

ORDER

The Complainant Labour Inspector is present and filed this private complaint under Sec.223(1) of BNSS., praying this court to take cognizance of offences punishable under Sec.31 of the Karnataka Shops and Commercial Establishments Act and Rules 1963 and sec.31 of said act and Sec.4(1) Rule 3, 6-A Rule 24(9-A), 34 Rule 24 (9-C), Rule 26 and 21(1) against accused.

The complainant in his complaint has alleged that the accused has contravened the provisions of Section 31 of Karnataka Shops and Commercial establishment Rules 1963. The complainant in support of his allegations has produced the documents. I have perused all the documents. The documents produced by the complainant. **And as per the new amendment of BNSS Sec.223(1) the magistrate having jurisdiction while taking cognizance of an offence shall examine upon oath the complainant and witnesses present, if any and the substance of such examination shall be reduced to writing and shall be signed and by the complainant and the witnesses, and also by the Magistrate.**

Provided that no cognizance of an offences shall be taken by the magistrate without giving the accused an opportunity of being heard.

It is relevant to note that this court has complied the Sec.223(1) and provided clause and the notice was given to the accused same was served to him inspite of that he is not present nor challenged the said complaint.

Hence, the materials furnished by the complainant are sufficient at this stage to take cognizance of the above offences which are punishable Under Section 31 of Karnataka Shops and Commercial Establishments Act 1961 against the accused. Since the complainant is a

public servant, therefore, the recording of his sworn statement is hereby dispensed with. Therefore, I proceed to pass the following;

ORDER

The cognizance of offences punishable under Sec.30 of Karnataka Shops and Commercial Establishments Act 1961, is taken against the accused.

Office is hereby directed to register to this case as Criminal Case and issue summons to accused.

Returnable by: 29.07.2026.

Sd/-
Civil Judge & JMFC,
Manvi.