

**Theory question paper for Limited Competitive Examination for entry to cadre of District Judge (Entry Level), 2013 on 28.04.2013 (Sunday). Answer all ten questions. Each question carries 10 marks. Pass marks 40. Total marks 100. Time 3 hours.**

1. What are the provisions for set off and remission or commutation of sentence under CrPC ? A person is charged of murder. He is convicted under Section 302 of Indian Penal Code and sentenced to life imprisonment on 01.04.1995. He spent five years as under trial prisoner. State Government's policy was that a life convict, who has suffered physical imprisonment for fourteen years and with remission twenty years, will be released. In the year, 2000 State modified the policy of remission removing the stipulation of twenty years. When will the life convict be released? Give reasons and case laws.
2. A lady files a petition in terms of Section 125, CrPC claiming maintenance from her husband before the Principal Judge, Family Court. The Court awards her monthly maintenance of Rs.5,000/-. Husband does not pay claiming inability to pay as the maintenance is excessive. What is the remedy to the wife and what is the jurisdiction and procedure in regard to enforcement and recovery of maintenance?
3. What are the similarities and dissimilarities, if any, as between Section 6 of the Specific Relief Act and Section 145 of CrPC ? Explain.
4. Two persons A and B started quarrelling over first right to draw water from a well for bathing. A strikes B on the head with the bucket. B faints and collapses. A, thinking B is dead, pushes him in the well and runs away. Post mortem of B conclusively shows death by drowning. For what offence, if any, will you convict A and what will be the sentence? Discuss giving reasons.
5. What are the similarities and distinctions between right to adopt a child as between a Male Hindu and a Female Hindu adult? Can a Hindu couple, adopt a Muslim child or a Hindu orphan child? Give reasons.
6. Explain what offence has been committed in the following cases:
  - (a) A police constable at mid night entered the premises of a person who was regarded by the police as a suspicious character and knocked at his door to ascertain if he was here. Thereupon, he came out and assaulted the constable and lifted a stick as if he were about to hit the constable.
  - (b) A puts a biscuit as a bait for dog in his pocket and shows the biscuit to the neighbour's dog. The dog begins to follow A.
  - (c) A is a newly married woman. B is a complete stranger to her and her husband's family, removes the veil of A exposing her face and looks at her.
  - (d) A sets fire to a heap of dried leaves in his own field. A gust of wind came and carried flames to an adjacent hut and burns it.
  - (e) A files a suit against B for declaring plaintiff's title to suit property. B files written statement stating that B is in possession of the property having purchased the same

from C who is A's brother. B pleads that the suit is not maintainable. Decide with reference to statutory provisions.

7 Distinguish res judicata from res sub judice.

A filed a suit to recover possession of land belonging to him from B who is an annual tenant and claiming damages for use and occupation of land for three years prior to the suit. In the written statement, B takes an objection that a proper notice to quit had not been given and, as such, no decree for possession can be given. A, while the said suit is pending, files another suit after notice terminating tenancy and claims recovery of possession with mesne profits from B. Both suits are in your Court. How would you proceed with the cases and decide them?

8 A files a suit against B for declaring plaintiff's title to suit property. B files written statement stating that B is in possession of the property having purchased the same from C who is A's brother. B pleads that the suit is not maintainable. Decide with reference to statutory provisions.

9 Examine the validity of the following transfers with reasons:-

a) A testator died leaving his property to his wife for life. He also gave power to his wife to arrange for their son and his issues in such manner as she thought fit. The wife died leaving a will, whereby she gave the property to her son for life, with remainder to such of his children living at her death as shall attain the age of 25 years. All the son's children attained 25 years of age before the wife died.

b) A transfers property to B in trust for C, and directs B to give possession of the property to C, when he attains the age of 25 years.

c) A makes a gift of land to B. Subsequently C sues A for possession of the land. While the suit is pending, B transfers the land to D. A dies. C obtains a decree of possession against B, as legal representative of A. C got the land attached in execution of the decree. D filed an objection that B was not a party to the suit at the time of transfer by B to D. Moreover A's gift was made before the suit. Decide.

10 What are the Rules, Procedures and distinctions in respect there to with regard to preservation and destruction of records of civil and criminal cases at the Civil Court level?

JUDGMENT WRITING PAPER (CIVIL & CRIMINAL MATTER) FOR LIMITED COMPETITIVE EXAMINATION FOR ENTRY TO CADRE OF DISTRICT JUDGE (ENTRY LEVEL), 2013 ON 28.04.2013 (SUNDAY).

