

IN THE COURT OF THE  
**I ADDL. DISTRICT AND SESSIONS JUDGE, KOPPAL**  
**(SITTING AT GANGAVATHI)**

**SPL.C (MMDR) No.3/2024**

Duly sworn on: 24.02.2026

Deposition of : Syed Fazil  
Father : Syed Khalandar  
Age : 33 Years  
Occupation : Geologist, Mines and Geology  
Department at Hosapete  
Residence : Hosapete

**Examination in Chief by Learned Public Prosecutor:**

1. From 15.05.2019 to 23.09.2020, I have worked as Geologist, Mines and Geology Department at Koppal.

2. On 10.02.2020, I have received a complaint through the phone call with the information that, illegal mining and transportation is carried out in Sy.No.23 of Venkatagiri village, Venkatagiri Hobli of Gangavathi Taluk. CW2, 3 and I have conducted raid at the spot and found that, as per revenue records, the land in Sy.No.23 of Venkatagiri village is totally measuring 108.24 acres and it is a Government land. In the said Sy.No.23 of Venkatagiri village, we have given 4 leases for mining to other persons. We have given 14 acre of land for mining in the above said survey number. Apart from 14 acre of land given for mining, we have found that, in the remaining land of Sy.No.23 of Venkatagiri village, at 13 places of Sy.No.23 of Venkatagiri village,

illegal mining activities are carried out. We have seized Tractor mounted compressor bearing registration No.KA-36/TA-9178 and another vehicle Tractor with Trailer bearing Chassis No.MBNJAALABLZL00163 at the spot. We have found that, the total extent of illegal mining is 17738 sq.mtrs. The total quantity of building stones transport is 181509 metric tons. The accused has caused loss of Rs.1,08,90,567/- royalty to the Government.

3. We have tracked the 13 spots of illegal mining by way of GPS. We have also taken photographs of the vehicles found at the illegal mining spots. I have also conducted raid mahazar from 11.45 am to 12.45 pm in the presence of CW2 and 3. As locals have refused to participate as panchas, I have prepared the mahazar in the presence of CW2 and 3. Witness identifies the raid mahazar. The same is marked as Ex.P.-1. Witness identifies his signature on Ex.P.-1 and the signature of witness is marked as Ex.P.-1(a). I have also submitted report to the Senior Geologist along with Google Earth Images. Witness identifies the report. The same is marked as Ex.P.-2. Witness identifies his signature on Ex.P.-2 and the signature of witness is marked as Ex.P.-2(a). Witness identifies 5 Google Earth Images. The same are marked as Ex.P.-3 subject to production of Certificate U/sec.65(B) of Indian Evidence Act. Witness identifies the photographs on Tractor mounted compressor. The same are marked as Ex.P.-4 and 5. Witness identifies the the

photographs of Tractor with the Trailer. The same are marked as Ex.P.-6 to 8. We have handed over seized 2 vehicles to Gangavathi Rural Police Station along with requisition. Witness identifies the requisition given to the PSI of Gangavathi Rural Police Station. The same is marked as Ex.P.-9. Witness identifies his signature on Ex.P.-9 and the signature of witness is marked as Ex.P.-9(a).

4. On 18.02.2020, I have filed a private complaint before Jurisdictional Magistrate Court. Witness identifies the private complaint. The same is marked as Ex.P.-10. Witness identifies his signature on Ex.P.-10 and the signature of witness is marked as Ex.P.-10(a). I have recorded the statements of CW2 and 3. Witness identifies the B-extract of the vehicle of the accused. The same is marked as Ex.P.-11. Witness identifies his signature on Ex.P.-11 and the signature of witness is marked as Ex.P.-11(a).

**Cross-Examination by Sri UAM, Advocate for Accused:**

5. I have not intimated the Police on the message which I have received on illegal mining. The surrounding lands of Sy.No.23 of Venkatagiri village are cultivating lands. It is true to suggest that, 108.24 acre of land in Sy.No.23 of Venkatagiri village is completely containing rocks. We have information on the lease allotted in Sy.No.23 of Venkatagiri village. I have not recorded the statements of owners of

surrounding lands of Sy.No.23 of Venkatagiri village. I have not mentioned about the names of 4 persons to whom the lands were allotted on the lease in my complaint. I have not carried the revenue records. Witness volunteers that, CW2 had carried the revenue records. I do not know the exact records brought by the CW2. It is true to suggest that, I have not mentioned the details on pit No.1 to 3 mentioned in my complaint in my mahazar. It is true to suggest that, I have not mentioned about complete area in my mahazar. I have written the mahazar. No one have dictated the mahazar. By the time, we have visited the spot, people had left. I have not found the accused at the spots. The vehicles belongs to the accused. It is true to suggest that, I have not mentioned the name of the accused in the mahazar. Based on the information on the vehicles from the RTO, I have filed a complaint against the Accused. I have come to the conclusion that, 2 vehicles are used for illegal mining. It is true to suggest that, 17738 sq.mtrs is approximately 4 acre of land. 13 pits mentioned in my complaint are not having any licence from our department. I have no information on hissas in Sy.No.23 of Venkatagiri village. I have received information at about 09.00 am. I have visited the spot at 10.30 am. CW2 and 3 have also come along with me.

6. I cannot state about the duration taken for 13 pits mentioned in my complaint. I have found 2 Tractors. Both Tractors were in running condition. The Tractors were in

start condition. I do not know who had kept the Tractors in start condition. I do not know the owner of the Tractor visible in Ex.P.-6 photograph. It is false to suggest that, I have not taken Ex.P.-6 photograph at the spot. The Tractor visible in Ex.P.-4 and 5 photographs were in start mode. Upon reaching the spot, someone have switched of the Tractor and left the spot. It is false to suggest that, the Tractor visible in Ex.P.-4 and 5 photographs is not at the spot. It is false to suggest that, the Tractor visible in Ex.P.-4 and 5 photographs is broken down and parked at the road. Based on the pits found at the spots, I have come to the conclusion. I have produced the RTO records of the accused along with the complaint. It is true to suggest that, I do not know the total number of vehicles and persons involved in the illegal mining of 13 pits.

7. On the next day of visiting the spots, I have sought for information on the vehicles from RTO Office. It is true to suggest that, I have not mentioned the royalty and penalty rates slab in my complaint. The Ex.P.-3 Google Earth Images pertains to the year 2010, 2012, 2018 and 2020. We have taken overall Ex.P.-3 Google Earth Images for the purpose of finding of illegal mining. It is true to suggest that, we cannot identify the persons on Ex.P.-3 Google Earth Images. It is false to suggest that, after telecast of illegal mining only, we have filed a case against the accused. It is false to suggest that, we have filed a false case against the

accused. It is false to suggest that, I have not visited the spot. It is false to suggest that, I have not conducted any mahazar. It is false to suggest that, the vehicle of accused is not found at the spot. It is false to suggest that, I have filed a false case against the accused. I have not filed a case against the owner of the Tractor visible in Ex.P.-6 to 8 photographs. Witness volunteers that, he has not found information on the owner of the Tractor visible in Ex.P.-6 to 8 photographs. I do not know the places where compressor visible in Ex.P.-4 and 5 photographs are used. It is false to suggest that, compressor visible in Ex.P.-4 and 5 photographs is not involved in the alleged incident. It is true to suggest that, I have not sent any notice to the Accused and sought for explanation from him.

**Re-examination:** Nil.

(Typed to my dictation in open Court)

R.O.I. & A.C.

(Sadananda Nagappa Naik)  
I Addl. District and Sessions Judge,  
Koppal (Sitting at Gangavathi).