

Case advanced on today's board in view of the advancement application filed by Sri.TMC advocate.

The Deputy Director of Mines and Geology Department, Bagalkot is present through WhatsApp video call. Likewise, accused is also present through WhatsApp video call. The learned APP for prosecution and advocate for accused are present before the open court. In the process of negotiation, the parties have arrived at terms. The compromise petition U/S.320(1) of Cr.P.C duly signed by The Deputy Director of Mines and Geology Department, Bagalkot and accused is filed before the court indicating therein that, both the parties have agreed to compound the offense for an amount of Rs. 25,000/- towards compounding fee to be paid by the accused. I have perused the final report. The Ilkal PS has submitted charge sheet against the accused for an offence punishable under sections M & M (D & R) Act and U/sec.379 of IPC. This Court has taken cognizance for an offence punishable U/sec.379 of IPC only. No private complaint is filed as contemplated U/sec.22 of M & M (D & R) Act, 1957 by the competent authorized officer. An offence U/sec.379 of IPC is compoundable U/sec.320(1) of Cr.P.C. That the matter related to the case has been settled and compounded between the Deputy

Director of Mines and Geology Department, Bagalkot who is representing the State and the accused in the presence of their respective advocate. The accused has deposited the compounding fee of Rs.25,000/- in the concerned head of account of Department of Mines and Geology, Bagalkot fixed by the monitoring committee as per resolution dated 26.3.2020. The Authorized officer acknowledges receipt of compounding fee. The advocate for the accused has furnished copy of Challan wherein he has deposited compounding fees of Rs.25,000/-. The contents of compromise petition is read over to parties in Kannada language over video call. They have understood the same. The alleged offence against accused is compoundable one. Court is of the opinion that compromise is not entered into under duress or pressure. As the parties have agreed to compromise the matter the application filed U/s 320(1) of Cr.P.C is taken on record and matter is referred to Mega-e-Lok-Adalath for consideration. Call before Mega-e-Lok-Adalath on 19-09-2020. ACJ & JMFC, HND Case called out before Mega-E-Lok-Adalath. Perused the compromise petition filed U/s 320(1) of Cr.P.C. The state is the custodian of the natural resources. The Deputy Director of Mines and Geology Department, Bagalkot is competent and authorized officer to compound the offence with the accused.

Hence, Lok-Adalath is of the opinion that compromise is not entered into under duress or pressure and same is in accordance with law. Therefore, the compromise is to be accepted and final order is to be passed in terms of compromise petition. Hence, Lok-Adalath proceed to pass following.

ORDER

The compromise petition filed U/S 320(1) of Cr.P.C by the Deputy Director of Mines and Geology Department, Bagalkot and accused is hereby accepted. Consequently, accused is discharged for the offense punishable U/s 379 of IPC as per section 320(8) of Cr.P.C. The bail and surety bond stands canceled. Seized sand is ordered to be handed over to the Department of Mines and Geology, Bagalkot in accordance with law.

Interim custody of seized vehicle is made absolute.

Office is directed to close the case accordingly.

Non-Judicial member

Judicial Member