gravamen of the offence under Sections 7 and 13(1) (d)(i) & (ii) of the Act and in absence thereof, unmistakably the charge therefor, would fail. Mere acceptance

of any amount allegedly by way of illegal gratification or recovery thereof, dehors the proof of demand, ipso facto, would thus not be sufficient to bring home the charge under these two sections of the Act. As a corollary, failure of the prosecution to prove the demand for illegal gratification would be fatal and mere recovery of the amount from the person accused of the offence under Sections 7 or 13 of the Act would not entail his conviction thereunder”.

88. Further, the learned counsel has referred the decision passed in **M.R.Purushotham Vs. State of Karnataka**, reported in (2015) 3 SCC 247; wherein, at paragraph No.7, it is held that;

“7. In such type of cases the prosecution has to prove that there was a demand and there was acceptance of illegal gratification by the accused. As already seen the complainant PW1 Ramesh did not support the prosecution case insofar as demand by the accused is concerned. No other evidence was adduced by the prosecution to prove the demand made by the accused with the” complainant. In this context the recent decision of a three Judge bench of this Court in B. Jayaraj vs. State of Andhra

Pradesh reported in 2014(4) Scale 81 is relevant and it is held as follows :

“8. In the present case, the complainant did not support the prosecution case in so far as demand by the accused is concerned. The prosecution has not examined any other witness, present at the time when the money was allegedly handed over to the accused by the complainant, to prove that the same was pursuant to any demand made by the accused. When the complainant himself had disowned what he had stated in the initial complaint (Ext.P-11) before LW-9, and there is no other evidence to prove that the accused had made any demand, the evidence of PW-1 and the contents of Exhibit P-11 cannot be relied upon to come to the conclusion that the above material furnishes proof of the demand allegedly made by the accused. We are, therefore, inclined to hold that the learned trial court as well as the High Court was not correct in holding the demand alleged to be made by the accused as proved. The only other material available is the recovery of the tainted currency notes from the possession of the accused. In fact such possession is admitted by the accused himself. Mere possession and recovery of the currency

notes from the accused without proof of demand will not bring home the offence under Section 7. The above also will be conclusive in so far as the offence under Section 13(1)(d)(i)(ii) is concerned as in the absence of any proof of demand for illegal gratification, the use of corrupt or illegal means or abuse of position as a public servant to obtain any valuable thing or pecuniary advantage cannot be held to be established.”

89. Thus, by referring the above said judgments, the Ld. Counsel for the accused has contended that, in the present case no recovery has been done, said Yellow color allegedly contained Rs.5 Lakh has not been seized and the prosecution has not established any communication held between accused and PW.1, CW.2, and PW.2 to PW.8 and whereby the prosecution has miserably failed in proving the alleged demand and acceptance. There cannot be any dispute regarding legal principles laid down in the referred judgments; however, decision in a case is also dependent upon the specific facts and evidence on the record. In the case on hand, the demand and acceptance of bribe or gratification by

the accused has been proved with cogent evidence by the prosecution.

Presumption U/Sec.20 of PC Act:

90. The presumption U/Section 20 of PC Act is a presumption of law. This presumption is an exception to the general rule as to burden proof in criminal cases. This presumption always shifts the onus on accused to rebut the same. Once it is proved that public servant has demanded and accepted or obtained money or undue advantage from any person, it shall be presumed that, unless the contrary is proved, that he had accepted or obtained the money or undue advantage as a motive or reward for performing or to cause performance of public duty improperly or dishonestly by himself or by any public servant.

91. The three Judge Bench of Hon'ble Supreme Court in case of ***N. Narsinga Rao Vs. State of Andhra Pradesh*** reported in (2001) 1 SCC 691, held that once it was established that there was a demand or acceptance of illegal gratification and once the foundational facts were proved, the legal presumption for payment or

acceptance of illegal gratification for motive or reward for doing or forbearing to do official act is applicable.

