

### Citations u/s section 2(c) of Prevention of Corruption Act 1988

<b>Sr. No.</b>	<b>Proposition of Law</b>	<b>Citation</b>
1	Public prosecutor, additional public prosecutors & special public prosecutors appointed by Government are public servants under section 2(c) of Prevention of Corruption Act 1988.	<a href="#">Shantinath S.Patil v/s State of Maharashtra, through Dy.S.P.ACB, Kolhapur</a>
2	In view of wide definition of public servant under section 2(c)(VIII) the incorporator of corporation is a public servant and can therefore be proceeded under Prevention of Corruption Act 1988.	<a href="#">Mrs. Vishakha Vilas Pednekar v/s The State of Maharashtra, 21/9/2010</a>

### Citations u/s 7 of Prevention of Corruption Act 1988

<b>Sr. No.</b>	<b>Proposition of Law</b>	<b>Citation</b>
1	Offence u/sec. 7 is concerned, it is a settled position in law that demand of illegal gratification is sine qua non – to constitute the said offence and mere recovery of currency notes cannot constitute the offence u/sec. 7 unless it is proved beyond all reasonable doubt that the accused voluntarily accepted the money knowing it to be bribe	<a href="#">B. JAYARAJ VS. STATE OF A.P., 28/03/2014</a>
2	No direct evidence of demand. Circumstantial evidence. Adverse inference as money found with accused. Though work was not pending & already completed then also accused convicted by S.C..	<a href="#">PHULA SINGH v. STATE OF HIMACHALPRADESH, 03/03/2014</a>
3	If there is consent, involvement & complicity of both accused then section 7, 13(1)d), 13(2) of PC ACT applies to both	<a href="#">NARENDRA CHAMPAKLAL TRIVEDI &amp; OTHER v. STATE OF GUJARAT, 29/05/2012</a>
4	There may or may not be demand u/s.7 of PC Act.1988	<a href="#">THE STATE (INSPECTOR OF POLICE), PODUKOTTAL, TAMIL NADU v. PARTHIBAN, 09/10/2006</a>
5	Witnesses PW1 & PW2 turned hostile & stated that accused has not demanded bribe. S.C. directed to prosecute PW1 & PW2 for perjury	<a href="#">M. NARSINGA RAO v. STATE OF A.P., 12/12/2000</a>
6	Witnesses, IO. can refer the investigation papers in the Court	<a href="#">STATE OF KARNATAKA v. K. YARAPPA REDDY, 05/10/1999</a>

7	Preliminary enquiry is also part of investigation	<a href="#">STATE OF BIHAR AND ANR. v. P.P. SHARMA AND ORS. 02/04/1991</a>
8	Gratification is not defined in Prevention of Corruption Act 1988, Hence it must be understood in its literal meaning "Gratification means to give pleasure or satisfaction to".	<a href="#">STATE OF ANDHRA PRADESH, APPELLANT v. c. UMA MAHESHWARA RAO AND ANR., RESPONDENTS., 31/03/2004</a>
9	Refreshing memory:- A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the Court considers it likely that the transaction was at that time fresh in his memory. The Witness may also refer to any such writing made by any-other person, and read by the witness within the time above said, if when he read it he knew it to be correct." The Objection of the defence counsel when investigating officer wanted to reply by referring to the records of investigation is, therefore, untenable and unjustified- The trial court should repel such objections.	<a href="#">STATE OF KARNATAKA, APPELLANT v. K. YARAPPA REDDY, 05/10/99</a>
10	Accused convicted by supreme court relying upon the circumstantial evidence in corruption case	<a href="#">D.VELAYUTHAM V/S STATE REP. BY INSPECTOR OF POLICE, SALEM TOWN, CHENNAI APPEAL NO.787 OF 2011</a>
11	No separate verification done in this case but at the time of trap confirmed that accused demanded bribe and thereafter gave the bribe amount to accused. Conviction confirmed by the Supreme Court.	<a href="#">Chaitanya Prakash Audichya versus C.B.I.</a>
12	Initial demand not proved, but subsequent demand proved, I.O. not examined as he died, Panch no. 1 turned hostile. However conviction of accused confirmed by S.C.	<a href="#">Indra Vijay Alok v/s state of M.P. Criminal Appeal No.1917/2008</a>
13	Witness can not depose about anything seen word forward just like Tape Recorder	<a href="#">Bharwada Bhoginbhai Hirjibhai v/s State Of Gujarat 1983</a>

