

IN THE COURT OF THE IInd JUDICIAL MAGISTRATE,
FIRST CLASS, PANVEL.
AT : PANVEL.

REGULAR CRIMINAL CASE No.862/2014.
(Before Sou.A.M.Tamne)

Exh.No.16.

Maharashtra Pollution Control Board,)
3rd and 4th floor, Kalpataru Point building)
Sion (East), Mumbai 400 022.)
(Represented by Shri.Dilip K.Khedkar,) Complainant.
The Regional Officer, Maharashtra)
Pollution Control Board, Having its office)
at Raigad Bhavan, 6th floor, C.B.D.,)
Belapur, Navi Mumbai.)

V/s.

1. M/s.Konnark Township Pvt.Ltd. 32-38,)
Dnyaneshwari bldg. Plot No.B/2B,)
sector 12, Kharghar, Navi Mumbai.)
Shri.Bhausahab Namdeo Shingade,)
Managing Director,)
)
2. Smt.Lata Bhausahab Shingade, Director) Accused.
M/s.Konnark Township Pvt.Ltd. 32-38,)
Dnyaneshwari bldg. Plot No.B/2B,)
sector 12, Kharghar, Navi Mumbai.)
)
3. Shri.Ninath Bhausahab Shingade,)
Director, M/s.Konnark Township)
Pvt.Ltd. 32-38, Dnyaneshwari bldg.,)
Plot No.B/2B, sector 12,)
Kharghar, Navi Mumbai.)
)

Offence punishable under sections
15 and 16 of the Environment
(Protection) Act, 1986.

Adv.Mr.D.B.Patil for the complainant.
Adv.Mr.Nitin Shinde for the accused.

16/2/16

- : J U D G M E N T : -
(Declared on 16/02/2016.)

1. The accused are facing trial for the offence punishable under sections 15 and 16 of the Environment (Protection) Act, 1986.

2. The case of the complainant is as under :-

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.Dilip K.Khedkar, who is regional officer at Raigad for the Maharashtra Pollution Control Board and he is authorized officer for the purpose of visit, inspection etc. Accused No.1 is a private company, who is represented by Shri.Bhausahab Namdeo Shingade, Managing Director, and accused Nos.2 and 3 are Directors of the accused No.1 company and therefore, they are 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 provision of the notification, but they have started their actual construction of 'Konark Rivercity' of an area less than 20,000 sq.meters, at village Koproli, survey No.27, H.No.4,2 B & C, Tal.Panvel, Dist.Raigad, without obtaining prior Environmental Clearance of the Government as per the EIA notification 2006. Accordingly, the complainant has issued show cause notice dated 07/04/2014 to the accused for violation of the EIA Notification 2006 and thereby the accused have committed an offence punishable under sections 15 and 16 of the Environment (Protection) Act, 1986. Hence, this complaint.




12/16

3. On behalf of company, accused Nos.1 to 3 appeared before the court. Today, they remained present before the court. The charge has been framed against them, to which they pleaded guilty and submitted that this is their first offence and they want to voluntarily plead guilty for the offence levelled against them on behalf of the company as well as themselves. They submitted separate application in respect of plead guilty before the court. Consequences of plead guilty were narrated to all accused. However, the said accused remained firm on their decision to confess the guilt with prayer for minimum punishment.

4. Learned advocate for the complainant submitted that accused be punished with maximum fine. Accused submitted that this is the first case alleged against them, they do not have antecedents, they shall undertake to abide by all conditions imposed by the court. So also, they submitted that leniency be shown while passing the sentence and prayed for minimum fine. As accused voluntarily pleaded guilty, I pass the following order.

- : ORDER : -

1. Accused Nos.1 to 3 are hereby convicted vide section 246(3) of the Code of Criminal Procedure, for the offence punishable under sections 15 and 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.35,000/- (Rs.Thirty five thousand only) each, in default simple imprisonment for one month each.


16/2/16

2. The copy of judgment be supplied to the accused free of cost.
3. Judgment pronounced and dictated in open court.
4. Electricity was not available, therefore operative order was handwritten and fine was paid by accused. Endorsement about payment of fine is on handwritten operative order. That page is annexed herewith and is part and parcel of this judgment.

Panvel,
Date :- 16/02/2016.

A.M. Tamne
16/02/16
(A.M. Tamne)

Judicial Magistrate, First Class, Panvel.



-: CHARGE :-

I, A.M. Tamne, Judicial Magistrate, F.C. Panvel, Tal. Panvel, District Raigad, hereby charge you :-


1. M/s.Konnark Township Pvt.Ltd. 32-38,
Dnyaneshwari bldg. Plot No.B/2B, sector 12,
Kharghar, Navi Mumbai.
Shri.Bhausahab Namdeo Shingade, Managing Director,
2. Smt.Lata Bhausahab Shingade, Director,
M/s.Konnark Township Pvt.Ltd. 32-38,
Dnyaneshwari bldg. Plot No.B/2B, sector 12,
Kharghar, Navi Mumbai.
3. Shri.Ninath Bhausahab Shingade, Director,
M/s.Konnark Township Pvt.Ltd. 32-38,
Dnyaneshwari bldg. Plot No.B/2B, sector 12,
Kharghar, Navi Mumbai.

As follows :

That you accused, on or prior to 07/04/2014, at village Koproli, survey No.27, H.No.4,2 B & C, Tal.Panvel, Dist.Raigad, being incharge of M/s.Konnark Township Pvt.Ltd., intentionally carried out the construction activity of proposed development of 'Konnark Rivercity' of an area less than 20,000 sq.meters, without obtaining prior Environmental Clearance (E C) from the Government as per EIA Notification of 2006 and that you have thereby, committed an offence punishable under section 15 and 16 of the Environment (Protection) Act, 1986 and within my cognizance;

And I hereby direct that you be tried by me on the above said charge.

Panvel
Date :- 16/02/2016.


16/2/16
(A.M. Tamne)
Judicial Magistrate, F.C, Panvel.

The particulars of the charge were read over and explained to the accused in vernacular and after they properly understood their plea was recorded. The accused pleaded guilty.

Panvel

Date :- 16/02/2016.

(Handwritten signature) 16/02/16

(A.M. Tamne)

Judicial Magistrate, F.C, Panvel.



Regular Criminal Case No.

PC 862/2014.

Maharashtra Pollution Control
Board

... complainant.

vs.

M/s. Konaek Township Pvt Ltd 2 - Accused.

-. OPERATIVE ORDER :-

- 1) Accused Nos. 1 to 3 are hereby convicted vide section 246(3) of the Code of the Criminal Procedure, for the offence punishable under sections 15 and 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. 35,000/- (Rs. Thirty five thousand) each, in default S.I. for one month each.
- 2) The copy of judgment be supplied to the accused free of cost.
- 3) Judgment pronounced and dictated in Open Court.

Punvel,

Date: -16/02/2016.

(A.M. Tamne)
16/02/16

Judicial Magistrate, FC,

Received copy of judgement
dtd 16/2/06.

[Signature] भाऊसाहेब शिंगारे

[Signature] मता शिंगारे

[Signature] निताद शिंगारे

Fine Paid Rs. 35,000 each i. e. $35,000 \times 3 = 1,05,000/-$

[Signature]
Asstt. Supdt. C. & F., Panvel



True Copy

[Signature]
25/2/06
महाय्यक अधीक्षक
फौजदारी न्यायलय पनवेल

[Signature]
Compared by