

IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No. 559 of 2012

Sunil Choudhury and Another ***Petitioners***

Mr. Bijaya Kumar Ragada, Advocate
-versus-

State of Odisha ***Opposite Party***

Mr. J. Katikia, Addl. Govt. Advocate

CORAM:
THE CHIEF JUSTICE

Order No.

ORDER
25.03.2022

07. 1. At the outset, Mr. Ragada, learned counsel for the Petitioners submits that he is pressing the present petition only in respect of Petitioner No.2 (Nawal Kishore Sharma).
2. The grievance is that the S.D.J.M., Jharsuguda has in 2(C) CC No.03 of 2012 taken cognizance against Petitioner No.2 for the offence under Sections 92 and 96(A) of the Factories Act, 1948. Mr. Ragada refers to Section 92 of the Factories Act which permits cognizance to be taken against only the Occupier and the Manager of the factory whereas Petitioner No.2 is only a director and neither a Occupier nor a Manager.
3. There is no counter affidavit filed in the present petition although notice was issued way back on 12th April, 2012 and further proceedings were stayed.

4. In that view of the matter, the impugned order dated 2nd January, 2012 insofar as takes cognizance against the Petitioner No.2 is hereby set aside. The net result is that 2(C) CC No.03 of 2012 as far as Petitioner No.2 is concerned stands dismissed.

5. The interim order passed by this Court on 12th April, 2012 in respect of Petitioner No.1 (Sunil Choudhury) stands vacated. A copy of this order will be sent forthwith to the concerned subordinate Court.

6. The petition is disposed of in the above terms.

7. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

S.K. Jena/P.A.