



Prevention of Corruption Act, 1988 S. 7, 13(2) - CrPC S. 464 - Omission to frame a proper charge is not fatal unless it leads to a failure of justice - Charges must be framed meticulously by Trial Courts - For Section 7 to apply, the prosecution must prove a demand for 'gratification' beyond a reasonable doubt. [2023 CrLT 0054, 2023 PLRonline 0116]

**Section 7 and Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988 & Criminal Procedure Code PC S. 464**

- Omission to frame a proper charge is not fatal unless it leads to a failure of justice.
- The accused understood the case against him; no prejudice was caused to his right to defend.
- The charge was defective, but the omission was not fatal in this specific case.

**Criminal Procedure Code, 1974, S. 464**

- Charges must be framed meticulously by Trial Courts.
- Errors or omissions in framing charges could lead to acquittal or long delays in trial.
- Public prosecutors also have the duty to ensure appropriate charges are framed.

**Section 7 and Section 20 of Prevention of Corruption Act, 1988**

- For Section 7 to apply, the prosecution must prove a demand for 'gratification' beyond a reasonable doubt.
- Presumption under Section 20 can be invoked if demand and acceptance of gratification are proven.
- Offences under Section 7 and Section 13(2) read with Section 13(1)(d) were not established in this case due to lack of [evidence](#) for demand for gratification.

**2023 CrLT 0054, 2023 PLRonline 0116.**

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Tags: [Charge - Framing Charge](#), [CrPC S. 464](#), [Prevention of Corruption Act S. 13\(2\)](#), [Prevention of Corruption Act S. 13\(i\)\(d\)](#), [Prevention of Corruption Act S. 20](#), [Prevention of Corruption Act S. 7](#)