

IN THE COURT OF THE JT. CIVIL JUDGE J.D. AND JUDICIAL
MAGISTRATE FIRST CLASS, ULHASNAGAR.

R.C.C.NO.65/2015

Exh. No. 29

C H A R G E

I, Shailja O. Pandey, Judicial Magistrate, First Class,
Ulhasnagar do hereby charge you,

- 1) **M/s.Monarch Solitaire**
419, 4th Floor, Raheja Arcade, Sector 11,
CBD Belapur, Navi Mumbai-400 614
Shri. Harish A. Thakur,
(Project Proponent)
- 2) **Shri. Hasmukh A. Thakur,**
(Project Incharge, M/s.Monarch Solitaire)
- 3) **Shri. Anil Mahajan,**
(Project Incharge, M/s.Monarch Solitaire)

as follows :

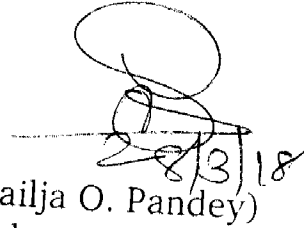
That you Accused No.2 and 3 being Project Incharge of
Accused No. 1 are responsible for the affairs of Accused No. 1 have
carried out the construction work without obtaining prior
environment clearance as obligatory under the EIA Notification 2006
and thereby committed the offence punishable under Section 15 read
with Section 16 of the Environment (Protection) Act 1986 and
Environment Impact Assessment Notification 2006 and within my

cognizance.

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

Ulhasnagar,

Dt. 28/03/2018


28/3/18

(Shailja O. Pandey)
Jt. Civil Judge J.D. and J.M. F.C.,
Ulhasnagar.

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

Ulhasnagar,

Dt. 28/03/2018




28/3/18

(Shailja O. Pandey)
Jt. Civil Judge J.D. and J.M. F.C.,
Ulhasnagar.

: J U D G M E N T :

The accused pleaded guilty for the offence punishable under Sections 15 read with Section 16 of the Environment (Protection) Act 1986 and Environment Impact Assessment Notification 2006. I accept the plea of the accused and hold them guilty for the offence punishable under Sections 15 read with Section 16 of the Environment (Protection) Act 1986 and Environment Impact Assessment Notification 2006 and proceeded to hear them on the point of sentence. The accused submitted that they are the sole earning member of their family and moreover they are held liable because of vicarious liability of Accused No.1. Therefore, they be punished with fine only.

3) Taking into consideration the nature and gravity of the offence, I am of the opinion that the accused does not deserve to be released on Probation of good conduct. I have heard the complainant also on the quantum of sentence. It is true that Accused No. 2 and 3 are held liable because of vicarious liability of Accused No. 1. Moreover, putting the accused behind the bar in my opinion will not meet the ends of justice, when the complainant can be substantially compensated by way of fine. Under the given circumstances, in my opinion, following punishment shall meet the ends of justice. I, therefore, proceed to pass following order :

: O R D E R :

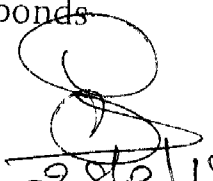
- 1) Accused No. 2 and 3 are hereby convicted u/sec. 241 of Cr.P.C. for the offence punishable under section 15 read with Section 16 of the Environment

(Protection) Act 1986 and Environment Impact Assessment Notification 2006 and they are sentenced to pay fine of Rs.15,000/- (Rupees Fifteen thousand Only) each Total (30,000/-) in default to suffer S.I. of 1 month.

5) The accused to surrender their bail bonds

Ulhasnagar,

Dt.28/03/2018


(Shailja O. Pandey)
Jt. Civil Judge J.D. & J.M.F.C.,
Ulhasnagar.

२८३
कारोबी = २८/३/१८
दिनांक २८/३/१८
१५०००/- सबकी (१५००० तीस हजार मात्र)


SR CLERK,
(Cash and Finance)



कारोबी वर कारवायाची को
कारोबी वर कारवायाची को


कारोबी वर कारवायाची को

27 APR 2018