

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1426 OF 2004

Municipal Corporation of
Greater Bombay

...Appellant

vs.

Shrikrishna Varadraj Acharya
and Anr.

...Respondents

Ms. Madhuri More - Advocate for the Appellant-MCGM

Mr. S. K. Dubey - Advocate for the Respondent No. 1

Mr. Y. Y. Dabke – APP for the State

CORAM : S. M. MODAK, J.

DATE : 10th JANUARY, 2023

P. C. :-

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 Section 475A(1)(b) of the
Maharashtra Municipal Corporation Act.

3. The Division Bench of this Court by order dated 26th April
2012 in the case of *The State of Maharashtra Vs. Devidas Nivrutti
Gavali and 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 Ms. More for the Appellant-Corporation has also filed an affidavit dated 04th January 2023 of the Assistant Engineer. The same is taken on record and marked as Annexure-'X'.

5. In view of that nothing survives in this Appeal. Appeal is disposed of accordingly.

[S. M. MODAK, J.]