

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

Criminal Application [APL] No.804 of 2017

Jitendra Vallabhdas Lal vs. The Employees State Insurance Corporation

with

Criminal Application [APL] No.805 of 2017

Jitendra Vallabhdas Lal vs. The Employees State Insurance Corporation

with

Criminal Application [APL] No.806 of 2017

Jitendra Vallabhdas Lal vs. The Employees State Insurance Corporation

with

Criminal Application [APL] No.807 of 2017

Jitendra Vallabhdas Lal vs. The Employees State Insurance Corporation

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Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

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Court's or Judge's Orders

Shri Arun Girhe, Advocate for the Applicant.
Mrs. B.P. Maldhure, Advocate for the Non-Applicant.

CORAM : S.B. SHUKRE, J.
DATE : 2nd APRIL, 2018.

Heard.

All these applications are being disposed of by the common order, as the facts of all these cases and also the grounds on which the impugned order has been passed in each of these cases are identical.

Rule. Rule made returnable forthwith. Heard finally by consent.

It is submitted that the complaint in each of these cases is based upon the demand notice dated 24/02/1993 issued under the provisions of the Employees' State Insurance Act, 1948 (hereinafter referred to as "the Act" for short),

which has been quashed and set aside by the common order by the Employees' State Insurance Court (hereinafter referred to as "the ESI Court" for short) in the application filed under Section 75(1)(g) of the Act on 15th June, 2006.

Perusal of the complaint in all these cases does not leave any scope to infer that these complaints are based upon the notice dated 24/02/1993 or any other notices, which have been quashed by the common order dated 15/06/2006 by the ESI Court. It would then follow that the reason given by the learned Magistrate in rejecting the application filed for dismissal of the complaint that this is something which is a matter of defence, would have to be considered as logical and rational and, therefore, I do not see any illegality or perversity in passing the impugned order dated 17/07/2017 by the learned Magistrate.

There is no merit in these applications. The applications stand dismissed. The learned Magistrate to expedite the trial. Rule is discharged.

JUDGE

**sandesh*