

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 305 OF 2010

Kotak Mahindra Bank Limited and Ors.	..Petitioners
Vs.	
Pune Municipal Corporation and Anr.	..Respondents

Mr. Faisal Sayyed i/b. M/s. Manilal Kher Ambalal & Co., for the
Petitioners in WP/305/2010.

Mr. A. P. Kulkarni, for the Respondent – Corporation.

Ms. Shilpa Talhar, APP for the Respondent – State.

CORAM : R. N. LADDHA, J.
DATE : 2 APRIL 2024

P.C.

. Heard learned counsel for the parties.

2. A process has been issued alleging commission of an offence punishable under Section 398 of the Bombay Provincial Municipal Corporation Act, 1949.

3. The learned counsel for the parties jointly submit that this petition can be disposed of by quashing the order of issuance of process and the proceedings of Criminal Case No.239/2009 pending before the learned Judicial Magistrate First Class Pune as

the petition is covered by the judgment and order of the Supreme Court dated 26 July 2023 in Civil Appeal No.8834/2011 with connected appeals. The learned counsel for the petitioners submits that the requisite octroi has already been paid by the petitioners.

4. In view of this, the petition stands allowed and the order of issuance of process and the proceedings of Criminal Case No.239/2009, pending before the learned J.M.F.C. are quashed and set aside.

R. N. LADDHA, J.