### Citations u/s 13 of Prevention of Corruption Act 1988

Sr. No.	Proposition of Law	Citation
1	DPA case – Property possessed – Income Tax paid but no source of income. Then property will not be of assessee. It is the property of public servant	<a href="#">STATE OF TAMILNADU BY INS. OF POLICE VIGILANCE &amp; ANTI CORRUPTION v. N. SURESH RAJAN &amp; ORS., 06/01/2014</a>
2	No provision in Cr.P.C. to offer explanation from accused prior to FIR	<a href="#">ANJU CHAUDHARY v. STATE OF U.P. &amp; ANR. 13/12/2012</a>
3	No plausible explanation but must satisfy the court	<a href="#">N. RAMAKRISHNAIAN (DEAD) v. STATE OF A.P., 17/10/2008</a>
4	In DPA cases margin should not be more than 10%,	<a href="#">KRISHNANAND v. THE STATE OF MADHYA PRADESH, 17/12/1976</a>
5	No direct evidence of demand. Circumstantial evidence. Adverse inference as money found with accused. Though work was not pending & already completed then also accused convicted by S.C.	<a href="#">PHULA SINGH v. STATE OF HIMACHAL PRADESH, 03/03/2014</a>
6	If there is consent, involvement & complicity of both accused then section 7, 13(1)d), 13(2) of PC ACT applies to both,	<a href="#">NARENDRA CHAMPAKLAL TRIVEDI &amp; OTHER v. STATE OF GUJARAT, 29/05/2012</a>
7	Witnesses PW1 & PW2 turned hostile & stated that accused has not demanded bribe. S.C. directed to prosecute PW1 & PW2 for perjury	<a href="#">M. NARSINGA RAO v. STATE OF A.P., 12/12/2000</a>
8	Witnesses, IO. can refer the investigation papers in the Court.	<a href="#">STATE OF KARNATAKA v. K. YARAPPA REDDY, 05/10/1999</a>
9	Corruption cannot be permitted to be hidden under the carpet of legal technicalities	<a href="#">CENTRE FOR PIL &amp; ANR v. UNION OF INDIA &amp; ANR, 03/03/2011</a>
10	Defects in investigation & sanction makes no difference,	<a href="#">ASHOK TSHERING BHUTIA v. STATE OF SIKKIM, 25/02/2011</a>
11	It is not necessary that passing of money should be proved by direct evidence. It may also be proved by circumstantial evidence	<a href="#">HAZARI LAL v. STATE (DELHI ADMN.), 15/02/1980</a>
12	Abettors are liable to be prosecuted alongwith the accused under PC Act,	<a href="#">P. NALLAMMAL ETC. v. STATE (INSPECTOR OF POLICE), 09/08/1999</a>
13	Refreshing memory:- A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the Court	<a href="#">STATE OF KARNATAKA, APPELLANT v. K. YARAPPA REDDY, 05/10/99</a>

	considers it likely that the transaction was at that time fresh in his memory. The Witness may also refer to any such writing made by any-other person, and read by the witness within the time above said, if when he read it he knew it to be correct.” The Objection of the defence counsel when investigating officer wanted to reply by referring to the records of investigation is, therefore, untenable and unjustified- The trial court should repel such objections.	
14	Accused convicted by supreme court relying upon the circumstantial evidence in corruption case	<a href="#">D.VELAYUTHAM V/S STATE REP. BY INSPECTOR OF POLICE, SALEM TOWN, CHENNAI APPEAL NO.787 OF 2011</a>
15	No separate verification done in this case but at the time of trap confirmed that accused demanded bribe and thereafter gave the bribe amount to accused. Conviction confirmed by the Supreme Court.	<a href="#">Chaitanya Prakash Audichya versus C.B.I.</a>
16	Initial demand not proved, but subsequent demand proved, I.O. not examined as he died, Panch no. 1 turned hostile. However conviction of accused confirmed by S.C.	<a href="#">Indra Vijay Alok v/s state of M.P. Criminal Appeal No.1917/2008</a>

