

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(CRL.) No. 4033 of 2013]

DR. PRAFULLA R. HEDE Appellant(s)

VERSUS

KASINATH JAIRAM SHETYE & ORS. Respondent(s)

WITH

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(CRL.) No. 5733 of 2013]

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(CRL.) No. _____ of 2023]
[CRL.M.P.NO. 20498 OF 2013]

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(CRL.) No. _____ of 2023]
[CRL.M.P.NO. 20456 OF 2013]

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(CRL.) No. _____ of 2023]
[CRL.M.P.NO. 20461 OF 2013]

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(C) No. _____ of 2023]
[CRL.M.P.NO. 21206 OF 2013]

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(CRL.) No. 784 of 2014]

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(C) No. 5737 of 2013]

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(CRL.) No. 5730 of 2013]

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(CRL.) No. 5731 of 2013]

CRIMINAL APPEAL NO. _____ OF 2023
[Arising out of SLP(CRL.) No. 5729 of 2013]

CRIMINAL APPEAL NO. _____ OF 2023

[Arising out of SLP(CRL.)No. 5734 of 2013]

O R D E R

Leave granted.

These appeals challenges the order passed by the Division Bench of the Bombay High Court, thereby issuing a omnibus direction to register an FIR in respect of offences alleged to have been committed by the persons responsible for illegal mining in the State of Goa, including the leases of the mines and all those who permitted such illegal mining of ore and manganese ore in contravention of various statutory provisions.

Indisputably, all these directions were issued by the Division Bench of the High Court on the basis of report of Justice Shah Commission.

Subsequently, the Bench of learned three Judges of this Court had an occasion to consider the issues with regard to mining in the State of Goa in the case of *Goa Foundation Vs. Union of India & Ors. reported in 2014(6) SCC 590.*

In the said judgment, this Court has specifically observed in paragraph 14 that Section 8-B of the Commissions of Inquiry Act, 1952,

requires that if a person is likely to be prejudicially affected by the inquiry, the Commission is required give to that person a reasonable opportunity of being heard and to produce evidence in his defence.

It has further being considered that Section 8-C of the Commissions of Inquiry Act, 1952, provides that every such person will have a right to cross-examine and the right to be represented by legal practitioner before the Commission.

It is further to be noted that the State of Goa had taken a specific stand before the Court that no action would be taken against the mining leases only on the basis of finding of the Report of Justice Shah Commission, in as much as the finding of Justice Shah Commission were recorded without giving opportunity of hearing and producing the evidence to the persons concerned.

In view of the aforesaid, we find that such an omnibus direction against number of persons without giving them an opportunity of being heard would not be sustainable.

The impugned direction passed by the Division

Bench is quashed and set aside.

The appeals are allowed in the above terms.

**Pending applications, if any, stand disposed
of.**

.....J
(B.R. GAVAI)

.....J
(VIKRAM NATH)

**New Delhi
January 17, 2023**

ITEM NO.29

COURT NO.8

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 4033/2013

(Arising out of impugned final judgment and order dated 22-03-2013 in CRLWP No. 107/2012 passed by the High Court Of Judicature At Bombay At Goa)

DR.PRAFULLA R. HEDE

Petitioner(s)

VERSUS

KASINATH JAIRAM SHETYE & ORS.

Respondent(s)

IA No. 10331/2013 - STAY APPLICATION)

WITH

SLP(Cr1) No. 5733/2013 (II-A)

(IA No. 14542/2013 - EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER AND IA No. 13522/2013 - STAY APPLICATION)

SLP(Cr1.) CRLMP No. 20498/2013 (II-A)

(FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 20498/2013
IA No. 20498/2013 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(Cr1.)...CRLMP No. 20456/2013 (II-A)

(FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 20456/2013
IA No. 20456/2013 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(Cr1.)...CRLMP No. 20461/2013 (II-A)

(IA No. 20461/2013 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(Cr1.)...CRLMP No. 21206/2013 (II-A)

(IA No. 21206/2013 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(Cr1) No. 784/2014 (II-A)

(IA No. 2057/2014 - EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER)

SLP(Cr1) No. 5737/2013 (II-A)

(FOR ON IA 14543/2013

IA No. 10940/2013 - STAY APPLICATION)

SLP(Cr1) No. 5730/2013 (II-A)

(FOR [EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER] ON IA 14538/2013 AND IA No. 14538/2013 - EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER AND IA No. 12022/2013 - STAY APPLICATION)

SLP(Cr1) No. 5731/2013 (II-A)

(FOR STAY APPLICATION ON IA 13429/2013
FOR [EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER] ON IA
14539/2013, IA No. 14539/2013 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED ORDER AND IA No. 13429/2013 - STAY APPLICATION)

SLP(Cr1) No. 5729/2013 (II-A)
(FOR [EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER] ON IA
14537/2013, IA No. 14537/2013 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED ORDER AND IA No. 13374/2013 - STAY APPLICATION)

SLP(Cr1) No. 5734/2013 (II-A)
(FOR STAY APPLICATION ON IA 13422/2013
FOR [EXEMPTION FROM FILING C/C OF THE IMPUGNED ORDER] ON IA
14541/2013, IA No. 14541/2013 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED ORDER AND IA No. 13422/2013 - STAY APPLICATION)

Date : 17-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s)

Mr. Pratap Venugopal, Adv.
Ms. Surehka Raman, Adv.
Ms. Surekha Raman, Adv.
Mr. Akhil Abraham Roy, Adv.
Mr. Abhishek Anand, Adv.
Ms. Unnimaya S., Adv.
M/S. K J John And Co, AOR

Mr. Gopal Sankar Narayanan, Sr. Adv.
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Mr. A. Venayagam Balan, AOR

For Respondent(s)

Ms. Jyoti Mendiratta, AOR

Mr. Colin Gonsalves, Sr. Adv.
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Ms. Shreya Jain, Adv.
Ms. Ayushi Nagar, Adv.
Mr. Rajat Nair, Adv.

Mr. Ashutosh Gadhe, Adv.
Ms. Chitragda Rashtrawara, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Mukesh Kumar Maroria, AOR

Ms. Supriya Juneja, AOR

UPON hearing the counsel the Court made the following
O R D E R

Permission to file special leave petitions is granted.

The appeals are allowed in terms of the signed order.

Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(ANJU KAPOOR)
COURT MASTER (NSH)

[Signed order is placed on the file]