

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1263 of 2017**

- Vijay Kumar Barman S/o Shri Dujeram Barman, Aged About 39 Years R/o Village Post Parsada Tahsil Jaijaipur, District Janjgir Champa, Chhattisgarh., Chhattisgarh

---- Petitioner**Versus**

- State of Chhattisgarh Labour Inspector of Labour Department, Janjgir, Distrit Janjgir Champa Chhattisgarh., Chhattisgarh

---- Respondent

For Petitioner	:	Shri Akhtar Hussain, Advocate.
For Respondent-State	:	Shri Sudeep Verma, Deputy Government Advocate.

Hon'ble Shri Justice Narendra Kumar Vyas, Judge**Order on Board****05.07.2021**

1. The learned counsel for the Petitioner would submit that this petition has been filed under Section 482 of the Cr.P.C challenging the registration of charge sheet and issuance of summons by the Judicial Magistrate First Class, Labour Court, District – Janjgir Champa, under the Inter-State Migrant Workman Regulation of Employment and Conditions of Service Act, 1979.
2. The Chhattisgarh Industrial Relations Act, 1960 (for short “the Act, 1960”) has been enacted by the State legislature which provides machineries for adjudicating various Labour laws. The Schedule II-A of the Act, 1960 provides jurisdiction of the Labour Court-cum-Judicial Magistrate First Class for trial of the offence enumerated in the Schedule. As per Section 64 of the Act, 1960, the Industrial Court has been given power of the High Court with regard to the criminal cases. Section 64 of the Act, 1960 is reproduced below:

“64. Power of Labour Court and Industrial Court in respect of criminal cases. - (1) In respect of offences punishable under this Act a Labour Court shall have all the powers under the Code of Criminal Procedure, 1973 (No. 2 of 1974) of a Judicial Magistrate of the First Class and in the trial of every such offence shall follow the procedure laid down in Chapter XXI of the said Code for summary trial and the rest of such provisions of the Code shall, so far as may be, apply to the trial.

(2) In respect of offences punishable under this Act the Industrial Court shall have all the powers of the High Court under the Code of Criminal Procedure, 1973 (No. 2 of 1974).”

3. The grievances raised by the Petitioner can very well be agitated before the Industrial Court by filing a criminal revision under Section 64 of the Act, 1960 as such, the Petitioner has effective and efficacious remedy available under Section 64 of the Act, 1960. On this ground, the present petition is not maintainable.
4. The Petitioner has filed the present Cr.M.P on 05.09.2017 and this Court has granted interim protection to the Petitioner on 15.09.2017 by directing the Judicial Magistrate First Class not to pass any final order.
5. The present CrMP is being disposed off today. If the Petitioner files a duly constituted revision petition before the Industrial Court as per Section 64 of the Act, 1960 within 45 days from the date of receipt of a copy of the order, the time spent before this Court will not come in way of deciding the revision petition in accordance with law. The Industrial Court will decide the case on its own merits without raising objection with regard to the delay in filing the revision petition.
6. The present CrMP is finally disposed off.

Sd/-
(Narendra Kumar Vyas)
Judge