

(1)

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

CRIMINAL APPLICATION NO.6177 OF 2015

Salil B. Taneja,
Age: 48 years, Occu: Business,
R/o God's Gift Co-operative Housing Society Ltd.,
Flat No. 1101, 11th Floor, CTS No. 5+6/1,
Survey No. 476A, Mangaldas Road,
Mouze-Munjeri, Pune-411 001

..APPLICANT

VERSUS

The State of Maharashtra,
Through Mr Sandip Dalu Londhe,
Age: Major, Occu: Service,
Assistant Director,
Industrial Safety and Health
Dena Bank Colony,
Premdan Chowk, Savedi,
Ahmednagar

..RESPONDENT

Mr N. B. Suryawanshi, Advocate for applicant;
Mr A. R. Kale, Addl. Public Prosecutor for respondent

CORAM : N.W. SAMBRE, J.

DATE : 29th March, 2016

ORAL ORDER :

Heard.

2. Perused the order dated 23rd June, 2014, passed by Judicial Magistrate First Class, Ahmednagar (Court No.3) ordering issuance of process against the applicant – accused no.1. The order *prima facie* suffers from non application of mind, as the learned Magistrate has used a rubber stamp of the wordings “Issue process against accused No.1 U/s.

(2)

Factory Act 7 A (2) (b) and 7 A (2) (c) of I.P.C. Issue summons to accused.”, without specifying the reasons and application of mind for passing such an order, but for only referring to the provisions of the Factories Act.

3. It is worth to observe here, that the learned Magistrate must go through paragraphs 29, 30, 32 and 35 of the judgment rendered by the Division Bench of this Court, in the matter of **State of Maharashtra vs. Shashikant s/o Eknath Shinde**, reported in **2013 ALL MR (Cri) 3060**.

4. In view thereof, the orders passed by learned Magistrate ordering issuance of process in S.T.C. No.1183 of 2014 and confirming the same by learned Sessions Judge, Ahmednagar in Criminal Revision Application No.148 of 2014, are quashed and set aside and the matter is remitted back to Judicial Magistrate First Class, Ahmednagar (Court No.3), who is directed to deal with the claim made in the complaint, in the light of the observations of the Division Bench of this Court, in the matter of State of Maharashtra vs. Shashikant s/o Eknath Shinde (supra).

Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

amj