

IN THE COURT OF THE SPECIAL JUDGE, C.B.I.-II, BHUBANESWAR.

PRESENT :

**Sri S.K.Mishra,
Special Judge, C.B.I.-II, Bhubaneswar.**

T.R.Case No. 3/6 of 2016/13.

R.C. No. 1(A) of 2013.

Date of argument : 21.9.2016.

Date of Judgment : 24.9.2016.

Republic of India.

Versus.

Sri Soumya Priyadarshi Panigrahi, aged about 39 years,
s/o. Rabindra Kumar Panigrahi, Vill. Gopalbandha,
P.S. Bhadrak Rural, Dist. Bhadrak,
At present- Postal Colony, Unit-IV, Bhubaneswar,
P.S. Kharabelanagar, Dist. Khurda.

... Accused.

For the prosecution : Sri Ajay Singh, P.P. C.B.I.

For the Defence : Sri P.K.Mishra & Associates, Advs.

Offences u/s. 7 and 13(2) read with Section 13(1)(d) of the
Prevention of Corruption Act, 1988.

JUDGMENT

- 1.** Accused stands charged u/s. 7 and 13 (2) read with Section 13(1) (d) of the Prevention of Corruption Act,1988 (to be referred hereinafter to the P.C.Act) for having demanded and accepted alleged gratification of Rs.7000/- abusing his position as a public servant.
- 2.** The opening summation of accusation is that Sawne Soren, father of the complainant was working as Gramin Dak Sevak

Mail Deliveran -cum- Mail Carrier (GDSMD/MC) in Gourachandrapur Post Office and he expired on 14.7.2012. After death of Sawne Soren, her widow was entitled to receive the gratuity and GIS of her deceased- husband and had to sign on necessary forms.

- 3.** It is the specific case of the prosecution that accused was serving as Inspector of posts, Udala Sub-Division, in the district of Mayurbhanj. Complainant Biswanath Soren is the son of late Sawne Soren. After death of Sawne Soren, his son Biswanath Soren, complainant went to the Sub-Post Office, Udala in the month of August for getting gratuity and GIS amount of his father and there he came to know that accused- Inspector of Posts was competent to issue the gratuity and G.I.S forms. Thereafter, he met the accused- Inspector of Posts and requested him to give the gratuity and GIS forms for his deceased-father. Then the accused asked the complainant to bring his mother as the signature of his mother was required in those forms. After one month, the complainant went along with his mother and met the accused who told them to take the PLI amount first and then he (accused) would make the gratuity and GIS of his father. He got Rs.20,000/- towards PLI of his deceased-father on 1.1.2013. According to prosecution, on 7.2.2013 he met the accused in his office and requested the accused to issue gratuity and GIS forms, but the accused told the complainant that the gratuity and GIS cannot be paid in that manner. The accused further told him that on 11.2.2013 Monday at 7 A.M. he and his mother should come to Udala and contact him over telephone, then the complainant has to come to the

residence of the accused with cash of Rs.7,000/-. He further told the complainant that immediately after getting money, he (the accused) will fill up the gratuity and GIS forms of the father of the complainant and then the same will be sent to the higher authority, otherwise it will take many for them to get the work done. The complainant did not want to give any bribe for getting dues of his father. Being aggrieved, the complainant submitted a complaint (Ext.33) before the S.P. C.B.I. Bhubaneswar through D.S.P. C.B.I. Rourkela. Basing upon that, Supt. of Police, C.B.I. Bhubaneswar registered R.C. Case No.1 of 2013 and directed Sri S.N.Rath,(P.W.11) Inspector of Police, CBI for investigation by laying a trap.

- 4.** On getting direction of the S.P.C.B.I. Bhubaneswar, Inspector Sri S.N.Rath decided to lay a trap and constituted a team consisting of himself, Sri B.Ghosal Inspector CBI Bhubaneswar, P.K.Pallai, P.K.Pradhan, and G.Patil, Police constables CBI Rourkela and Smt. B.P.Swain, Woman Police constable CBI Rourkela. The above named trap team members assembled at M.I. Inspection Bunglow, Baripada at 12 noon of 11.2.2013. Sri S.N.Rath, Inspector procured services of two independent witnesses namely Abani Kanta Pati, Manager (CE) Food Corporation of India, Balasore and Sri Sachikanta Guru, Administrative Officer, National Insurance Company Ltd. Baripada through official procedures. In view of the earlier instruction of Sri Rath, the complainant arrived at M.I. Inspection Bunglow and reported to the Inspector Sri S.N.Rath with an amount of Rs.7,000/- to be used in the trap. Thereafter, Sri Rath introduced the complainant to the above named independent witnesses.

Both the witnesses went through the contents of the FIR lodged by the complainant and ascertained the genuineness of the same. The process of laying trap was explained. The complainant produced Rs.7,000/- in the form of 13 numbers of 500 hundred rupee of G.C notes and five nos. of one hundred rupee G.C notes. The serial numbers of the G.C notes were noted in the pre-trap memorandum. Then the G.C notes were smeared with phenolphthalein powder. Sri G.Patil, Constable had kept the tainted G.C notes inside the hip pocket of the pant of the complainant, with an instruction to hand over the money to the accused only on demand. He was also instructed to give signal by taking out his cap, soon after the transaction was over. Witness Sri Abani Kanta Pati was asked to accompany the complainant to the residence of the accused, to overhear the conversation between the complainant and the accused and to see the transaction of bribe money. The pre-trap memorandum Ext.16 was prepared there.

- 5.** Accordingly, the complainant and witness A.K.Pati reached at Udala Bus stand, where Arsu Soren, mother of the complainant joined them. Then the complainant intimated the accused over his mobile phone regarding their arrival at Bus stand. The accused told the complainant to wait there for some time. Thereafter, accused called the complainant over his mobile phone to come to his residence and the complainant along with his mother went to the residence of the accused, while the witness Sri Pati followed them keeping a safe distance. Thereafter, the accused took the complainant and his mother to his drawing room and asked

them to sit on the bed in the said drawing room. Then, the accused asked the complainant as to whether he had brought the demanded amount of Rs.7,000/- to which the complainant answered in affirmative. Then the complainant brought out the tainted G.C notes from the hip pocket of his pant and handed over the same to the accused, who accepted the same by his right hand, counted with both his hands and kept the same on a table in that room. The accused, thereafter, got the necessary forms signed from the mother of the complainant and assured him of getting the work done early. Thereafter, the complainant came out of the house of the accused and gave pre-arranged signal, following which the raiding party including independent witnesses entered the residence of the accused and caught him red handed. When Sri Rath, Inspector challenged the accused to have demanded and received the bribe money from the complainant, the accused became nervous, fumbled and gave no reply. The hands of the accused were washed and the liquid turned pink for which the pink coloured solution was preserved in two separate bottles duly sealed and signed by all. The tainted G.C. notes were recovered from the table of the accused and on being directed by Sri S.N.Rath, Inspector CBI, witness Sri Guru compared the serial numbers of the tainted G.C notes with the serial numbers already mentioned in the pre-trap memorandum and found that the same tallied. The tainted G.C notes, were kept in an envelope duly sealed and signed by all concerned. The post-trap memorandum was prepared and signed by all. The accused was arrested and forwarded to the court. The

bottles containing the hand wash and the envelope containing the tainted G.C notes were sent to C.F.S.L. Kolkata for chemical examination and opinion. The chemical analyst report was received. After obtaining the order of sanction for prosecution against accused from the Director of Postal Service, Headquarters Region, Orissa circle, Bhubaneswar, charge sheet was submitted. Cognizance of the offences was taken against the accused. Charge u/s. 7 and 13(2) read with section 13(1)(d) of the P.C.Act, 1988 was framed against the accused.

