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Crl.R.C.Nos.812, 820 and 823 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.Nos.812, 820 and 823 of 2024

State represented by
The Deputy Director,
Industrial Safety and Health Department,
Cuddalore.

... Petitioner in all petitions

Vs.

The Manager,
Chemplast Sanmar Private Limited,
PVC Division,
Survey No.70 (Part), 71 (Part),
72 to 76, 133 and 134,
SIPCOT Industrial Complex,
Phase II, Semmankuppam,
Cuddalore.

... Respondent in all petitions

COMMON PRAYER : Criminal Revision Cases filed under Sections 397 r/w. 401 of the code of Criminal Procedure, to set aside the orders passed by the learned Principal District and Sessions Judge, Cuddalore, made in Crl.M.P.Nos.1217 to 1219 of 2021 in unnumbered Criminal Revision cases dated 24.01.2023.



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In all petitions

For Petitioner : Mr.A.Gopinath
Government Advocate (Crl.side)

For Respondent : Mr.Sai Raj
for M/s.Sai Raj Associates

C O M M O N O R D E R

The Criminal Revision Cases are filed against the orders dated 24.01.2023 passed by the learned Principal District and Sessions Judge, Cuddalore, made in Crl.M.P.Nos.1217 to 1219 of 2021 in unnumbered Criminal Revision Cases.

2. The case of the petitioner is that the petitioner, namely, the Deputy Director of Industrial Safety and Health Department, Cuddalore, inspected the respondent Factory and found certain contraventions of the provisions of (i) Sections 54 and 56 of the Factories Act, 1948 (Amended Act, 1987) and the Tamil Nadu Factories Rules, 1950, punishable under



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Section 92 of the Act, (ii) Sections 51, 52(1)(2) and Section 52(1) of the Factories Act, 1948 (Amended Act, 1987) and the Tamil Nadu Factories Rules, 1950 punishable under Section 92 of the Act and (iii) Sections 59, 59(5)(b) and Rule 78 B of the Factories Act, 1948 (Amended Act, 1987) and the Tamil Nadu Factories Rules, 1950, punishable under Section 92 of the Act. Hence, the complaints have been filed against the respondent Factory and the same were taken on file in C.C.Nos.159 to 161 of 2019. However, the learned Chief Judicial Magistrate, Cuddalore, vide judgment dated 31.07.2019 in C.C.Nos.159 to 161 of 2019, acquitted the respondent under Section 255(1) Cr.P.C on the sole ground that in the complaint, it has been stated that one Sridhar, Manager of the respondent Factory was present at the time of inspection and certain contravention was noticed and hence, he was prosecuted, but during trial, one Palanisamy, who is the subsequent Manager, was present in Court and at the time of inspection of the Factory and noticing the contravention, the previous Manager, namely, Sridhar was present and the present Manager, Palanisamy cannot be convicted and he was acquitted under Section 255(1) Cr.P.C and the complaints preferred by



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the petitioner were dismissed. Aggrieved by the same, the petitioner have preferred Criminal Revision Cases before the learned Principal District and Sessions Judge, Cuddalore, along with the petitions in Crl.M.P.Nos.1217 to 1219 of 2021 to condone the delay of 447 days in filing the revision petitions, however, the said petitions were dismissed on the ground that during the time of inspection, the present Manager was not at all present, against which, the present petitions have been filed.

3. The learned counsel appearing for the petitioners submits that initially, one Sridhar, who was the Manager of the respondent Factory was implicated for violation of the Tamil Nadu Factories Rules, however, during the trial, he has mentioned the name of the Manager of the Chemplast Sanmar Private Limited and therefore, his name was removed. Without considering the said fact, the complaints filed by the petitioner were dismissed on the ground that one Palanisamy, who is the subsequent Manager, could not be convicted for the offence committed by one Sridhar, against which, criminal revision petitions were filed along with the condone



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delay petitions to condone the delay of 447 days in filing the Criminal Revision Cases, but, the same were dismissed for non-joinder of necessary party. However, the petitioner is ready to file amendment petitions to implead Sridhar as party respondent in all the proceedings.

4. The learned counsel appearing for the respondent submits that if Sridhar is impleaded by way of amendment petitions, the respondent Factory have no objection for setting aside the impugned orders and remanding the matter back to the trial Court for passing appropriate order.

5. In view of the consent view expressed by the learned counsel appearing for the respondent, this Court is inclined to set aside the orders dated 24.01.2023 passed by the learned Principal District and Sessions Judge, Cuddalore, made in Crl.M.P.Nos.1217 to 1219 of 2021 in unnumbered criminal revision cases and accordingly, it is set aside on the following directions:



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(i) the petitioner is directed to file necessary amendment petitions before the Lower Appellate Court to implead Sridhar, who was alleged to be present at the time of inspection of the Factory, as party respondent;

(ii) if such amendment petitions are filed, the Lower Appellate Court is directed to amend the cause title and dispose of the Criminal Revision Cases by providing opportunity to the petitioner and the respondent within a period of eight weeks from the date of filing the amendment petitions.

6. Accordingly, the Criminal Revision Cases are disposed of.

18.06.2024

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

The learned Principal District and Sessions Judge,
Cuddalore.



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M.DHANDAPANI, J.

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