

Shri. Willy Ko vs the State of Karnataka

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Court : Karnataka

Decided On : Jul-10-2025

Judge : M.Nagaprasanna

Appeal No. : CRL.P/9685/2023

Appellant : Shri. Willy Ko

Respondent : The State of Karnataka

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JULY, 2025 BEFORE THE HON'BLE
MR. JUSTICE M.NAGAPRASANNA CRIMINAL PETITION NO. 9685 OF
2023 BETWEEN:

1. SHRI. WILLY KO, S/O MR. KO FOOK YUEN, AGED ABOUT 66
YEARS, PRESENTLY RESIDING AT: 46, LENGKONG, TUJOH # 02-25,
SINGAPORE-417396 (DESCRIPTION IN THE COMPLAINT)

SHRI WILLY KO, CEO, AIR INDIA SATS AIRPORT SERVICES PVT.
LTD., C/O AIR INDIA BOOKING OFFICE, HAT HILL ROAD, LALBAGH,

MANGALORE-575003. PETITIONER (BY SRI. MURTHY D NAIK, SENIOR COUNSEL FOR SRI. KEERTI KUMAR.,ADVOCATE) Digitally signed by NAGAVENI AND: Location: High

1. THE STATE OF KARNATAKA, Court of Karnataka REP. BY LABOUR ENFORCEMENT

OFFICER (CENTRAL), GOVERNMENT OF INDIA, MINISTRY OF LABOUR AND EMPLOYMENT, RAILWAY STATION ROAD, MANGALORE 575501. REP. BY SPP, HIGH COURT BUILDING, BANGALORE-560001. RESPONDENT (BY SRI.TEJESH P., HCGP) -2- THIS CRL.P is FILED U/S.482 CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING THAT THIS HONOURABLE COURT MAY BE PLEASED TO A. QUASH THE PROCEEDINGS IN C.C.NO.1777/2015 FOR THE OFFENCE P/U/S.23 OF CONTRACT LABOUR (REGULATION AND ABOLITION) ACT 1970 VIDE ANNEXURE A PENDING ON THE FILE OF THE JMFC II COURT, MANGALURU AND ETC. THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA

ORAL ORDER

Petitioner is before this Court calling in question the proceedings in C.C.No.1777/2015 registered for offences punishable under Section 23 of the Contract Labour (Regulation and Abolition) Act, 1970 (herein after referred to as 'Act' for short).

2. Heard the learned Senior Counsel Sri.Murthy D Naik for Sri.Keerti Kumar, learned counsel appearing for the petitioner and the learned HCGP representing the State and have perused the material on record.

3. Facts in brief germane are as follows: -3-

(a) A complaint comes to be registered against the

petitioner alleging offences punishable under Section 23 of the Act before the concerned Court on the score that the petitioner is undertaking contract work through 70 contract labourers on 08.03.2015 without obtaining license and thereby, violates section 12(1) of the Act and therefore, it springs as an offense under Section 23 of the Act.

4. Learned Senior Counsel submits that the complaint

so registered, suffers from the threshold bar as the Company is not made a party while making the Chief Executive Officer of the Company as a party to the proceedings. The learned counsel would submit that the issue in the lis stands answered by plethora of judgments rendered by the Apex Court as followed by this Court. He would particularly place reliance upon the judgment in the case of MICHIEL M. VAN DER MAAT AND ANOTHER vs. STATE OF KARNATAKA, 2023 SCC OnLine Kar 467, wherein at paragraph No.4, it is observed as under:

"4. For the very reasons so rendered by the Apex Court in the case of DAYLE DE'SOUZA (supra), these petitions also deserve to succeed, as admittedly, the -4- Company is not made a party in terms of Section 25 of the Contract Labour (Regulation and Abolition) Act,

1970. Therefore, the proceedings so instituted by the State would be rendered untenable in the light of the

judgment of the Apex Court, as afore-quoted and

therefore, are required to be obliterated."

5. For the aforesaid reasons, the following:

ORDER

(i) Criminal Petition is allowed.

(ii) Impugned proceedings in C.C.No.1777/2015 instituted against the petitioner pending on the file of the JMFC II Court, Mangaluru, stand quashed.

(iii) Obliteration of the proceedings would not come in the way of the State initiating the said proceedings in accordance with law. Sd/- (M.NAGAPRASANNA)
JUDGE CBC List No.: 1 SI No.: 29

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