

State of U. P. and Another

Vs

M/S Cawnpore Sugar Works Limited and Another

Criminal Appeal Nos. 640 and 641 of 1979

(P. B. Sawant, K. N. Singh JJ)

18.07.1991

ORDER

1. These appeals are directed against the judgment and order of the High Court of Allahabad dated May 5, 1978 question the proceedings initiated against Shri P. N. Mathur, a Director of M/S Cawnpore Sugar Works Ltd., for the offence under Section 92 of the Factories Act. Objection was raised on behalf of P. N. Mathur that he was not the occupier of the factory and as such he could not be prosecuted. The High Court upheld the plea raised on behalf of P. N. Mathur and quashed the proceedings. Hence these appeals.

2. After hearing learned counsel for the parties and having perused the record and the relevant provisions of law we are of the opinion that the High Court committed error in quashing the prosecution but in view of the subsequent developments we do not consider it fit or proper to interfere with the impugned order of the High Court as admittedly Shri G. C. Joshi who was the Manager of the factory was prosecuted but he was acquitted on the ground that no offence was made out. The allegations on which G. C. Joshi was prosecuted are the same as against P. N. Mathur. In the circumstances even if these appeals are allowed and the matter is remanded, P. N. Mathur would be entitled to acquittal.

3. In the result, we do not consider it fit or proper to interfere with the impugned order. The appeals are accordingly dismissed.

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