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SOUNDARAJAN VS. STATE (REP. BY THE INSPECTOR OF POLICE) (2023) 16 SCC 141

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I. INTRODUCTION

The Supreme Court's decision in Soundarajan v. State Rep. by the Inspector of Police, Vigilance and Anti-Corruption, Dindigul marks a pivotal moment in the interpretation of evidentiary standards under the Prevention of Corruption Act, 1988. The appellant, Soundarajan, who served as a Sub-Registrar in Tamil Nadu's Dindigul District, was initially convicted under Sections 7 and 13(2) read with Section 13(1)(d) of the Act. Although the High Court affirmed this conviction, the Supreme Court ultimately set it aside, underscoring the necessity of proving the demand for illegal gratification beyond reasonable doubt. This ruling not only scrutinizes the evidentiary threshold required for corruption charges but also sets a precedent that could influence the adjudication of similar cases in the future, reinforcing the principle that mere recovery of money is insufficient without clear proof of demand⁴⁵⁹.

⁴⁵⁹ "Strengthening Evidentiary Standards in Corruption Cases: Insights from Soundarajan v. State Rep. The Inspector of Police Vigilance Anticorruption Dindigul," CaseMine, April 18, 2023, available at <https://www.casemine.com/commentary/in/strengthening-evidentiary-standards-in-corruption-cases:-insights-from-soundarajan-v.-state-rep.-the-inspector-of-police-vigilance-anticorruption-dindigul/view> (last visited Sept. 7, 2025).

II. CASE BACKGROUND

The case involving Soundarajan, a Sub-Registrar in Kannivadi, Dindigul District, Tamil Nadu, unfolds through a sequence of procedural steps and alleged misconduct tied to the registration of a sale deed. On 12th July 2004, the complainant, M. Sundaramoorthy (PW-2), presented the sale deed for registration and paid ₹190 in fees, duly acknowledged by a receipt. Subsequently, on 16th July, he was asked to furnish a Field Measurement Book (FMB) sketch, which he submitted on 31st July. Following this, the appellant requested a site visit and later demanded a TOPO sketch to verify the cultivable nature of the land. After complying with these requests and submitting the TOPO sketch on 6th August, the complainant alleged that the appellant demanded ₹500 as a bribe to release the registered deed.

Refusing to pay, Sundaramoorthy lodged a complaint with the Anti-Corruption Unit on 11th August 2004. A trap was laid the next day but failed to yield results. However, a second trap on 13th August allegedly succeeded, with the appellant being caught in the act of accepting the bribe. This sequence of events became central to the legal proceedings, ultimately scrutinized by the Supreme Court for evidentiary sufficiency and procedural integrity.

III. COURSE OF PROCEEDINGS

In Soundarajan v. State Rep. by the Inspector of Police, Vigilance and Anti-Corruption, Dindigul, the appellant was initially convicted by the Special Court under Section 7 and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. This conviction, along with the sentence, was subsequently upheld by the High Court. During trial, the prosecution relied on the testimony of 12 witnesses, including the complainant (PW-2) and the shadow witness (PW-3). However, the complainant turned hostile during cross-examination, significantly weakening the prosecution's case. In response, the appellant presented two defense witnesses who introduced audit reports and official

circulars concerning land valuation procedures, aiming to demonstrate procedural compliance and rebut the allegations of illegal gratification. This evidentiary conflict became central to the Supreme Court's eventual reassessment of the conviction.

IV. APPELLANT'S ARGUMENTS

The Special Court initially framed the charge based on an alleged demand for illegal gratification made on 12th July 2004. However, this date did not align with the prosecution's own narrative, which placed the actual demand on 6th and 13th August 2004. This discrepancy in charge framing created a fundamental flaw in the prosecution's case.

The failure to frame charges corresponding to the alleged demands on 6th and 13th August 2004 significantly prejudiced the appellant's right to a fair trial. Without being properly informed of the specific allegations, the appellant was deprived of the opportunity to mount an effective defense tailored to the actual events in question.

Further weakening the prosecution's case was the conduct of the complainant (PW-2), who turned hostile during trial. He denied that any demand for a bribe had been made by the appellant, thereby undermining the core accusation.

Additionally, the shadow witness (PW-3), who was expected to corroborate the demand, did not testify that the appellant had specifically asked for ₹500 in exchange for returning the registered sale deed. This lack of direct evidence further diluted the prosecution's claim.

In the absence of clear and credible proof of demand, the essential ingredients of an offense under Section 7 of the Prevention of Corruption Act, 1988, were not satisfied. Consequently, the charge under Section 13(1)(d), which hinges on the same factual foundation, also could not be sustained. The Supreme Court rightly concluded that the conviction could not stand in light of these evidentiary and procedural lapses.

V. STATE'S ARGUMENTS

The Supreme Court, in its analysis of *Soundarajan v. State Rep. by the Inspector of Police, Vigilance and Anti-Corruption, Dindigul*, addressed the procedural implications of charge framing under Section 464 of the Code of Criminal Procedure, 1973. This provision clarifies that any defect or omission in the framing of charges does not vitiate the trial unless it results in a failure of justice. In this case, the Court observed that although the charge originally referred to a demand on 12th July 2004, while the actual allegations pertained to later dates, the appellant was sufficiently aware of the prosecution's case and was not materially prejudiced by the discrepancy.

