

Received on : 03/02/2015
Registered on : 03/02/2015
Decided on : 09/02/2018
Duration : 02Y 00M 06D

IN THE COURT OF JUDICIAL MAGISTRATE, F.C.
I COURT, THANE.
AT : THANE
(Presided over by P. L. Gupta)

Regular Criminal Case No.346 of 2015
MHTH-04/003199/2015
Exh.No.25.

Maharashtra Pollution Control Board,
3rd and 4th Floor, Kalpataru Point Building,
Sion (East), Mumbai 400 022
(Represented by Shri. N. G. Nihul)
Regional Officer – Thane
Maharashtra Pollution Control Board,
haviang it's office at Plot No.30, 5th Floor,
Near Mulund Check Naka, Thane 400 605.

... *Complainant*

V/s.

- 1] M/s. Alfa Enterprises,
7, Survey No.198,
Next to Rupa Compound,
CST Road, Kurla (W),
- 2] Shri. Md. Mustafa Shaikh
Age Adult,
Project Proponent
M/s. Alfa Enterprises,
7, Survey No.198,
Next to Rupa Compound,
CST Road, Kurla (W),

3/2/18

3] Shri Abbas Ali Md. Usman Shaikh,
Age Adult,
Project Site In-charge,
M/s. Alfa Enterprises,
7, Survey No.198,
Next to Rupa Compound,
CST Road, Kurla (W).

... Accused

Offences punishable U/s.15 and 16
of the Environment (Protection) Act,
1986 r.w. the Environment Impact
Assessment Notification, 2006.

Mr. R. A. Sheth, Ld. Adv. for complainant.
Mr. M. I. Shaikh, Ld. Adv. for accused.

: **J U D G M E N T** :

(Delivered on this 9th day of February, 2018)

3] Maharashtra Pollution Control Board have
prosecuted all the accused persons for offences punishable
under Section 15 and 16 of the Environment (Protection) Act,
1986 r.w. the Environment Impact Assessment Notification,
2006.

Th: 2] A charge vide Exh.21 came to be framed against all
Dt: the accused for the aforesaid offences. Accused voluntarily
pleaded guilty and their statement to that effect is recorded. As
accused have voluntarily pleaded guilty, and therefore, I accept
the same and therefore they are liable to be convicted as per the
provision of Section 241 of Code of Criminal Procedure.

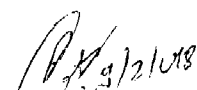
2018
9/2/18



3] The particulars of charge have been explained to the accused in vernacular language and after understanding the same they have submitted that they voluntarily pleaded guilty. Hence, the accused being voluntarily accepted the guilt, they are liable to be convicted for offences under Section 15 and 16 of the Environment (Protection) Act, 1986 r.w. the Environment Impact Assessment Notification, 2006.

4] The punishment provided under section 15 and 16 of the Environment (Protection) Act, 1986 r.w. the Environment Impact Assessment Notification, 2006 is upto a term which may extend to 5 years or with fine which may extend to Rs.1,00,000/- or with both. At this stage, I stop here to hear accused on the point of sentence.

Thane.
Dt: 09/02/2018


(P. L. Gupta)
Judicial Magistrate, F.C.
1st Court, Thane.

5] I have heard the accused on the point of sentence. They have submitted that leniency be shown to them while inflicting punishment and minimum punishment be inflicted. Considering the age of accused, nature of offence which they have committed and further considering the fact that they have voluntarily pleaded guilty of aforesaid offences, in my opinion, following sentence will meet the ends of justice. In the result, I pass the following order.


09/2/18

: ORDER :

- 1] Accused No.1 M/s. Alfa Enterprises, accused No.2 Shri. Md. Mustafa Shaikh Project Proponent and accused No.3 Shri Abbas Ali Md. Usman Shaikh, Project Site In-charge, are hereby convicted as per the provisions of Section 241 of Criminal Procedure Code for the offences punishable under Section 15 and 16 of the Environment (Protection) Act, 1986 r.w. the Environment Impact Assessment Notification, 2006 and thereby they are sentenced to pay fine of Rs.1,00,000/- (Rupees One Lac Only) jointly or severally.
- 2] In case of default in payment of fine amount by the accused, they shall be liable for further imprisonment of one month.
- 3] P.R. bonds of the accused stand cancelled.

Thane.
Dt: 09/02/2018

(P.L. Gupta)
Judicial Magistrate, F.C.
1st Court, Thane.

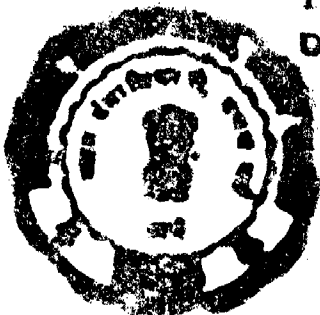
FINE PAID Rs 100000/-
(one lac only)

2018
9com SA/2

Sentenced by
J. M. F. C. 1st Court,
Thane

Dated: 09/02/2018

सत्य-प्रत



सहायक जिल्हा न्यायाधीश
अध्याय दंडा-दिवसनी प्रथम वर्ग
(पहिले न्यायालय, ठाणे)

121 FEB 2018