

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) No. 505/2026
CrIM No. 1166/2026

MANAGING DIRECTOR (M/S RATHI LABORATORIES (HINDUSTAN)
PRIVATE LIMITED) AND OTHERS Petitioner(s)

Through: Mr. Shabir Ahmad Budoo, Adv.

V/s

STATE (NOW UT) THROUGH DRUG INSPECTOR ZONE I SRINAGAR
..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

24.07.2026

1. The petitioners, through the medium of present petition, have challenged complaint filed by the respondent against them alleging commission of offence under Section 18(a) sub Section (i) read with Section 27(d) of the Drugs and Cosmetics Act, 1940 which is stated to be pending before the court of learned Chief Judicial Magistrate, Srinagar.
2. Heard and considered.
3. The only ground on which the petitioners have challenged the impugned complaint is that the right of petitioner No. 1, who happens to be the manufacturer of the offending drug, under Section 25(4) of the Drugs and Cosmetics Act, stands violated, inasmuch as despite expressing its intention to get the sample of the

offending drug retested by CDL, the respondent has not taken steps to get the sample re-tested.

4. In the above context, if we have a perusal of the contents of the impugned complaint, it has been admitted by the respondent in the complaint that when the report of the Government analyst was sent to petitioner No. 1, it requested for retesting of the drug sample. It has been averred in the complaint that upon receipt of the said request, an application was moved by the respondent before the court for obtaining orders for re-testing of the sample. Accordingly, vide communication dated 22.09.2012, petitioner No. 1 was asked to prepare the demand draft of Rs. 1000/- as re-testing fee in favour of Director Central Drug Laboratory Calcutta but no reply was received from petitioner No. 1. It is contended by the petitioner that demand draft for Rs. 1000 was prepared by it and the same was sent to the respondent but despite this further steps for re-testing of the sample were not taken by the respondent.
5. In the above context, it is to be noted that in the record annexed with the impugned complaint, the demand draft in question does not find any mention and in fact the complainant has specifically pleaded that no reply was received from petitioner No. 1 when it was informed about furnishing of demand draft as re-testing fee. The question whether petitioner No. 1 had actually prepared the

demand draft and sent the same to the respondent becomes a triable issue. The same cannot be determined by this Court in these proceedings as it is not an admitted fact. It would be open for the petitioner to prove before the trial court at an appropriate stage that it had actually sent requisite demand draft but in spite of this the respondent did not take further action in the matter. At this stage and in these proceedings the veracity of the defence put up by the petitioner cannot be ascertained.

6. For the foregoing reasons, I do not find any merit in this petition.

The same is accordingly **dismissed**.

(Sanjay Dhar)
Judge

SRINAGAR

24.07.2026

Aasif