

RBLRP-69

Form No.3(Criminal)  
Order Sheet  
Ch. VIII R.I.(1) 18,20(2)  
Ch. VII R.3

GOVERNMENT OF KARNATAKA  
ORDER SHEET

IN THE COURT OF THE SPECIAL COURT  
(ECONOMIC OFFENCES), BANGALORE.

C.C.NO. 01 / 2009

COMPLAINANT

The Drugs Inspector,  
Drugs price control cell,  
Drugs control department,  
Bangalore-01.

ACCUSED

1.M/s.INJECTO CAPTA Private Ltd.,  
Secunderabad, AP-500011.  
Rep. By Sri.S.K.Jain,  
2.Smt.Shashi Bala Jain, Director  
3.Srinivasa Rao,  
4.Smt.Sudha Rani

Date of Order or proceeding 1	Order or Proceeding Signature of Presiding Officer 2	Signature of Parties or Pleaders when necessary. 3
02-01-2009	<p>Complaint presented on 02/01/2009 by the complainant against the accused under Sec.200 of Cr.P.C.</p> <p><u>ORDER</u></p> <p>Check &amp; Putup</p> <p>Sd/- P.O. 02/01/2009</p> <p>Perused the Complaint. Prima-facie there is sufficient material against accused No.1 to 4 for the offence U/s.18(a)(i) and punishable U/s.27(d) of Drugs &amp; Cosmetics Act 1940. Accordingly cognizance of the offence against Accused No.1 to 4 is taken. Register the case against Accused No.1 to 4 in Register No.3 and Issue summons to Accused No 1 to 4 R/by: 13-02-2009.</p> <p>(Typed to my dictation by the typist)</p>	

Checked

Shr.

P.O.

13/2/15

Comptroller of  
Public  
Accounts  
School  
R. A. M. K. R. S. S. S.  
K. S. S.

③

A 1 toll. call  
on. Complaint  
per 5 zone  
ground. can  
gen. 27.3.02  
base of A of  
A 1 toll.

6

27/3/15 Holiday  
28/3/15 Comptroller of  
Public  
Accounts  
School

A 1 toll. call  
on 2.5.02  
of CFA

6

2/1/15

Comptroller of  
Public  
Accounts  
School



Comptroller of  
Public  
call on 26.6.02  
of CFA

6

26/6/09

3

cellos

P.O. is on ~~leave~~ <sup>Go</sup>  
Hence Case is Adjourned to 25/7/09

~~P.O.~~  
26/6/09

25/7/09

Comp. Hec. 2/2  
Alec.  
Ad. Hec.  
frills

CA not furnished.

Sample in 2401  
prob. for CIA  
In 55 + A1 to 4  
if CIA finished  
Date 22.8.2009

25.7.09

22/8/09

Comp. Hec. 2/2  
Alec.  
Ad. Hec.  
frills  
not furnished



25/10

28/10/09

Comp. Hec. 2/2  
Alec.  
Ad. Hec.  
frills

A1 20. A2 to 4  
all. CIA  
finished. In  
SS of CIA that CIA  
Hydrostat A.P. 1/2  
Date 28.10.09

22.8.09

A1 co. A2 to 4  
all. Await 55  
Hys 4.12.2009  
28.10.2009

6/12/09

Complete of

Alto

Atkley

Analysis

(6)  
A1 Co. A2 to 4 abut  
A was 1-88  
call 31-12-2009

Σ  
4-12-2009

3/12/09

Complete of

Alto

Atkley

Analysis 88

A1 Co. A2 to 4  
abut ending; Issue  
now to A2 to 4  
as of Cop Conen  
call on 19-3-2010

Σ  
31-12-2009

1/2/1

19/3/2010

Complete of

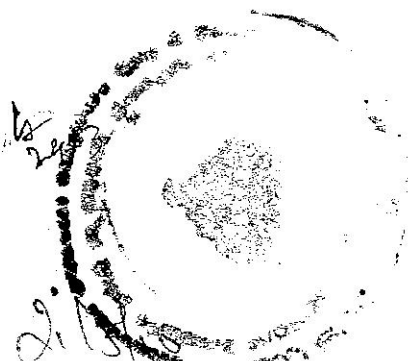
Alto

Atkley

Analysis

A1 Co. A2 to 4 abut  
Re-issue now through  
Cop Conen. Issue  
Reminder to return  
Earlier Process.  
call 21-5-2010

