HC-KAR

NC: 2026:KHC:17275
CRL.P No. 16888 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

CRIMINAL PETITION NO. 16888 OF 2025

BETWEEN:

1. SUNIL B NAIK,
   S/O BILIYA KUPPA NAYAK,
   AGED ABOUT 44 YEARS,
   OCC: AGRICULTURE,
   R/O P H C ROAD, KOTEBAGILU
   BHATKALA TALUK, SHIRALI
   UTTARA KANNADA DIST.
   PIN-581 354.
   (EX-MLA) BHATKALA

... PETITIONER

(BY SRI. SATISH M. DODDAMANI, SENIOR ADVOCATE FOR
SRI CHETAN JADHAV., ADVOCATE)

Digitally signed by VIJAYA P
Location: HIGH COURT OF KARNATAKA

AND:

1. STATE OF KARNATAKA
   BY SNR. GEOLOGIST, UTTARA KANNADA,
   REPRESENTED BY
   STATE PUBLIC PROSECUTOR
   HIGH COURT BUILDING,
   BANGALORE-560 001

... RESPONDENT

(BY SRI. JAGADISH B.N., ADDL. SPP)

THIS CRL.P IS FILED U/S 482 CR.PC (FILED U/S 528 BNNS) PRAYING TO ALLOW THIS CRIMINAL PETITION BY QUASHING THE PROCEEDINGS IN CC NO.40268/2025 ARISING FROM PCR NO.16755/2025 PENDING AGAINST THE PETITIONER WHO IS ACCUSED ON THE FILE OF THE PENDING BEFORE THE LD XLII ACJM, BENGALURU CITY FOR OFFENCES P/U/S 4(1), 4(1)(A) OF MMRD ACT AND RULE 3 AND 42 OF KMMC RULES AND ETC.

THIS PETITION COMING ON FOR ADMISSION THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

The present petition has been filed calling in question the validity of the proceedings in C.C.No.40268/2025, arising from P.C.R.No.16755/2025, pending before the XLII ACJM, Bangalore, for offences punishable under Sections 4(1), 4(1)(A) of the Mines and Minerals (Development and Regulation) Act, 1957 (for short 'MMDR Act') and Rules 3 and 42 of the Karnataka Minor Mineral Concession Rules, 1994 (KMMC Rules').

2. The facts relevant for this purpose would be that petitioner was the owner of M/s. Siddartha Stone Crushing Industry, which was granted quarry lease for a

period of 5 years to carry out quarrying and extraction of building stone in Sy. No. 1118/4A, measuring 20 guntas at Bengre-2 Village, Bhatkala.

3. It is the case of the petitioner that Crime No. 11579 was registered alleging that the petitioner's company had transported minerals without following the statutory procedure. It is further submitted that forest Department had also registered a criminal case alleging violation of the provisions of MMDR Act and the allied Rules.

4. It is submitted that there was a joint inspection undertaken by the authorities of Mines and Geology as well as other departments and the officials had alleged that 5313 metric tonne of stone had been cut and removed and quarrying operations had continued beyond the expiry of lease period.

5. It is made out from the facts that the complaint under Section 200 Cr.P.C came to be filed alleging

violations. Though initially cognizance was taken, the same came to be challenged in Crl.P.No.13098/2023, which petition came to be allowed as per the order of 06.03.2025, remitting the matter for reconsideration afresh and passing appropriate orders with due application of mind.

6. It is noticed that the order of the Magistrate taking cognizance with respect to offence punishable under Section 21 of the MMDR Act and Rule 44 of KMMC Rules is called in question.

7. Sri. Satish M. Doddamani, learned Senior Counsel appearing for the petitioner submits that grievance of the petitioner for the present in the petition is that the Magistrate ought not to have taken cognizance with respect to offence under MMDR Act. It is submitted that the lease granted under the provisions of KMMC Rules is for a period of 5 years. If there is any violation, appropriate procedure is provided under Rule 44 of the

Karnataka Minor Mineral Concession Rules, 1994, and no recourse could be had to the provisions of the MMDR Act.

8. After hearing the matter for sometime, it is noticed that the order passed is with application of mind wherein the Court has perused the documents and materials and taken cognizance with respect to the offences under Section 21 of the MMDR Act and Rule 44 of the KMMC Rules. The Magistrate has referred to the complaints given by the Grama Panchayat, Bengre Village; Tahsildar, Bhatkal, and the report of joint inspection by Junior Engineer and Senior Geologist of the Department of Mines and Geology, Uttara Kannada and other authorities, Mahazer and Sketch. The Magistrate has also perused the revenue documents as well as the quarrying lease. Reference is made to the statement of witnesses, that is of the Senior Geologist, RFO Bhatkal; PDO of Bengre Village; A.S.I. Murudeshwara Police Station; Revenue Inspector, Mavalli; Junior Engineer of Mines and Geology Department, and others.

9. The observations made in the order which are of relevance and which reflect the application of mind are extracted as below:

> *"On perusal of all the above documents, it is prima-facie revealed that the license obtained by the accused on 12.05.2017 for a period of 5 years was expired on 11.05.2022. Further the mahazar, report of joint inspection & the statement witnesses along with the photographs produced by the complainant prima-facie satisfy the allegation as to the mining operation done in the alleged place and the preparations made there in for further mining operations. More so the memo and notices issued to the accused and his company also prima-facie satisfy the allegations of the complaint made against the accused.*
>
> *As the allegations made in the complaint and the contents of documents annexed to the complaint Prima-Facie disclose the commission of offences alleged in the complaint which are punishable Under Section.21 of MMDR Act and Rule 44 of KMMCR 1994, the cognizance of said offences is taken.*

Office is directed to register this case as Criminal Case in Register No.III and issue summons to the accused Rtb by 05.11.2025."

10. A perusal of the order would reflect that there is due application of mind and the Court has taken note of the material on record, statements, preliminary investigation, necessary reports including that of revenue authority as well as joint inspection report and then proceeded to take cognizance.

11. Sri. B. N. Jagadeesh, learned Additional SPP, upon instructions submits that insofar as Rule 44 of KMMC Rules, petitioner has to face trial and any remedy for him would be before the trial Court and not before this Court.

12. Such submission requires acceptance after noticing due application of mind while taking cognizance insofar far as the offence under the KMMC Rules.

13. It is submitted on behalf of the petitioner that license is issued under the provisions of KMMC Rules and

hence, the question of invoking the provisions of Section 21 of MMDR Act does not arise. Insofar as the said submission, it is submitted by the prosecution that the Court may restrict the proceedings to the offence as made out under Rule 44 of KMMC Rules and the matter may be disposed of.

14. Taking note that there is no infirmity of the order of cognizance insofar as the invocation of Rule 44 of KMMC Rules, this Court finds no reason to interfere with the order.

15. Accordingly, the order of cognizance insofar as invoking of Section 21 of MMDR Act, is set aside taking note of the stand of prosecution. Insofar as the contention regarding Rule 44 of KMMC Rules, the same is kept open to be considered in appropriate proceedings before the trial Court as the Court does not find any infirmity in the order taking cognizance insofar as the offence under the KMMC Rules.

16. The Criminal Petition is ***disposed of*** in terms of the above.

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

VP