

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A. BADHARUDEEN

MONDAY, THE 7TH DAY OF JULY 2025 / 16TH ASHADHA, 1947

CRL.REV.PET NO. 421 OF 2025

CRIME NO.RC 32(A)/2011 OF CENTRAL BUREAU OF INVESTIGATION, KOCHI,

ERNAKULAM

AGAINST THE ORDER DATED 10.03.2025 IN C.C. NO.43 OF 2014 OF ADDITIONAL

SPECIAL SESSIONS COURT (SPE/CBI CASES)-III, ERNAKULAM

REVISION PETITIONER/3RD ACCUSED:

M.S.MURALEEDHARAN

AGED 65 YEARS

S/O. SUBBAYYA, SAIKRIPA HOUSE, PADIJHARE VEMBALLOOR P.O,
KODUNGALLOOR, THRISSUR DISTRICT, PIN - 680671

BY ADVS.

SRI.GEO PAUL

SRI.C.R.PRAMOD

SHRI.JACOB GEORGE PALLATH

SHRI.HARIKRISHNAN A.S.

SHRI.AKSHAI.K.R.

SHRI.C.B.GAUTHAM

SMT.MARIYAM MATHEWS

RESPONDENT/COMPLAINANT:

CENTRAL BUREAU OF INVESTIGATION (CBI)

CBI REPRESENTED BY INSPECTOR OF POLICE, CBI/SPE/ACB, KOCHI,
BY STANDING COUNSEL, CBI, PIN - 682017

SPL PP FOR CBI - SREELAL.N.WARRIER

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON
01.07.2025, THE COURT ON 07.07.2025 PASSED THE FOLLOWING:

“C.R”

ORDER

Dated this the 7th day of July, 2025

The 3rd accused in C.C. No.43/2014 on the files of the Court of the Additional Special Sessions Judge (SPE/CBI)-III, Ernakulam, has filed this criminal revision petition under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, challenging the order dated 10.03.2025, whereby the plea of discharge raised by the 3rd accused was negatived by the special court and consequently charge also framed against the 3rd accused.

2. Heard the learned counsel for the revision petitioner and the learned Standing Counsel appearing for Central Bureau of Investigation, in detail. Perused the order under challenge as well as the relevant provisions of the Prevention of Corruption Act, 1988 [hereinafter referred as ‘P.C. Act’ for short] and the Dakshina Bharat Hindi Prachar Sabha Act, 1964.

3. In this matter, the prosecution case is that,

accused Nos.1, 3 and 4, who are the Treasurer, President and Secretary respectively of the Dakshin Bharath Hindi Prachar Sabha (Kerala), Chittoor road, Ernakulam and the second accused (a private person), in furtherance of the criminal conspiracy hatched between them, the first accused has received illegal gratification of Rs.4,00,000/- from one Preethi Anilkumar (CW.97-Approver) on 27.05.2010, another sum of Rs.2,00,000/- from one Judy Joseph (CW.16-Approver) on 06.06.2012 and Rs.1,00,000/- from one Joseph Karrot, the father of aforesaid Judy Joseph on the promise of appointing aforesaid Preethi Anilkumar and Judy Joseph as Chemistry and English teachers respectively in the Mahatma Gandhi Public School, Chottanikkara run by the Dakshin Bharath Hindi Prachar Sabha (Kerala), Chittoor road, Emakulam. It is the case of the prosecution that the second accused instigated the aforesaid persons to pay the said amount to the first accused. It is also the case of the prosecution that, accused Nos. 3 and 4 were also aware of the said collection of the amount by the first accused and they

were also parties to the criminal conspiracy. Subsequently, an interview has been conducted for the selection of teachers and it is alleged that accused Nos. 1, 3 and 4 falsely created score sheets of the Interview Board so as to appoint the aforesaid Preethi Anilkumar and Judy Joseph as teachers and thereby, accused Nos. 1, 3 and 4 dishonestly induced the Dakshin Bharath Hindi Prachar Sabha (Kerala), Chittoor road, Ernakulam to appoint aforesaid Preethi Anilkumar and Judy Joseph as teachers in the Mahatma Gandhi Public School, Chottanikkara run by the Dakshin Bharath Hindi Prachar Sabha. Due to the aforesaid conduct of accused Nos. 1, 3 and 4, the meritorious candidates lost selection and non-meritorious candidates like Preethi Anilkumar and Judy Joseph got selection and appointment. The accused persons also committed forgery in respect of Mark Sheets and Minutes Book, relating to the Sub Committee and Executive Committee meeting and caused disappearance of the original score sheets of Interview Board prepared by Subject Experts. They used forged documents as genuine

documents, with the knowledge that those documents are forged documents, for the purpose of cheating. On this premise, the accused alleged to have committed offences punishable under Sections 477A, 471, 417, 420 and 201 r/w 120B of the IPC and also under Sections 7 and 13(2) r/w 13 (1)(d) of the P.C. Act.

