

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. 16 of 2015 ()

**SC. NO.272/2013 OF II ADDITIONAL DISTRICT COURT, ERNAKULAM.
CP. NO.59/2012 OF JUDICIAL FIRST CLASS MAGISTRATE COURT- I,
NORTH PARAVUR.**

.....

SUO MOTU

RESPONDENTS:

- 1. THE STATE OF KERALA,
REP. BY THE REGIONAL DRUGS INSPECTOR,
ERNAKULAM.**
- 2. M/S.KMK HOSPITAL, NORTH PARUR,
ERNAKULAM DISTRICT, REP. BY
SRI.P. GANGADHARA MENON,
MANAGING PARTNER.**
- 3. SRI.P. GANGADHARA MENON, KMK HOSPITAL,
NORTH PARUR.**
- 4. DR.RAGAM NAIR, SURGEON,
KMK HOSPITAL, NORTH PARUR, ERNAKULAM.**
- 5. VIJAYALAKSHMI, NURSE, KMK HOSPITAL,
NORTH PARUR, ERNAKULAM.**
- 6. DR.MANOJ, ELANJICKALIL,
ASSANNUR P.O., ERNAKULAM.**

R1 BY PUBLIC PROSECUTOR SMT.SAREENA GEORGE.

**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.16 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-I, North Paravur in C.P.No.59/2012.

2. C.P was relating to offences punishable under Sections 27(b)(ii) and Section 27(d) of the Drugs and Cosmetics Act, 1940. Initially, the learned Magistrate had taken cognizance of the offences and proceeded with the matter as C.C.No.494/2002. 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 offences alleged against the accused are not included in Section 36AB of the said

Act and therefore, the same is not 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.

4. In the result, this Criminal Revision is allowed and the order of committal passed by the Judicial First Class Magistrate's Court-I, N.Paravur in CP No. 59 of 2012 is quashed. Consequently, Sessions Case No.272/2013 of the II Additional Sessions Court, Ernakulam is quashed.

Sd/-
B. KEMAL PASHA, JUDGE.

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P.A to Judge