

**IN THE COURT OF HON'BLE CHIEF JUDICIAL MAGISTRATE AT JALNA**

In the matter of  
Drugs and Cosmetics  
Act, 1940 and Rules, 1945

R.C.C. No. 186/2013

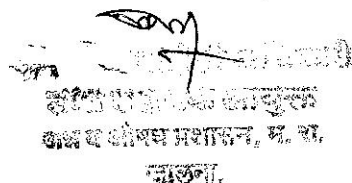
Date:- 19/03/2013

State of Maharashtra ,  
At the instance of  
Rajgopal Mulchand Bajaj, Age 45 yrs.  
Drugs Inspector,  
Food and Drugs Administration,  
Jalna.

----- Complainant

**V/s.**

- 1) Shri Ravindra Markasrao Sawale, Competent Person of M/s. Shri Rajureshwar Pharmaceuticals Pvt. Ltd. 1<sup>st</sup> floor, Pawar Chember , Opp. Ware House, Jalna-431203.  
.....Accused No.1
- 2) Shri Suresh K. Kothari, Competent Person of M/s. Namoh Generics, Room no.102, Sunder mahal, 1<sup>st</sup> floor, 561/563, J.S.S. Road, Chirabazar, Kalbadevi Road, Mumbai 400002.  
..... Accused No.2
- 3) Shri Pravin N. Jadhav, Competent person of M/s. Lupin Limited, Shri Arihant Compound, Gala No. 1 to 9, Bldg. No. Z1, 1<sup>st</sup> floor, Kalher pipeline, Kalher-Bhiwa 421302, Tq. Bhiwandi, Dist Thane.  
.....Accused No.3
- 4) Shri Rohit Sharma S/o Shri Premkumar Sharma, Competent Person of M/s. Lupin Limited, Zirkapur-Chandigarh Highway, Swami Vivekanand School Road, Pabhat, Zirkapur, District S.A.S. Nagar(Mohali)  
.....Accused No.4

  
CHIEF JUDICIAL MAGISTRATE, JALNA.

- 5) Shri Narendra S/o Sukhdev Alliaz Narendra Dev Sachdeva, R/o 40/22, 3<sup>rd</sup> floor, Chittaranjan Park, New Delhi-110 019, Director & Competent Person of M/s. Akums Drugs & Pharmaceuticals Limited, 19,20,21, Sector-6A, Sidcul, Ranipur, Haridwar-249403 (Uttarakhand)

..... Accused No.5

- 6) M/s. Akums Drugs & Pharmaceuticals Limited,  
19,20,21, Sector-6A, Sidcul, Ranipur, Haridwar-  
249403 (Uttarakhand)

.....Accused No.6

**Place of Offence** :- Sadar Bajar Police Station

**Date of Offence disclosed :- 12/10/2012**


**Charges:**

Section 17-a read with Section 16(1)(a)  
and Section 34 punishable under Section 27-d  
of Drugs and Cosmetics Act 1940.


Most respectfully sheweth as under

- 1) That the complainant is an Inspector appointed under Section 21 of Drugs and Cosmetics Act 1940 (hereinafter referred to as the "Said Act") & presently working in the office of the Assistant Commissioner, Food & Drug Administration M.S. Jalna. ( copy of order is attached)
- 2) That the complainant is authorized to institute this prosecution as per provision of Section ~~33~~<sup>32</sup> of the said Act.

- 2) That the complainant is authorized to institute this prosecution as per provision of Section 336 of the said Act. 32

  
 ...  
 ...  
 ...  
 ...  
 ...  
 ...

