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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 1417/2019
MD. MAJIBUR REHMAN THROUGH HIS FATHER MD.
ABDUL HAQUE Petitioner

Through Mr. Abhishek Jebaraj and Mr.
Anshum Goswami, Advocates.

versus

ADM, SOUTH-EAST, NEW DELHI Respondent

Through Mr. Ravi Nayak, APP for Mr. Rahul
Mehra, Standing Counsel (Criminal)
for GNCTD with Insp. Pawan Kumar
and SI Naveen, PS Sunlight Colony.
Mr. Arun Bhardwaj, CGSC with Mr.
Himanshu Pathak, G.P. and Mr.
Nikhel Bhardwaj, Advocate for R-3
and 4.

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **20.05.2019**

The office memorandum F.No.S-11012/01/2015-BL(Pt.) dated 17.08.2017, issued on behalf of the Director General Labour Welfare, Ministry of Labour and Employment, Government of India has been handed over in Court today.

A perusal of the said notification reflects that, in Serial No.6 of the Standard Operating Procedures brought into the effect thereby, it is, *inter alia*, provided in (iii) and (iv) thereof, as follows:

“(iii) If at any stage during the Summary Proceedings, it appears to the Designated Magistrate that the accused is also chargeable for offences under some other law for the time being in force, other than the BLSA, the Designated Magistrate shall proceed in accordance with the provisions of Section 322 or 323 Cr.P.C, as the case may be.

(iv) If upon police report, it appears to the Designated Magistrate that the accused is also chargeable for offences under some other law for the time being in force, other than the BLSA, the Designated Magistrate shall commit the entire case along with the case records to the competent court.”

In addition, our attention has been invited to the provisions of the section 322 and 323 of the Code of Criminal Procedure, 1973, to urge that, if it appears to the Designated Magistrate-Additional District Magistrate in the present case-that the accused is also chargeable for offences under some other law for the time being in force, other than the Bonded Labour System (Abolition Act), 1976, it is incumbent upon him to commit the entire case along with the case records thereof, to the Court of Competent Jurisdiction.

In view of the foregoing, the challenge to the *vires* of the provisions of the Bonded Labour System (Abolition Act), 1976, which is rendered academic in these proceedings as the same are no longer germane for adjudication of the present '*lis*', is presently left open; for consideration in an appropriate case.

The present petition is, accordingly, disposed of with a direction to the concerned ADM to proceed further strictly, in accordance with law, as extracted hereinabove.

SIDDHARTH MRIDUL, J

ANU MALHOTRA, J

MAY 20, 2019/as