Presented on : 24/02/2015
Registered on : 24/02/2015
Decided on : 22/05/2018
Duration : Y. M. D.
03 02 28

IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, PUNE
(Presided Over by Satyasheela T. Katare)

REG.CRIMINAL CASE NO. 927/2015 **Exh. No.32**

Maharashtra Pollution Control Board
3rd and 4th Floor, Kalpataru Point Building,
Sion (East), Mumbai- 400022.

(Represented by Mr. A.D. Mohekar
Regional Officer-Pune
Maharashtra Pollution Control Board
3rd Floor, Jog Centre Building,
Wakadewadi, Mumbai-Pune Highway,
Pune- 411 003 .....COMPLAINANT

-VERSUS-

1 M/s. Sara Builders and Developers
" Sara City " Chakan-Talegaon Road,
Kharabwadi, Chakan, Tal. Khed,
Dist. Pune

Mr. Rupesh S. Agarwal,
Age : 32 years, Occu. Business
Partner of M/s. Sara Builders and Developers
" Sara City " Chakan-Talegaon Road,
Kharabwadi, Chakan, Tal. Khed,
Dist. Pune

2 Mr. Rupesh S. Agarwal
Age : 32 years, Occu. Business
Partner of M/s. Sara Builders and Developers
" Sara City" Chakan-Talegaon Road,
Kharabwadi, Chakan, Tal. Khed,
Dist. Pune

R/at : B-104, Lunawat Classic,
Bhosale Nagar, Pune-411007.

3. Mr. Aniruddha Gopalrao Joshi
Age : 32 years, Occu. Service,
Project Manager of
M/s. Sara Builders and Developers
" Sara City" Chakan-Talegaon Road,
Kharabwadi, Chakan, Tal. Khed,
Dist. Pune

R/at : B1/102, Sara City
Chakan-Talegaon Road,
Kharabwadi, Chakan, Tal. Khed,
Dist. Pune

4. Mr. Harish Ravindra Bharuka
Age : 29 years,
Site Incharge
M/s. Sara Builders and Developers
" Sara City" Chakan-Talegaon Road,
Kharabwadi, Chakan, Tal. Khed,
Dist. Pune

R/at : A2/512,
" Sara City" Chakan-Talegaon Road,
Kharabwadi, Chakan, Tal. Khed,
Dist. Pune

.....**ACCUSED**

Offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006).

Appearances

Ld. Adv. Natu -Gadre for the Complainant.

Ld. Adv. Barbhai for the accused.

JUDGMENT

(Delivered on 22nd day of May, 2018)

01. The complainant Mr. A.D. Mohekar, Regional Officer of the Maharashtra Pollution Control Board, at Pune [For short "MPCB"] alleging that accused have committed the offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) [For short "MPCB Board"]. He is authorized to file complaint under the Provisions of the Environment (Protection) Act, 1986.

Following are the facts in nutshell:-

02. It is contended that accused no. 1 is a Partnership firm constituted under the provision of the Partnership Act, 1932. The accused No.1 company is represented by accused No. 2 as a partner , accused No. 3 as a Project Manager and accused No. 4 as a Site Incharge of M/s. Sara Builders and Developers ," Sara City " Chakan-Talegaon Road, Kharabwadi, Chakan, Tal. Khed, Dist. Pune. Accused are engaged in the development of consstruction of residential project namely " Sara City " , at Gat No. 1327/1, 1350, 1349, 1351, 1352, 1253, 1368, 1367, 1343 of Village Chakan (Ranubai Male) Tal. Khed, Dist. Pune . Accused No. 1 to 4 directly in-charge of and responsible to the company for the conduct of business of the company as well as the company and responsible for the

above project and compliance of various provisions of the above Environmental Laws including the EIA, Notification, 2006. It is contention of the complainant that accused have carried out excess construction of total built up area admeasuring 36683.30 M2 at the site without prior permission of the complainant board.

03. It is further contended that the complainant board has filed the complaint against accused persons for the offence under section 15 read with section 16 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006). Hence, the complainant filed this complaint against accused.

04. Accused Nos. 2 to 4 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 leveled against them on behalf of the company as well as themselves. They submitted separate application in respect of plead guilty before the Court at Exh. 24. Consequences of plead guilty were narrated to all accused. However, the said accused persons remained firm on their decision to confess the guilt with prayer for minimum punishment.

05. The learned advocate for the complainant board submitted that accused be punished with maximum fine. Accused submitted that this is the first case filed against them. They do not have antecedents. So also, they submitted that leniency be shown while passing the sentence and prayed for minimum fine. As accused voluntarily pleaded guilty, it appears to be first offence of accused. Therefore, in my opinion it is just and proper to direct accused to pay maximum fine amount. Hence, I pass the following order:

ORDER

1.	Accused Nos. 1 to 4 are hereby convicted vide section 246(3) of the Code of the Criminal Procedure for the offence under section 16 punishable under section 15 of the Environment (Protection) Act, 1986 and the Environment Impact Assessment Notification, 2006 (EIA Notification, 2006) and sentenced to suffer simple imprisonment till rising of the Court and to pay fine of Rs. 60,000/- (Rs. Sixty Thousand Only) each in default simple imprisonment for 40 days each.

The copy of judgment be supplied to the accused free of cost.

(Pronounced in open Court.)

Sd/- 22/05/18
(Satyasheela T. Katare)
Chief Judicial Magistrate, Pune.

Date : 22/05/2018

Fine/Penalty Paid Rs. 2,40,000/-
R. No. 11
Date 22/5/2018

Asstt Supdt.
C.J.M. Pune

Received copy
Adv.
22-5-18

Compared by

TRUE COPY
25.7.18
Asstt Supdt.
Chief Judicial Magistrate
Pune.