

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3383 OF 2021

Seema Kiran Jadhav and Ors.

.....Petitioners

V/s.

State of Maharashtra and anr.

.....Respondents

* * * *

Mr. Dheeraj Panchange, Advocate for the petitioners.

Mr. A.R. Patil, APP for State.

Coram : Sandeep K. Shinde, J.

Wednesday, 24th November, 2021.

P.C. :

1. Petitioners are ex-employees of Metropolis Health Services (I) Pvt. Ltd. (hereinafter called “a Company” for short). The said Company and its employees have been prosecuted for the offence punishable under Sections 15(1), 16(1), 16(2), 17(1) and 17(2) of the Environment (Protection) Act, 1986 read with Bio-Medical Waste (Management and Handling) Rules, 1998 read with

Section 120(B), 217, 218, 370 read with Section 34 of the Indian Penal Code.

2. Industrial Bhavan (Worli) Limited filed a complaint in the Court of Metropolitan Magistrate, 62nd Court, Dadar, Mumbai. Learned Magistrate issued summons against the applicants. Whereafter the applicants sought discharge. It was refused by the learned Metropolitan Magistrate vide order dated 26th March, 2018. Aggrieved by this order, the applicants preferred a Revision before the Sessions Court, Greater Bombay alongwith an application seeking condonation of delay caused in preferring the Revision Application. Learned Additional Sessions Judge refused to condone the delay and consequently rejected the delay condonation Application no. 2997/2019 vide order dated 26th December, 2019. This order is assailed in this Writ Petition. Although the respondents were duly served, they have not caused their appearance. Even before the Sessions Court, they had not caused their appearance.

3. Heard learned Counsel for the petitioner and learned APP for the State.

4. In consideration of the facts of the case and for the grounds stated in the application, in my view, the petitioners have shown sufficient cause for condoning the delay. In consequence, the impugned order dated 26th December, 2019 in M.A. No.2997/2019 declining to condone delay, is quashed and set aside. In the result M.A. No.2997/2019 is allowed and petition is disposed off in the aforesaid terms.

5. The learned Sessions Judge shall proceed to decide the Revision application.

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(Sandeep K. Shinde, J.)