

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33158 of 2011

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Ramchandran Jaiprakash General Manager, Bata India Ltd. Bataganj, P.S-
Digha, Dist-Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Assistant Labour Commissioner, Patna Division, Patna
3. Aparna, Labour Superintendent, Patna
4. (i) Shila Devi, wife of Late Ram Prasad Gupta.
(ii) Kanhaiya Prasad Gupta S/o Late Rama Prasad Gupta
(iii) Mohan Sah S/o Late Rama Prasad Gupta
All R/O Village+ P.O.- Parmanandpur, P.S.-Sonepur, District- Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Dhananjaya Nath Tiwari, Advocate
For the Opposite Party/s	:	None
For the State	:	Mr. Jharkhandi Upadhyay, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 30-11-2018

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Despite valid service of notice on opposite party no.
4/ his heirs and learned counsel also entering appearance, nobody
was present when the case was taken up and heard.

3. The petitioner has moved the Court under Section 482
of the Code of Criminal Procedure, 1973 seeking the following
relief:

*“That this application is being filed on
behalf of the petitioner for quashing and order
dated 8.10.2009 passed by the Chief Judicial*



Magistrate, Patna in Complaint Case No. 1136(C2) 2009 (State vs. Maha Prabandhak, Bata India Ltd.) by which he has taken cognizance of the offence against the petitioner under Section 29 of the Industrial Disputes Act, 1947 and transferred the case to the court of Sri Umesh Kumar, Judicial Magistrate, 1st Class, Patna for trial and disposal, which is now pending in the court of Sri Praveen Kumar Singh, Judicial Magistrate, 1st Class, Patna.”

4. The opposite party no. 4 being an employee of Bata India Limited, Bataganj Branch, Digha in the District of Patna had filed Reference Case No. 17 of 1999 relating to an industrial dispute and the Labour Court had passed order dated 02.08.2007 in his favour. When the same was not implemented, the opposite party no. 2 had lodged Complaint Case No. 1136(C2) of 2009 in which cognizance has been taken under Section 29 of the Industrial Disputes Act, 1947 against the petitioner.

5. Learned counsel for the petitioner submitted that the present matter has now become academic for the reason that M/s Bata India Limited had moved the Court in C.W.J.C. No. 3337 of 2008 against the very award dated 02.08.2007 and pronounced on 25.09.2007 by the Labour Court Patna in Reference Case No. 17 of 1999 in favour of the opposite party no. 4. It was submitted that the same was allowed by judgment and order dated 22.06.2018 by which the said award has been set aside. Learned counsel



submitted that once the award itself has been set aside, the complaint against the petitioner is not maintainable.

6. Learned A.P.P. agrees with the submissions of learned counsel for the petitioner.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds the contention of learned counsel for the petitioner to be correct.

8. Accordingly, the application stands allowed.

9. The entire Complaint Case No. 1136(C2) of 2009 along with the order taking cognizance dated 08.10.2009 against the petitioner are quashed.

10. The lower Court records be returned to the Court below.

(Ahsanuddin Amanullah, J)

P. Kumar

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