

Prevention of Corruption Act, 1988, S. 13(i)(d) and 7 - Complaint that General Manager of the Punjab Roadways Depot, in connivance with conductor and others has been selling and using tickets got printed on his own and sold through his own persons, who used to collect money for him and, as such, has caused loss to the tune of crores of rupees - Enquiry conducted - Inspecting Team, failed to prove the recovery of the tickets to have been validly made - Enquiry report was not provided and only a photocopy was filed and objections to the same was recorded in the statement itself that the same would be exhibited subject to proof of the existence of the documents in original and loss thereof - Prosecution did not make that effort to prove the existence of the original and loss thereof in order to take an order for leading secondary evidence - No reliance could be placed upon the enquiry report - Once, the recovery of the tickets is found to have not been made in accordance with law, nor the seized tickets could be connected to the three different buses and the conductors manning the said buses (the appellants), it would not be safe to rely upon the unconfirmed tickets to connect them to the appellants - Enquiry report having not been proved despite the State applying for leading secondary evidence and not pursuing it any further, there appears to be a complete vacuum of substratum on the basis of which, the entire case was set up by the prosecution - Acquittal order passed - Indian Penal Code, 1860 - S.409, S. 109, S.420, S.467, S.471, S.474, S.477B, S.120B.

Jarnail Singh v. State of Punjab, 2022 S.CeJ 974

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