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

Sr. No.	Proposition of Law	Citation
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.	Shantinath S.Patilv/sStateofMaharashtra,throughDy.S.P.ACB,Kolhapur
2	In view of wide defination of public servant under section 2(c)(VIII)the corporator of corporation is a publice servant and can therefore be proceeded under Prevention of Corruption Act 1988.	Mrs. Vishakha Vilas Pednekar v/s Th e State of Maharashtra, 21/9/2010

<u>Citations u/s 7 of Prevention of Corruption Act 1988</u>

Sr. No.	Proposition of Law	Citation
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	B. JAYARAJ VS. STATE OF A.P., 28/03/2014
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	PHULA SINGH v. STATE OF HIMACHALPRADESH, 03/03/2014
3	If there is consent, involvement & complicity of both accused then section 7, 13(1)d), 13(2) of PC ACT applies to both	NARENDRACHAMPAKLALTRIVEDI & OTHER v. STATEOF GUJARAT, 29/05/2012
4	There may or may not be demand u/s.7 of PC Act.1988	THE STATE (INSPECTOR OF POLICE),PODUKOTTAL, TAMIL NADU v. PARTHIBAN, 09/10/2006
5	Witnesses PW1 & PW2 turned hostile & stated that accused has not demanded bribe. S.C. directed to prosecute PW1 & PW2 for perjury	M. NARSINGA RAO v. STATE OF A.P., 12/12/2000
6	Witnesses, IO. can refer the investigation papers in the Court	STATE OF KARNATAKA v. K. YARAPPA REDDY, 05/10/1999

7	Preliminary enquiry is also part of investigation	STATE OF BIHAR AND ANR. v.
/	riemmary enquiry is also part of investigation	P.P. SHARMA AND ORS.
		02/04/1991
8	Gratification is not defined in Prevention of	STATE OF ANDHRA PRADESH,
0	Corruption Act 1988, Hence it must be	APPELLANT v. c. UMA
	understood in its literal meaning "Gratification	MAHESHWARA RAO AND
	means to give pleasure or satisfaction to".	ANR., RESPONDENTS.,
	incuis to give preusure of sutisfuetion to .	31/03/2004
9	Refreshing memory:- A witness may, while	STATE OF KARNATAKA,
	under examina-tion, refresh his memory by	APPELLANT V. K. YARAPPA
	referring to any writing made by himself at the	REDDY, 05/10/99
	time of the transaction concerning which he is	<u>KLDD1, 05/10/22</u>
	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.	
10	Accused convicted by supreme court relying	D.VELAYUTHAM V/S STATE
10	upon the circumstantial evidence in corruption	REP. BY INSPECTOR OF
	case	POLICE, SALEM TOWN,
		CHENNAI APPEAL NO.787 OF
		2011
11	No separate verification done in this case but at	Chaitanya Prakash Audichya
	the time of trap confirmed that accused demanded	versus C.B.I.
	bribe and thereafter gave the bribe amount to	<u></u>
	accused. Conviction confirmed by the Supreme	
	Court.	
10		
12	Initial demand not proved, but subsequent	Indra Vijay Alok v/s state of M.P.
	demand proved, I.O. not examined as he died,	Criminal Appeal No.1917/2008
	Panch no. 1 turned hostile. However conviction	
	of accused confirmed by S.C.	
13	Witness can not depose about anything seen	Bharwada Bhoginbhai Hirjibhai v/s
15	word forward just like Tape Recorder	State Of Gujarat 1983
	word for ward just like Tape Recorder	

