



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO.2315 OF 2023**

Vikram s/o Narayan Pande

***.. Applicant***

***Versus***

1. The State of Maharashtra  
Through City Police Station,  
Majalgaon, Tq. Majalgaon,  
District Beed.

2. Laxman s/o Baburao Bedaskar

***.. Respondents***

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Mr. M. B. Kolpe, Advocate for the applicant.

Mr. S. A. Gaikwad, APP for respondent No.1/State.

Mr. S. T. Jadhav, Advocate h/f Mr. P. D. Suryawanshi, Advocate for  
respondent No.2.

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**CORAM : SMT. VIBHA KANKANWADI &  
ROHIT W. JOSHI, JJ.**

**DATE : 22 JANUARY 2025**

**ORDER (Per Smt. Vibha Kankanwadi, J.) :-**

. Present application has been filed under Section 482 of the Code of Criminal Procedure for quashing the charge-sheet No.123 of 2022 i.e. the proceedings in R.C.C. No.282 of 2022 pending before the learned Chief Judicial Magistrate, Majalgaon, District Beed arising out of Crime No.142 of 2022 dated 14.06.2022 registered with Majalgaon City Police Station, Majalgaon, District Beed for the offence punishable under Section 384 read with

Section 34 of Indian Penal Code and under Section 7 of Maharashtra Education Institutions (Prohibition of Capitation Fees) Act.

2. Heard learned Advocate Mr. M. B. Kolpe for the applicant, learned APP Mr. S. A. Gaikwad for respondent No.1/State and learned Advocate Mr. S. T. Jadhav holding for learned Advocate Mr. P. D. Suryawanshi for respondent No.2.

3. It has been vehemently submitted on behalf of the applicant that the applicant has been falsely implicated in order to oblige a member of Legislative Assembly from the area, who is also running private schools in Majalgaon city. M.L.A. Mr. Solunke appears to have called the informant and Mr. Kulkarni, Education Officer (Primary), Beed at the rest house at Majalgaon and thereupon, those persons had given the names of Sadashiv Govindrao Dhage and Parmeshwar Motiram Admane. The present applicant was serving as a temporary clerk in the said institution and he was not at all involved in direct or indirect activities. The learned Advocate for the applicant has taken us through the contents of the FIR and the charge-sheet. The clerk, who was on temporary basis, could not have taken part unless would have

been compelled. Now, he has lost the opportunity of getting employed because of such allegations against him or his alleged involvement in the crime. In the statements of witnesses there is no role attributed to the present applicant and, therefore, it would be unjust to ask him to face the trial.

4. Learned APP as well as learned Advocate for respondent No.2 have submitted that the informant is in fact the Block Education Officer attached to Panchayat Samiti Majalgaon. It was the part of his duty to visit various schools, which may be aided or unaided and to have watch on the administration in the said schools, to solve the administrative problems and to see that the facilities are properly implemented in such schools. He states that local M.L.A. had called him as well as District Primary Education Officer to rest house around 11.00 a.m. on 14.06.2022 and conveyed that there is complaint that donation is accepted at Siddheshwar Primary and Secondary School, Majalgaon. Some parents of the students from Siddheshwar School were also present there and they made allegations in writing with the informant. Thereupon immediately the informant and Mr. Kulkarni went to see the truth in the allegations and went to Vaishnavi Mangal Karyalay at Majalgaon where some persons

were sitting. The allegation was that a student is asked to pay cash of Rs.10,000/- to 15,000/- for admission and no receipt is issued in respect of that amount. All these activities were going on at Vaishnavi Mangal Karyalay at Majalgaon. Two persons were found there, i.e. Sadashiv Govindrao Dhage and Parmeshwar Motiram Admane, who were stated to be the teachers from Siddheshwar School. They disclosed that the admission process of standard 5<sup>th</sup> to 10<sup>th</sup> is going on and they also disclose that for the admission, this amount is being collected illegally. There were printed admission forms as well as some were blank forms. Inquiry was made in respect of some of the parents, who were present there. Panchas were called and in presence of panchas, the small bag/purse with Sadashiv Dhage were checked. At that time, he was found with cash of Rs.1,76,500/- and the register. Said cash amount as well as the register were seized and then the FIR has been filed. Now, in the charge-sheet, statements of parents, statement of local M.L.A. who had received the complaint first and statements of some students, have been recorded. Therefore, there is *prima facie* evidence against the applicant and the role of the applicant was that he was issuing the receipts. Therefore, this is not a fit case where the powers under Section

482 of the Code of Criminal Procedure should be exercised.

5. We fully agree with the submissions on behalf of the respondents. Though the name of the applicant is not reflected in the FIR, yet it can be seen that during the course of the investigation when documents have been collected at that place, certain receipts have been seized and by obtaining admitted handwriting of the applicant, those documents are stated to have been sent for opinion of the handwriting expert. When the receipts are stated to be under the handwriting of the present applicant, certainly there is a possibility of his role getting evolved in the matter. Hence, this is not a fit case where we can exercise our inherent powers under Section 482 of the Code of Criminal Procedure. Hence, application stands rejected.

**[ ROHIT W. JOSHI ]**  
**JUDGE**

**[ SMT. VIBHA KANKANWADI ]**  
**JUDGE**

scm