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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1425 OF 2004**

Municipal Corporation of
Greater Bombay ... Appellant
Vs.
Upendra Shankarlal Mehta & Anr. ... Respondents

**WITH
CRIMINAL APPEAL NO.1430 OF 2004**

Municipal Corporation of
Greater Bombay ... Appellant
Vs.
Chandrashekar H. Shetty & Anr. ... Respondents

Mr. P. P. Chavan for the Appellant in both Appeals.
None for Respondent No.1 in both Appeals.
Mr. H. J. Dedhia APP for the Respondent-State in Criminal Appeal
No.1425/2004.
Ms. S. S. Kaushik APP for the Respondent-State in Criminal Appeal
No.1426/2004.

CORAM : S. M. MODAK, J.

DATED : 9TH DECEMBER 2022.

PC:-

1. Heard learned Advocate for the Appellant-Corporation and learned APP for the Respondent-State.
2. The Respondent-accused is acquitted for the offence punishable under section 351 read with 475-A(1)(b) of Maharashtra Municipal Corporation Act.

3. The Division Bench of this Court by order dated ***26th April 2012*** in ***The State of Maharashtra Vs. Devidas Nivrutti Gavali & Anr. in Criminal Application No.508 of 2012*** has made observations about filing of Appeal without merits by the State Government. Those were general observations. In view of that the Appellant was directed to ascertain the status of the construction. After visiting the site, it was noticed that the Executive Engineer has approved basement plan on 31st March 2004.

4. Learned Advocate Mr. Chavan for the Appellant-Corporation has also filed an affidavit dated 2nd December 2022 of the Assistant Engineer. The same is taken on record and marked as Annexure "X".

5. In view of that nothing survives in these Appeals. Both the Appeals are disposed of accordingly.

(S. M. MODAK, J.)