

CR No. 812/10  
46/9/10

Sr. O. B B  
D E

RBL.RP-69

GOVERNMENT OF KARNATAKA

ORDER SHEET

ce 136/2008

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

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

C.C.NO. 136 / 2008.

COMPLAINANT

ACCUSED

Drugs Inspector,  
Bangalore Circle-V,  
Bangalore

① M/s. Sanchez Pharmaceuticals (P) Ltd.,  
Tohana-125120, Harayana.  
② Dr. Sunil Sethi S/o Madan gopal sethi.  
③ Dr. Mrs. Seema Sethi W/o Dr. Sunil Sethi  
④ Deepesh Kumar S/o R.N. Bhatia,  
⑤ Kishunji Yadav S/o Ram Bilas Yadav.

Admitted  
27.5.2008

admitted 16.8.2010

Date of Order or proceeding	Order or Proceeding Signature of Presiding Officer	Signature of Parties or Pleaders when necessary.
1	2	3

25-1-2008

Complaint presented on 25/1/2008  
by the complainant against the accused  
under Sec.200 of Cr.P.C.

ORDER

Perused Complaint. Cognizance of offence against A-1 to  
5 is taken. Register the case in C.C. register & Putup file.

Sd/-  
P.O.  
25/1/2008

Perused the record. There are grounds to take cognizance  
and to issue process against the accused No.1 to 5 for an  
offence U/s. 18(a)(vi) punishable u/s. 27(d) of Drugs and  
Cosmetics Act, 1940. Accordingly cognizance is taken against  
Accused No.1 to 5 and issue summons to Accused No.1 to 5  
r/b 18-3-2008.

(Typed to my dictation by the typist)

Checked

Shr...

P.O.

RTI Copy



①

18/3/08

Comptroller D:  
D.L.W.  
D.L.W.  
R.P.D.D. release & U.K.

Ref - 15 to  
A1403 - by R.P.D.D.  
Py. 16-5-08  
6

16/5/08

Comptroller D:  
D.L.W.  
D.L.W.  
R.P.D.D. of D.L.W.  
release & R.P.D.D.  
R.P.D.D. of D.L.W.  
release & U.K.

15 of A2404  
received as  
intended - hence  
now on to  
A2404 as of  
AS - Py  
23-6-08  
6

1/3/08

27/6/08

Comptroller D:  
D.L.W.  
D.L.W.  
R.P.D.D. of D.L.W.  
release & U.K.

A2403 - further  
LOR, adv. for  
power & work  
agreed by A2403  
C/L 436/445 U.K.  
Heard Tam

3 CE, 136/081

A2 & 3 are released  
on basis on they  
only every a  
for 1/2. Also in  
10,000 only  
trick only  
deposits  
of 20 to 20000

in amount  
A4 & 5 by  
8.8.08

                    

Collected  
M. 6000- 45  
A2 & 3 - 2000  
620238  
to  
27/6/08

paid bond executed  
24/6/08

Accused  
Copy  
Received  
88  
24/6

RTI COPY complete 22  
Alu. Co  
26/6/08  
N.B. 0205.

A2 to 5 als.  
CP 43 - A2 & 3  
and A 4 & 5  
A 4 & 5 by  
10.10.08

10/10/08

Hence Case is

13/11/08

10/10/08

13/10/08

Amplified  
Micro  
Resolution  
Risks  
Monitors

A 2405 also  
E.P. for A2405  
2 - NISW to  
A 45  
17.1.09

14/10/08

17/10/08

Amplified  
Micro  
Resolution  
Risks  
Monitors

A 2405 covered cells  
E.P. for A2403 allowed  
feel the drift  
m - m to A  
4 x 5 - 27.2.09

20/11

27/12/09

Amplified  
A2403  
A2405  
A2405  
A2405

A 2405, also E.P.  
A 2403, allowed  
A 2405, allowed  
A 4 x 5 - 17.4.09

Ce136/08

17/6/08

Comptroller  
M. L. W.  
Ad. E. L. W.  
Ad. E. L. W.  
Ad. E. L. W.

(5)

A 2405 camp  
els. e.p. 18  
A 243 all over  
Faintly all over  
A 445 by.  
12-6, 29.

6

12/6/08

Comptroller  
M. L. W.  
Ad. E. L. W.  
Ad. E. L. W.  
Ad. E. L. W.

R.T.I copy

~~A 1 20. A 2 to 5~~  
~~all over. E.p. 18~~  
~~A 243 all over~~  
~~645 317 over; Hear~~  
~~all over~~  
~~A 445 - 1000~~  
~~A 445 - 1000~~  
Hy: 16.7.2009

12-6-09

16/7/08

Comptroller  
M. L. W.  
Ad. E. L. W.  
Ad. E. L. W.  
Ad. E. L. W.

