

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRR-1609-2018

Date of Decision : December 05, 2023

M/S MANCARE LABORATORIES PVT LTD & ORS

-Petitioners

V/S

STATE OF HARYANA

-Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Neeraj Kumar Singh, Advocate and
Mr. Deepak Rikhari, Advocate
for the petitioners.

Mr. Chetan Sharma, D.A.G., Haryana and
Mr. Bhupender Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. The instant revision petition assails the order dated 27.02.2018, as passed by the learned Additional Sessions Judge, Rohtak, upon Sessions Case No.63/08.12.2016, titled as “State V/s Raj Kumar Sapra and others”.

2. The impugned order (supra) has propelled the petitioner to institute the instant petition, as thereby, the learned Additional Sessions Judge concerned has drawn charges against the petitioner, for commission of offences punishable under Sections 27(b)(i) and 27(d) of the Drugs and Cosmetics, Act, 1940.

3. This Court, while issuing notice of motion on 07.05.2018, had made the hereinafter extracted order:-

“It is submitted inter alia on behalf of the

petitioners that there is no report available on record to indicate that any harmful toxic or otherwise injurious ingredients had been added in the seized tablets to bring the same within the ambit of “Adulterated Drugs”. On account of which, the charges under Section 27(a) of the Drugs and Cosmetics Act would appear to be untenable.

Notice of motion for 09.08.2018.

In the meantime, Ld. Trial Court can proceed with the Trial.

On submission of Ld. Counsel for the petitioners, their personal attendance during the trial is permitted to be dispensed with subject to the condition that such personal absence shall not be a ground for adjournment of the proceedings which shall be conducted as such by their Ld. Counsel, and that personal presence of the petitioners would be required at the appropriate stage for examination under Section 313 of the Cr.P.C.”

4. However, thereafter, the instant petition continued to receive adjournments, either for one or the other reason.

5. Today, the learned State counsel has informed this Court that all the prosecution witnesses have been examined before the learned trial Court concerned and even the statement of accused, under Section 313 of the Cr.P.C., has also been recorded on 31.08.2019. Now, the case is fixed for 25.01.2024 before the learned trial Court concerned, for addressing final arguments.

6. Taking into consideration the submissions made hereinabove by the learned State counsel, especially the advanced stage of trial, this Court refrains from interfering in the present matter, where a prayer is made for quashing of the impugned order, which was drawn way back in 2018.

7. However, this Court deems it appropriate to direct the learned trial Court concerned to pass a final verdict upon the Sessions case (supra), after taking into consideration all the pleas, as raised by the petitioner herein before this Court. Moreover, considering the fact that the Sessions case (supra) has been pending since 2016, it is also deemed appropriate to direct the learned trial Court concerned to pass the final verdict, within two months from the next date, as fixed before it.

8. Disposed of accordingly.

December 05, 2023
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No