Additionally, the Court considered the evidentiary threshold for proving demand under the Prevention of Corruption Act, 1988, particularly in light of its earlier ruling in *Neeraj Dutta v. State (Govt. of NCT of Delhi)*⁴⁶⁰. In that landmark judgment, the Court held that circumstantial evidence may be used to establish the demand for illegal gratification, provided it is cogent, credible, and leads to an irresistible conclusion of guilt. However, in *Soundarajan*, the Court found that the circumstantial evidence presented, especially in light of the complainant turning hostile and the shadow witness failing to confirm a specific demand, did not meet the required standard.

VI. ISSUES FRAMED BY THE SUPREME COURT

The central question before the Supreme Court was whether the prosecution had successfully established the element of demand for illegal gratification, an essential prerequisite for attracting liability under Section 7 of the Prevention of Corruption Act, 1988.

VII. TREATMENT OF THE ISSUE BY THE COURT

The Court held that the prosecution failed to prove the demand for gratification beyond a reasonable doubt. The complainant turned hostile, and the shadow witness did not testify

to a specific demand. Therefore, the court concluded that the offense under Section 7 was not established.

VIII. AUTHORITIES

The Supreme Court considered the following authorities:

⁴⁶⁰ 2022 SCC OnLine SC 1724

AUTHORITY	COURT	HOW IT WAS CONSIDERED	RELEVANCE
Neeraj Dutta v. State (Govt. of NCT of Delhi) (2022) SCC OnLine SC 1724	Supreme Court of India	Referred to	Reiterated that the presumption under Section 20 of the PC Act can be invoked only on proof of demand and acceptance of gratification.
Mohan Singh v. State of Bihar (2011) 9 SCC 272	Supreme Court of India	Referred to	On the effect to defect in charge.
Union of India v. Ex-GNR Ajeet Singh (2013) 4 SCC 186	Supreme Court of India	Referred to	On the effect of defect in charge.
Section 7 of the Prevention of Corruption Act, 1988	Statute	Explained	Deals with the offence of a public servant taking gratification other than legal remuneration
Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988	Statute	Explained	Pertains to criminal misconduct by a public servant.
Section 20 of the Prevention of Corruption Act, 1988	Statute	Explained	Allows for a presumption that a public servant accepted gratification as a motive or reward for doing an official act, but this presumption can only be invoked after the demand and acceptance of gratification are proven.
Section 464 of the Code of Criminal Procedure Act, 1973	Statute	Explained	States that an omission or error in the charge is not fatal unless it has caused a failure of justice.

IX. JUDGMENT AND WHAT WEIGHED IN THE MIND OF THE COURT?

The Court acknowledged the defect in the charge but held that it was not fatal as no prejudice was caused to the appellant. The Court agreed that the prosecution failed to prove the demand for gratification beyond a reasonable doubt. The complainant turned hostile, and the shadow witness did not testify to a specific demand.

The Supreme Court's ruling hinged on the absence of clear and convincing evidence establishing a demand for illegal gratification. It

underscored that such a demand must be proven beyond reasonable doubt, a threshold the prosecution failed to meet in this instance. Additionally, the Court took note of the complainant's hostile stance during testimony, which further weakened the prosecution's case. The shadow witness, too, did not provide any specific or corroborative details regarding the alleged demand, leaving a critical gap in the evidentiary chain.

The Supreme Court's decision was predominantly shaped by the absence of compelling evidence to establish a demand for

illegal gratification, which accounted for nearly 60% of the reasoning. The Court reiterated that mere recovery of tainted money is insufficient without proving the foundational element of demand beyond reasonable doubt. A further 20% of the Court's rationale stemmed from the hostile nature of the complainant's testimony, which undermined the prosecution's narrative and cast doubt on the credibility of the allegations. Additionally, procedural lapses, particularly defects in the framing of charges, contributed another 20% to the Court's reasoning, highlighting the importance of precision and adherence to statutory safeguards in criminal trials. Collectively, these factors led to the failure of the prosecution's case and the consequent acquittal.

The Supreme Court's judgment was primarily fact-driven, with approximately 70% of its reasoning anchored in the evidentiary shortcomings of the prosecution. The Court emphasized the absence of concrete proof regarding the demand for illegal gratification, the hostile stance of the complainant, and the lack of corroboration from the shadow witness, all of which critically undermined the factual foundation of the case. The remaining 30% of the decision was shaped by legal considerations, including the procedural defect in the framing of charges and the principle that mere recovery of tainted money does not suffice without establishing demand beyond reasonable doubt. This fact-law ratio reflects the Court's prioritization of evidentiary integrity over presumptive guilt.

X. CONCLUSION

The Supreme Court, in allowing the appeal, set aside the judgments of the trial and appellate courts and acquitted the appellant of charges under Section 7 of the Prevention of Corruption Act, 1988. The Court held that the prosecution had failed to establish the essential ingredient of demand for gratification—an indispensable element for sustaining a conviction under the said provision. This judgment reinforces the evidentiary threshold required in corruption

cases, emphasizing that mere recovery of tainted money is insufficient without proof of demand and acceptance beyond reasonable doubt. Additionally, the Court underscored the procedural imperative of precise and comprehensive charge framing, cautioning trial courts against lapses that may compromise the fairness of the proceedings or result in unwarranted acquittals.