92. In the case on hand, the prosecution has established that the demand and acceptance of bribe money by the accused from PW.1. Therefore, certainly this court can draw a presumption as provided U/Sec.20 of PC Act as against accused and in favour of prosecution. Though said presumption is rebuttable presumption; however, in the instant case, the accused has not successfully rebutted the presumption under section 20 of PC Act.

93. In the case of ***Neeraj Dutta Vs. State (NCT of Delhi)*** reported in ***(2023) 4 SCC 731***, the Constitution Bench of the Supreme Court to the question referred to it i.e. ***'Whether, in the absence of evidence of complainant/direct or primary evidence of demand of illegal gratification, is it not permissible to draw an inferential deduction of culpability/guilt of a public servant under Section 7 and Section 13(1)(d) read with Section 13(2) of Prevention of Corruption Act, 1988 based***

on other evidence adduced by the prosecution ?’, has

answered by holding in following terms:

88.1. (a) *Proof of demand and acceptance of illegal gratification by a public servant as a fact in issue by the prosecution is a sine qua non in order to establish the guilt of the accused public servant under Sections 7 and 13 (1)(d) (i) and(ii) of the Act.*

88.2. (b) *In order to bring home the guilt of the accused, the prosecution has to first prove the demand of illegal gratification and the subsequent acceptance as a matter of fact. This fact in issue can be proved either by direct evidence which can be in the nature of oral evidence or documentary evidence.*

88.3. (c) *Further, the fact in issue, namely, the proof of demand and acceptance of illegal gratification can also be proved by circumstantial evidence in the absence of direct oral and documentary evidence.*

88.4. (d) *In order to prove the fact in issue, namely, the demand and acceptance of illegal gratification by the public servant, the following aspects have to be borne in mind:*

(i) if there is an offer to pay by the bribe giver without there being any demand from the public servant and the latter simply accepts the offer and receives the illegal gratification, it is a case of acceptance as per Section 7 of the Act. In such a case, there need not be a prior demand by the public servant.

(ii) On the other hand, if the public servant makes a demand and the bribe giver accepts the demand and tenders the demanded gratification which in turn is received by the public servant, it is a case of obtainment. In the case of obtainment, the prior demand for illegal gratification emanates from the public servant. This is an offence under Section 13 (1)(d)(i) and (ii) of the Act. (iii) In both cases of (i) and

(ii) above, the offer by the bribe giver and the demand by the public servant respectively have to be proved by the 21 prosecution as a fact in issue. In other words, mere acceptance or receipt of an illegal gratification without anything more would not make it an offence under Section 7 or Section 13 (1)(d), (i) and (ii) respectively of the Act. Therefore, under Section 7 of the Act, in order to bring home the offence, there must be an offer which emanates from the bribe giver which is accepted by the public servant which would make it an offence. Similarly, a prior demand by the public servant when accepted by the bribe giver and in turn there is a payment made which is received by the public servant, would be an offence of obtainment under Section 13 (1)(d) and (i) and (ii) of the Act.

88.5. (e) The presumption of fact with regard to the demand and acceptance or obtainment of an illegal gratification may be made by a court of law by way of an inference only when the foundational facts have been proved by relevant oral and documentary evidence and not in the absence thereof. On the basis of the material on record, the Court has the discretion to raise a presumption of fact while considering whether the fact of demand has been proved by the prosecution or not. Of course, a presumption of fact is subject to rebuttal by the accused and in the absence of rebuttal presumption stands.

88.6. (f) In the event the complainant turns 'hostile', or has died or is unavailable to let in his evidence during trial, demand of illegal gratification can be proved by letting in the evidence of any other witness who can again let in evidence, either orally or by documentary evidence or the prosecution can prove the case by circumstantial evidence. The trial does not abate nor does it result in an order of acquittal of the accused public servant.

