

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
CRIMINAL WRIT PETITION NO.225 OF 2019

ZEE LABORATORIES LTD., REP. BY ITS
DIRECTOR, ANANT KUMAR JAIN AND
ANR.,

... PETITIONERS

Versus

UNION OF INDIA, MINISTRY OF HEALTH
AND FAMILY WELFARE, REP. BY DRUGS
INSPECTOR.,

... RESPONDENT

Mr. H. D. Naik, Advocate for the petitioners.

Ms. S. Linhares, Special Public Prosecutor for the respondents.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 6th February, 2024

P.C.:

1. Heard Mr. H. D. Naik, learned Counsel for the petitioners and Ms. S. Linhares, learned Special Public Prosecutor for the respondent.

2. In view of the order passed in transfer application No. 4 of 2019 and the fact that the respondent/complainant admits that the Magistrate at Vasco is not having territorial jurisdiction and that liberty is granted to the complainant to approach the concerned Magistrate under Section 201 of CrPC, the questions raised in the present petition are considered to be redundant at this stage. Even the question of issuance of process by the concerned Magistrate could be only academic if the order is

passed taking recourse to Section 201 of CrPC.

3. If the complaint is returned to the complainant as provided under Section 201 of CrPC and presented with the jurisdictional Magistrate, such Magistrate may consider the case on its own merit and without influenced by the observations passed by this Court and decide it in accordance with law. While doing so the learned Magistrate will have to consider provisions of Chapter XV of CrPC while entertaining such a complaint.

4. Contentions of the petitioners raised in the Criminal Writ Petition are kept open, in case such a complaint by the jurisdictional Magistrate is entertained and any orders are passed therein.

5. Criminal Writ Petition stands disposed of in the above terms.

BHARAT P. DESHPANDE, J.

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VISHAL
BHOIR

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