

**CBI Vs. Tarun Kumar Malik**  
**RC No. 2182024A0007**  
**U/s 7 PC Act, 1988 (as amended in 2018)**  
**CBI/47/2025**

**25.08.2025**

**Present: Sh. A.K. Kushwaha, Ld. Sr. PP for CBI.**

**Sh. Jaskaran, IO is present.**

1. Arguments heard on point of cognizance.
2. I have perused the Charge Sheet filed by CBI for proceeding against accused Tarun Kumar Malik for offences punishable under Section 7 and 11 of Prevention of Corruption Act, 1988(as amended in 2018).
3. Record reveals that the present case emanated out of a preliminary enquiry which was registered by CBI against Tarun Kumar Malik, the then Additional Legal Advisor, Department of Legal Affairs, Ministry of Law and Justice, Government of India on the basis of a reference dated 17.05.2023 sent by Dr. Rajiv Mani, Additional Secretary and CVO, Department of Legal Affairs, Ministry of Law and Justice, Govt. of India along with complaint dated 10.03.2023 of Sh. S. Vijayakumar, Advocate, Madurai.
4. After getting the requisite permission under Section 17 A of Prevention of Corruption Act, the inquiries were made and the present case was registered.
5. The factual matrix on the basis of which the Charge Sheet has been filed against accused is that Tarun Kumar Malik joined Department of Legal Affairs, Ministry of Law and Justice on 27.10.1987 as Librarian Grade-II and worked in various

capacities and as such on the date of registration of the present case, he was working as Additional Legal Advisor whereas prior thereto he was working as Deputy Legal Advisor with effect from 29.10.2014 to 31.05.2022.

6. As per the investigations carried out pursuant to Office Order dated 02.09.2019 passed by Department of Legal Affairs, Tarun Kumar Malik was entrusted with the work of Court Cases and Complaints pertaining to different states i.e. *Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Goa, Odisha, Tamil Nadu, Sikkim, Lakshwadeep, NCT of Delhi and Puducherry* and was also looking after cases of filing of SLPs and appeals along with one Smt. Poonam Suri, who was also working as Deputy Legal Advisor alongside him.
7. Department of Legal Affairs, Ministry of Law and Justice appoints Central Public Notaries under the Notaries Act, 1952 and a certificate for practice is issued to the advocate. These advocates are appointed in terms of Notaries Rule, 1956. Department of Legal Affairs, Ministry of Law and Justice in the year 2019 had initiated the process for appointment of Central Public Notaries. Department of Legal Affairs, Ministry of Law and Justice *vide* Orders dated 21.02.2019 issued a list of 748 candidates whose names were recommended for appointment as notaries for the State of Tamil Nadu.
8. This Order was challenged by six different petitioners on the grounds that 4 percent reservations to persons with disability as per Section 34 of the Rights of Persons with Disabilities Act, 2016 was not followed. Out of these six petitioners, five were granted relief by Hon'ble High Court of Madras, Madurai Bench,

whereas the sixth petitioner namely S. Vijayakumar was not granted relief as he was not physically disabled.

9. This Order was challenged by the Department before the Division Bench of Hon'ble High Court of Madras, which was dismissed whereafter an SLP was filed before Hon'ble Supreme Court, which was also dismissed by Hon'ble Supreme Court *vide* Orders dated 25.02.2022.
10. The department did file a Review Petition before Hon'ble Supreme Court. However, during pendency of the Review Petition, the department decided to appoint these 5 petitioners, namely Sh. R. Ravikumar, S. Mayalugu, L. Ashokan, R. Jeyaram and P. Amirtharaj, as notaries, as a one time measure.
11. Investigations revealed that Tarun Kumar Malik, on 02.09.2022, while issuing the appointment letters to these notaries had a telephonic conversation with S. Vijayakumar, who was representing one of the petitioners namely P. Amirtharaj and demanded "*something*" by way of arranging the same from P. Amirtharaj or from others, who were appointed as notaries for immediately issuing the appointment letters to them and telling it to S. Vijayakumar that he has done a favor by putting a favorable note to Hon'ble Minister, to the effect that despite pendency of the Review Petition before Hon'ble Supreme Court, these persons may be given appointment as a one time measure.
12. Record reveals that the requisite sanction under Section 19 of Prevention of Corruption Act, 1988, has been obtained from the competent authority for proceeding against accused Tarun Kumar Malik.

13. Section 7 and 11 of Prevention of Corruption Act for which Charge Sheet has been filed for proceeding against accused reads as under :

**7. [ Offence relating to public servant being bribed.**

*Any public servant who,— (a) obtains or accepts or **attempts to obtain** from any person, an undue advantage, with the intention to perform or cause performance of public duty improperly or dishonestly or to forbear or cause forbearance to perform such duty either by himself or by another public servant; or (b) obtains or accepts or **attempts to obtain**, an undue advantage from any person as a reward for the improper or dishonest performance of a public duty or for forbearing to perform such duty either by himself or another public servant; or (c) performs or induces another public servant to perform improperly or dishonestly a public duty or to forbear performance of such duty in anticipation of or in consequence of accepting an undue advantage from any person, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.*

*Explanation 1.—For the purpose of this section, the obtaining, accepting, or the **attempting to obtain** an undue advantage shall itself constitute an offence even if the performance of a public duty by public servant, is not or has not been improper.*

*Illustration.—A public servant, 'S' asks a person, 'P' to give him an amount of five thousand rupees to process his routine ration card application on time. 'S' is guilty of an offence under this section.*

*Explanation 2.—For the purpose of this section,—*

*(i) the expressions “obtains” or “accepts” or “**attempts to obtain**” shall cover cases where a person being a public servant, obtains or “accepts” or **attempts to obtain**, any undue advantage for himself or for another person, by abusing his position as a public servant or by using his personal influence over another public servant; or by any other corrupt or illegal means;*

*(ii) it shall be immaterial whether such person being a public servant obtains or accepts, or **attempts to obtain** the undue advantage directly or through a third party*

***11. Public servant obtaining [undue advantage], without consideration from person concerned in proceeding or business transacted by such public servant.***

*- Whoever, being a public servant, accepts or obtains(xxx), or **attempts to obtain** for himself, or for any other person, any [undue advantage] without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or about to be transacted by such public servant, or having any connection with the [official functions or public duty] of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.*

*(Emphasis supplied.)*

14. It is apparent on perusal of these sections that Legislature has not only criminalized the demand, receipt and acceptance of illegal

gratification but also has criminalized any **attempt** on the part of public servants to obtain from any person an undue advantage with the intention to perform or cause performance of public duty improperly or dishonestly. Having regards to these facts and circumstances and the material on record including the telephonic conversation dated 02.09.2022 between the accused and S. Vijayakumar, I take cognizance of offences punishable under Section 7 read with Section 11 of Prevention of Corruption Act, 1988(as amended in 2018).

15. Let the accused Tarun Kumar Malik be summoned for **22.09.2025**.

**(Kanwal Jeet Arora)**  
Principal District & Sessions Judge-  
cum-Special Judge (PC Act) (CBI),  
Rouse Avenue District Court  
**New Delhi/25.08.2025**