

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CRIMINAL APPEAL NO.245 OF 2015

The Provident Fund Inspector,
Jalgaon

... APPELLANT

VERSUS

1. M/s Nagaon Education Society's
Gangamai Polytechnic College
Nagaon, Taluka Dhule, Dist. Dhule.

2. Shri Dattatraya Waman Patil,
Chairman, Age 74 years
Occu. Business, R/o Gangamai
Polytechnic College, Nagaon,
Taluka Dhule, Dist. Dhule

3. Shri Sanjay Onkarnath Dahad,
Principal, Age 54 years, Occu. Service
R/o Gangamai Polytechnic
College, Nagaon,
Taluka Dhule, Dist. Dhule

... RESPONDENTS

.....
Shri K.B. Chaudhari, Standing Counsel for appellant
Shri A.V. Hon, Advocate for respondents No.1 & 3
.....

CORAM: M.T. JOSHI, J.

DATED: 13th October, 2015.

ORAL JUDGMENT :

1. Heard both sides. The complaint filed by the present
appellant for the offence punishable under Section 14[1-A] and
14[A] of the Employees Provident Fund and Miscellaneous

Provisions Act, 1952 was dismissed in default in absence of the complainant. The application for restoration was also dismissed and, therefore, the present appeal.

2. The learned Judicial Magistrate, First Class has taken into consideration that the complaint was filed in the year 1997 and since there are directions on the administrative side for disposal of the old cases, and since the complainant failed to pursue the matter, the application for restoration was also dismissed.

3. Considering the fact that the complaint was filed under the beneficial provisions of law for the welfare of the general public and since the learned counsel for the appellant made a statement that the complainant being departmentally dealt with for his lapses, the Criminal Appeal is allowed. The impugned orders passed by the learned Judicial Magistrate, First Class, are hereby set aside. The complaint is restored to the file. Parties are directed to appear in the trial Court on 19th November 2015. Upon appearance of the parties, the appellant to conclude its evidence from its side within a period of four months from the date of appearance.

(M.T. JOSHI, J.)