
(2018) 11 BOM CK 0088

In the Bombay High Court

Case No : Review Petition No.44 Of 2018 In Writ Petition No.538 Of 2018

National Organic Chemical Industries Ltd. And Anr

APPELLANT

Vs

Bhaskar Mendon

RESPONDENT

Date of Decision : 27-11-2018

Acts Referred:

Industrial Disputes Act, 1947 — Section 12

Code of Criminal Procedure, 1973 — Section 195(1)(b), 195(3), 340

Citation : (2018) 11 BOM CK 0088

Hon'ble Judges : S.C. Gupte, J

Bench : Single Bench

Advocate : R.S. Pai, Anand R. Pai, Nikita Hinger, Jane Cox, Karishma Rao,

Judgement

1. Heard learned Counsel for the parties.

2. The question that this Court was concerned with in the original writ petition, where the order under review was passed, concerned the nature of a

proceeding before a Labour Court or Industrial Tribunal in a reference made to it by an appropriate government under Section 12 of the Industrial

Disputes Act, 1947. The question, to be precise, was whether the proceeding can be termed as a proceeding in any court within the meaning of

Section 195 (1)(b) of the Code of Criminal Procedure. Whilst holding the Labour Court and/or the Industrial Court to be a court within the meaning of

Section 195 (1)(b)(i) of the Criminal Procedure Code in the order under review, this Court relied on the statement of law by the Supreme Court in the

case of Lalji Haridas vs. State of Maharashtra 1964) 6 SCR 700 : AIR1964 SC 115.4 Learned Counsel for the Review Petitioner submits that a

subsequent bench of the Supreme Court in the case of Dr. Baliram Waman Hiray vs. Justice B. Lentin(1988) 4 SCC 419 has in effect held that the

case of Lalji Haridas is no longer good law after the amendment of the Criminal Procedure Code by insertion of sub-Section (3) in Section 195 in the present Court. Since this would require consideration, the review petition is admitted and posted for final hearing on 12 December 2018 at 3.00 p.m. In the meantime, the Labour Court at Mumbai shall not proceed with the application of the second party workman under Section 340 of the Code of Criminal Procedure till the next date.