IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.659 OF 2020

Poonam Charandas Khanna ...Applicant
vs.
The State of Maharashtra & Anr. ...Respondents

WITH
INTERIM APPLICATION NO.4066 OF 2022
IN
ANTICIPATORY BAIL APPLICATION NO.659 OF 2020

Ashok Mohanani ...Applicant
vs.
The State of Maharashtra & Anr. ...Respondents

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Mr. Prakash V. Vare, a/w. Mr. Kamlesh Jain, for the Applicant.

Mr. Umesh Iyer, a/w. Mr. Devendra Avhad, Mr. Jitendra Jagtap Ms. Ruchika Indulkar, and Ms. Khushboo Agrawal, for the Intervenor.

Mr. S.V. Gavand, APP, for the Respondent State.

Mr. Ramesh Warang, PSI, Kherwadi Police Station, Mumbai.

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CORAM : ANUJA PRABHUDESSAI, J.

DATE : 24 APRIL 2023

P.C. :

This is an application under Section 438 of the Cr.P.C. filed by the aforesaid Applicant apprehending his arrest in Crime No.34 of 2020 registered with Kherwadi Police Station, Mumbai, for offences punishable under Sections 406 and 420 r/w Section 34 of the IPC.

2. Heard Mr. Prakash Vare, learned Counsel for the Applicant, Mr. S.V. Gavand, learned APP for the Respondent State and Mr. Umesh Iyer, learned Counsel for the First Informant. I have perused the records and considered the submissions advanced by learned Counsel for the respective parties.

3. The aforesaid crime was registered pursuant to the FIR lodged by Ashok Govindram Mohnani. The FIR prima facie reveals that the First Informant, who is a builder, was looking for a lawyer to represent him in two legal proceedings pending in the City Civil Court. One of his friends introduced him to the Applicant herein and she represented to him that she is a Practising Lawyer in the Supreme Court and assured to represent him in the said two proceedings. She demanded legal fees of Rs.15,00,000/-. The First Informant has stated that he paid to her an advance of Rs.10,00,000/-.

4. The First Informant had started construction at Village Donare, Boling and Chikal Dongre, Vasai. The First Informant claims that MSEB had not installed electric transformer, due to which, he could not get electricity supply. The First Informant and several other builders were suffering loss due to non-installation of electricity transformers. The First Informant discussed this issue with the Applicant and she assured to file appropriate legal proceedings to get

electric transformer/meter through MSEB. She held a meeting with the Builders & Developers and informed them that she knew senior officers of MSEB and, if need be, she would meet the concerned Minister and help them in getting the said transformer installed. The Applicant apprised them that the total cost of the said work would be 3 crores with advance of 50%. In view of the request of the First Informant and others, she agreed to do the work for Rs.2,11,00,000/- and prepared a Memo of Understanding, wherein it was agreed that amount of Rs.51,00,000/- would be paid prior to the installation work with an undertaking to refund the said amount in the event of the delay in completing the work. It is alleged that on 5 January 2019, the driver of the Applicant received the said amount from Lilesh Haldankar. Again, on 8 January 2019, an amount of Rs.20,00,000/- was sent to the house of Vijay Mohnani and the said amount was also received by the driver of the Applicant. It is stated that since the Applicant did not complete the work as per the MOU and did not initiate any legal proceeding, the First Informant asked her to return the money. The Applicant issued cheque of Rs.10,00,000/- but stopped the payment resulting in dishonour of the cheque. The First Informant learnt that the Applicant was not an Advocate and that she has deceived several persons by falsely representing to be an Advocate.

5. In the MOU prepared by the Applicant she has stated that she is an Advocate by profession. In her statement, which was recorded by the police before registration of the FIR, she has stated that she is a

law graduate and legal consultant and works from home and that she has been giving legal advice and charging legal fees. Learned Counsel for the Applicant concedes that the Applicant is not a law graduate. The records prima facie reveal that the Applicant had deceived the First Informant and several others by claiming to be a law graduate and legal consultant. Needless to state that apart from cheating several litigants, such unscrupulous elements impersonating as lawyers bring disrepute to the noble profession. It is, therefore, necessary to investigate the crime thoroughly and ascertain whether the Applicant has appeared in the courts and represented other litigants and further whether she has deceived other innocent litigants, which can be done only through custodial interrogation.

6. In view of the above facts and circumstances, I am not inclined to exercise discretion under Section 438 of the Cr.P.C. Hence, the application is dismissed. The interim application stands disposed of.

(ANUJA PRABHUDESSAI, J.)