



W.P.(MD).No.28098 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28098 of 2023

and

W.M.P(MD) Nos.24181, 24182 and 24183 of 2023

Murugan

Vs.

... Petitioner

1. The Assistant Commissioner of Labour,
Labour Department,
(Enforcement), Sivagangai.

2. The Branch Manager,
Karur Vysya Bank,
Panankuppam,
Viluppuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the first respondent in Na.Ka.No.A/766/2023, dated 14.06.2023 and quash the same and consequently direct the second respondent to de-freeze the petitioner's bank account bearing No.1765155000021506.



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For Petitioner : Mr.N.Vignesh
For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader
for R1

ORDER

The present writ petition has been filed challenging the order passed by the first respondent herein, wherein, the bank account of the writ petitioner has been frozen.

2. The petitioner and his brother one Shanmugam are facing criminal proceedings in Crime No.139 of 2023 for the alleged offences under Sections 16 and 18 of Bonded Labour System (Abolition) Act, 1976, based upon the complaint lodged by the Village Administrative Officer, Thamarakki Village. The allegations as against the writ petitioner are that they have engaged 9 victims for sugarcane harvesting as bonded labour and they have not paid wages to them.

3. The first respondent herein has addressed a communication to the Sakthi Suger Company on 27.06.2023 requesting them to retain a sum of Rs.1,09,920/- (Rupees One Lakh Nine Thousand Nine Hundred and Twenty



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only) which is to be paid as salary to the alleged bonded labours. Therefore, it is clear that only a sum of Rs.1,09,920/- (Rupees One Lakh Nine Thousand Nine Hundred and Twenty only) is due from the writ petitioner towards payment of salary to the bonded labours.

4. The petitioner and his brother have filed CrI.O.P(MD) No.11553 of 2023 seeking anticipatory bail. This Court, by its order, dated 27.06.2023, had directed the petitioner and his brother to deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand) each before the Judicial Magistrate No.II, Sivagangai, as a condition for granting anticipatory bail. The petitioner and his brother have deposited the said amount before the Judicial Magistrate No.II, Sivagangai. The petitioner herein is ready to deposit the balance amount of Rs.19,920/- (Rupees Nineteen Thousand Nine Hundred and Twenty only) also before the Judicial Magistrate No.II, Sivagangai.

5. In view of the above said undertaking, the Judicial Magistrate No.II, Sivagangai is directed to receive the said amount of Rs.19,920/- (Rupees Nineteen Thousand Nine Hundred and Twenty only) from the writ petitioner.



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6. On instructions, the learned counsel appearing for the writ petitioner submits that he has no objection whatsoever for the Joint Commissioner of Labour to disburse the amount of Rs.1,09,920/- (Rupees One Lakh Nine Thousand Nine Hundred and Twenty only) to the alleged bonded labours.

7. In view of the above said facts, this Court is inclined to pass following order:

(i) The writ petitioner is directed to deposit a sum of Rs.19,920/- (Rupees Nineteen Thousand Nine Hundred and Twenty only) before the Judicial Magistrate No.II, Sivagangai to the credit of Crime No.139 of 2023 within a period of 10 days from the date of receipt of a copy of this order;

(ii). On production of a receipt indicating the deposit of entire amount of Rs.1,09,920/- (Rupees One Lakh Nine Thousand Nine Hundred and Twenty only), the first respondent herein is directed to pass an order de-freezing the bank account of the writ petitioner within a period of one week from the date of such receipt;



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(iii) The first respondent is at liberty to move the Judicial Magistrate No.II, Sivagangai for disbursal of the said amount to the alleged bonded labours; and

(iv) The deposit made by the petitioner will not affect his right to defend the criminal proceedings.

8. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

28.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

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2. The Branch Manager,
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R.VIJAYAKUMAR,J.

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