

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.740 OF 2011

Mr. Ramdas S. Narayan  
& Another .. Applicants.  
V/s.  
The State of Maharashtra .. Respondent.

Mr. M. K. Kocharekar, for the Applicants.  
Mr. A. S. Shitole, APP for the Respondent.

**CORAM: K.U. CHANDIWAL,J.**  
**DATED : OCTOBER 29, 2012.**

**P.C.:**

Heard the learned Counsel for the parties.

2 The learned APP confirms that there is no other notification baring dated 2<sup>nd</sup> March, 2009 issued by the Government in respect of Child Labour (Regulation & Abolition) Act, 1986.

3 The record illustrates that on ossification test of the so called four employees/labour, their ages have been determined between 14 to 16 years and two are of 16 to 18 years.

4 The Division Bench of this Court in the matter of *Rameshkumar s/o. Dwarkadas Mundada v/s. State of Maharashtra & Others* reported in *2009 ALL MR (Cri) 1317* on 6<sup>th</sup> February, 2009 indicated that the provisions of Juvenile Justice Act (Care and Protection of Children) Act, 2000 cannot be

applied for the so-called employment of child labour under the age group of 16 to 18 years.

5 Considering the Government Circular referred earlier, prima facie, no offence is made out against the Applicants herein causing infraction of the provisions of the Child Labour (Regulation & Abolition) Act, 1986.

6 Criminal Application is allowed. Prosecution quashed and set aside.

**(K. U. CHANDIWAL J.)**