

Rajasthan High Court - Jodhpur

Satish Kumar & Anr vs State & Anr on 25 September, 2008

S. B. CRIMINAL MISC. PETITION NO.49/2008

SATISH KUMAR & ANOTHER. V. STATE OF RAJASTHAN & OTHERS.

DATE OF ORDER

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25-09-2008

HON'BLE MR. JUSTICE C. M. TOTLA

Mr. P.K.Sharma, for Petitioner (s).

Mr. S. N. Tiwari, PP, for the State.

Mr.Hemant Jain, for Respondents.

Learned counsel for the petitioner argued that no trunk or anything is manufactured in the said premises - petitioner is a business man, doing business, complying with all law and regulations under a valid license and business is his right as well as means of livelihood. Argued that business is that of sale of containers like trunk made of metallic sheets and only work, if carried out, are of removing denting etc. of such metallic sheet containers and that also by a wooden hammer. Argued that even as per orders of court below, no manufacturing work done at other premises and manufacturing establishment is else where. Stated that due to ill-will, complainant has initiated these proceedings.

Learned counsel for the respondents argued that findings of the learned Magistrate are based on evidence - admittedly at best business is that of selling of metallic containers - even if repaired at large scale which creates nuisance.

Considered. As per order impugned, petitioners are restrained from repairing and manufacturing of trunk either in shop or at outer portion. Clearly only manufacture and repair is prohibited. Specifically it is mentioned that business can be carried. The order, as above, is very clear and reasoned one - no interference by invoking the provisions of Section 482, Cr.P.C., is called for.

The petition is dismissed.

(C. M. TOTLA), J.

scd