

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.5908 of 2011

ORDER:

This Criminal Petition is filed by the petitioner/ accused No.1 seeking for quash of proceedings in C.C. No.876 of 2006 on the file of II Additional Judicial Magistrate of First Class, Nellore.

2. Heard learned counsel for the petitioner and learned public prosecutor representing the State.

3. Learned counsel for the petitioner draws the attention of this Court to the orders of this Court passed in CrI.P. No.6862 of 2009 in respect of accused Nos.2 and 3 and in CrI.P.No.3639 of 2007 in respect of accused Nos.4 & 5, wherein this Court quashed the proceedings against the petitioners therein.

4. Contention is that the accused cannot be attributed with any knowledge, as he is only selling the drugs in wholesale. Accused No.1, who is the petitioner in this case, is said to be proprietor of the medical agency from where drugs were purchased. He cannot be attributed with any knowledge as he places order and receives drugs. It is only the manufacturer, who can be expected to know about the quality of drug that is being supplied to the agencies. Hence, on the said understanding of the case, the proceedings against the petitioner would result to abuse of process of law.

5. Following the orders of this Court in CrI.P. Nos.6862 of 2009 and 3639 of 2007, the Criminal Petition is allowed and the

proceedings in C.C. No.876 of 2006 on the file of II Additional Judicial Magistrate of First Class, Nellore are hereby quashed.

6. As a sequel, the miscellaneous applications, if any pending, shall stand closed.

Date:29.11.2017
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T. RAJANI, J



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