

Presented on : 19-06-2014  
 Registered on : 19-06-2014  
 Decided on : 09-02-2022  
 Duration : 07 Ys /07 M. 20 Ds

**IN THE COURT OF METROPOLITAN MAGISTRATE,**  
**49<sup>th</sup> COURT, VIKHROLI, MUMBAI.**  
**(Presided over by Shri V.A.Tekwani)**  
**C. C. No. 121/SW/2014**

Maharashtra Pollution Control Board  
 3<sup>rd</sup> and 4<sup>th</sup> floor, Kalpataruoint Building  
 Sion(E), Mumbai  
 (Represented by Shri R.R.Vasave  
 I/c Regional Officer-Mumbai  
 Maharashtra Pollution Control Board  
 Raikar Chamber, near Govandi Station,  
 Govandi, Mumbai-88

.. Complainant

V/s

1] M/s Skyline Residency Pvt. Ltd.  
 Skyline Oasis, Premier Road,  
 Near Vidyavihar Station, Ghatkopar(W),  
 Mumbai-86

(Summons to be served upon  
 Shri Maulik Dave, Director of  
 M/s Skyline Residency Pvt. Ltd.)

.. Accused no. 1

2] Shri Maulik Dave Director of  
 M/s Skyline Residency Pvt. Ltd.  
 Skyline Oasis, Premier Road,  
 Near Vidyavihar Station, Ghatkopar(W),  
 Mumbai-86

.. Accused no. 2

**JUDGMENT(U/SEC. 265(F) of CR.P.C. PLEA BARGAINING)**  
**(Dated 09-02-2022)**

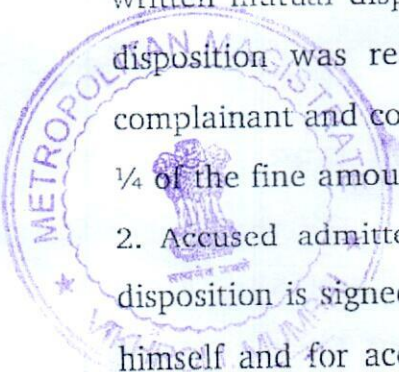
1] The accused has filed an application (Exh. 24) under section 265(B) of the Code of Criminal Procedure for Plea bargaining. Perused the application.



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EIA - Non MMR  
 and MMR -  
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- 2] The accused <sup>are</sup> charged for the offence punishable under sections 15 r/w 16 of Environment Protection Act, 1986.
- 3] The notice was given to the complainant and his Counsel. They are present in the Court and filed pursis at Exh.26. Heard the complainant and accused and their advocates.
- 4] Having gone through the record, I am of view that it is proper to decide the case under Plea bargaining. Therefore, I have examined accused and complainant in camera. I am satisfied that accused has filed the application voluntarily and therefore I think it proper to hold meeting for recording of mutual satisfaction disposition of case. Therefore, order passed below application Exh.27.
- 5] As the all parties appeared and therefore in the presence of Counsels for complainant and accused, we worked out the mutual satisfactory disposition between the parties as per Section 265(C) of Code of Criminal Procedure.
- 6] Complainant filed his say at Exh.28 and both parties filed written mutual disposition at Exh.29. The contents of written mutual disposition was read over to both parties. As per the say of the complainant and consented by the accused, complainant submitted that ¼ of the fine amount be imposed to the accused no. 1 and accused no. 2. Accused admitted the said disposition voluntarily. Exh.29 mutual disposition is signed by the complainant, his counsel, accused no. 2 for himself and for accused no. 1 company and their Counsel. The court also made endorsement to that effect. Therefore, in view of section 265(E) after hearing the both parties, the court finds that the



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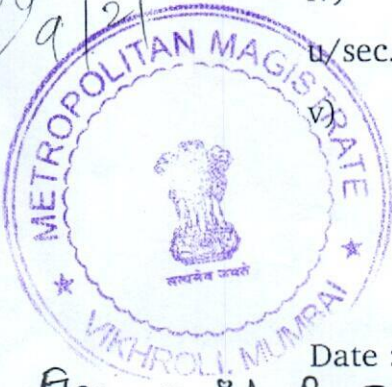
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offence committed by the accused nos. 1 and 2 is not covered under clause (b) or clause (c). Therefore, both accused are liable to be punished  $\frac{1}{4}$  of the punishment provided under section 15 r/w section 16 of the Environment Protection Act, which provide imprisonment for a term which may extend to 5 years or with fine, which may extend to Rs.1,00,000/- (Rs. One Lakh only). Considering the mutual disposition and admission of guilt by the accused as well as it is submitted by the complainant and the accused that now the accused company has obtained permission in the year 2016 from the State Level Environment Impact Assessment Authority constituted under the law. Therefore, only to award  $\frac{1}{4}$  of fine will suffice the end of justice. Therefore, I pass following order :-

**ORDER**

- i) Accused no. 1] M/s Skyline Residency Pvt. Ltd. and accused no. 2] Shri Maulik Dave are hereby convicted for the offence punishable u/sec. 15 r/w section 16 of the Environment Protection Act 1986.
- ii) They are sentenced to pay fine of Rs.25,000/- (Rs.Twenty Five Thousand only) each in default of payment of fine accused no. 2 shall undergo Simple Imprisonment for one month.
- iii) Bail bond of accused no. 2 stands surrendered to the court.
- iv) Accused no. 1 and 2 shall furnish surety of Rs. 15,000/-each u/sec.437(A) of Cr.P.C.

Copy of this judgment be provided to the accused free of cost.



Date :- 09-02-2022

Fine paid Rs. 50000/-  
Rnos. 0238747 & 0238748  
of Rs. 25000/- each

09/422

(V.A.Tekwani)

Metropolitan Magistrate, 49<sup>th</sup> Court  
Vikhroli, Mumbai

**True Copy**

*Rampure*

Judicial Clerk  
Metropolitan Magistrate  
19th Court, Vikhroli, Mumbai

Applied on..... 9/2/22  
Granted on..... 9/2/22  
Added on..... 9/2/22  
Delivered on..... 9/2/22

Recd  
Maulik Dave  
9/2/22