

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42697 of 2012

1. Shankar Motors Pvt. Ltd. N.H. 31 Purnea Throgh Its Director, Mohan Himmatsingka S/O Late Ram Jivan Singka Shankar Motors Pvt. Ltd. Purnea, Police Station And District- Purnea

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh

For the Opposite Party/s : Mr. Suresh Pd.Singh(App)

CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 14-05-2015 This criminal miscellaneous application is filed with a prayer to quash the order dated 29-7-2009 passed by the Additional Chief Judicial Magistrate, Purnea in C.II Case No. 92/2009. The same was on the basis of a complaint submitted by an officer of the Labour Department.

2. The petitioner contends that the complaint itself was bereft of any particular and in fact worth its name, constituting the allegation.

3. Heard learned counsel for the petitioner and learned counsel for the State.

4. The offence mentioned in the order impugned in this application is section 22(A) of the Minimum Wages Act. A

perusal of the complaint submitted by the officer of the Labour Department discloses section 12(i) of the Bihar Shops and Establishment Act. No mention was made about the provision of Minimum Wages Act. Further, while furnishing details of the allegations in the complaint, the concerned officer has simply stated that the petitioner failed to pay minimum wages to the employees mentioned therein. However, name of not even a single employee was mentioned. When such a callousness with which the complaint was filed, there was absolutely no basis for the trial court to take cognizance.

5. Therefore, the order dated 29-7-2009 passed by Additional Chief Judicial Magistrate, Purnea, in C.II Case No. 92/2009 is quashed.

(L. Narasimha Reddy,CJ)

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