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WP-1211-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

&

HON'BLE SHRI JUSTICE RATNESH CHANDRA SINGH BISEN

ON THE 4th OF FEBRUARY, 2026WRIT PETITION No. 1211 of 2026*SHANTANU KUMAR**Versus**MP POLLUTION BOARD*

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Appearance:

Shri Sankalp Kochar, Advocate for the petitioner.

Shri Siddharth Seth, Advocate for the respondent.

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ORDER

Per. Justice Vivek Agarwal

It has been brought on record and not disputed that Section 223 of Bhartiya Nagrik Suksha Sanhita, 2023, envisages a pre-hearing to the accused before taking any action against the accused. It is provided in Section 223, first proviso itself that no cognizance of an offence under this Section shall be taken by the Magistrate without giving the accused an opportunity of being heard.

When this aspect is taken into consideration, then apparently impugned order falls short of the expectation of Section 223 and is not sustainable in the eyes of law.

Accordingly, order dated 21.04.2025 passed by the learned Chief Judicial magistrate Katni, having been passed oblivious of the legal provision, such order cannot be sustained in the eyes of law. It is, hereby,



quashed. Matter is remitted to the CJM to firstly apprise himself al the legal provisions and then apply them under letter and spirit and then pass any order.

With the aforesaid, petition is disposed of.

(VIVEK AGARWAL)
JUDGE

(RATNESH CHANDRA SINGH BISEN)
JUDGE

A.Praj.