

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 356 OF 2020
(Arising out of SLP(Crl.) No. 1775 of 2020)
(Diary No. 19271 of 2019)

RUSTOM G. JOSHI

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

WITH

CRIMINAL APPEAL NO. 357 OF 2020
(Arising out of SLP(Crl.)No. 1776 of 2020)
(Diary No. 19378 of 2019)

O R D E R

Delay condoned.

Leave granted.

The order impugned in these appeals is passed by the High Court of judicature at Bombay rejecting the petition(s) for quashing of summons issued under Section 59(1) read with Section 92 of the Factories Act, 1948 by the Metropolitan Magistrate in C.C. Nos. 190/SF/2014 and 189/SF/2014 filed by the respondent(s)/complainant(s).

After having perused the impugned judgment and considering the arguments of the learned counsel

appearing for both the parties, we are of the considered opinion that the High Court has not adverted to the specific plea taken by the appellant(s), including in ground (H) of the writ petition which according to the appellant(s) was crucial and would go to the root of the matter.

Learned counsel for the respondent(s), on the other hand, would contend that *mens rea* is not necessary to attract the provision(s) invoked in the complaint. Even this argument may have to be considered by the High Court afresh on its own merits.

In our opinion, the High Court has not dealt with all the relevant aspects of the matter which were brought to its notice by way of writ petition(s), including the ground that the order issuing summons passed by the Metropolitan Magistrate is without application of mind.

Accordingly, we set aside the impugned judgment and order and relegate the parties before the High Court for reconsideration of the restored writ petition(s) in terms of this order which be considered expeditiously. All contentions available to both parties are left open, to be considered by the High Court on its own merits and in accordance with law.

The interim order granted by this Court to continue until the High Court deems it necessary to modify the same after hearing both the sides.

The appeals are disposed of in the above terms.

Pending applications, if any, stand disposed of.

.....J
(A.M. KHANWILKAR)

.....J
(DINESH MAHESHWARI)

New Delhi
February 25, 2020

ITEM NO.12

COURT NO.7

SECTION II-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 19271/2019

(Arising out of impugned final judgment and order dated 10-12-2018 in CRLWP No. 866/2015 passed by the High Court Of Judicature At Bombay)

RUSTOM G. JOSHI

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

(IA No. 86742/2019 - CONDONATION OF DELAY IN FILING
IA No. 116980/2019 - INTERVENTION APPLICATION)

WITH

Diary No(s). 19378/2019 (II-A)

(FOR CONDONATION OF DELAY IN FILING ON IA 91176/2019

FOR INTERVENTION APPLICATION ON IA 116977/2019

IA No. 91176/2019 - CONDONATION OF DELAY IN FILING

IA No. 116977/2019 - INTERVENTION APPLICATION)

Date : 25-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. C.U. Singh, Sr. Adv.

Mr. Bharat Sangal, Sr. Adv.

Mr. Nagarkatti Kartik Uday, AOR

Ms. Babita Kushwaha, Adv.

Ms. Anindita D., Adv.

For Respondent(s)

Mr. Arun R. Pedneker, Adv.

Mr. Rahul Chitnis, Adv.

Mr. Hitesh Kumar Sharma, Adv.

Mr. Sachin Patil, AOR

Mr. Sanjay Singhvi, Sr. Adv.

Mr. Nitin S. Tambwekar, Adv.

Mr. Seshatalpa Sai Bandaru, AOR

UPON hearing the counsel the Court made the following
O R D E R

The appeals are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(PARVEEN KUMARI PASRICHA)
COURT MASTER (NSH)

[Signed order is placed on the file]