At least one judgment must be written in English. Each judgment carries 30 marks with pass marks 12 per judgment.

Total Marks-60.

Time-2 Hours.

1. Judgment relating to Civil Matter.

Ram filed a partition suit against Shyam and Sarika, they being his brother & sister. He claimed half share in ancestral properties as his sister Sarika had been already married and was living in her Sasural from before death of their father. Upon appearance of parties Sarika took the stand that properties being ancestral she had equal interest in the properties with the brothers. Upon contest, trial court granted preliminary decree declaring the share of Ram as  $1/3^{rd}$ . Against the preliminary decree, Ram filed appeal which was admitted and notices in appeal were issued under ordinary process. Immediately thereafter, he filed an application for injunction alleging that Sarika was indiscriminately selling the immovable properties. Appellate court issued notices by ordinary process to the respondents in the injunction matter as well. Upon office report that notices had been validly served both in respect of appeal and injunction upon Shyam and Sarika, the matter was taken up for injunction and court restrained the defendants/respondents from disposing the properties in dispute in any manner. Ram then filed an application in terms of Order-XXXIX Rule-2A Civil Procedure Code for taking action against Sarika, alleging that he, Ram had obtained the certified copy of injunction order and shown it to some of the intending purchasers who then took back their money and refused to purchase lands from Sarika. But, in spite of this, Sarika sold some disputed lands by registered sale deeds. Sarika was noticed again. She appeared and stated that she had not received notices of the appeal or the injunction matter. She was not informed by Ram nor he communicated the injunction order to her. She had no knowledge about the appellate court proceedings. Decide as the appellate court.

## 2. Judgment Relating To Criminal Matter.

A fardbeyan was lodged on 19.01.1990 with the Katihar Police Station alleging that when the informant had gone to Purnea for business in the night before, the accused boy, who was a college student, took his daughter to tuition classes but she did not return in the night. Both his daughter and the accused were missing. Police registered a case under Section-363,366&376 of the Indian Penal Code. Upon completion of investigation, charge-sheet was filed and after cognizance of the offences aforesaid was taken by the C.J.M., Katihar, the case was committed to the Court of Sessions where charges for offences under the aforesaid sections were framed. The mother of the victim girl was examined as P.W.1. She supported the fardbeyan. The father of the victim, informant was examined as P.W.2 and proved the fardbeyan, Ext.1. P.W.3 is a doctor to whom the victim was sent for medical examination. His report is Ext.2, which states that the age of the girl is 14 years and there has been sexual intercourse. The investigating officer is then examined who states that he recorded the statement of the victim girl on recovery with the accused from Kurshela and she had disclosed that she had gone out with the accused out of her own will. She had travelled to Delhi with the accused, stay together in a Hotel for a week and then returned to Kurshela where she was staying with him in the house of the aunt of the accused from where she was recovered and he was arrested. Upon insistence of the court, as victim was charge-sheet witness she was next examined. She deposed in the court that she was taken away by the accused on the pretext of marriage but before marriage could take place they were apprehended at Kurshela. In his statement under Section-313 Cr.P.C., the accused boy stated that he was innocent and the girl had willingly gone with him and had agreed to marry and had consented to sexual intercourse. Defence argued that there being no enticement and the victim girl having agreed to go with the accused and consented to sexual intercourse, he could not be punished for any offence. Decide as the Sessions Judge.

Theory Question Paper for Limited Competitive Examination for entry to the cadre of District Judge (Entry Level), 2014 on 13<sup>th</sup> December, 2014 (Saturday).

Answer all ten questions. Each question carries 10 marks. Pass marks 40. Total marks 100. Time 3 hours.

1. A person is charged under Section 304 B of IPC. His wife died of extensive third degree burns in their matrimonial house seven years after her marriage. Prosecution alleges that she was killed by her husband. Prosecution establishes demand of dowry. Husband alleges that she had died of accidental burns while cooking. As a Sessions Judge how you would conduct the proceeding and the trial. What will be the conviction and punishment, if any? Could Section 106 of the Evidence Act have any play in the matter?
2. Distinguish and differentiate between common intention, abetment, criminal conspiracy and being member of unlawful assembly.
3. A files a money suit against B. A gets immoveable property of B attached before judgment for satisfying the decree, which he may get. On the suit being decreed in favor of A, and B not paying the decretal amount, A institutes execution proceeding for sale of property so attached earlier. C files objection in the execution proceedings in respect of the said property taking the plea that long before the attachment order was passed B had entered into an agreement for sale of the said property with C though sale-deed was executed after the attachment order. C pleads that the property cannot be sold in execution for satisfying the decree. Decide with reference to case law and statute law.
4. Explain the maxim "res ipsa loquitur". How will it apply before Motor Accident Claims Tribunal where claimant for compensation alleges that the deceased was riding a cycle alone and was run over by the bus being rashly and negligently driven. The owner of the bus alleges that the deceased was negligently riding the cycle on the highway. The driver of the bus is absconding and no one had seen the accident.
5. <sup>(A)</sup> A files a complaint accusing B of defaming A's wife with false imputation of unchastity. While the complaint is pending trial, A and B enter into a compromise. They file an application under

