

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M. P. No. 459 of 2025

Awaneesh Kumar @ Avnish Kumar, aged about 58 years, son of Brahmdev Prasad, resident of at Flat No.4A, Block-A, Spring Valley Phase-1, Lower Burdwan Compound, Lalpur, P.O. G.P.O, P.S. Kotwali, District Ranchi, Jharkhand-834001. Petitioner(s)

Versus

The State of Jharkhand Opp. Party

CORAM : HON'BLE MR. JUSTICE AMBUJ NATH

For the Petitioner(s) : Mr. Vijay Kumar Sharma, Advocate
For the State : Mr. Prabir Kumar Chatterjee, Spl.P. P.

02/ Dated 08.04.2025

Petitioner Awaneesh Kumar @ Avnish Kumar has filed this application for quashing of the order dated 30.05.2024 passed by the learned Sub Divisional Judicial Magistrate, Latehar, whereby and wherein, learned Sub Divisional Judicial Magistrate, Latehar has taken cognizance under Section 33 of the Indian Forest Act in connection with Complaint (C.F) Case No.455/2019. The petitioner has also prayed for quashing of entire criminal proceeding in the aforesaid case.

The case of the prosecution is that on 12.12.2019, Manoj Singh, Forest Guard, Balumath was on patrolling duty. When he reached near Seregarha protected forest area, he found that a 12 meter wide and 200 meter long illegal road was constructed for transportation of coal under Seregarha reserved forest area by the C.C.L Magadh Project, Tandwa.

Learned counsel for the petitioner submitted that road was constructed on the basis of MoU signed between CCL and M/s. Rites Ltd., who was to construct the road for transportation of coal, extracted from coal mines of CCL.

Attention has been drawn towards MoU signed between CCL and M/s. Rites Ltd., in which, M/s. Rites had to take clearance from Forest Department / Pollution Control Board and thereafter, the construction of road had to be begun.

It was submitted that M/s. Rites without obtaining forest clearance had constructed the road. It was also submitted that petitioner cannot be held to be vicariously liable for the act of M/s. Rites.

Reliance has been placed upon the judgment of the Hon'ble Court rendered in J. P. Sharma & Ors. Vs. The State of Jharkhand & Anr., reported in 2015 (4) East. Cr. C. 672 (Jhr).

Petitioner, who is a Project Officer of CCL, Magadh Project, Tandwa, cannot be held vicariously liable for the act of M/s. Rites, who was under the obligation to get forest clearance before the construction of the road.

In view of the aforesaid facts, entire proceeding in connection with Complaint (C.F) Case No.455/2019 and its consequential order are hereby quashed, qua the petitioner.

Accordingly, this criminal miscellaneous petition stands allowed. Pending I.A., if any, also stands disposed of.

(Ambuj Nath, J.)

BS/-