



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.O.P. (MD)Nos.2748 to 2750 of 2015 and
M.P. (MD)Nos.1,1,1,2,2 & 2 of 2015

CRL.O.P. (MD)No.2748 of 2015

1. A.Subramanian,
Proprietor cum Manufacturing Chemist
of M/s.Seetharam Surgicals,
No.1/139-F, Muthusampuram Street,
Samusigapuram - 626 102. ... Petitioner/Accused No.5
2. Tmt.Pechimuthu,
W/o.Subramanian,
Proprietor of M/s.Muthu Enterprises,
No.1/139-D, Subramanian Kovil Street,
Samusigapuram - 626 102. ... Petitioner/Accused No.6

Vs.

1. State represented by,
Drugs Inspector,
Sivaganga Range,
O/o. The Asst. Director of Drugs Control,
Virudhunagar Zone,
30, L.P.Shangmugam Street,
Virudhunagar - 626 001. ... Respondent No.1/
Complainant
2. M/s.Sontex Rolled Bandage Works,
No.15-C, Sector-B, Sanwar Road,
Indore(M.P.),
Represented by its partner
Basant Kumar Soni ... Respondent No.2/
Accused No.1
3. Basant Kumar Soni,
Partner of M/s.Sontex Rolled Bandage Works,
Indore(M.P.) ... Respondent No.3/
Accused No.2



4. Prahlad Kumar Soni,
Partner of M/s.Sontex Rolled Bandage Works,
Indore (M.P.) ... Respondent No.4/
Accused No.3
5. Bharat Kumar Soni,
Partner of M/s.Sontex Rolled Bandage Works,
Indore (M.P.) ... Respondent No.5/
Accused No.4
6. S.Aravamudhan,
Liaison Officer
of M/s.Sontex Rolled Bandage Works,
Indore (M.P.) ... Respondent No.6/
Accused No.7

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.12 of 2014 on the file of the Special Court, Sivagangai and quash the same in so far as the petitioners are concerned.

CRL.O.P. (MD)No.2749 of 2015

1. A.Subramanian,
Proprietor cum Manufacturing Chemist
of M/s.Seetharam Surgicals,
No.1/139-F, Muthusampyapuram Street,
Samusigapuram - 626 102. ... Petitioner/Accused No.5
2. Tmt.Pechimuthu,
W/o.Subramanian,
Proprietor of M/s.Muthu Enterprises,
No.1/139-D, Subramanian Kovil Street,
Samusigapuram - 626 102. ... Petitioner/Accused No.6

Vs.

1. State represented by,
Drugs Inspector,
Pudukkottai Range Incharge,
O/o. The Drugs Inspector,
1093, Kannadasan Salai,
Rajagopalapuram (PO),
Pudukkottai - 622 003. ... Respondent No.1/
Complainant
2. M/s.Sontex Rolled Bandage Works,
No.15-C, Sector-B, Sanwar Road,
Indore (M.P.),
Represented by its partner
Basant Kumar Soni ... Respondent No.2/
Accused No.1



3. Basant Kumar Soni,
Partner of M/s.Sontex Rolled Bandage Works,
Indore (M.P.) ... Respondent No.3/
Accused No.2
4. Prahlad Kumar Soni,
Partner of M/s.Sontex Rolled Bandage Works,
Indore (M.P.) ... Respondent No.4/
Accused No.3
5. Bharat Kumar Soni,
Partner of M/s.Sontex Rolled Bandage Works,
Indore (M.P.) ... Respondent No.5/
Accused No.4
6. S.Aravamudhan,
Liaison Officer
of M/s.Sontex Rolled Bandage Works,
Indore (M.P.) ... Respondent No.6/
Accused No.7

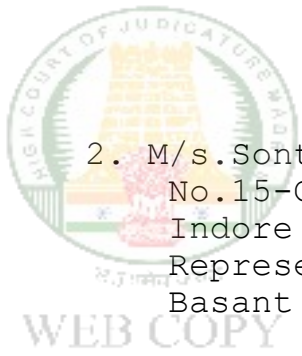
Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.2 of 2013 on the file of the Additional District and Sessions Court, Pudukkottai and quash the same in so far as the petitioners are concerned.

CRL.O.P. (MD)No.2750 of 2015

1. A.Subramanian,
Proprietor cum Manufacturing Chemist
of M/s.Seetharam Surgicals,
No.1/139-F, Muthusampuram Street,
Samusigapuram - 626 102. ... Petitioner/Accused No.5
2. Tmt.Pechimuthu,
W/o.Subramanian,
Proprietor of M/s.Muthu Enterprises,
No.1/139-D, Subramanian Kovil Street,
Samusigapuram - 626 102. ... Petitioner/Accused No.6

Vs.

