

Sri. Vasanth Kumar S.P. Senior Geologist, Mines and Minerals Department, Sringeri, Chikkamagaluru District being the authorized officer has filed the Private Complaint under Section 223 of BNSS for the offences punishable under Sections 4(1), 4(1-A) 21 of MMDR Act-1957 and Rule 3(1), 36(3), 42, 43 and 44 of MMDR Rule-1994, against the accused person.

2. The Complainant is a public servant and as such the examination of complainant and the witnesses by way of sworn statement is dispensed with.

3. This Court has carefully perused the contents of the complaint and also the document furnished by the complainant. The complainant has made out a prima-facie case against the accused person pertaining to the commission of the offences P/U/Sections 4(1), 4(1-A) 21 of MMDR Act-1957 and Rule 3(1), 36(3), 42, 43 and 44 of MMDR Rule-1994. The documents relied by the complainants also show that there is commission of offence P/U/Sections 4(1), 4(1-A) 21 of MMDR Act-1957 and Rule 3(1), 36(3), 42, 43 and 44 of MMDR Rule-1994.

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.

5.In view of the said facts and the circumstances and the allegations made in the complaint which has supported by the documents relied by the complainant are sufficient to take cognizance for the offences punishable under Sections 4(1), 4(1-A) 21 of MMDR Act-1957 and Rule 3(1), 36(3), 42, 43 and 44 of MMDR Rule-1994. The copy of the

spot mahazer report dated 19.03.2025 coupled with the copies of the photographs, FIR copy, Circular dated 20.08.2019 issued by the Government of Karnataka under the provisions of MMDR. It reveals that on 19.03.2025 at about 12.20 p.m. the Accused along with others have committed the theft and have illegally dump the sand at the river Tunga basin in the vehicle bearing No. KA-18-B-1038 without any valid license. The said cogent documents supports the case of complainant regarding the commission of the alleged offences mentioned supra.

6. Accordingly, this Court has taken cognizance for the offences punishable under Sections 4(1), 4(1-A) 21 of MMDR Act-1957 and Rule 3(1), 36(3), 42, 43 and 44 of MMDR Rule-1994. Accordingly, the following,

ORDER

The office is directed to register the above private complaint as a Criminal Case in register No. III against the Accused person for the offences punishable under Sections 4(1), 4(1-A) 21 of MMDR Act-1957 and Rule 3(1), 36(3), 42, 43 and 44 of MMDR Rule-1994.

Further, officer is directed to issue summons against Accused person by 25.07.2026.

Accordingly the above private complaint is disposed off.

Sd/- XXX 05.06.2026.

C.J and JMFC, Sringeri.