



Jose

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO.60 OF 2025

1. MARKS AND SPENCER RELIANCE
INDIA PRIVATE LIMITED
having Corporate Office at Infinity Tower-C
Ground Floor, DLF Cyber City, Phase-II
Gurugram, Haryana-122002
through Ms. Joesica Rodrigues,
Authorised Signatory
aged about 35 years
Residing at Porvorim, Goa

2. Mr. Ritesh Mishra,
Erstwhile Managing Director
MARKS AND SPENCER RELIANCE
INDIA PRIVATE LIMITED
having Corporate Office at Infinity Tower-C
Ground Floor, DLF Cyber City, Phase-II
Gurugram, Haryana-122002 represented by
Authorised Signatory
aged about 48 years
Residing at EPIP Zone,
Whitefield, Bangalore

3. Ms. Anuja Rustagi, Director
MARKS AND SPENCER RELIANCE
INDIA PRIVATE LIMITED
having Corporate Office at Infinity Tower-C
Ground Floor, DLF Cyber City, Phase-II
Gurugram, Haryana- 122002
aged about 47 years,
Residing at Gurugram,

Haryana

4. Ms. Joesica Rodriques, Store Manager
MARKS AND SPENCER RELIANCE
INDIA PRIVATE LIMITED
Shop No.1, 2, & 3, Ground Floor,
H.No.603/FF, Commercial Building
Mall De Goa, Alto Pilene, Bardez, Goa
aged about 35 years
Residing at Porvorim, Goa.

... Petitioners.

Versus

1. STATE OF GOA
Through Labour Inspector,
Govt. Complex Building,
Near Fish Market, Mapusa, Goa
represented by Shri Nainesh Dessai,
Labour Inspector
Major of age

... Respondent.

Mr. Girish Sardessai with Ms. Smrati Bangera, Advocates for
the Petitioner.

Mr. S.G. Bhobe, Public Prosecutor for the State.

CORAM: VALMIKI MENEZES, J.

DATED: 22nd September, 2025

ORAL JUDGMENT:

1. Registry to waive office objections and register the matter.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is disposed of finally.

3. The present petition is directed against order dated 21.08.2024 by which the Magistrate has issued process against the three Petitioners, Accused in Criminal Case No. LC/6/2024/C before the J.M.F.C., Mapusa.

4. The prime contention of the Petitioners is that the order of issuance of process is cryptic and does not refer to any of the averments in the complaint or the material before the Magistrate. According to the Petitioner, the impugned order is contrary to the Judgment of the Hon'ble Supreme Court in *Mehmood Ul Rehman v. Khazir Mohammad Tunda & Ors.*, (2015) 12 SCC 420, which reiterates the position of law that whilst taking cognizance of a complaint and issuing summons of process, the concerned Magistrate is required to pass a speaking order.

5. Reliance is also placed on the Judgment of this Court in *Manmohan Singh Thr. Its POA Harsh Vardhan Garg & 3 Ors. v. State of Goa, Thr. Public Prosecutor & 11 Ors.*, Criminal Writ Petition No.8/2022.

6. On a perusal of the impugned order, all that the Magistrate has done is to record "Issue summons" without supplying any reasons for passing the order or even referring to any of the averments made in the complaint. The order is extremely cryptic and flies in the face of the Judgment of this Court rendered in *Manmohan Singh* (supra) and of the Supreme Court in *Mehmood Ul Rehman* (supra).

Correction
carried out as
per order dated
25.09.2025
sd/-

7. Consequently, the impugned order is quashed and set aside. The J.M.F.C., Mapusa in Criminal Case No. LC/6/2024/C shall consider the record of the complaint and shall hear the Accused in terms of the ~~proviso to Section 200~~ ^{proviso to sub-section 1 of Section 223 of the BNSS}, if applicable. Learned Advocate Shri Sardessai submits that he would appear for the four Accused/Petitioners herein, before the Magistrate on 07.11.2025, when the case has now been listed.

8. Rule is made absolute in the above terms.

VALMIKI MENEZES, J.