- 6.** Defence plea is one of complete denial of complicity of the accused in the alleged crime. It is the specific plea of the accused that this case has been falsely foisted against him by persons having vested interest and for his strict official discipline.
- 7.** Points for determination are:
 - (i) Whether on 9.2.2013 the accused-Inspector of posts, Udala being a public servant functioning in the said capacity demanded and accepted Rs. 7000/- from the complainant as illegal gratification, other than legal remuneration for processing the gratuity and GIS of his father-deceased Sawne Soren, who was working as GDSMD/MC at Gourachandrapur post office and died on 14.7.2012 as alleged?
 - (ii) Whether on 11.2.2013 the accused being a public servant functioning as Inspector of Posts, Udala by corrupt and illegal means abusing his official position as such public servant obtained for him pecuniary advantage to the tune of Rs.7000/- from the complainant for processing the gratuity and GIS of his deceased-father, as alleged?
 - (iii) Whether the sanction for prosecution of accused is valid?

- 8.** To bring home the charge, prosecution has examined 11 witnesses in all. P.W.2 is the sanctioning authority while P.W.1 is the Chemical Analyst. P.W.8 is the complainant, P.W.10 is the overhearing witness and P.W.6 is the independent witness to the trap. P.W.11 is the Trap Laying Officer (TLO). P.W.7 is the mother of the complainant. P.W.9 is the cousin of the complainant. P.W.3 is the Postal Superintendent, Mayurbhanja Division, Baripada from whom CBI had seized the personal file, attested copy of posting order dated 12.7.2011 along with the suspension order of the accused. P.W.4 is the Inspector of Post, Bada Sahi who took charge of Inspector of Posts, Udala from the accused on 11.2.2013 as per the telephonic instruction of the Superintendent of Posts, in-charge of Mayurbhanja. P.W.5 is the A.G.M.(Commercial & Marketing) BSNL Rourkela who had supplied the call details of mobile telephone No.9437054449 and 9438859383 for the period from 1.9.2012 to 11.2.2013 vide Ext.14 by downloading the same from mobile switching centre. Thirty four documents i.e.Ext.1 to Ext.34 have been exhibited on behalf of prosecution.

Three witnesses have been examined on behalf of the defence including D.W.3 the wife of the accused. D.W.1 and D.W.2 are the Asst. Supdt. Of Posts (Outdoor) Mayurbhanj Division, Baripada and in-charge Inspector of Posts Udala Sub-division, Udala respectively. Ext.A to Ext.L (11 documents) have been exhibited on behalf of the defence. Tainted notes and the solution of hand wash of the accused have been marked M.O.I to M.O.III

9. In a case of trap, demand and acceptance of illegal gratification by a public servant with a motive to do any official act in favour of a person is vital. Before scanning the evidence adduced by the prosecution witnesses, it may be noted here that, in the case of **Subas Prabat Sanvane-Vrs.- State of Gujarat reported in (2002) 22 OCR (Supreme Court) at page 817**, Their Lordships of the Honourable Apex Court have held that, mere acceptance of money by a public servant, without there being any other evidence that it was demanded as illegal gratification, would not be sufficient for convicting the accused U/s.13(1)(d) of the P.C.Act, 1988. Further in the case of **Narendra Campaklal Trivedy-Vrs.- State of Gujarat, AIR 2012 (Supreme Court) 2259**, the Hon'ble Supreme Court have held that mere recovery of tainted money is not sufficient to record a conviction unless there is evidence that the bribe has been demanded or money was paid voluntarily as bribe. In the case of **State of Punjab-Vrs.- Madan Mohan Lal Verma (2013) 56 OCR (SC)- 425**, it has been held that demand of illegal gratification is sine qua non for constituting an offence under the Act, 1988. Mere recovery of the tainted money is not sufficient to convict the accused, when substantive evidence in the case is not reliable, unless there is evidence to prove payment of bribe or to show that the money was taken voluntarily as bribe.
10. Mere receipt of the amount by the accused is not sufficient to fasten guilt, in the absence of any evidence with regard to demand and acceptance of the amount as illegal gratification. However, before the accused is called upon to

explain how the amount in question was found in his possession, the fundamental facts must be established by the prosecution. Only thereafter the accused is to displace the statutory presumption raised under Section 20 of the Act, 1988 by bringing on record evidence, either direct or circumstantial, to establish with reasonable probability, that the money was accepted by him, other than as a motive or reward as referred to in Section 7 of the Act, 1988. While invoking the provision of Section 20 of the Act, the Court is required to consider the explanation offered by the accused, if any, only on the touchstone of preponderance of probability and not on the touchstone of proof beyond all reasonable doubt.

- 11.** It is a settled position of law that the complainant is an interested and partisan witness concerned with the success of the trap and his evidence must be tested in the same way as that of any other interested witness. It has been held by the Honourable Supreme Court in the case of **State of U.P.- Vrs.- Dr. G.K.Ghose reported in AIR 1984 S.C. 1453** that the trap laying party is interested to the extent of the success of the trap and therefore, for taking up such measures, no blame should be given to the prosecution that phenolphthalein was applied to the GC notes in question to grind the accused in a false case. In the light of the aforesaid settled legal position, this Court has to examine how far the prosecution has been able to establish by reliable evidence about such demand and acceptance of bribe by the accused from the complainant.

12. There is no denying that the accused Soumya Priyadarshi Panigrahi was working as Inspector of Posts, Udala Sub-division in the district of Mayurbhanj on 11.12.2013. The evidence of P.W.3 Simanchal Kar the then Postal Superintendent Mayurbhanja Division, Baripad goes without any challenge and unequivocally proves that the accused was posted as Postal Inspector, Udala Sub-division on 12.7.2011 vide Ext.5 and on 25.7.2011 he joined in that post. He has also proved the suspension order dated 22.2.2013 passed by him vide Ext.6. He has categorically deposed that accused was the only person to manage the entire work of Gourachandrapur branch post office for the period from December, 2011 till the death of Sawne Soren on 14.7.2012 by remaining in charge of branch post master. Defence has elicited from P.W.4 Brajendra Hembram Inspector of Post, Badasahi sub-division, Baripada that on 23.7.2012 accused had sent one set of application form for GDS, Ex-gratia gratuity and severance allowances to Arsu Soren, the widow of Sawne Soren, for early submission of the same. He has further admitted in the cross-examination that accused had requested Arsu Soren (P.W.7) for submission of death certificate, legal heir certificate and assent letter and has also cautioned P.W.7 that delay from the side of P.W.7 will be at her own risk. P.W.7 has further deposed that she and her son met the accused, after one month of the death of her husband and requested him to process the papers regarding payment of due for the death of her husband. P.W.8 the complainant has deposed that after getting Rs.20,000/- towards PLI dues of his father, he

met the accused and intimated about receipt of the said cash by her mother and at that time accused asked him to meet him in his office in the month of February, 2013 in connection with payment of gratuity and GIS dues. It is proved that accused was the final authority to pass the gratuity and GIS dues of late Sawne Soren, father of the complainant.

