

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

WRIT PETITION NO. 1581 OF 2010

Indian Bank and Ors.

..Petitioners

Vs.

The Commissioner and Anr.

..Respondents

Mr. Anant B. Shinde, for the Petitioners.

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.284/2009 pending before the learned Judicial Magistrate First Class (PMC), 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 in terms of prayer clause (a), which reads thus-

(a) By an appropriate writ/directions/order of this Hon'ble Court, the proceedings initiated by the respondent No.1 by Criminal Case No.284 of 2009 before the Judicial Magistrate First Class (PMC), Pune and an order dated 16/12/2009 passed by the learned Judicial Magistrate First Class (PMC), Pune in Criminal Case No.284 of 2009 of issue process be quashed and set aside.

R. N. LADDHA, J.