Section 320 (2) of the CrPC to compound the offence under Section 500 of IPC. Decide.

5. A strikes a person on his head. The person faints and collapses. Taking him to be dead, A, to hide his crime of murder, throws him in a well. On body being recovered, on post-mortem the cause of death is determined as drowning. Is A guilty of murder or of any other offence?

6. What is the difference between res judicata and res sub judice?

7. (i) The village Priest tells a man accused of murder that if he does not tell the truth he will go to jail and his family will suffer. The accused confesses. Is the confession so made admissible in evidence?

(ii) A person goes to a Doctor for treatment of injuries. Doctor asked him about the injuries and he confessed that he had a fight with another person whom he killed and he had received injuries in course of the fight. Would the conversation and the confession of the patient with the Doctor be admissible in evidence?

8. In a trial under NDPS Act what are the safeguards available to the accused in respect of search of his person for recovery of incriminating articles and proof of articles being incriminating articles?

9. Can the plea of bail in anticipation of arrest be entertained in a case registered at the Harijan Thana for an offence under the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act, 1989)? If yes on what conditions if no why? Discuss.

10. What are the provisions for preservation and destruction of records and what are the differences between the Civil Court Rules and the Criminal Court Rules in this regard as framed by the High Court of Judicature at Patna for the subordinate courts?

JUDGMENT WRITING PAPER (CIVIL & CRIMINAL MATTER) FOR LIMITED COMPETITIVE EXAMINATION FOR ENTRY TO CADRE OF DISTRICT JUDGE (ENTRY LEVEL), 2014 on 13.12.2014 (Saturday).

At least one judgment must be written in English. Each judgment carries 30 marks with pass marks 12 per judgment.

Total Marks-60.

Time-2 hours

1. Judgment relating to Civil Matter.

One Amir Ahmad, who was the owner of a shop which consisted of a room measuring 24'x10' situated in Mohalla Naya Bazar in the town of Siwan. The shop was given on tenancy to the father of one Faiyaz Ahamad, who became the tenant after the death of his father, on a rent of Rs.700 per month. Amir Ahmad claimed that his son was sitting idle and he wanted to start his own business for which he required the shop as a personal requirement. On these grounds, Amir Ahmad filed a suit being Eviction Suit No.8 of 2006 before Civil Judge, Junior Division-I, Siwan.

In the suit, upon notice Faiyaz Ahmad appeared and filed a written statement denying the relationship of landlord and tenant as well as personal necessity of the plaintiff and claimed the property as his own property.

In the suit plaintiff examined himself as PW 1. He proved a mortgage deed Ext.1 where he had mortgaged the properties to one Samsul Hoda with a stipulation that he would collect the rent payable to the plaintiff from the father of the Faiyaz Ahmad till such time the mortgage was redeemed and thereafter the rent would be paid to the plaintiff by the father of Faiyaz Ahmad. He deposed that his son was idle and he intended to set up his son in business and as such required the shop for his personal use. PW 2 and PW 3 who were neighbours of PW 1 were examined and they disclosed that plaintiff's son was sitting idle and he needed the shop to set up business. Plaintiff also exhibited Ext.1 and 1/a as the copy of the rent receipt granted to the father of Faiyaz Ahmad for Rs.700 with endorsement of father of Faiyaz Ahmad which was dated three and half years after the mortgage deed.

On behalf of defendant DW 1 & 2 were examined to deny the plaintiff's claim of personal necessity. They were mere acquaintance of the defendant and Advocate's Clerk. Defendant as DW 3 exhibited as Ext.A a deed of assignment of mortgage by Samsul Hoda to Faiyaz Ahmad assigning the right to receive payment of rent on

consideration of mortgage being paid by Faiyaz Ahmad to Samsul Hoda. This deed of assignment was dated after the death of father of Faiyaz Ahmad.

