



Crl.RC.(MD) No.1696 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2026

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL.RC.(MD) No.1696 of 2025

and

Crl.M.P.(MD)No.20808 of 2025

M/S.Vee Bee Yarnn Tex Private Ltd.,
Through its General Manager,
Mr.P.Ulaganathan

.... Petitioner

Vs.

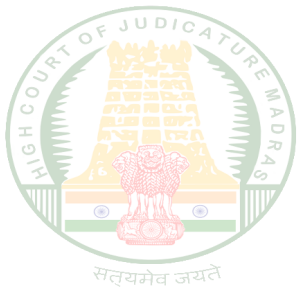
The Deputy Director,
Industrial Safety and Health III,
Madurai.

...Respondent

Prayer: Criminal Revision Petition, filed under section 438 r/w 442 of BNSS, to call for the records relating to the order passed by the learned Additional Chief Judicial Magistrate, Madurai in Crl.M.P.No. 4134 of 2025 in STC 408 of 2025 vide order dated 19.11.2025 set aside the same.

For Petitioner : Mr.S.Ravi,
For Mr.A.Sivaji

For Respondent : Mr.C.Susi Kumar,
Government Advocate (Crl. side)



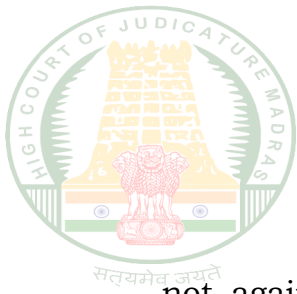
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ORDER

Prologue:

The present Criminal Revision Case raises an important question concerning the interface between the substantive liability imposed upon an “Occupier” under the Factories Act, 1948 and the procedural right of a corporate entity to nominate its authorised representative under Section 342 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. The issue that falls for consideration is not whether the statutory responsibility of an Occupier can be delegated or diluted, but whether a company, which is admittedly a juristic person, can authorise one of its responsible officers to represent it before the criminal Court during the pendency of proceedings arising out of alleged violations committed in the course of its industrial activities. The learned Additional Chief Judicial Magistrate, Madurai, by order dated 19.11.2025 in Cr.M.P.No.4134 of 2025 in S.T.C.No.408 of 2024, dismissed the petition filed under Section 342 BNSS on the ground that the prosecution was launched against the Occupier and



Crl.RC.(MD) No.1696 of 2025

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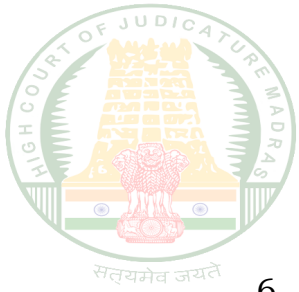
not against the company. Aggrieved thereby, the present Revision Case has been filed.

Factual matrix

3. The petitioner is a Private Limited Company engaged in textile manufacturing activities under the name and style of VEE BEE YARNN TEX PRIVATE LIMITED.

4. According to the respondent Department, inspections conducted in the petitioner's factory revealed certain violations of the safety provisions prescribed under the Factories Act, 1948. It is alleged that two industrial accidents occurred on 08.01.2019 and 11.12.2020 respectively, resulting in permanent disabilities to workmen employed in the factory.

5. Pursuant thereto, proceedings were initiated by the Department and eventually a private complaint came to be filed before the learned Additional Chief Judicial Magistrate, Madurai, for offences punishable under Section 92 of the Factories Act, 1948. The complaint was taken on file in S.T.C.No.408 of 2024.

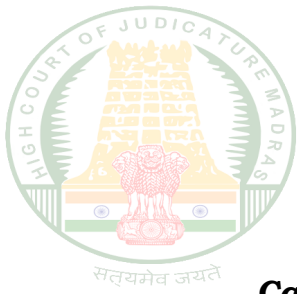


Crl.RC.(MD) No.1696 of 2025

WEB COPY

6. In the complaint, Mr. A. Saravanakumar, one of the Directors of the petitioner-company, was shown as the accused in his capacity as the “Occupier” of the factory. During the pendency of the proceedings, the Board of Directors of the petitioner-company passed a Resolution dated 23.07.2025 authorising its General Manager, Mr. P. Ulaganathan, to represent the company before the Court, engage counsel, sign pleadings and conduct the proceedings on behalf of the company.