- 3) That the Accused No. 1 is the Competent Person of M/s. Rajureshwar Pharmaceuticals Pvt. Ltd. 1<sup>st</sup> floor, Pawar Chember, H.No.1-13, Jalna having the selling license in form 20B & 21B for the sale of drugs by the way of wholesale granted by the Assistant Commissioner, Food & Drug Administration M.S. Jalna.
- 4) That the Accused No.2 is the Competent Person of the M/s. Namoh Generics, Room no.102, Sunder mahal, 1<sup>st</sup> floor, 561/563, J.S.S. Road, Chirabazar, Kalbadevi Road, Mumbai 400002 having the selling license in form 20B & 21B for the sale of drugs by the way of wholesale granted by the Assistant Commissioner, Food & Drug Administration M.S. Mumbai Zone-1.
- 5) That the accused no. 3 is the Competent person of M/s. Lupin Limited, Shri Arihant Compound, Gala No. 1 to 9, Bldg. No. Z1, 1st floor, Kalher pipeline, Kalher-Bhiwa 421302, Tq. Bhiwandi, Dist Thane having the selling license in form 20B & 21B for the sale of drugs by the way of wholesale granted by the Assistant Commissioner, Food & Drug Administration M.S. Thana Zone-1.
- 6) That the accused No 4 is the Competent person of the M/s. Lupin Limited, Zirkapur-Chandigarh Highway, Swami Vivekanand School Road, Pabhat, Zirkapur, District S.A.S. Nagar (Mohali) having the selling license in form 20B & 21B for the sale of drugs by the way of wholesale granted by the Licensing Authority Assistant Drug Controller, Chandigarh.
- 7) That the Accused No.5 is the Director & Competent Person of M/s. Akums Drugs & Pharmaceuticals Limited, 19,20,21, Sector-6A, Sidcul, Ranipur, Haridwar-249403 (Uttarakhand) engaged in the day to day activities of the Company as per the section 34 of the said Act.

  
 राज्य सरकार  
 स्वास्थ्य विभाग, म. प्र.  
 जालना.

8)

That the Accused No. 6 is the Manufacturing Company engaged in the manufacturing the drugs for sale and having the manufacturing license in form 25 bearing No. 10/UA/2004 granted on 08/11/2004 valid upto 07/11/2014 granted by the Drug Licensing & Controlling Authority Uttarakhand..

9)

That on 17/07/2012, the Complainant had drawn the sample as per the procedure & power vested him under the section 23 of the said Act of Drug namely "Acemiz-S", Paracetamol, Serratiopeptidase & Acelofenac Tablets B.No. 011D2AGJ, D/Mfg-04/2012, Dt. Of Exp- 03/2014 Mfg. By- Akums Drugs Pharmaceuticals Ltd., 19,20,21, Sector 6A, IIE Sidcul, Ranipur, Haridwar (hereinafter referred to as the "Said Drug") for analysis in form 17, Dtd. 17/07/2012, from the premises of M/s. Rajureshwar Pharmaceuticals Pvt. Ltd. i.e. Accused No.1.

10)

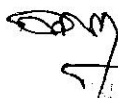
That the said drug was sent for analysis under form 18 on 17/07/2012, to Government Analyst, Drugs Control Laboratory, Maharashtra State, Aurangabad as per the procedure of the said Act.

11)

That the Government Analyst, M.S. Aurangabad had declared the said drug as of not of standard quality, vide his report in Form 13 bearing no. NSQ/AUR/24227/2012, dtd. 12.10.2012 ( hereinafter referred to as the "Said Report"), for the reasons mentioned below:

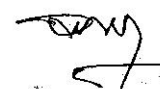
In the opinion of the undersigned the sample referred to above is of NOT OF STANDARD QUALITY as defined in the said Act for the reasons given below-

- 1] The Content of the Serratiopeptidase in the sample is less (24.93% of the said amount) than the permissible limit. ( Permissible limit :- Not less than 90% of the said Amount.)



For the purpose of the said report, the sample was analyzed by the Government Analyst, M.S. Aurangabad, on 12.10.2012.