On behalf of plaintiff, it was argued that he had mortgaged the property to Samsul Hoda, which showed his title and assigned the right to receive rent from the tenant who at that time was father of Faiyaz Ahmad to Samsul Hoda towards redemption of mortgage. In due course of time, mortgage being redeemed, father of Faiyaz Ahmad then paid rent to Amir Ahmad and payment thereof was duly acknowledged which documents established tenancy. It was further argued that the personal necessity stood duly proved.

On behalf of defendant, it was argued that the mortgage on not being fully redeemed was assigned to the defendant and the defendant thus continued in possession not as a tenant but as a mortgagor in their own right and as the mortgage was not redeemed he could not be evicted. It was further argued that bona fide personal necessity was not established and stood denied. Defendant did not examine any other witness.

Deliver judgment in the suit.

## 2. Judgment relating to Criminal Matter.

The police officer-in-charge of Madhepura Muffasil P.S. recorded an F.I.R. (Ext.1) on the fardbeyan (Ext.2) of Bhola Manjhi (PW 2) at 2:30 pm on 22.11.1983. On basis whereof investigation was taken up by the officer-in-charge immediately. After investigation, charge-sheet was submitted against Ragho Sahani, his son Ramu Sahani and his wife Sita Sahani, the three accused, for an offence under Section-436/34 IPC.

In the fardbeyan Bhola Manjhi, the informant alleged that at about 2:30 am on 22.11.1983 while he, his wife (PW 3) and Bahanoi (PW 4) were sleeping in their hutment they felt sudden intense heat. On waking up they found that the hut was on fire. They ran out and saw the three accused persons fleeing from the spot. It was, thus, alleged that the accused persons had set his hut on fire because three days back goat of the accused persons had been let loose and had eaten his vegetables for which wife of informant had seized the goat and kept it for two days and upon threat given by the accused persons the goat was released. It was alleged that the accused persons to teach a lesson to the informant had thus set the hut on fire.

Upon charge-sheet being filed, the case was committed to the Court of Sessions and was taken up for trial by the Additional Sessions Judge, Madhepura in Sessions Trial No.59 of 1986.

In course of trial prosecution examined witnesses in support of the charge. PW 1 was formal witness, who proved the first information report and the seizure memo of pieces of burnt hut and the fardbeyan. PW 2, informant was examined. In his examination-in-chief, he narrated the statement as recorded in the fardbeyan and indentified the accused persons in the dock. In his cross-examination he admitted that the hut of the accused persons was adjacent east of his hut. Wife of the informant supported the informant's case and the Bahanoi also supported the case of informant but in his cross-examination admitted that he had come only a day before to visit and had stayed back in the night and was told of the incident of goat by the informant after the fire. Investigating Officer was not examined. PW 5 and PW 6 were neighbours of the informant having their hut immediately west of informant's hut and deposed that on seeing the fire and commotion they also ran out of their hut and saw the accused persons running. PW 7 and 8 were also villagers who deposed that on hearing the commotion and seeing the fire they also rushed out of their huts and saw the accused persons fleeing but in their cross-examination they admitted that they had seen number of persons running helter-skelter. PW 9, 10 & 11 deposed that they had seen the hut of the informant burnt but in their cross-examination they admitted that in the morning they were told by the informant and his wife that the accused persons had set fire to the hut of the informant because of dispute in relation to the goat.

Defence did not examine any witness nor they produce any document. They pleaded innocence and false implication.

Prosecution argued that witnesses had seen the accused persons fleeing away just after informant's hut was put on fire and they had good motive for the same. The defence argued that there was no eye witness to the occurrence and the informant, his wife and Bahanoi were interested witnesses, having cause to falsely implicate the accused persons to get them punished and teach them lesson for letting their goat free to eat informant's vegetables. They were fleeing as most people were because of fire on a cold winter night with strong westernly breeze.

Deliver judgment.



Theory Question Paper for Limited Competitive Examination for entry to the Cadre of District Judge (Entry Level) 2016 on 10<sup>th</sup> September, 2016 (Saturday).

Answer all ten questions, each question carries 10 marks. Pass marks 40. Total marks 100. Time 3 hours.

