

IN THE COURT OF THE IIIrd JUDICIAL MAGISTRATE FIRST CLASS
PANVEL.

AT ; PANVEL.

REGULAR CRIMINAL CASE NO.207/2014.

(BEFORE SHRI.D.S.PATALE)

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Maharashtra Pollution Control Board
3rd and 4th Floor, Kalpataru building
Sion (East), Mumbai-400 022,
(Represented by Shri. Dilip K.Khedkar,
Age. 47 yrs.

Regional Officers-Raigad
Maharashtra Pollution Control Board,
Having his office at Raigad Bhawan,
6th Floor, Sector -11,
CBD-Belapur, Navi Mumbai-400614 .. Complainant.

Vs

1. M/s. Paradies Infra-Con Pvt. Ltd.
Project Co-Ordinator
Mr. Umesh Kumar Upadhyay,
B-501/516, Persipolis,
Sector -17, Vashi, Navi Mumbai,
2. Mr. Umesh Kumar Upadhyay,
Age Adult,
Project Co-Ordinator,
M/s. Paradies Infrom-Con Pvt.Ltd.
B-501/516, Persipolis,
Sector -17, Vashi, Navi Mumbai.
3. Mr. Jitendra Rawlani,
Age Adult,
M/s. Paradiese Infra-Con Pvt. Ltd.
B-501/516, Persipolis,
Sector- 17, Vashi Navi Mumbai. .. Accused.

Offence U/Sec. 15 and 16 of The
Environment (Protection) Act 1986.

1. Adv. D.B.Patil for complainant.
2. Adv. Soniya Pawar for accused.

J U D G M E N T
(Date : 11th April 2014)

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

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

The complainant is the 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. The complainant has contented that accused No. 1 is a private company who is represented by Mr. Umesh Kumal Upadhyaya and accused No. 2 is project co-ordinator and accused No. 3 is site in-charge of the accused No. 1 company and therefore they are directly in-charge and responsible to the company for the conduct of business of the company. The complainant further 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 housing project of an area admesuring 19675.73 m² at Kharghar Sector No. 35D at plot No. 45, 52, 52A, without obtaining prior Environment clearance of the Government as per the EIA notification 2006 and accordingly the complainant has issued show cause notice dated 22-04-2002 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. So the complaint has filed the present case against the accused and prayed to punish the accused as per the provisions of law for the aforesaid offence.



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3. Today on behalf of accused No. 1 company accused No. 2, and accused No. 2 and 3 for themselves are appeared before the court (by suo-moto by engaging their Advocate and they have submitted before me that due to oversight and inadvertently the alleged offence is committed but they are voluntarily pleading guilty for the offence levelled against them on behalf of company as well as themselves and accordingly they submitted pursis in respect of plead guilty before the court. The charge has been framed against them to which they again pleaded guilty.

They were asked to rethink their confession as they are apprised that they would be convicted. However, the said accused remained firm on their decision to confess the guilt with prayer for minimum punishment. Ld. Advocate for the complainant submitted that accused be punished with maximum fine. Accused submitted that they are innocent and are acted upon the CIDCO permission and they are earning their brade and butter on the said project and due to stoppage of the construction their financial condition is not sound and they are the only earning member of their family and the children are depends upon them. So also they submitted that leniency be shown while passing the sentence and prayed for minimum fine. As accused pleaded guilty voluntarily, hence I pass the following order :

ORDER

1] Accused No.1 to 3 are hereby convicted vide Section 241 of Cr.P.C. for the offence punishable under Section 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 Rs.50,000/-,(Fifty 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.

Patale
11/04/2014

(D.S.Patale)

Panvel.

Dt.: 11th April 2014

Judicial Magistrate F.C. Panvel.

TRUE COPY

Patale 11/4/14
Judicial Magistrate F.C. Panvel

