

HONOURABLE JUSTICE G. SRI DEVI

CRIMINAL REVISION CASE No.633 of 2019

ORDER:

1) The present revision is filed by accused No.2 under Sections 397 and 401 Cr.P.C., questioning the order, dated 08.04.2019, passed in CrI.M.P.No.114 of 2018 in S.C.No.792 of 2015 on the file of the II Additional Assistant Sessions Judge, Ranga Reddy District, wherein and whereunder an application for discharge filed by the petitioner/ accused No.2 was dismissed.

2) A charge sheet came to be filed against the petitioner and others for the offences punishable under Sections 27 (b) (II), 27 (c), 27 (d), 28 and 22 (3) of the Drugs and Cosmetics Act, 1940. The allegations against the petitioner are that the petitioner had violated Sections 18 (a) (I) read with 17-B(e) of the Drugs and Cosmetics Act, 1940 for manufacturing and stocking four varieties of drugs in the name of other companies ie. M/s. Esteem Laboratories Private Limited, M/s. Bridge Pharmaceuticals Private Limited and for manufacturing spurious drugs. On the instructions of the petitioner only the drugs were stocked in an un-authorized premises without valid drug licence.

3) Heard learned counsel for the petitioner and learned Public Prosecutor.

4) Learned counsel for the petitioner submits that the petitioner and accused No.3 are having valid manufacturing license in the name of M/s. G.SLife Sciences Private Limited, situated at

Kukatpally, Hyderabad. The petitioner is also having another wholesale drug license in the name of M/s. Glowin Health Care Private Limited and the said firm is having third party agreements with several manufacturing firms for marketing purpose.

5) Learned Public Prosecutor, submits that the petitioner and accused No.4 were present at the time of inspection and as per the letter given by the petitioner, he is responsible for overall activities and day-to-day activities of the firm. He further submits that the license was valid upto 31.03.2010 and not upto 10.02.2014.

6) A perusal of the complaint which is placed on record would show that the petitioner stored drugs in the premises of accused No.1 in violation of the conditions of the licence. The allegation against the petitioner is that the petitioner and accused No.3 have manufactured certain drugs without valid licence and labeled the drugs as if they are manufactured by M/s. Esteem Laboratories Private Limited. The petitioner, who was present at the time of inspection, failed to produce the purchase bills and corresponding sales invoices of some of the drugs and also failed to produce the records for purchase bills of raw material used in the manufacture of spurious drugs and also failed to furnish the information from where the said raw material was procured.

7) The issues as to whether the petitioner has got valid license and third party agreements with several manufacturing firms for marketing purpose and he is not the competent person nor

manufacturing chemist in any activity of M/s. G.S. Life Sciences Private Limited, are disputed facts which have to be gone into only during the course of the trial. Hence, this Court is of the view that there is no illegality or irregularity in the order passed by the trial Court.

8) Accordingly, the Criminal Revision Case is dismissed at the admission stage. Miscellaneous petitions, if any, pending, shall stand closed.

21.06.2019
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JUSTICE G. SRI DEVI



