

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.4341 of 2023

Chandrasekhar Nanda

.....

Petitioner

Mr. Santanu Kumar Sarangi, Senior Advocate

-Versus-

State of Odisha & another

.....

Opposite Parties

Mr. Bijaya Kumar Ragada,
Additional Government Advocate

CORAM:

JUSTICE SIBO SANKAR MISHRA

CRLMC No.4341 of 2023

A N D

I.A. No.3005 of 2023

ORDER

01.02.2024

Order No.

01.

1. Heard.
2. Mr. S.K. Sarangi, learned Senior Counsel appearing for the petitioner submits that in the cause title of the CRLMC, there is a typographical error in so far as the name of the informant-opposite party no.2 is concerned. In place of Shri Ipsit Kumar Mohapatra, it should have been “Shri Ipsit Kumar Sahoo”.
3. Instructing counsel of Mr. Sarangi, learned Senior Counsel is permitted to carry out necessary correction in the cause title of the CRLMC in Court today. Shri Ipsit Kumar Mohapatra, is corrected as “Shri Ipsit

Kumar Sahoo”. The same shall be done in Court today and counter-signed by the junior counsel.

4. By way of the present petition under Section- 482 Cr.P.C., the petitioner is seeking quashing of the proceeding in G.R. Case No.184 of 2023 arising out of Chandpur P.S. Case No.79 of 2023 for the offences under Sections- 379/420/403/120-B/119/468/166A/34 IPC r/w Section-12 of the Orissa Mines and Minerals (Prevention of Theft Smuggling Activities) Act r/w Section- 51(1)(i) of the Orissa Minor Minerals Concession Rules, 2004 pending in the Court of the learned J.M.F.C., Ranpur, District- Nayagarh.

5. Mr. Sarangi, learned Senior Counsel appearing for the petitioner submits that pursuant to the order dated 18.04.2023 passed by the learned National Green Tribunal, Eastern Zone, Kolkata, the Tahasildar lodged a complaint which is culminated to F.I.R. in subject.

6. Mr. Sarangi, learned Senior Counsel hands up the order dated 08.01.2024 passed by the coordinate Bench of this Court in W.P.(C) No.26730 of 2023. The operating part of the order reads as under:-

“4. Considering the submission made by learned Senior Advocate appearing on behalf of the petitioner and looking to the factual and legal aspects of the case, this Court finds that the Committee constituted by the National Green Tribunal has violated the principles of natural justice by not affording the petitioner an opportunity of hearing. In such view of the matter, while setting aside the impugned order dated 18.04.2023 under Annexure-2, this Court remits the matter back to the National Green Tribunal,

Eastern Zone Bench, Kolkata for adjudication of the issue afresh. If is also made clear that the Committee constituted by the National Green Tribunal, Eastern Zone Bench, Kolkata shall afford the petitioner a reasonable opportunity of hearing first and thereafter, the National Green Tribunal, Eastern Zone Bench, Kolkata shall pass order in accordance with law.”

7. Mr. Sarangi further submits that the basis of the order on which the F.I.R. came to be registered against the petitioner has now been set-aside and remanded back to the Tribunal for the purpose of fresh hearing, giving them opportunity. He further submits that in so far as the other accused persons are concerned, the order passed by the National Green Tribunal, Eastern Zone Bench, Kolkata was also assailed successfully assailed before the learned Single Judge. That order is the subject matter in Writ Appeal No.2282 of 2023. The Hon'ble Division Bench of this Court has also stayed operation of the order of the National Green Tribunal and the order of the learned Single Judge as well.

8. Issue notice to the opposite party no.2 by Registered Post with A.D. making it returnable within two weeks. Requisites shall be filed within a week.

9. List this matter on 06.03.2024.

10. Taking into consideration the aforementioned facts and circumstances of the case and the statements made by Mr. Sarangi, learned Senior Counsel at the Bar, the further proceeding in G.R. Case No.184 of 2023 arising out of Chandpur P.S. Case No.79 of 2023 for the offences

under Sections- 379/420/403/120-B/119/468/166A/34 IPC r/w Section-12 of the Orissa Mines and Minerals (Prevention of Theft Smuggling Activities) Act r/w Section- 51(1)(i) of the Orissa Minor Minerals Concession Rules, 2004 pending in the Court of the learned J.M.F.C., Ranpur, District- Nayagarh is stayed till the next date of hearing.

(S.S. Mishra)
Judge



Signature Not Verified

Digitally Signed
Signed by: SUBHASIS MOHANTY
Designation: P.A.
Reason: Authentication
Location: High Court of Orissa, Cuttack.
Date: 04-Feb-2024 11:16:03

