
(1995) 05 P&H CK 0052
In the Punjab And Haryana At Chandigarh
Case No : Criminal Revision No. 1149 of 1987

Provident Fund Inspector, Amritsar

APPELLANT

Vs

Nixo Rubber Works Kashmir Road, Verka, Amritsar

RESPONDENT

Date of Decision : 18-05-1995

Acts Referred:

Citation : (1995) ISJ 641

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

Advocate : N.S. Bhinder, Surinder Gandhi, Advocates for appearing Parties

Judgement

S.C. Datta, J.

1. This revision application is directed against the order dated 25.7.1987 passed by the learned Additional Chief Judicial Magistrate, Amritsar whereby learned Magistrate was pleased to convict the accused respondents, namely M/s Nixo Rubber Works, Kashmir Road, Verka, Amritsar under Section 14 of the Employees' Provident Fund Act, 1952 and sentence to a fine of Rs. 10/ only or in default to suffer S.I. for one day.

2. The brief resume of facts relevant for the disposal of this revision petition is that the Provident Fund Inspector, Office of the Regional Provident Fund Commissioner, Punjab, Haryana, Himachal Pradesh and Union Territory of Chandigarh lodged a complaint against the accused respondents for violation of provisions of paragraph 38 of the Employees' Provident Funds Scheme, 1952 read with Section 14(1A) and 14(A) of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 on the following allegations :

(a) made defaults in depositing the amount of the provident fund dues, both the employees and employers, though they had deducted the amount in respect of it from the wages of their employees;

(b) committed defaults in depositing the amount due towards Linked Insurance Fund for various periods in accordance with the Employees' Provident Fund Act

and the relevant Scheme;

(c) committed defaults in not furnishing returns in accordance with the Act and the Scheme framed thereunder;

for various periods despite repeated reminders. In this case, two summons were issued by the learned Magistrate and the accusedrespondents eventually pleaded guilty to the charges. It appears that the Magistrate was pleased to accept the plea of guilt, convict the respondents thereunder and sentence to a token fine of Rs. 10/ or in default S.I. for one day only. Learned Magistrate took notice of the fact that the accusedrespondents had submitted an application supported by an affidavit and a bank challan to the effect that their factory had since been auctioned by the Tehsildar, Amritsar for a total amount of Rs. 33,000/ and that the said amount is required to be appropriated towards payment of arrears of provident fund. This order of the learned Magistrate is under challenge in this revisional application.

3. At the time of hearing nobody appears. However, on a perusal of the records, it appears that the factory of the accusedrespondents had been sold in auction by Tehsildar, Amritsar for a total sum of Rs. 33,000/ and this amount was required to be appropriated towards payment of arrears of Provident Fund. It is in these peculiar circumstances, learned Magistrate was pleased to impose a token fine of Rs. 10/. The proviso to Section 14(1A) empowers the Court for any adequate and special reasons to be recorded in the judgment to imposed sentence of imprisonment for a lesser term. In view of the peculiar circumstances of the case, the Magistrate had ordered the payment of a token fine of Rs. 10/ only. I find nothing wrong in the order passed by the learned Magistrate. Consequently, I find no merit in the revision application which is dismissed.

4. This order will also cover Criminal Revision Petitions No. 1150 to 1199 of 1987 as common question of law arise in all these revision petitions.