



ITEM NO.34

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.7601/2025

[Arising out of impugned final judgment and order dated 19-02-2025 in GASJ No. 18/2019 passed by the High Court of Judicature at Patna]

ARUNA KUMARI

Petitioner(s)

VERSUS

THE ECONOMIC OFFENCES UNIT

Respondent(s)

IA No. 115652/2025 - EXEMPTION FROM FILING O.T.
IA No. 115650/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 24-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. S. Nagamuthu, Sr. Adv.
Mr. Hitendra Nath Rath, AOR
Mr. Vikash Kumar Sinha, Adv.
Ms. Laxmi, Adv.

For Respondent(s) :

SLP(Crl.) No.7601/2025

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. S. Nagamuthu, the learned senior counsel appearing for the petitioner.
2. The petitioner is a lady. At the relevant point of time she was serving as a Child Development Programme Officer. She was put to trial for the offence punishable under Sections 7 and 13(2) respectively, of the Prevention of Corruption Act, 1988 (for short, "the Act, 1988").
3. The Trial Court acquitted the petitioner of all the charges. The department went in appeal before the High Court. The High Court reversed the acquittal and held the petitioner guilty of the alleged offence.
4. She has been sentenced to undergo 04 years of rigorous imprisonment for the offence punishable under Section 13(2) of the Act, 1988 and 03 years of rigorous imprisonment for the offence punishable under Section 7 of the Act, 1988. This Court has granted her exemption from surrendering.
5. Leave granted.

6. The substantive order of sentence passed by the High Court is ordered to be suspended, and the appellant shall be released on bail subject to terms and conditions that the Trial Court may deem fit to impose.

7. We have also taken notice of something which we should not ignore. The High Court in its impugned judgment has observed in paragraph 53 as under:-

"53. P.W. 5 lodged the complaint before the Economic Offence Unit only after she was illegally demanded to pay bribe of a sum of Rs. 10,000/-. It is true that the prosecution failed to produce the currency notes that were seized from the possession of the accused on the ground that the envelop containing seized money was destroyed by rats and rodents. But during trial, P. S. Malkhana register was produced and proved as exhibit. In Malkhana register, receipt of an envelop containing bribe money in connection with the instant case was duly recorded. Thus, there is no doubt that seized money was produced in Malkhana register but as a result of improper condition of Malkhana and lack of up to date preservation system, the envelop along with currency notes were destroyed by rodents. For destruction of the seized money, which was recovered from the possession of the accused, the prosecution case cannot be held to be not proved. In many cases, seized articles may not be produced during trial for one reason or the other. Even the subject matter of offence, sometimes cannot be recovered by the investigating agency in many cases, corpus delicto, is destroyed by the offenders. Even under such circumstances an accused can be convicted if other surrounding circumstances point at the guilt of the accused without any reasonable doubt."

8. We are taken by surprise that the currency notes got destroyed by rodents.

9. We wonder how many such currency notes recovered in this type of offences get destroyed as they are not kept at a safe place. Its a huge revenue loss for the State.

10. Besides, the explanation offered for the destruction of the currency notes also does not inspire any confidence.

11. We shall look into this issue as and when the main matter is taken up for hearing.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)