



CRL MP(MD). No.11086 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Criminal Original Jurisdiction

**Monday, the Seventh day of August Two Thousand and Twenty Three
PRESENT**

The Hon'ble Mr.Justice G.ILANGO VAN

**CRL MP(MD). No.11086 of 2023
in
CRL.OP(MD)No.10379 of 2019**

1. M/s.Hindustan Syringes and Medical Devices Limited
174 , 178/25 , Ballabgardh,
Faridabad , India-121004
Rep by its Senior General Manager
Mr.Rajan Khosla.

2.Mr.Rajan Khosla

3.Mr.Rajiv Nath

... Petitioners/Petitioners

Vs

Drugs Inspector Nagercoil -I Range
O/o. the Drugs Inspector
23 G/2F , Hindu College Road
Chettikulam Junction
Nagercoil-629 002

... Respondent/Respondent

Prayer in CRL MP(MD). No.11086 of 2023

Criminal Miscellaneous Petition filed under section 482 of Cr.p.c to To recall the order passed by this Hon'ble Court in Crl.OP(MD)No.10379 of 2019 on 29.08.2022.

<https://www.mhc.tn.gov.in/judis>



CRL MP(MD). No.11086 of 2023

Prayer in CRL OP(MD). 10379/ 2019 :

To call for the records relating to the proceedings in connection with STC No. 105 of 2019 on the file of Learned Judicial Magistrate No. II, Nagercoil and Quash the same

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.Ashok Padmaraj Advocate for the Petitioner and of Mr.S.Manikandan Government (Crl.side) this Court made the following order:

This petition has been filed to recall the order passed by this Court in Crl.O.P (MD).No.10379 of 2019 dated 29.08.2022.

2. The main Criminal Original Petition was dismissed by this Court on 29.08.2022.

3. The learned counsel for the petitioners has brought to the notice of this Court that the factual mistake was committed by this Court that in the order it has been stated that the expiry period of the drug is October, 2023 and the order was passed in the year of August 2022 and the liberty was granted to the petitioners to workout their remedy as per Section 25(4) of the Drugs and Cosmetics Act.

4. The learned counsel for the petitioner submitted that actually the expiry period of the drug even as per the case of the prosecution is October 2022 and not October 2023 and the same was also verified by the learned Additional Public Prosecutor.



CRL MP(MD). No.11086 of 2023

WEB COPY

5. The learned Additional Public prosecutor appearing for the respondent submitted that the expiry period is October 2022.

6. Since the factual mistake has been committed by this Court, the order passed in CrI.O.P(MD).No.10379 of 2019 dated 29.08.2022 is hereby recalled. Accordingly, this Criminal Miscellaneous Petition is allowed.

7. Registry is directed to list the CrI.O.P(MD).No.10379 of 2019 for fresh hearing.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/01/2024

Sub Assistant Registrar
(CS - I/ II / III /IV)

TO

1. The Judicial Magistrate No.II,
Nagercoil.

2. The Drugs Inspector Nagercoil -I Range
O/o. the Drugs Inspector
23 G/2F , Hindu College Road
Chettikulam Junction
Nagercoil-629 002 .

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

<https://www.mhc.tn.gov.in/judis>



CRL MP(MD). No.11086 of 2023

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION,

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER DATED : 07/08/2023

=====

ORDER

=====

CRL MP(MD). No.11086 of 2023

in

CRL OP(MD) No.10379 of 2019

Giving direction and etc.
as stated within.

MK/18.01.2024 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023