

Case is advanced. Accused is present.

Learned advocate Sri. M.M is present on behalf of accused and submit that accused is ready to plead guilty.

Further, learned advocate Sri.M.M, filed application U/Sec.70(2) of Cr.P.C., is hereby allowed. NBW issued against the accused is hereby recalled on penalty of **Rs.200/-**.

The consequences of pleading guilty is

explained to the accused and he is ready to plead guilty.

Perused the charge sheet and enclosures filed by the B.T.P.S. The materials placed by I.O which reveals that accused persons have been charge sheeted for the offence punishable u/sec 4(1), 4(1A), 21 of MMDR (Mines and Minerals Regulation of Development) Act 1957 and Section 379 of IPC.

From a perusal of Sec. 22 of MMDR Act reads as follows-

“No Court shall take cognizance of the offence punishable under this Act and any rules made thereunder except upon complaint in writing made by a person authorized on this behalf by the Central Govt, or state Govt.”

Complaint was defined under sec 2(d) of Cr.P.C and it does not include a police report.

In a decision reported in Criminal petition no. 6279/2017 dated 15.11.2017 between Sri. Vivek and another V/s the State of Karnataka and another, the Hon’ble High court of Karnataka issued a guidelines No.3

“ The jurisdictional Magistrate has no jurisdiction or power to taken cognizance for the offence punishable under the MMDR Act and KMMC Rules on the basis of any police report under section 173 of Cr.P.C. However, if any penal provisions under he IPC or any other penal laws are available in the final report of the police, if there is no other legal bar; the Magistrate can take cognizance of such offences under the IPC or other penal laws for which he is empowered, except the offences under MMDR Act & KMMC Rules”.

The concerned authorized officer

constituted under the said Act, has to file private complaint in respect of allegation under the said Act, has to file private complaint in respect of allegation under the MMDR Act and KMMC Rules. In this case, The authorized officer has not been filed private complaint so far.

The Magistrate can take cognizance any other offences except MMDR Act, against accused persons, which constituted from police report. As per charge sheet, accused persons were indulging in transporting the sand illegally without having any license, thereby caused loss to the state exchequers, which attract offence punishable under section 379 of IPC.

The accused is ready and willing to plead guilty of said offence.

Perused the charge sheet and other enclosures. Charge is framed and read over to the accused in the Kannada language known to them. Accused voluntarily pleads guilty. The court is satisfied that accused is voluntarily pleading guilty. Hence , accepted. In view of the same, I proceed to pass the following.

ORDER

Acting under section 241 of Cr.P.C. the accused is convicted for the offence punishable under section **379 of IPC** and sentenced to pay fine **Rs.5,000/-** and in default of payment of

fine, he shall undergo S.I. for a period of three months. Hence the fine amount for accused is **Rs. 5,000/-**. In view of payment of the fine amount paid by the accused, case against accused is consequently closed.

I A.C.J. and J.M.F.C., Bantwal, D.K.

ಹೆಚ್ಚುವರಿ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು ಮತ್ತು ಪ್ರಥಮ ದರ್ಜೆ ನ್ಯಾಯಿಕ ದಂಡಾಧಿಕಾರಿ,
ಬಂಟ್ವಾಳ, ದ.ಕ.

ಸಿ.ಸಿ. ಸಂಖ್ಯೆ: 578/2020

ಸರ್ಕಾರದ ಪರವಾಗಿ - ಫಿರ್ಯಾದಿದಾರರು
ಪೊಲೀಸ್ ಉಪನಿರೀಕ್ಷಕರು
ಬಂಟ್ವಾಳ ನಗರ ಪೊಲೀಸ್ ಠಾಣೆ

- ವಿರುದ್ಧ -

ಆರೋಪಿ : ಸಂಜಯ್ ಸಹಾನಿ
ತಂದೆ : ದೊಡ್ಡ ಸಹಾನಿ
ಪ್ರಾಯ : 28 ವರ್ಷ
ವಿಳಾಸ : ಬಲಾಹ ಮನೆ ಮತ್ತು ಗ್ರಾಮ, ಲಾಲ್ ಗಂಜ್ ತಾಲೂಕು, ವೈಶಾಖ ಜಿಲ್ಲೆ,
ಬಿಹಾರ್

