

**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS JUDGE-
CUM-SPECIAL JUDGE (PC ACT) (CBI),
ROUSE AVENUE DISTRICT COURT**

**CNR No. DLCT11-000607-2025
RC/218/2024/A0007/CBI/AC-III/New Delhi
CBI vs. Tarun Kumar Malik
CBI No.47/2025**

10.02.2026

Appearances: Sh. Satish Garg, Ld. Sr. PP for CBI.

Sh. Aditya Wadhwa, Ms. Swastika Thourwal, Ld.
Counsels for the accused (through VC).

ORDER ON CHARGE

1. Arguments on charge heard.

2. Ld. Sr. PP for CBI has argued that the accused was appointed as DLA in Notary Cell, dealing with the appointment of Notary Public for the State of Tamilnadu and had been taking gifts in the form of sweets and sarees from the complainant S. Vijayakumar for doing favour in the process of appointment of Notary Public. Accused specifically asked for illegal gratification from the complainant for doing favour in the issuance of appointment letter and certificate of P. Amritharaj and others as Notary Public and had committed an offence and was liable to be tried under Section 7 of PC Act. He has relied upon the judgments :-

- (i) Vishnu Kondaji Jadhav Vs. State of Maharashtra dated 24.11.1992 of the Hon'ble Supreme Court;
- (ii) B.T. Raju Vs. State of Karnataka Crl. Petition No.5614 of 2022 dated 03.08.2022;

- (iii) Devinder Kumar Bansal Vs. The State of Punjab, SLP (Crl) NO.3247 of 2025 of the Hon'ble Supreme Court;
- (iv) Gopal Shivhare Vs. The State of Madhya Pradesh, Crl. A No.5460 of 2018 dated 31.07.2024.

3. Ld. Counsel for the accused stated that in the present case there was neither a clear cut demand from the accused person nor he was in a position to influence the process of appointment of Notary Public. The recording produced by the prosecution could also be tainted or manipulated as the call recording is stated to be of more than 6 minutes duration but the recording has been produced only for about 4 minutes. He has also referred the following judgments in support of his contentions:-

- (i) Ashish Kumar Dubey Vs. State Through CBI, CRL. A No.124 of 2008 of Hon'ble High Court of Delhi.
- (ii) Meghraj Singh Vs. CBI Crl. A. No.638/2017 of Hon'ble High Court of Delhi.
- (iii) Arvind Golbindram Kejriwal Vs. State of Gujarat 2024 SCC Online Guj 1215.
- (iv) R.K. Anand Vs. Registrar Delhi High Court Criminal Appeal No.1451 of 2008 of the Hon'ble Supreme Court dated 29.07.2009.
- (v) Dr. Amit Kumar Singh Vs. The State of Bihar of Hon'ble Patna High Court CR. WJC No.446 of 2019 dated 28.02.2019.

- (vi) State of Lokayuktha Police, Davanagere vs. C.B. Nagaraj, Crl. A. No. 1157 of 2015 of Hon'ble Supreme Court of India.
- (vii) State of Lokayuktha Police, Davanagere Vs. C B Nagaraj Criminal Appeal No.1157 of 2015 of the Hon'ble Supreme Court of India.
- (viii) Vijay Kumar Singhal Vs. State of Rajasthan and Another, S.B. Criminal Misc. Petition No.5351 of 2023 dated 07.10.2024 of the Hon'ble High Court of Rajasthan.
- (ix) Basavaraj I. Vs. State of Karnataka, Criminal Petition No.8776 of 2024 dated 02.06.2025 of the Hon'ble High Court of Karnataka.
- (x) Udai Narain Vs. State of U.P. and Abdul Aziz Reshamwala Vs. State of U.P. Crl. Misc. Case No.199 of 1998 dated 21.01.1999 of the Hon'ble High Court of Allahabad.
- (xi) Surender Singh Vs. State Govt. of NCT of Delhi Crl. A. 17/2015 dated 15.05.2025 of Hon'ble High Court of Delhi.
- (xii) Madhukar Matu Bhalekar Vs. The State of Maharashtra, Criminal Appeal No.306 of 1984, decided on 05.02.1992 of the Hon'ble High Court of Bombay.
- (xiii) Dattaraya Vs. The State of Maharashtra, Criminal Appeal No.21 of 2002 of the Hon'ble High Court of Bombay.
- (xiv) State Through CBI Vs. Dr. Anup Kumar Srivastava, Criminal Appeal No.1336 of 2017, decided on 04.08.2017 of the Hon'ble Supreme Court.

(xv) P. Satyanarayana Murthy Vs. The Dist. Inspector of Police & Anr., Crl. A. No.31 of 2009 of the Hon'ble Supreme Court.

