

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRR-1481-2026 (O&M)

PARMOD KUMAR YADAV AND OTHERS

... Petitioners

Versus

STATE OF HARYANA

... Respondent

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Argued by :-

Mr. Chetan Mittal, Senior Advocate,  
Mr. R.S. Rai, Senior Advocate with  
Mr. Abhilaksh Grover, Advocate,  
Mr. Mayank Aggarwal, Advocate,  
Mr. Farhad Kohli, Advocate,  
Mr. Saksham Khunger, Advocate, and  
Mr. Tapreet Brar, Advocate  
for the petitioners.

Mr. Tanuj Sharma, Asst. AG, Haryana.

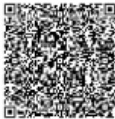
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|----|--------------------------------------------------------------------------------------------------|-----------------------|
| 1. | <i>The date when the judgment is reserved.</i>                                                   | <b>15.09.2026</b>     |
| 2. | <i>The date when the judgment is pronounced.</i>                                                 | <b>30.09.2026</b>     |
| 3. | <i>The date when the judgment is uploaded.</i>                                                   | <b>01.10.2026</b>     |
| 4. | <i>Whether only operative part of the judgment is pronounced or full judgment is pronounced.</i> | <b>Full</b>           |
| 5. | <i>The delay, if any, of the pronouncement of full judgment, and reasons thereof.</i>            | <b>Not applicable</b> |

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**VIRINDER AGGARWAL, J.**

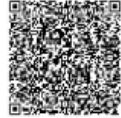
1. Petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 Cr.P.C.) seeking quashing of the FIR in question, along with the report under Section 173 Cr.P.C. and



the order dated 06.03.2026 passed by the Additional Sessions Judge, Rewari in SC No. 59 of 2025, titled State vs. Kulbir Singh Verma, whereby charges have been framed against the petitioners under Sections 308, 304-II and 287 read with Section 34 of the IPC (corresponding to Sections 110, 105, 287, 337 and 125(a) read with Section 3(5) of the BNS, 2023). Details of FIR are as under:-

| Particulars    | Details                                                                                                                                                                                                                 |
|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| FIR No. & Date | 78 dated 17.03.2024                                                                                                                                                                                                     |
| Sections       | 287, 337 read with Section 34 of the IPC, 1860 (subsequently added Sections 308 and 304-II IPC); corresponding provisions under the BNS, 2023 are Sections 287, 125(a) read with Section 3(5), and Sections 110 and 105 |
| Police Station | Dharuhera                                                                                                                                                                                                               |
| District       | Rewari                                                                                                                                                                                                                  |

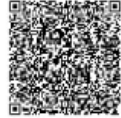
- 1.1. An interim stay of further proceedings arising out of the FIR in question, registered at Police Station Dharuhera, District Rewari, may kindly be granted during the pendency of the present petition.
2. Brief facts of the case, as borne out from the FIR, are that on 16.03.2024, a boiler dust collector at Lifelong Company, Dharuhera, allegedly burst, resulting in a fire and multiple workers sustaining burn injuries. The injured Raj Kumar attributed the occurrence to the alleged negligence of the company owners, officers and contractor in maintaining the equipment and keeping the emergency gate closed. Initially, FIR was registered under Sections 287, 337 and 34 IPC. During investigation, several injured persons succumbed to their injuries, whereupon Sections 308 and 304-Part II IPC were added and Sections 304-A and 337 IPC deleted. The investigation culminated in submission of the report under Section 173 Cr.P.C.



3. Learned Senior counsel for the petitioners submits that the material collected during investigation, read as a whole, does not disclose the requisite ingredients of the offences alleged against the petitioners. It is contended that the occurrence was an unfortunate industrial accident, attributable to technical and operational factors, including an electrical fault and accumulation of combustible dust, and that the reports of the National Safety Council do not attribute any culpable act or omission to the petitioners. The factory was duly authorised to operate and was functioning under requisite statutory permissions and safety compliances; hence, mere occurrence of an accident, without proof of a conscious or culpably negligent act on the part of the petitioners, cannot ipso facto constitute criminal liability.

