

IN THE COURT OF SESSIONS JUDGE, WASHIM.

Order Below Exh. 22
(Dated 07/11/2025)

By the present application, the accused No. 1 is praying for discharge. The accused No. 1 is being tried for alleged offence punishable under Section 7 of the Prevention of Corruption Act.

2) It is alleged that the present accused demanded amount of bribe for alleged observer for conducting examination at the center. It is alleged that accused No. 1 is not permanent Government servant and hence, provisions of Corruption Act are not applicable. Payment of honorarium does not amount pay under PC Act. It is further alleged that the accused is falsely implicated in the case. Considering the same, the accused be discharged.

3) The application is strongly opposed. Heard both the sides. Considered the submissions.

4) The present applicant/accused was appointed as observer for the examination center of public examination being conducted and to clear the center. It is alleged that the accused demanded amount. Section 2(c) which defines public servant includes any person in service or pay of the Government or remunerated by the Government or fees for performance of any public duty. Section 2(8) contemplates that any person who held office by virtue of performing any public duty as public servant.

5) Apparently, as per charge-sheet, the accused was appointed as external observer over the said examination center by the University

which is public body. Apparently, from the said charge-sheet public duty of conducting examination there to be supervised through the process of examination of the center and approval thereof. The charge-sheet indicates letter of the University with remuneration was being paid to the person. In such circumstances, it is clear and apparent that the accused falls within the definition of public servant as contemplates under Section 2(c) of Corruption Act. The other scope of duty was for limited period and hence, the accused on this grounds, cannot be discharged. Hence, I pass the following order -

ORDER

- 1) Application at Exh. 22 for discharge is rejected.
- 2) The accused to attend the Court for framing of charge.
- 3) APP to furnish draft charge.

Washim.
Date: 07/11/2025.

(Anil Subramaniam)
Sessions Judge, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word, as per the original judgment/order.

Name of Stenographer :- A. W. Ajmire, Stenographer (Grade-II)

Name of Court :- Principal District & Sessions Judge,
Washim, Tq. Dist. Washim.

Date of Judgment/ Order :- 07/11/2025

Judgment/Order signed by :- 07/11/2025
the Presiding Officer on

Judgment/Order uploaded on :- 10/11/2025