IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION NO. 18276 of 2020

With
R/CRIMINAL APPEAL NO. 1316 of 2020

==========

STATE OF GUJARAT
Versus
OMPRAKASH GOYAL

==========

Appearance:
MR HARDIK SONI APP (2) for the Applicant(s) No. 1
for the Respondent(s) No. 1

==========

CORAM:**HONOURABLE MR. JUSTICE A.G.URAIZEE**

Date : 23/12/2020

ORAL ORDER

ORDER IN CRIMINAL MISC.APPLICATION NO. 18276 of 2020

1. Heard Mr. Hardik Soni, learned APP for the applicant-State.

2. Mr. Soni, learned APP submits that the learned trial Judge has recorded erroneous findings. He submits that the facts of the prosecution case makes it very clear that valve of the supply tank and shut off valve of air operator were not properly closed and, therefore, the accident had happened. However, the learned trial Judge has recorded in the impugned judgment that the tank cannot be said to be machinery and on the said premise, the respondent is acquitted. He has invited my attention to the provisions of section 7(A)(2)(a) of the Gujarat Factories Act, to submit that in order to ensure health safety and welfare of the workers, it is the duty of the occupier which include the provision and maintenance of plant and systems of work in the factory and the area are safe and without risk to health. He, therefore, submits that the appeal requires consideration and, therefore, the present application for leave to appeal

may be granted.

3. In view of the above, leave to appeal is granted. The application stands disposed of.

ORDER IN CRIMINAL APPEAL NO. 1316 of 2020

1. Heard Mr. Hardik Soni, learned APP for the appellant-State.

2. **ADMIT.**

(A.G.URAIZEE, J)

NAIR SMITA V.//zgs