SPP Guiding Case No. 247: Case of Wang Moumou for Bribery

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Decided at the 67th meeting of the 14th Procuratorial Committee of the Supreme People's Procuratorate on December 31, 2025; issued on February 4, 2026.

Keywords

Crime of bribery / inflated transaction links / no substantive business operations / amount of actual gains

Holding

Where a state functionary takes advantage of his or her authority to seek benefits for the petitioner and illegally accepts the transaction price difference given by the petitioner through inflated transaction links in gratitude for the benefit-seeking act, and the price difference obtained corresponds to his or her official acts, the act constitutes the crime of bribery, and the amount of bribery shall be determined based on the amount of actual gains.

Basic Facts

The defendant Wang Moumou, male, born in 1964, was a former member of the leading Party members' group and deputy director of a certain department of Jiangsu Province.

From 2006 to 2023, Wang Moumou took advantage of the convenience of his position as director of a certain division of a certain department of Jiangsu Province, as well as the convenience formed by his authority or status, to provide assistance to relevant units and individuals in matters such as project approval, equipment sales, and job promotion, and directly or through specific related persons illegally accepted property given by others, totaling the equivalent of RMB 59.76 million (the currency hereinafter is RMB), of which RMB 1 million had not yet been actually obtained before the case arose.

Among them, from 2008 to 2016, Wang Moumou took advantage of the convenience formed by his authority or status as director of a certain division of a certain department of Jiangsu Province to provide assistance, through the official acts of other state functionaries, to Jiangsu Jia Power Generation Co., Ltd. and Jiangsu Yi Power Generation Co., Ltd. in the application and approval of expanded generator units, and to Chen Mou, general manager of Jiangsu Yi Power Generation Co., Ltd., and Ding Moumou, general manager of Jiangsu Bing Power Generation Co., Ltd., and others in job promotion. At Wang Moumou's proposal, the above three companies, in circumstances where they could directly purchase high-temperature imported pipe fittings, steam pipe fittings, and other equipment from brand suppliers, changed their procurement practices and raised procurement prices by adding an agency link through a company actually controlled by Wang Moumou's wife, Liu Moumou, and introduced the brand suppliers to Liu Moumou. After receiving the payment from the three companies, Liu Moumou purchased the equipment from the brand suppliers, while the supply, installation, commissioning, and after-sales services of the equipment were all directly handled between the brand suppliers and the three companies. Through the above method, Liu Moumou actually gained RMB 33.95 million, of which Wang Moumou was aware.

Procuratorate Performance of Duties

Review for prosecution. On March 4, 2024, the Jiangsu Provincial Supervisory Commission transferred Wang Moumou to the Jiangsu Provincial People's Procuratorate for prosecution on suspicion of the crime of bribery. The Jiangsu Provincial People's Procuratorate lawfully designated the Nantong Municipal People's Procuratorate to handle the case. The procuratorial organ held upon review that Wang Moumou, as a state functionary, after taking advantage of his authority to seek benefits for the three companies in matters such

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as major project application, approval, or promotion of company leadership positions, proactively proposed that the three companies give consideration to his wife Liu Moumou in equipment procurement and other aspects, and the three companies then transferred benefits to Liu Moumou through inflated transaction links. The company actually controlled by Liu Moumou did not need to conduct substantive business operations or bear market risks, and obtained the huge price difference given by the three companies merely through resale transactions. Wang Moumou was aware that the price difference obtained by Liu Moumou was a benefit given by the three companies, and had the subjective intent and objective acts of bribery, satisfying the constituent elements of the crime of bribery, and the amount of bribery was determined based on the amount of Liu Moumou's actual gains. On April 30, 2024, the Nantong Municipal People's Procuratorate initiated public prosecution before the Nantong Intermediate People's Court against Wang Moumou for the crime of bribery.

Judgment result. The Nantong Intermediate People's Court rendered a first-instance judgment on December 20, 2024. The judgment held that the facts of the procuratorial organ's charge that defendant Wang Moumou had committed the crime of bribery were clear and the evidence was reliable and sufficient, and sentenced Wang Moumou to thirteen years of fixed-term imprisonment and a fine of RMB 4 million for the crime of bribery. After the first-instance judgment was pronounced, Wang Moumou did not appeal, and the judgment became effective.

Guiding Significance

(1) Where a state functionary takes advantage of his or her authority to seek benefits for the petitioner, and illegally accepts, through a close relative, a "business opportunity" given by the petitioner through inflated transaction links in gratitude for the benefit-seeking act, and the benefit corresponding to the "business opportunity" is determined in advance and corresponds to the state functionary's official acts, and in the process of using the "business opportunity" to obtain benefits, the state functionary's close relative conducts no substantive business operations and bears no risk, the act does not constitute a normal market transaction and constitutes the crime of bribery in accordance with the law.

(2) In bribery crimes of the inflated transaction link type, the price difference benefit obtained by the state functionary is formally property obtained from the petitioner through lawful market-oriented means, but in substance it is a benefit transferred by the petitioner in gratitude for the assistance provided by the state functionary using his or her authority, and the amount of bribery shall be determined based on the amount of the state functionary's actual gains.

Relevant Legal Provisions

Articles 383, 385, 386, and 388 of the Criminal Law of the People's Republic of China.

Article 12 of the Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Application of Law in Handling Criminal Cases of Embezzlement and Bribery (Fa Shi [2016] No. 9).

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