

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 123 OF 2017

Manesh Ranchhoddas KutmutiaApplicant

V/s.

1. The State of Maharashtra
and anr.

....Respondents

* * * * *

Mrs. Mallika A. Ingale, Advocate for the applicant.

Mr. K.V. Saste, Addl.P.P. for respondent no.1, State.

Mr. Vinod Chate a/w. Mr. Kunal Waghmare, Advocate for
respondents no.2 and 3.

CORAM :-

R.M.SAVANT, &

SANDEEP K. SHINDE, JJ.

DATE :-

17TH JANUARY, 2018.

P.C. :-

1. During the course of the hearing of the above application, the Learned Additional Public Prosecutor pointed out, that the charge has already been framed on 24th June, 2016 and the criminal case is set down for trial, the offence alleged against the petitioner is one, under

Section 53(7) of the Maharashtra Regional and Town Planning Act. The gravamen of the allegations against the applicant is, the construction of the sixth and seventh floor without commencement certificate being issued and completion of the said floor and putting the flat purchasers in possession. The said fact has been noted by another Division Bench of this Court in the order dated 7th October, 2015 passed in Writ Petition (Lodg) NO. 2608 of 2015 filed by the petitioner. Infact, the conduct of the builders and developers of carrying out construction without permission has been deprecated and the Court has observed that the builders/developers should now realise that putting the flat purchasers in possession and thereafter seeking release on the said basis would not be countenanced by the Courts. Having regard to the facts as above, no relief can be granted to the applicant. The above Application is accordingly rejected.

(SANDEEP K. SHINDE, J)**(R.M. SAVANT, J)**