- 13.** The important point for determination is whether demand and acceptance of illegal gratification or bribe money by the accused have been proved beyond reasonable doubt. Undoubtedly, the most important witness for the prosecution is none other than the complainant. This witness appearing as P.W.8 has deposed that his father Sawne Soren was working as postal peon at Gourachandrapur Branch Post office and died on 14.7.2012. He has further stated that due to the death of his father, Gratuity, GIS and PLI were to be paid to his mother for which he went and met the accused at Udala sub-post office. His further evidence is that again on 7.2.2013 he along with his mother met the accused and applied for PLI. He has also testified that on that day the accused told them that they should intimate him over telephone after getting the required money. His assertion in the evidence is that his mother got Rs.20,000/- towards PLI from Sarat Post Office. His further assertion in the evidence is that when he met the accused in the month of February, 2013, the accused told him in presence of his mother that unless they gave him (accused) bribe of Rs.7,000/-, he (accused) would not do their work. The complainant has specifically stated that the accused told him to give the said

bribe on 11.2.2013 at Udala post office and they returned back to their house. He has further deposed that he talked about it to his brother Sadhu Murmu who advised to accompany him to CBI Office, Rourkela Unit. P.W.8 has further testified that he discussed the matter with the DSP Sri Kabi and lodged the written complaint before him on 9.2.2013. The complainant has proved his written complaint as Ext.33 and Ext.33/1 is his signature. According to P.W.8, the Inspector Sri Kabi took his mobile phone and asked him to meet him at Baripada on 11.2.2013. He has further deposed that on 11.2.2013 he met the DSP Kabi at Murgabadi of Baripada, where some staff including Inspector Sri Pati were also present. Thereafter, he accompanied the CBI team including Sri Kabi to Udala Bus stand, where he met his mother and when he contacted the accused over telephone, the accused asked the complainant to meet him at his residence. He reached at the residence of the accused who called him and asked him if he had brought cash of Rs.7,000/- to which he answered in the affirmative and the accused asked for the said money. P.W.8 has categorically testified that he brought the money from right side of his pant pocket and when the accused stretched his hand, he gave the said money to him and the accused counted the said money. He has further deposed that accused brought the required forms for payment of gratuity and GIS and asked his mother to give her signatures on those forms and thereafter they came out of the residence of accused. According to P.W.8, when he came outside of the residence of the accused, he removed the cap from his head, following

which the CBI team entered inside the residence of accused and seized the said cash from the table of the said quarter. Both the hands of the accused were dipped in soda water which changed to red. Then the accused completed their work for payment of GIS and gratuity. He has given his signature on the envelope M.O.V in which the seized cash was kept. He has also given his signatures on the papers wrapped around two glass bottles M.Os. II and III containing hand wash solution of the accused.

14. The fact remains that the complainant was asked leading question by the prosecution u/s.154 of the Evidence Act that does not mean that the prosecution is precluded from relying upon any portion of the evidence of P.W.8, if the same is found to be reliable. After carefully going through the evidence of the complainant, it is seen that he has stated regarding the demand of illegal gratification from him by the accused. He has also specifically deposed that he personally gave the said money to the accused at the quarter of the accused and the later accepted the same by stretching his right hand. He has also specifically deposed that the CBI officer had seized the said cash i.e. tainted G.C notes from the table of the said quarter.

15. It is pertinent to note that P.W.8 has been given a series of suggestions which have been stoutly denied by him. It is common legal proposition that suggestions however strong cannot take the place of proof. Nothing substantial has been brought out in cross- examination of P.W.8 to discredit his evidence on material aspects of the case. His evidence appears to be quite clear, consistent, convincing,

credible and above reproach. In fact P.W.8 has successfully stood the test of cross- examination. In effect his evidence suffers from no inherent infirmity or improbability. This court, therefore, finds no cogent reason or ground to doubt the veracity of the complainant. The admissions brought out in cross- examination of P.W.8 are too trivial to discredit the otherwise clear and credible evidence of the complainant. It is common legal proposition that minor discrepancies and contradictions should not be allowed to take away the intrinsic worth of the complainant's evidence. In essence, the evidence of the complainant has virtually remained unimpeached and inspires confidence.

- 16.** The evidence of the complainant P.W.8 has received ample corroboration from the testimony of his mother P.W.7 Arsu Soren, P.W.10 Sri Abanikanta Pati (overhearing witness) P.W.6 Sri Sachikanta Guru (independent witness) and P.W.11 Sri S.N.Rath, Inspector of Police, C.B.I. (trap laying officer) regarding demand, acceptance of illegal gratification of bribe money by the accused and recovery of tainted government currency notes from him. P.W.7 Arsu Soren, the mother of the complainant has deposed that her husband was working as Peon in Gourachandpur post office and died about three years back from 1.7.2016. She has further deposed that she and her son met the accused and requested him to process the papers regarding payment dues for the death of her husband. P.W.7 has specifically deposed that the accused demanded cash of Rs.7,000/- from her son for the purpose of doing the said work and after 4 to 5 days of the said demand by the accused, the bribe money was given to him by his son

in her presence, in the quarter of the accused situated near the said post office. Thereafter, the accused handed over the required papers to her after taking her signatures.

