

ORDER SHEET FORM MAGISTRATE RECORDS

DISTRICT: EAST JAINTIA HILLS, KHLIEHRIAT.

IN THE COURT OF SHRI F.R. MARAK, Judicial Magistrate First Class/Asst. to D.C.

CR No- 46/2023

SI No.	Date	Order	Signature
	15.01.24	<p>Case Record put up today.</p> <p>Complainant is absent. Ld. Counsel, Smti. A. M. Nongtdu, representing the Complainant is present.</p> <p>Accused, Shri. Monu Gupta is absent. No S/R.</p> <p>Ld. Counsel for the complainant has submitted an application praying for status quo of matters pertaining to dismantling of the coke units by the District Authority in East Jaintia Hills District till the final decision by the Supreme Court.</p> <p>On being asked, Ld. Counsel for the complainant submitted that there is no stay order by any of the Higher Courts.</p> <p>There is no provision in the CrPC or the Air (Prevention and Control of pollution) Act, 1981, or the Water (Prevention and Control of pollution) Act, 1974, providing this Court with the power to pass status quo orders with regards to a criminal complaint case, for such a reason. Also, the matter mentioned by the complainant is pertaining to dismantling of the Coke units by the District Authority in East Jaintia Hills District. However, the instant criminal complaint case is for violation of Section 37 of the Air (Prevention and Control of pollution) Act, 1981, and Section 41(1)/44 of the water (Prevention and Control of pollution) Act, 1974. Complainant has also stated that there is no stay order passed by any of the Higher Court. As such, application is not allowed.</p> <p>Re- issue summons to the accused. Complainant to take steps.</p> <p>Fix 26.02.2024 for appearance and report.</p>	<p>Sd/- Shri. F. R. Marak. JMFC, Khliehriat.</p>