

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.R.C.No.2209 of 2015

ORDER

The present criminal revision case is directed against the docket order dated 11.09.2015 passed in C.F.R.No.202 of 2015 in S.C.No.292 of 2014 by the learned Assistant Sessions Judge, Medak.

2. The second petitioner/A2 is the Managing Director of the first petitioner/A1 company. On the alleged ground that they manufactured and sold the non-standard quality of drugs, A1 and A2 were prosecuted for violation of the offence under Section 18(a)(i) of Drugs and Cosmetics Act, 1940 and punishable under Section 27(d) of the said Act. They filed the impugned application under Sections 328, 329 and 330 Cr.P.C., seeking to discharge them from the said offences. By the order impugned, the trial Court passed the following order;

“How this petition is maintainable. Hence, this petition is returned”.

Challenging the same, the petitioners/A1 and A2 filed the present revision.

3. Heard and perused the material on record.

4. Learned counsel for the petitioners submits that the trial Court failed to consider the medical condition of second petitioner/A2 and it ought to have returned the application without passing any speaking order. He further submits that A2 is only acting as a formal Director of the first petitioner-company and as he is in a state of unsound mind due to age old ailments and unable to take his defense, he is liable to be discharged from the said case.

5. By the order impugned, the trial Court returned the application filed by the petitioners on the ground of maintainability. Therefore, it is left open to the petitioners to file a reply affidavit informing the Court with regard to its maintainability. On filing such reply affidavit, the trial Court is directed to pass appropriate speaking orders in accordance with law. Till such time, the presence of the second petitioner/A2 before the trial Court is dispensed with. If the petitioners are aggrieved by any such orders, they are at liberty to challenge the same before this Court.

6. Accordingly, the Criminal Revision Case is disposed of. Miscellaneous petitions, if any, pending in this revision shall stand closed.

JUSTICE RAJA ELANGO

1st December, 2015

sj