

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.9960 of 2013

ORDER:

This criminal petition is filed, by the petitioner, who is A3, seeking for quash of the proceedings against them in C.C.No.646 of 2010 on the file of the court of VI Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District. The offences alleged are under Sections 18(c) and 27(b)(ii) of the Drugs and Cosmetics Act, 1940.

2. Heard the counsel for the petitioner and the Public Prosecutor appearing for the respondent.

3. The counsel for the petitioner submits that as there was no stay against A1 and A2; trial went on and by virtue of the judgment, dated 28.03.2017, passed in C.C.No.646 of 2010 by the court of VI Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District, A1 and A2 were acquitted. The petitioner herein is the Director in A1-Company. A2 is also a Director who was acquitted by the aforesaid judgment.

4. The counsel for the petitioner submits that after the aforesaid judgment, the Public Prosecutor sought for an opinion from the Government whether to file an appeal against the aforesaid judgment, but the Secretary to Government vide Memo No.9822/Courts.B1/2017, dated 24.08.2017, stated that the Government has decided not to prefer an appeal against the aforesaid acquittal orders. The counsel for the

petitioner also files a copy of the Memo issued by the Government.

5. Hence, in view of the above, this court opines that the proceedings against the petitioner are liable to be quashed as he also stands on the same footing as that of A1 and A2.

6. With the above observations, the Criminal Petition is allowed and the proceedings in C.C.No.646 of 2010 on the file of the court of VI Metropolitan Magistrate, Cyberabad at Medchal, Ranga Reddy District, are hereby quashed.

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

November 5, 2018
LMV



T. RAJANI, J