

SMT. JUSTICE T. RAJANI

CRIMINAL PETITION No.6592 OF 2011

ORDER:

The criminal petition is filed for quash of the proceedings in C.C.No.158 of 2011 on the file of the III Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District. The offence alleged is violation of Section 32, 18(a)(i) r/w Section 16 (1)(a) and 27 (d) of Drugs and Cosmetics Act, 1940.

Heard learned counsel for the petitioners and the learned Public Prosecutor appearing for the respondents.

The complaint is that the drugs which are in the form of tablets were seized from the accused and that they were sent for chemical analysis.

Learned counsel for the petitioners has drawn the attention of this Court to the chemical analysis report, which shows that the report was issued six months after the date of seizure of the tablets and the report is to the effect that the tablets are white, very brittle and when the strip is opened, the tablets are turning into powder in spite of opening the strip with scissors. One of the findings recorded is that the tests could not be conducted as the tablets are in powder form.

But, having observed as such, the report concludes by adding that the sample is not of standard quality. In the light of the earlier findings, the report seems to be based on no reasons. When the report reveals that no tests could be conducted, coming to the conclusion that the tablets are not of standard quality, would not be correct.

Hence, in the above circumstances, continuance of the proceedings against the petitioners would result in abuse of process of law.

Accordingly, the criminal petition is allowed and the proceedings against the petitioners in C.C.No.158 of 2011 on the file of the III Additional Judicial First Class Magistrate, Rajahmundry, East Godavari District, are quashed.

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

August 28, 2018
MRR



T. RAJANI, J