

\$~18

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.L.P. 490/2017**

DELHI POLLUTION CONTROL COMMITTEE Petitioner

Represented by: Mr. Balendu Sekhar and Mr. Dinesh
Jindal, Advocates.

versus

M/S SIYARAM DYEING ETC & ANR Respondent

Represented by: Mr. Rakesh Kumar, Ms. Punam
Sharma and Ms. Swati Katyar,
Advocates.

CORAM:

HON'BLE MS. JUSTICE MUKTA GUPTA

ORDER

%

09.01.2019

Crl.M.A. No. 13993/2017

For the reasons stated in the application delay of 22 days in re-filing the petition is condoned.

Application is disposed of.

CRL.L.P. 490/2017

One of the primary reason for the acquittal by the learned Trial Court is that no evidence was led by the prosecution to show that the petitioner held the premises from where the effluent was being discharged.

Learned counsel for the petitioner has taken this court to the statement of respondent No. 2 who appeared as DW-1 wherein after denying that he was not the owner of the offending unit, he admitted that he owned the

CRL.L.P. 490/2017

page 1 of 2

property where the unit was installed and claimed that the same was given on rent to Jaykant, however, neither any rent receipt was produced nor any other material was placed on record to show that the premises was on rent.

In view of the evidence on record, this Court deems it fit to grant leave to appeal.

Petition is disposed of granting leave to appeal to the petition.

Crl.A. No. /2018 (to be numbered)

Registry to number the appeal.

Admit.

List in due course.

Pending hearing of the appeal, respondent No. 2 will furnish a personal bond in the sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the Joint Registrar (Appellate) of this Court within four months, and in case of change of residential address of the respondent the same will be intimated to this Court by way of an affidavit.

MUKTA GUPTA, J.

JANUARY 09, 2019
‘yo’