

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL APPLICATION (MAIN) NO.231 OF 2019**

Arup Kumar Das

.... Applicant

V/s

Shaikh Nuha & Sons

Logistics Services & Ors.

.... Respondents

Shri Mahesh Amonkar, Additional Public Prosecutor for the Applicant.

Coram :- PRITHVIRAJ K. CHAVAN, J.**Date :- 18th November, 2019****ORAL ORDER :**

Despite service, none was present for the respondents on last date i.e. on 04/11/2019. Today also, none present on behalf of the respondents.

2. Heard Shri Amonkar, the learned Additional Public Prosecutor for the applicant.

3. The learned JMFC by the impugned order dated 08/07/2019 dismissed the complaint filed by the complainant, who is the Assistant Director (Safety), Inspectorate Dock Safety, Mormugao Port Trust, Headland Sada, Goa on the ground that despite giving several

opportunities the complainant failed to plead the matter.

4. It is submitted that only two opportunities were given to the complainant. It appears that the learned Trial Court has not given sufficient opportunities to the public authority of the Central Government to proceed further with its complaint which was filed for the breach of regulations 73, 107(1), 111(1), 116(2 & 3) and 117 of the Dock Workers (Safety, Health and Welfare) Regulations, 1990. Due opportunity needs to be given to the complainant to establish complaint.

5. In the interest of justice, the impugned order needs to be quashed and set aside and, accordingly, it is quashed and set aside.

6. The complaint shall be restored on the file of the JMFC on the same number.

7. The complainant shall appear before the Magistrate's Court on 04/12/2019 at 10.30 a.m. positively.

8. The Magistrate shall proceed with the complainant in accordance with law.

9. The application stands disposed of in the aforesaid terms.

PRITHVIRAJ K. CHAVAN, J.

NH