4.1. Learned Senior counsel further submits that the allegations, even if taken at their face value, essentially relate to alleged non-compliance with statutory safety requirements and, therefore, fall within the regulatory and penal framework of the Factories Act, 1948, which constitutes a special statutory regime governing industrial safety and workplace accidents. Permitting a parallel prosecution under the general penal law, on the same factual foundation, would amount to subjecting the petitioners to overlapping criminal liability despite the availability of a specific statutory mechanism under the special enactment.

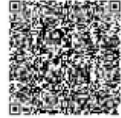
4.2. It is further argued that criminal culpability is personal and cannot be fastened upon the petitioners merely by virtue of their designation, association with the establishment or omnibus allegations. Each accused is required to be assessed on the basis of his or her specific



role and the material demonstrating the requisite criminal intent or culpable conduct. The impugned order dated 06.03.2026, however, is alleged to have proceeded on a generalized appreciation of the allegations without undertaking the requisite individual assessment of the role attributable to each petitioner. The petitioners, therefore, contend that the order framing charges suffers from patent non-application of mind and that continuation of the criminal proceedings would amount to an abuse of the process of law. Accordingly, quashing of the impugned proceedings has been sought.

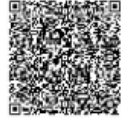
5. Per contra, learned State counsel has vehemently opposed the present petition and submitted that the contentions advanced on behalf of the petitioners essentially raise matters of evidence, which cannot be conclusively adjudicated at the stage of framing of charges. It is contended that the material collected during investigation, including the statements of injured witnesses, medical evidence, scene-of-crime inspection and the subsequent deaths of several injured persons, *prima facie* discloses serious lapses in ensuring requisite safety measures at the factory premises. The alleged accident having resulted in multiple casualties, the plea that the occurrence was purely accidental and attributable to technical factors cannot, at this stage, displace the *prima facie* material indicating culpable negligence and conscious disregard of safety requirements.

5.1. Learned State counsel further submits that the permissions or statutory approvals allegedly possessed by the factory do not, by themselves, absolve the petitioners of criminal liability arising from the manner in which the machinery and safety arrangements were allegedly maintained and operated. The contention that the alleged violations are



exclusively governed by the Factories Act is also stated to be legally untenable, particularly where the material on record prima facie discloses ingredients of distinct offences under the general penal law involving serious consequences to human life. It is further argued that the question as to the precise role attributable to each petitioner is a matter to be examined on the basis of the evidence available on record and cannot be determined merely on the basis of the defence sought to be projected by the petitioners at this stage. The order dated 06.03.2026, according to learned State counsel, reflects due consideration of the material collected during investigation and does not suffer from any perversity, illegality or patent non-application of mind warranting interference in exercise of the inherent jurisdiction of this Court. Dismissal of the present petition has accordingly been prayed for.

6. As per the final report submitted by the investigating agency, the boiler dust collector had burst, despite having suffered similar bursts on two earlier occasions. It was further observed that the contractor, the company owners and the concerned officers had already been apprised of the necessity of carrying out the requisite repairs and maintenance; however, no timely remedial measures were undertaken. The report thus indicates that the requisite maintenance was not carried out despite prior knowledge of the recurring defect. Had timely and appropriate maintenance been undertaken, the occurrence could possibly have been averted.



6.1. Significantly, an independent inquiry was thereafter conducted by the National Safety Council/Safety Audit Team, and the report submitted pursuant thereto recorded the following observations:-

“During Visit of NSC Safety Audit Team comprising of three Expert Members along with the senior staff of M/s Lifelong India Pvt. Limited, accident site was visited on 15th to 17th of April 2024, and closely analyzed the post-accident scenario.