Σ  
19-3-2010



2/1/10

Complete of

Alto

Atkley

A1 Co. A2 to 4 abut  
Re-issue - now through  
Cop Conen call  
4-8-2010

Σ  
21-5-2010

with remainder to  
A1

CC-01/10

(5)

6/8/10

Completed  
Able to  
Acknowledge  
process

~~Accused~~ 1 to 4 absent  
~~Await~~ process  
from Hyderabad A.P.  
Calicut 2-9-2010

6.8.2010

2/9/10

Completed  
Able to  
Acknowledge  
Await process

~~A to 4 absent~~  
~~Await~~ process  
Calicut 14-10-2010

2-9-2010

16/10/10

Completed  
Able to  
Acknowledge  
Await process

~~A 1 20. A 2 to 4 abs~~  
~~Await~~ process - Re-employment  
Calicut 27-1-2011

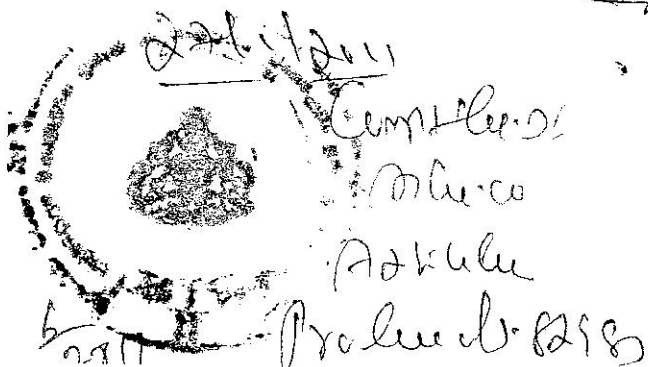
14-10-2010

23/10

~~A 1 20. A 2 to 4 abs~~

Re-employment - NBW  
process up to 82 & 83 cm  
Calicut 7-5-2011

27-1-2011



cc-1/09

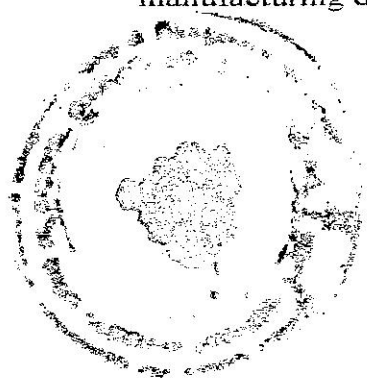
6

21/4/11 Sri GDR Advocate A-1 A-1 present. Ld. Counsel  
Sri GDR filed appln. U/s. 309, 252 &  
filed Appn. U/s 309 & 70(2) Cr.P.C. alongwith vakalath and  
U/s 70(2) Cr.P.C., 252 Cr.P.C. affidavit of A-1. It is submitted that  
accused intended to plead guilty.  
Case advanced. Sr. APP present.  
Copies furnished.

Hence EBC is dispensed with in view of admitting the offence.  
Charge is framed, readover & explained to the accused in the "English"  
language known to him. The accused pleaded guilty voluntary in the  
presence of counsel and the same is accepted. Accused are convicted  
U/s. 255(2) Cr.P.C.

Heard on imposing sentence. A-1 is married and having Children. He  
is a Senior citizen. He is suffering from cardiac problem & Diabetic. He is  
facing financial crises and has to look after his family members depending  
on him. Address proof document attested D.L. is produced.

Further submitted that the drugs in question is reported is not spurious  
but it failed the disintegration test as such declared not of standard quality. It  
is passed the uniformity weight test. The factory is also closed and no  
further manufacture undertaken in view of cancellation of licence issued in  
form-25 & 28. There is no likelihood of further any offence regarding  
manufacturing drugs.



(2)

20/1/2009

The drug in question is not adulterated, spurious, sub-standard or injurious to health. It is alleged that it has not passed the Description and test for disintegration test.

Sr.APP submitted that maximum sentence may be imposed. Considering the nature of the offence and circumstances of alleged offence and also decision a lenient view is taken while imposing the sentence.

Considering the submission and that it is not adulterated or spurious in nature. Alleged offence is the 1<sup>st</sup> offence, as such lenient view is taken while imposing the sentence. The old Act provisions is applicable since the date of offence is prior to amendment.

