



Crl.R.C.No.702 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.702 of 2025

and

Crl.M.P.No.10548 of 2025

Dr.Prasad Kuruvilla Mathews
Authorised Signatory of
M/s.Christian Medical College,
Vellore,
Ida Scudder Road,
Vellore.

..... Petitioner

Vs

The Tamil Nadu State represented by
The Drugs Inspector,
Vellore I Range,
O/o.The Asst.Director of Drugs Control,
1/50, Thiru Vi Ka Nagar, 6th Street,
Rangapuram, Vellore – 9.

..... Respondent

PRAYER: Criminal Revision Case is filed under Sections 438 and 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order of the learned Judicial Magistrate No.IV, Vellore, dated 04.04.2025 passed in C.M.P.no.55 of 2025 in S.T.C.No.255 of 2023.

For Petitioner : Mr.Krishnan Srinivasan
Senior Counsel
for M/s.Ramasubramaniam and Associates
For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER



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This Criminal Revision Case has been filed challenging the order

WEB COPY dated 04.04.2025 passed in C.M.P.No.55 of 2025 in S.T.C.No.255 of 2023 on the file of the Judicial Magistrate No.IV, Vellore, thereby dismissing the application filed by the petitioner seeking compounding of the offences under Sections 18(a)(i) and 18(c), punishable under Section 27(d) of Drugs and Cosmetics Act, 1940.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner is arrayed as A3 in S.T.C.No.255 of 2023 on the file of the Judicial Magistrate No.IV, Vellore and is facing charges for the offences punishable under Sections 18(a)(i) and 18(c) punishable under Section 27(d) of Drugs and Cosmetics Act, 1940. When the matter was posted for trial, the petitioner filed an application under Section 32B of the Drugs and Cosmetics Act, 1940 seeking compounding of the said offences. However, the said application was dismissed on the ground that the complaint was filed prior to the amendment introducing Section 32B of the Drugs and Cosmetics Act, which came into force only on 31.12.2024. The Trial Court held that the said provision does not have retrospective effect and accordingly, dismissed the



application seeking compounding of the offences.

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4. It is relevant to extract the provision under Section 32B of the Drugs and Cosmetics Act, 1940, which reads as follows :

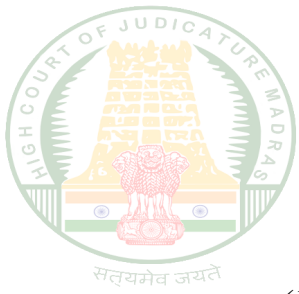
32B : Compounding of certain offences :

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act (not being an offence punishable with imprisonment only, or with imprisonment and also with fine) may, either before or after the institution of the prosecution, be compounded by the Central Government or by the State Government or any officer authorised in this behalf by the Central Government or a State Government, on payment for credit to the Government of such sum as that Government may, by rules made in this behalf, specify :

Provided that such sum shall not , in any case, exceed the maximum amount of fine which may be imposed under this Act for the offence so compounded.

Provided further that in cases of subsequent offences, the same shall not be compoundable.

(2) when the accused has been committed for trial or when he has been convicted and the appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is committed or as the case may be, before which the appeal is to be heard.



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(3) Where an offence is compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded and the offender, if in custody, shall be released forthwith.

5. Thus, it is clear that once the accused has been committed for trial or when he has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court to which he is committed or as the case may be, before which the appeal is to be heard.

6. In the present case, the matter is at the stage of committal for trial. Therefore, the petitioner filed an application seeking leave to compound the offence. Accordingly, the question of whether the amendment has retrospective or prospective effect does not arise. When the matter is pending for trial or after the trial is concluded, the petitioner can very well seek compounding of the offence as provided under Section 32B of the Drugs and Cosmetics Act, 1940.

7. In view of the above, the order dated 04.04.2025 passed in C.M.P.No.55 of 2025 in S.T.C.No.255 of 2023 by the Judicial Magistrate No.IV, Vellore, cannot be sustained and is liable to be set aside. Accordingly, it



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is hereby set aside. However, the petitioner is granted leave to compound the offence before the Trial Court.

8. In the result, this Criminal Revision Case stands allowed.

Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1.The Judicial Magistrate No.IV,
Vellore.

2.The Drugs Inspector,
Vellore I Range,
O/o.The Asst.Director of Drugs Control,
1/50, Thiru Vi Ka Nagar, 6th Street,
Rangapuram, Vellore – 9.

3.The Public Prosecutor,
High Court, Madras.

G.K.ILANTHIRAIYAN, J.
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