

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 4083 OF 2022

Ankur Anantkumar Parikh

..Petitioner

Vs.

The State of Maharashtra and Anr.

..Respondents

Ms. Samruddhi Bendbhar i/b. Parinam Law Associates, for the
Petitioner.

Mr. Arfan Sait, APP for the Respondent – State.

Mr. Umesh Pawar, Law Officer, Factory Department present.

CORAM : R. N. LADDHA, J.

DATE : 15 FEBRUARY 2024

P.C.

. Ms. Samruddhi Bendbhar, the learned counsel for the
petitioner brought to my attention the order of issuance of
process. The order reads thus-

ORDER

*Perused Complaint. Heard the Complainant. Issue
process against accused under Section 7-A (2)(a) of
the Factories Act, 1948, punishable under Section 92
of the Factories Act, 1948.*

2. Upon perusal of the impugned order, it is clear that the order of issuance of process is cryptic and unreasoned order. The learned Magistrate needs to demonstrate such application of mind by giving reasons as to why the process is issued against the accused. Therefore, the order of issuance of process is liable to be quashed and set aside. However, at the same time, it must be considered that if the Magistrate did not fulfil his duty, the respondent / complainant should not be held responsible and should not have to endure any consequences due to Magistrate's failure.

3. As a result, the impugned order of issuance of process in SCC No.22648/2021 pending before the Additional Chief Judicial Magistrate, Shivajinagar, Pune is quashed and set aside and the learned Magistrate is directed to pass reasoned order afresh on its own merits. The petition as such stands disposed of.

4. It goes without saying that if necessary, the petitioner is free to seek legal redress for his grievance if the occasion so arises. It is made clear that this Court has not examined the merits of the case and the trial Court shall pass an order afresh on its own merits in accordance with the law.

R. N. LADDHA, J.