- 17.** No less important is the overhearing witness AbaniKanta Pati, Manager (CE) FCI, Balesore. This material witness appearing as P.W.10 has deposed that on the order of his Area Manager, he had reported before the Inspector Sri S.N.Rath at Baripada in Guest house of Minor Irrigation Department, Murgabadi on 11.2.2013. According to him, after some time one Sachikanta Guru of National Insurance reached there and he was introduced to him by Sri Rath. He has deposed that Sri Rath introduced him with all the trap team members present there. Then the complainant Biswanath Soren reached there and was introduced to him by Sri Rath. His specific evidence is that Sri Rath showed them the complaint petition filed by the complainant and told that the accused was demanding bribe of Rs.7,000/- from the complainant for the purpose of making payment of GIS and other death benefits in his favour. P.W.10 has also testified that they ascertained from the informant about the allegation made in the F.I.R.. His evidence further reveals that the complainant produced Rs.7,000/- in shape of 13 nos. 500 hundred rupee G.C notes and five nos. of one hundred rupee G.C notes. Those notes were given to the witness Sachikanta Guru by Sri S.N.Rath and Sri Guru noted down the serial numbers of those G.C notes in a paper and according to the instruction of Mr. Rath, a chemical demonstration was given to show the use and effect of phenolphthalein powder with sodium carbonate and the government currency notes were

treated with phenolphthalein powder. No less specific is the evidence of P.W.10, P.W.6 Sachikanta Guru, independent witness that Sri Guru handled the tainted currency notes and his hand wash was taken and tested in solution which changed to pink colour. They have also testified that sample was taken in a dry clean bottle and was properly sealed by affixing a paper containing the signature of the trap party members and the sample bottle has been marked M.O.III. According to P.W.10 and P.W.6, the constable Sri Pradhan had kept the tainted currency notes in the right side hip pant pocket of the informant and instructed him to hand over the tainted notes to the accused only on demand. It is the further evidence of P.W.6 and 10 that the pre-trap memorandum was prepared and the witnesses signed on it after going through its contents. The above pre-trap memorandum has been marked Ext.16 and the signatures of P.W.6 and 10 have been marked Ext.16/1 and 16/3 respectively. It is also their evidence that they left Baripada for Udala SDPO office at about 2.40 P.M. as the accused was residing in a quarter. They have also deposed that p.w.10 accompanied the informant to Udala SDPO office followed by rest members of the trap team. They have further testified that mother of P.W.10 that mother of the complainant reached at Udala Bus stand. It is in the evidence that the complainant contacted the accused over his mobile phone and the accused asked the complainant to wait there for some time and after 10 minutes the accused asked the complainant over his mobile telephone to come to his quarter as he was present there. P.W.10 has further deposed that

the complainant and his mother went ahead of him, with a gap of some distance. He has explained in his evidence that there was one main gate for entry to the office and residence of the accused for which the complainant and his mother went inside the residence quarter of the accused, whereas he remained at a little distance away and he was able to see as to what was happening inside the said quarter. He has categorically stated that he saw that the complainant was shaking his head and after some time he saw some G.C notes kept on the table and mother of the complainant was signing on some papers. It is the categorical evidence of P.W.6 and P.W.10 that after some time the complainant and his mother came out side of the quarter of the accused and complainant, as per earlier instruction, passed pre-arranged signal by removing his cap from the head, following which all the trap team members present outside entered inside the quarter of the accused and saw the G.C notes lying on the table. It is also the evidence of P.W.6 and 10 that Inspector Sri Rath disclosed his identity and ascertained the identity of the accused, who told his name and designation. P.W.6 and P.W.10 have categorically deposed that Inspector Sri Rath challenged the accused to have demanded and accepted bribe money of Rs.7000/- from the informant, upon which the accused fumbled. It is the specific evidence of P.W.6 and 10 that two constable P.K.Naik caught hold of the wrists of the accused, sodium carbonate solution was prepared and the fingers of both the hands of the accused were dipped separately in the solution which changed to pink colour and samples were preserved separately in two bottles which were

properly sealed affixing a paper bearing signatures of the trap party members. The sample bottles have been marked M.O.I and M.O.II. The evidence of P.W.6 and 10 also reveal that P.W.6 was asked to verify and compare the serial numbers of the notes. He compared the serial numbers of tainted G.C notes with the serial numbers of the G.C notes already noted in the pre-trap memorandum and those tallied. According to P.W.6 and P.W.10, the currency notes were seized and kept in an envelope which was duly sealed. The envelope containing the tainted currency notes has been marked MO.V and the sketch map prepared at the spot has been marked Ext.20. P.W.6 and P.W.10 have also specifically deposed that the post trap memorandum was prepared and the contents were read over to the witnesses and trap party members. The post-trap memorandum has been marked Ext.17 and the signatures of P.W.6 and P.W.10 have been marked Ext.17/1 and Ext.17/3 respectively.

18. Both the witnesses P.W.6 and P.W.10 have successfully stood the test of cross-examination. Nothing substantial has been brought in their cross-examination to discredit their evidence on material aspects of the case. Thus, their evidence appears to be quite clear, consistent, convincing, credible and above reproach. In fact, their evidence suffers from no inherent infirmity and improbability. In effect, their evidence has virtually remained unimpeached.

19. The next important witness Sri Sachidananda Rath, the then Inspector of Police, C.B.I. Bhubaneswar who happens to be the Trap Laying Officer appearing as P.W.11 has deposed that on 10.2.2013 the S.P.C.B.I. Bhubaneswar basing on the

written complaint of Biswanath Soren drew up a formal F.I.R and registered the case and on the direction of the S.P. C.B.I. he took up investigation of this case. The formal F.I.R has been marked Ext.34 and the signature of M.S.Khan, the then S.P.C.B.I. In-charge, Bhubaneswar has been marked Ext.34/1. It is the specific evidence of P.W.11 that he constituted the trap team comprising of himself, Inspector B.Ghosal, Smt.B.P.Swain woman constable, and constables Sri P.K.Pradhan, G.Patil and Sri P.IK.Palei of C.B.I.Rourkela unit to apprehend the accused – Inspector of Posts, Udala Sub-division in the district of Mayurbhanj on 11.2.2013 at about 3 P.M. in his residence located at postal campus Udala while demanding and accepting the bribe of Rs.7,000/- from the complainant. His further evidence is that he requested the DSP C.B.I. D.K.Kabi to arrange official witnesses to act as witness in the instant case, who issued requisition to the higher authority of above two officials and accordingly, they reported before Sri Rath at M.I. Inspection Bungalow Baripada on 11.2.2013 at about 12 noon. Similarly, the complainant also reported before P.W.11 at M.I. Inspection Bungalow Baripada on 11.2.2013 at about 12 noon, with the trap money of Rs.7,000/- in shape of 13 nos. of five hundred rupee G.C notes and five nos. of one hundred rupee G.C notes. He has also testified that he showed the complaint petition of the complainant to the witnesses and there was interaction between them. His further testimony is that he gave the description for laying the trap and on his instruction constable G.Patil treated the government currency notes with phenolphthalein powder and prepared a chemical solution of

sodium carbonate and water. It is also the evidence of P.W.11 that the witness Sri Guru (P.W.6) was asked to handle the tainted government currency notes with his hands and accordingly he handled the tainted government currency notes and his hand wash was taken with chemical solution which turned to pink in colour. P.W.11 has also deposed that the solution was preserved in a glass bottle duly sealed, labelled and signed by the witnesses. The bottle containing the solution has been marked M.O.III. It is also the evidence of P.W.11 that Sri G.Patil kept the tainted government currency notes in the right side hip pant pocket of the complainant, with an instruction to pay the amount to the accused only on specific demand, after ensuring that his pocket was empty before keeping the notes. He has also testified that all the trap team members washed their hands with soap and water. P.W.11 has categorically deposed that the witness Sri Pati (P.W.10) was instructed to accompany the complainant to oversee and overhear the conversation between the complainant and the accused. P.W.11 has also testified that he had instructed other witnesses to take their respective positions in the vicinity of the spot and had instructed the complainant to pass pre-arranged signal by taking out his cap from his head soon after the transaction was over. According to P.W.11, the complainant was also asked to accompany witness Sri Pati by a vehicle and others proceeded to the spot by another vehicle. P.W.11 has specifically deposed that pre-trap memorandum Ext.16 was prepared on the spot and it was read over & explained to the witnesses after which they put their signatures. Ext.16/4 is

