

cognizance under Section 190(1)(a) upon the original complaint (Annexure P-4) or on the protest petition treating the same to be a complaint and to proceed under Section 200 and 202 Cr. P.C. and had to record the preliminary evidence. The order (Annexure P-5) nowhere reveals as to in which fashion the Sub Divisional Judicial Magistrate intended to proceed. In no way he could consolidate the cancellation report with the protest petition.

(10) Therefore, the order (Annexure P-5) cannot be sustained and the same is set aside. The matter is remanded back to the Sub Divisional Judicial Magistrate to examine the legal proposition enumerated in Pakhandu's and Surya Bhan's case (*supra*) and pass a fresh order after hearing the parties.

(11) With these observations, present petition is disposed off.

R.N.R.

Before K.C. Puri, J.

RAJUPDESH KAUR AND ANOTHER,—Appellants

versus

STATE OF PUNJAB,—Respondents

Criminal Appeal No. 1152-SB of 2008

22nd January, 2008

Code of Criminal Procedure, 1973—Prevention of Corruption Act, 1988—Ss. 7 & 13(2)—Vigilance Bureau apprehending accused while accepting illegal gratification—Testimony of complainant, shadow witness and Investigating Officer fully proving factum of demand, acceptance and recovery of illegal gratification from accused—Accused failing to prove strong motive for their falsely implication—No case for interference—Appeal dismissed.

Held, that mere fact that the complainant and shadow witness have stated that a lady Constable and other Constables have held Rajupdes Kaur and Rattan Lal accused from the arms does not create any doubt in the prosecution story. No cross-examination was directed

against the complainant and the shadow witness that a Lady Constable and other Constables caught hold of the accused from the hands. So, unless there is a very strong motive to falsely implicate the accused, no case of such a serious nature can be planted on the accused. The accused have failed to prove strong motive for their falsely implication. Moreover, the official witness and the Gazetted Officer of Vigilance Department would be last person to falsely implicate the officer i.e. accused. The testimony of material witnesses i.e. complainant, shadow witness and the Investigating Officer fully prove the factum of demand, acceptance and recovery of illegal gratification from the accused.

(Para 30)

Further held, that so far as territorial jurisdiction is concerned, the Investigating Officer has cleared the position. He has stated that there were two zones in Patiala and Ferozepur and on the day of raid, there was no DSP at Mansa. So, the submission to the effect that DSP Mansa was not associated on account of the fact that he refused to oblige the complainant is without any legal evidence. The letter pointed out by the appellants regarding territorial jurisdiction of raid by DSP does not help the accused, in any manner. No document has been placed on the file to prove the fact that Mandeep Singh DSP was not competent to conduct the raid within zone.

(Para 29)

JUDGMENT

K.C. PURI, J.

(1) Under challenge, in this appeal, is the judgment/order dated 9th June, 2008 passed by Shri J.S. Bhatia, Special Judge, Mansa whereby both the appellants have been convicted under Sections 7 and 13(2) of the Prevention of Corruption Act (in short the Act) and sentenced to undergo rigorous imprisonment for one year each and to pay a fine of Rs. 1,000 each or in default of payment of fine, to further undergo rigorous imprisonment for one month each under Section 7 of the Act. They have been further sentenced to undergo rigorous imprisonment for one year each and to pay a fine of Rs. 1,000 under

Section 13 of the Act. In default of payment of fine, each of the accused has been ordered to further undergo rigorous imprisonment for one month.

(2) The prosecution story lie in a narrow compass as under :—

(3) On 16th September, 1998, Sukhdeep Singh, complainant along with Sukhdarshan Singh went to DSP Mandeep Singh, in the office of the Vigilance Bureau, Sangrur and got recorded his statement Exhibit PA before him wherein it was alleged by him that he was posted as SS Master in Government High School, Rajja, District Sangrur since 9th September, 1998 and before it, he was posted as JBT Teacher in Government Primary School, Heero Kalan, District Mansa. After his selection as SS Master, he resigned as JBT Teacher but the payment of arrears of his salary was to be made by the Block Primary Education Officer (in short BPEO), Mansa. He went to the office of B.P.E.O., Mansa, several times regarding payment of his arrears.

