

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 924 of 2018**

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SANDIP KULKARNI

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MS ANUJA S NANAVATI(5229) for the Applicant(s) No. 1

NOTICE SERVED BY DS for the Respondent(s) No. 2

PUBLIC PROSECUTOR for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 07/10/2024****ORAL ORDER**

Heard learned advocate Mr. Vaibhav B. Shukla for learned advocate Ms. Anuja S. Nanavati for the applicant

Learned advocate Mr. Vaibhav B. Shukla for learned advocate Ms. Anuja S. Nanavati for the applicant submitted that in the impugned complaint no allegations are made against the applicant. It is further submitted that Form No.3 which is placed on record at Page No.47 refers the name and residential address of the occupier. It is further submitted that as per Section 7A of the Factories Act, 1948, it is the responsibility of the occupier to ensure that the health, safety, and welfare of workers in the factory are maintained to a reasonable standard.

The present applicant being the Director of the Company has been wrongly added as opponent in the complaint. Issue requires consideration.

Rule returnable on 11.12.2024.

In the meantime, there shall be *ad-interim* relief in terms of Para 11(B) till then.

MANISH MISHRA

(D. M. DESAI,J)

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: MANISH MISHRA, STENO GR II, at High Court of Gujarat on 09/10/2024 10:49:05