

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:12.03.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

CRL.O.P.No.23994 of 2009
and
M.P.Nos.1 & 2 of 2009

Sridevi

.. Petitioner

Vs.

Government of Tamilnadu
Represented by Mr.S.Baskaran
Assistant Inspector of Labour
Tambaram.

.. Respondent

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records and quash the proceedings in C.C.No.123 of 2009 pending on the file of the Learned Chief Judicial Magistrate, Chengalpattu.

For Petitioner : Mr.Krishnasrinivas
for M/s.S. Ramasubramaniam &
Associates.
For Respondent : Mr.M. Maharaja
Additional Public Prosecutor

ORDER

The petitioner was prosecuted under Section 14 (1) of the Child Labour (Abolition and Prohibition) Act 1986.

2. It is submitted by the learned counsel for the petitioner that even according to the complaint in C.C.No.123 of 2009 pending on the file of the Learned Chief Judicial Magistrate, Chengalpattu, the petitioner was found employed a Child Labour on 25.10.2006 and therefore, the show-cause notice was given to the petitioner and the petitioner gave his reply on 30.10.2006 and thereafter, the prosecution was launched only on 24.03.2009. He submitted that as per Section 14 (1) of the said Act, the punishment is imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than Rs.10,000/-, but, it may be extend to Rs.20,000/- or with both. He therefore submitted that the maximum punishment as per Section 14 (1) of the said Act is one year imprisonment. Under Section 468

(2) Code of Criminal Procedure, if the period of limitation in case of punishment not exceeding one year is one year and in this case, the case was taken on file on 24.03.2009 as seen from the seal of the learned Chief Judicial Magistrate, Chengalpet and therefore, the complaint is beyond the period of limitation as per Section 468 (2) Code of Criminal Procedure.

3. Heard the learned Additional Public Prosecutor. He also submitted that though the respondent signed the complaint dated 27.07.2007 as seen from the copy of the complaint, they filed the petition only on 24.03.2009. It appears that there is a seal of the Court dated 24.03.2009 and therefore, the case was taken cognizance after the period of limitation was over as per seal found in the complaint.

4. As the offence is punishable with one year and as per Section 468 (2) Code of Criminal Procedure, if the offence is a punishable with imprisonment for a period not exceeding one year, the complaint has to be filed within one year. In this case, the case has been filed after two and a half years and therefore petition is liable to be quashed as barred by limitation. Hence, the criminal original petition is allowed and the proceedings in C.C.No.123 of 2009 pending on the file of the Learned Chief Judicial Magistrate, Chengalpattu is quashed as barred by limitation.

In the result, the criminal original petition is allowed and consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CO)

Dt:31/3/2015

True Copy

Sub-Assistant Registrar

To

1. Mr.S.Baskaran
Assistant Inspector of Labour
Tambaram.
2. The Chief Judicial Magistrate, Chengalpattu.
3. The Public Prosecutor, High Court, Madras.

+ 1 cc to M/s.Ramasubramaniam & Associates, Advocate SR 14003

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prk6/4

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