

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.25407 of 2018

and

Crl.M.P.Nos.14493 & 14495 of 2018

N.Anand

..Petitioner/Accused No.3

Vs.

The State Rep.by
The Drugs Inspector,
Thiruvottiyur Range,
Thiruvallur Zone,
Thiruvallur-1.

..Respondent/Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in C.C.No.17 of 2014 on the file of the Learned III Additional Sessions Judge, City Civil Court, Chennai and Quash the same.

For Petitioner : Mr.S.V.Udayakumar
For Respondents : Ms.M.Prabhavathi, APP

O R D E R

The petitioner is facing prosecution in CC.No.17 of 2014 on the file of the III Additional Sessions Judge, City Civil Court, Chennai for the offence under Section 18(a)(i) and 22 (1)(cca) of Drugs and Cosmetics Act, 1940, for quashing which, the petitioner is before this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3.It is seen that the Drug Inspector had lifted certain samples of drugs from M/s.Teen Pharmaceuticals/A1, which was found to be spurious drug. Hence, the complaint.

4.Learned counsel for the petitioner submitted that the petitioner was studying in college at that time, when the said offence was committed and was not involved in the offence.

5.However, materials produced by the prosecution shows that the petitioner was a Partner in M/s.Teen Pharmaceuticals. Since these are disputed questions of fact, the prosecution cannot be quashed at the threshold.

6.In the result, this petition stands dismissed with liberty to raise all the points before the trial Court, after

the charges are framed. The petitioner shall appear before the trial Court for framing charges, for questioning under Section 313 Cr.P.C. and on the date of judgment. For other hearings, if the petitioner files an application under Section 317 Cr.P.C., the same shall be liberally construed. If the accused adopts any dilatory tactics, the trial Court shall insist upon the presence of the accused. If the accused absconds, a fresh FIR can be registered against him under Section 229-A of IPC. Consequently, connected Miscellaneous Petitions are closed.

Gya

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

To

1. The III Additional Sessions Judge,
City Civil Court, Chennai.
- 2.The Drugs Inspector,
Thiruvottiyur Range,
Thiruvallur Zone,
Thiruvallur-1
- 3.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.S.V.Udayakumar, Advocate Sr 75141

KR/19/11/18

Cr1.O.P.No.25407 of 2018

सत्यमेव जयते

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