

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21315 of 2017

Arising Out of COMPLAINT CASE No. -404 Year- 2015 District- PATNA

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1. M/s Ravian Pharmaceuticals Pvt. Ltd. Now known as M/s Ravian Pharmaceuticals Limited, Basement Fatima Manzil, Kabari Gali, Exhibition Road, P.S. Gandhi Maidan, Patna through Rakesh Mishra, S/o R.P.Mishra, Power of Attorney Holder, M/s Ravia Pharmaceuticals Ltd. R/o - 403, Ranjan Plaza, Colony More, Kankarbagh, P.S. Kankarbagh, Patna.
 2. Rakesh Mishra S/o Dr. R. P. Mishra Ravian Pharmaceuticals Limited R/o - 403, Ranjan Plaza, Colony More, Kankarbagh, P.S. Kankarbagh, Patna.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Dayanand Singh, Advocate
Mr. Nagadeo Choudhary, Advocate
For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-12-2017 This application under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') has been filed by the petitioners for setting aside the order dated 31.08.2016 passed by the learned Chief Judicial Magistrate, Patna in Complaint Case No. 404 (C-2) of 2015 whereby a *prima facie* case has been found to be made out against the petitioners under Sections 27(b)(ii) of the Drugs and Cosmetics Act, 1940 and Section 420 of the Indian Penal Code and they have been summoned to face trial.



It is submitted by the learned counsel for the petitioners that for the same set of allegations, earlier a police case vide Gandhi Maidan P. S. Case No. 444 of 2014 has been instituted against the petitioners in which the investigation has been completed and a report under Section 173(2) of the Cr.P.C. has been submitted in the court pursuant to which cognizance of the offence has already been taken. He submitted that for the same set of allegations, a person cannot be prosecuted twice by way of two separate proceedings.

When the attention of the learned counsel for the petitioners has been drawn towards the provisions prescribed under Section 210 of the Cr.P.C. in respect of the procedure to be followed when there is a complaint case and police investigation in respect of the same offence, learned counsel for the petitioners has sought leave to withdraw the present application in order to file an appropriate application under Section 210 of the Cr.P.C. before the court of Magistrate.

Leave is grated.

The application is disposed of.

(Ashwani Kumar Singh, J.)

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