1. 'A' entered into an agreement with 'B' for purchase of property at Exhibition Road for a sum of Rs. 1 crore and paid a sum of Rs.15 lacs to 'B' who failed to execute a sale deed in his favour. 'A' filed a complaint under Section 200 of the Code of Criminal Procedure together with an application for its registration as an F.I.R. under Section 156(3) thereof. Magistrate refuses to pass any order. What is the remedy available to 'A' as against the order of the Magistrate in refusing to order for registration of an F.I.R. against 'B' and whether 'A' is pursuing the appropriate remedy for his grievance? If not why? Give reasons with supportive case laws.
2. What is the principle underlying 'Res Judicata', 'Constructive Res Judicata' and 'Estoppel' ? Support your answer with case laws.
3. What is the difference between a 'necessary party' and a 'proper party' and are the consequences of a non-joinder of either of them?
4. Whether a gratuitous passenger in a goods vehicle on suffering injury from an accident caused by the Vehicle, is entitled to a compensation under the Motor Vehicles Act, 1988? Discuss with case laws.
5. A money decree was passed on 1.8.2000. The appellate court affirmed the decree on 5.10.2003. There was no stay of the trial court decree. Execution Proceedings was filed on 30.7.2013. Objection was raised by the judgment debtor that in absence of stay to the decree, the execution proceedings were barred, having been filed after 12 years. Decide with reference to Statute and case laws.
6. The general proposition is that an Executing Court cannot go behind a decree. Is there exceptions & whether it means that an Executing Court has no duty to find out the true effect of a decree? Explain.
7. A member of the State Legislature is to be prosecuted for demanding illegal gratification for using his position to secure Government job for a person. He is charge-sheeted under

Section 13 and other provisions of the Prevention of Corruption Act, 1988. The accused contends that no court can take cognizance for an offence under the Prevention of Corruption Act, 1988 against him as he is neither an employee of the Central Government or the State Government nor there is any competent authority who can remove him from his position as a legislator and as such he cannot be tried. Decide.

8. A lady files a petition in terms of Section-125 Cr.P.C. claiming maintenance from her husband before the Principal Judge, Family Court. The Court awards her monthly maintenance of Rs.5,000.00. Husband does not pay claiming inability to pay as the maintenance is excessive and he is out of employment. What is the remedy to the wife and what is the jurisdiction and procedure in regard to enforcement and recovery of maintenance?
9. In course of police investigation, an accused states before the Investigating Officer that "the knife by which I have killed has been hidden by me which I can show". On this information, police recovers the knife with blood stains. State with reasons whether the whole of the statement made by the accused or which part thereof is admissible in evidence.
10. An Executive Engineer of CPWD is deputed by the Central Government to the Building Construction Department, Government of Bihar where he is caught receiving illegal gratification and a case under Prevention of Corruption Act is instituted. At the time when the charge-sheet is filed, he has been reverted back to the parent Department CPWD. Who would be the authority to sanction his prosecution decide?

JUDGMENT WRITING PAPER (CIVIL & CRIMINAL MATTER) FOR LIMITED COMPETITIVE EXAMINATION FOR ENTRY TO CADRE OF DISTRICT JUDGE (ENTRY LEVEL), 2016 HELD ON 10.09.2016 (SATURDAY)

At least one judgment must be written in English. Each judgment carries 30 marks with pass marks of 12 in each of the judgment(s).

Total Marks-60

Time 2 hours

**1. Judgment relating to Civil Matter.**

One Amir Ahmad was the owner of a shop which consisted of a room measuring 24'x10' situated in Mohalla Naya Bazar in the town of Siwan. The shop was given on tenancy to the father of one Faiyaz Ahmad, who became the tenant after the death of his father, on a rent of Rs.700 per month. Amir Ahmad claimed that his son was sitting idle and he wanted to start his own business for which he required the shop as a personal requirement. On these grounds, Amir Ahmad filed a suit being Eviction Suit No.8 of 2006 before Civil Judge, Junior Division-I, Siwan.

In the suit, upon notice, Faiyaz Ahmad appeared and filed a written statement denying the relationship of landlord and tenant as well as personal necessity of the plaintiff and claimed the property as his own property.

In the suit plaintiff examined himself as PW 1. He proved a mortgage deed Ext.1 whereby he had mortgaged the properties to one Samsul Hoda with a stipulation that he would collect the rent payable to the plaintiff from the father of the Faiyaz Ahmad till such time the mortgage was redeemed and thereafter the rent would be paid to the plaintiff by the father of Faiyaz Ahmad. He deposed that his son was idle and he intended to set up his son in business and as such required the shop for his personal use. PW 2 and PW 3 who were neighbours of PW 1 were examined and they disclosed that plaintiff's son was sitting idle and he needed the shop to set up business. Plaintiff also exhibited Ext.1 and Ext.1/a as the copy of the rent receipt granted to the father of Faiyaz Ahmad for Rs.700 with endorsement of father of Faiyaz Ahmad which was dated three and half years after the mortgage deed.

