

(2014) 02 KAR CK 0279
In the Karnataka High Court
Case No : Criminal Petition No. 1888 of 2013

M/s. Mysore Chrome Tanning Company Ltd. and M/s. Mysore Sales International Ltd. APPELLANT

Vs

Mr. S.P. Gopal RESPONDENT

Date of Decision : 04-02-2014

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 197
Industrial Disputes Act, 1947 — Section 29

Citation : (2014) 02 KAR CK 0279

Hon'ble Judges : H.N. Nagamohan Das, J

Bench : Single Bench

Advocate : N.S. Narasimha Swamy, for the Appellant; A.J. Sreenivasan, for the Respondent

Final Decision : Dismissed

Judgement

H.N. Nagamohan Das, J.—In this petition, the petitioners have prayed for quashing of the proceedings in C.C. No. 19645/2012 pending on the file of I Addl. Chief Metropolitan Magistrate at Bangalore for the offences punishable u/s 29 of the Industrial Dispute Act, 1947. The respondent obtained an award in Ref. No. 43/1980 dated 13.8.1984 and the same had become final. The petitioners partially implemented the award. The remaining part of the award was not implemented. Therefore, the respondent approached the Labour Commissioner seeking leave to prosecute the petitioners. Accordingly, the request of the respondent was granted by the Labour Commissioner. On this basis, respondent initiated proceedings against the petitioners in C.C. No. 19645/12. At this stage, petitioners are before this Court seeking quashing of the proceedings on the ground that there is no sanction as required u/s 197 of Cr.P.C. This contention of the petitioners is answered by the Apex Court in Mohd. Hadi Raja Vs. State of Bihar and Another, and the same reads as under--

28. Therefore, in our considered opinion, the protection by way of sanction u/s

197 of the Code of Criminal Procedure is not applicable to the officers of Government Companies or the public undertakings even when such public undertakings are "State" within the meaning of Article 12 of the Constitution on account of deep and pervasive control of the government. The appeals are disposed of accordingly. It is, however, made clear that we have not taken into consideration various other grounds raised in these appeals challenging the maintainability of the criminal proceedings initiated against the concerned officers of the public undertakings or the government companies. It will be open to the concerned accused to challenge the validity of the criminal cases initiated against them on other grounds, if such challenge is available in law. Such questions, if raised, in these appeals are kept open to be considered in accordance) with law by the appropriate authority.

In view of the above dictum of the Apex Court petition is liable to be dismissed.

2. Learned counsel for the petitioners secondly contends that the respondent is not entitled to prosecute the petitioners u/s 29 of the Industrial Disputes Act. On the other hand, he has to work out his remedy before the Labour Court. If that is so, it is open for the respondent to urge this ground before the trial court. In that event, the trial court is directed to consider the same in accordance with law. Having regard to the nature of the controversy, the trial court is hereby directed to expedite the matter and to dispose of the entire case within a time frame of four months from the date of receipt of copy of this order.

Accordingly, the petition is hereby dismissed.