



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2016

CORAM:

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

CrI.O.P. (MD) No.18855 of 2016

and

CrI.M.P. (MD) Nos.9403 & 9404 of 2016

WEB COPY

1.M/s.Solaimalai Enterprises,
7-1-129-A, Mangayarkarasi College Road,
Paravai, Madurai-625 402.

2.Thiru.P.Pitchai : Petitioners

Vs.

State: Represented by
The Drugs Inspector,
Villupuram Range,
No.4, Arun Nagar,
Sellankuppam,
Cuddalore-707 003.

: Respondent

Prayer: This petition is filed under Section 407 of Cr.P.C. to transfer the case in C.C.No.522 of 2014, on the file of Judicial Magistrate No.1, Villupuram to the Judicial Magistrate No.2, Madurai for trial.

For Petitioners : Mr.K.Kumaravel

For respondent : Mr.K.Anbarasan
Government Advocate (CrI. Side)

ORDER

This petition is filed seeking transfer of C.C.No.522 of 2014 from the Judicial Magistrate-I, Villupuram to one of the Judicial Magistrate Courts in Madurai for trial.

2. The petitioners are wholesale dealers of drugs and the allegation against them is that they supplied medicines to M/s.Indian Medicals, 24-B, Gubera Street, Villupuram, whose drug license got expired in the month of July 2006 and subsequently, they have not applied for renewal of drug license.

<https://hcservices.ecourts.gov.in/hcservices/> Mr.K.Kumaravel, learned counsel for the petitioners would submit that the second petitioner is the senior citizen,



aged about 65 years and he is residing in Madurai and he finds it difficult to travel 373 kms from Madurai to Villupuram to contest the case. It is further submitted that part of cause of action have arisen within the jurisdiction of Madurai, so the Criminal Original Petition has to be allowed and the case has to be transferred.

4. Per contra, the learned Government Advocate would submit that the respondent has filed C.C.No.522 of 2014, against the petitioners and one another case against the purchaser of medicines, viz., M/s.Indian Medicines before the Judicial Magistrate, Villupuram. It is further submitted that the case was taken on file in the year 2014, however, due to non appearance of the petitioner, copies could not be supplied and the case is pending without any progress for the past two years and the petitioners have not made out any ground for transfer of case and therefore, it is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. It is seen that the respondent has filed a complaint against the petitioners alleging that in contravention of Section 18(c) of Drugs and Cosmetics Act, 1940 read with Rule 65 and 3 (ii) of Drugs and Cosmetics Rules, 1945, they have supplied medicines to M/s.Indian Medicals in Villupuram. The respondent has also filed a separate complaint against the purchaser, viz., M/s.Indian Medicals before the Judicial Magistrate-I, Villupuram.

7. considering the above fact, this Court is of the opinion that the petitioners have not made out any grounds to transfer the case. Accordingly, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Drug Inspector, Villupuram Range, No.4, Arun Nagar, Sellankuppam, Cuddalore-707 003.

2.The Additional Public Prosecutor.

Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.K.KUMARAVEL, Advocate, SR.No: 57623

rns

SVA/09.01.2017/2p/4c

Cr1.O.P. (MD) No.18855 of 2016