

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.1420 of 2012

Mr. Sachin Navinchandra Doshi, **Petitioner**
Director, DWD Pharmaceuticals Pvt.
Ltd. , Mumbai

M/s. I.C. Dash, Advocate and associates
-versus-

State of Orissa **Opposite Party**
Mr. P.K. Muduli, A.G.A

CORAM:
THE CHIEF JUSTICE

ORDER

13.05.2022

Order No.

07. 1. The present application challenges an order dated 12th October 2007 passed by learned SDJM, Bolangir in 2(c)CC No.34 of 2007 taking cognizance of the offence under Section 16(a)(i)(i-a) of Prevention of Food Adulteration Act vis-à-vis the present Petitioner, who was a Director of DWD Pharmaceuticals Pvt. Ltd.
2. It is settled position in law in *Aneeta Hada v. Godfather Travels & Tours Pvt. Ltd (2012) 52 OCR (SC) 254* that without impleading the Company itself as a party only a Director of the Company cannot be proceeded against. Moreover, the copy of the prosecution report indicates that the persons sought to be proceeded against was the seller of the objectionable article along with a 'Director' whose address was given in Cuttack. It is a mystery how the summons ultimately came to be served on the Petitioner who is a resident of Mumbai. In any event, a criminal case against him cannot proceed unless the Company itself is made a party.

3. For all of the aforementioned reasons, vis-à-vis the present Petitioner, the impugned order dated 12th October 2007 passed in the aforementioned case is hereby quashed. The CRLMC is accordingly allowed with no order as to costs.

4. Urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

S.K. Guin

