

Kurusuththu Arokyanadar vs. Commission to Investigate Allegations of Bribery and Corruption, (CA) Application No. 292, 2009) (2/CA) Decided on 30/11/2011.

Section 19(b) and 19(c) of the Bribery Act- to convict for solicitation or acceptance of bribery, there must be evidence to constitute proof beyond a reasonable doubt.

Sisira de Abrew J. with DSC Lecamwasam J. agreeing,

Appellant was indicted under Section 19 (b) and 19 (c) of the Bribery Act for soliciting and accepting Rs.3000 as bribe. Based on the testimony of the Bribery and Corruption Commission, an undercover officer successfully witnessed the appellant soliciting and accepting the bribe while in his administrative duty as a Grama Sevaka. The Appellant objected the Commission's testimony and retained his innocence based on contradicting evidence, asking whether rupees seen on the ground constituted as an exchange of bribes.

Held;

The trial judge should not have rejected the defense evidence on the grounds because there was reasonable doubt that the rupees were in fact a bribe. In addition, the Appellant gave lengthy evidence that was not marked with any contradictions or omissions, which satisfies the test of consistency. In contrast, the investigating police officers had made several contradictions throughout their notes. As such, the benefit of such contradictions must be given to the accused.

Since there is insufficient evidence to constitute proof beyond a reasonable doubt on all charges, the convictions was set aside.

Appeal allowed.