

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).853/2007

(From the judgement and order dated 08/11/2006 in MCRLC No. 1882/2006 of  
The HIGH COURT OF M.P AT JABALPUR)

C.P.JAIN &amp; ORS.

Petitioner(s)

VERSUS

INSPECTOR,BUILDING &amp; ANR.

Respondent(s)

(With appln. for stay, permission to file addl. affidavit, exemption from filing O.T.  
and with Office Report)

WITH

SLP(Crl) NO. 1517 and 1560 of 2007-With appln. for stay &amp; with O/Report

Date: 21/09/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
HON'BLE MR. JUSTICE H.S. BEDIFor Petitioner(s) Mr. R.F. Nariman, Sr.Adv.  
Mr. R.r. Kumar, Adv.  
Mr. Bharat Sangal,Adv.

For Respondent(s) Ms. Vibha Datta Makhija,Adv.

UPON hearing counsel the Court made the following  
ORDERLeave granted.  
The appeals are allowed.(S. Thapar)  
PS to Registrar(Pushap Lata Bhardwaj)  
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1284 OF 2007  
(Arising out of SLP(Crl)No.853 of 2007)

C.P. Jain &amp; Ors.

Appellant (s)

Versus

Inspector, Building &amp; Anr.

Respondent (s)

WITH

ORDER

Leave granted.

Appellants herein are the Chief Managing Director, Executive Director (Project), General Manager and Assistant General Manager (Project) of National Thermal Power Corporation. A complaint petition was filed against them amongst others in the Court of the Chief Judicial Magistrate, Sidhi for alleged commission of an offence under Section 54 of the Buildings and Other Construction Workers (Regulation of Employment and Conditions Of Service) Act, 1966. Appellants herein having been summoned by the learned Chief Judicial Magistrate, Sidhi, filed an application before the High Court for quashing the Order dated 5.12.2005 taking cognizance against them, which by reason of the impugned judgment, has been rejected. Appellants herein who are the Directors and Officers of the National Thermal Power Corporation, which is a Company within the meaning of the provisions of Section 53 of the said Act, are sought to be prosecuted without the Company being impleaded as a party. The statute provides for vicarious liability on the part of the officers concerned, although in law they may not be otherwise liable, only in the event the statutory requirements are fulfilled. In such a situation, it was obligatory on the part of the complainant - respondents to comply with the statutory requirement by impleading the Company as a party as an accused.

In this view of the matter, the impugned judgment cannot be sustained. It is set aside accordingly. The order taking cognizance against the appellants is quashed.

Ms. Makhija, the learned counsel appearing for the respondents, however, states that the respondents shall take steps to file another complaint. We do not want to make any observation in respect thereof.

The appeals are allowed.

.....J.  
(S.B. Sinha)

New Delhi,

.....J.

September 21, 2007.

(H.S. Bedi)