

# Samaj Parivartan Samudaya v. State of Karnataka, (2012) 7 SCC 407

## Constitution of India

Arts. 32, 226 and 136 - Investigation - Transfer of, to CBI in cases already sub judice in criminal courts - When proper and valid - Environmental offences - CBI investigation directed by Supreme Court - Illegal mining in Andhra Pradesh and Karnataka - Central Empowered Committee (CEC) pointing out illegalities in purchase of land by relatives of Chief Minister and sale thereof to a private mining company and involvement of various political parties in illegal mining - Therefore, CEC recommending Supreme Court's direction for investigation by CBI in the matters specified - Said matters forming subject-matter of private complaints already pending before one or other competent court or investigating agency - However, CEC Report disclosing new facts, subsequent events and records; and various acts and transactions so disclosed prima facie appearing to be part of same transaction involving huge amount of money - In such circumstances, even if the illegalities and offences pointed out by CEC were in their entirety the subject-matter of previous cases or were sub judice before various courts, issuance of direction by Supreme Court to CBI (or other investigating agency or police) to investigate the entire matter, held, neither barred by law nor prejudicial to private complainants but rather in their own interest - Thus, CBI investigation directed and, held, Issues 1(a) and 1(b) raised by CEC in its report dt. 20-4-2012 were not directly and in their entirety the subject-matter of any investigation in progress or judicial proceedings pending before any competent forum, (2012) 7 SCC 407-A

## Environment Protection and Pollution Control

### Mining and Industries

Mining - Illegal mining - Nature of offence of, and obligation of State to prosecute offenders - Duty of Court in case State fails to discharge its obligation - Held, criminal offences are primarily offences against society and State and secondarily against victim - State is under statutory obligation to prosecute offenders - Complaints in respect of criminal offences filed by private citizens before competent court will not absolve the State of such obligation - Wherever and whenever State fails to perform its duties, Court shall step in to ensure prevalence of law - Further held, abuse of process of law may result from inaction or even arbitrary action of protecting true offenders or failure by different authorities in discharging statutory or legal obligation in consonance with procedural and penal statutes - In the circumstances of the present case, adopting holistic approach, Supreme Court directing comprehensive and specialised investigation by CBI into illegal mining activities pointed out by CEC in Andhra Pradesh and Karnataka, (2012) 7 SCC 407-B

## Criminal Procedure Code, 1973

Ss. 156(3), 173(8) & (1) to (7), 190, 200 to 210, 319, 311, 391 and 482 - Power of criminal court - Power to direct investigation during pendency of complaints in same matters filed by private parties or during pendency of same matters before courts - Wide scope of - Legal position summarised, (2012) 7 SCC 407-C

## Environment Protection and Pollution Control

### Central Empowered Committee

Submission of CEC Report to Supreme Court - Non-grant of prior opportunity to affected parties, held, not prejudicial to them - More so when Supreme Court itself heard them and considered the issues independently - Nature of functions of CEC clarified, (2012) 7 SCC 407-D

## Environment Protection and Pollution Control

### Central Empowered Committee

Nature of its function - CEC, while submitting reports to Supreme Court on matters relating to collusion of various persons in illegal and irregular activities affecting ecology, environment and reserved forests of relevant areas, held, discharged function of fact-finding authority - It did not discharge any quasi-judicial or administrative function, (2012) 7 SCC 407-E

Environment Protection and Pollution Control

Central Empowered Committee

CEC Report dt. 20-4-2012 - Validity - Allegation that CEC exceeded its jurisdiction by enlarging the scope of prereport enquiry beyond the reference made by Supreme Court - On facts, rejected, (2012) 7 SCC 407-F

Criminal Trial

Investigation

CBI investigation - Peculiar feature regarding initiation of - Held, police investigation may start with registration of FIR while CBI, in terms of its manual, may even conduct pre-registration inquiry which may, in turn, culminate in registration of FIR, (2012) 7 SCC 407-G

Criminal Trial

Investigation

Purpose of, restated, is to arrive at truth, (2012) 7 SCC 407-H

Environment Protection and Pollution Control

Central Empowered Committee

CEC Report dt. 20-4-2012, Issues 1(a) and 1(b) - Directions in respect of - Accepting recommendations of CEC, CBI directed to investigate into said issues and complete its investigation within six months - Special investigating team headed by a high officer as specified, directed to be constituted for said purpose - Course to be followed by CBI during as well as after investigation, and manner of investigation, stated - Judicial proceedings or investigation in relation to said issues, if pending before any court or under investigation by any agency other than CBI, stayed - Directions passed without prejudice to rights and contentions of parties to the lis as well as in any judicial or investigation proceedings - All parties including State Governments and Departments directed to fully cooperate and provide required information to CBI, (2012) 7 SCC 407-I