

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELATE JURISDICTION
CRIMINAL WRIT PETITION NO.3852 OF 2014

Laxman Kondiba Dhoble ...Petitioner
vs.
The State of Maharashtra & Anr. ...Respondents

Mr.Maitreya Shukla and Mr.Aditya Mithe for the
Petitioner
Ms M.H.Mhatre, APP for the respondent No.2

CORAM : A.S.OKA, &
A.A.SAYED, JJ.
DATE : AUGUST 26, 2016

1 Heard the learned counsel for the petitioner.
The prayer in this petition is for quashing the FIR
registered for commission of offences under section
420 read with section 34 of the Indian Penal Code
and section 7 of the Maharashtra Educational
Institutions (Prohibition of Capitation Fees)
Act, 1987.

2 The petitioner is the member of Managing Committee of a Trust which is running Nalanda College of Law. The FIR is lodged by one of the students who alleged that an assurance was given to admit her in the First Year LL.B Course conducted by the Law College. On a representation being made by the petitioner and the accused, she was made to deposit a sum of Rs.22,000/- for which a receipt dated 3rd June 2014 was issued. It is stated that

amounts were also collected towards the cost of the admission forms. The allegation is that a sum of Rs.22,000/- was collected from every student. The total amount collected was Rs.16,92,820/- and none of the students were given admission. The allegation is that Capitation Fee was accepted by the management of the College.

3 The learned counsel for the petitioner submits that no offence is made out against the petitioner. His submission is that some of the students were given admission. He is relying upon the letter dated 9th September 2014 issued by the Bar Council of India to the Registrar of the University of Mumbai which records that extension to the affiliation to the said Law College has been granted for the academic year 2014-2015 with additional sanction for 60 students along with existing strength of the students. The said letter does not support the petitioner. According to us, considering the allegations made in the statement on the basis of which FIR is registered, a prima facie case of commission of offences is made out. In any case investigation is called for. Therefore, at this stage, no interference can be made in writ jurisdiction. Writ petition is rejected.

4 However, we make it clear that we have not made any final adjudication and the contentions of the petitioner will remain open.

(A.A.SAYED,J.)

(A.S.OKA,J.)