

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 688 OF 2016

Atul Ashokkumar Ruia

.... Applicant

Versus

The Commissioner
Mumbai Municipal Corporation
of Greater Bombay & Anr.

.... Respondents

WITH
CRIMINAL WRIT PETITION NO. 1004 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1005 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1006 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1007 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1008 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1009 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1010 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1011 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1012 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1013 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1014 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1015 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1016 OF 2015

**WITH
CRIMINAL WRIT PETITION NO. 1017 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1018 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1019 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1020 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1021 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1022 OF 2015
WITH
CRIMINAL WRIT PETITION NO. 1023 OF 2015
WITH
CRIMINAL APPLICATION NO. 510 OF 2016
WITH
CRIMINAL APPLICATION NO. 511 OF 2016**

Mr. Kedar Patil for Applicant/Petitioner.

Mr. Kunal Waghmare for Respondent No.1/MCGM.

Ms. N.S.Jain, APP for Respondent No.2/State.

**CORAM : RAVINDRA V. GHUGE, J.
DATE : MARCH 22, 2017.**

P.C.

1. I have heard the learned counsel for the Applicant/Petitioner and the Respondents.

2. This Court, by order dated 22/11/2016 had admitted these applications and had granted interim relief in terms of prayer clause (d) which reads as under :

“That pending the hearing and final disposal of the present petition this Hon'ble Court may be pleased to stay the Complaint bearing CC No. 4101028/SS/15 and further be pleased to stay issue process order dated 27/2/2015 and further the summons issued to the accused/Applicant in CC No. 4101028/SS/2015 by the Ld. Metropolitan Magistrate, 41st Court, Shindewadi Dadar, Mumbai.”

3. Learned Counsel for the Applicant/Petitioner submits on instructions that the Petitioners are inclined to tender applications for compounding the offence before the trial court keeping in view that the maximum penalty for violation of the rules of erecting sign boards, would be Rs. 1000/- per day. The Petitioners are desirous of paying the said fine and closing the matter before the trial court so as to bring the litigation to end. It is further prayed that the Petitions be there disposed of and the Petitioners be exempted from appearing before the trial court.

4. Learned Counsel for the Respondent No.1 – Corporation submits that if the Applicants make an application for compounding the offences before the trial court, the Corporation would file an appropriate reply and thereafter the trial court would be at liberty to pass an appropriate order. Insofar as exempting the appearance of the petitioners is concerned, he submits that if such an application for exemption is made, the trial court would pass an appropriate order.

5. Considering the above, all these petitions/applications are disposed of with liberty to the petitioners to file applications as

may be permitted in law for seeking compounding of the offences. After the Respondent No.1 - Corporation submits its reply, the trial court would pass necessary orders in accordance with law. If such applications are filed by the Applicants within a period of four weeks from today, the applicants would therefore be exempted from appearing before the trial court, except for verification with regard to the applications for compounding of the offences.

6. In the event for any reason the offences are not compoundable, the Applicants would be at liberty to file an application for seeking exemption from appearance. The trial court, after obtaining the say of the Respondent No.1 - Corporation, would pass necessary orders and in the event the presence of the Applicants is necessary in the trial, it may accordingly so direct.

7. Other Criminal Applications, if pending, do not survive in the light of this order and are accordingly disposed of.

(RAVINDRA V. GHUGE, J.)