

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59873 of 2023

Arising Out of PS. Case No.-413 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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1. THE MANEGEMENT M/S BENNETT, COLEMAN AND COM. LTD. THROUGH ASHOK KUMAR RESIDENT OF C/O BENNETT, COLEMAN AND COMPANY LTD., 3RD FLOOR, AMBITION RAM SQUARE, NEW DAK BUNGLOW ROAD, P.S. - KOTWALI, PATNA 800001
 2. SAMIR JAIN VICE CHAIRMAN CUM MANAGING DIRECTOR, BENNETT, COLEMAN AND CO. LTD. RESIDENT OF C/O BENNETT, COLEMAN AND COMPANY LTD., 3RD FLOOR, AMBITION RAM SQUARE, NEW DAK BUNGLOW ROAD, P.S. - KOTWALI, PATNA 800001
 3. VINEET JAIN MANAGING DIRECTOR, BENNETT, COLEMAN AND CO. LTD. RESIDENT OF C/O BENNETT, COLEMAN AND COMPANY LTD., 3RD FLOOR, AMBITION RAM SQUARE, NEW DAK BUNGLOW ROAD, P.S. - KOTWALI, PATNA 800001
 4. BALRAJ ARORA RETIRED EMPLOYEE, BENNETT, COLEMAN AND CO. LTD. RESIDENT OF C/O BENNETT, COLEMAN AND COMPANY LTD., 3RD FLOOR, AMBITION RAM SQUARE, NEW DAK BUNGLOW ROAD, P.S. - KOTWALI, PATNA 800001
 5. SANAT HAZRA RETIRED EMPLOYEE, BENNETT, COLEMAN AND CO. LTD. RESIDENT OF C/O BENNETT, COLEMAN AND COMPANY LTD., 3RD FLOOR, AMBITION RAM SQUARE, NEW DAK BUNGLOW ROAD, P.S. - KOTWALI, PATNA 800001
 6. ASHOK SRIVASTAVA RETIRED EMPLOYEE, BENNETT, COLEMAN AND CO. LTD. RESIDENT OF C/O BENNETT, COLEMAN AND COMPANY LTD., 3RD FLOOR, AMBITION RAM SQUARE, NEW DAK BUNGLOW ROAD, P.S. - KOTWALI, PATNA 800001
 7. ANAND BARDHAN SINGH RETIRED EMPLOYEE, BENNETT, COLEMAN AND CO. LTD. RESIDENT OF C/O BENNETT, COLEMAN AND COMPANY LTD., 3RD FLOOR, AMBITION RAM SQUARE, NEW DAK BUNGLOW ROAD, P.S. - KOTWALI, PATNA 800001
 8. BISHWARANJAN CHATTERJEE RETIRED EMPLOYEE, BENNETT, COLEMAN AND CO. LTD. RESIDENT OF C/O BENNETT, COLEMAN AND COMPANY LTD., 3RD FLOOR, AMBITION RAM SQUARE, NEW DAK BUNGLOW ROAD, P.S. - KOTWALI, PATNA 800001
 9. RATAN KUMAR SINHA RETIRED EMPLOYEE BENNETT, COLEMAN AND CO. LTD. RESIDENT OF C/O BENNETT, COLEMAN AND COMPANY LTD., 3RD FLOOR, AMBITION RAM SQUARE, NEW DAK BUNGLOW ROAD, P.S. - KOTWALI, PATNA 800001



... .. PETITIONER/S

VERSUS

THE STATE OF BIHAR, THROUGH LABOUR SUPERINTENDENT
PATNA I PATNA

... .. OPPOSITE PARTY/S

Appearance :

For the Petitioner/s : Mr. Surya Nilambari , Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 23-04-2024 Heard learned counsel for the parties.

2. This application has been filed for quashing of order dated October 12, 2022, passed by the learned Court of Chief Judicial Magistrate, Patna, in complaint Case No. 413(O) 2022, whereby cognizance for an offences under Sections 25Q and 25R of the Industrial Dispute Act, 1947 has been taken .

3 . The allegations in the present complaint, filed in 2022, relate to an occurrence from a decade ago, and that too does not bear any connection with petitioner No. 1, Bennett, Coleman, and Company Ltd. and its directors and personnel (other petitioners). No illegal closure took place at the petitioner's company (petitioners No. 1) in 2011 or any time thereafter. A look at the documents (discussed hereinafter) leading to the filing of the present complaint shows that the



complaint has been filed not only against Bennett, Coleman, and Company Ltd. and the present petitioners but also against the management of Times Publishing House Ltd., Excel Publishing House Ltd., and Pearl Print Well Ltd.

