

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 2789 OF 2015

Mumbai Municipal Corporation

... Petitioner.

V/s.

Shubhankar Kalipada Maity & Anr.

... Respondents.

Ms Teja Katdare a/with H.C. Pimple, Advocate for Petitioner.

Mrs. G. P. Mulekar, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 27th JULY, 2015

P.C. :

1 Heard learned counsel for the petitioner-Corporation and the learned APP for the State.

2 The Corporation has filed few cases in the court of Metropolitan Magistrate at Shindewadi, Dadar for the offences punishable under section 304 (I) read section 47 of the MCGM Act. The petitioner Corporation apprehends that the accused in those cases will be acquitted because other similarly situated accused had been acquitted by the learned Magistrate and the applications by the Corporation for grant of leave to appeal against the acquittal have been filed in this court.

3 I am informed that the leave has been granted by this court.

4 In brief, the contentions of the learned counsel for the Corporation is that the cases of similar nature pending in the court of Metropolitan Magistrate be stayed till the appeals pending in this court are decided. In my opinion, it is not possible to grant such a prayer. However, the Corporation will have to wait for the result of the cases pending before the learned Magistrate and will have to take necessary recourse of law after the final judgments.

5 In the result, the writ petition is devoid of merits and is summarily dismissed.

(JUDGE)

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