(4) It is further alleged that on 15th September, 1998, he went to the said office to enquire about arrears of his salary and met accused Smt. Rajupdesh, B.P.E.O., Mansa in her office and asked her regarding payment of his arrears but she told him that arrears were not paid in this way and for it a lot of labour was required for preparing the bills and for this work, he was to pay Rs. 2,500 as fee to her and her Senior Clerk. On his request, she agreed to prepare the bill of arrears of salary after receiving Rs. 1,500 as illegal gratification, in a week. He made false pretext being not in possession of the amount. The complainant further alleged that accused Rajupdesh, B.P.E.O. called Rattan Lal, Senior Clerk accused and in his presence, told him to come on 16th September, 1998 in her office and to pay her Rs. 1,500 and that his work would be done. She also told him that Rattan Lal, Senior Clerk was also having share in the said amount of Rs. 1,500 and that she herself would give his share to him. He did not want to give illegal gratification. He, after making false promise to make payment of bribe amount, came back to the house of Sukhdarshan Singh where he was temporarily putting up. He told the entire matter to Sukhdarshan Singh who advised him to get the accused apprehended and on this he along with Sukhdarshan Singh came to the office of Vigilance Bureau, Sangrur.

Sukhdeep Singh, complainant produced fifteen currency notes of denomination of 100 each before Mandeep Singh, Thereafter, DSP Mandeep Singh recorded statement, Exhibit PA, of Sukhdeep Singh complainant which was signed by him in token of its correctness. DSP Mandeep Singh applied phenolphthalein powder to the said currency notes and after satisfying himself that the complainant was not in possession of any other amount handed over the same to him and directed him to hand over the said currency notes to the accused on demand and not to shake hand with them. Memo, Exhibit PC, regarding entrusting of said currency notes to the complainant was prepared by DSP Mandeep Singh which was attested by Sukhdeep Singh, complainant and Sukhdarshan Singh, shadow witness. DSP Mandeep Singh also held demonstration in the office. DSP Mandeep Singh made his endorsement Exhibit PA/1 below the statement of the complainant and sent it to Police Station Vigilance Bureau, Patiala for the registration of a case on the basis of which formal FIR Exhibit PA/2 was recorded. Megh Dass Guru, ADO was associated as official witness. He was introduced with the complainant and shadow witness. Lady Constable Surjit Kaur and SPO Jaswinder Kaur were also associated with the raiding party. Thereafter raiding party proceeded for raid and after reaching at bus stand, Mansa, Sukhdeep Singh, complainant and Sukhdarshan Singh, shadow witness were sent to the office of the accused whereas DSP Mandeep Singh along with other members of the raiding party remained standing near the office of the accused in scattered and concealed manner. After some time, Sukhdarshan Singh gave a signal to the raiding party on which DSP Mandeep Singh along with other members of the raiding party reached in the office of the accused. He disclosed his identity to both the accused and apprised them about the raid. DSP Mandeep Singh arranged a glass of water and put powder of sodium carbonate in it but the colour of the water did not change. Thereafter both the hands of accused Rajupdes Kaur were got dipped in the said solution one by one and its colour changed to light pink which was transferred to clean nip and sealed by DSP Mandeep Singh with his seal bearing impression AS and thereafter taken into possession,—*vide* memo Exhibit PD, attested by Sukhdeep Singh, complainant. Sukhdarshan Singh, shadow witness, Megh Dass Guru, ADO and Lady Constable Surjit Kaur. DSP Mandeep Singh arranged another glass of water and

put powder of sodium carbonate in it but the colour of the solution did not change. Thereafter both the hands of accused Rattan Lal were got dipped in the said solution one by one and it turned light pink. The said solution was put in another clean nip and sealed by DSP Mandeep Singh with his seal bearing impressed AS and taken into possession,—*vide* memo, Exhibit PE attested by aforesaid witnesses. Thereafter, DSP Mandeep Singh conducted search of purse which was found in the hands of accused Rajupdesh Kaur, through Lady Constable Surjit Kaur and SPO Jaswinder Singh and the above-said currency notes of Rs. 1,500 were recovered from it. The numbers of the recovered currency notes were compared with the numbers already mentioned in Exhibit PC and the same tallied. Thereafter, the recovered currency notes were taken into possession by DSP Mandeep Singh,—*vide* memo Exhibit PF, attested by aforesaid witnesses. DSP Mandeep Singh also conducted further personal search of accused Rajupdesh Kaur through Lady Constable Surjit Kaur and SPO Jaswinder Kaur and prepared memo, Exhibit PG, in this regard which was signed by the said accused and attested by aforesaid witnesses. DSP Mandeep Singh also conducted personal search of accused Rattan Lal and prepared memo, Exhibit PH, in this regard which was signed by the said accused and attested by aforesaid PWs. Accused were arrested. DSP Mandeep Singh also prepared rough site plan, Exhibit PO, with correct marginal notes. He also recorded the statements of the witnesses. After obtaining sanction for prosecution of the accused and completion of investigation, challan against the accused was presented in the Court.

