

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.3089 OF 2015

ORDER:

This revision is filed by the petitioners-accused aggrieved over the order dated 25.2.2014 passed by the Judicial First Class Magistrate, Palakol, West Godavari District, taking cognizance of the complaint against them.

It is alleged that A1 company represented by A2, manufactured and sold "not of standard quality" Drug Temryl-Kid Tablets violating Section 18(a)(i) r/w 16 punishable under Section 27(d) of the Drugs and Cosmetics Act. The learned Magistrate took cognizance of the complaint. Aggrieved by the same, the petitioners filed this revision.

Heard and perused the material available on record.

It is pertinent to note that in a case of this nature, if any prima facie material is found, the Courts take cognizance of the complaint to proceed against the accused. However, when there is a remedy available to the petitioners before the Court below for filing discharge petition, the very approach of the petitioners at this stage before this Court, is a premature one. Therefore, this Court is not inclined to interfere with the order under revision. If it is the case of the petitioners that there are no allegations to proceed against them, they are at liberty to move an application for discharge of such offence before the learned Magistrate informing the grounds on which they sought for discharge. On such application being filed, the Magistrate

concerned is at liberty to consider the same and pass appropriate orders in accordance with law.

Accordingly, the Criminal Revision Case is dismissed.

However, the petitioners are at liberty to file an application for discharge, if they so desire. On such application being filed, the learned Magistrate shall dispose of the same, and till such time, the presence of the petitioners before the learned Magistrate is dispensed with. Miscellaneous petitions filed in this revision, if any, shall stand dismissed.

JUSTICE RAJA ELANGO

Dated: 10.12.2015

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