

THE HON'BLE SRI JUSTICE RAJA ELANGO

Crl.P.No.301 of 2012

ORDER

This petition under Section 482 Cr.P.C. is filed by the petitioners/accused seeking to quash the proceedings in C.C. No.177 of 2011 on the file of the Judicial First Class Magistrate, Tadipatri, Anantapur District.

The brief facts of the case are as follows :

The Drug Inspector, Visakhapatnam collected a sample of Clanoxy 375 tablets with batch No.COT 70281B and sent the same to the Government Analyst, Drug Control Laboratory, Hyderabad, who declared the drug as 'not of standard quality'. Then, the Drug Inspector issued 18-B Notice. On the request of the petitioner – accused No.1 to send the second sample to the Central laboratory for analysis after paying the requisite amount, the second sample was sent to the Central Lab, Calcutta, whereby by its report it was opined that the sample confirms to U.S.P. with respect to assay of 'Clavulanic Acid'.

Heard the learned counsel for petitioners and the learned Public Prosecutor and perused the material available on record.

When once the sample with the same batch sent to the Central Laboratory and the Central Laboratory given a report that the sample confirms to U.S.P. with respect to assay of 'Clavulanic Acid', that report supersedes the report of the State Lab and thus, it is not proper on the part of the authorities concerned to prosecute the petitioners herein. Therefore, this Court is of the view that the proceedings against the petitioners are liable to be quashed.

Accordingly, the Criminal Petition is allowed and the proceedings in C.C. No.177 of 2011 on the file of the Judicial First Class Magistrate, Tadipatri, Anantapur District, are quashed against petitioners/accused. Miscellaneous petitions filed in this criminal petition, if any, pending, shall stand closed.

RAJA ELANGO, J.

01st September, 2015

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