

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO.82 OF 2022

M/s Cotec Healthcare Pvt. Ltd. And another .Vs. State of Maharashtra, through office
of the Public Prosecutor, High Court, Nagpur and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri M.D. Naveed, Adv. h/f Shri Wubbawala, Adv. for the applicant.
Ms Shamsi Haider, A.P.P. for the non-applicants/State.

CORAM : ANIL S. KILOR, J.
DATED : 18/10/2022

1. Heard.
2. This is an application filed under Section 482 of the Code of Criminal Procedure challenging the order dated 27.06.2018 issuing process against the accused under Section 18(a)(i) read with Section 16, Sections 27(d) and Section 34 of Drugs and Cosmetic Act, 1940 (hereinafter referred to as “the Act of 1940”) and Rules of 1945.
3. The learned counsel for the applicants submits that though the other accused persons are involved, the process has been issued only against the applicants. He further submits that the learned trial Court has not considered that there are two reports submitted by two different authorities and there are contradiction in the same. Accordingly, he prays for quashment of the said order.

4. On the other hand, Ms Shamsi Haider, learned APP strongly opposes the present application and submits that the learned trial Court has rightly issued process after considering the complaint lodged by the Drug Inspector, Food and Drugs Administration, Gadchiroli. She, therefore, submits that in this case, this Court may not interfere with the order of issuance of process.

5. I have perused the application and documents filed along with the application.

6. The Drug Inspector, Food and Drugs Administration, Gadchiroli has filed a complaint on 29.05.2018 against the present applicants alleging that the applicants manufactured for sale/distribution of “not of Standard Quality” drug i.e. “Arclav Dry syrup” and thereby, committed an offence under Section 18(a)(i) read with Sections 16 and 34 of the Act of 1940, rendering themselves liable for punishment under Section 27(d) of the Act of 1940 and Rules of 1945.

7. The complainant also filed necessary documents in support of the complaint. Considering the material filed along with the complaint and on satisfaction of trial Court, it is held by the trial Court that the case is made out for issuance of process.

8. The grounds raised by the applicants in this application that the other accused persons are also involved in the alleged crime and there are two contrary reports of the concerned authority, cannot be considered at this stage but it is a matter of trial.

9. In the circumstances, I do not find any error committed by the learned trial Court in issuance of process. Hence, the application is **rejected**.

JUDGE