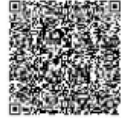
From the CCTV footage it is evident that fire originated near one of the buffing machine. During Inspection no serious lapse or gross negligence was observed. No apparent or obvious cause of accident was found but following may be the probable cause or contributing factors.

- i) Spark generated due to some short circuit/electrical fault in the buffing machine.
- ii) Due to electrostatic charge.
- iii) Buffing operations were carried out against rotating emery belts. Possibility of sparks due to friction exists. As this is a special process, expert opinion will matter.

It is evident that generated spark/energy initially ignited the accumulated fine dust near foundation structure of one buffing machine. PVC suction pipe which was adjacent to aluminum dust caught with fire and started smoldering.

As clearly seen in the CCTV footage, the operator observed this and tried to snuff-out the blaze/smoldering in dust at his own efforts by striking with the foot.

As at source of ignition, an adequate energy was present causing the PVC hose pipe to ignite locally and dispersed into an atmosphere containing sufficient oxygen to permit combustion and subsequent rubbing action of operator by foot might have likely exaggerated the smoldering and the same is propagated immediately in surrounding



atmosphere where a few dispersed fine dust was already present and created a huge aluminum dust fireball called as called "deflagration", followed by which eventually flame getting propagate to the bag filter (confined Area) through duct due to negative pressure, giving rise to the major explosion. (The PVC suction hose was fitted with dust collection hood and main duct to extract aluminum dust).”

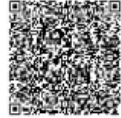
7. There is yet another report submitted by the Deputy Director, Industrial Safety & Health, Gurugram-II, forming part of the record as Annexure P-11, which is also relevant to the controversy and reads as under:-

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As all of sudden, the spark was generated, during the buffing process, of the semi-finished aluminum auto parts, in the buffing wheel (a part of the buffing machine) due to the contamination of some foreign metal particle in the buffing wheel body, (contamination at the time of the manufacturing of that buffing wheel), resulted in to the blast/explosion, as mentioned above. If the foreign body particle/metal in the buffing wheel could have been detected, before using the buffing wheel, the generation of spark & ultimately even the said accident also would have been avoided. Moreover the necessary instruction, training, etc. were also not rendered to the workers, working in the factory.

#### **Result of Enquiry:**

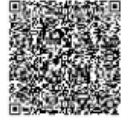
From the enquiry it is observed that the spark generated in the buffing machine during the buffing process, travel toward the dust collectors, resulted into the blast/explosion, there should be some arrangement to restrict the entry of spark in the dust collector/pipe lines/duct or back fire, as mentioned above, so all the practical measures had not been taken to restrict the spread and affect of the explosion by



the provision in the plant or machinery of chokes, baffles, vents are other affective appliances. Also in the above mentioned factory, where the inflammable dust i.e. (aluminum dust) are produced by buffing, grinding or other process, special precaution by grinding or other process, not taken, such as, enclosing the plant, keeping the working hall free from dust and keeping away naked light. So the overall/part of pipe line/ducts, dust collector, etc., are not maintained properly in such a way, as to avoid the blast in dust collector/blew out of the flame and this accident. Moreover the necessary instructions, training, etc. were also not rendered to workers working in the factory.

8. In the present case, in relation to the incident in question, a complaint under the Factories Act was also instituted, a copy whereof forms part of the record as Annexure P-15. The report submitted pursuant to the inquiry conducted at the factory records that the spark was generated in the buffing machine during the buffing process and travelled towards the dust collector, ultimately resulting in the blast/explosion. The report further records that appropriate preventive arrangements, including provision for protection against backfire in the dust collector and pipeline, ought to have been put in place. It was also observed that the spark was generated on account of a foreign metallic particle in the buffing-wheel section. Additionally, in the complaint it is alleged that the Occupational Health Centre/dispensary had not been maintained in accordance with the prescribed requirements.

