



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Criminal Appeal No.46 of 2003

State by
Assistant Inspector of Labour,
26th Division,
Chennai.
Rep.by The Public Prosecutor
High Court, Madras
Appellant/Petitioner

..

Vs

Hammed Mohideen

..

Respondent/Accused

Prayer:- Criminal Appeal filed under Section 378 Cr.P.C., against the order of acquittal passed in C.C.No.9631/1999 dated 13.10.2000 on the file of the II Metropolitan Magistrate Court, Egmore, Chennai.

For Appellant

: Mr. M.F.Shabana,

Government Advocate (Crl. Side)

JUDGEMENT

Challenging the order of acquittal passed by the learned II Metropolitan Magistrate, Egmore, Chennai in C.C.No.9631/1999 dated 13.10.2000, the present appeal has been filed. The respondent/accused has been charged for an offence under Section 11 r/w. Section 4 of the Child Labour (Prohibition and Regulation) Act.

2. The case of the prosecution, in brief, is as follows:-

The respondent herein was running a Fancy Store at Veppery. On inspection, P.W.1 found that there were two persons working in the shop, out of them, one Suresh was aged about 12 years. But the respondent failed to prepare a Form-2 as per the Act. Hence, the petitioner sent a notice to the respondent and after receipt of the reply, a criminal case has been registered



against the respondent. The trial Court, after considering the material, by judgment dated 13.10.2000, acquitted the accused. Against the order of acquittal, present appeal has been filed before this Court.

WEB COPY

3. Heard Mrs.M.F.Shabana, Government Advocate(Crl. Side), appearing for the appellant.

4. The main contention of the prosecution is that in the Fancy Store, run by the respondent, he engaged a child labour, aged about 12 years, as employee and he failed to maintain a register as contemplated in the act. In order to prove the case that the employee was a minor child as per the Act, the prosecution did not examine any witness to show that he was a child as contemplated under the Act. Since the prosecution has failed to prove that the employee was a child, as contemplated in the Act, the trial court acquitted the accused.

5. In the above said circumstances, I find no irregularity or illegality in the order passed by the court below and no reason to interfere with the order of acquittal passed by the trial Court. Hence, the appeal fails and the same deserves to be dismissed.

6 .In the result, the Criminal Appeal fails and accordingly, the same is dismissed. The judgment of the trial Court in C.C.No.9631 of 1999 dated 13.10.2000 is hereby confirmed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The II Metropolitan Magistrate,
II Metropolitan Magistrate Court,
Egmore, Chennai.
2. The Public Prosecutor,
High Court, Madras.

Crl.A.No. 46 of 2003

sp/9/3