(5) The accused were charge-sheeted accordingly to which they pleaded not guilty and claimed trial.

(6) In support of its case, the prosecution examined PW-1 HC Tarlochan Singh, PW-2 Sukhdeep Singh, PW-3 Sukhdarshan Singh, PW-4 Gurbej Singh, PW-5 Karamjit Singh, PW-6 Teja Singh, PW-7 Megh Dass Guru, PW-8 Mandeep Singh SP(H), PW-9 Mohinder Singh and PW-10 Baldev Singh.

(7) After the closure of prosecution evidence, various incriminating circumstances appearing in prosecution evidence were put to the accused in their statements recorded under Section

313 Cr.P.C. They denied the prosecution allegations and pleaded innocence.

(8) In defence, the accused examined DW-1 Ranjit Singh and DW-2 Gian Singh.

(9) After the closure of trial, the accused were convicted and sentenced, as noticed earlier.

(10) The learned counsel for the accused has submitted that to prove the ingredients of offences punishable under Sections 7 and 13 of the Act, the prosecution is required to establish the following ingredients :—

- (a) The demand of illegal gratification.
- (b) Acceptance of illegal gratification.
- (c) Recovery of illegal gratification from the accused.

(11) It has been submitted that the prosecution has failed to prove the above noted ingredients of offence against the accused.

(12) It was further submitted that according to the prosecution, initial demand of illegal gratification, as per statement, Exhibit PA, was made by Rajupdes, accused and no demand of illegal gratification was made by Rattan Lal, accused. The presence of Rattan Lal accused has been simply mentioned in Exhibit PA. However, the complainant Sukhdeep Singh, while appearing as PW-2 has made material improvements regarding demand of illegal gratification by Rattan Lal, accused. The other star witness of the prosecution is PW-3 Sukhdarshan Singh, shadow witness. This witness has not uttered a single word regarding demand of illegal gratification by Rajupdes accused. He has stated that Sukhdeep Singh, complainant told him that demand of Rs. 1,500 had been made by Rattan Lal, accused. Sukhdarshan Singh, PW-3, has made material improvements regarding demand of Rs. 1,500 by Rattan Lal accused for which he was duly confronted with his previous statement Exhibit DF.

(13) PW-8 Mandeep Singh Sidhu, Investigating Officer, has simply stated that Sukhdeep Singh made statement, Exhibit PA. He has

not uttered anything that the demand of illegal gratification was made by Rajupdesh and Rattan Lal, accused.

(14) So far as demand of illegal gratification, on the day of alleged raid is concerned, PW-2 Sukhdeep Singh has not stated that the demand of Rs. 1,500 was made by Rajupdesh on that day and has simply stated that Rattan Lal accused asked him whether he had brought the money to which he replied in the affirmative.

(15) PW-3 Sukhdarshan Singh has also not stated about the demand of illegal gratification on the day of raid by Rajupdesh. So, it has been contended that material witnesses are highly discrepant regarding the main ingredient regarding the demand of illegal gratification by the accused.

(16) It has been further contended that so far as the acceptance of illegal gratification is concerned, the material witnesses of illegal gratification is concerned, the material witnesses are discrepant. It has been contended that according to PW-2 Sukhdeep Singh complainant and PW-3 Sukhdarshan Singh, the tainted currency notes were handed to Rattan Lal accused who further handed over the same to Rajupdesh accused and she put the said currency notes in the purse and the recovery of said purse had taken place from the table whereas according to Mandeeep Singh, Investigating Officer, the said purse was in the hand of Rajupdesh accused when the recovery of tainted notes had taken place from the said purse. So, the above-said material witnesses are discrepant regarding the recovery of illegal gratification.

(17) It has been further contended that so far as hand wash of the accused is concerned, the same becomes insignificant in view of testimony of PW-3 Sukhdarshan Singh who has stated that the raiding party including a lady Constable immediately stepped into the office of Rajupdesh accused and caught hold of both the accused from their both arms. PW-2 Sukhdeep Singh also stated that the members of raiding party stepped into the office of the accused. The lady staff held accused Rajupdesh from her arms and the other members of the raiding party held Rattan Lal accused by his arm. So, when the accused have been manhandled by the raiding party, in that case, there was every possibility of manipulation of hand wash. The lady staff who held accused Rajupdesh

from her arms and the other members of the raiding party who held Rattan Lal accused by his arms, have not been produced by the prosecution. The cross-examination of these witnesses was material as the members of the raiding party might have held accused from their hands. So, in these circumstances, the hand wash loses its importance.

