

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17363 of 2009

Arising Out of PS.Case No. -0 Year- null Thana -null District- PATNA

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Shabbir Hussain & Ors

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

Mr. B.B.Sharan

Mr. Kunj Bihari Sharan

Mr. Sourendra Pandey

Mr. Nalin Vilochan Tiwary

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 17-07-2015

The petitioner seeks quashing of the order of cognizance dated 19.07. 2007 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 2324/01/2007, Tr. No. 231 of 2007 under the provisions of Minimum Wages Act.

The case of the complainant Factory Inspector is that the petitioners' factory is paying minimum wages to its employees as per the law.

It has been submitted on behalf of the Company that after the company was noticed they stated therein that the requirement of minimum wages would not be applicable during pendency of adjudication proceeding under the Industrial Disputes Act and hence they were not liable for prosecution. However, without considering

the aforesaid, the present complaint was instituted even though the law is clear on this point.

Having gone thorough records I would be inclined to agree with the submissions so raised on behalf of the petitioners. Hence, the application is allowed and the order of cognizance dated 19.07. 2007 passed by the Judicial Magistrate 1st Class, Patna in Complaint Case No. 2324/01/2007 Tr. No. 231 of 2007 is hereby side.

(Anjana Prakash, J)

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