
(1992) 11 AHC CK 0060
In the Allahabad High Court
Case No : Government Appeal No. 1281 of 1992

State of U.P.

APPELLANT

Vs

Kuldip Singh

RESPONDENT

Date of Decision : 29-11-1992

Acts Referred:

Child Labour (Prohibition and Regulation) Act, 1986 — Section 15(2)
Factories Act, 1948 — Section 62, 68

Citation : (1992) 11 AHC CK 0060

Hon'ble Judges : N.B.Asthana, J

Final Decision : Dismissed

Judgement

N. B. Asthana, J.—The State of U. P. has filed this appeal against the judgment and order dated 2021992 passed by Sri R. N. Singh, Chief Judicial Magistrate, Kanpur Dehat acquitting the opposite party for violating provisions of Sections 62 and 68 of Factories Act punishable under Section 92 of the same Act and under Section 15(2) of Child Labour (Prohibition and Regulation) Act, 1986.

2. It appears that PW 1, Sri Arun Kumar Kapoor, Assistant Director, Factories Kanpur inspected the business premises of the respondent and found a boy about 14 years of age working upon a machinery installed in the factory of the opposite party. He demanded certificate of fitness as required by Section 68 of the Factories Act but no such certificate was available with the opposite party and, therefore, the compliant was filed.

3. Sri. Arun Kumar Kapoor examined himself alone. He gave the age of the boy only by looking into his physical feature. No medical examination was got done of the boy alleged to be of less than 14 years of age. It also does not appear that documentary or any other evidence was adduced in the case. If in these circumstances the trial Court came to the conclusion that the prosecution failed to prove the age of the boy less than 14 years of age, I do not think it can be argued that it committed any error in acquitting the opposite party.

4. In the circumstances no case for granting the required permission has been

made out. The application is rejected.