(18) It has been further contended that Mandeep Singh DSP was posted at Sangrur on the day of occurrence i.e. in a separate district where the raid was conducted. The alleged raid was conducted at Mansa which is a separate district and has its own vigilance staff. No doubt, Mandeep Singh, DSP has stated that he got approval from the Superintendent of Police, Vigilance, Patiala but no written document, in this regard, has been placed on the file. The accused have placed on the file the correspondence between Vigilance Department and Mandeep Singh, Investigating Officer, with regard to all the circumstances in which he has conducted raid outside his jurisdiction. The reason is obvious. In fact, the D.S.P. posted at Mansa has not obliged the complainant for raiding a false raid. So, he has chosen Mandeep Singh, Investigating Officer. Mandeep Singh DSP has conducted the raid at the instance of DSP Ranjit Singh who is stated to be maternal uncle of complainant and said Ranjit Singh belongs to Patiala. Otherwise also, from the evidence on the file, it is clear that the complainant was studying at Patiala in M.Sc. and DSP Ranjit Singh also belonged to Patiala. So, he has chosen friend of his relative to conduct the raid.

(19) It has been also contended that there was a motive for the complainant to falsely implicate the accused. The complainant was a JBT Teacher in Government Primary School, Heero Kalan. The complainant without obtaining the permission of the department, pursued his studies of M.Sc. Geography at Punjabi University, at Patiala from 8/95 to May, 1997. Further, he was punished. His two increments were stopped with cumulative effect. The complainant was feeling aggrieved against the accused on that count and in order to over-awe the accused, he stage-managed a raid in connivance with DSP Mandeep Singh. Otherwise also, there was no reason for DSP Mandeep Singh to conduct a raid in the district over which he has no jurisdiction. DSP Mandeep Singh had been reprimanded by the department for the present raid. Instructions have been issued that no officer of the Vigilance Department shall conduct a raid outside the jurisdiction where he is posted in future.

(20) It has been further contended that the motive for accepting bribe has not been proved by the prosecution. The prosecution has relied upon the statement of Teja Singh, Head Teacher, Government Primary School, Joga. He has categorically stated that no bill of any teacher regarding arrears of salary has been prepared. So much so the bill regarding arrears of salary of wife of Rattan Lal, accused who was working as a teacher has not been prepared, on the day of occurrence.

(21) It has been further submitted that PW-7 Megh Dass Guru is the prosecution witness and according to him, the signal to the raiding party was given by a constable whereas according to the complainant, shadow witness and the Investigating Officer, signal after acceptance of illegal gratification was given by PW-3 Sukhdarshan Singh. So, the prosecution story is doubtful. It is contended that this is first appeal and this Court is required to re-appreciate the evidence.

(22) It has been further contended that according to the prosecution witnesses, there was good gathering at the time of raid and non-joining of any independent witness creates a dent in the prosecution version.

(23) It has been further submitted that prior to the occurrence, the complainant had a quarrel regarding which DDR was lodged against the complainant. The Investigating Officer was interested in the complainant. He got registered another case against the police official and the accused for changing entry in the DDR. The same Judge, after trial, acquitted the accused and one HC Ram Singh,—*vide* judgment dated 5th June, 2008.

(24) The learned counsel for the appellant, in support of his contentions, has relied upon authorities in case **Anand Parkash versus State of Haryana (1)**, **State of Punjab versus Kushal Singh Pathania (2)**, **Union of India, Thr. Inspector, CBI versus Purnandu Biswas (3)**, and **Amrit Lal versus State of Punjab (4)**.

(1) 2008 (2) R.C.R. (Criminal) 325

(2) 2004 (4) R.C.R. (Criminal) 498

(3) 2005 (4) R.C.R. (Criminal) 517

(4) 2006 (3) R.C.R. (Criminal) 796

(25) In view of submissions made by the learned counsel for the appellant, a prayer has been made for acceptance of appeal and for acquittal of the accused.

