

(2010) 12 P&H CK 0630

In the Punjab And Haryana At Chandigarh

Case No : Criminal Writ Petition No. 2472 of 2010

Smt. Kamla Devi and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 16-12-2010

Acts Referred:

Bonded Labour System Abolition Act, 1976 — Section 12, 21
Constitution of India, 1950 — Article 226, 227
Criminal Procedure Code, 1973 (CrPC) — Section 482

Citation : (2010) 12 P&H CK 0630

Hon'ble Judges : Nirmaljit Kaur, J

Bench : Single Bench

Judgement

Nirmaljit Kaur, J.

1.This is a petition under Article 226/227 of the Constitution of India read with Section 482 of Cr.P.C for issuance of a writ in the nature of Habeas Corpus directing the respondents No.2 to 4 to release the detenues, as mentioned in para 2 of the petition, as they have been illegally and forcibly detained by the respondent No.5 as bounded labourers.

2.In para 2 of the petition, 43 persons are said to be illegally detained by Respondent No. 5, B.S. Bhatta Co., Village Pelpa, Police Station Badli, District Jhajjar. As per Section 12 of the Bonded Labour System (Abolition) Act, 1976, necessary action can be taken by the District Magistrate. Any offence committed under the said Act has to be tried by the Executive Magistrate as a Judicial Magistrate, as per the provisions of

3. Section 21 of the Bonded Labour System (Abolition) Act, 1976.

4.The present petition is disposed of with a direction to the Petitioner to move a complaint before the District Magistrate/Executive Magistrate. In case, the said complaint/representation is made, the concerned authority shall look into the matter and take appropriate measures or decide the representation as per the

requirement within 7 days of the filing of the complaint.

5.Disposed off accordingly.