

14.11.2024

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CRR 3436 of 2024

In Re : Sri Ashwin Daga

... Petitioner.

Mr. Abhra Mukherjee

Mr. Souradeep Dutta

Mr. Swakshar Kr. Mondal

... For the Petitioner

The petitioner seeks quashing of proceeding of Complaint case no. 250 of 2024 pending before the learned Chief Judicial Magistrate, Howrah. Learned counsel for the petitioner submits that an accident occurred in the factory resulting in the death of a person named Nikhil Sing Sardar. Though the complainant claims that the deceased was a worker of the factory it is the case of the petitioner that he was a mere trespasser who entered into the factory premises beyond the knowledge of the petitioner or others and his name has also not been included in the electoral rolls of the factory. Learned counsel submits that no *prima facie* case under Section 7(A)(2)(a) and 7A(2)(d) of the Factories Act has been made out against the petitioner.

It appears from the material on record that the matter needs to be heard on merits.

The petitioner is directed to serve copy of the application along with annexure thereto upon the opposite party and file affidavit of service on the adjourned date.

Let the matter appear under the heading 'Contested Application' in the monthly list of February, 2025.

Further proceedings of Complaint case no. 250 of 2024 pending before the learned Chief Judicial Magistrate, Howrah be stayed qua the petitioner till 28th February, 2025 or until further orders, whichever is earlier.

Liberty is granted to the petitioner to communicate the gist of the order.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)