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IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NOS. 36, 37, 38
AND 40 TO 53 OF 2022

ANAND Y. PHADTE., ... PETITIONER
VS
PROVIDENT FUND INSPECTOR,
THR. RUDAL PRASAD ... RESPONDENT

Mr. Kisan B. Surjuse, Advocate for the Respondent.

CORAM: G.S. KULKARNI, J.

DATED: 19 SEPTEMBER 2022

ORAL ORDER.

1. None for the petitioner.
2. Reply affidavit filed on behalf of the respondent is taken on record.
3. I have heard Mr. Surjuse, learned Counsel for the respondent. I have also perused the reply affidavit as filed on behalf of the respondent.
4. It needs to be observed that in Criminal Writ Petition No. 36/2020 filed by the petitioner, Mr. Anand Y. Phadte, had assailed an identical order passed by the learned Additional Sessions Judge,

Panaji sitting at Ponda, in Criminal Revision Application No. 76/2019, which has been allowed by a co-ordinate Bench of this Court (Manish Pitale, J.) by a judgment and order dated 21 October 2021.

5. I have perused the said judgment and order passed by this Court as also the impugned judgment dated 30.12.2019.

6. There is no manner of doubt that the impugned orders passed by the learned Additional Sessions Judge, Panaji in all these cases are identical, whereby the criminal revision applications as filed by the petitioner by identical orders were dismissed, thereby maintaining the orders passed by the learned Judicial Magistrate First Class dismissing the applications of the petitioner/accused for discharge. As noted above, the earlier order passed by the learned Additional Sessions Judge, Panaji was subject matter of challenge in Criminal Writ Petition No. 36/2020 (**Mr. Anand Y. Phadte Vs. Provident Fund Inspector**). The said Petition was allowed by the co-ordinate Bench of this Court (Manish Pitale, J.) vide judgment and order dated 21 October 2021 in terms of prayer clause (a), which reads thus:

“(a) That this Honourable Court be pleased to call for records and proceedings of Case No. 84/AOA/2014/A pending before the learned

Judicial Magistrate First Class, Ponda, Goa and after pursuing the same, be pleased to quash the complaint and the criminal proceedings registered under Case No. 84/AOA/2014/A.”

7. The prayers in these Petitions are not different from the prayers as considered by the co-ordinate Bench of this Court (Manish Pitale, J.) in Criminal Writ Petition No. 36/2020. Also the challenge in these Petitions is identical. It, therefore, clearly appears from the record that each of these Petitions stand covered by the judgment and order dated 21 October 2021 passed by this Court in **Anand Y. Phadte’s** case, Criminal Writ Petition No. 36/2020.

8. In fact, the learned Counsel for the respondent would not dispute that the impugned orders passed in such of these cases, more particularly, are similar/identical as in the orders passed in Writ Petition No. 36/2020.

9. Accordingly, there being no other issues different than those already decided by this Court in Criminal Writ Petition No. 36/2020, **Mr. Anand Y. Phadte Vs. Provident Fund Inspector**, the present Petitions are required to be allowed in terms of prayer clause (a) of each of these Petitions. They are accordingly disposed of in such terms. Ordered accordingly.

10. Needless to observe that in the event, the proceedings before the Central Government Industrial Tribunal are heard against the petitioner, in that event, it would be open to the respondent-Provident Fund Inspector to take further steps against the petitioner in accordance with law.

11. Disposed of. No costs.

G.S. KULKARNI, J.

VAIGANKAR
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