the signature of P.w.11. It is the evidence of P.W.11 that the complainant and accompanying witness Sri Pati reached Udala bus stand where Arsu Soren, mother of the complainant met them and thereafter, the complainant contracted the accused over mobile telephone at about 2.45 P.M and intimated that he and his mother have already reached at Udala bus stand and the accused told him to wait for some time. His further evidence is that at about 2.55 P.M accused contacted the complainant over telephone and asked to come to his residence. Accordingly the complainant and his mother reached near the entrance gate of the accused and accused called the complainant and his mother to his residence whereas witness Sri Pati closely followed them, keeping a safe distance. It is revealed from the evidence of P.W.11 that accused took the complainant and his mother to his drawing room and asked them to sit on the bed in that room and thereafter, he asked the complainant as to whether he has brought the demanded bribe amount of Rs.7,000/- to which the complainant nodded his head in affirmative. According to him, the accused stretched his right hand towards the complainant demanding the bribe money, pursuant to which the complainant took out the tainted G.C notes of Rs.7,000/- and handed over the same to the accused who accepted the same by his right hand, counted with both hands and kept the tainted G.C notes on a table in that room. Then the accused picked up a bunch of papers from the table and got the same signed by Arsu Soren, mother of the complainant and assured the complainant that soon he will get his work done. All these were clearly seen

and heard by witness Sri Pati, who was standing near the open window on the verandah of the residence of the accused, which was very close to the drawing room. It is the specific evidence of P.W.11 that at about 3.15 P.M. the complainant came out of the residence of the accused and passed pre-arranged signal following which he along with the trap team members and both the witnesses entered the drawing room of the accused.

- 20.** It is the further specific evidence of P.W.11 that when the Inspector Sri S.N.Rath introduced himself along with other trap team members including two independent witnesses to the accused and asked for his identity, the accused identified himself as Soumya Priyadarshi Panigrahi, Inspector of Posts, Udala. P.W.11 has deposed that when he challenged the accused to have demanded and accepted illegal gratification of Rs.7000/- from the complainant, the accused kept mum and gave no reply and the constables P.K.Palei and P.K.Naik caught hold of both the hands of the accused. It is further specific evidence of P.W.11 that both the hands of the accused were washed with the solution of sodium carbonate which turned to pink colour and it was preserved in two separate bottles duly corked, sealed labelled and signed which have been marked M.O.II and III. He has further deposed that Inspector Sri Rath recovered the tainted Government currency notes and asked the accused to produce the bribe money, accepted from the complainant and the former showed that the amount was kept on his table. He has also deposed that on the direction of the Inspector Sri Rath, witness Sri Guru verified and compared

the serial numbers of recovered tainted notes with the serial number of notes mentioned in the pre-trap memorandum which tallied. His further evidence is that the recovered tainted Government currency notes were kept in an envelope which has been marked M.O.V. He has deposed and proved that Inspector Sri Rath prepared the post trap memorandum which has been marked Ext.17 and Ext.17/4 is his signature. Nothing substantial has been brought out in the cross-examination of P.W.11 to discredit his evidence on material aspects of the case. His evidence appears to be quite clear, consistent, convincing, credible and above reproach. His evidence suffers from no inherent, infirmity and improbability. In fact P.W.11 successfully stood the test of cross-examination. P.W.11 denied a suggestion given to him by the defence that no pre-trap memorandum and post-trap memorandum were prepared and that all the documents prepared in the office of C.B.I. It is to be noted that P.W.11 has been given a series of suggestions which have been stoutly denied by him. In effect, the evidence of this important witness has virtually remained unimpeached.

- 21.** The first and foremost argument of the learned defence counsel is that the allegation of demand of bribe made by the accused is wholly improbable in view of the evidence of the complainant that the accused demanded the bribe money for the first time in his quarter in presence of his mother. Therefore, it has been pointed out that such an allegation does not stand to reason. But such an argument is wholly contrary to and inconsistent with the evidence on record. P.W.7 the mother of the complainant has stated in her

evidence that after 4 to 5 days of the said demand by the accused, the said money was given to him by his son, in her presence. P.W.8 the complainant has stated in his evidence that after getting PLI amount of Rs.20,000/-, he met the accused and intimated the accused about receipt of the said cash by his mother but the accused asked him to meet him in his office in the month of February, 2013 in connection with payment of gratuity and GIS. He has further deposed that the accused told him in presence of her mother at the gate of his office that unless they give him bribe of Rs.7,000/-, accused will not do their work and asked him to give him the said bribe on 11.2.2013 at Udala post office. This piece of evidence of none other than the complainant and his mother has not been discredited during their cross-examination by the defence. It is not understandable how and under what circumstances the defence has advanced such a contention that the accused made the demand for the first time in his quarter in the presence of his mother, on the face of overwhelming and unimpeached evidence that demand of bribe money had already been made by the accused from the complainant as already pointed out. Therefore the contention of the learned defence counsel that the demand of bribe by the accused is wholly improbable is not accepted by this court.

22. It was submitted by the learned defence counsel that although it is claimed by the prosecution that the mother was present at the time of demand and acceptance of bribe by the accused, her signature has not been taken in any of the documents including post-trap memorandum, material

objects and envelope containing tainted G.C notes. It is seen that P.W.7 mother of the complainant is an illiterate tribal female. Therefore, much importance need not be given to the fact that she was not able to give vivid description of the fact that there was demand and acceptance of bribe by the accused from the complainant. The mere fact that her signatures have been obtained in the relevant documents, does not affect the core aspect of the prosecution case and does not affect her trustworthiness or reliability.

23. It was further submitted by the learned counsel for the defence that it has not been mentioned in the FIR that P.W.7 had accompanied her son, when there was demand of illegal gratification by the accused. It was further contended that the exact place i.e. near the gate of the post office, where the demand of bribe was made has not been mentioned in the F.I.R.. It is a settled position of law that FIR is not the be all and end all of the prosecution. Only the important aspects are required to be mentioned in the FIR in such type of cases.

24. While challenging the reliability and trustworthiness of the prosecution witnesses regarding acceptance of bribe by the accused, it was submitted by the learned defence counsel that P.W.8 the complainant has not stated the exact place where the accused kept the tainted G.C notes after accepting the same from the complainant. The said aspect is a minor omission on the part of the complainant. In the circumstances of this case and may be due to lapse of time, he could not recollect and depose about the same specifically.

