

(2013) 06 JH CK 0014
In the Jharkhand High Court
Case No : Criminal M.P. No. 235 of 2011

M/s. Bharat Coking Coal Limited and Others	APPELLANT
Vs	
State of Jharkhand and Another	RESPONDENT

Date of Decision : 27-06-2013

Acts Referred:

Citation : (2013) 4 JLJR 248

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Advocate : A.K. Mehta, for the Appellant; M.B. Lal for the State, for the Respondent

Final Decision : Allowed

Judgement

Rakesh Ranjan Prasad, J.—This application has been filed for quashing of the entire criminal proceeding of I.D. Case No. 322 of 2010 including the order dated 14.9.2010 passed by the Chief Judicial Magistrate, Dhanbad whereby and whereunder cognizance of the offence punishable u/s 29 of the Industrial Disputes Act was taken against the petitioners. Mr. Mehta, learned counsel appearing for the petitioners submits that an award was passed against the petitioners on 4.3.2008 whereunder the petitioners were directed to give employment on compassionate ground to the widow of the deceased employee. The petitioners being aggrieved with that award filed a case bearing W.P.(L) No. 5701 of 2008 before this Court. Upon hearing on the point of admission, this Court stayed the operation of the award vide its order dated 9.11.2009. Ultimately that writ application got dismissed on 23.8.2010. Thereupon on 14.9.2010, a complaint was lodged for non-implementation of the award whereby cognizance of the offence was taken which has been challenged by way of this application.

2. Learned counsel further submits that as soon the writ application got dismissed, the petitioners took initiative for implementation of the award which ultimately was implemented which would be evident from the statement made by

the widow of the deceased employee before the Labour Enforcement Officer, Dhanbad wherein she has admitted that she has been given employment and in such situation, the award gets implemented. Therefore, it would be miscarriage of justice if the petitioner is allowed to face rigour of the trial.

3. Admittedly, the award has been implemented.

4. In that view of the matter, it would be abuse of the process of the court if the petitioners are allowed to face rigour of the trial.

5. Accordingly, the entire criminal proceeding of I.D. Case No. 322 of 2010 including the order 14.9.2010 taking cognizance is hereby quashed. In the result, this application stands allowed.