1. State represented by,
Drugs Inspector,
Pudukkottai Range Incharge,
O/o. The Drugs Inspector,
1093, Kannadasan Salai,
Rajagopalapuram (PO),
Pudukkottai - 622 003. ... Respondent No.1/
Complainant



2. M/s.Sontex Rolled Bandage Works,
No.15-C, Sector-B, Sanwar Road,
Indore(M.P.),
Represented by its partner
Basant Kumar Soni

... Respondent No.2/
Accused No.1

3. Basant Kumar Soni,
Partner of M/s.Sontex Rolled Bandage Works,
Indore(M.P.)

... Respondent No.3/
Accused No.2

4. Prahlad Kumar Soni,
Partner of M/s.Sontex Rolled Bandage Works,
Indore(M.P.)

... Respondent No.4/
Accused No.3

5. Bharat Kumar Soni,
Partner of M/s.Sontex Rolled Bandage Works,
Indore(M.P.)

... Respondent No.5/
Accused No.4

6. S.Aravamudhan,
Liaison Officer
of M/s.Sontex Rolled Bandage Works,
Indore(M.P.)

... Respondent No.6/
Accused No.7

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.1 of 2013 on the file of the Additional District and Sessions Court, Pudukkottai and quash the same in so far as the petitioners are concerned.

(in all CrI.O.Ps.)

For Petitioners

: Mr.S.Karthick,
for M/s.Profexs Associates.

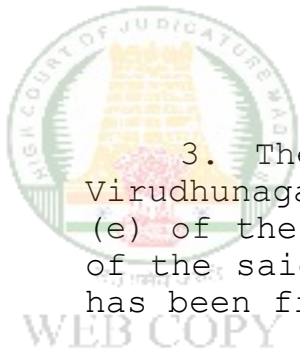
For R-1

: Mr.A.Robinson,
Government Advocate(CrI. Side).

COMMON ORDER

The petitioners are facing trial as accused Nos.5 and 6 in C.C.No.12 of 2014 on the file of the Special Court, Sivagangai and C.C.Nos.1 and 2 of 2013 on the file of the Additional District and Sessions Court, Pudukkottai.

2. Heard the learned counsel on either side.



3. These are complaints instituted by the Drugs Inspectors, Virudhunagar Zone for the offences under Sections 18(a)(i) and 17B(e) of the Drugs and Cosmetics Act 1940 P/U Section 27(d) and 27(c) of the said Act. To quash the same, this Criminal Original petition has been filed.

4. The case of the complainant is that the Bleached Gauze cloth supplied by the first accused to District Drug Warehouse, TNMSC Ltd. were not found to be of standard quality. In this regard, investigation was taken up and it came to be known that spurious goods were actually manufactured by the units belonging to the petitioners herein.

5. Though the petitioners' counsel raised very many grounds seeking for quashing the impugned proceedings, as rightly pointed out by the learned Government Advocate(Crl. Side), they are factual in nature and that therefore the same will have to be necessarily canvassed only in a regular trial. In the complaint in question, there is a clear reference to the petitioners herein in paragraph No.6.

6. The petitioners' counsel would claim that the petitioners have nothing to do with the spurious goods in question. But then, this is something that has to be established only in a regular trial. These are not the points for quashing the impugned proceedings. Therefore, leaving open all the contentions of the petitioners, the Criminal Original petitions stand dismissed.

7. However, the personal appearance of the petitioners is dispensed with. The learned trial Judge shall insist on the personal appearance of the petitioners only when it is absolutely necessary and imperative. The petitioners shall be called upon to appear in person before the trial Court at the time of answering the charges and at the time of examination under Section 313 of Cr.P.C., and at the time of pronouncement of Judgment. On all other occasions, the petitioners can be represented through their counsel. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

pmu



To

1. The Drugs Inspector,
Sivaganga Range,
O/o. The Asst. Director of Drugs Control,
Virudhunagar Zone,
30, L.P.Shangmugam Street,
Virudhunagar - 626 001.
2. The Judge,
Special Court, Sivagangai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Additional District and Sessions Judge,
Pudukkottai.
5. The Drugs Inspector,
Pudukkottai Range Incharge,
O/o. The Drugs Inspector,
1093, Kannadasan Salai,
Rajagopalapuram (PO),
Pudukkottai - 622 003.

+3 CC to M/s.S.KARTHIK, Advocate (SR-89057[F] dated 25/09/2019)

CRL.O.P. (MD) Nos.2748 to 2750 of 2015 and
M.P. (MD) Nos.1,1,1,2,2 & 2 of 2015
24.09.2019

JMN(30.10.2019) 6P : 9C