

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.17532 of 2015

Arising Out of PS.Case No. -123 Year- 2014 Thana -GOVERNMENT OFFICIAL COMP. District-
BHAGALPUR

=====

Savitri Devi Khetan, wife of Shri Sambhu Dayal Khetan, Gosala Road, Bhagalpur,
District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 02-08-2018

1. This application under Section 482 of the Code of Criminal Procedure has been filed for quashing the order dated 23.12.2014 passed by learned Judicial Magistrate, Bhagalpur, in Official Complaint filed by Labour Enforcement Officer, Jagdishpur, Bhagalpur, by which the learned Magistrate took cognizance against the petitioner for the offences under Sections 22(A) and 22(a) of Minimum Wages Act.

2. Heard learned counsel for the petitioner and learned counsel for the State.

3. It is mentioned in the written report that petitioner who is owner of Hotel Bhawna International, M.G. Road, Bhagalpur, has violated the rules of Minimum Wages Act, 1948.



4. The informant along with two other officials after constituting a team, conducted raid in Hotel Bhawna International in the evening at about 5:00 p.m. and found various irregularities and violation of Minimum Wages Act, 1948 as mentioned in the Official Complaint. The detailed report was prepared and after getting sanction by the higher authorities of Bhagalpur, complaint has been filed by the informant in the court of Chief Judicial Magistrate, Bhagalpur.

5. Learned counsel for the petitioner has submitted that petitioner has never violated the rules of Minimum Wages Act. The petitioner and his representative were not present at the time of raid. The First Information Report has been lodged without calling for show cause.

6. Learned counsel for the State has submitted that there is no illegality in the impugned order.

7. This Court after looking into the allegation in the Official Complaint filed by the Labour Enforcement Officer finds that various irregularities were found in the Hotel of the petitioner which have been described in detail in the written report. The court below on the basis of such allegation in the written report, has found *prima facie* case against the petitioner and taken cognizance for the offence under Sections 22(A) and 22 (a) of the Minimum Wages Act.

8. The learned Magistrate is only required to see



prima facie case at the time of taking cognizance. The submissions made on behalf of petitioner are her defence which is not required to be considered at the time of taking cognizance.

9. Therefore, this Court is not inclined to interfere with the impugned order.

10. This Criminal Miscellaneous application is accordingly dismissed.

11. The petitioner is directed to raise all the points as raised in this petition at the appropriate stage in trial which shall be considered by the court below in accordance with law without being prejudiced by this order.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09/08/2018
Transmission Date	09/08/2018

