

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 1101 OF 2017

The Konkan Prant Sahakari Bank Ltd.,
(in liquidation) & Ors.

... Petitioners.

V/s.

The State of Maharashtra & Ors.

... Respondents.

Mr. Pramod N. Patil, Advocate for the Petitioners.

Mr. V. V. Gangurde, APP for the State.

CORAM : RAVINDRA V.GHUGE,J.

DATE : 21 MARCH, 2017

P.C. :

1 The petitioners are aggrieved by the issuance of process dated 18.01.2017 by the 6th Labour Court, Mumbai in Misc. Cri. Complaint (ULP) No. 29 of 2016.

2 There is no dispute that after a criminal complaint is decided, which may lead to either conviction of the respondent accused or his acquittal or a party may move for enhancement of the punishment, an appeal under section 42 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 is maintainable.

3 In so far as a challenge to the issuance of process is concerned, this court, in the matter of Subhash Laxman Jadhav vs. Vinod Nivratti Kamble - 2016 (II) LLR 362 has delivered a judgment dated 10.03.2016 by which it has been concluded that the issuance of process in criminal Complaint (ULP) under section 48 (1) read with sections 39 and 55 of MRTU & PULP Act, 1971 can be challenged by filing a revision petition under section 44 of the said Act before the Industrial Court.

4 Considering the above, this petition is disposed of by granting liberty to the petitioners to avail the statutory remedy under section 44 of the Act. Needless to state that since limitation under section 44 is not prescribed, the petitioners would be at liberty to resort to the said remedy.

(RAVINDRA V.GHUGE,J.)

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