7. On the strength of the said Resolution, the petitioner filed Cr.M.P.No.4134 of 2025 under Section 342 BNSS seeking permission to permit the General Manager to represent the company in the criminal proceedings. The learned Additional Chief Judicial Magistrate dismissed the said petition holding that the prosecution was against the Occupier and not against the company and therefore Section 342 BNSS was inapplicable. Challenging the said order, the present Revision has been preferred.



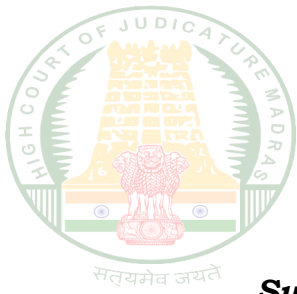
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Case of the prosecution:

8. The prosecution would contend that the complaint concerns serious violations of factory safety regulations resulting in industrial accidents causing permanent disabilities to workers. According to the respondent, under Section 2(n) of the Factories Act, the Occupier is the person having ultimate control over the affairs of the factory and, in the case of a company, one of its Directors is statutorily deemed to be the Occupier.

9. It is further contended that the statutory scheme under Sections 2(n), 7A and 92 of the Factories Act fastens personal responsibility upon the Occupier to ensure workplace safety and compliance with statutory obligations.

10. The respondent would therefore submit that the prosecution is directed against the Occupier and not against the company and consequently the provisions of Section 342 BNSS cannot be invoked.



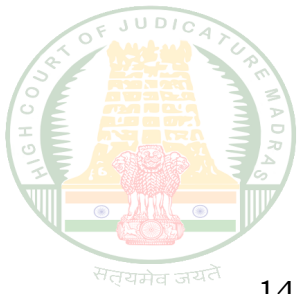
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Submissions of the petitioner:

11. The learned counsel appearing for the petitioner submitted that the learned Magistrate failed to appreciate the true scope and object of Section 342 BNSS. According to the learned counsel, the allegations in the complaint arise entirely out of the functioning of the factory owned and operated by the petitioner-company.

12. The complaint itself proceeds on the footing that Mr.A.Saravanakumar was arrayed as an accused solely because he was one of the Directors of the company and because of the deeming fiction contained under Section 2(n)(ii) of the Factories Act.

13. It was argued that the alleged violations are not personal acts attributable to Mr. A. Saravanakumar independent of the affairs of the company but are allegations relating to the operations of the industrial establishment. The learned counsel would further submit that Section 342 BNSS, corresponding to Section 305 Cr.P.C., is a purely procedural provision enacted to enable a corporation to participate in criminal proceedings through an authorised representative.



Crl.RC.(MD) No.1696 of 2025

WEB COPY

14. The petition filed before the trial Court did not seek discharge of the Occupier nor did it seek substitution of the accused. The petitioner merely sought permission for its duly authorised General Manager to represent the company during the conduct of proceedings.

15. Reliance was placed upon the judgment of this Court in ***Mrs.Dani Sugars Mills v. Farmers Progressive Sangam***¹, wherein this Court recognised the right of a corporate body to authorise a representative for conduct of criminal proceedings.

16. The learned counsel further placed reliance upon the judgment of the Hon'ble Supreme Court in ***Aneeta Hada v. Godfather Travels and Tours Private Limited***², to contend that a company is a distinct juristic entity and cannot be altogether ignored when the allegations arise from the affairs of the company.

17. It was also submitted that all the alleged defects had been rectified long before initiation of prosecution and that the respondent

¹ 2022 (2) LW (CrI.) 747

² (2012) 5 SCC 661



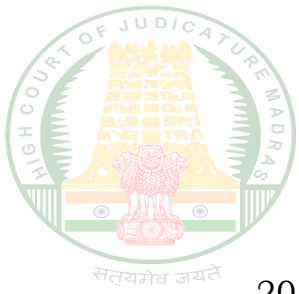
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had not properly adverted to the explanations furnished by the company.

Submissions of the respondent:

18. Per contra, the learned Government Advocate (Criminal Side) supported the order passed by the learned Additional Chief Judicial Magistrate. According to the respondent, the prosecution is not against the company simpliciter but against the Occupier upon whom statutory obligations have been specifically imposed by the Factories Act.

