

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.542 OF 2019

The Ashuthosh Building Co-op.
Housing Society Ltd. & Ors.

..

Applicants

Vs

State of Maharashtra & Anr.

..

Respondents

...

Mr. Karansingh B. Rajput for the Applicants.

Mr. H.J. Dedhia, A.P.P. for the State.

Mr. Kunal Waghmare for Respondent No.2-MCGM.

CORAM: SMT. BHARATI DANGRE, J.

DATED : 09TH OCTOBER, 2019.

P.C:-

1. In response to the Criminal Application, the Assistant Engineer in the employment of MCGM has placed on record Affidavit dated 01st October, 2019. After making a reference to the gist of the complaint filed on 18th December, 2014 under Section 475A of the BMC Act, 1888 against the Applicants for non-compliance of the notice within the stipulated period, the Affidavit

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proceeds to state that the site in question was inspected by office staff on 21st August, 2019. On inspection, it was found that the repair work was carried out in the premises in question. The Note of intimation of the Assistant Engineer (B&F), 'D' Ward, dated 18th September, 2019 is placed on record.

2. In the light of the fact that the necessary repairs have been carried out and the seepage of water has been arrested in Flat No.34, in my considered opinion, the prosecution against the present Applicants needs to be aborted. Taking on record the said Affidavit and the statement made therein, the Criminal Application is disposed of by quashing and setting aside the proceedings pending on the file of Metropolitan Magistrate, 41st Court, Shindewadi, Dadar, Mumbai.

3. Criminal Application is granted in terms of prayer clause (a).

(SMT. BHARATI DANGRE, J.)