### **Citations u/s 19 of Prevention of Corruption Act 1988**

<b>Sr. No.</b>	<b>Proposition of Law</b>	<b>Citation</b>
1	About Valid Sanction	<a href="#">STATE OF BIHAR &amp; ORS. v. RAJMANGAL RAM, 31/03/2014</a>
2	Section 6A of Delhi Spl. Police Establishment Act 1946 is violative of Art.14 of the Constitution of India. Thus no permission of Govt. required to do open enquiry or discreet enquiry of corrupt public servant,	<a href="#">DR. SUBRAMANIAN SWAMY v. DIRECTOR, CENTRAL BUREAU OF INVESTIGATION &amp; ANR, 06/05/2014</a>
3	Technicalities not a ground to refuse sanction	<a href="#">STATE OF MAHARASHTRA THROUGH C. B.I. v. MAHESH G. JAIN, 28/05/2013</a>
4	No sanction required after retiremen	<a href="#">CHITTARANJAN DAS v. STATE OF ORISSA. 04/07/2011</a>

5	Sanction not required if public servant though re-elected and his previous term expired.	<a href="#">ABHAY SINGH CHAUTALA, AJAY SINGH CHAUTALA v. C. B. I. 04/07/2011</a>
6	Sanction not required to prosecute the accused u/s.12 of P.C. Act.	<a href="#">STATE THROUGH CENTRAL BUREAU OF INVESTIGATION v. PARMESHWARAN SUBRAMANI &amp; ANR, 11/09/2009</a>
7	Draft sanction makes no difference if applied mind – But if without application of mind sanction is granted then it creates problem	<a href="#">DARSHAN LAL v. STATE (CBI), 31/07/2009</a>
8	Not necessary to examine sanctioning authority	<a href="#">STATE OF M. P. v. JIYALAL, 31/07/2009</a>
9	How to prove sanction – Two modes – Valid sanction required	<a href="#">STATE v. K. NARASIMHACHARY, 07/10/2005</a>
10	If sanction invalid then court cannot deliver judgment,	<a href="#">STATE OF KARNATAKA THROUGH CBI v. (1) C. NAGARAJASWAMY; (2) M. K. VIJAYALAKSHMI, 07/10/2005</a>
11	Grant of sanction is administrative function	<a href="#">ASSISTANT COMMISSIONER, ASSESSMENT II, BANGALORE AND OTHERS v. VELLIAPPA TEXTILES LTD. AND ANOTHER, 16/09/2003</a>
12	Three months time limit to grant sanction	<a href="#">VINEET NARAIN AND OTHERS v. UNION OF INDIA AND ANOTHER, 18/12/1997</a>
13	Send to Sanctioning Authority for reconsideration	<a href="#">JAGJIT SINGH v. STATE OF PUNJAB &amp; ORS, 18/01/1996</a>
14	The grant of sanction, being administrative act the need to provide an opportunity of hearing to the accused before according sanction does not arise	<a href="#">SUPERINTENDENT OF POLICE (C.B.I.) v. DEEPAK CHOWDHARY AND OTHERS, 17/08/1995</a>
15	ACB case – Truth of facts – Not to be considered by S.A.	<a href="#">INDU BHUSAN CHATTERJEE v. THE STATE OF WEST BENGAL, 26/11/1957</a>
16	Defects in investigation & sanction makes no difference,	<a href="#">ASHOK TSHERING BHUTIA v. STATE OF SIKKIM, 25/02/2011</a>
17	If public servant on deputation then sanction to be obtained from parent department	<a href="#">R. VENKATAKRISHNAN v. C.B.I., 07/08/2009</a>
18	Evidence of Sanctioning Authority can be recorded	<a href="#">R. VENKATAKRISHNAN v. C.B.I., 07/08/2009</a>
19	Stay of proceedings in Anti Corruption cases is barred by S.C.	<a href="#">SATYA NARAYAN SHARMA v. STATE OF RAJASTHAN, 25/09/2001</a>

20	Not necessary to examine the sanctioning authority	<a href="#">STATE OF M.P. v. JIYALAL, Criminal Appeal No. 1386 of 2009, 31-07-2009</a>
21	Draft Sanction makes no difference if applied mind. The court is not to go into the technicalities of the sanctioning order. Justice cannot be at the beck and call of technical infirmities. The Court is only bound to see that the sanctioning authority after the careful consideration of the material that is brought forth it, has passed an order that shows application of mind.	<a href="#">DARSHAN LAL, APPELLANT v. STATE(CBI), 31/07/2009</a>
22	If the sanction invalid then judge should discharge the accused instead of delivering judgment either acquitting or convicting the accused	<a href="#">Nanjappa V/s State of Karnataka, Date:- 24/07/2015</a>