- 18) That the Complainant after getting information from accused No.2 , issued notice under Section 18-B to Accused No.3 and asked to disclose the name of supplier from whom they purchased the subject Not of Standard Quality Drug.
- 19) That the complainant received the letter from accused No.3 that they purchased the subject drug from accused no.6 vide their invoice No. 110000535 dated 17/4/2012 through accused no.4.
- 20) That Complainant has send the Reminder-1 letter No. D&C/NSQD/6580/12/3 dated 12<sup>th</sup> December 2012 to accuse no.6 by RPAD along with the Counter part of the Sample of subject drug as per the provision and directed to furnish the documents shortly.
- 21) That the complainant does not receive a single document from the accused No.6 till 14th of January 2013 so again send the reminder to accused No.6 by post & also by email.
- 22) That Complainant received the documents from the Accused No.6 on 28/01/2013 vide their Letter dated 21/01/2013, along with the certified copy of documents of Accuse No.6. That accused no.6 mentioned that they have not certain about wheather the sample drawn by them was manufactured by them or not because the supply chain was not sent to them. But in this regard complainant send the counter part of the sample to accused no. 6 which was received by them, and after receiving of the sample part they were keeping silent about the sample part as well as they didn't challenged the test report of G.A. Maharashtra within 28 days from the receipt of the test report.
- 23) That, the complainant received the Prosecution order from the joint Commissioner (Head Quarter) Food & Drug Administration M.S. bearing no. खटला / AUR/ 24227/2012/1745/12/10 dated 20/10/2012.

  
 Joint Commissioner (Head Quarter)  
 Food & Drug Administration, M. S.  
 खटला.

- 24) That the said drug is a drug as defined under Section 3(b)(i) of the said Act, which reads as follows:-

**Section 3: Definitions-** In this Act, unless there is anything repugnant in the subject or context, -

(b) "Drug" includes-

(i) all medicines for internal or external use of human being or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of any disease or disorder in human beings or animals, including preparation applied on human body for the purpose of repelling insects like mosquitoes.

- 26) That the said drug was declared as Not of Standard quality & Spurious by Government Analyst, Drugs Control Laboratory, Maharashtra State, Aurangabad vide said report.

- 27) That the manufacturing of not of standard quality drug is prohibited as per provision of Section 18-(a)(i) read with Section 16(1)(a) of the said Act. Section 18(a)(i) reads as follows:

**Section 18. Prohibition of manufacture and sale of certain drugs and cosmetics-** no person shall himself or by any other person on his behalf-

(a) Manufacture for sale [or for distribution] or sell, or stock, or exhibit [ or offer] for sale or distribute -

(i) Any drug which is not of standard quality, or is misbranded, adulterated or spurious. ,

- 28) That Section 16(1)(a) reads as follows:

**Section 16. Standards of quality-**

(1) For the purpose of this chapter, the expression "Standard Quality" means-

(a) in relation to a drug, that the drug complies with the standards set out in (second schedule).

- 29) That from above facts, it is clear that the **Accused no. 1 to 6** had **distributed the said drug** on or before 12/10/2012, which is not of standard quality and, thereby **contravenes Section 18 (a)(i) r/w Section 16(1)(a) and Section 34 punishable under Section 27(d)** of Drugs and Cosmetics Act 1940.
- 30) That from above facts, it is clear that the **Accused no 5 to 6** has **manufactured for sale the said Drug** on or before 12/10/2012, which is Not of Standard Quality and Spurious thereby **contravenes Section 18 (a)(i) r/w Section 16(1)(a) and Section 34 punishable under Section 27(d)** of Drugs and Cosmetics Act 1940.

**PRAY:**

- 1 The complainant prays that the process be issued against the accused and they be dealt as per law.
- 2 The notice may be issued to accuse no 5 to 6 to remain present before Hon. Court to deposit the fees if they want to reanalyze the sample from CDL.

And for this Act of kindness, the complainant shall be duty bound ever pray.

Place: Jalna

Date: 19/3/2013

(R.M.Bajaj)



Complainant,  
Drugs Inspector,  
FDA, Jalna.



