

R.O.C.No. 1063/2003/F1

P.Dis. 26 /2003

C I R C U L A R

UN 2003

KSTAI

Sub: Cases - Factories Act-Filing of Factories and Development cases arising out of Inspection made by the Department Inspectors of Factories- Instructions already issued consequent to the enhancement of penalty to 1 lakh-fresh Instructions Issued.

Ref: High Court's Circular in P.Dis.No.203/95 Issued in ROC No. 386/94/RR, dated 14-9-95.

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On the earlier occasion, necessary instructions of the High Court as to whether the contested cases under the Factories Act pending before the erstwhile court of Addl. District Judge-cum-Chief Judicial Magistrate were to be transferred to the concerned Magistrates having jurisdiction U/S 192 of the Criminal Procedure Code, 1973 to record evidence of witness and then to submit the records with its proceedings U/S 322(1)(c) of the said Code, had been solicited.

The High Court examined the request in the light of the various provisions U/S 92, 105(2) and 106-A of the Factories Act, as well as Sections 29, 322 and 325 of the Code of Criminal Procedure, 1973 and necessary Instructions in High Court's Circular in P.Dis. 203 of 1995 dated 14-9-1995, had also been issued.

Now, consequent to the creation of court of Chief Judicial Magistrate in the cadre of Civil Judge(Sr.Dn) besides the instructions already issued in this regard, the following instructions are also issued.

1. Cases pending before the erstwhile court of Addl. District Judge-cum-Chief Judicial Magistrate to be transferred to the concerned Magistrates having jurisdiction U/S 192 of the Criminal Procedure Code, 1973 to record evidence of witness and then to submit the records with its proceedings U/S 322(1)(c) of the said Code, had been solicited.

2. Cases pending before the erstwhile court of Addl. District Judge-cum-Chief Judicial Magistrate to be transferred to the concerned Magistrates having jurisdiction U/S 192 of the Criminal Procedure Code, 1973 to record evidence of witness and then to submit the records with its proceedings U/S 322(1)(c) of the said Code, had been solicited.

All the matters/cases under the Factories Act, except those of petty offences, shall be filed before the Court of Chief Judicial Magistrate who shall take cognizance and dispose of in accordance to the provisions of law at the earliest. Such cases, other than petty offences, pending before the court of Judicial Magistrates concerned shall be transferred to the Court of Chief Judicial Magistrate as per the procedures laid down therefor.

The receipt of the Circular is to be acknowledged at once.

HIGH COURT: MADRAS:

SD/- K.JAYARAMAN,

DATED: 22-5-2003.

REGISTRAR GENERAL.

/True copy/ forwarded/ By Order/

SPECIAL OFFICER (GROUPING)

To

1. All the Chief Judicial Magistrates.
2. Chief Judicial Magistrate, Pondicherry.

Copy to:

1. All the Principal District Judges.
2. All the Presiding Officers, Labour Courts, Madras, Madurai, Coimbatore, Salem, Trichy, Tirunelveli, Cuddalore and Vellore.
3. The Under Secretary to Government, Law Department, Secretariat, Fort St. George, Madras-9. (-with a request to bring it to the notice of all concerned).
4. Spare- 5 copies.

rs/ 22-5 R.No.2033/2003 A.1.Dt.2.6.2003.

Circulated to all the Judicial Magistrates and District Munsifs. Judicial Magistrates in this unit and M.C. of this court for info. of information and necessary action.

CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

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