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IN THE HON'BLE HIGH COURT OF CHHATTISGARH
AT BILASPUR

Cr. M.P. No. 16 Of 2014

APPLICANT
Accused

: Mohd. Naem (Occupier Factory Manager), ^{Sholala Shui} ~~Naem~~ Ahmed, aged 50 yrs
M/s Niyaj Sons, R/o vilolage Sakri, Police Station Mandir Hasoud, District - Raipur (C.G.).

P.R.No. 606/15
Presented by Shri Pankaj Agrawal
dated 09.1.15

VERSUS

NON-APPLICANT
Complainant

: State of Chhattisgarh (labour department) through - Deputy Chief Factory Inspector (Deputy Director, Industrial Health & Safety), Raipur, District - Raipur (C.G.)

APPLICATION UNDER SECTION 482 OF CODE OF CRIMINAL PROCEDURE

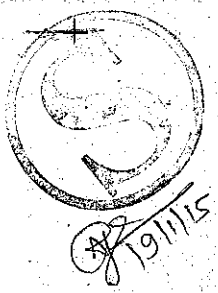
The applicant begs to prefer this application as under:-

1. That, the applicant is a license holder of M/s Niyaj Sons as proprietor of it and running storage of explosive as per license issued by District Magistrate, Raipur which is renewed time to time and valid for 31.03.2015, copy of which is filed as **ANNEXURE-A**.
2. That, the Deputy Factory Inspector Manish Shrivastava has filed a case bearing 69/Factory Act/ 2014 against applicant, copy of order sheet alongwith challan are filed as **ANNEXURE-B** and **ANNEXURE-C** respectively.
3. That, as per judgment of Hon'ble M.P. High Court, the challan u/s 9 & 105 of Factories Act is not maintainable, since the person entering in factory is not an expert therefore Deputy Chief Factory Inspector cannot file the complaint and complaint is liable to be quashed, the copy of judgment reported in 2008(iv) M.P.J.R. 71 between H.K. Kala & another Vs. State of M.P. is filed as **ANNEXURE-D**.
The factory inspector is neither empower to file complaint



nor can file three cases for single offence as cases no. 68, 69 & 123 of 2014 it is harassment only and abuse the process of law, therefore proceedings are liable to be quashed. The factory inspector cannot order to close the factory, because District Magistrate only is empowered to do so being licensing authority under Explosive Act, therefore this application.

4. An affidavit in support of this application is being filed herewith.



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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक...CRMP 16/15...सन् 201

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<u>S.B: Hon'ble Shri Justice Sanjay K. Agrawal</u> <u>16/01/2015</u> Mr. Pankaj Agrawal, Advocate for the petitioner. Mr. Chitranjay Patel, Govt. Advocate for the State/respondent. Learned counsel for the petitioner submits that the petitioner be permitted to raise the point before the jurisdictional criminal Court, that the Deputy Chief Factory Inspector who has filed complaint against the petitioner had no jurisdiction to file a complaint in view of the case H.K. Kala & Anr. v. State of M.P. reported in 2008 (IV) MPJR 71. Prayer appears to be fair and reasonable. Petitioner is granted liberty to raise such a plea before the jurisdictional criminal Court and if such a plea is raised, the jurisdictional criminal Court would decide the same in accordance with law. With the aforesaid observation, the petition stands finally disposed of.	
		Sd/- Sanjay K. Agrawal Judge