

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1567 OF 2015

PRALHAD S/O UTTAMRAO SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA & OTHERS

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Advocate for Petitioner : Mr.R. N. Dhorde, Senior Counsel alongwith
Mr. Santosh B. Narwade i/b Mr. R. B. Narwade Patil
APP for Respondent Nos. 1 & 2 : Mr. D.R.Kale
Advocate for Respondent Nos. 3 & 4 : Mr. N. B.Suryawanshi

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 15th DECEMBER, 2015

P.C. :-

1. Issue notice to the respondents. Learned APP waives notice for respondent Nos. 1 and 2. Mr.Suryawanshi, learned counsel, waives notice for respondent Nos. 3 and 4.

2. Mr. Dhorde, learned senior counsel submits that the present applicant is arrayed as accused No.2 in C.R. No. 25/2015 registered with Bhokar Police Station, for the offences punishable under Sections 7, 12, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988. Learned senior counsel submits that the allegations are that, demand of Rs.200/- was made and the same was by way of an illegal gratification. Learned senior counsel submits that Rs.200/-

was to be collected as fees as per the resolution of the Board dated 15.08.2014, so also, the circular dated 23.11.2001. The same was for the students who opted for availing the facilities like library, laboratory etc. Learned senior counsel further submits that accused No. 1 Dr. Ramchandra Munjaji Bhise had filed criminal writ petition No. 1197/2015 assailing the said F.I.R. This Court, vide judgment and order dated 21.10.2015, allowed the said writ petition and quashed and set aside the F.I.R. bearing Crime No.25/2015 as against the said petitioner.

3. We have heard learned APP and Mr. Suryawanshi, learned counsel for respondents. It is a matter of record that the said crime bearing No. 25/2015 registered at Bhokar Police Station has been quashed and set aside qua the accused No. 1 in the said offence. This Court has held that said receipt of Rs.200/- from each student of the Open University is as per resolution of the Board dated 15.08.2014 pursuant to circular dated 23.11.2001 for availing the facilities like library, laboratory etc. and the same is not illegal gratification.

4. In view of the aforesaid dictum of this Court, the present petition also requires to be allowed.

5. In light of above, the FIR bearing Crime No.25/2015 registered at Bhokar Police Station for the offences punishable under Sections 7, 12, 13(1)(d) r/w 13(2) of the Prevention of Corruption Act, 1988, as against the present petitioner is quashed and set aside.

6. Criminal Writ Petition is accordingly disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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