

IN THE COURT OF THE II ADDITIONAL JUDICIAL FIRST CLASS
MAGISTRATE-CUM-II ADDL.JUNIOR CIVIL JUDGE: RAJAMAHENDRAVARAM.
PRESIDENT: SRI. T.Venkata Rajesh Kumar,
II ADDITIONAL JUDICIAL FIRST CLASS MAGISTRATE,
RAJAMAHENDRAVARAM.

Monday, the 30th day of September, 2019

PRC.No. 1 /2019

BETWEEN:

The State of Andhra Pradesh
Represented by the Drug Inspector,
Rajamahendravaram Rural

....COMPLAINANT

AND

Sri Katakam Veera Venkata Lakshmi
Perumallu S/o. K. Gangaraju,
D.No.8-249, C/o. Sri Venkateswara
Lab, Main road, Korukonda.

....ACCUSED

This case is coming on this day for committal order before me in the presence of learned APP for complainant and of Sri.P.Ramesh, learned counsel for accused and having stood over for consideration till this day, this court made the following:

COMMITTAL ORDER

The Drug Inspector, Rajamahendravaram, filed complaint against the accused under Sec.32 of Drugs Act for violation under Sec.18(c) r/w. Rule-62 of Drugs and Cosmetics, punishable under section-27(b) (ii) of Drugs and Cosmetics Act, 1940 against the above accused.

2. The brief facts of complaint are as follows:

On 04.01.2018 the complainant-Drugs Inspector, Rajamahendravaram secured the presence of two mediators and inspected premises of Sri Katakam Veera Venkata Lakshmi Perumallu (accused), C/o. Sri Venkateswara Lab, Main road, Korukonda and found accused. During inspection, he noticed accused has stocked certain varieties of Allopathic drugs for sale without any drug license. The complainant took 4x1x2x50ml of Tus Q X+ liquid expectorant (Terbutaline sulphate, Ambroxol Hcl & Guaiphenesin syrup), B.No. ZXY1749, Mfg dt.09/2017,

Exp dt 02/2019, Mfg By M/s. Hema Laboratories Pvt Ltd, Plot No.29, Pharmacity, Selaqui, Industrial Area, Dehradun-248011, Uttarakhand and 4x1x15x4's of Pacimol Active tablets (Acetaminophen & Caffeine tablets USP), B.No.G16PCA011, Mfg Dt July, 2016, Exp Dt June 2018, Mfg By M/s. Acme Generics LLP, Plot No.15, HPSIDC, Industrial Area, Davni, P.O Gurumajra, Tehsil, Nalgarh, dist Solan (H.P.) - 174101 for analysis under form-17. The complainant handed-over one sealed sample portion to the accused in presence of mediators and seized the entire stock of 71 varieties of drugs from the possession of accused under the cover of mediators report. The complainant sent the seized samples for analysis to Government analyst, Drugs Control Laboratory, Vijayawada. On 07.02.2018, the complainant received analysis report, wherein it was declared that samples are declared as of standard quality. After receiving the analysis report, a notice was issued to accused with a request to furnish the source of supply of the seized drugs and also to furnish the certified copies of the purchase records of the seized drugs. The accused sent reply dt.12.01.2018, but failed to furnish the relevant information. The accused contravened sec-18 (c) of the Drugs and Cosmetics Act by stocking for sale of huge quantity of allopathic drugs without drugs license, which is punishable under Sec.27(b) (ii) of Drugs and Cosmetics Act. Hence, the complaint.

3. The case has been taken on file for the offence under Sec.32 of Drugs and Cosmetics Act, 1940 for violation of Sec.18(c), 18-A and Sec.22(1) (cca) of Drugs and Cosmetics Act against the accused. On appearance of the accused, the case copies were supplied as required U/sec.207 Cr.P.C.

4. On perusal of the record, it shows that a prima facie case is made out against the accused for the offence under Sec.32 of Drugs and Cosmetics Act, 1940 for violation of Sec.18(c), 18-A and Sec.22(1) (cca) of Drugs and Cosmetics, punishable under section-27(b) (ii) of Drugs and Cosmetics Act, 1940. Since the above offence is exclusively triable by the Hon'ble Court of Sessions, this case is committed to the Hon'ble Court of Sessions, East Godavari District, Rajamahendravaram as per the provisions of Section 209(a) Cr.P.C.

5. The accused furnished sureties to the satisfaction of this Court. Submit all the material papers and material objects to the Hon'ble Court of Sessions, East Godavari District, Rajamahendravaram as per the provisions of Section 209(c) Cr.P.C. Notify to the public prosecutor about the committal of the case to the Hon'ble Court of Sessions, East Godavari District, Rajamahendravaram as per the Provisions of Section 209(d) Cr.P.C.

6. When questioned about the means to engage an advocate, the accused stated that he got means to engage an advocate to defend him during the trial before the Hon'ble Court of Sessions, East Godavari District, Rajamahendravaram.

Pronounced by me in the open court this the 30th day of September, 2019.

Sd/Sri.T.V.Rajesh Kumar,
II ADDL.J.F.C. MAGISTRATE,
RAJAMAHENDRAVARAM.

APPENDIX OF EVIDENCE

-NIL-

Sd/Sri.T.V.Rajesh Kumar,
II A.J.F.C.M.

// TRUE COPY//

II ADDL.J.F.C. MAGISTRATE,
RAJAMAHENDRAVARAM.