(26) The learned counsel for the State has supported the judgment of the trial Court. It has been submitted that minor discrepancies pointed out by the counsel for the appellant, mentioned above, are bound to occur due to passage of time. There was a motive for the accused to accept illegal gratification for preparation of bill. It is further contended that the accused have failed to prove the fact that DSP Ranjit Singh is the maternal uncle of the complainant. He has failed to prove the fact that DSP Mandeep Singh has conducted the raid at the instance of DSP Ranjit Singh. Mere fact that the complainant was studying at Patiala does not prove his relationship with DSP Ranjit Singh. It has been further submitted that oral permission for conducting a raid was obtained from Superintendent of Police (Vigilance) Patiala before conducting a raid. No other DSP was present at the time of raid at Mansa. Mere fact that one letter has been issued by the Vigilance Department that no raid should be conducted outside the territorial jurisdiction does not help the accused, in any manner. There was no reason for falsely implicating the accused in such a serious offence. It is further contended that the fact that lady staff held accused Rajupdes Kaur and the other members of the raiding party held Rattan Lal, accused by his arms, does not help the accused in any manner. The test of hand-wash is complete and further the report of Chemical Examiner proves the said fact. So, a prayer has been made for dismissal of appeal.

(27) I have heard arguments addressed by both sides and have gone through the record of the case.

(28) In this case, PW-2 Sukhdeep Singh, PW-3 Sukhdarshan Singh, shadow witness, PW-7 Megh Dass Guru, ADO, official witness and PW8 Mandeep Singh Sidhu, who was DSP, at the time of raid, Investigating Officer are the material witnesses. These witnesses have been cross-examined at length but nothing could be brought on the file to discard their sworn testimony. Minor discrepancies/contradictions, pointed out, during the course of arguments are bound to occur due to passage of time.

(29) The submission that there was no motive for demanding illegal gratification is devoid of any legal force. Even cross-examination of PW-6, Mohinder Singh to the effect that Usha Rani wife of Rattan Lal accused was working as a teacher and her arrears bills of pay were not prepared, does not advance the case of the accused. However, from his testimony, it is clear that bills of arrears were to be prepared and as per testimony of the complainant as well as shadow witness, demand of illegal gratification of Rs. 1,500 was made in connection with the preparation of bill in question. Document, Exhibit PA, clearly shows that an amount of Rs. 1,500 was demanded by Rajupdesh Kaur in the presence of Rattan Lal, accused. The said amount of Rs. 1,500 was accepted by Rattan Lal, accused after making demand in the presence of shadow witness. A raid was conducted and there were positive results of Phenol-phthalein powder in respect of both the accused. Solution of sodium carbonate in respect of hand-wash of both the accused turned pink and this fact clearly establish that both the accused have handled the amount of illegal gratification. Minor contradictions regarding recovery of purse from the table or the hand of Rajupdesh Kaur does not create any dent in the prosecution version. The accused have taken a stand that Ranjit Singh DSP was the uncle of complainant but no evidence, in this regard, has been produced on the file. Mere fact that the complainant was pursuing his studies of M.Sc. Geography at Patiala does not lead to the conclusion that he can influence any DSP of Patiala to ask DSP Sangrur to conduct a raid. Mandeep Singh, Investigating Officer, has categorically stated that he has obtained sanction of raid on telephone and that fact is mentioned in the ruqqa itself. So far as territorial jurisdiction is concerned, the Investigating Officer has cleared the position. He has stated that there were two zones in Patiala and Ferozepur and on the day of raid, there was no DSP at Mansa. So, the submission made by the learned counsel for the accused to the effect that DSP Mansa was not associated on account of the fact that he refused to oblige the complainant is without any legal evidence. The letter pointed out by the counsel for the appellants regarding territorial jurisdiction of raid by DSP does not help the accused, in any manner. No document has been placed on the file to prove the fact that Mandeep Singh, DSP was not competent to conduct the raid within zone. DSP Mandeep Singh, being Gazetted Officer, would be last

person to falsely implicate another officer and senior clerk in a false case. Moreover, PW-7 Megh Dass Guru, official witness has supported the case of prosecution on all the material particulars. His lengthy cross-examination does not help the accused. Mere fact that he has stated that signal was given to the police party by a Constable does not create any doubt in the prosecution version. Moreover, when he was examined in the Court, he had since retired. All the material witnesses i.e. complainant, shadow witness and the Investigating Officer have categorically stated that agreed signal to the raiding party was given by the shadow witness. It may be a lapse of memory on the part of Megh Dass Guru. He has corroborated the story of the prosecution regarding recovery of tainted money from the accused and regarding hand-wash.

