

**IN THE COURT OF SESSIONS JUDGE, WASHIM.**

**Order Below Exh. 37**  
**(Dated 07/11/2025)**

It is the case of accused No. 2 that he is employee at private college at Karanja and deputed as observer for examination conducted by Yashwantrao Chavhan Maharashtra Open University and honorarium was to be paid. It is further alleged that when the honorarium was being paid, The Anti Corruption Department raided and seized the amount and there is false implication on that behalf. It is further contended that the accused does not fall within the definition of public servant and legal remuneration is excluded from the definition of undue advantage, there is no sanction. Hence, the accused be discharged.

2) The said application is strongly resisted by the prosecution. Heard both sides. Considered the submissions.

3) Section 2(c) of Corruption Act contemplates that the public servant who has been given fees or commission for performance of public duty. The application itself contemplates that the 'honorarium' was to be paid for being observer for the examination being conducted by Yashwantrao Chavhan Maharashtra Open University. Thus, the applicant falls within the definition of public servant. The applicant does not continue to be public servant as his deputation as public servant is limited for limited period and considering the same, after he ceases to be a public servant, cognizance can be taken without sanction. Lastly but not least, there is material discrepancy with regard to the alleged honorarium to be paid and the amount received and hence, considering the same, prima facie charge-sheet shows undue advantage

be taken by the accused and will not fall within the definition of legal remuneration.

4) The judgment of *Pranita Prakashrao Katewale ..vs.. State of Maharashtra, 2019 DGLS(Bom) 1790* based on the facts stated therein wherein sanction was granted by improper person. The MEPS Act and Rules are made applicable wherein the management of the school has to give sanction. This present issue does not relate to the action committed by the present accused while working as a employee of the said school and hence, the said judgment is distinguishable.

5) In the case of *Madhuri Bharat Upadhey ..vs.. State of Maharashtra, 2024(2) Bom.C.R. (Cri.) 97* similar issues arises and hence, this is not relating to the educational institution where the accused was employee, same is not applicable. Similar is the case in the judgment of *Prakash Shivram Natkar ..vs.. State of Maharashtra, 2025(2) Bom. C. R. (Cri.) 57*. In fact, the persons seen to be a public servant and hence, the aspect of sanction does not survive at all. In such circumstances, none of the grounds made in the application entitled the accused for discharge. Hence, I pass the following order -

**ORDER**

- 1) Application at Exh. 37 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