

ITEM NO.24

COURT NO.16

SECTION II-B

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.9315/2024

[Arising out of impugned final judgment and order dated 01-12-2023 in CRLREV No.625/2022 passed by the High Court of Orissa at Cuttack]

K. RABINDRA KUMAR PATRA

Petitioner

VERSUS

THE STATE OF ODISHA

Respondent

(FOR ADMISSION and I.R.; and I.A. No.281148/2024-CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS)

Date : 13-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. S. Nagamuthu, Sr. Adv.  
Mr. Lenin Raj K., Adv.  
Mr. Pradeep Negi, Adv.  
Mr. Shaveer Ahmed, AOR

For Respondent(s)

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

1. Delay condoned.
2. Mr. S. Nagamuthu, learned senior counsel appearing for the petitioner, has placed decisions of various High Courts to contend that there is no unanimity in the legal position as to whether an alleged voluntary offer of bribe made by the complainant without a demand by the accused public servant and discovery of the bribe amount on the desk of the latter, prior to 26<sup>th</sup> July, 2018,

would amount to an offence under Section 12 of the Prevention of Corruption Act, 1988 (as amended). While the High Court of Madras has taken one view, the High Court of Bombay and the other High Courts have taken quite the opposite view.

3. Issue notice, returnable in four weeks.

4. Proceedings before the trial court shall remain stayed till the next date of hearing.

**(SAPNA BISHT)**  
**COURT MASTER (SH)**

**(SUDHIR KUMAR SHARMA)**  
**COURT MASTER (NSH)**