

Court No. - 91

Case :- APPLICATION U/S 482 No. - 39780 of 2023

Applicant :- M/S Amit Medical Agencies

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Tripathi B.G. Bhai, Pramod Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Gajendra Kumar, J.

Heard learned counsel for the applicant as well as learned A.G.A. for the State and perused the record.

This application under Section 482 Cr.P.C. has been filed by the applicants with the prayer to quash the summoning order dated 11.09.2019 and orders dated 16.11.2021/03.07.2023 whereby non-bailable warrant and proceeding 82 Cr.P.C. has been issued by the court below as well as entire proceeding of Special Case No. 770 of 2020 (State vs. Dharmendra Kumar and others), under Section 18 (a)(i)/27(a) of the Drugs and Cosmetics Act, Police Station Kotwali, District Basti, pending in the court of Additional Session Judge/Fast Track Court First, Basti.

Submission of learned counsel for the applicant is that the impugned order dated 11.09.2019 is cryptic and non-speaking order. The manner in which cognizance has been taken against the applicant is illegal. It is also submitted that the offence under Section 19 of the Drugs and Cosmetics Act, it was only the liability of manufacturing company, not of the applicant

Per contra, learned AGA opposed the prayer of the applicant but could not dispute the aforesaid facts.

From perusal of the impugned order it is apparent that the impugned order is cryptic and non-speaking order, which cannot be sustained in the eye of law.

Looking to the facts and circumstances of the case and without going into the merits of the case as of now, the summoning order dated 11.09.2019 and orders dated 16.11.2021/03.07.2023 whereby non-bailable warrant and proceeding 82 Cr.P.C. has been issued by the court below, is hereby set-aside.

The present application u/s 482 Cr.P.C. is allowed to this extent.

The matter is remanded back to the trial court concerned to pass fresh order in accordance with law within a period of four weeks from the date of production of a certified copy of this order.

Order Date :- 6.11.2023/v.k.updh.