19. It was submitted that permitting another officer of the company to represent the proceedings would indirectly dilute the responsibility attached to the office of the Occupier. The learned Government Advocate would therefore contend that Section 342 BNSS becomes applicable only where the corporation itself is arraigned as an accused and not where the prosecution is directed against the Occupier.



Crl.RC.(MD) No.1696 of 2025

WEB COPY

20. Heard the learned counsels on either side and carefully perused the materials available on record.

Point for consideration

21. In the light of the rival submissions, the following point arises for consideration:

"Whether the learned Additional Chief Judicial Magistrate was justified in dismissing the petition filed under Section 342 BNSS on the ground that the prosecution was against the Occupier and not against the company?"

22. Section 342 BNSS corresponds to Section 305 Cr.P.C. and provides a special procedure for the representation of corporations during criminal proceedings. The provision recognises the practical reality that a corporation, being a juristic person, can function only through natural persons. The provision is therefore procedural and facilitative in nature.

23. Section 2(n) of the Factories Act defines an Occupier as the person who has ultimate control over the affairs of the factory.



Crl.RC.(MD) No.1696 of 2025

WEB COPY

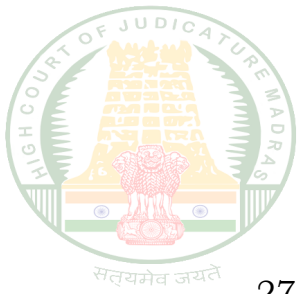
Section 2(n)(ii) further provides that in the case of a company, any one of the Directors shall be deemed to be the Occupier.

24. Sections 7A and 92 of the Factories Act impose statutory duties and penal consequences in relation to workplace safety and welfare. These provisions are intended to ensure that industrial safety obligations do not become illusory behind the corporate veil.

Analysis:

25. The learned Magistrate proceeded on the premise that since the Occupier alone was shown as the accused, Section 342 BNSS would stand completely excluded. This Court is unable to persuade itself to accept such a narrow construction.

26. At the outset, it requires to be emphasised that the petition filed before the trial Court was not one seeking exemption from criminal liability. Equally, it was not a petition seeking substitution of the Occupier by another individual for purposes of statutory accountability.



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27. The limited prayer sought by the petitioner was to permit the General Manager, duly authorised by a Board Resolution, to represent the company in the conduct of proceedings.

28. In the considered opinion of this Court, the learned Magistrate has conflated two entirely distinct concepts, namely:

- (a) substantive criminal liability under the Factories Act; and
- (b) procedural representation of a corporate entity under Section 342 BNSS.

29. These two concepts operate in different legal spheres. The liability of an Occupier under Sections 2(n), 7A and 92 of the Factories Act is substantive in nature. Such liability flows from the statutory framework and cannot be diluted by any internal corporate arrangement.

30. However, representation of a company before Court is purely procedural. A company, being an artificial legal person, cannot physically appear before a Court. It necessarily acts through authorised individuals.



Crl.RC.(MD) No.1696 of 2025

WEB COPY

31. The very object of Section 342 BNSS is to facilitate such representation. The complaint in the present case admittedly concerns alleged violations occurring in the course of the manufacturing activities of the petitioner-company.

32. The prosecution itself proceeds on the basis that Mr. A. Saravanakumar is liable only because he occupies the position of Occupier under the statutory deeming fiction contained in Section 2(n)(ii) of the Factories Act. Thus, the source of liability itself emanates from the affairs of the company.

33. The Board Resolution dated 23.07.2025 merely authorises the General Manager to undertake procedural acts such as appearance before Court, engagement of counsel and conduct of proceedings. Such authorisation does not have the effect of substituting the Occupier. Nor does it extinguish the liability, if any, that may ultimately be found against him.

34. The apprehension expressed by the respondent that permitting the General Manager to represent the company would



Crl.RC.(MD) No.1696 of 2025

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dilute the accountability of the Occupier is therefore unfounded. Even after authorisation, Mr. A. Saravanakumar continues to remain the accused Occupier against whom the prosecution proceeds.

