

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

CRI. WRIT PETITION NO. 2276 OF 2011

Akash @ Gurunath Kadam & Anr.

... Petitioners.

V/s.

The State of Maharashtra & Anr.

... Respondents.

Mr. Pawan K. Pandey i/by P.K.Pandey & Associates for the
Petitioners.

Mr. A. R. Patil, APP for the State.

Mr.H. E. Pimpale, Advocate for Respondent No.2.

CORAM : M.L.TAHALIYANI,J.

DATE : 24th MARCH, 2015

P.C. :

1 Heard learned Advocate for the Petitioners,
learned additional public prosecutor for the State and learned
Advocate Mr. Pimple for the Corporation.

2 It is submitted by the learned Advocate for the
petitioners that the prosecution against the petitioners for the
change of user under section 53 of the Maharashtra Regional
and Town Planning Act, 1966, may be quashed. It is submitted
that now the premises in question have been restored to the
original use. This does not absolve the petitioners of the
wrong committed by them by changing the user. I do not find
any substance in the writ petition.

3 The writ petition is, therefore, dismissed. Rule is discharged. Interim order stands vacated.

4 The observations made by this court shall not in any manner adversely affect the trial and the trial court shall not get influenced by the observations made by this court.

(JUDGE)

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