

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.	<u>Shantinath S.Patil v/s State of Maharashtra, through Dy.S.P.ACB, Kolhapur</u>
2	In view of wide definition of public servant under section 2(c)(VIII) the corporator of corporation is a public servant and can therefore be proceeded under Prevention of Corruption Act 1988 .	<u>Mrs. Vishakha Vilas Pednekar v/s The State of Maharashtra, 21/9/2010</u>
3	Chairman, Managing Director etc of the co-operative banks are public servants under P.C Act 1988.	<u>C.B.I. Bank Securities & Fraud Cell v/s Ramesh Gelli. On 23 February, 2016</u>
4	Trustee of a trust who performs public duty is a Public Servant under P C Act 1988	<u>State of Gujarat V/s Mansukhbhai Kanjibhai Shah</u> Date – 27/4/2020

Citations u/s 7 of Prevention of Corruption Act 1988

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	<u>B. JAYARAJ VS. STATE OF A.P., 28/03/2014</u>
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..	<u>PHULA SINGH v. STATE OF HIMACHALPRADESH, 03/03/2014</u>
3	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 CHAMPAKLAL TRIVEDI & OTHER v. STATE OF GUJARAT, 29/05/2012</u>

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. P.P. SHARMA AND ORS. 02/04/1991
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".	STATE OF ANDHRA PRADESH, APPELLANT v. c. UMA MAHESHWARA RAO AND ANR., RESPONDENTS., 31/03/2004
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.	STATE OF KARNATAKA, APPELLANT v. K. YARAPPA REDDY, 05/10/99
10	Accused convicted by supreme court relying upon the circumstantial evidence in corruption case How to prove the fact is important.	D.VELAYUTHAM V/S STATE REP. BY INSPECTOR OF POLICE, SALEM TOWN, CHENNAI APPEAL NO.787 OF 2011
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.	Chaitanya Prakash Audichya versus C.B.I.
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.	Indra Vijay Alok v/s state of M.P. Criminal Appeal No.1917/2008
13	Witness can not depose about anything seen word forward just like Tape Recorder	Bharwada Bhoginbhai Hirjibhai v/s State Of Gujarat 1983

14	<p>I. Circumstantial evidence can be used to prove demand or illegal gratification.</p> <p>II. In the absence of complainant due to death prosecution can adduce other evidence.</p> <p>III. Witness turn hostile or has died or unavailable to let evidence during trial evidence can be adduced of other witness.</p> <p>IV. a) Case of acceptance of bribe amount by public servant (section 7). b) Case of demand & acceptance of bribe amount by public servant section 13(1)(d) (i) &(ii) r/w 13(2) of P.C Act 1988 attracts in case of offence prior to 26/07/2018, If offence committed after 26/07/2018 then section 7 attracts. Please see explanation 2(i) of section 7.</p>	<p>NEERAJ DUTTA V/s STATE (GOVT.OF N.C.T.OF DELHI) Dt – 15-12-2022</p> <p>CRI APPEAL 1669 of 2009</p>
15	<p>Offence of bribe not dependent on actual performance of act for which bribe is taken. Mere acceptance of bribe is enough. Whether any work was pending or not at the time of acceptance of bribe is not relevant.</p>	<p>https://api.sci.gov.in/supremecourt/2014/10177/10177_2014_1_1501_51211_Judgment_04-Mar-2024.pdf</p>

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 OF HIMACHAL PRADESH, 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,	NARENDRA CHAMPAKLAL TRIVEDI & OTHER v. STATE OF GUJARAT, 29/05/2012
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
17	1) Verification of bribe demand by accused prior to laying trap is required. 2) Demand of bribe may be verified on telephone also.	https://api.sci.gov.in/supremecourt/2022/30283/30283_2022_9_1501_53537_Judgment_10-Jul-2024.pdf

