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**Ramnath Kare and Another Vs. State Represented by Mr. Vivek Marathe,
Inspector of Factories**

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Inspector of Factories**

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Court : Mumbai Goa

Decided On : Feb-06-2013

Judge : F.M. Reis

Appeal No. : Criminal Writ Petition No.31 of 2012

Appellant : Ramnath Kare and Another

Respondent : State Represented by Mr. Vivek Marathe, Inspector of Factories

Judgement :

Oral Judgment:

Heard Shri G.K. Sardessai, learned Counsel appearing for the petitioners and Shri D. Lawande, learned Additional Public Prosecutor appearing for the respondent.

2. Rule. Heard forthwith with the consent of the learned Counsel. Learned Counsel appearing for the respondent waives service.

3. The above petition challenges an order dated 11/07/2011 passed by the learned Additional Sessions Judge, South Goa at Margao disposing of Criminal Revision Application No.63/2010.

4. During the course of the hearing of the above petition, it is pointed out by the learned Counsel appearing for the respective parties that in similar circumstances this Court by order dated 29/03/2012 passed in Criminal Writ Petition No.13/2012 has remanded the matter to the learned Revisional Court to decide the revision afresh. Shri D. Lawande, learned Additional Public Prosecutor appearing for the respondent has also raised objection to the consideration of the documents produced by the petitioners during the course of the disposal of the revision petition. Whether such documents can be considered or not would have to be reassessed by the learned Judge after hearing all the parties in accordance with law.

5. Without going into the merits of the rival contentions and for the reasons recorded in the order dated 29/03/2012 in Criminal Writ Petition No.13 of 2012 the matter is remanded to the Revisional Court to decide the revision afresh. The Revisional Court will decide the matter independently without being influenced with any of the findings in the impugned order.

6. In view of the above, I pass the following order:

ORDER

(i) The impugned order dated 11/07/2011 passed in Criminal Revision Application No.63 of 2010 is quashed and set aside.

(ii) Criminal Revision Application No.63/2010 is restored to the file of the learned Additional Sessions Judge, South Goa, Margao.

(iii) The learned Additional Sessions Judge is directed to decide the said revision application afresh after hearing the parties in accordance with law.

(iv) All contentions on merits of both the parties are left open.

(v) Rule is made absolute in the above terms.

(vi) The petition stands disposed of accordingly.

(vii) The parties are directed to appear before the Revisional Court on 1/04/2013 at 10.00 a.m.

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