

C. C. NO. 317/SW/2015

ORDER BELOW EXH. 1

Perused complaint. Heard Learned advocate Pritesh Kera appearing on behalf of the complainant. I have gone through entire proceeding minutely. Complainant i. e. Maharashtra Pollution Control Board is a body corporate constituted by the State Government under the provisions of the Water (Prevention and Control of Pollution) Act, 1974. The complaint is represented by the officer who is deemed to be a public servant under said act. According to the complainant, accused no. 1 is a company represented by accused no. 2 and 3, indulged into the activities which are done in contravention of the provisions of the Environment (Protection) Act, 1986 which are punishable vide Section 15 and 16 of said Act. Upon deep perusal of complaint, it reveals the necessary ingredients of the rules and directions which apparently the accused seems to have violated and made out against them. Prima facie I found there is substance in the complaint. Being public servant, it is not necessary to record verification statement of the complainant. Barely on the basis of the complaint and the documents annexed herewith, I believe, the accused company and its representative have committed the offence punishable u/sec 15 r/w 16 of the Environment (Protection) Act, 1986. To suffice justice, I pass the following order :

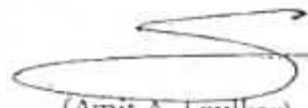
ORDER

- i. Issue process against accused nos. 1 to 3 for the offence punishable u/sec 15 r/w 16 of the Environment (Protection) Act, 1986. Returnable on 04/10/2016 at 11.00 am.
- ii. Complainant to collect the summons and get it served.



Dtd. 18/08/2016

nmp.


(Amit A. Laulkar) 19/8

Metropolitan Magistrate,
63rd Court, Andheri, Mumbai.
I/C M. M. Railway Mobile Court,
Andheri, Mumbai.

3 TRUE COPY

IN THE COURT OF METROPOLITAN MAGISTRATE,
63RD COURT, ANDHERI, MUMBAI
I/C METROPOLITAN MAGISTRATE, RAILWAY MOBILE COURT,
ANDHERI, MUMBAI.

CASE NO. 317/SW/2015

CHARGE

I, A. A. Laulkar, Metropolitan Magistrate, 63rd Court,
Andheri, Mumbai I/c Metropolitan Magistrate, Railway Mobile Court,
Andheri, Mumbai hereby charge you,

1 M/s Anshuman Developers.
Plot No. 122, Ground Floor, Sher-E-Punjab,
Opposite Dornic Savio School,
Guru Gobind Singh Road,
Andheri (E), Mumbai - 400 093.

2 Shri Ajay Pravinchandra Kamdar.
Age :- 60 Years.
Occ.:- Businessman

3 Shri Suhas Zanjurne
Age :- 39 Years.
Occ. :- Service



As follows,

That, you both accused Nos. 2 and 3 being representative of
accused No. 1 company carried out the construction activity at "Shiv
Shakti SRA CHS Ltd" on plot bearing [Old CTS No. 364-A, 371-D & 372
(Part)], new CTS No. 364/A/1 to 364/A/4, 371-D & 372/B of village
Mogra, Tal-Andheri, Vijay Raut Road, Pump House, Andheri (E), Mumbai
- 400 093 without obtaining Environment Clearance as obligatory under

the Environment Impact Assessment Notification, 2006 and contravened of the provisions of the Environment (Protection) Act, 1986 which are punishable vide Section 15 and 16 of the said Act and thereby committed an offence punishable under Section 15 read with 16 of the Environment (Protection) Act, 1986 and within my cognizance.

And I hereby direct that you be tried by this Court on the said charge.

Given under my hand and seal of the Court on this the 18th day of August, 2016.

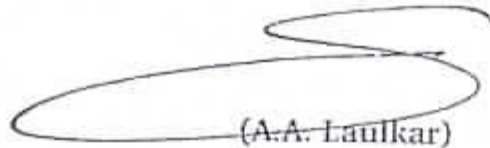


(A.A. Laukar)

Metropolitan Magistrate,
63rd Court, Andheri, Mumbai.
I/C Metropolitan Magistrate,
Railway Mobile Court, Andheri, Mumbai.

Date :- 18/08/2016.

