

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1081 OF 2017

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the second respondent in registering the complaint being crime No.195 of 2016 for the offences under Section 379 IPC, Section 19(1)(a) of the Mines and Minerals (Development and Regulation) Act, 2015 and Section 9(b) of the A.P.Minor Mineral Concession Rules as illegal and arbitrary, and consequently to quash the same.

Heard and perused the material.

Learned counsel for the petitioner submits that the allegation that the petitioner loaded the sand for transporting the same to the State of Karnataka is false and baseless. He further submits that the petitioner is transporting the sand within the State of Andhra Pradesh, which is legal and permissible. Hence, he prays this Court to quash the proceedings against the petitioner.

This Court is not inclined to quash the proceedings against the petitioner at the threshold. However, taking into consideration the facts and circumstances of the case, the second respondent is directed to complete the investigation without arresting the petitioner and file final report, if any, in accordance with law. The petitioner is directed to appear before the second respondent and execute a personal bond for a sum of Rs.10,000/- (Rupees ten thousand only) with one surety for the likesum for his future appearance as and when required for the purpose of investigation.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

06.01.2017
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