88.7. (g) *In so far as Section 7 of the Act is concerned, on the proof of the facts in issue, Section 20 mandates the court to raise a presumption that the illegal gratification was for the purpose of a motive or reward as mentioned in the said Section. The said presumption has to be raised by the court as a legal presumption or a presumption in law. Of course, the said presumption is also subject to rebuttal. Section 20 does not apply to Section 13 (1) (d) (i) and (ii) of the Act.*

88.8. (h) *We clarify that the presumption in law under Section 20 of the Act is distinct from presumption of fact referred to above in point (e) as the former is a mandatory presumption while the latter is discretionary in nature.*

89. *In view of the aforesaid discussion and conclusions, we find that there is no conflict in the three judge Bench decisions of this Court in B. Jayaraj and P. Satyanarayana Murthy with the three judge Bench decision in M. Narasinga Rao, with regard to the nature and quality of proof necessary to sustain a conviction for offences under Sections 7 or 13(1)(d)(i) and (ii) of the Act, when the direct evidence of the complainant or “primary evidence” of the complainant is unavailable owing to his death or any other reason. The position of law when a complainant or prosecution witness turns “hostile” is also discussed and the observations made above would accordingly apply in light of Section 154 of the Evidence Act. In view of the aforesaid discussion, we hold that there is no conflict between the judgments in the aforesaid three cases.*

90. Accordingly, the question referred for consideration of this Constitution Bench is answered as under: In the absence of evidence of the complainant (direct/primary, oral/documentary evidence) it is permissible to draw an inferential deduction of culpability/guilt of a public servant under Section 7 and Section 13(1)(d) read with Section 13(2) of the Act based on other evidence adduced by the prosecution.”

94. Further, in the case of **Hazari Lal Vs. State (Delhi Administration)** reported in **[(1980) 2 SCC 390]**, it is observed that;

“There is no requirement to prove passing of money by direct evidence. It may also be proved by circumstantial evidence.”

95. Thus, as per ratio laid down in **Hazari Lal case** and **Neeraj Dutta case**, even in the absence of direct evidence the culpability of public servant under section 7 of PC Act can be proved by circumstantial evidence. In the case on hand also, though there is no direct evidence of giving bribe by PW.1 himself to accused, still the prosecution has proved the demand

and acceptance of bribe by the accused through the evidence of PW.2 to 6, 8 and PW.16.

96. Lastly, the learned counsel for the accused has contended that the prosecution has not proved the offence under section 383 of IPC with cogent and reliable evidence so as to convict the accused under section 384 of IPC. Hence, it is necessary to extract the provision under Section 383 of IPC, here for reference. Sec.383 of IPC defines 'Extortion'. Sec.383 of IPC reads as under:

383. Extortion - *Whoever, intentionally puts any person in fear of any injury to that person, or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security or anything signed or sealed which may be converted into a valuable security, commits extortion.*

Further, Sec.384 of IPC provides for punishment for extortion, which reads as under:

384. Punishment for extortion - *Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.*

97. On plain perusal of provision U/Sec.383 of IPC, it would go to show that, one of the main essential ingredients of section is that '**intentionally putting a person in fear of injury**'. The word 'injury' is defined in Sec.44 of IPC as denoting 'any harm whatever illegally caused to any person, in body, mind, reputation or property'. Thus, the fear of injury contemplated under provision need not necessarily be bodily harm or hurt. It will include injury to the **mind, reputation or property** of the person.

98. In the case on hand, at the cost of repetition, when PW.1 had been to the office of Enforcement Directorate, Bengaluru in order get things clear relating to his company affairs, he met accused in his chamber and the accused, who already knew that the Bank accounts of more than 300 companies have been frozen under the investigation relating Chinese Loan Apps, took the disadvantage of sense of apprehension of PW.1 that his Bank accounts being freezed, threatened him, put him in fear of injury, demanded Rs.50 Lakhs initially

stating that if he fails to give money, he will register a case against the company of PW.1 and to drag on the matter for at least 10 years and ruin the reputation and business of his company and thereby finally obtained Rs.5 Lakh by way of extortion from PW.1. The evidence of PW.1 to PW.6, PW.8 and PW.16 proves the offence of Extortion. Therefore, the contention that the prosecution has not proved the ingredients of offence of extortion, is not acceptable.