The contents of the charge are read over and explained to the accused in vernacular language.



(A.A. Laukar)

Metropolitan Magistrate,
63rd Court, Andheri, Mumbai.
I/C Metropolitan Magistrate,
Railway Mobile Court, Andheri, Mumbai.

Date :- 18/08/2016.
*ssk/-



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Judicial Clerk
Metropolitan Magistrate

Application No 778/16
Applied for on 22-8-16
22-8-16

Page No 5
Urgent/Ordinary copy
Typed Zia's copy

C. C. No. 317/SW/2015

1

JUDGMENT
(On Admission Dt. 18/08/2016)

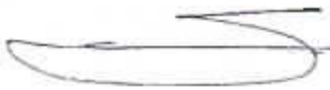
1. The accused company and their representative are hereby charged with the offence punishable 15 r/w 16 of the Environment (Protection) Act, 1986.

2. Prosecution case is as follows :

The complainant i. e. Maharashtra Pollution Control Board is a body corporate constituted by the State Government under the provisions of the Water (Prevention and Control of Pollution) Act, 1974. The complaint is represented by the officer who is deemed to be a public servant under said act. According to the complainant, accused no. 1 is a company represented by accused no. 2 and 3, indulged into the activities which are done in contravention of the provisions of the Environment (Protection) Act, 1986 which are punishable vide Section 15 and 16 of said Act. Post issuance of process, accused appeared before court. Today both parties and their advocates present before court. The accused are ready to plead guilty vide Section 241 of the Code of Criminal Procedure. Accordingly, the charge is explained to them to which they plead guilty.

3. Accused nos. 1 to 3 have pleaded guilty. They are having feeling or remorse. According to them, they may not indulge into any contravention of the directions or rules issued by the complainant board. Prosecution has not brought on record any past black antecedent of present accused. They are voluntarily admitting their guilt. I therefore, pass the following order.



 18/8

4. Conspectus of the circumstances leads me to pass the following order :

ORDER

Accused Nos. 1 to 3 are hereby convicted for the offence punishable 15 r/w 16 of the Environment (Protection) Act, 1986 vide section 241 of the Code of Criminal Procedure and they are sentenced to pay fine of Rs. 50,000/- each, in default of payment of fine, accused no. 2 and 3 being representative of accused no. 1 shall suffer S. i. for 15 days each.

 18/8/16

(Amit A. Laukar)
Metropolitan Magistrate,
63rd Court, Andheri, Mumbai.
I/C M. M. Railway Mobile Court,
Andheri, Mumbai.

Dtd. 18/08/2016

nmp/-

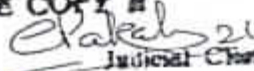
accused do. 1+03

Rs. 50000/- each
Fine Paid

19/8/16
Andheri Centre of Courts,
Andheri



A TRUE COPY

 24/8/16
Judicial Clerk
Metropolitan Magistrate,
Mobile Court Andheri Mumbai



नमूना अ FORM A
 पावती पुस्तक BOOK OF RECEIPT

ख No.

पुस्तक क्र.
 Book No. _____
 अनुक्रमांक
 Serial No. _____

श्री. श्रीमती. कुमारी
 रमकेश्वर शं. / श्रीमती / कुमारी
 गंगामातावाडी वाड क्र.

R17

रु. (शतकड्यात)

रु. (अक्षरी)

PS यांच्या संकेपत्रात

CEB APP 2

हो रक्कम मिळाली.

Received the sum of Rs. (in figures) 20/-
 Rs. (in words) Twenty only from
 Shri. Shrimati Kumari Ady. for corrupt
 through Shri Shrimati Kumari BKH in case
 on account of of 3125W/15

रक्कम देणाऱ्या व्यक्तीची
 नाव
 Signature of the person
 making the payment

दिनांक :
 Date :

रक्कम घेणाऱ्या
 अधिकार्याची सही
 Signature of Officer
 receiving money

दिनांक : 24/8/16
 Date :

HEAD CASHIER
 ANDHERI CENTRE OF COURT
 MUMBAI
 Signature of Cashier
 Senior Clerk

दिनांक :
 Date