4. Ld. Counsel for accused argued that where the original recording device was not itself examined and there was no evidence to show that this device was not tampered, this was fatal to the prosecution. The call is alleged to be made by complainant and not by accused and there is no evidence to show that accused had followed up the process of demand. He further stated that as per the judgment of Surender Singh Vs. State Govt. of NCT of Delhi (supra) where the prosecution has failed to prove that the appellant had not made any specific demand or the complainant had offered to pay the bribe for seeking any favour from the appellant and most importantly appellant did not accept or even made an attempt to accept bribe from the complainant, the requisite ingredients of establishing the offence under Section 7 of the PC Act were not proved thereby the accused was entitled for discharge.

5. As per the prosecution case, the accused person was working as DLA in the Department of Law & Justice, Ministry of Law & Justice, New Delhi and was looking after the work of Notary Cell for various States including the State of Tamilnadu at the relevant time. The accused was in touch with the complainant and had met him in Madurai during the pendency of the writ petitions in respect of the appointment of P. Amritharaj and 5 other persons as Notary Public under the Rights of Persons with Disabilities (RPwD) Act, 2016. The accused had asked complainant to arrange for VIP

darshan at Madurai temple and had also asked for sweets and sarees from the complainant for doing favour in the process of appointment of Notary Public. Complainant had arranged the pass as well as sweets and sarees to the accused. During his mobile call with accused on 02.09.2022 accused had asked him to arrange for illegal gratification from P. Amritharaj and other 5 persons who were issued letters and certificates were to be issued for appointment as Notary for the particular regions. He had recorded the said conversation but had not given the illegal gratification and had filed complaint on which the present case was registered.

6. The said call recordings along with the sample voice of the complainant and accused person had been sent to CFSL who had confirmed that the voices in the recorded call was of the accused as well as the complainant. The transcript of the recorded call clearly show that the accused person was asking complainant to arrange something from the beneficiaries as he was doing favour to them in the process of issuance of appointment and expedite the issuance of certificate of Notary. The complainant is seen to be clarifying from the accused as to what he meant by something and also suggested that he had already given sweets and sarees to him. The accused is alleged to be clarifying that complainant should forget about sarees and he should tell the beneficiaries that he was going to Delhi and had to give something to the accused. He also mentioned that he was not asking much but insisted that something must be given by them. He also mentioned that one R. Jeyaram and Mayalagu had been calling

him and he had immediately prepared the letter and dispatched them and by Monday they would get the same and they would be very happy. He further states that something should be given by them for his hard work and labour that he had done. As soon as he gets the letter, NOC and photo etc. of the concerned beneficiaries he would immediately prepare and get the work done. The alleged recorded conversation is very clear that accused is demanding illegal gratification for the official work he had already done and also for the work he would be doing in regard to issuance of letter of appointment/certificate of P. Amritharaj and others as Notary Public.

7. The judgments referred by both the parties are to be seen in the context of the stage of the trial. The present case was at the stage of consideration of charge and the parameters for appreciation of documents/evidence at this stage and the final stage on merits can be substantially different. At this stage the court is only to see if there is a prima facie case and strong suspicion against the accused of his involvement in the offence in question.

8. The argument of the Ld. Counsel for the accused that the demand was not clear is not sustainable at this stage as the transcript of the call recordings clearly lead from the statement by the accused that he wanted something from the beneficiaries to the clarification that he was not talking about other gifts and reiterated that complainant had to tell the beneficiaries that they had to give something to him for the labour he had already done and that he had immediately proceeded for the issuance of letter to the other

beneficiaries as they had earlier called him. There is thus no scope of taking a different view at this stage. The other argument that accused was not in control and was incapable of influencing the process of appointment of letters or certificates of Notary, is immaterial as the accused had been following the process of the writ petitions filed by the beneficiaries and had also earlier met the complainant. The accused person was categorically telling the complainant the role that he had played in regard to the review petition pending before the Hon'ble Supreme Court and how he had got the names of the beneficiaries cleared. The accused had also clearly mentioned that he was the person who had issued the letter and on compliance by beneficiaries would put up the certificate of Notary of the beneficiaries for signatures by the relevant authority. The said version is also corroborated from the statement of witnesses recorded and documents collected by prosecution during investigation.

9. Accordingly, at this stage there is sufficient material in regard to prima facie case against the accused person of having been involved in the offence under Section 7 of the PC Act as per the charge sheet. Accordingly, charge be framed against the accused person.

10. Matter is listed for framing of charge.

Announced in open court

On this 10th day of February, 2026.

(Dinesh Bhatt)

Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi/10.02.2026