

13.04.2023

Complt.,by - 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 and 23, R/W 4(1) and 4(1)(A) of Mines and Minerals Development and Regulations Act, 1957.

The 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.

It is stated that in view of the Orders passed by the Hon'ble Supreme Court in W.P.No.562/2009, I.A.No.189, dated:16-09-2013, the Government of Karnataka has passed the Order No.CI/21/MMN(2)/

2014, Bangalore, dated 21.01.2014 to investigate the matter and conduct the investigation by the Special Investigation Team, Karnataka Lokayukta, Bengaluru.

It is further alleged that the accused No.1 to 16, in between January-2008 to April-2011 with an intention to make illegal profits made conspiracy and committed theft by illegally removing iron ore without paying the royalty to the Government.

It is further alleged that the accused No.3 being the owner of M/s.Shree Minerals and M/s.Sri. Basaweshwara Minerals and accused No.7 to 9 being the Partners of accused No.15 - M/s.Tredent Minerals (M.L.No.2315) and accused No.16-M/s.Tredent Mining Company Pvt., Ltd., entered into criminal conspiracy with Government Officials, mine owners, traders and others and from April-2009 to December - 2009, with an intention to earn illegal profits and committed theft of 3,07,972 M.T iron ore belonging to the Government without obtaining valid permits from the Geological Department to defraud the Government and created false invoices and documents and showed the same as genuine documents to make the export as legitimate. The value of the said iron ore being Rs.76,99,30,000/- (@.2500 P.T) and exported the same without paying

the Government royalty, Income tax on the royalty and others taxes is cheated and the loss caused to the Government by the accused persons.

It is further alleged that during the course of investigation, from January - 2008 to April - 2011, the accused persons have committed the criminal conspiracy with the intention of illegal mining in the area of accused No.15-M/s.Tredent Minerals, ML No.23125 and accused No.16-M/s.Tredent Mining Company Pvt., Ltd., in the adjacent land owned by the Government area of M/s. Dalmeya Mines, Mine Lease No.2010 a total of 15,78,928 MT of iron ore was illegally mined abroad. In the said 15,78,928 MT of iron ore, in the Year - 2008, the iron ore of 87.191 MT and in the Year - 2009, the iron ore of 1,48,000 MT, M/s.Tradent Minerals ML No.2315 has obtained permits from DMG and Forest Department for a total of 2,35,191 MT iron ore legally tendered and sold in ML No.2315 area. But, from March/April-2009 to September - 2009, the remaining 13,43,737, MT of iron ore was raised by the accused No.1 to 11 through contractor - M/s.R.K.Mining, the Owner of Sri.Ravikalyan Reddy by Mr.Tradent Minerals ML No.2315 by constructing a kacha road through the area of M/s.Tradent Minerals ML No.2315 removed the demarcation stones of the area belonging to

Government - M/s.Dalmeya Mines, Mine Lease No.2010 and encroached upon the said area.

It is further alleged that the accused No.1 to 11 in conspiracy with accused No.15 with an intention to earn illegal profits committed theft of 13,43,737 M.T iron ore belonging to the Government and showed that their act is legal by creating false invoices and documents and co-operated to transport the stolen iron ore to contractor - M/s.R.K.Mining, the Owner of Sri.Ravikalyan Reddy by Mr. Tradent Minerals ML No.2315, without obtaining permission from the Mines and Geological Department. The value of Market value, Government royalty, T.C.S - 2.262% and Forest Transit pass, in total a sum of Rs.210,75,83,818.75/- is cheated and the loss caused to the Government by the accused persons.

It is alleged that the Accused No.01 to 16 were found to have conspired and made profits by selling iron ore illegally and made huge profits by fraud and due to the illegal acts of the accused persons, corresponding loss is caused to the Karnataka State Exchequer and thereby the accused No.01 to 16 have committed the offences punishable under section 21 and 23, R/w.4(1) and 4(1)(A) of Mines and Minerals Development and Regulations Act, 1957.

The I.O has also produced documents along with this complaint. I have perused the documents so produced by the I.O/ Complainant. 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 and 23, R/w.4(1) and 4(1A) of Mines and Minerals Development and Regulations Act, 1957. Hence I proceed to pass the following:

ORDER

Cognizance is taken of the offences punishable under Section 21 and 23, R/w.4(1), 4(1A) of Mines and Minerals Development and Regulations Act, 1957 against the accused No.01 to 16.

Office to register a Criminal Case against the Accused No.01 to 16 for the offences punishable Under section 21 and 23, R/w.4(1), 4(1A) of Mines and Minerals Development and Regulations Act, 1957 and issue summons to the Accused No.01 to 16.

Returnable by: 24- 06-2023.

(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)