- 25.** It has been submitted by the learned counsel for the defence that this case has been falsely filed with the connivance of P.W.9 who is none other than the cousin of the complainant. It is seen that the complainant and her mother belong to tribal community and taking into consideration their social and educational background, no fault can be found in their action in seeking help of P.W.9 who also happens to be an Advocate, to take the help of CBI for redressal of their genuine grievance and to see that the culprit who has demanded illegal gratification to them, is brought to justice.
- 26.** It was submitted by the learned counsel for the defence by drawing attention of this court to the deposition of D.W.1 and document vide Ext.L that the plea of the defence gets corroboration by the statement of P.W.4 given in para-9 of his deposition and of the statement of P.W.7 at para-8 of his deposition. The learned counsel for the defence had placed much emphasis on the aspect that by the time of the so called demand as alleged by the prosecution on 7.2.2013 or on 11.2.2013 no work of the complainant was pending with the accused, since the application forms in question were already forwarded to P.W.7 (mother of the complainant) for the purpose of establishing the prosecution case u/s. 13 (1)(d) of the P.C.Act, 1988. There is no legal requirement that any work should be pending with the accused while he makes the demand for illegal gratification.
- 27.** It was further submitted by the learned defence counsel that there was no mention in the pre-trap memorandum vide Ext.16 that the mother of the complainant

will also accompany him for the trap and therefore, the presence of the mother at the spot at that time should be disbelieved. This court after going through the evidence on record finds that none of the prosecution witnesses have stated that the mother was present during the pre-trap proceeding. Therefore the subsequent arrival of P.W.7 at Udala bus stand in order to join her son to go to the quarter of the accused cannot be found fault with and cannot be disbelieved on that basis alone.

28. It was the next contention of the learned defence counsel that the signature of the accused and that of his wife D.W.3 have not been taken on the paper wrapped around M.O.II, III and V and therefore, the case of the prosecution should be disbelieved. This court is unable to accept the said submission of the learned counsel for the defence as there is no such legal requirement to take the signatures of the accused on those papers. It was also not necessary for the prosecution to take the signature of D.W.3 on any paper like the post-trap memorandum and other documents, since other competent independent witnesses were available at the spot at that time.

29. It was further contended by the learned defence counsel that the post-trap memorandum vide Ext.17 has been prepared at Udala bus stand for which doubt arises regarding the truth of the prosecution evidence. After going through the evidence on record , specifically it is seen from the evidence of P.W.11 that draft pre-trap memorandum was prepared by using computer and therefore, it is immaterial if the print out of the same was taken at Udala bus stand.

30. It is further seen that the presence of the complainant, his mother P.W.7, the accused and the presence of CBI personnel at the quarter of the accused, as deposed by the prosecution witnesses also finds corroboration from the evidence of D.W.3 who is none other than the wife of the accused. Her claim that the CBI personnel closed the door of the bed room from outside, while she was in the said room, does not affect the case of the prosecution in any manner.

31. The learned Public Prosecutor while contending that presumption can be drawn against the accused with regard to demand and acceptance of amount as illegal gratification, has drawn the attention of this court to a decision reported in **Supreme Law Narendra Champaklal Trivedi –v- State of Gujarat** where it has been held: "it is also settled in a law that there is a statutory presumption under Section 20 of the Act which can be dislodged by the accused bringing on record some evidence, either direct or circumstantial that money was accepted by other than the motive or reward as stipulated under Section 7 of the Act. It is obligatory on the part of the Court to consider the explanation offered by the accused under Section 20 of the Act and the consideration of the explanation has to be on the anvil of preponderance of probabilities". True it is that when the ingredients that the accused is a public servant and that he must be shown to have obtained from any person any gratification are proved by the evidence, a rebuttable presumption arises in respect of the third ingredients and in absence of proof of first two ingredients the presumption does not arise.

32. On mere recovery of certain money from the person of the accused without proof of demand or on behalf of such person to whom favour was to be shown the presumption cannot arise. What is particularly important in this connection is that the prosecution is bound to establish that there was an illegal demand of bribe and acceptance. In the absence of cogent and convincing evidence of demand and acceptance of amount as illegal gratification, recovery alone would not be a ground to convict the accused. More importantly, the only condition for drawing the presumption under Section 20 of the Act is that during trial it should be proved that the accused has accepted or agreed to accept any gratification. In this connection reliance can be placed on a decision reported in **2008 SCC- 571 Madhukar Bhaskar Rao Joshi – vrs- State of Maharashtra** where it has been held : “ The premise to establish on the facts for drawing the presumption is that there was payment and acceptance of gratification. Once the said premise is established the inference to be drawn is that the said gratification was accepted as motive or reward for doing or forbearing to do any official act.” The learned Public Prosecutor has also drawn attention of this court to the observation of the **Hon’ble Supreme Court in the decision Nrendra Champak Lal Trivedi –v- State of Gujaraj** (Supra) to the effect that corruption at any level does not deserve either sympathy or leniency. There could be no two opinions that corruption has eaten into the vitals of the social fabrics and has hugely corroded our economy. The decision relied on by the learned Public Prosecutor has clear application to the present case in as much as the

prosecution has proved the demand and acceptance of bribe money by cogent and convincing evidence. In other words the evidence of the prosecution witnesses with regard to demand and acceptance of bribe is free from blemish and above reproach. I, therefore, find ample force in the submission of the learned Public Prosecutor.

- 33.** The contentions of the learned defence counsel relying on the decisions reported in **(2016) 63 OCR (SC)- 150 (KhaleelAhmed –vrs- State of Karnataka** and in **2015(I) ILR-CUT-302 (U.Harigopal –vrs- REPUBLIC OF INDIA)** to disbelieve the case of the prosecution, has no force as the facts and circumstances of those cases are different from the facts and circumstances of the present case.
- 34.** In the present case the evidence on record has not only proved the illegal demand of bribe money but also its acceptance by the accused. The preponderance of probability does not tilt in favour of the accused in as much as a semblance of attempt which has been made by the defence to prove the plea is abortive. It is common legal proposition that suggestions however strong cannot take the place of proof. The complainant has been given a series of suggestions which have been stoutly denied by him. This plea has also been suggested to the complainant in the cross-examination. In order to buttress the submission that mere acceptance is not sufficient to raise presumption u/s.20 of the P.C.Act and in absence of demand, offence cannot be proved.
- 35.** It is well settled in law that if the reason for receiving the amount is explained and the explanation submitted by

the accused is probable and reasonable, then the accused is to be acquitted. The explanation of the accused in the present case is that while he was taking launch, complainant and his mother came to his house and his wife told them that accused was taking launch and also asked them to sit on the cot with bed existing on the drawing room of the said quarter and the wife of the accused went inside the house to call him and his wife in the drawing room, the complainant placed the tainted G.C notes of Rs.7,000/- on the table of the said room and kept the application forms over the said G.C notes by covering the same. The accused has explained in his statement u/s. 313Cr.P.C. that this case has been falsely foisted against him by persons having vested interest for his strict official discipline. But this explanation is not at all acceptable being far from satisfactory as the accused would not have called him to his quarter for processing the file of gratuity and GIS dues of his late father. Therefore, quite obviously and understandably this explanation is nothing short of a figment of imagination.