On behalf of defendant DW 1 & 2 were examined to deny the plaintiff's claim of personal necessity. They were mere acquaintance of the defendant and Advocate's Clerk. Defendant as DW 3 exhibited as Ext. A a deed of assignment of mortgage by Samsul Hoda to Faiyaz Ahmad assigning the right to receive payment of rent on consideration of mortgage being paid by Faiyaz Ahmad to Samsul Hoda. This deed of assignment was dated after the death of father of Faiyaz Ahmad.

On behalf of plaintiff, it was argued that he had mortgaged the property to Samsul Hoda, which showed his title and assigned the right to receive rent from the tenant who at that time was father of Faiyaz Ahmad to Samsul Hoda towards redemption of mortgage. In due course of time, mortgage being redeemed, father of Faiyaz Ahmad then paid rent to Amir Ahmad and payment thereof was duly acknowledged which documents established tenancy. It was further argued that the personal necessity stood duly proved.

On behalf of defendant, it was argued that the mortgage on not being fully redeemed was assigned to the defendant and the defendant thus continued in possession not as a tenant but as a mortgagor in their own right and as the mortgage was not redeemed he could not be evicted. It was further argued that bona fide personal necessity was not established and stood denied. Defendant did not examine any other witness.

Deliver judgment in the suit.

## **2. Judgment relating to Criminal Matter.**

Mr. Ram Briksha Prasad was a Sub Registrar of Danapur Sub Registry Office. His official duties included, among other things receiving application forms for certified copies of registered documents and issuance of such copies. Ramesh Kumar was in need of certified copies of three sale deeds. When he approached the Sub Registrar Ashok Kumar, he was told to submit the necessary applications on a stamp paper and to pay an amount of Rs.250/- for each certified copy. Ramesh Kumar submitted a written complaint to Superintendent of Police, Vigilance Investigation Bureau, Patna, alleging therein demand of bribe amount of Rs.750/- by the Sub Registrar Mr. Ram Briksha Prasad for supply for certified copies of three sale deeds. Accordingly, on his complaint a trap was arranged to catch Mr. Ram Briksha Prasad red handed. On 19.10.2014 after completing all the legal formalities, in the presence of independent witnesses Mohan Kumar and Om Prakash and other vigilance officials, the complainant Ramesh Kumar went to the office of Sub Registrar and presented the application forms for copies of sale deeds before Mr. Ram Briksha Prasad which he required and then he paid Rs.750/- to him. As soon as Mr. Rama Briksha Prasad put the amount in his shirt pocket, the complainant transmitted a signal to the waiting Vigilance Bureau Squad headed by the Deputy Superintendent of Police Mr. Alok Nath and they rushed to the office and caught him red handed.

In presence of independent witnesses, the Deputy Superintendent of Police, Alok Nath, after disclosing his identity challenged Ram Briksha Prasad that he had accepted a sum of Rs.750/- as illegal gratification from complainant Ramesh Kumar. The search taken in presence of independent witnesses led to the recovery of Rs.750/- in the form fifteen G.C. Notes in the denomination of Rs.50/- each and on comparison, the numbers of the G.C. notes tallied with those numbers mentioned in the pre-trap memorandum. The washes of the shirt pocket of Ram Briksha Prasad, the left hand fingers and the right hand fingers were taken in the colourless solution of sodium carbonate and solution turned into pink colour which were preserved in separate bottles and sealed. All the washes were sent to forensic science laboratory for chemical analysis and expert opinion shows positive result.

On completion of investigation, charge sheet was submitted and cognizance was taken of his offences punishable under Section 7 and 13(2) read with 13(1)(d) of the Prevention of Corruption Act. The charges were also framed under the said provisions. The defence denied the charges and trial commenced. The witnesses examined during the trial, such as the complainant, the seizure list witnesses, the Investigating Officer of the case and officials of the Vigilance Bureau squad including the Deputy Superintendent of Police supported the prosecution case.

The plea of the accused Ram Briksha Prasad was that he received the amount as advance money which he was required to collect as per the rules in force. He further submitted that before he could make entry in the books, he was caught by Vigilance Bureau officials on the premise that he received illegal gratification from the complainant Ramesh Kumar. His further submission was that the prosecution had failed to prove that the money received by him was gratification.

Decide the case.