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	STATE OF TAMILNADU BY INS. OF POLICE VIGILANCE & ANTI CORRUPTION v. N. SURESH RAJAN & ORS., 06/01/2014
2	No provision in Cr.P.C. to offer explanation from accused prior to FIR	ANJU CHAUDHARY v. STATE OF U.P. & ANR. 13/12/2012
3	No plausible explanation but must satisfy the court	N. RAMAKRISHNAIAN (DEAD) v. STATE OF A.P., 17/10/2008
4	In DPA cases margin should not be more than 10%,	KRISHNANAND v. THE STATE OF MADHYA PRADESH, 17/12/1976
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.	PHULA SINGH v.STATE OFHIMACHALPRADESH,03/03/2014
6	If there is consent, involvement & complicity of both accused then section 7, 13(1)d), 13(2) of PC ACT applies to both,	<u>NARENDRA</u> <u>CHAMPAKLAL</u> <u>TRIVEDI & OTHER v. STATE</u> <u>OF GUJARAT, 29/05/2012</u>
7	Witnesses PW1 & PW2 turned hostile & stated that accused has not demanded bribe. S.C. directed to prosecute PW1 & PW2 for perjury	M. NARSINGA RAO v. STATE OF A.P., 12/12/2000
8	Witnesses, IO. can refer the investigation papers in the Court.	STATE OF KARNATAKA v. K. YARAPPA REDDY, 05/10/1999
9	Corruption cannot be permitted to be hidden under the carpet of legal technicalities	CENTRE FOR PIL & ANR v. UNION OF INDIA & ANR, 03/03/2011
10	Defects in investigation & sanction makes no difference,	ASHOK TSHERING BHUTIA v.STATE OF SIKKIM, 25/02/2011
11	It is not necessary that passing of money should be proved by direct evidence. It may also be proved by circumstantial evidence	HAZARI LAL v. STATE (DELHI ADMN.), 15/02/1980
12	Abettors are liable to be prosecuted alongwith the accused under PC Act,	P. NALLAMMAL ETC. v. STATE (INSPECTOR OF POLICE), 09/08/1999
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	STATE OF KARNATAKA, APPELLANT v. K. YARAPPA REDDY, 05/10/99

	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	D.VELAYUTHAM V/S STATE REP. BY INSPECTOR OF POLICE, SALEM TOWN, CHENNAI APPEAL NO.787 OF 2011
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.	Chaitanya Prakash Audichya versus C.B.I.
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.	Indra Vijay Alok v/s state of M.P. Criminal Appeal No.1917/2008

Citations u/s 19 of Prevention of Corruption Act 1988

Sr. No.	Proposition of Law	Citation
1	About Valid Sanction	STATE OF BIHAR & ORS. v. RAJMANGAL RAM, 31/03/2014
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,	DR.SUBRAMANIANSWAMYv.DIRECTOR,CENTRAL BUREAUOFINVESTIGATION& ANR,06/05/2014
3	Technicalities not a ground to refuse sanction	STATE OF MAHARASHTRA THROUGH C. B.I. v. MAHESH G. JAIN, 28/05/2013
4	No sanction required after retiremen	CHITTARANJANDAS v.STATE OF ORISSA. 04/07/2011

re-elected and his previous term expired. CHAUTALA, AJAY SING CHAUTALA, V. C. B. I. 04/07/20. 6 Sanction not required to prosecute the accused u/s.12 of P.C. Act. STATE THROUGH CENTRA BUREAU OF INVESTIGATION v. PARMESHWARAN SUBRAY ANI & ANR, 11/09/2009 7 Draft sanction makes no difference if applied mind – But if without application of mind sanction is granted then it creates problem DARSHAN LAL v. STATE (CBI 31/07/2009 8 Not necessary to examine sanctioning authority sanction required STATE OF M. P. v. JIYALAL, 31/07/2009 9 How to prove sanction – Two modes – Valid sanction required STATE K. NARASIMHACHARY, 07/10/2005 10 If sanction invalid then court cannot deliver judgment, STATE OF KARNATAK THROUGH CBI v. (10) NAGARAJASWAMY: (2) M. J VIJAYALAKSIMI 07/10/2005 11 Grant of sanction is administrative function Promation is administrative function ASSISTANT COMMISSIONE ASSESSMENT II, BANGLOR AND OTHER, 18/02/1997 12 Three months time limit to grant sanction Promation VINEET NARAIN AND OTHER v. UNION OF INDIA AN ANOTHER, 18/12/1997 13 Send to Sanction, being administrative act the need to provide an opportunity of hearing to the accused before according sanction does not charise SIJPERINTENDENT OF POLICI (C.B.1) v. DEEPA the STATE OF SIKKIM, 25/02/201 14 The grant of facts – Not to be considered by S.A. INDU BHUSAN CHATTERJEE the STATE OF SIKKIM, 25/02/201 15	5	Sanction not required if public servant though	ABHAY SINGH
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		barred by S.C.	
<u>25/09/2001</u>			<u>25/09/2001</u>

20	Not necessary to examine the sanctioning authority	STATE OF M.P. v. JIYALAL, Criminal Appeal No. 1386 of 2009, 31-07-2009
21	Draft Sanction makes no difference if applied	DARSHAN LAL, APPELLANT v.
	mind. The court is not to go into the technicalities	STATE(CBI), 31/07/2009
	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.	
22	If the sanction invalid then judge should	Nanjappa V/s State of Karnataka,
	discharge the accused instead of delivering	Date:- 24/07/2015
	judgment either acquitting or convicting the	
	accused	