- 36.** It is worthwhile to note that when a trap is laid for a public servant, marked currency notes used for the purpose of trap are treated with phenolphthalein powder, so that handling of such marked currency notes by the public servant can be detected by chemical process and the court rely upon the same besides relying on the oral evidence which is some times of a dubious character for the purpose of deciding the case. Therefore, while considering the evidentiary value of chemical examination report, a presumption of correctness of conclusion arrived at by the chemical analyser is attached to

such a report, unless the contrary is proved. The accused has not at all challenged the correctness of the report as contained in Ext. 1 with regard to his hand wash test in chemical solution at the time of trial. Quite obviously, the chemical examination as contained in Ext. 1 unmistakably proves the fact that the hand wash of the accused contained phenolphthalein powder. No less striking is the fact that the accused has not at all challenged the correctness of the report as contained in Ext. 1 with regard to his hand wash test in chemical solution in course of trial. Therefore, the chemical examination report as contained in Ext.1 unmistakably shows that the hand wash of the accused contained phenolphthalein powder. In fact, the scientific test has clearly proved that the accused after handling the Govt. currency notes (tainted money) had kept the same on the table laying inside his drawing room. Thus, the prosecution has amply established that the accused has voluntarily and consciously accepted the tainted government currency notes from the complainant. In effect, on the face of the overwhelming evidence coupled with chemical examination report, wash test it has been established that the accused has voluntarily accepted the tainted government currency notes from the complainant. What is all the more significant in this connection is that once the accused accepted the gratification from the complainant it shall be presumed that the accused has accepted the gratification as illegal remuneration. When the accused has failed in his attempt to rebut the legal presumption it shall be presumed unless the contrary is proved that there was demand for taking illegal

gratification. Merely because there are certain minor contradictions and inconsistencies it cannot be said that the prosecution has not proved the guilt of the accused beyond all reasonable doubt. In contrast, the accused has squarely failed to show that the money was accepted other than motive or reward. It, therefore, follows as a natural corollary that the contentions advanced by the learned counsel for the defence are wholly legally untenable. On the other hand, the oral as well as documentary evidence of the prosecution coupled with the circumstances leading to trap and recovery of the tainted government currency notes from the accused is a definite pointer to the conclusion that the accused had accepted illegal gratification or bribe money from the complainant.

- 37.** In the face of the specific and positive evidence of complainant P.W.8 and shadow witness P.W.10 getting corroboration from complaint Ext.33 and pre-trap and post-trap memorandum Ext.16 and 17 respectively, it is proved beyond reasonable doubt that accused while holding office as public servant abusing his position, demanded bribe of Rs.7,000/- from complainant on 7.2.2013 to process the file for gratuity and GIS dues of his later father and on 11.2.2013 accepted Rs.7,000/-. The accused thereby obtained pecuniary advantage. The plea of accused that the prosecution case is fit to be rejected on the ground of improbability regarding demand of bribe does not appeal to the ordinary human reason. Learned defence counsel vehemently urged that for non-examination of Investigating officer, accused is deprived of getting clarification regarding

registration of F.I.R and seizure of the documents in respect of this case and thereby defence is prejudiced. No material contradiction is brought out from the witnesses examined. In this nature of case the trap laying officer is material who is examined as P.W.11. The Investigating officer Sri D.K.Kabi who has filed charge sheet could not be examined since he is dead. In the case of [State of Maharashtra v. Dnyaneshwar Laxman Rao Wankhede](#), (2009) 15 SCC 200 it has been held as:

"16. Indisputably, the demand of illegal gratification is a sine qua non for constitution of an offence under the provisions of the Act. For arriving at the conclusion as to whether all the ingredients of an offence viz. demand, acceptance and recovery of the amount of illegal gratification have been satisfied or not, the court must take into consideration the facts and circumstances brought on the record in their entirety."

Referring the above decision Hon'ble Apex court in the decision reported in **AIR 2011 S.C. 608 C.M.Sharma -vr- State of Andhra Pradesh** has reiterated that the circumstance in the entirety is to be considered for the appreciation of the evidence on record. The same scrutiny being applied here, the positive evidence from the mouth of wholly reliable witnesses, cannot be said to have outweighed by non-examination of the Investigating Officer who did nothing but formal investigation. In the circumstances of this case the non-examination of the I.O is not at all prejudicial to the accused. Regard being had to the above analysis, the prosecution is found to have proved the commission of offence u/s.13(1) (d) P.C.Act read with u/s. 13(2) of the P.C.Act against the accused to the hilt.

38. Validity of sanction as required u/s. 19 of the P.C.Act is proved through P.W.2. His competency is not questioned. He was cross-examined at length. He has proved sanction order Ext.2 accorded by him. He has stated to have perused all the relevant materials and after being satisfied on application of his mind to have accorded sanction. Ext.2 sanction order itself corroborates the same. No infirmity is ex-facie available.

In this regard law requiring previous sanction u/s. 19 of the P.C.Act is well enumerated in the decision reported **2014 Cri.L.J 930 (S.C.) C.B.I. -vrs- Ashok Kumar Agarwala.**

In the above decision Their Lordships have reiterated that Court must examine the issue regarding failure of justice in the true sense or a camouflage argument relating to sanction.

Tested in the touchstone of above law, the sanction order Ext.2 is found valid.

To sum up, the complainant P.W.8, his mother P.W.7 and shadow witness P.W.10 are found wholly reliable witnesses. Their evidence gets corroboration from complaint Ext.33, pre-trap memorandum Ext.16 and post-trap memorandum Ext.17. Their version as regards to demand of bribe on 7.2.2013 is not shaken or shattered in cross-examination. From the chain of circumstances surfaced the charge is fully substantiated. The plea of defence is found to be false. The ingredients of the offences u/s. 7 and 13(1)(d) punishable with Section 13(2) of the P.C.Act are proved against the accused beyond all reasonable doubt.

39. In ultimate appraisal of the totality of the evidence on record I am driven to hold that prosecution has proved its case against the accused beyond all reasonable doubt. I, therefore, find the accused guilty of the offences under Sections 7 and 13(1)(d) read with Section 13(2) of the P.C.Act, 1988 and convict him thereunder.

As per decision reported in **(2006) 11 S.C.C. Page-473, The State Rep. By Inspector Of ... vs A. Parthiban on 9 October, 2006**, the conviction of accused u/s. 7 and 13(1)(d) punishable u/s. 13(2) of the P.C. Act in one trial is permissible and privilege of Probation of Offenders Act is not extendable.

Special Judge, C.B.I.-II, Bhubaneswar.

Typed to my dictation and corrected by me. The Judgment is pronounced in the open court today this the 24th September,2016.

Special Judge, C.B.I.-II, Bhubaneswar.

HEARING ON POINT OF SENTENCE.

