



Crl.O.P.No.6099 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.6099 of 2023

1.M/S.Zydus Animal Health

A Unit of

Cadila Healthcare Ltd

(Now renamed as Zydus Lifesciences Limited),

Plot No.1 & 2, and 2 Nr.Erhardt + Keimar, Sarkhaj-Baural Highway

Saripatiya, Sanand,

Ahmedabad – 382 220.

Through its Authorized Representative Shri Hiren Trivedi

...Petitioner

Vs

Union Of India

Rep By Drug Inspector Office Of The Deputy

Drugs Controller(India) Central Drugs

Standard Control Organization(South Zone)

Shastri Bhavan Annex,

Chennai – 600 006.

...Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the Learned X Metropolitan Magistrate Egmore, to supply the copies of the documents filed along with the complaint in C.C.No.683 of 2022 filed under Section 18(a)(i) and 27(d) of the drugs and Cosmetics Act 1940 on the file of the Learned X Metropolitan Magistrate, Egmore, Chennai, to the petitioner forthwith in compliance with the provisions of section 29(3) of the



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2019 rules r/w Section 204(3) of Cr.P.C.

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For Petitioner : Mr.Aakarshan Aditya

For Respondent : No appearance

ORDER

This Criminal Original Petition has been filed to direct the Learned X Metropolitan Magistrate Egmore, to supply the copies of the documents filed along with the complaint in C.C.No.683 of 2022 filed under Section 18(a)(i) and 27(d) of the drugs and Cosmetics Act 1940 on the file of the Ld X Metropolitan Magistrate, Egmore, Chennai, to the petitioner forthwith in compliance with the provisions of section 29(3) of the 2019 rules r/w Section 204(3) of Cr.P.C.

2.The learned counsel for the petitioner submitted that petitioner is the first accused in C.C.No.683 of 2022 pending on the file of learned X Metropolitan Magistrate, Egmore, Chennai. Petitioner received a summons and entered appearance on 15.07.2022 and requested the copy of the complaint. Since, the petitioner was not furnished with the copy of the complaint, he filed CrI.O.P.No.20741 of 2022 seeking direction to supply copies of the complaint in C.C.No.683 of 2022. This Court on 02.09.2022 directed the learned Magistrate to issue copy of the complaint to the petitioner. Thereafter, on



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07.10.2022, petitioner was granted copy of the complaint, but he was not furnished with copies of the documents filed along with the complaint. He further submitted that petitioner was informed that copies of the documents filed along with the complaint would be given only after the appearance of all the accused. There are totally 12 accused in this case and they belong to different places. Petitioner cannot be made to wait for the appearance of the other accused for receiving the copies. Therefore, this petition.

3.Taking cognizance of the cases filed otherwise than on Police report is governed under Chapter 15 of Cr.P.C. After the completion of procedure under Section 200 and 201 Cr.P.C., if the Magistrate had taken cognizance of an offence and decided to issue summons/warrant against the accused under Section 204 Cr.P.C, the Magistrate is required to issue summons/warrant accompanied by a copy of a complaint. Section 204 (3) Cr.P.C reads as follows:-

In a proceeding instituted upon a complaint made in writing every summons or warrant issued under Sub-Section (1) shall be accompanied by a copy of such complaint.

4.This Section makes it mandatory on the part of the Magistrate to send a



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summon or warrant accompanied by a copy of the complaint. The complaint includes the documents filed along with the complaint. It is not enough just to send the copy of the complaint alone, copy of the complaint must be accompanied with the copies of the documents filed.

5.Rule 28 (2) of The Criminal Rules of Practice, 2019 mandatorily requires that the complainant shall present, along with the complaint, as many copies of the complaint as similar to the number of accused persons complained against. Rule 28 (2) of The Criminal Rules of Practice, 2019, reads as follows:-

“The complainant shall present, along with the complaint, as many copies of the complaint as similar to the number of accused persons complained against.”

6.Just as the accused in a case instituted on Police report is supplied free of cost, the final report and other documents, under Section 207 Cr.P.C, it is mandatory in a case instituted otherwise than on Police report, that the accused must also be supplied with the copy of the complaint along with the copies of the document filed along with the complaint, free of cost. They must be sent along with summons or warrant. Therefore, this Court directs the learned X



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Metropolitan Magistrate, Egmore, Chennai, to supply copies of the documents filed along with the complaint to the petitioner without waiting for the appearance of all the other accused. The copies of the documents filed along with the complaint should be supplied to the petitioner during the next date of hearing.

7. With the above direction and observation, this Criminal Original Petition is disposed of.

21.03.2023

Index: Yes/No
Speaking/Non speaking order

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To:-

1. Union Of India

Rep By Drug Inspector Office Of The Deputy
Drugs Controller(India) Central Drugs
Standard Control Organization(South Zone)
Shastri Bhavan Annex,
Chennai – 600 006.

2. The X Metropolitan Magistrate,
Egmore, Chennai.



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G.CHANDRASEKHARAN.J.,

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