

Mumbai lawyers shocked by arrests

Kartikeya | TNN

Mumbai: City-based criminal lawyers said they were "shocked" and "surprised" by the police action against the youths from Mumbai who were celebrating in Lonavla and ended up being arrested. "Section 294 of the Indian Penal Code (IPC) deals with obscenity in public places. By what stretch of the imagination is a bungalow a public place?" asked criminal advocate Vivek Kantawala. Besides, the section is bailable, he added, wondering why the youths had been sent to police custody for a day. The section was reportedly slapped on the youths because they

a caretaker to look after it. Lanjile alleged that the police heard loud music playing from the Ryewood Park area at around 1.30 am. "I sent two police constables to check what was going on. When they

men asked them to stop the music as it was already late, but most of them were inebriated and paid no heed. My mother returned to the police station and I decided to go to the spot since I had also received complaints from the neighbours. I

youths failed to produce permission for playing music or licences for the possession and consumption of liquor. "We have booked them under Section 294 (obscene acts and songs) of the Indian Penal Code, Sections 83 and 85 of the

them had initially given false addresses to the police. "The police wanted to know from where they had got the liquor. The police also wanted to probe whether these youngsters had taken narcotic substances," he said.

few parents went to the court. Senior inspector Balraj Lanjile said the police tried to contact the parents. "But since most of the youths furnished fake addresses, we could not contact them," he said.

CHARGES THE YOUTHS FACE

● **Section 294 of the Indian Penal Code (IPC):** Whoever annoys others with obscene acts and songs in public places

Bailable: Yes

● **Sections 83 and 85 of the Bombay Prohibition Act:**

were dancing.

"There is a growing trend to target such parties by the police. In most cases, it is an excuse to book kids," said advocate Sushan Kujuraman. He said that even the sections of the Bombay Police Act and

Possessing and consuming liquor without a licence or permit

Bailable: Yes; the accused is usually fined

● **Section 33 (R) of Bombay Police Act:** Playing loud music in or near any public place, or in any place of public entertainment, without permission

Bailable: Yes

the Prohibition Act, under which the youths have been booked for possessing and consuming liquor without licenses, are bailable.

Advocates pointed out that the Supreme Court has often said that in bailable offences, the accused

should be released on bail immediately after being booked for the crime. "It seems like yet another instance of cops targetting people from a particular social circuit. This is hideous," Kantawala said.

In March 2008 Pune police had acted against a rave party in the Yeoor Hills and in October 2008 the Mumbai police had raided a Juhu pub, but in those cases accusations of narcotics were involved. In the Lonavla case, lawyers were shocked that the police found no evidence of narcotics but still treated the youths like criminals, even asking for them to be kept in the lock-up.

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K K Singhvi, counsel for the Maharashtra government said that the 90:10 formula worked out for the admissions to first year junior college was "reasonable". Denying that there was any arbitrariness, Singhvi said that the state had held wide ranging consultations with various groups since last year when the HC had struck down the percentile system.

An affidavit by dr Sridhar Salunkhe, divisional chairman of the Maharashtra State Board of Secondary and Higher Secondary Education, said that the scheme attempted to strike a balance between different boards. "Ultimately, it is the students of other boards

interests of all students and does not impinge of any person's rights." The affidavit further said that the quota had been fixed in proportion to the number of students from different boards. Dr Salunkhe also added that Boards like CBSE and ICSE ought to have commenced their own Standard XI and Standard XII to address the problems faced by their students.

CBSE and ICSE students constituted barely 3.38 % of total candidates who took admission the 2.48 lakh FYJC seats in the city. The fight really is for elite colleges in the city where for the year 2008-2009, between 9% to 41% constituted CBSE/ICSE students.



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