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. SUBRAMANIAN SWAMY v. DIRECTOR, CENTRAL BUREAU OF INVESTIGATION & 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 retirement	CHITTARANJAN DAS v. STATE OF ORISSA. 04/07/2011
5	Sanction not required if public servant though re-elected and his previous term expired.	ABHAY SINGH CHAUTALA, AJAY SINGH CHAUTALA v. C. B. I. 04/07/2011
6	Sanction not required to prosecute the accused u/s.12 of P.C. Act.	STATE THROUGH CENTRAL BUREAU OF INVESTIGATION v. PARMESHWARAN SUBRAMANI & 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	STATE OF M. P. v. JIYALAL, 31/07/2009
9	How to prove sanction – Two modes – Valid sanction required	STATE v. K. NARASIMHACHARY, 07/10/2005
10	If sanction invalid then court cannot deliver judgment,	STATE OF KARNATAKA THROUGH CBI v. (1) C. NAGARAJASWAMY; (2) M. K. VIJAYALAKSHMI, 07/10/2005
11	Grant of sanction is administrative function	ASSISTANT COMMISSIONER, ASSESSMENT II, BANGALORE AND OTHERS v. VELLIAPPA TEXTILES LTD. AND ANOTHER, 16/09/2003
12	Three months time limit to grant sanction	VINEET NARAIN AND OTHERS v. UNION OF INDIA AND ANOTHER, 18/12/1997
13	Send to Sanctioning Authority for reconsideration	JAGJIT SINGH v. STATE OF PUNJAB & ORS, 18/01/1996
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	SUPERINTENDENT OF POLICE (C.B.I.) v. DEEPAK CHOWDHARY AND OTHERS, 17/08/1995
15	ACB case – Truth of facts – Not to be considered by S.A.	INDU BHUSAN CHATTERJEE v. THE STATE OF WEST BENGAL, 26/11/1957
16	Defects in investigation & sanction makes no difference,	ASHOK TSHERING BHUTIA v. STATE OF SIKKIM, 25/02/2011
17	If public servant on deputation then sanction to be obtained from parent department	R. VENKATAKRISHNAN v. C.B.I., 07/08/2009

18	Evidence of Sanctioning Authority can be recorded	R. VENKATAKRISHNAN v. C.B.I., 07/08/2009
19	Stay of proceedings in Anti Corruption cases is barred by S.C.	SATYA NARAYAN SHARMA v. STATE OF RAJASTHAN, 25/09/2001

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 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.	DARSHAN LAL, APPELLANT v. STATE(CBI), 31/07/2009
22	If the sanction invalid then judge should discharge the accused instead of delivering judgment either acquitting or convicting the accused	Nanjappa V/s State of Karnataka, Date:- 24/07/2015
23	Public servant retired prior to 26/07/2018 then sanction u/s 19 of P.C Act 1988 not required even though charge sheet filed after 26/07/2018	State of Maharashtra V/s Umashankar Vasudev Parvate dt. 06/08/2019
24	Sanction order u/s 19 of P.C Act can not be quashed on the ground of incompetence of the authority to grant sanction unless it is found that failure of justice has occurred due to the irregularity in granting sanction	State Of Punjab V/s Hari – Kesh dt. 07/01/2025
25	Sanction granted u/s 19 of P.C Act 1988 can not be held invalid merely because the cognizance was taken by the court prior to sanction	Shivendra Nath Verma V/s Union of india Dt.22/07/2024
26	1) After expiry of three months plus one month if sanctioning Authority not taken decision complainant may file writ petition in the High court 2) If decision not taken by Competent Authority within 3+1=4 Months then criminal proceedings cannot be quashed.	Vijay Rajmohan vs State Represented By The Inspector Of Police CBI ACB Channai Date- 11/10/2022
27	Validity of Sanction should be decided during trial. If there is no failure of justice then sanction shall not be declared as invalid merely because of incompetency of the Sanctioning Authority.	The State of Panjab V/s Hari Kesh Date:-20/05/2019

Other Important Citations

Sr. No.	Proposition of Law	Citation
1	<p style="text-align: center;"><u>About Departmental Enquiry</u></p> <p>High court acquitted accused Engineer in bribery case registered u/s 7,13(2) r/w 13(1)(d) of the Prevention of Corruption Act 1988. However in DE Engineer dismissed from service after several rounds of litigation. Said order challenged in the High Court before Division bench and Engineer got the relief. Authority filed appeal and challenged order before Supreme court. Appeal allowed.</p>	<p>Airports Authority of India V/s Pradip Kumar Banerjee dt. 04/02/2025</p>

Citations u/s 3,4 of P.C Act 1988

Sr. No.	Proposition of Law	Citation
1	<p>If charge against public servant framed under P.C Act along with the charges under other Acts against private person and thereafter accused public servant died. Then special court can try the case of private person accused under sections of I.P.C./BNS or under any other Act.</p>	<p>State Through CBI New Delhi v/s Jitender Kumar Singh Date-05/02/2014</p>
2	<p>If in the above illustration if charge has not been framed then special court should transfer all the papers of special case to the Chief Judicial Magistrate for trying the case in accordance with law</p>	