

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1518 of 2013

Mr. Armin Bruck

....

Petitioner

Mr. G. Mukherji, Senior Advocate
With Mr. Partha Mukherji, Advocate
-versus-

The Union of India

....

Opposite Party

Mr. P.K. Parhi, ASGI

**CORAM:
THE CHIEF JUSTICE**

ORDER

22.04.2022

Order No.

08. 1. In the present petition, seeking for quashing of 2C/CC/105/2010 under Section 24 of the Contract Labour (Regulation & Abolition) Act, 1970 pending in the Court of learned S.D.J.M., Bhubaneswar, notice was issued way back on 14th May 2013. However, till date no reply has been filed.
2. The two grounds on which a challenge has been raised is that the complaint has been filed only against the Managing Director of the company without making the company itself an accused. It is the settled position of law that without the company itself being impleaded as an accused, it is not open to a Director or a Managing Director alone to be arrayed as an accused. IN this context Mr. Gautam Mukherji, learned Senior Advocate for the Petitioner has relied upon the decisions of the Supreme Court in *Aneeta Hada v. M/s. Godfather Travels and Tours Pvt. Ltd. (2012) 5 SCC 661* and in *Dayle De'souza v. Government of India* (Crl. Apl. No.1319 of 2021 decided on 29th October 2021).

3. The second issue on which the challenge has been raised is that the complaint was barred by limitation and again on this, there is no reply filed by the Opposite Party to contradict the submission.

4. For the aforementioned reasons, the case 2C/CC/105/2010, pending in the Court of the S.D.J.M., Bhubaneswar is hereby quashed. The present CRLMC is disposed of.



(Dr. S. Muralidhar)
Chief Justice

S.Behera