List of witnesses IN THE R.C.C. NO.

: 196/2013

- 1) Shir. D. V. Avshank, Government Analyst, Drug Control Laboratory,  
M.S.Aurangabad.

Any other witness with the permission of the Hon'ble Court.


Place: Jalna

Date: 19/3/2013

(R.M.Bajaj)



Complainant,  
Drugs Inspector,  
FDA, Jalna.



महाराष्ट्र सरकार  
न्याय विभाग  
अजय व औषध प्रशासन, म. रा.  
जालना.

**LIST OF DOCUMENTS ATTACHED IN THE R.C.C. No.- 196 /2013**

Sr. No.	Name of the Documents	Date	copy	Page No.
01	Copy of Gazette Notification of Complainant & transfer order	09/01/98 & other	xerox	1 to 4
02	Office Copy of Form 17	17/07/12	original	5
03	Purchase bill of sample & shop documents	17/07/12	original	6
04	Copy of Form 18 sent to Govt. Analyst	17/07/12	original	7
05	Receipt of the sample by Govt. Analyst	18/07/12	original	8
06	Copy of Govt. Analyst Report in Form 13	12/10/12	original	9 to 10
07	Office Copy of Letter given to Accuse No 1	15/10/12	original	11
08	Inspection Report of the Shop of accused No.1 & other documents taken from them	15/10/12	Original	12 to 17
09	Letter sent to Accused No. 6 by speed Post , its Track report & print report of email sent to them.	15/10/12	original	18 to 20
10	Letter along with documents received from Accused No.1	15/10/12	original	21 to 27
11	Letter sent to accused No.2	15/10/12	Original	28
12	Letter given to Drug Controller Uttaranchal by JC (HQ) Mumbai regarding NSQ drugs	20/10/12	original	29
13	Consent letter received from Joint Commissioner HQ to launch the prosecution	20/10/12	original	30
14	Letter along with documents received from the accused No.2	23/10/12	original	31 to 51
15	Letter Sent to accused No.3	30/10/12	original	52
16	Letter along with documents received from Accused No.3	21/11/12	original	53 to 76
17	Letter along with documents received from Accused No.3	28/11/12	original	77 to 83
18	Letter along with documents received from Accused No.3	29/01/13	original	84 to 167
19	Letter sent to Accused No.6 for compliance of Sec. 23 & 25	12/12/12	original	168

*[Handwritten signature]*  
 OFFICE OF THE JUDGE  
 DISTRICT COURT, NAGPUR  
 DISTRICT JUDGE, NAGPUR

20	Letter received from Accused No.6	01/01/13	Original	169
21	Letter sent to Accused No.6	14/01/13	original	170
22	Letter received from Accused No.6	21/01/13	original	171 to 352
23	Letter received from Accused No.6	07/02/13	original	353

**IN THE COURT OF HON'BLE CHIEF JUDICIAL MAGISTRATE AT JALNA**

In the matter of  
Drugs and Cosmetics  
Act, 1940 and Rules, 1945

R.C.C. No. 195/2013

Date:- 19/12/2013

State of Maharashtra,  
At the instance of  
Rajgopal Mulchand Bajaj, Age 45 yrs.  
Drugs Inspector,  
Food and Drugs Administration,  
Jalna.

----- Complainant

**V/s.**

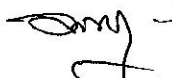
1) Shri  
Ravindra Markasrao Sawale, Competent Person of  
M/s. Shri Rajureshwar Pharmaceuticals Pvt. Ltd. 1<sup>st</sup>  
floor, Pawar Chember, Opp. Ware House, Jalna-  
431203.

..... Accused No.1  
2) Shri Nikhil Sukhraj Jain (Kothari), Competent  
Person of M/s. Milton Pharma, Gala No. U-113, 114,  
1<sup>st</sup> floor, Jai Mata Di Compound, At Post Kalher, Tq.  
Bhiwandi, Dist Thane 421302.

