

ITEM NO.19

COURT NO.9

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s).613/2026

[Arising out of impugned final judgment and order dated 05-03-2025 in CRWP No.887/2019 passed by the High Court of Judicature at Bombay at Nagpur]

COZY PROPERTIES PVT. LTD. & ANR.

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 336580/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 336584/2025 - EXEMPTION FROM FILING O.T.)

Date : 05-10-2026 This matter was called for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) Mr. Siddharth Dave, Sr. Adv.
Mr. Rohit Anil Rathi- 2927, AoR
Ms. Niharika Singh, Adv.
Mr. Yashas R.K., Adv.

For Respondent(s) Mr. Siddharth Luthra, Sr. Adv.
Mr. Aaditya Aniruddha Pande- 3259, AoR
Mr. Bharat Bagla, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Sourav Singh, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

Mr. Davinder Pal Singh, A.S.G.
Mr. Nachiketa Joshi, Sr. Adv.
Mr. Shreekant Neelappa Terdal- 909, AoR
Mr. Rajan Kumar Chourasia, Adv.
Mr. Amit Sharma-b, Adv.
Mr. Aman Jha, Adv.
Mr. Mukesh Kumar Maroria- 2324, AoR

Mr. Balbir Singh, Sr. Adv.
Mr. Gagan Sanghi, Adv.

Ms. Farah Hashmi, Adv.
Ms. Charu Trivedi, Adv.
Ms. Parvati Nambiar, Adv.
Mr. Rameshwar Prasad Goyal- 1350, AoR

O R D E R

Heard Mr. Siddharth Dave, learned Senior Counsel for the petitioners, Mr. Siddharth Luthra, learned Senior Counsel for the respondents no.1 to 4 and Mr. Balbir Singh, learned Senior Counsel for the respondent no.6.

2. The present petition has been filed against the impugned order dated 05.03.2025 passed by the High Court of Judicature at Bombay at Nagpur Bench in Criminal Writ Petition No.887 of 2019, by which the petition filed by the petitioners seeking a CBI inquiry and other ancillary reliefs, has been dismissed observing that in case, if appropriate evidence is brought to the notice of the learned Trial Judge in the matter of an offence being committed by the Directors of the respondents no.6 and 7-Companies, the same shall be dealt with by the learned Trial Judge in accordance with the provisions of Sections 216 and 319 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the "Cr.P.C.") or in accordance with other provisions of law.

3. Learned Senior Counsel for the petitioners submitted that the land belonging to the petitioners was illegally excavated by the respondents no.6 and 7 and used for building its project under a contract, which the respondent no.6 had with the Government for building the Nagpur-Mumbai Expressway. It was submitted that the

said act of the respondents no.6 and 7 was illegal mainly on two counts. Firstly, that no permission or agreement existed between the petitioners and the respondents no.6 and 7 for such excavation and secondly, that no permission was taken from the appropriate authorities under the relevant Statutes for excavating the earth from the place from which, it has been done.

4. Learned Senior Counsel for the petitioners further submitted that pursuant to their complaint, an FIR was lodged, but only under the provisions of the Indian Penal Code, 1860 (hereinafter referred to as the "IPC") and not under the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as the "MMDR Act") or under any other statutory provisions including the Indian Forest Act, 1927 (hereinafter referred to as the "Forest Act"). It was contended that the High Court giving an observation in its impugned order that if any appropriate evidence shall be brought to the notice of the Trial Judge, then based on the same, the Trial Court would act keeping in mind the provisions of Sections 216 and 319 of the Cr.P.C., is meaningless for the reason that it is the prosecution agency to bring on record evidence and the entire prosecution is directed only under the IPC thus, there cannot be any occasion for any evidence other than what the prosecution has brought on record in the charge sheet, which would be produced before the Trial Court. It was further contended that besides causing personal loss to the petitioners, the act of the respondents no.6 and 7 has resulted in damage to the environment and to the ecology as earth/gravel/trees have also been removed from forest land and thus, at least, the State of Maharashtra

should have been more vigilant in the matter, which it has not been.

5. Learned Senior Counsel for the respondents no.1 to 4 drew the attention of the Court to paragraph no.17 of the impugned order, where it has been noted that the learned Additional Public Prosecutor has taken a categorical stand that issue with regard to non-invoking of Section 23 of the MMDR Act will be looked into and if so required by the Trial Court at an appropriate stage can issue directions or else if so required, a supplementary charge sheet can be submitted to that effect.

6. Learned Senior Counsel for the respondent no.6 has adopted the arguments of the learned Senior Counsel for the respondents no.1 to 4.

7. Having considered the matter, we find that the issue raised by the petitioners is of great importance and is not being negated or shot down by the impugned order. The primary concern is that whoever commits any offence under the relevant Statutes, both the MMDR Act as well as the Forest Act and the general penal Statutes of the country, is liable to be prosecuted thereunder. Thus, taking into consideration the fact that a window has been given in the impugned order and also the stand taken before the Court on behalf of the State of Maharashtra, the present petition stands disposed of by clarifying that the State of Maharashtra shall look into the matter and take a decision with regard to whatever offence is made out against all the concerned person(s)/respondents under the MMDR Act, the Forest Act as well as the general penal Statutes and accordingly, as a consequence, do the needful as may be required,

both by way of further investigation and also by submitting supplementary charge sheet before the Trial Court, which shall be considered in accordance with law. We further give liberty to the petitioners to participate in the trial and to adduce evidence because of the fact that from their land also, the earth has been excavated.

8. Before parting, as we have been informed that on the same issue, the respondent no.6 has moved before the High Court of Judicature at Bombay at Nagpur Bench in Writ Petition No.415 of 2020, Crl. Application No.372 of 2020 and Writ Petition No.2185 of 2020 in which, there are interim orders and the said petitions are pending, we request the High Court to dispose of the same within six months. As the matter is of great importance, in case the High Court is unable to dispose of the said petitions within six months, the stay granted in such proceedings shall automatically stand vacated and consequences thereof shall follow. We expect that in view of the fact that witnesses are already being examined before the Trial Court, the State of Maharashtra is required to take necessary action expeditiously. Learned Senior Counsel for the respondents no.1 to 4 assures us of the same.

9. Pending application(s), if any, shall also stand disposed of.

(SAPNA BISHT)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR