

Certified copy of all order sheets in 2(c) CC No. 02 of 2015 of the court of S.D.J.M.,
Padampur.

State of Odisha, Represented through the Sub collector, Padampur, Sri Bijaya Kumar Rath,
OAS(I)SB, S/o-Dr. Bipra Charan Rath, Vill: Borida, Post: Borida, Dist: Ganjam 761031

Date of Application - 26.09.15
Date of Notification - 28.09.15
Date of Supply - 28.09.15
Date of Receipt - 28.09.15
Date of Delivery - 28.09.15

...Complainant

Vrs.

1. Sri Jyoti Pramanik, Mines Owner, Putka Limestone Mines, Mission Road, Sambalpur-1
2. Mr. Jaharlal Brahmachari (Manager), Vill: Shantipur, Thana: Shantipur, Dist: Nadia, W.B.
3. Mr. Guru Prasanna Chandra (Manager), Vill: Sudhakshipur, Thana: Kundahit, Dist: Dumka-
(Bihar)

...Defendants

05.08.15 P.R U/s-15 with all elements of the environment (Protection) Act 1986 read with 379
IPC. Against the accused Jyoti Pramanik, Jaharlal Brahmachari and Guru Prasanna
Chandra. Register the case. Perused the P.R and other relevant papers and found
prima facie case. Cognizance U/s 15 with all elements of the environment
(Protection) Act 1986 read with 379 IPC is taken. Put up on 19.08.15 for issue
summon for the accused persons.

Dictated

Sd/

S.D.J.M., (P)

19.08.15 Accused persons are absent . Issue summons to the accd persons fixing 24.09.15 for
appearance.

Dictated

Sd/

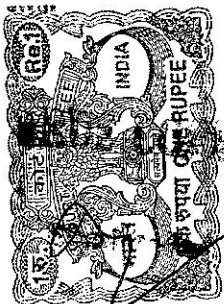
S.D.J.M., (P)

24.09.15 Accused persons are absent. S.R not back. Put up on 16.12.2015 for awaiting S.R.

Dictated

Sd/

S.D.J.M., (P)



Compared and found to be
true copy. Folios properly
assessed & Stamp properly
paid.

Sri/ G. Mahapatra

Comparing Clk

28.9.15

CERTIFIED TO BE A TRUE COPY

Mehon Singh
Shastidar

certified xerox copy of Complaint petition
in 200CrPC No. 02/2015 of the Court of SDJM,
Padampur.

In the Court of Sub-Divisional Judicial Magistrate, Padampur

II (C) CC 02/2015.

Between:

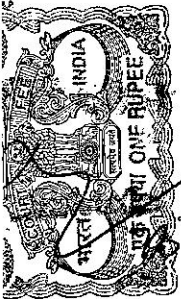
State of Odisha,
Represented through
The Sub-Collector, Padampur,
Sri Bijay Kumar Rath, OAS(I)SB
S/o- Dr. Bipra Charan Rath.
Vill: Borida
Post: Borida
Dist.: Ganjam 761031

Complainant

Versus:

1. Sri Jyoti Pramanik, Mines Owner
Putka Limestone Mines
Mission Road, Sambalpur-1
2. Mr. Jaharlal Brahmachari (Manager),
Vill: Shantipur,
Thana: Shantipur,
Dist.: Nadia, W.B.
3. Mr. Guru Prasanna Chandra (Manager),
Vill: Sudrakshipur,
Thana: Kundahit,
Dist.: Dumka- (Bihar)

Defendants



Complaint petition Under Section 200CrPC read-with Section 19 of Environment (Protection) Act, 1986 filed by the above named complaint most respectfully showed:

1. The name, age and other description of complaint :- The Sub-Collector, Padampur
Sri Bijay Kumar Rath, OAS(I)SB
S/o- Dr. Bipra Charan Rath
Vill: Borida
Post: Borida
Dist.: Ganjam 761031
2. The name, age and other description of accused :- (i) Sri Jyoti Pramanik, Mines
Owner Putka Limestone
Mines, Mission Road
Sambalpur-1

1319
seen
JCC
mk to
copy

SDJM (P)
-8.15

- (ii) Mr. Jaharlal Brahmachari
(Manager),
Vill: Shantipur,
Thana: Shantipur,
Dist.: Nadia, W.B.
- (iii) Mr. Guru Prasanna
Chandra (Manager),
Vill: Sudrakshipur,
Thana: Kundahit,
Dist.: Dumka- (Bihar)

3. The date, time & place of
Occurrence

:-

OnDt.13.09.2007

w.e.f.Dt.25.09.1994the lease
deed executed by the

Complainant in favour of opposite
party/accused no-1. During 1994
the opposite party/accused no-1
started mining activity. On
Dt.05.05.2015 the authority under
Forest & Environment
Department, Govt. of Odisha
addressed a letter to complainant
to lodge complaint in appropriate
court of law. The occurrence took
place on lease hold area situated
at limestone mines At/PO:Putka,
Dist.: Bargarh.

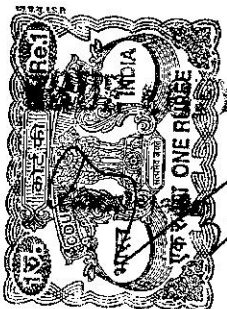
4. List of witnesses with
Address

:-

1.Sub-Collector, Padampur

2. Deputy Director of Mines,
Sambalpur Circle, Sambalpur

3.The Mining Officer,
Sambalpur Circle, Sambalpur



4.Sr.Inspector of Mines,Office of
the Deputy Director of Mines,
Sambalpur

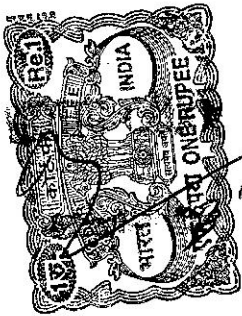
5.The Tahasildar, Jharbandh
At/PO: Jharbandh
Dist.: Bargarh

6.Revenue Inspector, Lakhamara
At/PO: Lakhamara Dist.Bargarh

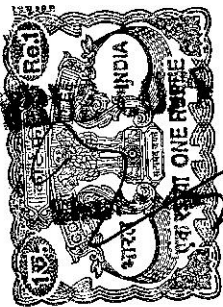
5. Nature of offence :- Section 15 with all elements of
the Environment (Protection) Act,
1986 read with 379 IPC.
6. Whether any information :- No.
was given at police station
and if so, the Section No
taken thereon
7. Whether any previous :- No.
complaint regarding the
same occurrence was filed
and if so the name of the
Court and date & manner
of disposal of the same.

8. Fact of the Case :-

- i. The opposite party/accused no-1 i.e. Sri Jyoti Pramanik,
Mines Owner have mining lease under mineral
concession rules, 1960 in respect of area of 97.031Hects.
for extraction of limestone in Vill-Putka under the territorial
jurisdiction of Jharbandh Tahasil of Bargarh Dist.
accordingly on Dt.13.09.2007 executed the lease deed
between the Collector and the opposite party/accused no-
1. The said lease deed was in force for the period of 20
years w.e.f. Dt.25.09.1994 to Dt.24.09.2014. From 1994
opposite party/accused no-1 started mining operation in
its lease hold area. The details of production is indicated
in Annexure-I



- ii. It is submitted that Sri Jyoti Pramanik, Mines Owner the accused carried out mining operation without requisite statutory clearance from the Ministry of Environment & Forest, Govt. of India as per Environment Impact Assessment Notification, 1994 which contravenes the provisions of Environment (Protection) Act, 1986.
- iii. That the matter stood thus, the Director Environment-Cum- Spl. Secretary to Govt. Forest & Environment Deptt., Odisha issued letter No. ENV-I-5/ 2015/ 7437/ F&E, Dt.05.05.2015 instructing the authority concern for taking proper course of action against the lessee invoking the powers in accordance with section 19 of the Environment (Protection) Act, 1986. Subsequently on Dt. the Director Environment- Cum- Spl. Secretary to Govt. Forest & Environment Deptt., Odisha, Bhubaneswar in his office letter No. ENV-I-5/ 2015/ 7437/ F&E, Dt.05.05.2015 got issued to the petitioner/ complainant for taking legal action against the culprit concern in appropriate court of law.
- iv. It is pertinent to mention here that the Collector has granted surface right permission to Sri Jyoti Pramanik regarding collection, extraction and removal the minerals from the land. Sri Jyoti Pramanik is the lessee. The minerals belonging to Govt. has been removed without obtaining environmental clearance is stolen property after the Environmental Impact Assessment Notification 1994. Therefore the accused persons removing the minerals are liable for prosecution.
- v. That the Director, Environment cum special Secretary to Govt. of Odisha, Forest & Environment Deptt. in his office letter No. ENV-I-5/ 2015/ 7437/ F&E, Dt.05.05.2015

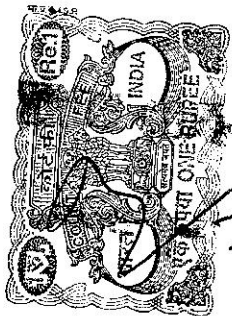


addressed to the petitioner/complainant with narration therein that complainant is at liberty to file prosecution case as per the provisions of section 19 of Environment (Protection) Act, 1986.
Therefore the complaint files the present complaint & the instant complaint is within the scope of limitation.

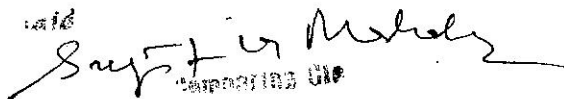
Prayer

In view of facts as stated above the complainant prays before the Hon'ble Court may pleased to take cognizance of offence under Section 15 of the Environment (Protection) Act, 1986 read-with section 379 of IPC & issue summons to the opposite parties/ accused persons for facing trial, be further pleased to prosecute in accordance with law in the interest of justice.

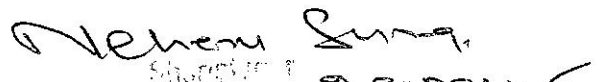

Sub-Collector, Padampur,
Complainant
**SUB-COLLECTOR
PADAMPUR**



Signature and found to be true copy. Folios properly assessed & Stamp properly paid


Sub-Collector
28-9-15

CERTIFIED TO BE A TRUE COPY


Sub-Collector
28-9-15