

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.6360 OF 2014

Office Notes, Office memorandum of Coram, appearances, Court's orders or directions & Registrar's orders.

Court's or Judge's orders.

Mrs. Neeta Karnik for the Petitioner.
Shri Manish M. Pabale, AGP for the Respondent No.1.
Shri M.R. Bohra i/b Shri S.B. Shetye for the Respondent No.2.
Shri R.S. Apte, Senior Advocate i/b Shri N.R. Bubna for the Respondent Nos.3 and 4.
Shri Harshad Sathe for the Respondent No.5.

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CORAM : A.S. OKA &
SMT. VIBHA KANKANWADI, JJ
DATED : 24TH JULY 2017

P.C.:

1. Heard learned counsel appearing for the Petitioner, the learned AGP for the first Respondent, the learned counsel appearing for the second Respondent, the learned senior counsel appearing for the third and fourth Respondents, and the learned counsel appearing for the fifth Respondent.

2. The fifth Respondent by the Judgment and Order dated 1st June 2013 has been convicted by the learned Special Judge under the Prevention of Corruption Act, 1988. In an Appeal preferred against the order of conviction, the operation of

order of conviction has been stayed. The Appeal preferred by the fifth Respondent is still pending.

3. It is not in dispute that the fifth Respondent is no longer an elected Councillor. Today, the order of conviction is not operative. The learned counsel appearing for the Petitioner submitted that the disqualification will operate for a period of six years from the date on which the conviction becomes operative in the light of the provisions of Sub-section (1-A) of Section 10 of the Maharashtra Municipal Corporations Act, 1949.

4. As the order of conviction against the fifth Respondent is not operative as of today, it is not necessary to entertain the Petition. If conviction is affirmed, the law will take its own course. At that stage, the Petitioner can always file appropriate proceedings or a fresh Petition in accordance with law.

5. By granting liberty to the Petitioner as aforesaid, the Petition is disposed of.

(VIBHA KANKANWADI, J)

(A.S.OKA, J)