..... Accused No.2  
3) Mr. Jibesh Kumar Proprietor of M/s. Alto Health  
Care Pvt. Ltd. Khasara No. 124, Lal Godown,  
Bhagwan Marg, Siraspur-110042.

..... Accused No.3  
4) Shri Rameshwar Dayal S/o Late sri Uma shankar  
Upadhaya, Manufacturing Chemist of M/s. Francis  
Biotech India Pvt. Ltd. Village Roshanpur, Daurali-  
250105.

..... Accused No.4

  
.....  
.....  
.....

5) Shri Pradip Sharma S/o Sri Ramphal Sharma,  
Analytical Chemist of M/s. Francis Biotech India Pvt.  
Ltd. Village Roshanpur, Daurali-250105.

.....Accused No.5

6) Shri Anuj Singh S/o Shri Kripal Singh, R/o 3, Ashok  
Vatika, Near Times of India Office, Meerut U.P.  
Managing Director & Responsible Person of M/s.  
M/s. Francis Biotech India Pvt. Ltd. Village  
Roshanpur, Daurali-250105.

..... Accused No.6

7) M/s. Francis Biotech India Pvt. Ltd. Village  
Roshanpur, Daurali-250105

.....Accused No.7

Place of Offence :- Sadar Bajar Police Station


Date of Offence disclosed :- 12/10/2012

Charges:

Section 17-A read with Section 16(1)(a), Section  
18-B R/w Sec. 22(c) and Section 34 punishable  
under Section 27-d of Drugs and Cosmetics Act  
1940 & Rules there under.


Most respectfully sheweth as under

- 1) That the complainant is an Inspector appointed  
under Section 21 of Drugs and Cosmetics Act 1940  
(hereinafter referred to as the "Said Act") &  
presently working in the office of the Assistant  
Commissioner, Food & Drug Administration M.S.  
Jalna. ( copy of order is attached)
- 2) That the complainant is authorized to institute this  
prosecution as per provision of Section 33-G of the  
said Act. 32
- 3) That the Accused No. 1 is the Competent Person  
of M/s. Rajureshwar Pharmaceuticals Pvt. Ltd. 1<sup>st</sup>  
floor, Pawar Chamber, H.No.1-13, Jalna having the

  
[Illegible text]

selling license in form 20B & 21B for the sale of drugs by the way of wholesale granted by the Assistant Commissioner, Food & Drug Administration M.S. Jalna.

- 4) That the Accused No.2 is the Competent Person of the M/s. Milton Pharma Shop No. U 113,114, 1<sup>st</sup> floor, Jai Mata di compound, Village Kalher, Tq.Bhiwandi, Dist Thane having the selling license in form 20B & 21B for the sale of drugs by the way of wholesale granted by the Assistant Commissioner, Food & Drug Administration M.S. Thane Zone-5.
- 5) That the accused no. 3 is the Firm M/s. Alto Health Care Pvt. Ltd. Khasara No. 124, Lal Godown, Bhagwan Marg, Siraspur-110042 having the selling license in form 20B & 21B Bearing No. 8(1073) for the sale of drugs by the way of wholesale granted by the respective licensing authority.
- 6) That the accused No 4 is the Manufacturing Chemist of the M/s. Francis Biotech India Pvt. Ltd. Village Roshanpur, Daurali-250105
- 7) That the Accused No.5 is the Analytical Chemist of M/s. Francis Biotech India Pvt. Ltd. Village Roshanpur, Daurali-250105
- 8) That the Accused No. 6 is the Managing Director and person responsible for day to day activity of the M/s. Francis Biotech India Pvt. Ltd. Village Roshanpur, Daurali-250105 i.e. Accused No.7 which is Manufacturing Company engaged in the manufacturing the drugs for sale and having the manufacturing license in form 25 bearing No. 6 of 2002,03/SC/P of 2002 granted by the Drug Licensing & Controlling Authority Uttarpradesh.
- 9) That on 17/07/2012, the Complainant had drawn the sample as per the procedure & power vested him under the section 23 of the said Act of Drug namely "DPS-Strong", Diclofenac, Paracetamol & Serratiopeptidase Tablets B.No. 15161, D/Mfg-

