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SLP(Crl.)No. 951 OF 2003
ITEM No.202

Court No. 7

SECTION IIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 951/2003
(From the judgement and order dated 23/11/2002 in CRLR 1294/2000
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

PARDEEP KUMAR

Petitioner (s)

VERSUS

STATE OF PUNJAB

Respondent (s)

(With Office Report) (For Final Disposal)

Date : 08/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Dinesh Kumar Garg,Adv.
Mr. R.C. Kaushik, Adv.
Mr. D.K. Gupta, Adv.
Mr. B.S. Billowria, Adv.
Mr. Rohit Pandey, Adv
Mr. Manzoor Ali Khan, Adv.

For Respondent (s)Mr. R.K. Rathore, AAG, Punjab
Mr. Bimal Roy Jad,Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The Appeal stands dismissed in terms of the signed order. There will be no order as to costs.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master

[signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO..... OF 2004
(ARISING OUT OF SLP (CRL.) NO.951 OF 2003)

PARDEEP KUMAR

Appellant (s)

VERSUS

O R D E R

Leave granted.

Heard parties.

Heard Mr. D.K. Garg, learned counsel for the Appellant. By an order dated 25th April, 2003 notice had been issued in the following terms:

"Issue notice. Notice shall state that the petition may be disposed of at that stage by setting aside the impugned order and leaving the question as to whether the petitioner is a public servant or not to be determined at the trial before the Trial Court."

We, however, find that the Special Judge before whom the trial is proceeding and the High Court have already decided this question. Therefore, remitting the matter back would not be correct. We have thus heard the parties on the question whether or not the Appellant can be said to be a Public Servant within the meaning of Section 2(c) of the Prevention of Corruption Act, 1988.

Having seen the provision of the Prevention of Corruption Act, 1988 and having heard the parties it is clear that the Appellant was performing a public duty, he being a Senior Clerk in the concerned Bank. He is, therefore, a Public Servant under Section 2(c)(viii) of the Prevention of Corruption Act, 1988.

We, therefore, see no infirmity in the impugned Judgment. The Appeal stands dismissed. There will be no order as to costs.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
April 08, 2004.