35. The grant of permission under Section 342 BNSS would only facilitate effective conduct of proceedings by the corporate entity. This Court also finds considerable force in the submission of the petitioner that the company cannot be treated as a complete stranger to the proceedings.

36. The allegations are directed against violations allegedly committed in the course of the company's industrial operations. The prosecution seeks to hold the Occupier liable precisely because of his relationship with the company. Therefore, recognition of an authorised representative of the company cannot be viewed as inconsistent with the statutory scheme.

37. The decision relied upon by the petitioner in ***Aneeta Hada v. Godfather Travels and Tours Private Limited***³, though rendered in the context of Section 141 of the Negotiable Instruments

³ (2012) 5 SCC 661



Crl.RC.(MD) No.1696 of 2025

WEB COPY

Act, reiterates the settled principle that a company possesses an independent juristic personality and cannot be ignored where the allegations arise from corporate acts.

38. The object of Section 342 BNSS must therefore receive a purposive interpretation. A procedural provision intended to facilitate participation of corporate entities in criminal proceedings should not be construed in a manner that defeats its very purpose.

39. This Court is therefore of the considered view that the learned Magistrate misdirected himself in law by treating the request for representation as a request for substitution of statutory liability. The impugned order consequently suffers from legal infirmity warranting interference under the revisional jurisdiction of this Court.

40. For all the foregoing reasons, the point for consideration is answered in favour of the revision petitioner.



Crl.RC.(MD) No.1696 of 2025

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41. This Court holds that permitting the General Manager of the petitioner-company to represent the company under Section 342 BNSS would not in any manner dilute, substitute or extinguish the statutory liability, if any, attached to the Occupier under the Factories Act, 1948. The learned Additional Chief Judicial Magistrate therefore erred in dismissing the petition solely on the ground that the prosecution was against the Occupier.

Epilogue:

42. Industrial safety legislation undoubtedly seeks to fix accountability upon identifiable individuals entrusted with responsibility for worker welfare. Equally, criminal procedure recognises the practical necessity of enabling corporate entities to participate in judicial proceedings through authorised representatives.

43. The two principles are not mutually destructive. Recognition of a corporate representative does not absolve the Occupier of statutory responsibility. Nor does insistence



Crl.RC.(MD) No.1696 of 2025

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upon accountability require denial of procedural representation to a juristic entity.

44. Courts must harmoniously construe both principles so as to preserve statutory accountability while simultaneously advancing procedural fairness. Such an interpretation alone would give meaningful effect to Section 342 BNSS without undermining the salutary objectives underlying the Factories Act.

45. Accordingly, this Criminal Revision Case is ***allowed***.

46. The order dated 19.11.2025 passed in Cr.M.P.No.4134 of 2025 in S.T.C.No.408 of 2024 by the learned Additional Chief Judicial Magistrate, Madurai, is set aside. The petition filed under Section 342 of the Bharatiya Nagarik Suraksha Sanhita, 2023 stands allowed.

47. The petitioner-company is permitted to be represented by its General Manager, Mr. P. Ulaganathan, in terms of the Board



Crl.RC.(MD) No.1696 of 2025

WEB COPY

Resolution dated 23.07.2025 for the purpose of conducting the proceedings before the trial Court.

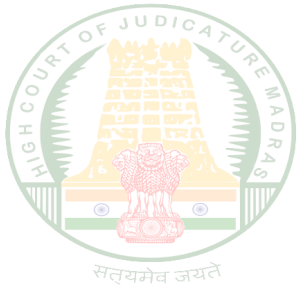
48. It is made clear that such authorisation shall not affect, dilute or extinguish the statutory liability, if any, fastened upon the Occupier under the provisions of the Factories Act, 1948, and all issues relating to culpability shall be independently adjudicated by the trial Court on the basis of the evidence available on record. Consequently, connected miscellaneous petitions, if any, shall stand closed.

22.06.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Sml

To

1. Additional Chief Judicial Magistrate,
Madurai.
2. Deputy Director,
Industrial Safety and Health III,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Case Citation: (2026) ibclaw.in 3939 HC



CrI.RC.(MD) No.1696 of 2025

L.VICTORIA GOWRI, J.

Sml

CrI.RC.(MD)No.1696 of 2025

22.06.2026