  
2002,03/SC/P of 2002  
2002,03/SC/P of 2002  
2002,03/SC/P of 2002

03/2012, D.t. Of Exp- 02/2014 Mfg. By- M/s. Francis Biotech India Pvt. Ltd. Village Roshanpur, Daurali-250105 (hereinafter referred to as the "Said Drug") for analysis in form 17, Dtd. 17/07/2012, from the premises of M/s. Rajureshwar Pharmaceuticals Pvt. Ltd. i.e. Accused No.1.

10) That the said drug was sent for analysis under form 18 on 17/07/2012, to Government Analyst, Drugs Control Laboratory, Maharashtra State, Aurangabad as per the procedure of the said Act.

11) That the Government Analyst, M.S. Aurangabad had declared the said drug as of not of standard quality, vide his report in Form 13 bearing no. NSQ/AUR/24220/2012, dtd. 12.10.2012 ( hereinafter referred to as the "Said Report"), for the reasons mentioned below:

In the opinion of the undersigned the sample referred to above is of NOT OF STANDARD QUALITY as defined in the said Act for the reasons given below-

1] The Content of the Serratiopeptidase in the sample is less (19.3% of the said amount) than the permissible limit. ( Permissible limit :- Not less than 90% of the said Amount.)

12) That the Complainant has handed over the copy of Analytical Test Report in Form 13, vide office letter no. औ.सौप्र/अप्र. औ./2339/12/2, Dtd. 15/10/2012 handed over one copy of said report to Shri Ravindra Markasrao Sawale Competent Person of M/s. Rajureshwar Pharmaceuticals Pvt. Ltd. i.e. Accused no 1 as per provision of Section 25(2) of the said Act.

13) That accused no 1 asked vide above referred letter to disclose the name of the supplier, from whom he acquired the said drug, as per provision of Section 18-A of the said Act.

14) That the complainant sent the one copy of test report of subject drug vide office letter bearing no. D&C/NSQD/2347/12/3 dated 15/10/2012 by Registered A.D. Post to accused No.6. which is received by the accuse on 25/10/2012.



आचार्य  
आचार्य प्रमोद, व. स.  
आचार्य.

- 5
- 15) That Accused No.1, vide his letter dtd. 15/10/2012 disclosed that they had purchased the said drug from M/s. Milton Pharma, Kalher i.e. Accused No.2 vide their invoice no. MSS/00783 dtd. 15/6/12, Along with the self certified copy of purchase bill, Accused No.1 had also submitted the distribution details of the said drugs, purchased by them.
- 16) That the Complainant has sent the letter bearing No. औसौप्र/अप्र. औ./2346/12/2, Dtd. 15/10/2012 to Accused No.2 i.e. M/s. Milton Pharma and asked to submit the details from whom they have purchased the subject drug & details thereof.
- 17) That the Complainant received the letter from Accused No.2 in reply of the above letter & he disclosed vide his letter dated 20/10/2012 that he has purchased the said drug from Accused no.3 i.e. Alto Health Care Pvt. Ltd. vide their invoice No. 101, 355, 505 & 630 dated 30/4/12, 30/6/12, 16/8/12 & 17/9/12 respectively.
- 18) That the Complainant after getting information from accused No.2, issued notice under Section 18-B to Accused No.3 and asked to disclose the name of supplier from whom they purchased the subject Not of Standard Quality Drug but these letter were return back unclaimed. So again complainant send a reminder also which is unclaimed. Then complainant sent the letters by email. The Print of sent email is also enclosed here with.
- 19) That the complainant did not received any letter from accused No.3 after sending reminder & email also to them.
- 20) That Complainant has send the Reminder letter No. D&C/NSQD/6589/12/3 dated 12<sup>th</sup> December 2012 to accuse no.7 by RPAD which is received by the accuse on 27/12/2012 and directed to furnish the documents shortly.
- 21) That the complainant does not receive a single document from the accused No.7 till today so again send the reminder to accused No. 6 by email. The print report of email sent is also enclosed herewith.

