

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Revision No.200 of 2021

Gaurav Mundra **Petitioner**
Versus
The State of Jharkhand **Opposite Party**
With
Criminal Revision No.795 of 2020

Sushil Agarwal @ Sushil Kumar Agarwal **Petitioner**
Versus
The State of Jharkhand **Opposite Party**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioners : Mr. Nilesh Kumar, Adv. [in Cr. Rev. No.200/2021]
Mrs. Richa Sanchita, Adv. [in Cr. Rev. No.795 /2020]
For the State : Mr. Prabir Kr. Chatterjee Kumar, A.P.P.
[in Cr. Rev. No.200/2021]
Mrs. Vandana Bharti, A.P.P. [in Cr. Rev. No.795 /2020]

The matter was taken up through Video Conferencing. Learned counsel for the parties had no objections with it and submitted that the audio and video qualities are good.

06/09.09.2021: The revisionists by referring to Section 22 of the MMRD Act, 1957, Section 43 of the Air (Prevention and Control of Pollution) Act, 1981 and Section 49 of the Water (Prevention of Pollution Control) Act, 1974, has submitted that the police has no power and jurisdiction to enquire into the matter. It is nothing but misuse of power on the part of the police authority.

In spite of time granted, no counter affidavit has been filed on this point till date by the State.

Learned APP is directed to file specific affidavit sworn by the Senior Superintendent of Police of the concerned district showing the power of the police authority to take action against the abovementioned sections.

The affidavit must be filed within two weeks from today.

Put up this case on 23.09.2021.

(Rajesh Kumar, J.)