

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APL) 761 OF 2017

(Dr. Sudhir s/o.Narendra Bhiwapurkar..vs.. Employees State Insurance Corporation)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri N.S. Bhattad, counsel for applicant.
Smt. Maldhure, counsel for non-applicant.

CORAM: ROHIT B. DEO, J.

DATE: 14th June, 2018.

Heard.

2 The applicant is seeking quashment of Criminal Complaint 346 of 1998 pending before the learned Judicial Magistrate First Class, Nagpur – 1, for offence punishable under section 85(a) read with section 85(i) and (b) of the Employees State Insurance Act, 1948.

3 It is not in dispute that by judgment and order dated 12.1.2010, the Employees State Insurance Corporation (ESIC) Court was pleased to record that the Act is not applicable to the establishment of the applicant. This order is under challenge, at the behest of the ESIC in First Appeal 350 of 2010. It is not even the case of the ESIC that the order of the ESIC Court is stayed in appeal. In this view of the matter, the application can be disposed of by directing the learned Magistrate to keep Criminal Complaint 346 of 1998 pending and adjourn the same sine die with liberty to the parties to move the learned Magistrate after

the decision in First Application 350 of 2010.

4 With this direction, the application is disposed of.

JUDGE

RS Belkhede