

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**(i) Criminal Misc.No.A-1109-MA of 2016 (O&M)
Date of Decision : 01st December, 2016**

Haryana State Pollution Control Board

..... Petitioner

Versus

Ashok Tuli

..... Respondent

(ii) Criminal Misc.No.A-1110-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Rajesh Chand Vats

..... Respondent

(ii) Criminal Misc.No.A-1111-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Sunita Luthra

..... Respondent

(iv) Criminal Misc.No.A-1122-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

PPN Properties Pvt. Ltd.

..... Respondent

(v) Criminal Misc.No.A-1125-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Ms. Anita Badhwar and others

..... Respondents

Criminal Misc.No.A-1109-MA of 2016 (O&M)

-2-

(vi) Criminal Misc.No.A-1131-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Guneet Dhillon and others

..... Respondents

(vii) Criminal Misc.No.A-1132-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

J.L.Khanna and others

..... Respondents

(viii) Criminal Misc.No.A-1133-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Arun Sharma and others

..... Respondents

(ix) Criminal Misc.No.A-1135-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Mrs. Madhu Chawla

..... Respondent

(x) Criminal Misc.No.A-1145-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Shiv Mohan Mehra

..... Respondent

Criminal Misc.No.A-1109-MA of 2016 (O&M)

-3-

(xi) Criminal Misc.No.A-1147-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Ms. Anita Suhag and others

..... Respondents

(xii) Criminal Misc.No.A-1149-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Anil Luthra

..... Respondent

(xiii) Criminal Misc.No.A-1150-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Gulshan Rai Jain

..... Respondent

(xiv) Criminal Misc.No.A-1151-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Sanjay Mittal

..... Respondent

(xv) Criminal Misc.No.A-1153-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Mrs. Raj R.Gupta

..... Respondent

Criminal Misc.No.A-1109-MA of 2016 (O&M)

-4-

(xvi) Criminal Misc.No.A-1154-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Ms. Ritu Lekhi and another

..... Respondents

(xvii) Criminal Misc.No.A-1160-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Lt. Col. Krishan Kumar Chabra and others

..... Respondents

(xviii) Criminal Misc.No.A-1161-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Sharad Mohan and another

..... Respondents

(xix) Criminal Misc.No.A-1162-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Pushpa Pangtey and others

..... Respondents

(xx) Criminal Misc.No.A-1164-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Gulshan Rai Jain

..... Respondent

Criminal Misc.No.A-1109-MA of 2016 (O&M)

(xxi) Criminal Misc.No.A-1168-MA of 2016 (O&M)

Haryana State Pollution Control Board
..... Petitioner

Versus

Jeewan Mohan
..... Respondent

(xxii) Criminal Misc.No.A-1173-MA of 2016 (O&M)

Haryana State Pollution Control Board
..... Petitioner

Versus

Smt. Pushpa Pangey and others
..... Respondent

(xxiii) Criminal Misc.No.A-1176-MA of 2016 (O&M)

Haryana State Pollution Control Board
..... Petitioner

Versus

Sh. Sushil Gupta
..... Respondent

(xxiv) Criminal Misc.No.A-1177-MA of 2016 (O&M)

Haryana State Pollution Control Board
..... Petitioner

Versus

C.P.Kukreja Associates Ltd.
..... Respondent

(xxv) Criminal Misc.No.A-1178-MA of 2016 (O&M)

Haryana State Pollution Control Board
..... Petitioner

Versus

Ms. Anita Suhag and others
..... Respondents

Criminal Misc.No.A-1109-MA of 2016 (O&M)

-6-

(xxvi) Criminal Misc.No.A-1179-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Namita Mehta

..... Respondent

(xvii) Criminal Misc.No.A-1180-MA of 2016 (O&M)

Haryana State Pollution Control Board

..... Petitioner

Versus

Rajiv Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Lokesh Sinhal, Advocate
for the applicants.

AJAY TEWARI, J. (Oral)

These are all the applications for grant of leave to file an appeal against the judgment of acquittal and the relevant facts are taken from Criminal Misc.No.A-1135-MA of 2016. The other cases are similar cases only with the distinction that there are applications for condonation of delay of different periods and they all are being decided in terms of the decision in Criminal Misc.No.A-1135-MA of 2016.

The applicant-Board had launched prosecution under the Environment Protection Act, 1986 (in short 'the Act) against the respondent on the ground that she had unauthorizedly constructed a farm house in an area which was covered by notification dated 07.05.1992. The learned trial

Criminal Misc.No.A-1109-MA of 2016 (O&M)

-7-

Court, however, held that the version of the respondent is that they had purchased built up farm houses which as per the revenue record were shown to be existing prior to the notification dated 07.05.1992 and consequently on the date of notification, the land was not 'Gair Mumkin Pahar'.

Learned counsel for the applicant has argued that there is some material to show that this finding may not be fully correct. It cannot be lost sight that the penalty under the Act is very stiff and a person can be sentenced for five year imprisonment.

In these circumstances, it would be incumbent upon the Board to prove the case beyond reasonable doubt and merely because the two views may be possible and an order of finding of conviction cannot be returned.

Accordingly, the application stands dismissed. In other cases also, the prayer for condonation of delay is allowed but the applications for leave to file an appeal against the judgment of acquittal are dismissed as the counsel has accepted that the findings in one case would be applicable in other cases.

(AJAY TEWARI)
JUDGE

01st December, 2016

mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No