

05.01.2022.

Complt.,- SIT/LK
For Orders.

The complainant has filed this Private Complaint under section 200 of Code of Criminal Procedure for the offences punishable under section 21, R/w.4(1) and 4(1)(A) of Mines and Minerals Development and Regulations Act, 1957.

Complainant is a Public Servant and he has filed the Private Complaint by discharging his official duty. Hence, recording of sworn statement of complainant is dispensed acting under section 200(a) of Cr.P.C.

Perused the complaint, wherein, it is alleged that the accused No.3 is the company by name M/s.Eagle Traders and Logistics, situated at No.126/18, 1st Cross, Neharu Colony, Bellary and the accused No.2 and 3 are the Partners of accused No.1 company. During the Year 2009-10, the officials of Income Tax Department, Government of India, Bangalore, organized raids on the premises of many individuals and their firms and seized a large number of incriminating documents, vast digital data among other things. Vital information was seized from the premises of K.M. Ali Khan, Partner of M/s.Devi Enterprises and resident of Sai Nilayam, Bellary. Madhu Kumar Verma, Partner of M/s.Madhushree Enterprises and resident of Lalezhar Apartment, Bangalore. K.V.Nagaraj @. Swastik Nagaraj, Karapudi Mahesh @. K.Mahesh Kumar @. Kenche Mahesh Kuar, Dada Peer, B.Nagaendra, Partner of M/s.Eagle Traders and logistics and others, extraordinarily large scale illegal extraction, transportation and trading of iron ore was undertaken. The entire operation was masterminded by G.Janardhan Reddy, the then MLC and Minister and involved active participation by both Partners of accused No.3 company and others and other unknown public

servants conspired together as a result of the said conspiracy M/s.Lakshminarayana Mining Company (ML-2487) belonging to Gopalakrishna and his son, Prashanth, entered into illegal agreement for extraction and sale of iron ore with M/s.Devi Enterprises and other firms belonging to the mining group. As a result of this agreement, the mine belonging to M/s.Lakshminarayana Mining Company (ML-2487) was virtually taken over by the said mining group leading to large scale illegal extraction, transportation and trading of iron ore causing huge loss to the State Government exchequer. During the period from November-2009 to June-2010 about 19,48,521 MT of iron ore illegally extracted, transported and traded through theft or misappropriation, thereby cheating Government of Karnataka and causing it huge financial loss to the extent of Rs. 4,87,06,27,500/- (@.Rs.2,500 per MT) resulting from loss of iron ore and corresponding loss of royalty and other taxes.

It is further alleged that on 05-02-2009, the accused No.1 to 3 have sold 29800 M.T iron ore powder to M/s.T.B.S Logistics, without obtaining permission from DMG and without paying the royalty and other charges to the State Government. It is also alleged that M/s.T.B.S Logistics Company further sold 27279.49 M.T

iron ore to M/s.Laxminarayana Mining Company and it is also alleged that said M/s. Laxminarayana Mining Company further exported the same to China through Chennai Port. It is alleged that due to the Illegal Acts of the accused No.1 to 3, they have caused loss of Rs.3,05,39,536/- to the Karnataka State Exchequer and thereby the accused No.1 to 3 have committed the offences punishable under section 379, 409, 420, 447, 468 and 471, R/w.120-B of Indian Penal Code and section 13(2), R/w.13(1)(d) of the Prevention of Corruption Act and section 21 and 23, R/w.4(1) and 4(1)(A) of Mines and Minerals Development and Regulations Act, 1957. Thereby, the charge sheet is filed against the accused No.1 to 3.

The I.O has also filed the charge sheet along with documents on this day before this court in respect of the Crime No.21/2015 for the offences punishable under section 379 and section 120(B) of IPC, which is in connection to this Private Complaint. I have perused the document so produced by the I.O/Complainant along with the charge sheet. Prima-facie case is made out against the accused persons from the materials placed

before me, to take cognizance of the offences punishable under section 21, R/w.4(1) and 4(1)(A) of Mines and Minerals Development and Regulations Act, 1957.

Hence, cognizance of the offences punishable under section 21, R/w.4(1) and 4(1)(A) of Mines and Minerals Development and Regulations Act, 1957, is taken. Hence, the following:

ORDER

Office to register a Criminal Case against the accused No.1 to 3 for the offences punishable under section 21, R/w.4(1) and 4(1)(A) of Mines and Minerals Development and Regulations Act, 1957 and issue summons to the accused No.1 to 3.

Returnable by: 02-02-2022.

(PREETH. J)
XLII Addl. CMM

(Spl.Court for trial of cases filed against sitting as well as former MPs/MLAs, triable by the Magistrate in the State of Karnataka)