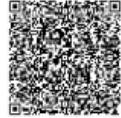
8.1. Perusal of the final report submitted by police after investigation indicates that the conclusion drawn therein with regard to the cause of the occurrence substantially rests upon the version attributed to



complainant Raj Kumar. However, there does not appear to be any independent inquiry undertaken to verify or corroborate the said version. This assumes significance as the two inquiries conducted by the competent authorities have independently attributed the cause of the accident to the generation of a spark in the buffing machine.

8.2. The Trial Court, while considering the discharge application, has specifically noticed the prosecution's reliance upon the CCTV footage and the report of the National Safety Council/Safety Audit Team. Nevertheless, while declining the prayer for discharge, the Trial Court principally relied upon the statements of the complainant and the injured persons, who stated that the boiler/dust collector had burst on two earlier occasions and that the said fact had been brought to the notice of the accused persons and the owner of the factory, but no remedial measures were undertaken. The report of the National Safety Council/Safety Audit Team was not accorded value at that stage on the ground that the same was yet to be proved by the prosecution in accordance with law. As regards the CCTV footage, the Trial Court observed that the same did not, by itself, clearly establish the proximate cause of the accident.

8.3. On the aforesaid material, the Trial Court proceeded to frame charges for the offences punishable under Sections 287, 304 and 308 IPC and, in the alternative, under Section 304-A IPC. The issue which, therefore, arises for consideration is whether the material available on record, even if taken at its highest, prima facie discloses the requisite intention or knowledge so as to attract the graver offences punishable

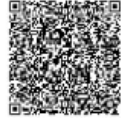


under Sections 304 and 308 IPC, particularly when the inquiries conducted by the competent authorities have attributed the occurrence to the generation of a spark in the buffing machine.

8.4. In this context, it would be apposite to refer to the authoritative pronouncement of the Hon'ble Supreme Court in ***Keshub Mahindra vs. State of Madhya Pradesh, 1996(6) SCC 129***, arising out of the Bhopal Gas Tragedy. The said case concerned an industrial establishment handling highly toxic and volatile Methyl Isocyanate (MIC), wherein the prosecution alleged serious deficiencies in the design, safety mechanisms and operational practices of the plant, ultimately resulting in leakage of poisonous gas and the death of a large number of persons. While examining the sustainability of the charge under Section 304 Part II IPC vis-à-vis Section 304-A IPC, the Hon'ble Supreme Court considered the question whether the material on record *prima facie* established the requisite knowledge on the part of the accused that their acts were likely to cause death. The principles enunciated therein have considerable bearing upon the issue arising in the present case, particularly with regard to the distinction between culpable homicide and an act of rashness or negligence not amounting to culpable homicide. The Hon'ble Supreme Court observed as under:-

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“Before any charge under Section 304 Part II can be framed, the material on record must at least *prima facie* show that the accused is guilty of culpable homicide and the act allegedly committed by him must amount to culpable homicide. In view of Section 299 IPC, the material relied upon by the prosecution for framing a charge under Section 304



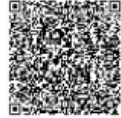
Part II must at least prima facie indicate that the accused had done an act which had caused death with at least such a knowledge that he was by such act likely to cause death. The entire material which the prosecution relied upon before the trial court for framing the charge cannot support such a charge unless it indicates prima facie that on that fateful night when the Plant was run at Bhopal it was run by the accused concerned with the knowledge that such running of the Plant was likely to cause death of human beings. Mere act of running a Plant as per the permission granted by the authorities would not be a criminal act. Even assuming that it was a defective Plant and it was dealing with a very toxic and hazardous substance like MIC the mere act of storing such a material by the accused in Tank could not even prima facie suggest that the accused concerned thereby had knowledge that they were likely to cause death of human beings. In fairness to the prosecution it was not suggested and could not be suggested that the accused had an intention to kill any human being while operating the Plant. Taking the entire material on its face value and assuming it to represent the correct factual position in connection with the operation of the Plant at Bhopal on that fateful night it could not be said that the said material even prima facie called for framing of a charge against the accused concerned under Section 304 Part II IPC on the specious plea that the said act of the accused amounted to culpable homicide only because the operation of the Plant on that night ultimately resulted in deaths of a number of human beings and cattle.”