ಆಪಾದನೆ

ಬಂಟ್ವಾಳ ನಗರ ಪೊಲೀಸ್ ಠಾಣಾ ಉಪನಿರೀಕ್ಷಕರು ನಿಮ್ಮ ಮೇಲೆ ಈ ಕೆಳಕಂಡಂತೆ ಆಪಾದನೆಗಳನ್ನು ಹೊರಿಸಿರುತ್ತಾರೆ.

ಈ ನ್ಯಾಯಾಲಯದ ವ್ಯಾಪ್ತಿಗೆ ಸೇರಿದ ಬಂಟ್ವಾಳ ನಗರ ಪೊಲೀಸ್ ಠಾಣಾ ಉಪ ನಿರೀಕ್ಷಕರ ಸರಹದ್ದು, ಆರೋಪಿಯಾದ ನೀವು ಸದ್ರಿ ತಾಲೂಕು ಪಾಣಿ ಮಂಗಳೂರು ನೇತ್ರಾವತಿ ನದಿಯ ಮರಳನ್ನು ಯಾವುದೇ ಅಧಿಕೃತ ಪರವಾನಿಗೆ ಇಲ್ಲದೇ ಸನಧಿಕೃತವಾಗಿ ಸರ್ಕಾರದ ಬೊಕ್ಕಸಕ್ಕೆ ನಷ್ಟ ಉಂಟು ಮಾಡುವ ಮತ್ತು ಯಾವುದೇ ರಾಜಧನ ಪಾವತಿಸದೇ ಅಕ್ರಮವಾಗಿ ಸಾಗಾಟ ಮಾಡುವ ಸಮಾನ ಉದ್ದೇಶದಿಂದ ಸಾಗಾಟ

ಮಾಡುತ್ತಿದ್ದು, ಈ ಮೂಲಕ ಭಾರತೀಯ ದಂಡ ಸಂಹಿತೆ ಕಲಂ 379 ಸಹವಾಚಕ 34 ರಂತೆ ದಂಡಿಸಲ್ಪಡುವ ಅಪರಾಧವನ್ನು ಈ ನ್ಯಾಯಾಲಯದ ಸಂಜ್ಞೆಯೊಳಗೆ ಮಾಡಿರುತ್ತೀರಿ ಎಂದು ನಿಮ್ಮ ಮೇಲೆ ಆರೋಪ ಇದೆ. ಆರೋಪಿ

ಪ್ರಶ್ನೆ.1 ಃ ಮೇಲೆ ಹೇಳಿದ ಆಪಾದನೆ ಅರ್ಥವಾಯಿತೇ ?

ಉತ್ತರ ಃ

ಆರೋಪಿ

ಪ್ರಶ್ನೆ.2 ನೀವು ನಿಮ್ಮ ತಪ್ಪನ್ನು ಒಪ್ಪಿಕೊಳ್ಳುತ್ತೀರಾ ? ಅಥವಾ ಕೇಸನ್ನು ನಡೆಸುತ್ತೀರಾ ?

ಉತ್ತರ ಃ

(ಸದ್ರಿ ಆರೋಪಿಯನ್ನು ಇಂದು ಅಂದರೆ, ದಿನಾಂಕ: 24.07.2026 ರಂದು ನಾನು ತೆರೆದ ನ್ಯಾಯಾಲಯ ದಲ್ಲಿ, ವಿಚಾರಣೆಗೆ ಗುರಿಪಡಿಸುತ್ತಿದ್ದೇನೆ.)

1ನೇ ಹೆಚ್ಚುವರಿ ಸಿವಿಲ್ ನ್ಯಾಯಾಧೀಶರು
ಪ್ರಥಮ ದರ್ಜೆ ನ್ಯಾಯಿಕ ದಂಡಾಧಿಕಾರಿ,
ಬಂಟ್ವಾಳ, ದ.ಕ.