

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

Crl.RC.No. 15 of 2015 ()

**SC. NO.280/2013 OF II ADDITIONAL SESSIONS COURT, ERNAKULAM.
CP. NO.42/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT-II, ERNAKULAM
DATED 30-03-2013.**

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SUO MOTU

RESPONDENTS:

- 1. THE STATE OF KERALA,
REP. BY THE DRUGS INSPECTOR, ERNAKULAM.**
- 2. SRI.SOBY P.B., AGED 39 YEARS,
S/O.LATE BABY P.I., PROPRIETOR,
M/S. BEAUTY COLLECTION CENTRE,
DOOR NO.40/3051B25A1, KOLUTHARA,
BROADWAY BAZAR, BROADWAY, ERNAKULAM-31,
RESIDING AT PULIKKITTIL HOUSE, SWAGATHAM ROAD,
VADUTHALA P.O., ERNAKULAM-23.**
- 3. M/S.SREEKRISHNA AGENCIES, NARAYANIAM,
OPP. CO-OP. BANK, VENNALA, COCHIN-28,
REP. BY MANAGING PARTNER SRI.B. SANTHOSH KUMAR.**
- 4. SRI.B. SANTHOSH KUMAR, AGED 41 YEARS,
S/O.LATE V.BALAKRISHNAN, MANAGING PARTNER,
M/S.SREEKRISHNA AGENCIES, RESIDING AT KRISHNALAYA,
BOSS NAGAR, ELAMKULAM P.O., KOCHI-20.**

R1 BY PUBLIC PROSECUTOR SMT.P. MAYA.

**THIS CRIMINAL REVISION CASE HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rs.

B.KEMAL PASHA, J.

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Crl. Revision No.15 of 2015

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Dated this the 7th day of September, 2015

ORDER

This is a *suo motu* revision registered under Section 401 Cr.P.C. against the order of committal passed by the Judicial First Class Magistrate's Court-II, Ernakulam in C.P.No.42/2012.

2. C.P was relating to offence punishable under Section 27(A)(ii) of the Drugs and Cosmetics Act, 1940. Initially, the learned Magistrate had taken cognizance of the offence. Thereafter, it was renumbered as Committal Proceedings and the case was committed.

3. The jurisdiction of the Special Court is limited to the offences detailed in Section 36AB introduced by Act 26 of 2008 in the Drugs and Cosmetics Act, 1940. The offence alleged against the accused is not included in Section 36AB of the said Act and therefore, the same is not exclusively triable by a Court

of Session. In such case, the order of committal passed by the court below is bad in law and the same is liable to be set aside.

In the result, this Criminal Revision is allowed and the order of committal passed by the Judicial First Class Magistrate's Court-II, Ernakulam in CP No. 42 of 2012 is set aside. Consequently, Sessions Case No.280/2013 of the II Additional Sessions Court, Ernakulam is quashed.

Sd/-
B. KEMAL PASHA, JUDGE.

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