4. While challenging the order negating the plea of discharge at the instance of the petitioner, it is pointed out by the learned counsel for the revision petitioner that, the petitioner, who is the President of Dakshin Bharat Hindi Prachar Sabha (Kerala), is not a public servant and the Sabha also is not a public institution. Therefore, the revision petitioner would not come under the purview of public servant as defined under Section 2(c)(xii) of the P.C. Act. According to the learned counsel for the revision petitioner, if accused Nos.1, 3 and 4 are held as public servants under the purview of the P.C. Act, sanction to prosecute all of them is necessary and in the instant case, sanction to prosecute the 4th accused under Section 19 of the P.C. Act alone was obtained. It is also pointed out that,

there is allegation as to receipt of bribe by the 1st accused in making appointments of two teachers by the prosecution, but there is no allegation that the 3rd accused also received any bribe in connection with the appointments. Therefore, even otherwise, the offences alleged by the prosecution would not attract against the revision petitioner/3rd accused, with the aid of Section 120B of the IPC.

5. Opposing this contention, the learned Standing Counsel for CBI submitted that, the Dakshin Bharat Hindi Prachar Sabha came into existence pursuant to the enactment of the Dakshina Bharat Hindi Prachar Sabha Act, 1964 [hereinafter referred as 'the Sabha Act' for short]. It is pointed out by the learned Standing Counsel further that, as per Section 7 of the Sabha Act, in order to review the work done by the Sabha, the Central Government constituted a committee and the petitioner herein is the President of the present Committee. It is also pointed out that, as per sub section (7) of Section 7 of the Sabha Act, *the members of any committee constituted*

under sub-section (1) shall be paid such allowances as the Central Government may, by order, fix and such allowances together with the expenses incurred, with the previous approval of the Central Government, by any such committee in the performance of its functions (including any salary, remunerations or allowances, if any, payable to any person employed by any such committee), shall, notwithstanding anything contained in any law for the time being in force or in the memorandum or rules and regulations of the Sabha, be paid out of the funds of the Sabha.

6. The learned Standing Counsel also pointed out that, as per Section 2(c)(xii) of the P.C. Act, any person who is an office-bearer or an employee of an educational, scientific, social, cultural or other institution, in whatever manner established, receiving or having received any financial assistance from the Central Government or any State Government, or local or other public authority, is a public servant and explanation 1 to Section 2 of the P.C. Act provides that, *persons falling under any of the above*

sub-clauses are public servants, whether appointed by the Government or not. Therefore, the revision petitioner and other officials of the Sabha are public servants within the meaning of Section 2(c)(xii) of the P.C. Act.

7. It is also pointed out by the learned Standing Counsel for CBI that, the Sabha, where the 3rd accused/revision petitioner herein is the President, is a Sabha, which has been receiving Government grant as financial assistance and the fund of the Sabha includes the amount of grant received from the Central Government and the fund raised from the functioning of the Sabha. The learned Standing Counsel placed document dated 18.05.2012 issued by the Secretary, Dakshin Bharat Hindi Prachar Sabha (Kerala), disclosing the fact that the Sabha received grants-in-aid during 2008-2009, 2009-2010 and 2011-2012. That apart, the details of the grant received starting from the period 2008-2011, which do form part of the prosecution records also pointed out by the learned Standing Counsel. The same reads as under:

1.	Four P.G. Complex at Chennai, Ernakulam, Dharwar and Hyderabad.	
a)	Hon. to One registrar in Chennai with T.A. organisation work Rs.27420x12x1	3,29,040/-
b)	Hon. to Four Professor with with T.A. for participation in seminar @ Rs.18600x12x1	8,92,800/-
c)	Hon. to four Reader with T.A. @ Rs.13620x12x4	6,53,760/-
d)	Hon. to Eight Lecturers with T.A. @Rs.9080x12x8	8,71,680/-
e)	Hon. to one senior Librarian at Hyderabad @ Rs.11350x12x1	1,36,200/-
f)	Hon. to Three Librarian at Three Centres @ Rs.9080x12x3	3,26,880/-
g)	Hindi Books for Library 4 Centres	80,000/-
i)	Contingency 4 Centres	50,000/-
j)	Controller of exam of Rs.6000x12x1	72,000/-
k)	Two clerk for Registrar Office and 6 for other Centres @Rs.2000x12x8	1,92,000/-
l)	One Peon for Registrar Office and 4 for others	60,000/-
m)	Medical Allowance to Staff @ Rs.10000x5	50,000/-
n)	Hindi Sewa Samman for Chennai Centre for retired Acharaya Pravakata and Pradhyapad @ Rs.4000x12x2	96,000/-
	Total	39,10,360/-

8. That apart, it has been pointed out by the learned Standing Counsel that, as per the letter No.Karyalaya/2012-13/151 dated 18.05.2012, the details of grant-in-aid received by the Sabha during the period 2008 to 2011 from Central Hindi Directorate, Government of India are stated. The details are as under:

