

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3249 of 2009

BIHAR FAL AND SABJI VIKASH NIGAM LTD.UDYAN NARSARI and
ANR

... .. Petitioner/s

Versus

STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sourendra Pandey
Mr. Nalin Vilochan Tiwary, Advocates
For the Opposite Party/s : Mr. C.S.P. Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 29-11-2023 Heard Ld. Counsel for the petitioner and Ld. APP for
the State. No one appears for OP No.2 despite valid service of
notice.

2. The present petition has been filed under Section
482 CrPC for quashing the order dated 06.04.2004 passed by
Ld. Judicial Magistrate, 1st Class, Patna in Complaint Case No.
903(M)/04 (Tr. No. 962/2004) whereby Ld. Magistrate has
taken cognizance of offence punishable under Section 29 of
Industrial Disputes Act, 1947 on account of non compliance of
the award dated 24.07.1995 passed by Ld. Labour Court, Patna
in Reference Case No. 29 of 1993 whereby, Ld. Labour Court
had directed the petitioner to reinstate the workman with full
back wages.

3. Ld. Counsel for the petitioner, however, submits



that the order dated 24.07.1995 passed by Ld. Labour Court, Patna in Reference Case No. 29/1993 was impugned in CWJC No. 4114/1998 which was disposed of in presence of legal heirs of the workman by the order dated 25.11.2021. As per the writ order dated 25.11.2021, the original order dated 24.07.1995 passed by Ld. Labour Court has been modified by directing the petitioner to pay lumpsum amount of Rs. 3 Lacs to the legal heirs of the workman within a period of three months from the date of receipt of the writ order and as the workman had already died, there was no question of his reinstatement. Ld. Counsel for the petitioner submits that he has already complied with the modified order dated 25.11.2021 passed by this Court in CWJC No. 4114/1998 and hence, no offence is made out, because he has already made the payment of Rs. Four Lacs Fifty Eight Thousand and Five Hundred only (Rs. 4,58,500/-) to the legal heirs of the workman with interest through Cheque dated 02.05.2023 bearing No. 446248 of Indian Bank, Branch Bailey Road, Pant Bhawan, Bailey Road, Patna in compliance of the order of Ld. Writ court.

4. Nobody is present on behalf of Respondent No.2 despite valid service of notice.

5. However, Ld. APP fairly submits that in view of



compliance of the modified award, no offence is made out.

6. Considering the aforesaid facts and circumstances, particularly, in view of the fact that award passed by Ld. Labour Court was modified by this Court in CWJC No. 4114/1998 and that order being complied with by the petitioner, no offence is made out.

7. Accordingly, the present petition stands allowed and the order impugned dated 06.04.2004 passed by Ld. Judicial Magistrate, 1st Class, Patna in Complaint Case No. 903(M)/04 (Tr. No. 962/2004) whereby Ld. Magistrate has taken cognizance under Section 29 of Industrial Disputes Act, 1947, stands set aside.

(Jitendra Kumar, J)

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