

**Before the Hon'ble Additional Chief Judicial Magistrate and Judge (S.D.) of
Labour Court at Ahemdabad,**

C. C. No.280/2021.

Complainant:: On behalf of the State,
Minimum Wages Inspector, Ahemdabad.

V/S

Accused:: Anita Dhrumilbhai Chauhan (proprietor)
Anita Enterprise,
F-14, Behind Unique City Home, Prasang Party Plot,
Sola Bhagat, R. C. Techincal road, Ahemdabad-382481.

Subject : **Offense u/sec.22(A) of the Minimum Wages Act.**

: Judgment :

(1). At the outset, it is required to note that *vide* Notification No.A.3608/2015 of the hon'ble High Court of Gujarat, powers of Judicial Magistrate First Class were conferred as per sec.11(3) of the Code of Criminal Procedure, 1973, on Civil Judges who are posted in Labour Judiciary on deputation, for conducting criminal cases arising out of breach of Labour Laws. On basis of the said notification, the criminal cases arising out of breach of Labour Laws which were pending before Metropolitan Magistrate Courts at Ahemdabad and Judicial Magistrate Court of Gandhinagar, were transferred to Labour Courts at Ahemdabad and the fresh litigations pertaining to said violation than onwards were also instituted before the Labour Courts having concerned jurisdiction. On basis of the said arrangement, the present criminal case was instituted before the present Court.

(2). Looking to the facts of complaint, the accused herein are said to have violated **Rule no.21(4)** of the **Gujarat Minimum Wages Rules** and thereby has committed offense punishable **u/sec.22(A) of the Minimum Wages Act**. The accused on being served with the summons of this case has remained present through their authorized person before this Court in today's special sitting, so as per sec.251 of the Cr.P.C. the authorized person of accused was provided the copy of complaint and was informed regarding the facts of accusation, wherein he has voluntarily pleaded guilty and has submitted separate pursis u/sec.252 of the Cr. P. C. stating that he voluntarily pleads guilty the offense. So the authorized person of accused was informed that he is not liable for pleading guilty the present offense and if he pleads guilty it may be used against him as an evidence even though he has pleaded guilty the offense stated in the instant case. He has stated that this is first offense of the accused and the accused will not repeat such offense in future. He has prayed to provide an opportunity and let him off without punishing him or to award him much lesser punishment than what is provided in the law.

(3). At this juncture, if the citation which is the case before ***hon'ble Madras High Court*** between ***N. Rammaiya v/s the State*** is perused then therein it is held that if the accused has remained present through his authorized person in this type of cases than the authorized person of accused can plead guilty on behalf of the accused. In this

circumstance the authorized person of the accused in the instant case can plead guilty this present offense on behalf of the accused.

(4). Now looking to the offense against the accused he is charged with the violations of **Rule no.21(4)** of the **Gujarat Minimum Wages Rules** and thereby has committed offense punishable **u/sec.22(A) of the Minimum Wages Act**. So looking to the minimum punishment prescribed for the said offense and since this being the first offense against the accused which is voluntarily pleaded by his authorized person and hence now when he is being convicted, so for that purpose looking to the age of accused, the facts related to this case, the penal provisions as well as looking to the ratio of the citation which is the case before ***hon'ble Gujarat High Court*** between ***State of Gujarat v/s Natwar Harchand Thakore, 2005(1) GLR 709***, if the accused herein is awarded punishment of paying reasonable and lesser amount of fine for the purpose of providing him an opportunity to improve than it will be a proper and just order looking to the circumstance of this case. Hence following order is passed in the larger interest of justice.

:: ORDER ::

(1). The accused herein is convicted for the offense punishable under **sec.22(A) of the Minimum Wages Act, 1948** with respect to the violation of **Rule no.21(4)** of the **Gujarat Minimum Wages Rules** as is provided in sec.252 of the Criminal Procedure Code, 1973 and he is awarded punishment of paying fine of **Rs.500/- (in words rupees five hundred only)**. The authorized person of the accused namely **Raktim Babulal Chauhan** has to pay the above stated amount of fine.

(2). If the authorized person of the accused namely **Raktim Babulal Chauhan** fails to pay the amount of fine then for default of the same he will have to undergo simple imprisonment of one month.

(3). The fine if paid / deposited by the accused side has to be deposited with the Government.

This judgment is pronounced, read and signed in the special sitting of this Court on this day i.e. 11th December 2021.

Dt.11-12-2021.
Ahemdabad.

(Parvezahemad Alimohmad Malaviya)
Add. Chief Judicial Magistrate &
Judge (S.D.), Labour Court, Ahemdabad.
Judge Code : GJ00837.