  
प्रमाणित किया गया  
अधीक्षक, ए. ए. ए.  
मुंबई


But accused no.4 to 7 does not given any document.

- 22) That the Complainant requested to the Licensing Authority of the Accused No.7 i.e. Drug Controller & Licensing Authority Uttar Pradesh to give the documents regarding the constitution of the firm i.e. accused No.7.
- 23) That Complainant received the documents from the Drug Controller Uttar Pradesh on 12/02/2013 vide their Letter dated 18/01/2013, along with the xerox copy of documents related to Accuse No.4 to 7.
- 24) That, the complainant received the Prosecution order from the joint Commissioner (Head Quarter) Food & Drug Administration M.S. bearing no. खटला / AUAR/ 24220/2012/1740/12/10 dated 20/10/2012.
- 25) That the said drug is a drug as defined under Section 3(b)(i) of the said Act, which reads as follows:-

**Section 3: Definitions-** In this Act, unless there is anything repugnant in the subject or context, -

- (b) "Drug" includes-
- (i) all medicines for internal or external use of human being or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of any disease or disorder in human beings or animals, including preparation applied on human body for the purpose of repelling insects like mosquitoes.

- 26) That the said drug was declared as Not of Standard quality & Spurious by Government Analyst, Drugs Control Laboratory, Maharashtra State, Aurangabad vide said report.
- 27) That the Not submitting the Documents is the violation of the Section 18-B of the subject Act.
- 28) That the manufacturing of not of standard quality drug is prohibited as per provision of Section 18-(a)(i) read with Section 16(1)(a) of the said Act. Section 18(a)(i) reads as follows:-



**Section 18. Prohibition of manufacture and sale of certain drugs and cosmetics-** no person shall himself or by any other person on his behalf-

(a) Manufacture for sale [or for distribution] or sell, or stock, or exhibit [ or offer] for sale or distribute -

(i) Any drug which is not of standard quality, or is misbranded, adulterated or spurious.

29) That Section 16(1)(a) reads as follows:

**Section 16. Standards of quality-**

(1) For the purpose of this chapter, the expression "Standard Quality" means-

(a) in relation to a drug, that the drug complies with the standards set out in (second schedule).

30) That from above facts, it is clear that the Accused no. 1 to 7 had distributed the said drug on or before 12/10/2012, which is not of standard quality and, thereby contravenes Section 18 (a)(i) r/w Section 16(1)(a) and Section 34 punishable under Section 27(d) of Drugs and Cosmetics Act 1940.

31) That from above facts, it is clear that the Accused no 4 to 7 has manufactured for sale the said Drug on or before 12/10/2012, which is Not of Standard Quality and Spurious thereby contravenes Section 18 (a)(i) r/w Section 16(1)(a) and Section 34 punishable under Section 27(d) of Drugs and Cosmetics Act 1940.

32) That the Accused No. 3 to 7 had not given the documents asked by the complainant under Section 18-B & 22 (cca) of the act even also sending the reminder as well as communication by the e-mail.

8

**PRAY:**

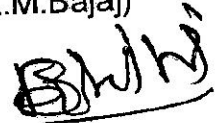
1. The complainant prays that the process be issued against the accused and they be dealt as per law.
2. The notice may be issued to accuse no 5 to 6 to remain present before Hon. Court to deposit the fees if they want to reanalyze the sample from CDL.