~~A 1 20. A 2 to 5~~  
~~all over. E.p. 18~~  
~~645 317 over; Hear~~  
~~all over~~  
~~A 445 - 1000~~  
~~A 445 - 1000~~  
Hy: 17.9.2009  
16.7.2009

136(09)

(16)

16/9/09 L & DB Adv to the

Can in Admunt

files Appln 28309upc

A-4. Mr. Deepesh Kumar present. Counsel Sri.GDR filed applns. U/s.309,436, 70(2) and 445Cr.P.C. alongwith vakalath. It is submitted that the other accused 2 & 3 are on bail and on the same terms and condition on parity this accused may be released on bail.

- Considering the nature of the offence alleged p/u/s.27(d) of D & C Act. The A-4 is enlarged on bail on his executing PB for Rs.10,000/- further directed to deposit the C/S of Rs.2,000/-.

NBW issued against the accused is recalled and directed to appear before the court regularly. Call on 17.9.2009.

~~Presiding Officer~~  
PRESIDING OFFICER.  
16-9-2009

C/S 95 Rs 2000 -  
Collected by  
DA 365277

16/9/09

Recall memo  
16/9/09

Received  
16/9

17/9/09

P.O. is on Leave  
Hence Case is Adjourned to 16/10/09  
Training  
P.O.  
17/9 -

Ce 1361.45

②

1611.15

Comptroller  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co

~~A1 Co A2 to 4~~  
~~Adm. Co~~  
~~Adm. Co~~  
A5. Jan  
14g: 20.11.29

Σ  
16.10.29

1611.15

Comptroller  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co

~~A1 Co. A2 to 4, 5~~  
~~Adm. Co~~  
A2 to 4 allowed  
Re-in NBK and  
proceeds 82 & 83 cm  
through COP 21.1.2010

Σ  
20.11.2009

2011 R.T.I COPY

1611.15

Comptroller  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co  
Adm. Co

~~A1 Co. A2 to 5~~  
~~Adm. Co~~  
A1 to 4 allowed  
Re-in NBK and  
proceeds 82 & 83 cm  
to A5 through COP  
concern 27.3.2010

Σ  
21.1.2010

2011

(18)

ca 136/08

29/1/10 In p.v.s. Advtor A5

Counsel present

filed App No 309

A-5 Mr.Kishunji Yadav, present.

case . 436 case, 445 case Counsel Sir.GDR/PNS present and filed vakalath and appln. U/s.309, 436, 70(2) and 445 Cr.P.C. The offence alleged against the accused is under D & C Act-1940. Heard prosecution. Orally objected.

K. Yadav.

(KISHUNJI YADAV)

The xerox copy of Election ID card furnished. The other accused are released on bail. Hence A-5 is enlarged on bail on his executing PB for Rs.10,000/- further directed to deposit C/s of Rs.2,000/-.

NBW issued against A-5 is recalled. Call on 27/3/2010.

PRESIDING OFFICER.

29-1-2010

C/S V Rs.2000/-  
C/S 365575  
29/1/10  
Recall memo  
29/1/10

Recall memo

29/1 27/3/2010

P.O. ... have  
Hence Ca. ... journed to 29/4/10

P.O. 27/3/10



(9)

C.C. 136/08

29/11/10

Comptroller

Advis

A3654, had

for EBC

A, Ca A 2 to 5 abs  
Epurs 317 com allowed  
for EBC Hg. 29.5.2010

29.4.2010

7/5/10 In G-DK-Adv for A2

files Appln 309 up

252 up

Car. G. Adv

A-2 present. ~~Car~~ Ld. Counsel

Sri. GDR present and filed applns.  
U/s. 309, 252 alongwith affidavit.

It is submitted that A-2 intend to

plea guilty for the alleged offence.

The charge is framed and readover and explained to A-2 in english language known to him, knowing the substance and ingredients of alleged offence the accused voluntarily pleaded guilty at this stage. Hence, plea is recorded. Plea is voluntary and the same is accepted.

The affidavit of A-2 is filed stating that he is married having wife, children and aged parents. They are depending upon him for livelywood. The firm sustained heavy loss and facing financial problems. He has suffering from B.P. and sugar.

Further counsel submitted that the relief upon unreported dictum in CrI.A.No.1309/2003, dtd:18.11.03 and stated that the sentence imposed by the Spl. Court was confirmed in a similar case and stated that the sentence imposed by the Spl. Court was confirmed in a similar case and CrI.AP.No.103 (1979)1 Hon'ble SC cases 568 observation considered.