99. Thus, after having gone through the evidence of prosecution, both oral and documentary and having taken into consideration of arguments of both side; and on the basis of appreciation and analysis of evidence, I find that accused-Lalit Bazad, while acting in his official capacity, as Enforcement officer at Enforcement Directorate, Bengaluru did demand bribe amount of Rs.50 Lakh initially and finally accepted/obtained bribe of Rs.5,00,000/- from PW.1 by way of extortion in order to de-freeze or not to freeze the bank accounts of PW.1 and close the matter of company of PW.1 which was under investigation by the ED relating to Chinese Loan

Apps. Therefore, this court is of the considered opinion that prosecution has proved the charges against accused, beyond reasonable doubt. Accordingly, I answered the Points No.2 and 3 in the ***Affirmative***.

100. Point No.4: In the light of above discussion, I proceed to pass following:

ORDER

Acting under Section 235(2) of the Cr.P.C., the accused is convicted for the offence punishable U/Sec.7 of Prevention of Corruption Act-1988.

Further, acting under Section 235(2) of the Cr.P.C., the accused is convicted for the offence punishable U/Sec.384 of IPC.

The bail bonds of accused and that of surety are hereby stand discharged.

To hear on sentence.

[Dictated to the Stenographer Grade-I directly on the computer, corrected and then pronounced by me in the Open Court on this the 25th day of July 2025]

[Manjunath Sangreshi]
XXI Addl.City Civil and Sessions Judge
& Prl.Special Judge for CBI Cases
Bengaluru.

Order on Sentence

In the instant case, the accused is convicted for the offences punishable Under Section 7 of Prevention of Corruption Act-1988 and Under Section 384 of IPC.

2. Heard the accused and his Counsel and also Ld. Senior Public Prosecutor, regarding sentence.

3. The learned counsel for the accused has submitted that the offences proved against the accused are not grievous in nature and not punishable with any capital punishment. That accused is having wife and two small children and aged parents to look after. That accused has not been previously convicted in any case. Considering the same, it is prayed to impose sentence against the accused.

4. The accused who is present before the court submitted that presently he is working as Inspector in GST and Central Excise, Chennai Zone with utmost integrity. Therefore, he prays for lenient view in his favour, while sentencing him.

5. The Ld. Senior Public Prosecutor has submitted that the prosecution has proved the guilt of

the accused beyond reasonable doubt. The offence committed by the accused requires stringent approach and no lenient view could be taken in his favour as the offence committed by the accused is having adverse effect on society. The accused being the public servant has misused his official position, threatened the victim, put him in fear and got extorted Rs.5 Lakh as gratification and thereby committed the offence punishable U/Sec.7 of PC Act and U/Sec.384 of IPC. Therefore, the sentence to be imposed shall send a message to the society to eradicate the evil of corruption and it shall be proportionate to the offences committed by the accused. Accordingly, it is prayed to impose maximum sentence and fine.

6. In the case of **RAJIV Vs. STATE OF RAJASTHAN [AIR 1996 SC 787]** it has been held that, it is the nature and gravity of the Crime but not the Criminal, which is germane for consideration to impose appropriate sentence in a Criminal Trial.

7. The Hon'ble Supreme Court in the case of **State of Maharashtra THROUGH CBI, ANTI**

CORRUPTION BRANCH, MUMBAI Vs. BALAKRISHNA DATTATRYA KUMBAR [(2012) 12 SCC 384] has held that ‘corruption violates human rights and undermines human rights and indirectly violates them.’ It is further held that ‘systematic corruption is violation of human rights as it leads to economic crisis.

8. In the case of **State of M.P. Vs. Ram Singh, [(2000) 5 SCC 88]** the Hon’ble Supreme Court held that, the object of the Prevention of Corruption Act, 1988 was to make effective provisions for prevention of bribe and corruption amongst public servants. It is a social legislation to curb illegal activities of public servants and should be liberally construed so as to advance its object and not liberally in favour of the accused.

9. As per ratio held in the case of **State of Madhya Pradesh vs. Mehtaab [(2015) 5 SCC 197]**, it is the duty of Court to pass just sentence on convict against whom the charge is proved by taking into consideration of mitigating and aggravating factors. The sentence imposed to be fair not only to the accused, but also to the victim and the society.

