

Kailash Chandra Sharma Vs Ndmc

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Court : Delhi

Decided On : Aug-13-2010

Judge : Mr. Shiv Narayan Dhingra, J.

Appeal No. : Crl.MC 648 of 2010

Appellant : Kailash Chandra Sharma

Respondent : Ndmc

Advocate for Def. : Mr. Ashutosh Lohia, Adv.

Advocate for Pet/Ap. : Mr. Chakroborty, Adv.

Judgement :

1. Whether reporters of local papers may be allowed to see the judgment?

2. To be referred to the reporter or not?

3. Whether judgment should be reported in Digest?

1. This petition under Section 482 Cr.P.C has been preferred by the petitioner for quashing an order dated 30th September, 2008 passed by learned Additional Sessions Judge, New Delhi in Criminal Revision No.75 of 2008 framing notice under Section 252/369(1) of the NDMC Act, 1994.

2. The contention of the petitioner is that the learned ASJ had not considered that the offence committed by the petitioner was not a continuing offence and the

petitioner had once been prosecuted for this offence and acquitted.

3. The offence for which the petitioner has been booked by NDMC is misuser of the premises. So long as the misuse of the premises bearing number UB-5, Prakash Deep Building, 7, Tolstoy Marg, New Delhi is not stopped, the misuser is a continuing offence and for each day of misuser of the premises in question, the petitioner can be booked by NDMC, as a separate offence. The plea taken by the petitioner that since his earlier conviction for misuser is set aside on account of limitation, he, therefore, cannot be convicted again for any misuse of the premises, in my opinion, is a baseless plea. This aspect has already been dealt with by this Court in MCD v Mrs. Krishna Devi, I-1988(1) Crimes 300.

4. I find no infirmity in the order passed by learned ASJ. The petition is hereby dismissed being a frivolous petition with costs of Rs.25,000/-, to be deposited with Delhi High Court Legal Services Committee.

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