

The I.O in the above case has registered the case in Crime No. 13/2025 for the offences punishable under Sections 303(3) of BNS. It is alleged that on 19.03.2025 at about 12.20 p.m. the informant was on patrolling duty and at that juncture received the credible information regarding the dumping of the sand on the tunga river basin at the alleged place of incident by the accused in the vehicle bearing No. KA-18-B-1038 without having any valid license. As such the informant has reported the same before the SHO and thereupon the FIR is registered for the offence P/U/Section 303(2) of BNS.

2. After completion of the investigation the I.O has filed the final report against the report for the offence P/U/Section 303(2) of BNS and cognizance is also taken for the said offence by this Court and the above Criminal Case is registered against the Accused.

3. After the issuance of summons the accused has appeared before this Court through his Counsel and has been enlarged on bail. The Counsel for accused submitted no HBC and therefore it was posted for framing of charge. At that juncture it is brought to the notice of this Court regarding the filing of PCR No. 36/2025 pertaining to the same incident by the concerned official of Mines and Geology Department, Sringeri under the provisions of MMDR Act.

4. This Court has also carefully perused the ratio laid down by the Hon'ble High Court of Karnataka in Vivek and another V/s State of Karnataka reported in 2017 Supreme Karnataka 1234 in Crl.P. 6279/2017 vide Order dated 15.11.2017. The relevant portion of the guidelines issued by the Hon'ble High Court of Karnataka in the judgment mentioned supra is herewith reproduced;

GUIDELINES:

(7) If the police have already filed the report under section 173 of Cr.P.C. for the offences under the MMRD Act and also under Other penal laws, like I.P.C. Motor vehicles Act or under any other penal law for the time being in force where the Magistrate has taken cognizance of the offences under other Penal laws, during inquiry or trial of such case, if any Private complaint is filed as per section 22 of the said Act, by the authorized officer for the offences under MMDR act and Rules arising out of same incident, the Magistrate shall stay all further proceedings, and commit both the cases to the special court for trial of both the cases, as per section 323 of Criminal Procedure Code, after following the procedure as contemplated under section 202 (2) of Cr.PC.

5. As such the proceedings in the above case are liable to be stayed and the matter is required to be committed before the Special Court. Accordingly, this Court proceeds to the following :

ORDER

The Accused is hereby directed to appear before the Court by next date of hearing for compliance of surety and also for committal orders.

For appearance of accused by
25.07.2026.

Sd/- XXX 05.06.2026.

C.J and JMFC, Sringeri.