

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO.534 OF 1995

Lal Mahal Co-operative Housing Society	...	Appellant
V/s.		
M/s.Ashwani Builders & Ors.	...	Respondents

.....

None for the Appellant
None for the Respondent Nos.1 and 2.
Ms.Anamika Malhotra, APP for the Respondent/State.

....

CORAM : A. M. THIPSAY J.

DATED : 13TH JANUARY, 2015

JUDGMENT:

1. None appears for the appellant, when called out.
2. This is in spite of the fact that notice has already been served upon the Secretary of the appellant-Society that the appeal shall be heard finally.
3. None appears for the respondent Nos.1 and 2. Under the circumstances, the appeal is being decided after going through the appeal memo, impugned judgment and after hearing the learned Additional Public Prosecutor.

4. The appellant - a Cooperative Housing Society - prosecuted the respondents herein (original accused Nos.1 and 3), alleging commission of offences punishable under Section 10 and 11 of the Maharashtra Ownership Flats (Regulation of the Permission of Construction, Sale, Management and Transfer) Act. The learned Chief Judicial Magistrate, Thane by a judgment and order dated 17/04/1994 acquitted the respondents. The present appeal has been filed challenging the said order of acquittal.

5. I have gone through the impugned judgment. I do not find that the reasoning of the learned Chief Judicial Magistrate, as reflected in the judgment, is not supported by the evidence on record. The appellant has not chosen to remain before the Court and make submissions in support of the appeal.

6. Under the circumstances, I do not find that the impugned judgment and order suffers from any error or illegality needing interference.

7. The appeal is dismissed.

(A. M. THIPSAY J.)