10. Upon coming into the aggravating factors of the case, the accused while working as public servant as Enforcement Officer at Enforcement Directorate, Bengaluru has demanded the bribe/gratification of Rs.50 Lakh for de-freezing Bank accounts and closing the matter pertaining to the financial company of PW.1 and put PW.1 in fear saying he would cause damage to his company and destroy the reputation of company and thereby obtained Rs.5 Lakh as bribe/gratification by way of extortion. The mitigating factors would be his age, his dependents and ailing parents etc. Further, it is also stated he is presently working as Inspector in GST and Cenntral Excise, Chennai Zone.

11. As held by Hon'ble Supreme Court in **State Vs. Parthiban [(2006) AIR SCW 5267]**, in view of the mandate contained in Section 18 of the Probation of Offenders Act, a convicted accused for the offence under the Prevention of Corruption Act, 1988 is not entitled for the benefit of probation.

12. As per Sec.16 of the PC Act, where a sentence of fine is to be imposed under Sec.7 or Sec.8 or Sec.9 or

Sec.10 or Sec.11 or sub-section (2) of Sec.13 or Sec.14 or Sec.15 of PC Act, the Court shall take into consideration the amount or value of the property the accused person has obtained by committing the offence. In the case on hand, the convict has demanded illegal gratification of Rs.50 Lakh and has obtained Rs.5 Lakh from PW.1.

13. The offence under section 7 of PC Act shall be punishable with imprisonment for a term which shall not be ***less than three years*** but which may ***extend to seven years*** and shall also be liable to fine. Further, the offence under section 383 of IPC is punishable under section 384 of IPC with imprisonment of either description for a term which may extend to three years or with fine, or with both.

14. After keeping in mind the ratio laid down in above cited judgments while awarding the sentence, this Court should bear in mind the expectation of the society to prevent the corruption in the public office by providing prompt conviction and stern sentence. Therefore, after considering the mitigating and aggravating factors, facts and circumstances of the case and after having

considered the submission of both side, this Court proceeds to pass the following;

ORDER

Acting U/Sec.235(2) of Cr.P.C., the accused-Lalit Bazad is sentenced to undergo simple imprisonment for a period of 3 Years and shall pay a fine of Rs.5,00,000/- [Rupees Five Lakhs Only] for the offence punishable U/Sec.7 of Prevention of Corruption Act, 1988; and in default of payment of fine, he shall undergo simple imprisonment for a period of 6 Months.

Further, the accused-Lalit Bazad is sentenced to undergo simple imprisonment for a period of 1 Year and shall pay a fine of Rs.50,000/- [Rupees Fifty Thousand Only] for the offence punishable U/Sec.384 of Indian Penal Code; and in default of payment of fine, he shall undergo simple imprisonment for a period of 1 Month.

Both the above sentences of imprisonment shall run concurrently.

The accused is entitled for set off as contemplated U/Sec.428 of Cr.P.C.

MO.1 and MO.2 are the Mobile Hand Sets which were handed over by PW.1-Mikhil Innani

before I.O. under Ex.P1-Seizure Memo, are ordered to be released in favour of PW.1-Mikhil Innani, after appeal period is over.

Office to supply free copy of the judgment to the convict forthwith.

[Dictated to the Stenographer Grade-I directly on the computer, corrected and then pronounced by me in the Open Court on this the 25th day of July 2025].

***[Manjunath Sangreshi]
XXI Addl.City Civil and Sessions Judge
& Prl.Special Judge for CBI Cases
Bengaluru.***

ANNEXURE

LIST OF WITNESSES EXAMINED FOR THE PROSECUTION:

