

HON'BLE JUSTICE G. SRI DEVI
TRANSFER CRIMINAL PETITION No.40 of 2018

ORDER :

This Transfer Criminal Petition is filed under Section 407 of the Code of the Criminal Procedure, 1973, seeking to transfer C.C.No.58 of 2013 on the file of the Judl. Magistrate of I Class, Mahaboobnagar to the file of the X Metropolitan Magistrate, Secunderabad, to try the said criminal case along with batch of criminal cases with C.C.No.1632 of 2003.

2. The above C.C. along with other C.Cs were taken cognizance by the concerned Magistrates for the offences punishable under Sections 27 (b) (ii), 22 (3), 27 (d), 27 (c) and 28 (b) of Drugs and Cosmetics Act, 1940 on the complaint filed by the Drug Inspectors, except CC No.1632 of 2003 pending on the file of X Metropolitan Magistrate, Secunderabad, which was taken cognizance under Chapter IV (A) of Ayurvedic Siddha and Unani Drugs.

3. The gist of the prosecution case is that the Drug Inspectors appointed under the Drugs and Cosmetics Act, 1940, conducted raids on various medical shops in the State of Andhra Pradesh and seized 'Ozomen Forte and Ozomen Capsules' on credible information that Ozomen Capsules manufactured by Fizikem Laboratories, Tadigadapa, Krishna District is purported to contain an allopathic drug sildenafil citrate. After completing all formalities as required under the Drugs and Cosmetics Act, 1940, the Drug Inspectors sent sample drug to Government Analyst, Drugs Control

Laboratory, Hyderabad, for analysis. Government Analyst has declared that Ozomen Capsules contain 40.9 mg of Sildenafil citrate per capsule, and after completing other formalities, the Drug Inspectors filed complaints before the various Courts.

4. In view of the pendency of this case, the present transfer petition is filed by the petitioners stating that to avoid conflicting judgments and also to save the court's time, this case has to be transferred to the Court of X Metropolitan Magistrate, to be tried along with C.C.No.1632 of 2003, pending on its file.

5. Learned Addl. Public Prosecutor, on instructions submits that since the cases are pending in two different Courts in two different districts, it is difficult to procure the witnesses as shown in the list of witnesses, if the cases are transferred to Secunderabad or any Court at Hyderabad.

6. Learned counsel for the petitioners submits that the petitioners will bear the expenditure to be incurred by the witnesses while coming to the Court for the purpose of giving evidence.

7. Since the issue involved in this case is common and to avoid conflicting judgments and to save Court's time, I am of the view that the above CC should be transferred to X Metropolitan Magistrate, Secunderabad.

8. Accordingly, this Transfer Criminal Petition is allowed and C.C.No.58 of 2013 on the file of Judl. Magistrate

of I Class, Mahaboobnagar, is withdrawn and transferred to the Court of X Metropolitan Magistrate, City Civil Courts, Secunderabad, to be tried along with C.C.No.1632 of 2003 pending on its file. Whenever the learned Magistrate issue summons to the witnesses, as shown in the list of witnesses, for the purpose of giving evidence, he shall issue the same on payment of witness batta as per rules into Court by the petitioners so as to enable the Court to pay the same to the witnesses.

DATED: 30.09-2019.
Hsd

JUSTICE G. SRI DEVI