Further Counsel submitted that there is adequate and special reasons for imposing sentence less than one year as prescribed under S.27(d). Further relied upon unreported dictum in Criminal Appeal No.1309/2003, dated: 18.11.03 and stated that the sentence imposed by the Special Court was confirmed in a similar case and CrI.AP. No.103(1979)1 Hon'ble S.C. cases 568. Observation considered.

### ORDER

The A-1 is sentence to undergo SI till raising of the court and further directed to pay fine of Rs.5,000/- for the offence u/s.18(a)(i) and p/u/s.27(d) of D & C Act, I/d to undergo SI for 6 months. NBW issued against A-1 is recalled. Call on 7.5.2011.

PRESIDING OFFICER.

21.4.2011

Accused not  
under govt S.F.S.2011

Received  
enclosure

S.D. Reddy  
5000-2011  
Johor  
366373  
11/11 Recallment  
1.11

ce 1/2009

(8)

2/5/11 In GDR Advtor A2 to A4

6/10 App ltr U/s 309 & 252 were along with vakalat.

A-2 to 4 present. Ld. Counsel Sri.GDR filed appln. U/s.309, 252 & 70(2) Cr.P.C. alongwith vakalath and affidavit of A-2 to 4. It is submitted that accused intended to plead guilty. Case advanced. Copies furnished.

Hence EBC is dispensed with in view of admitting the offence. Charge is framed, readover & explained to the accused in the English language known to them. The accused pleaded guilty voluntary in the presence of counsel and the same is accepted. Accused are convicted U/s.255(2) Cr.P.C.

Heard on imposing sentence. A-2 is aged married women and Sr. citizen. Having two daughters. She is suffering from sever heart problem and diabetic and for treatment spending huge amount. The firm is closed due to financial problem. A-3 is married having children and aged parents. His parents are suffering from old age ailments and spending money to their treatment. He is only earning member where family is depending on him. A-4 is married women having daughter and aged parents. The parents are suffering from oldage ailments and spending huge amount for the treatment.

Further submitted that the drugs in question is reported is not spurious but it failed the "disintegration test" as such declared not of standard quality. It has passed the uniformity weight test. The factory is also closed and no further manufacture undertaken in view of cancellation of licence issued in form-25 & 28. There is no likelihood of further <sup>mean any</sup> ~~any~~ offence regarding manufacturing drugs.



9

CC.No.1/2009

The drug in question is not adulterated, spurious, sub-standard or injurious to health. It is alleged that it has not passed the Description and test for disintegration test.

Sr.APP submitted that maximum sentence may be imposed. Considering the nature of the offence and circumstances of alleged offence, ~~and also~~ <sup>considering</sup> decision a lenient view is taken while imposing the sentence.

Considering the submission and that it is not adulterated or spurious in nature. Alleged offence is the 1<sup>st</sup> offence, as such lenient view is taken while imposing the sentence. The old Act provisions is applicable since the date of offence is prior to amendment.

Further Counsel submitted that there is adequate and special reasons for imposing sentence less than one year as prescribed under S.27(d). Further relied upon unreported dictum in Criminal Appeal No.1309/2003, dated: 18.11.03 and stated that the sentence imposed by the Special Court was confirmed in a similar case and CrI.AP. No.103(1979)1 Hon'ble S.C. cases 568. Observation considered.

ORDER

The A-2 to ~~A~~ are sentence to undergo SI till raising of the court and further directed to pay fine of Rs.5,000/- each for the offence u/s.18(a)(i) and p/u/s.27(d) of D & C Act, I/d to undergo SI for 6 months. Case is filed.

*Proven up 02.08.11 & now found against A2 for is recalled.*

PRESIDING OFFICER.

2-5-2011

accused 2kh undergone  
S.F.T.C

*amt. 5000/- each  
from A-2 to A4 collected. QR 366395*

*2/5/2011*

*G.D. Kelly  
Advocate*

*Dani  
Shashi Bala Jain*

*Satish Ray*

*Amrinder Singh  
G.D. Kelly  
Advocate*

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Total No. of pages 9

QR 366410 01/3/5/11 18.5

QR No 366 401  
7/5/11 @ 6.57

- 7/5/11
- 1. Copy required for the...
  - 2. Copy required to be produced...
  - 3. Copy produced on...
  - 4. A...
  - 5. App...
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SECRETEDAS

13/5/11