

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 36596 of 2012

Arising out of P.S. Case No. -228 Year- 2010 Thana -Kotwali
District- BHAGALPUR

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Shankar Prasad Sah S/o Late Chhedi Prasad Sah, Employer- Cum-
Agency Director M/s Shankar Gas Service, Parbatti Chowk, Police Station-
Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Madhuri Lata, Adv.

For the Opposite Party/s : Mr. Mustaque Alam, APP.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 10-04-2015

The Petitioner seeks quashing of the order dated 07.05.2012 passed by the 5th Additional Sessions Judge, Bhagalpur in Cr. Rev. No. 447 of 2010 by which it has confirmed the order dated 17.05.2010 passed by the Chief Judicial Magistrate, Bhagalpur in Kotwali P.S. Case No. 228 of 2010 by which it has taken cognizance in the matter.

The case of the Informant who is the Block Supply Officer, Nathnagar, Tatarpur is that he had received a complaint from the vendors of M/s Shankar Gas Agency in regard to irregularities with regard to payment of salary and that they were being paid Rs. 2/- per cylinder instead of Rs. 8/- per cylinder which they were to receive as per the Indian Oil Corporation. Also while the accused was being paid Rs. 350/- per truck for unloading he was paying only Rs. 85/- per truck for 20 days. The next complaint was that the cost of each cylinder was Rs. 321.15 paise but the customers were paying Rs. 322/-

The submission of the Petitioner is that fact of the matter is that vendors were indulging in all kinds of nefarious activities and had complained to the Informant without any basis. They had also filed a false application before the Labour Commissioner for payment of minimum wages.

The Petitioner then at one point in time had sought quashing of the order dated 12.04.2010 passed by the Chief Judicial Magistrate, Bhagalpur by which cognizance has been taken under Section 22A and 22B of the Minimum Wages Act vide Cr. Misc. No. 35885 of 2011. In the present case also the allegations are similar as is apparent from the order. The copy of the order has been produced before the Court. Let it be kept on record.

Considering such aspect of the matter, the proceeding against the Petitioner including the order dated 07.05.2012 passed by the 5th Additional Sessions Judge, Bhagalpur in Cr. Rev. No. 447 of 2010 by which it has confirmed the order dated 17.05.2010 passed by the Chief Judicial Magistrate, Bhagalpur in Kotwali P.S. Case No. 228 of 2010 is, hereby, set aside.

The Application stands allowed.

(Anjana Prakash, J.)

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