

Gopalji Jha Shastri and Others

Vs

State of Bihar

Criminal Appeal No. 231 of 1976

(D. A. Desai. R. B. Misra JJ)

14.12.1982

ORDER

1. Three appellants were members of the Managing Committee of Bihar Khadi Gramodyog Sangh. In that capacity they were prosecuted for committing an offence under Section 31 (1) of the Industrial Disputes Act, 1947. Learned Sub-Divisional Magistrate took cognizance of the offence against the aforementioned persons who are appellants in this appeal. Thereupon, the appellants moved the High Court of Judicature at Patna in Cr. W. J. C. No. 93 of 1973 for quashing. the order taking cognizance of the offence. It was contended before the High Court that Bihar Khadi Gramodyog Sangh is not an industry within the meaning of Section 2 (i) of the Industrial Disputes Act and therefore, the action of the appellants could not be said to be in contravention of Section 33 so as to be punishable under Section 31 (1). A Division Bench of the High Court by its judgment declined to interfere with the order of learned Magistrate and dismissed the writ petition. Hence this appeal by special leave.

2. The point raised in this appeal would be covered by the decision of the Constitution Bench composed of seven Judges of this Court in Bangalore Water Supply & Sewerage Board v. A. Rajappa((1978) 3 SCR 207 : (1978) 2 SCC 213 : 1978 SCC (L&S) 215). The wide sweep of expression 'industry' as interpreted therein will comprehend Bihar Khadi Gramodyog Sangh and, therefore, following the decision it must be held that Bihar Khadi Gramodyog Sangh is an industry within the meaning of the expression of Section 2 (i) of the Industrial Disputes Act, 1947. Consequently, the contention raised in this appeal must fail. That being the only point, the appeal fails and is dismissed.

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