

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Transfer Criminal Petition No.152 of 2011

ORDER:

This Transfer Criminal Petition is filed by the petitioner/A1 in C.C.No.1601 of 2003 on the file of XIV Additional Chief Metropolitan Magistrate, Hyderabad seeking to transfer C.C.No.1601 of 2003 from the said Court to the Court of II Additional Judicial First Class Magistrate, Nellore where C.C.No.232 of 2002 is pending for simultaneous trial in both the cases.

2) R4 and R5/A3 and A4 in C.C.No.1601 of 2003 were served. The other respondents are not necessary as they are accused in C.C.No.232 of 2002.

3) Heard learned counsel for petitioner and learned Additional Public prosecutor.

4) The submission of learned counsel for petitioner is that C.C.No.1601 of 2003 is filed by Drugs Inspector, Hyderabad against the petitioner and respondents 3 to 5 under Section 32 r/w 18(a)(i), 18-B of Drugs and Cosmetics Act, 1940 on the ground that the accused was selling spurious Fortum Injection (1 gm.) Lot No. N 698 whereas in C.C.No.232 of 2002 the Inspector of Police, CID, Hyderabad filed charge sheet for the offences under Sections 269, 274, 275, 276, 485, 486, 420, 336, 120B IPC and Section 63 of Copy Rights Act in Cr.No.459 of 1999 of Chikkadpally PS against 16 accused. C.C.No.232 of 2002 is concerned, the facts alleged are that the accused in that case have manufactured and marketed Fortum

Injection 1 gm Ceftazidime Injection Vials which is found to be spurious one.

5) A1, A4 in C.C.No.1601 of 2003 are arrayed as accused in C.C.No.232 of 2002 whereas A3 in C.C.No.1601 of 2003 is shown as LW14 in C.C.No.232 of 2002.

6) Learned counsel for petitioner would submit that the facts in both the cases are more or less similar and some of the accused in both the cases are common and hence in the interests of justice, C.C.No.1601 of 2003 may be ordered to be transferred from the Court of XIV Additional Chief Metropolitan Magistrate, Hyderabad to the Court of II Additional Judicial First Class Magistrate, Nellore for simultaneous trial.

7) Learned Addl.P.P. reported no objection.

8) Having regard to the above facts, this Tr.Crl.P. is allowed and C.C.No.1601 of 2003 is transferred from the Court of XIV Additional Chief Metropolitan Magistrate, Hyderabad to the Court of II Additional Judicial First Class Magistrate, Nellore with a direction to the said Court to conduct trial in both the cases simultaneously,.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

U.DURGA PRASAD RAO,J

Date: 19.06.2018
Murthy