(30) Mere fact that the complainant and shadow witness have stated that a lady Constable and other Constables have held Rajupdes Kaur and Rattan Lal accused from the arms does not create any doubt in the prosecution story. No cross-examination was directed against the complainant and the shadow witness that a Lady Constable and other Constables caught hold of the accused from the hands. So, unless there is a very strong motive to falsely implicate the accused, no case of such a serious nature can be planted on the accused. I am of the considered view that the accused have failed to prove strong motive for their falsely implication. Moreover, the official witness and the Gazetted Officer of Vigilance Department would be last person to falsely implicate the officer i.e. accused. The testimony of material witnesses i.e. complainant, shadow witness and the Investigating Officer fully prove the factum of demand, acceptance and recovery of illegal gratification from the accused. The argument advanced by the counsel for the appellants to the effect that demand, acceptance and recovery of illegal gratification is not proved, is without any substance. In the ruqqa, Exhibit PA itself, it is mentioned that Rajupdes Kaur demanded Rs. 1,500 as illegal gratification and Rattan Lal accused also endorsed the said demand by his act and conduct. The amount was accepted by Rattan Lal and the same was handed over to Rajupdes Kaur who put the same in her purse. The tainted currency notes were recovered from the purse of Rajupdes Kaur. The hand-wash of both the accused turned pink. So,

no doubt is left in the prosecution version. The Lady Constable and the other Constables were not the material witnesses. The prosecution is not required to examine all the witnesses. The prosecution is required to prove the case by material witnesses who have been produced, in the present case. The appellants have relied upon DDR entry prior to the raid. The Investigating Officer found that the said entry has been manipulated by the accused in order to save their skin from the present case. No doubt, the accused and the concerned Head Constable have been acquitted in that case but the fact remains that there were cuttings in the relevant entry which was alleged to be made in the DDR before the occurrence.

(31) So far as submission made by the counsel for the appellants that the complainant had to deposit the amount of his pay drawn by him during the period of his studies and that he was awarded punishment of stoppage of two increments and that the said fact was the motive for false implication is concerned, the same does not appeal to reason. The said stand has been rightly discarded by the learned trial Court. The punishment of stoppage of two increments was awarded by the concerned District Education Officer and not by any of the accused. The order of recovery of the amount was also made by the District Education Officer (Primary). So, in these circumstances, there was no motive for the complainant and the shadow witness to falsely implicate the accused.

(32) So far as authority in case **Anand Parkash** (supra) is concerned, it is to be seen that in the said case, there was no witness to the demand of bribe except the complainant. In the present case, shadow witness has supported the prosecution case regarding demand of illegal gratification by the accused.

(33) Authority in case **Kushal Singh Pathania** (supra), is remotely connected to the facts of the present case. In that case, independent witness deposed that the accused was not accepting the tainted amount and the money was being put in the pocket of his shirt. In that case, the complainant was fined Rs. 52,000 for violation of energy consumption circulars and on that count he made the complaint out of frustration. The testimony of complainant was not found to be

credit-worthy as complaints were also lodged against other officers previously.

(34) Authority in case **Purnandu Biswas** (Supra), is also distinguishable as in that case, demand of illegal gratification was not proved.

(35) Authority in case **Amrit Lal** (Supra) is also distinguishable as in that case, the complainant stated that demand of Rs. 700 was made whereas shadow witness stated that demand of Rs. 1,000 was made. So, this authority does not help the accused.

(36) Keeping in view the totality of facts and circumstances of this case, no case for interference is made out and consequently this appeal stands dismissed.

(37) A copy of this judgment be sent to the learned trial Court for strict compliance so that the accused may undergo the remaining part of their sentence.

R.N.R.

Before M.M. Kumar & Sabina, JJ.

M/S PRIME LEATHERS,—Petitioner

versus

UNION OF INDIA AND OTHERS,—Respondents

C.W.P. No. 537 of 2008

29th May, 2008

***Constitution of India, 1950—Art. 226—Customs Act, 1962—
A partnership firm manufacturing and exporting various kinds of
leather—Customs Departments of Ludhiana and Delhi clearing
goods for export—Search of factory premises and residential house
of a partner—Petitioner making statement under threat of arrest
that goods exported were semi finished and not finished leather—
Department directing to deposit full amount of customs duty—No
show cause notice issued to petitioner—Directorate of Revenue***