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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO. 52 OF 2019

Sheetal Bondre & Ors. ... Applicants.

Versus

The State of Maharashtra ... Respondent.

WITH
CRIMINAL REVISION APPLICATION NO. 53 OF 2019

Mahesh Kargutkar & Ors. ... Applicants.

Versus

The State of Maharashtra ... Respondent.

.....

Mr. Sandeep Karnik for Applicant in both the applications.

Mr. R. M. Pethe, APP for Respondent – State.

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CORAM : A. S. GADKARI, J.

DATE : 16th OCTOBER, 2019

P. C. :

1. By Order dated 1st February 2019, this Court had framed issues in the present petitions, as to whether an employee of Co-operative Bank can be called as a “public servant” under the Prevention of Corruption Act, 1988.

2. The Hon’ble Supreme Court in the case of *Central Bureau of Investigation Vs. Ramesh Gelli and others* reported in (2016) 3 SCC 788, has held that the Chairman/Managing Director or Executive Director of a private bank, operating under license issued by Reserve Bank of India

under the Banking Regulation Act, 1949, holds an office and performs public duty so as to attract definition of “public servant” for the purpose of the Prevention of Corruption Act, 1988. The Supreme Court in the said decision has referred the decision in the case of *State of Maharashtra Vs. Brijlal Sadasukh Modani*, reported in (2016) 4 SCC 417, wherein the Hon’ble Supreme Court has observed that, a sprinkle of aid to the society will also bring an employee within the definition of “public servant”.

3. The applicants are the employees of ‘Bhandari Co-operative Bank and the legal proposition enunciated by the Supreme Court in the case of *Central Bureau of Investigation Vs. Ramesh Gelli and Ors.* (*supra*) is squarely applicable to them. It is thus clear that, the applicants are “public servants” under the Prevention of Corruption Act, 1988.

In view thereof, the issue raised by the applicant has been squarely covered and answered by the Supreme Court and I find no substance raised by the learned counsel for the applicant.

4. Revision Applications are accordingly dismissed *in limine*.

(A. S. GADKARI, J.)