

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1431 OF 2004**

Municipal Corporation of Greater BombayAppellant/Complainant

Vs.

Navindra U. Gosar and Anr.

....Respondents/Accused

Mr. Kunal Waghmare for appellant.

Ms. Apurva Gupte, Advocate appointed as Amicus Curiae.

CORAM : K.R.SHRIRAM, J.

DATE : 4th MARCH 2020

P.C.:

1 This is an appeal impugning an order and judgment dated 8th February 2002 passed by the Metropolitan Magistrate 39th Court, Vile Parle, Mumbai, acquitting accused for offence punishable under Section 351 read with Section 475 A(1)(b) of Mumbai Municipal Corporation Act (MMC Act).

2 On 26th February 2020 since nobody was present in Court representing respondent, the Court appointed Ms. Apurva Gupte, Advocate, as Amicus Curiae. Today, Ms. Gupte, learned Amicus, made submissions as to why the appeal was not sustainable and I must observe that Ms. Gupte was very well prepared and appreciate her assistance.

3 While submissions were being made by Ms. Gupte, Mr. Waghmare reached and stated that in view of the order passed by this Court on 3rd March 2020 in Criminal Appeal No.1419 of 2004, this appeal also will not survive, the reason being all dates, address, offences alleged are all identical except that the gala number and accused is different.

4 In view thereof, this appeal accordingly stands dismissed.

5 High Court Legal Services Committee to award fees of the
learned Amicus Curiae fixed at Rs.5,000/-.

(K.R. SHRIRAM, J.)