And for this Act of kindness, the complainant shall be duty bound ever pray.

Place: Jalna

Date: 19/3/2013

(R.M.Bajaj)



Complainant,  
Drugs Inspector,  
FDA, Jalna.

महाराष्ट्र सरकार  
राज्य स्वास्थ्य विभाग  
अन्न व औषध प्रशासन, म. न.  
जालना

List of witnesses IN THE R.C.C. NO.

: 195/2013

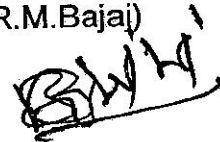
- 1) Shir. D. P. Awashank, Government Analyst, Drug Control Laboratory,  
M.S.Aurangabad.

Any other witness with the permission of the Hon'ble Court.

Place: Jalna

Date: 19/3/2013

(R.M.Bajaj)




Complainant,  
Drugs Inspector,  
FDA, Jalna.

माहिती अधिकारी  
राज्य सरकार, अहमदाबाद  
अन्य अधिकारी, अ. अ.  
अ. अ.

**LIST OF DOCUMENTS ATTACHED IN THE R.C.C. No.- 195 /2013**

Sr. No.	Name of the Documents	Date	copy	Page No.
01	Copy of Gazette Notification of Complainant & transfer order	9/1/98 & other	Xerox	1 to 4
02	Office Copy of Form 17	17/07/2012	xerox	5 to 6
03	Purchase bill of sample	17/07/2012	xerox	7 to 8
04	Copy of Form 18 sent to Govt. Analyst	17/07/2012	original	9
05	Sample receipt of Govt. Analyst	18/07/2012	xerox	10
06	Copy of Government Analyst Report in Form 13	12/10/2012	original	11 to 12
07	Office Copy of Letter given to Accuse No 1	15/10/2012	original	13
08	Letter sent to Accused No.7 & its acknowledgement slip	15/10/2012	original	14 to 15
09	Inspection report & other documents of accused No.1's shop	15/10/2012	original	16 to 19
10	Letter along with documents given by the Accuse No.1	15/10/2012	original	20 to 24
11	Copy of letter sent to Accused NO.2 along with its acknowledgement receipt	15/10/2012	original	25 to 26
12	Letter given to Drug Controller Uttarpradesh by JC (HQ) Mumbai regarding NSQ drugs	20/10/2012	original	27
13	Consent letter received from Joint Commissioner HQ to launch the prosecution	20/10/2012	original	28
14	Letter along with documents received from Accused No.2	20/10/2012	original	29 to 49
15	Copy of letter sent to Accused No.3 & envelope return due to unclaimed by them	30/10/2012	original	50 to 51
16	Copy of reminder sent to Accused No.3 & envelope return due to unclaimed by them	12/12/2012	original	52 to 54
17	Office copy of Letter & 23 & 25 Compliance sent to Accuse No.7 along with acknowledgement slip	12/12/2012	original	55 to 56
18	Letter received from Joint Commissioner Aurangabad along with letter of Drug Controller Uttarpradesh.	20/12/2012	Original	57 to 58
19	Letter given to Drug Controller Uttarpradesh by Complainant	01/01/2013	original	59
20	e-mail print about letter sent to Accused No.3 by e-mail & company detail of him.	03/01/2013	original	60 to 61

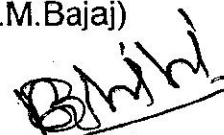
  
 राजदी अतिथी  
 राज्य सरकार, आंध्र प्रदेश  
 अतिथी प्रशासन, न. न.  
 आंध्र प्रदेश

21	e-mail print about letter sent to Accused No.3 by e-mail	03/01/2013	original	62
22	Documents received from the Drug Controller Uttarpradesh.	18/01/2013	original	63 to 67

Place: Jalna

Date: 19/3/2013

(R.M.Bajaj)



Complainant,  
Drugs Inspector,  
FDA, Jalna.

