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Crl. O.P. No. 21698 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl. O.P. No. 21698 of 2024

and

Crl.M.P. Nos. 12412 & 12413 of 2024

1.M/s. Adroit Pharmaceuticals (P) Ltd.,
represented by its Managing Director,
Mr. Sanjay Kukreja
46, Garoba Naiden, Nagpur.

2.Mr. Sanjay Kukreja, Managing Director of
M/s. Adroit Pharmaceuticals (P) Ltd.,
46, Garoba Naiden, Nagpur.

.. Petitioners

Vs.

The Tamil Nadu State represented by
Drugs Inspector, Dharmapuri Range,
Office of the Asst. Director of
Drugs Control Dharmapuri Zone,
No.3/1H, Nehru Nagar,
Dharmapuri – 636 705.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C.,
to set aside the order dated 10.01.2024 passed by the learned District
Munsif Cum Judicial Magistrate, Pennagaram, in Crl.M.P. No. 6579 of
2023 in S.T.C. No. 247 of 2008 and thus render justice.

For Petitioners : Mr. P. Ramesh Kumar
For Respondent : Mr. S. Udayakumar,
Government Advocate

ORDER



Crl. O.P. No. 21698 of 2024

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2. The learned counsel appearing for the petitioner submits that the the prosecution under Drugs and Cosmetics Act who was initiated in the year 2007. The second sample was sent to the Central Laboratory on 13.06.2008 and the report was received on 07.07.2008. Since the self life of the drug expired on 30.06.2008, tThe report dated 07.07.2008 has no significance. While so, to fill up the lacuna, the present application is filed by the complainant under Section 311 of Cr.P.C to call for the data analysis report.

3. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the second analysis report dated 07.07.2008 does not contain the exact date of analysis, for the said purpose, the data analysis report is required to ascertain when the sample



Crl. O.P. No. 21698 of 2024

was subjected to test . The said document is not the nature of filling up lacuna, but in fact, will assist the Court to arrive at a just decision whether the sample was done within the self life period or not.

4. This Court finds the order passed by the trial Court is unassailable and infact will assist the Court to find out whether the second test was done within the self life period. The petitioner can have no objection for calling for those documents which would pro life the day on which the sample was tested. If in case, the sample was tested after 30.06.2008 the benefit will enure to the accused. Therefore, for just decision the data analysis report is necessary. Hence, the order passed by the trial Court is upheld.

5. The learned counsel appearing for the petitioner submits that if the document to be marked, opportunity to cross examine to be afforded to the petitioner. If any application is made by the accused persons for cross examining the witness and if any such application filed to cross examine the scientific expert from whose custody the data analysis report is produced. The District Munsif-Cum-Judicial Magistrate, Pennagaram can considered this application on merits and in accordance with the



Crl. O.P. No. 21698 of 2024

provisions of the Court and pass appropriate order.

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6. With the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petitions are closed.

04.09.2024

Vv

To

1. The Drugs Inspector,
Dharmapuri Range,
Office of the Asst. Director of
Drugs Control Dharmapuri Zone,
No.3/1H, Nehru Nagar,
Dharmapuri – 636 705.

2. The Public Prosecutor,
High Court of Madras.



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Crl. O.P. No. 21698 of 2024

Dr.G.JAYACHANDRAN,J.

Vv

Crl. O.P. No. 21698 of 2024

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