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IN THE COURT OF JUDICIAL MAGISTRATE

F.C., VASAI
 दिवाणी व फौजदारी

R.C.C. No. 505/14
 Exh. No. 23

- 1. Date of offence : : 04/07/2014
- 2. Date of report : : 04/07/2014
- 3. Name of complainant : : Maharashtra Pollution Control Board, Kalptaru Point Building, Sion (E) Mumbai.
- 4. Name of accused : :
 - 1. M/s Rashmi Housing Pvt.Ltd. B/215, Shanti Shopping Centre, 1st floor, Opp. Railway Station, Mira Road(E), Dist. Thane through Director Ashok Bosmiya,
 - 2. Shri Sunil Adsul, In House Architect of, M/s Rashmi Housing Pvt.Ltd. B/215, Shanti Shopping Centre, 1st floor, Opp. Railway Station, Mira Road(E), Dist. Thane
 - 3. Shri Mukesh Bhatt, Project Manager of M/s Rashmi Housing Pvt.Ltd. B/215, Shanti Shopping Centre, 1st floor, Opp. Railway Station, Mira Road(E), Dist. Thane
- 5. Particulars of offence :

That you accused no.2 and 3 are in House Architect and Project Manager of accused of ^{accused no.1} M/s. Rashmi Housing Pvt. Ltd. Company and you have committed an offence by carrying out a construction activity at the site without obtaining Environment Clearance from the competent authority and that you are thereby committed an offence punishable U/s.15 r/w.16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006

6 Plea of accused u/s.-----

Q.01: Have you received the copies of case papers ?

Ans. Yes.

Q.02: Have you heard and understood the particulars of offence now read over and explained to you ?

Ans. Yes.

Q.03: Do you plead guilty ?

Ans. Yes. we do plead guilty.

- ① Bonevia (ASHOK PRATAPAN BOSUVA)
② Pradul (SUNIL RAMCHANDRA ADSUL)
③ Manish (Manish Arvind Bhatt)

Sign. of accused.

Before me.

Hashmi H.A.H.L.
30.7.16.

(Hashmi H.A.H.L.)

Judicial Magistrate F.C., Vasai.

Vasai.

Date: 30/7/2016.

JUDGMENT:

(Delivered on 30/07/2016)

1. The accused stands prosecuted for the offence under Section offence punishable U/s.15 r/w.16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006. The particulars of the offence read over and explained to the accused. The accused person pleaded guilty for the same by application at Exh.22 and prayed for mercy.

....5/-



2. The only question therefore arised for me -

i) Whether the accused pleaded guilty voluntarily ?

Yes

ii) Whether the leniency be shown to them ?

Yes

3. I answered these points in the affirmative for the reasons stated below.

: REASONS :

4. The accused pleaded guilty. Considering the nature of offence, plea of the accused, I think, it is voluntarily made and hence I accept the plea of accused being voluntarily. Accused submitted repenting upon the act and hence prayed for leniency while passing sentence. Thus considering facts and circumstances of the case, nature of offence, I have taken lenient view and proceed to pass the following order.

:- ORDER :-

1. The accused Nos.1 to 3 are hereby convicted under section-241 of Cr.P.C. for the offence punishable under section U/s.15 r/w.16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 and sentenced to pay fine of Rs. 30,000/- each (Rupees Thirty Thousand only) in default to suffer simple imprisonment for three months each.

2. Their bail bonds are cancelled if any.

3. Fine amount deposited by the accused person be credited to the State Government of Maharashtra.

Place :- Vasai

Date :-30/07/2016

(Hashmi H.A.H.I.)

Jt. Civil Judge J.D.

& J.M.F.C., Vasai.

Received Rs. 90000/-
(Each Rs. 30000/-)
Side R. No. 2308 to 2310

12/11/16