4. It is submitted on behalf of the petitioners that the Bennett Coleman and Company Ltd. (petitioner No. 1) is a public limited company incorporated under the Indian Companies Act that owns and publishes the reputed newspaper Times of India. Petitioners No. 2 and 3, Samir Jain and Vineet Jain, are the Vice Chairman, Managing Director, and Managing Director of the petitioner's company (petitioner No. 1), respectively. Both petitioner Nos. 2 and 3 reside in Delhi, Mumbai, or the United States of America and have no role in the day-to-day affairs of the company's operations at Patna. The petitioners Nos. 4 to 7 are the retired employees of the company in question, and they have no concern for the running of the company's affairs and management at Patna. These petitioners were not even officiating at the Patna office of the petitioner's company at the time of retirement. Petitioners Nos. 8 and 9, Bishawaranjan Chatterjee and Ratan Kumar Sinha, also employees of petitioner No. 1, retired from Bennett Coleman and Co. Ltd. on December 31, 2021, and January 31, 2016,



respectively, at Patna. While petitioner no. 8 retired as Deputy Chief Manager, HR, and petitioner No. 9 retired as Assistant Manager, Personnel, These petitioners, too, had no concern with the alleged “illegal closures” mentioned in the complaint.

5. The learned counsel for the petitioners further raises a short legal issue and submits that cognizance could not have been taken in the absence of a complaint being filed by the appropriate authority in terms of Section 34 of the Industrial Dispute Act of 1947. It is next submitted that the Labor Superintendent is not the competent authority for instituting the case. It is next submitted that from perusal of Annexure 4 series at page 50, it would manifest that the allegation against the petitioners in nutshell is that in terms of the complaint received via letter dated April 22, 2022, for closing the establishment, the establishment, by letter dated April 30, 2022, issued by the Labor Superintendent, was intimated through the Union to remain present on May 18, 2022, but none appeared on behalf of the establishment, and thus it is alleged that an offense has been committed.

6. The learned counsel for the petitioner next submits that, from perusal of Annexure-5 Series at Page 52, it would manifest that the Joint Commissioner, Labour, has issued notice



to the complainant of the present case, asking him to explain that under what circumstances the complaint has been lodged against the establishment of the petitioners. It is further submitted that, from perusal of Clause 1 of the letter dated February 8, 2023, it would manifest that the complainant has also been asked to explain that, under what circumstances, the industrial dispute was raised without seeking permission of the Principal Secretary. , Labor Resources Department.

7. It is finally submitted by learned counsel for the petitioner that the complaint being illegally instituted for want of sanction or approval by necessary authority is vague and the cognizance order suffering from complete non-application by the learned Chief Judicial Magistrate, Patna, The present criminal case against the petitioners is a clear case of abuse of the process of law, intending to harass the petitioner company, its management, and retired employees, which deserves to be quashed at this stage .

8 . A counter affidavit has been filed on behalf of the learned APP appearing for the state. In paragraph 8 of the counter affidavit, it is stated that the then Deputy Labour Commissioner, Patna, without obtaining sanction from the appropriate authority in accordance with Section 34 of the



Industrial Disputes Act, 1947, on the issue of retrenchment and for the closure of the company, directed Labour Superintendent Patna-01, vide her Letter No. 1398, dated June 22, 2022, to file prosecution in the 'Court of Judicial Magistrate, Patna, which is in complete violation of the provisions of Section 34 of the Industrial Disputes Act, 1947.

9. It is further contended on behalf of the learned APP that no sanction was accorded by the appropriate authority in accordance with Section 34 of the Industrial Dispute Act, 1947, at the time of filing the prosecution case before the learned Chief Judicial Magistrate, Patna, in Complaint Case No. 413(O) of 2022 .

10 . Thus, learned counsel for the APP does not dispute the contention made on behalf of the petitioners.

11 . Having heard the submissions advanced by learned counsel appearing on behalf of the parties and on perusing the materials available on record, this Court is of the opinion that the present complaint case is an abuse in the process of law, as the same has not been filed by an appropriate authority in accordance with Section 34 of the Industrial Disputes Act, 1947.

12. In view of the foregoing discussions, the order dated October 12, 2022, passed by the learned Court of Chief



Judicial Magistrate, Patna, in complaint Case No. 413(O) 2022,
with respect to these petitioners, is hereby quashed.

13 . This application is accordingly allowed.

(Prabhat Kumar Singh, J)

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