Sl No	Letter No of Central Hindi Directorate	Letter dated	For the financial year	Amount
1	F.4-174/2008-K.A.E	24-9-2008	2008-09	31,32,900
2	F.4-187/2008-K.A.E	18-12-08	2008-09	1,77,000
3	F.4-174/2009-K.A.E	31-8-2009	2009-10	31,32,900
4	F.4-185/2009-K.A.E	8-9-09	2009-10	1,82,000
5	F.4-174/2010-K.A.E	12-11-2010	2010-2011	31,32,000
6	F.4-186/2010-K.A.E	12-11-10	2010-2011	1,82,000

9. In view of the arguments tendered on an off the issue, the question to be decided is, whether the Dakshin Bharat Hindi Prachar Sabha (Kerala), is an educational, scientific, social, cultural or other institution, receiving or having received any financial assistance from the Central Government or any State Government, or local or other public authority and the petitioner herein, who is the President of the Sabha to be adjudged as public servant within the purview of Section 2(c)(xii) of the P.C. Act?

10. As per Section 2(c)(xii) of the P.C. Act, any person who is an office-bearer or an employee of an educational, scientific, social, cultural or other institution, in whatever manner established, receives or having received any financial assistance from the Central Government or any State Government, or local or other

public authority, is a public servant. Explanation 1 to Section 2 of the P.C. Act clarifies that, persons falling under any of the sub-clauses are public servants, whether appointed by the Government or not. So the essentials to get the status of a public servant as defined under Section 2(c)(xii) of the P.C. Act is, to be an office-bearer or an employee of an educational, scientific, social, cultural or other institution and the institution either receives or having received any financial assistance from the appropriate Government or any appropriate authority.

11. Going by the details furnished by the learned Standing Counsel for the CBI, it is evident that, the Central Government granted Rs.31,32,900/-, 1,77,000/-, 31,32,900/-, 1,82,000/-, 31,32,000/-, 1,82,000/- from the period 2008-2009 till 2010-2011. That apart, the Central Government also granted Rs.39,10,360/- to the Dakshin Bharat Hindi Prachar Sabha, T. Nagar, Chennai, for implementing the programs enlisted herein above, inclusive of the Sabha in Ernakulam. Thus, *prima facie*, it appears that the Dakshin Bharat Hindi Prachar Sabha

(Kerala) has been receiving or having received financial assistance from the Central Government and the petitioner and accused Nos.1 and 4 are the office-bearers of the said Sabha, constituted under Section 7(7) of the Sabha Act, would come within the purview of public servants as defined under Section 2(c)(xii) of the P.C. Act. Therefore, the contention raised by the learned counsel for the petitioner asserting that the petitioner would not come under the purview of a public servant under the P.C. Act would not succeed and the said contention is negatived.

12. In this matter, the prosecution alleges commission of offences punishable under Sections 7 and 13(2) r/w 13 (1)(d) of the P.C. Act. It is pointed out by the learned counsel for the petitioner that, the offence punishable under Section 7 of the P.C. Act would not attract as against the petitioner, since the prosecution allegation itself is that the 1st accused received bribe for appointing Preethi Anilkumar and Judy Joseph as teachers in the Mahatma Gandhi Public School, Chottanikkara run

by the Dakshin Bharath Hindi Prachar Sabha. In this matter, the prosecution also alleges commission of offences punishable under Sections 477A, 471, 417, 420 and 201 r/w 120B of the IPC by the accused and the prosecution allegation is that, as part of a conspiracy hatched between accused Nos.1 to 4, they demanded Rs.4 Lakh and Rs.2 Lakh as bribe for appointment of Preethi Anilkumar and Judy Joseph as Chemistry and English teachers respectively in the Mahatma Gandhi Public School, Chottanikkara run by the Dakshin Bharath Hindi Prachar Sabha (Kerala) and as the outcome of the said conspiracy, the 1st accused received the said amount.

13. Section 7 of the P.C. Act contemplates that, whoever, being, or expecting to be a public servant, (1) accepts or obtains (2) agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions,

favour or disfavour to any person or for rendering or attempting to render any service or disservice to any person.

14. Similarly, Section 13(1)(d) of the P.C. Act provides that, a public servant is said to commit the offence of criminal misconduct, if he by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage; or by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or doing the same while holding office as a public servant.

15. In this matter, there is allegation for the prosecution that, the accused persons including the petitioner herein, conducted interview and falsified the score sheet of the interview Board so as to appoint Preethi Anilkumar and Judy Joseph as Chemistry and English teachers respectively in the School run by the Sabha, after receiving bribe from them, excluding the merited candidates from the purview of selection. Thus, the prosecution records produced by the learned Standing

Counsel for CBI would show that, *prima facie*, the allegation against the petitioner is made out warranting trial and it is on this background, the trial court framed charge against the petitioner and the said order finding that there are sufficient materials to form an opinion that there was ground for presuming the guilt of the accused, is not liable to be interfered. Therefore, the order impugned does not require any interference.

16. In the result, this criminal revision petition fails and is accordingly dismissed, with liberty to the trial court to proceed with trial of the matter, without fail.

Registry is directed to forward a copy of this order to the trial court, forthwith, for information and further steps.

Sd/-
A. BADHARUDEEN
JUDGE