

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3966 OF 2017

M/s.Amazon Sellers Services Pvt.Ltd.

Through Rahul Sundaram and others

Petitioners

versus

V.M.Shevade and others

Respondents

Mr.Sanjeev Savant with Mr.M.B.Kale I/by D.M.Gujar Law Chambers
for petitioners.

Mr.M.S.Topkar with Pavitra Manesh for respondent no.1.

Mr.P.H.Gaikwad, APP, for State.

CORAM : PRAKASH D. NAIK, J.

DATE : 3rd July 2018

PC :

1. Respondent no.1 has filed a private complaint bearing C.C.No.1217 of 2017 before the Court of Judicial Magistrate, First Class, Thane under the provisions of Private Security Guards (Regulation of Employment and Welfare) Scheme (Amended), 2005 read with provisions of Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981.

2. In the complaint it was alleged that under clause 13(a)(c) of the scheme, every principal employee to whom scheme applied and who had engaged private security guards before commencement of Maharashtra Private Security Guards (Regulation of Employment and Welfare) (Amended) Scheme, 2005, shall get himself registered with the Board by applying in the form devised by the Board, within

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15 days from commencement of the said scheme, provided that an employer of any establishment coming into existence after commencement of the said scheme shall apply for registration within period of one month from the date of commencement of business. It was alleged that the accused had failed to get themselves registered, they have committed offence under Section 42 of said scheme read with Section 3(3) of the said Act for contravention of clause 13(1)(c) of the scheme. The Court took cognizance and issues process.

3. It is submitted by learned counsel for petitioners that the complaint is not maintainable as exemption application preferred under Section 23 of the said Act was pending since 26th October 2016 was decided positively on 21st September 2017 granting exemption under Section 23 of the said Act and hence, the complaint has become infructuous. The said position is not disputed by advocate for respondent/complainant.

4. In view of above position, the proceedings in C.C.No.1217 of 2017 stands quashed and set aside. Criminal Writ Petition No.3966 of 2017 stands disposed off.

(PRAKASH D. NAIK, J.)

MST