RTI copy

(10)

ce 136/08

Considering the nature of the offence and reasons assigned and also test report in Form-13 description it is mentioned by analyst orange ~~coloured~~ coloured oblong shaped film coated tablets having breakline on one side and packed in blisters strips. Since the sample is breakline and not intact and exposed to atmosphere there is some variation in uniformity in weight and variation in disintegration is submitted by counsel is considered.

The offence alleged is the 1st offence and as such taking lenient view the accused is convicted U/s.255(2) Cr.P.C. and sentenced to undergo SI till raising of the court and to pay fine of Rs.5000/- I/D to undergo SI for 2 months.

To proceed <sup>against</sup> other accused ~~leave~~ 29.5.2010  
S.O.  
7-5-2010

Dr. ~~Asstio~~ G. J. ~~Advocate~~  
The court of Rs. 5000/-  
Case 2 of 2010-0236556  
21/5/10

As Accused under gone  
S.S.F.R.C

President

29/5/10

Comp Hlu. DC  
[As. Guhilo]  
As KSC. hon  
Dhruv

for EBC

A1 co. A2 convicted  
A-3 to 5 at f  
Equip 317 case - allowed  
for 45-day for  
EBC. From 55 - to Complaint  
D.I. Hg: 26-6-2010  
29-5-2010

4/16

C.C. 136/08

P.O. is on Leave  
Hence Case is Adjourned to 19/8/10

*[Signature]* P.O. 26/11/10

16/8/10 S.P.N.S. Adv. *[Signature]* Accused *[Signature]* Agas  
files Appln u/s 309 Cr.P.C. *[Signature]* Counsel  
le 252 Cr.P.C. *[Signature]* Present

The accused No.4 & 5 present. The learned Counsel Sri.GDR has filed application u/s.309 of the Cr.P.C., & application u/s.252 of the Cr.P.C. Further submit that the accused have voluntarily intended to plead guilty for the alleged offence.

The accusation of alleged offence is framed and readover and explained to A.4 & 5 in English Language known to them, knowing the substance and ingredient of alleged offence the accused voluntarily pleaded guilty at this stage. Hence, plea is recorded. Plea is voluntary and the same is accepted.

The affidavit of A.4 & 5 filed, it is stated that this is the first offence, they have not committed any offence on previous occasions. The accused No.4 approved manufacturing chemist and A.5 is the approved Analytical Chemist of A.1 company M/s.Sanchez Pharmaceuticaicles Pvt., Ltd., Near Hisar Tricrossing, Tohana, District Fatehabad, Harayana State. The said company was closed and at present they are not working in that company and they are working in different company A.4 is married and he is having wife and 2 children, aged parents & the family members are depending on their income for their livelihood. A.5 is also married having 5 children and aged parents and they are also depending upon them. The income of the accused is only source of income to the family members. It is also expressed the difficulties to travel from Harayana State to Bangalore for the purpose of trial.

R.T.I copy

cc/36/08

12-

Considering the nature of the offence and reasons assigned and relying upon the unreported dictum in CrI.A.No.1309/2003, dt: 18.11.2003 and stated that the sentence imposed by the Spl.Court was confirmed in a similar case and ~~stated that the sentence imposed by the Spl.Court was confirmed in a similar case and CrI.A.No.103 (1979), the Hon'ble SC cases 568 and the observations are considered.~~

It is reported in analyst report i.e., form No.13 description it is mentioned analyst "Orange coloured oblong shaped film coated tablets" having breakline on one side and packed in blisters strips. Since, the sample is breakline and not intact and exposed to atmosphere there is some variation infirmity in weight and variation in disintegration is submitted by the counsel is considered. ~~It is not~~  
~~Habit for is Spurious or adulterated.~~

The offence alleged is the 1<sup>st</sup> offence and as such taking lenient view, the accused is convicted u/s.255(2) of the Cr.P.C., and sentenced to under go S.I. till raising of the court and to pay a fine of Rs.5000/-, each, l/d to under go SI for 2 months each.

Call on 19.8.2010.

*[Signature]*  
16/8/10  
K. Yadav  
Kishori Yadav.

Deepesh Kumar

Accused no GHS  
undergone S.S.T.R.C

*[Signature]*  
President, Special Court

19/8/10

Comp. Clerk  
NARASIMH  
[Signature]  
S. B. S. I.

A1, 2, 4 & 5 Convicted  
A3 also L. Equated  
for EBC - Same  
Dy: 16.9.2010  
19.8.2010

Collected by 10,000- fine of Rs. 5000/-  
Dy. 26.5.96 & 7.6.59 & 8  
16.8.10.