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8.5. It was further held by the Hon’ble Supreme Court as under:-

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“The material prima facie shows that there were not only structural defects but even operational defects in the working of the

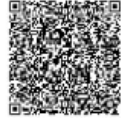


Plant on that fateful night which resulted into this grim tragedy. Even though, therefore, these accused cannot be charged for offences under Section 304 Part II the material led against them by the prosecution at least prima facie shows that the accused were guilty of rash or negligent acts not amounting to culpable homicide and by that act caused death of a large number of persons.”

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8.6. Further, in ***Rajesh Aggarwal and Another vs. State of Haryana, Criminal Revision No. 413 of 2001***, decided on ***27.11.2006***, this Court directed alteration of the charge from Section 302 IPC to Section 304-A IPC, holding that the material available on record did not prima facie disclose the commission of an offence punishable under either Section 302 IPC or Section 304 Part II IPC. In that case, the accused were operating a pharmaceutical manufacturing unit without obtaining the requisite statutory approvals, including an approved factory plan and a No Objection Certificate from the Fire Department. The record further disclosed that the emergency exit gate was locked and the electrical system was defective, resulting in a fire in which seven employees lost their lives. Even in the backdrop of such circumstances, this Court found that the material did not disclose the requisite mens rea or knowledge so as to attract the graver offences under Sections 302 or 304 Part II IPC. The relevant observations of this Court may be noticed as under:-

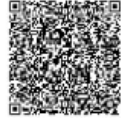
“It cannot be said that the owner of the factory or the petitioners knew that their act of running the factory was so imminently dangerous that it must, in all probability, would cause death. It can also not be said that accused had knowledge that their act of running the factory would cause death.”



9. At the highest, the material on record may warrant consideration of the offences punishable under Sections 287 and 304-A IPC.

10. The material placed before the Court includes the report of the National Safety Council, which has been discarded by the Courts below primarily on the ground that the same has not been formally proved. Such approach, at the stage of consideration of charge, is legally unsustainable. The Courts below have apparently overlooked the settled distinction between the evidentiary appreciation required at the stage of trial and the *prima facie* assessment mandated at the stage of framing of charge. At the latter stage, the material collected during investigation is not required to be subjected to the rigours of formal proof or a meticulous evaluation of its evidentiary worth; rather, the Court is required to consider the entire material collected by the investigating agency for the limited purpose of determining whether the same, taken at its face value, discloses the requisite *prima facie* foundation for proceeding against the accused.

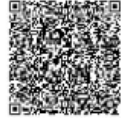
10.1. In the present case, the report submitted by the National Safety Council assumes considerable significance. The National Safety Council is an expert body possessing specialised expertise in the field of industrial safety, and its inspection team, comprising persons having requisite technical expertise, undertook an investigation into the occurrence and thereafter prepared a detailed report. Significantly, the report does not substantiate the version put forth by the complainant that the incident was occasioned by a blast in the boiler. On the contrary, upon inspection and assessment of the relevant circumstances, the expert team opined that the



fire had originated from a spark generated in the buffing machine. The report further indicates that such spark could have been occasioned by several factors, including friction, the presence of foreign metallic material in the buffing wheel, or other similar causes.

10.2. The conclusions recorded by the National Safety Council inspection team find substantial corroboration from the CCTV footage forming part of the material collected during investigation. The footage, as borne out from the material on record, captures the fire originating from the buffing machine and further depicts a worker attempting to extinguish the same by rubbing it with his feet, an act which, rather than extinguishing the fire, appears to have accelerated its spread. Thus, the expert report and the contemporaneous CCTV footage, when considered conjointly, constitute material which directly bears upon the genesis and manner of the occurrence and materially contradicts the foundational assertion that the incident was the consequence of a blast in the boiler.

