

(2011) 07 KAR CK 0251

In the Karnataka High Court

Case No : Criminal Revision Petition No. 1489 of 2010 and Criminal R.P. No's. 1485 - 1488 and 1490 - 1514 of 2010

M/s V.M. Confectionery Ltd. and V.M. Siddique

APPELLANT

Vs

The Enforcement Officer, Employees Provident Funds
Organisations, No. 13

RESPONDENT

Date of Decision : 22-07-2011

Acts Referred:

Employees Provident Fund and Miscellaneous Provisions Act, 1952 — Section 14 (IA),
14 A

Citation : (2011) 07 KAR CK 0251

Hon'ble Judges : V. Jagannathan, J

Bench : Single Bench

Advocate : N. Anand, for M/s G Desureddy and Associates, for the Appellant;
Nandita Haldipur, for the Respondent

Final Decision : Dismissed

Judgement

V. Jagannathan

1. Heard learned Counsel for the petitioners and learned Counsel for respondent and all these petitioners are disposed of in view of the short point involved for consideration. Petitioners who are common in all these cases is aggrieved by the trial court convicting them in respect of the offence punishable u/s 14(IA) r/w 14-A of the Employees Provident Funds and Miscellaneous Provisions Act. 1952 (the Act for short) and they were sentenced to six months imprisonment and to pay a fine of Rs.5,000/- in default, to undergo 3 months S.I. further and out of the fine amount, 50% was to be paid to the complainant as compensation and the petitioners-accused were also directed to pay contribution within two months from the date of the trial court's order. This was the sentence passed in CrI.R.P.No. 1489/ 10 c/w CrI.R.P.Nos. 1485-1499/ 10.

2. In CrI.R.P.Nos. 1500/10 to 1514/10. the sentence imposed by the trial court was six months imprisonment and Rs. 1,000/- fine in default to undergo S.I. for

one month and 50% of fine amount was to be paid to the complainant as compensation and they were further directed to pay the contribution within two months from the trial court's order.

3. Appeals filed by the petitioners in the aforesaid cases came to be dismissed by the lower appellate court.

4. Learned Counsel for the petitioners submitted that subsequent to the judgment of conviction and sentence passed by the trial court petitioners have deposited the contribution with the P.F. Authorities and therefore, the Court may take note of the above aspect and reduce the sentence.

5. On the other hand submission of learned Counsel for respondent is that the trial court has clearly indicated in the judgment as to the offences committed by the petitioners and had imposed the minimum sentence and therefore question of interfering with the sentence does not arise.

6. Having thus heard both sides and also taking note of the submissions made by learned Counsel for the petitioners that the petitioners Company was closed in the year 2004 due to loss suffered by it, this factor should be considered and secondly, the petitioner has deposited the amount within the period mentioned by the trial court in its judgment and that apart learned Counsel for the petitioners also placed for my perusal the order passed by this Court in a matter of like nature involving payment of contribution under the P.F. Act in Crl.R.P.No.440/04 & other cases disposed of on 10.06.2011. This Court while confirming the conviction had sentenced the accused to one day imprisonment till the raising of the Court.

7. Under the above circumstances and taking note of the sentence that was imposed in like cases earlier by this Court and also having regard to the decision reported in Employees" State Insurance Corporation, Bangalore Vs. Siddarameshwar and Company, Raichur and Others, though in respect of the offence under the P.F. Act, in my view, the sentence of imprisonment can be modified into one of imprisonment for one day till raising of the Court.

8. Accordingly, the following order is passed:-All these revision petitions challenging the conviction is concerned are dismissed. However, so far as sentence is concerned, the same is modified by directing the petitioners herein to undergo one day imprisonment till the raising of the Court and the petitioners shall appear before the trial court on 03.08.2011 at 10.30 a.m. and the trial court shall also ensure that on that day, the petitioners are present and undergoes the aforesaid sentence till the raising of the court. Revision petitions are therefore allowed in part in respect of the sentence being modified as indicated above.