16/9/10

Amnthe. DE

Asker had

[A. 424655  
C. 424655]

for EBC

(13)

C. 1. 126/08

A1 Co, A2, 4x5 Connected

~~Account no: 3 abt~~

Epus 317 cpe

allowed

For Evidence Before

Charge 21.10.2010

16-9-2010

R.T.I copy

← Total no. of pages: 13

OR no. 345004 2 4.10/-  
16/9/10

QR 366027 18-3/-  
25/9/10

16/9/10

1. Copy of the original document to be produced

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25/9/10  
SHRISTAD

(13)

C.C. 136/10

16/9/10

Comptroller of  
Able bod  
[A 2, 4, 5  
Cousins]  
for EBC

A 1 Co. A 2, 4 & 5 Committee  
~~Received no: 3 abs~~  
Epus 317 case  
allowed  
For Evidence Before  
Charge 21.10.2010  
Σ  
16.9.2010

21/10/10

Comptroller of  
Able bod  
[A 2, 4, 5  
Cousins]

A 1 Co. A 2, 4, & 5 Committee  
A 3 abs ~~E allowed~~  
For Evidence before charge / Admission  
Htg: 11.11.2010  
Σ  
21.10.2010

RTI copy for EBC

11/11/10

Comptroller of  
Able bod  
[A 2, 4, 5  
Cousins]

A 1 Co. A 2, 4, & 5 Committee  
A 3 abs ~~E allowed~~  
For Evidence before  
Charge / Admission  
called. 23.12.2010  
Σ  
11.11.2010

23/12/10

Comptroller of

A 2, 4, 5

[A 2, 4, 5  
Cousins]

A 1 Co. A 2, 4, & 5 Committee  
A 3 abs ~~E allowed~~  
For Evidence before  
Charge / Admission  
called. 23.12.2010  
Σ  
11.11.2010

(14)

cc 136/08

~~24/10/11~~

To reject  
Imm. NBW - / 'A3'  
Callon 10.2.2011

24/10/11

23.12.2010

10/2/2011

Complete DE  
Abu had  
[A2 A3 A5  
Circles]  
Cmbring

~~A1 co. A2, 4, 5 convicted~~  
~~A3 abt. Re-Enter~~  
NBW - / A3 Imm.  
reminder to elements from  
and return diligently  
Callon 24.3.2011

11/12

10.2.2011

24/3/11 comp (+) DE  
A3 / GDR

(A2 A3 A5  
convicted)  
Rel NBW to A3

~~A1 co. A2, 4, 5 convicted~~  
~~A3 abt.~~  
~~Abt. from 'NBW'~~  
Imm reminder  
Callon 23.4.2011

NBW returned unexecuted

24.3.2011

21/4/11 GDR Advor A3

File Appl all 3094 Council to GDR  
de 252.0000

~~A3~~ from GDR  
advance 4/3094



(15)

CC.No.136/2008

4.21.4.2011

A-3 present. Ld. Counsel Sri.GDR filed appln. U/s.309, 252 & 70(2) Cr.P.C. and affidavit of accused. It is submitted that accused intended to plead guilty. Case advanced. Sr.APP present. Copies furnished.

EBC is dispensed with in view of admitting the offence. Charge is framed, readover & explained to the accused in the English language known to her. The accused pleaded guilty voluntary in the presence of counsel and the same is accepted. Accused is convicted U/s.248(2) Cr.P.C.

Heard on imposing sentence. A-3 is a women and married and having children and aged parents. The factory is closed and there is no further offence as licence is cancelled and issued in Form 25 & 28. She is <sup>having</sup> diabetic and Hypotension. Family members depending upon her earnings.

The analyst report stated that Ciprofloxacin and Tinidazole has not passed assay test. The drug in question is not adulterated, spurious, sub-standard or injurious to health is stated. Only the ingredients of chemical components is varied in proportion as such failed assay test.

R.T.I  
copy

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 of adulterated or spurious nature. Alleged offence is the 1<sup>st</sup> offence, as such lenient view is taken while imposing the sentence.

Further counsel submitted that there is adequate and special reasons for imposing sentence less than one year as prescribed under S.27(d). Further

16

CC.No.136/2008

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-3 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)(vi) and p/u/s.27(d) of D & C Act, I/d to undergo SI for 6 months.

Recall NBW to A-3. Case is filed.

PRESIDING OFFICER

21-4-2011

Attended to 3  
under govt S.F.T.C

16/7/11

Total No of page: 16

Serial 366511

of 16/-

16/7/11

1. Copying --- required to be prepared

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3. Copying --- required to be prepared

4. Copying --- required to be prepared

5. Copying --- required to be prepared

TRUE COPY

16/7/11  
SHEASTEDAR