

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21684 of 2014

Arising Out of PS. Case No.-25 Year-2013 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Shahid Ali son of Shaukat Ali
 2. Mahmud Ali son of Late Alhaj Amir Hassan
 3. Khawar Ali son of Mahmud Ali
 4. Jamaluddin son of Late Nehaluddin All resident of Sasa Musa Sugar Works Ltd. Sasa Musa, Police Station - Kuchaikote, District - Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Labour Superintendent, Sri Aftab Alam, Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Khalid Ahsan, Adv
For the State : Mr. PARMANAND KUMAR(APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 08-11-2017

Heard learned counsel for the parties.

This application under Section 482 of the Cr. P.C. has been filed for quashing the order 15.12.2013 in G.C. No. 25 of 2013, Tr. No. 4942 of 2014 passed by Chief Judicial Magistrate, Gopalganj by which cognizance of the offence punishable under Section 29 of the Industrial Disputes Act, 1947, had been taken against the petitioner.

Briefly stated, the facts of the case is that petitioner nos. 1 and 3 are Directors of M/s. Sasa Musa Sugar Works Ltd. which is a company registered under the Indian Companies Act and is engaged in production of sugar from sugarcane by



vacuum pan process. Petitioner No. 2 is the Managing Director of the Company and petitioner no. 4 is the General Manager of the company.

On 07.04.2010, the Sugar Mills of the State of Bihar adopted the notification dated 17.12.2009, which relates to minimum wages to be paid to the workers working in Sugar Factories which was notified vide notification dated 17.12.2009. It has been contended that the petitioners company was not a party to the said decision. An inspection team comprising of authorities of Labour Department, Govt. of Bihar carried out inspection of the sugar mill on 25.02.2012 and 26.02.2012, and recorded statement of workers working in the factory who were not being paid their wages as per tri-partite agreement as contained in notification dated 17.12.2009, whereunder minimum wage of Rs. 5450/- was payable to the workers which amounts to violation of Section 18(3) and 19(3) of the Act and a show cause notice dated 24.03.2012 were issued to the Management. The Management of the factory submitted a show cause which was not satisfactory and thereafter the complaint was filed by the Labour Superintendent. The labour Superintendent by its letter dated 24.03.2012 addressed to the Manager of the factory to pay arrears of wages to the workers



payable as per agreement notified dated 07.04.2010, failing which action shall be taken under Section 20(2) of the Minimum Wages Act, 1948 and prosecution under Section 22(a) of the Minimum Wages Act shall be initiated. The Labour Superintendent by its letter dated 24.03.2012, directed the Manager of the factory to pay the entire arrears of the workers whose statement were recorded and sent along with the said letter failing which steps under Section 20(3) and 22(a) of the Minimum Wages Act, 1948. The Labour Superintendent- Opposite party No. 2 sent a prosecution report dated 17.05.2013 in the court of learned Chief Judicial Magistrate, Gopalganj and the learned Chief Judicial Magistrate, Gopalganj took cognizance of the offence under Section 29 of the Act by his order dated 15.12.2013 in G.C. No. 25 of 2013 (Trial No. 4942 of 2014). Similar order taking cognizance dated 08.04.2013 passed by learned Chief Judicial Magistrate, Gopalganj in Complaint Case No. 4 of 2013(Tr. No. 1257 of 2013) was heard and considered by a co-ordinate bench of this Court and after detailed consideration, by its order dated 12.07.2017, quashed the order taking cognizance as well as entire complaint case. The issue decided in a case as referred above and present petition is similar and as such the order dated 15.12.2013 passed



by learned Chief Judicial Magistrate in G.C. No. 25 of 2013
(Trial No. 4942 of 2014) taking cognizance of the offence under
Section 29 of the Industrial Disputes Act, 1947 is quashed.
The petition stands allowed.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.11.2017
Transmission Date	10.11.2017

