

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Writ Petition No.309 of 2020

Ambuja Cements Ltd. & Anr. ... Petitioners.
Vs
Government Labour Officer &
Inspector & Anr. ... Respondents.

a/w

Interim Application No.3074 of 2022

in

Writ Petition No.309 of 2020

Akhil Kumar Jain ... Applicant.

IN THE MATTER BETWEEN:

Ambuja Cements Ltd. & Ors. ... Petitioners.
Vs.
Government Labour
officer & Inspector & Anr. ... Respondents.

a/w

Criminal Writ Petition No.310 of 2020

Ambuja Cements Ltd. & Anr. ... Petitioners.
Vs
Government Labour Officer &
Inspector & Anr. ... Respondents.

a/w
Interim Application No.3075 of 2022
in
Writ Petition No.310 of 2020

Akhil Kumar Jain ... Applicant.

IN THE MATTER BETWEEN:

Ambuja Cements Ltd. & Ors. ... Petitioners.

Vs.

Government Labour
officer & Inspector & Anr. ... Respondents.

....

Mr Siddhesh Bhole a/w Srushti Mandade i/by SSB Legal &
Advisory for petitioner.

Mr Arfan Sait, APP for State.

Mr Vinayak Pandit i/by Ajinkya Udane for the Intervenor.

Mr Atul M Sawarkar, Labour Officer present.

Coram : R. N. Laddha, J.

Date : 27 March 2024.

P.C. :

Heard learned Counsel for the parties.

2. Mr Siddhesh Bhole, the learned Counsel for the petitioners has drawn my attention to the impugned orders of process issuance in this petition. He contends that the orders lacks clarity and reasoning.

3. Upon reviewing the orders, it becomes evident that the learned Magistrate has not provided any rational for issuing them. Such an approach does not align with the appropriate exercise of judicial discretion. The Magistrate must demonstrate thoughtful consideration by indicating the reasons behind issuing process against the accused. Therefore, the orders for process issuance in these petitions should be quashed and set aside. However, it is essential to recognize that if the Magistrate failed in their duty, the complainant should not bear any consequences due to this lapse. Consequently, the impugned orders are quashed and set aside, and the learned Magistrate is directed to pass reasoned orders afresh in the cases pending before him. The petitions, as such, stand disposed of. As a sequel, the pending applications also disposed of.

4. It goes without saying that, if required, the petitioners have the liberty to pursue legal remedies for their grievances, if the need arises. It is made clear that this court has not examined the merits of the cases and the trial court shall evaluate the matter independently, adhering to the legal principles, and is expected to issue fresh orders within eight weeks from the receipt of these directives.

[R. N. Laddha, J.]