

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

Criminal Writ Petition No.988 of 2025

Mr Rajeev Singhal

Age-61 years, Indian Inhabitant,

Flat No.1601, Signia Isles,

Bandra Kurla Complex,

Mumbai - 400051

... Petitioner

versus

1. The State of Maharashtra
Through Public Prosecutor,
High Court, Bombay

2. Deputy Director,
Industrial Safety & Health, Raigad,
Room No.627, Konkan Bhawan,
CBD Belapur,
Navi Mumbai-400 614

... Respondents

Mr Aabad Ponda, a/w. Mr Samsher Garad, Mr Santosh Avhad
and Mr Atharva Gade, i/b. Jayakar & Partners, for the
petitioner.

Dr Ashwini A Takalkar, APP, for respondent No.1/ State.

Coram: R.N. Laddha, J.

Date: 20 March 2025.

P.C.:

. Heard Mr Aabad Ponda, the learned Senior Counsel for

the petitioner; and Dr Ashwini Takalkar, the learned Additional Public Prosecutor for respondent No.1/ State.

2. The learned Senior Counsel has drawn my attention to the order of issuing process and contends that the learned Magistrate, while passing the impugned order, failed to consider that the cognizance of the alleged offence is barred by limitation. Furthermore, the order was issued without the requisite sanction under Section 105 of the Factories Act, 1948, and is barred under Sections 97 read with 111 of the said Act. The learned Senior Counsel further argues that the order of issuing process is cryptic, lacks reasoning, and does not reflect due application of mind.

3. It is well established that while issuing the process order, the Magistrate must demonstrate judicial application of mind by indicating the reasons as to why the process is issued against the accused. In the absence of such indication, the order is liable to be quashed and set aside. However, at the same time, it is important to acknowledge that any lapse on the part of the Magistrate should not unfairly prejudice the respondent/complainant, who should not be made to suffer due to such an omission.

4. As a result, the impugned order of issuance of process in Summary Criminal Case No.405 of 2019, pending before the learned Chief Judicial Magistrate, Raigad, Alibag, is quashed and set aside. The learned Magistrate is directed to reconsider the matter and pass a fresh order after duly examining the issue of limitation and other relevant provisions of the Factories Act, 1948.

5. Accordingly, the petition stands disposed of. Consequently, the warrant issued against the petitioner also stands quashed.

(R.N. Laddha, J.)