Aman Bhatia v State (GNCT of Delhi) Summary

- Facts
  - Criminal appeal
  - Against Delhi High Court judgment
  - Appellant: Aman Bhatia, stamp vendor
  - Demanded excess Rs. 2 for stamp paper
  - Complainant lodged complaint with ACB
  - Chargesheet under PC Act, Sections 7, 13(1)(d), 13(2)
  - Special Judge found appellant guilty
  - High Court dismissed appeal, affirmed conviction
- Arguments
  - On behalf Aman Bhatia
    - Prosecution under PC Act not maintainable
    - Should be under Indian Stamp Act, 1899 & 1934 Rules
    - Stamp vendor not 'public servant' under PC Act
    - Definition requires service/office under Govt.
    - Prosecution failed to prove demand/acceptance
    - Panch witness did not support demand
    - Relied on Gujarat HC in Ahmedabad Stamp Vendors Assoc.
      - Vendors not agents of State
      - Transaction was a sale
      - Discount not 'commission' under IT Act
      - Discount not under PC Act Sec 2(c)(i)
  - On behalf of Respondent (State)
    - Licensed stamp vendor is public servant
    - 1934 Rules, Rule 34: Discount is remuneration
    - 'Remunerated' in Sec 2(c)(i) interpreted broadly
    - Vendor cannot evade liability by calling it discount
    - Relationship is principal and agent
- Supreme Court Decision
  - On the Definition of 'Public Servant'
    - Definition in Sec 2(c) is comprehensive
    - Should be wide and purposive construction
    - Align with goal of curbing corruption
    - Favour interpretation eradicating corruption
    - Sec 2(c)(i): 'in service/pay of Govt' OR 'remunerated by Govt'
      - Categories are independent
      - Remunerated by fees or commission
      - For performance of public duty
    - 1934 Rules show discount is remuneration
      - Vendors obtain stamps at discount
      - Sell at face value
      - Difference is vendor's remuneration
      - Given under orders of local government
      - Financial and commercial incentive
    - Discount traceable to 1934 Rules
    - Appellant 'remunerated by government'
    - Nature of duty is paramount
    - 'Public duty' definition
    - Vending stamps is a public duty
      - State interest: revenue collection
      - Public interest: accessing stamps for legal transactions
    - Relationship involves remuneration for public duty
    - Emphasis on remuneration for public duty