

Received on : 20/08/2014
Registered on : 20/08/2014
Decided on : 16/03/2016
Duration on : 01Y 06M 25D

IN THE COURT OF JUDICIAL MAGISTRATE (F. C.) 08th
COURT THANE

(Presided over by Shri. D. M. G. Malidwale)

Regular Criminal Case No. 1409/2014
Exh.

Maharashtra Pollution Control Board,
3rd and 4th Floor, Kalpataru Point Building,
Sion (East), Mumbai – 400022
(Represented by Shri. N.G. Nihul,
Regional Officer- Thane

Maharashtra Pollution Control Board,
having his office at Plot No. 30, 5th Floor,
Near Mulund Checknaka, Thane-400605

... Prosecution

Versus

1. M/s. Bharat Infrastructure
& Engineering Pvt.Ltd.
601, Shree Amba Shanti Chambers,
Opp. Hotel Leela, Andheri-Kurla Road,
Andheri(East), Mumbai- 400059.

(Summon to be served upon
Shri. Hemant S. Kolhatkar,
Director,

M/s. Bharat Infrastructure
& Engineering Pvt. Ltd.,
Plot baring No. 67/2A, 67/3A, 67/3B,
Sub-Plot B at Old Mumbai Pune Road,
Near Datta Mandir, Village, Shil,
Dist. Thane.

2. Shri Hemant S. Kolhatkar,
Director,
M/s. Bharat Infrastructure

& Engineering Pvt. Ltd.,
 Plot bearing No. 67/2A, 67/3A, 67/3B,
 Sub-Plot B at Old Mumbai Pune Road,
 Near Datta Mandir, Village, Shil,
 Dist. Thane.

... Accused

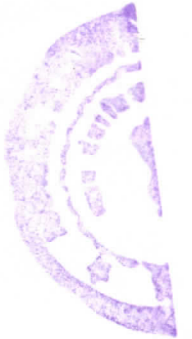
Charge:- Offence punishable under Section
 15 and 16 of the Environment
 (Protection) Act, 1986, read with the
 Environment Impact Assessment
 Notification, 2006.

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 Ld. Add. P.P. for The State :- Mrs. Rupali A. Sheth.
 Ld. Advocate for Accused :- Shri. M.N.Shinde.

:- JUDGEMENT :-

(Pronounced on 16th March, 2016)

- 1] Accused are facing trial for the offence punishable U/sec. 15 & 16 of the Environment (Protection) Act, 1986.
- 2] In brief, case of complainant in as follows :-
 The complainant is Maharashtra Pollution Control Board, constituted under Section 4 of the Water (Prevention and Control of Pollution) Act, 1974 and the said board is represented by Shri. N. G. Nihul, who is Regional Officer at Thane for the Maharashtra Pollution Control Board and he is authorized Officer for the purpose of visit, inspection etc. Accused No. 1 is private company, who is represented by accused No. 2 in the capacity of Director. He is directly incharge of and responsible for the conduct of business of



company. The complainant alleged that the accused have applied for grant of Environment Clearance as required under the provisions of the notification, but they have started their actual construction of commercial-cum-residential complex of an area more than 20,000 Sq. Meters at the Plot bearing No. 67/2A, 67/3A, 67/3B, , Sub-Plot B at Old Mumbai Pune Road, Near Datta Mandir, Village Shil, Dist. Thane without obtaining prior Environment Clearance of the Government as per the EIA notification 2006. Accordingly, the complainant has issued show cause notice dated 13/03/2014 to the accused for violation of the EIA Notification 2006 and thereby the accused have committed an offence punishable under Section 15 and 16 of the Environment (Protection) Act, 1986. Hence this complaint.

3] On behalf of company and himself, today accused No. 2 appeared before the Court. The charge (Exh. 11) has been framed against him, to which he pleaded guilty. Accordingly, his statement is recorded at Exh. 12. He submitted separate application in respect of plead guilty before the Court. Consequences of plead guilty was narrated to accused. However, the said accused remained firm on his decision to confess the guilt with prayer for minimum punishment.

4] Learned advocate for the complainant submitted that accused be punished with maximum fine. The learned

advocate for accused submitted that this is the first offence of accused No. 2 and he does not have any criminal antecedents. His family members are totally depends upon him. Hence, prayed for leniency.

5] Considering the submissions of both the parties, following sentence will meet the ends of justice. Hence, I pass the following order.

: ORDER :-

1. Accused Nos. 1 and 2 are hereby convicted vide Section 246(3) of the Code of Criminal Procedure, for the offence punishable under section 15 & 16 of the Environment (Protection) Act, 1986 and sentenced to suffer simple imprisonment for till rising of the Court and to pay fine of Rs. 50,000/- (Rs. Fifty Thousand Only) each, in default to suffer simple imprisonment for six month.
2. The copy of judgment be supplied to accused No.2 free of cost.

Thane.
Date- 16/03/2016.

(D.M.G. Malidwale)
08th J.M.F.C., Thane.

Malidwale 16/3/2016

Judgment copy
received
on 16/3/2016

CRS. One Lakh Only)
FINE PAID Rs 1,00,000/-

here
Accused No. 2 &
for Accused No. 1

Joshi (CRS. 50,000/- each)

J. M. F. C. 1st Court.
Thane

Dated:- 16/03/2016



सत्य-प्रता

2 प्रतय

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सत्य-प्रता
प्रथम दर्ज