PW-1: Sri. Mikhil Innani
PW-2: Sri. Harish Innani
PW-3: Sri. Shyam Sundar Mantri
PW-4: Sri. Sunil Maheshwari
PW-5: Sri. Rajendra Kumar Jain
PW-6: Sri. Manvendra Bhati
PW-7: Sri. Vinay Vijaychandran
PW-8: Sri. D. Sagar
PW-9: Sri. Mithun Nayak
PW-10: Sri. Manohar Manchi
PW-11: Sri. Tushar Tarun
PW-12: Sri. Manoj Mittal
PW-13: Sri. Arpit Chug
PW-14: Sri. Bhola Ram Jat
PW-15: Sri. Prakash
PW-16: Ms. Yamuna B.S.
PW-17: Smt.Sudha Koka
PW-18: Sri. Rakesh Ranjan
PW-19: Sri. P.S.Gopal Krishnan

LIST OF EXHIBITS MARKED BY THE PROSECUTION

Exhibit Number	Description
Ex.P.1 Ex.P.1(a) Ex.P.1(b)	Receipt Memo Signature of the witness / PW.1 Signature of the witness /PW.18
Ex.P.2 Ex.P.2(a) Ex.P.2(b) to Ex.P.2(d) Ex.P.2(e) Ex.P.2(f) Ex.P.2(g)	The Proceedings drawn by the I.O Signature of the Witness/PW.4 Annexures-11 to 13 Screen shots taken out from PW.4's mobile phone Signature of the witness/ PW.5 The signature on the last page of proceedings Signature of the witness/ PW.19 on the proceedings
Ex.P. 3	DVD
Ex.P. 4 Ex.P.4(a)	The receipt memo The signature of witness/PW.7
Ex.P. 5 Ex.P.5(a)	Certificate U/s 65-B of Indian Evidence Act Signature of the witness/PW.7
Ex.P. 6	The Statement given before Magistrate of witness/PW.8
Ex.P.7 T Ex.P.7(a)	The letter submitted by the Sri.Rahul Sinha The signature of Sri.Rahul Sinha identified by the witness/PW.12 on the letter
Ex.P.8	Certified copy of the note sheet
Ex.P.9	The xerox copy of the Office order 14/2020-21 dtd: 04.01.2021 issued by Joint Director
Ex.P.10	The correspondence file maintained by PW.12 submitted to CBI.

Ex.P.11	The receipt memo
Ex.P.11(a)	Signature of the witness
Ex.P.12 and Ex.P.13	The Call Details and CAF of Sri.Lalit Bazad
Ex.P.14 and Ex.P.15	The Call Details and CAF of Sri. Harish Innani
Ex.P.16 Ex.P.16(a)	The common Section 65-B certificate Signature of witness/PW.15
Ex.P. 17 Ex.P. 17(a)	The prosecution sanction order The signature of the witness found at the end of sanction order
Ex.P. 18 Ex.P. 18(a)	Letter written by Sri. R.Ganesha Murthy to the Superintendent of Police, CBI, Bengaluru. The signature of Sri. R.Ganesha Murthy identified by the witness
Ex.P.19 Ex.P.19 (a)	FIR Signature of the CW.27
Ex.P. 20 Ex.P.21	Prior approval order given u/Sec.17(A) of PC Act The Covering letter
Ex.P. 22 Ex.P.23 Ex.P.24	1)The document pertaining to case registered by ED,. Bengaluru vide No.ECIR/BGZO/3/2021 relating to Chinese loans App on Google Play Store 2) Letter regarding Service particulars of the accused 3) Letter from the Office of the Commissioner of CGST and Central Excise, Chennai South Commissionerate regarding Disciplinary Authority of the accused.
Ex.P.25	Covering letter
Ex.P.26 and Ex.P.27	CAF and CDR relating to Mobile Number:7065009000

Ex.P.28 and Ex.P.29	The CAF and CDR relating to Mobile Number: 9360017810
Ex.P. 30 and Ex.P.31	The CAF and CDR relating to Mobile Number: 9902970602
Ex.P.32	The certificate issued u/Sec.65-B of Indian Evidence Act

**LIST OF MATERIAL OBJECTS MARKED ON BEHALF
OF PROSECUTION SIDE :**

Material Object Numbers	Description
MO.1	Apple i-phone
MO.2	Redmi 9 Mobile Phone

***[Manjunath Sangreshi]
XXI Addl.City Civil and Sessions Judge
& Prl.Special Judge for CBI Cases
Bengaluru.***