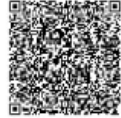
10.3. In these circumstances, the wholesale rejection of the National Safety Council's report and the CCTV footage, merely because the former had not been formally proved in accordance with the rules of evidence and the latter had not, at that stage, been subjected to the complete evidentiary process, amounts to an impermissible conflation of the standard applicable at the stage of trial with that governing consideration of charge. At the stage of framing of charge, the Court is required to sift and assess the material for the limited purpose of ascertaining whether a *prima facie* case is made out and is not expected to undertake a detailed adjudication upon



the admissibility, authenticity or ultimate probative value of each individual piece of evidence.

10.4. Once the aforesaid material is taken into consideration in its proper perspective, particularly the expert findings of the National Safety Council read conjointly with the CCTV footage, the very genesis of the occurrence alleged by the complainant becomes a matter requiring serious consideration and cannot legitimately be brushed aside at the threshold on the ground of want of formal proof. The said material, if accepted at its face value, materially undermines the foundational premise of the prosecution version regarding the occurrence of a boiler blast and furnishes an alternative explanation as to the actual genesis of the fire. Whether the said expert opinion and the CCTV footage ultimately withstand the test of cross-examination, whether the opinion of the experts is to be accepted in preference to any contrary material, and what evidentiary weight is ultimately to be attached thereto are matters which necessarily fall for determination during the course of trial. Those questions could not, however, furnish a legitimate basis for discarding such material altogether at the stage of framing of charge.

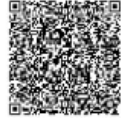
10.5. Consequently, the Courts below, in declining to take into consideration the report of the National Safety Council and the CCTV footage on the ground that the same had not been formally proved, have applied a standard of scrutiny which is impermissibly onerous for the stage at which the proceedings stood. The material forming part of the investigation was required to be considered cumulatively and from the standpoint of whether it disclosed sufficient ground for proceeding further,



rather than being subjected to a conclusive evaluation as though the Court were finally adjudicating upon the guilt or innocence of the accused. Considered in that manner, the report of the National Safety Council, read with the CCTV footage and the other material collected during investigation, was clearly relevant to the determination of the *prima facie* case and could not have been discarded from consideration merely on account of want of formal proof. The impugned approach of the Courts below, therefore, suffers from an erroneous application of the legal standard governing consideration of charge and warrants interference.

11. Contention of petitioners that they have also been proceeded against for the alleged contravention of the provisions of the Factories Act, 1948 and are sought to be held liable under Section 92 thereof same requires consideration of this Court. The said provision stipulates the general penalty for contravention of the provisions of the Act or the rules framed thereunder and reads as under: -

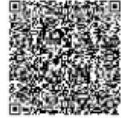
“92. General penalty for offences.—Save as is otherwise expressly provided in this Act and subject to the provisions of section 93, if in, or in respect of, any factory there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any order in writing given thereunder, the occupier and manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both, and if the contravention is continued after conviction, with a further fine which may extend to one thousand rupees for each day on which the contravention is so continued:



Provided that where contravention of any of the provisions of Chapter IV or any rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than twenty-five thousand rupees in the case of an accident causing death, and five thousand rupees in the case of an accident causing serious bodily injury.”

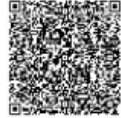
11.1. It is contended that where the alleged act constitutes an offence both under the general penal law and under a special enactment governing the subject matter, the special law, being a specific statutory regime, would ordinarily prevail to the extent of any inconsistency, and the accused ought to be proceeded against in accordance with the special enactment rather than subjected to a parallel prosecution under the general penal law for the same alleged contravention. It is not disputed that, in respect of the very incident in question, the Assistant Director of Industrial Safety and Health has instituted a separate complaint under the Factories Act, alleging commission of offences punishable under Section 92 thereof.