Heard the convict and the learned counsels for both parties on the point of sentence. Leniency is prayed. The punishment prescribed prior to amendment by Act of 1 of 2004 with effect from 16.11.2014 of the P.C.Act is applicable. Regards being had to gravity of accusation and age of accused, it is thought proper to impose minimum sentence.

The convict is sentenced to undergo rigorous imprisonment for six months and to pay fine of Rs.5,000/- in default to undergo rigorous imprisonment for one month for the offence u/s. 7 of the P.C.Act and sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs. 10,000/- in default to undergo rigorous imprisonment for two months for the offence under Section 13(1) (d) punishable u/s. 13(2) of the Prevention of Corruption Act, 1988. The substantive sentences awarded are to run concurrently.

The period undergone as UTP be set off u/s. 428 Cr.P.C.

The seized tainted government currency notes contained in M.O. V be returned to the Govt., if the same has not been reimbursed, the seized documents be returned from whom seized, the zimanama, if any, be cancelled and the sample bottles contained in M.Os. I to III, and M.O.VI be destroyed four months after the appeal period is over if no appeal is preferred and in the event of an appeal subject to the order of the Hon'ble Appellate Court.

Special Judge, C.B.I.-II, Bhubaneswar.

Dictated and corrected by me. Sentence is pronounced in the open court today this the 24th September, 2016.

Special Judge, C.B.I.-II, Bhubaneswar.

LIST OF WITNESSES EXAMINED FOR THE PROSECUTION.

P.W.1	Dipti Bhargava
P.W.2	Suvenu Kumar Swain.
P.W.3.	Simanchal Kar.
P.W.4.	Brajendra Hembram.
P.W.5	Manoj Kumar Mallick.
P.W.6	Sachikanta Guru.
P.W.7	Arsu Soren.
P.W.8	Biswanath Soren.
P.W.9	Sadhu Murmu.
P.W.10.	Abanikanta Pati.
P.W.11	Sachidananda Rath.

LIST OF WITNESSES EXAMINED FOR THE DEFENCE

D.W.1.	Rabi Narayan Behera.
D.W.2.	Purendra Kumar.
D.W.3.	Smt. Ranjubala Panda.

LIST OF DOCUMENTS EXHIBITED FOR THE PROSECUTION.

Ext.1.	Chemical Examination report.
Ext.1/1.	Signature of P.W.1.
Ext.2.	Sanction order.
Ext.2/1	Signature of P.W.2.
Ext.3.	Extract of relevant rules regarding penalties and disciplinary proceedings.
Ext.3/1 to 3/3.	Signatures of P.W.2.
Ext.4	Publication of revised schedule of appointing authority in respect of Group-B, C and D employees.
Ext.4/1 to 4/4.	Signatures of P.W.2.
Ext.5.	Attested copy of the posting order dated 12.7.2011 of the accused
Ext.6.	Attested copy of the suspension order dated 22.2.2013.

Ext.7.	Seizure list.
Ext.5/1 and 6/1.	Endorsement and signatures of P.W.3.
Ext.7/1.	Signature of P.W.3.
Ext.8	Order dated 11.2.2013 passed by SriDhanjaya Mandal, Supdt. Of Posts, Baripada.
Ext.8/1.	Signature of Sri Mandal.
Ext.9.	Charge report.
Ext.9/1.	Signature of P.W.4.
Ext.9/2.	Signature of the accused.
Ext.10.	Certified photo copy of bunch of papers including gratuity/ severance allowance payment to the Gramin Dak sevak comprising 12 sheets.
Ext.11	Personal file of late Sawne Soren comprising of 55 sheets.
Ext.12.	Seizure list.
Ext.10/1.	Endorsement with signature on the first page of P.W.4 in Ext.10.
Ext.11/1	Endorsement with signature on the first page on Ext.11.
Ext.12/1	Signature of P.W.4
Ext.13.	Zimanama.
Ext.13/1	Signature of P.W.4
Ext.14	Call details of mobile telephone no.943704449 and 9438858383.
Ext.14/1 and Ext.14/2.	Signature of P.w.5.
Ext.15.	Letter dt. 26.3.2013 of DSP CBIRourkela.
Ext.15/1.	Endorsement with signature of P.W.5.
Ext.16.	Pre-trap memorandum.
Ext.16/1.	Signature of P.W.6
Ext.17.	Post trap memorandum.
Ext.17/1	Signature of P.W.6

Ext.18 to 32.	Signatures.
Ext.22/1 to 25/1 and 27/1 to 32/1	Required papers.
Ext.33.	Written complaint.
Ext.33/1.	Signature of P.W.8.
Ext.16/2, 17/2 and 20/1.	Signature of P.W.8.
Ext.16/3.	Signature of P.W.10.
Ext.19/2.	Signature of P.W.10.
Ext.19/3.	Signature of S.N.Rath.
Ext.21/2 to 32/2	Signature of P.W.10.
Ext.17/3.	Signature of P.w.10.
Ext.18/2	Search list.
Ext.20/3.	Signature of P.W.10
Ext.34.	Formal FIR.
Ext.34/1.	Signature of the then S.P. CBI M.Khan.
Ext.16/4, 19/4, 20/4, 17/4, 18/3, 13/2, 12/2,	Signatures of P.W.11.
Ext.7/2.	Signature of D.K.Kabi.
Ext.35.	Letter No. C/3-820/13 dated 23.5.2013.
Ext.35/1.	Signature with official seal of the then Supdt. of Post office Mayurbhanj Division,Baripada.
Ext.21/2, 22/3 to32/3	Documents vide Ext.21 to 32 which are released in zima.

LIST OF DOCUMENTS EXHIBITED BY THE DEFENCE.

Ext.A.	Letter dt.29.5.2016.
Ext.A/1	Signature of P.W.9.
Ext.B	Letter dt. 29.5.2016 of Arsu Soren.
Ext.B/1.	Signature of Arsu Soren.
Ext.C	Letter No.C/3-820/13 dt.16.9.2016
Ext.D	Letter No.C/3-820/13 dt.12.3.2013.

Ext.E.	Letter No.C/3-820/13 dt.15.2.2013.
Ext.F.	Consent statement of B.N.Soren
Ext.G.	Consent statement of Sita Soren.
Ext.H.	Consent of Pramila Soren.
Ext.J.	Consent of Laxmiram Soren.
Ext.C/1	Signature of P.C.Mohapatra.
Ext.K.	Letter No. CR/Misc./2016 dt.28.1.2016.
Ext.K/1	Signature of S.K.Panigrahi.
Ext.F/1 to J/1.	Signature of B.Hembram.
Ext.L.	Letter No.Gen-65 dt.23.7.12.

LIST OF MATERIAL OBJECTS.

M.O.I to III.	Sealed glass bottles.
M.O.IV.	Envelope containing seal impression along with wrappers removed from the exhibit bottles.
Ext.V.	Envelope containing tainted G.C notes.

Special Judge, C.B.I.-II, Bhubaneswar.