

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (QUASHING) NO. 5419 of 2026**

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GUJARAT THEMIS BIOSYN LIMITED THROUGH MANOJ NATWARLAL
RATHOD & ANR.

Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR. ABHISHEK S. SADHWANI(17710) for the Applicant(s) No. 1,2
MS.DILBUR CONTRACTOR(6388) for the Applicant(s) No. 1,2
MS DHWANI TRIPATHI, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE M. R. MENGDEY

Date : 21/04/2026

ORDER

1. Issue Notice returnable on 13.08.2026. Learned APP waives service of notice on behalf of the respondent - State.

2. From the record, it appears that the concerned authority had visited the site of the present petitioner on 19.08.2023 and since shortcomings were found on the site of the petitioners the complaint under the provisions of the Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996 under Section 55 of the said act. The such complaint is required to be filed within a period of 3 months from the date of which the alleged commission of offence came to be lodged.

3. Admittedly, it prima facie appears that the complainant authority derived the knowledge as regards the offence on 19.08.2023, however, the complaint was lodged on 15.06.2024.

Moreover, the petitioners had earlier preferred Criminal Misc. Application No. 16141 of 2024, wherein the Coordinate Bench of this Court granted interim relief in favour of the petitioners vide order dated 21.08.2024. Subsequently, the said petition was withdrawn under a misconception, and a discharge application was filed before the learned Trial Court. The learned Trial Court observed that the application for discharge was not maintainable, before it went on to dismiss the application on merits.

4. Ad-interim relief in terms of Para-7(B) till the next date of hearing.

SAKSHI MAURYA

(M. R. MENGDEY,J)