12. Learned counsel for the petitioners further contended that, insofar as the same industrial accident is concerned, the prosecution under Sections 287 and 304-A IPC would not be legally sustainable in view of the separate proceedings instituted under the Factories Act, a copy of the complaint whereof forms part of the record as Annexure P-15. Reliance in this regard has been placed upon the judgments of the Andhra Pradesh High Court in *Naresh Rai and Others vs. The State of AP and Others, 2026(3) Crimes 416*, the *Karnataka High Court in Mr. Ananthakumar and Others vs. State of Karnataka and Others, 2019(3) Criminal Law Journal 3825*, and the Division Bench of the Bombay High Court in *Ajeet*



***Vikram Bahadur Singh vs. The State of Maharashtra, 2024:BHC-AS:44547-DB.*** In the aforesaid decisions, the Courts have examined the permissibility of parallel prosecution under Section 92 of the Factories Act and the IPC arising out of the same occurrence, particularly where the accused had already faced prosecution and conviction under the Factories Act. The decision of the Bombay High Court, in particular, proceeded on the basis that the applicant therein had already been prosecuted and convicted under Section 92 of the Factories Act for the same incident and that continuation of the subsequent prosecution under the IPC would amount to double jeopardy in view of Article 20(2) of the Constitution of India and Section 300 Cr.P.C.

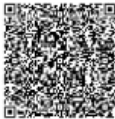
12.1. However, the factual position in the present case stands on a materially different footing. The complaint under the Factories Act, though arising out of the same occurrence, has been instituted only against Sh. Sandeep Bhat, who is alleged to be the occupier and manager of the factory. The present petitioners are not being prosecuted in the said complaint. Consequently, the petitioners cannot, at this stage, claim the benefit of the bar against double jeopardy merely on the ground that proceedings under Section 92 of the Factories Act are pending in respect of the same occurrence. The protection against double jeopardy necessarily operates in relation to the person who has already been prosecuted and punished for the same offence; the mere pendency of a separate statutory proceeding against a different accused does not, by itself, extinguish the criminal liability, if any, of the present petitioners under the IPC. The authorities relied upon by learned counsel, therefore, are distinguishable on



facts and do not warrant quashing of the entire proceedings against the petitioners.

12.2. At the same time, having regard to the material collected during investigation, the nature of the occurrence and the absence of material prima facie establishing the requisite intention or knowledge so as to attract the graver offences punishable under Sections 304 Part II and 308 IPC, the charges framed against the petitioners under the said provisions cannot be sustained. The material on record, at the highest, warrants consideration of their liability for the offences punishable under Sections 287 and 304-A IPC.

13. Accordingly, the present petitions are **partly allowed**. The impugned order, insofar as it frames charges against the petitioners under Sections 304 Part II and 308 IPC, is set aside and the said charges are quashed. The Additional Sessions Judge concerned is directed to frame fresh charges under Sections 287 and 304-A IPC, in accordance with law, specifically incorporating the particulars of the workers who sustained injuries in the occurrence and the particulars of the workers who unfortunately lost their lives therein, as the existing charge does not set out the requisite particulars of either the injured or the deceased workers. Upon framing of the appropriate charges, the matter shall be transmitted to the Court of the learned Chief Judicial Magistrate concerned, who shall thereafter either try the matter himself or assign it to a competent Court having jurisdiction, in accordance with law. It is clarified that the observations made herein are confined to the consideration of the charges



at the present stage and shall not be construed as an expression of opinion on the merits of the prosecution case.

14. Consequent upon the final adjudication of the principal matter, all pending miscellaneous applications, if any, arising out of or incidental to the present proceedings, are rendered infructuous and stand disposed of accordingly. In view of the final determination herein, no separate or further orders are warranted in respect of such applications, their continued consideration having been rendered purely academic.

30.09.026  
Gaurav Sorot

( VIRINDER AGGARWAL )  
JUDGE

|                              |          |
|------------------------------|----------|
| Whether reasoned / speaking? | Yes / No |
| Whether reportable?          | Yes / No |