

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE,
THALASSERY

Present:- K.P. Thankachan, B.Com, LL.M.,
Chief Judicial Magistrate

Dated this the 21st day of January, 2020/ 1st day of Magha 1941

STC. No. 107/2018

- Complainant : The Drugs Inspector (Zone-I), Office of the Assistant Drugs Controller, Mufeeda Complex, South Bazar, Kannur.
[By DDP, Thalassery]
- Accused : 1. M/s. Modern Laboratories, 45, Sector D-2, Sanwar Road, Industrial Estate, Indore, Madhya Pradesh, represented by A2 Arun Kumar and A3 Anil Kumar
2. Arun Kumar, S/o. Prabhat Chandra Kharia, residing at A/3, Sanjay Upvan, Behind Indotel Hotel, A.B Road, Indore, Madhya Pradesh.
3. Anil Kumar, S/o. Prabhat Chandra Kharia, residing at A/3, Sanjay Upvan, Behind Indotel Hotel, A.B Road, Indore, Madhya Pradesh.
[By Adv. Sri. P.C. Mukundan]
- Offence : U/s. 18 (a) (i) r/w 27 (d) of the Drugs & Cosmetics Act, 1940 .

Plea : Not Guilty
Finding : Guilty.
Sentence or order : The accused are found guilty for the offence u/s. 18 (a) (i) r/w 27 (d) of the Drugs & Cosmetics Act, 1940 and they are convicted thereunder. The first accused firm is sentenced to pay a fine of Rs.10,000/-. In default of payment of fine it will be recovered as per the procedure u/s 421 of Cr.PC. The accused Nos.2 and 3 are sentenced to undergo simple imprisonment for a period of three months each and to pay a fine of Rs.10,000/- each for the offence under S.18 (a) (i) r/w 27 (d) of the Drugs & Cosmetics Act, 1940. In default of payment of fine they shall undergo simple imprisonment for one month each.

Description of the accused.

Sl. No.	Name	Father/ Husband's Name	Occupation	Residence	Age
1.	M/s. Modern Laboratories	- -	- -	- -	- -
2.	Arun Kumar	Prabhat Chandra Kharia	- -	Indore	- -
3.	Anil Kumar	Prabhat Chandra Kharia	- -	Indore	- -

Date of :-

1. Offence : 17.03.2005
2. Complaint : 23.11.2006
3. Apprehension : 19.06.2007
4. Release on bail : 19.06.2007
5. Commencement of trial : 19.07.2008
6. Close of trial : 13.01.2020

7. Sentence or Order : 21.01.2020

JUDGMENT

This is a complaint filed by Drug Inspector, Office of the Assistant Drugs Controller, Kannur alleging that the accused have committed the offence u/s. 18 (a) (i) r/w 27 (d) of the Drugs & Cosmetics Act, 1940.

2. The complainant's case in brief are as follows: - The first accused is a firm engaged in the manufacture and sale of drugs. The accused Nos.2 and 3 are the partners of the first accused firm who are responsible for the conduct of the business of the firm. On 17.03.2005 the drug inspector, Office of the Assistant Drugs Controller, Kannur inspected CHC, Iriveri and took samples of Ampicillin injection IP 500 mg, Batch No. K-308 which is an antibiotic drug manufactured by the accused. The drug inspector sent one of the sealed samples to the drug testing laboratory, Thiruvananthapuram for test and analysis. The Government Analyst, Drug Testing laboratory, Thiruvananthapuram reported that the sample of drug is not of standard quality for the

reasons that the drug sample fails to comply with the test for bacterial endotoxin, Test for Sterility, Test for iodine absorbing substances and Assay as specified in Indian Pharmacopoeia. The medical officer Community Health Centre, Iriveri, on request, informed that they procured the drug from the District Medical Stores, Kannur. The store superintendent District Medical Stores, Kannur, on request from the drug inspector, informed that they obtained the drug from M/s A to Z Pharma, 121, 1st Floor, RNT Marg, Indore -452 001, Madhya Pradesh, the C& F Agent and Pharmaceutical Distributor of the accused firm. The drug inspector therefore sent test report and the 3rd portion of the sample of the drug to the first accused firm through registered post and it received the same. But the first accused manufacturing firm had not challenged the validity of the test report and they have not made any explanation for the manufacturing and sale of 'not of standard quality drug'. Therefore the drugs controller, Thiruvananthapuram instructed the drug inspector, Kannur to initiate prosecution against the manufacturer. Subsequently on 12.10.2006 the drug inspector inspected the Medical store CHC Iriveri and District Medical Store, Kannur and seized the remaining drug, ie, Ampicillin injection IP 500 mg, Batch No. K-308. The inspections and enquiries conducted by the

complainant revealed that the accused manufactured not of standard quality drug and sold it to District Medical Store, Kannur through their authorised C &F Agent M/s. A to Z Pharma, Indore, from where the drug has been distributed to various Government Institutions in Kannur District, including CHC Iriveri from where the drug inspector had drawn the sample for analysis. The accused manufactured and sold not of standard quality drug; Ampicillin Injection IP 500 mg, B.No.K-308 and thereby committed the offence under S.18 (a) (i) r/w 27 (d) of the Drugs and Cosmetics Act. Hence the complaint is filed.

3. On receipt of the complaint it was taken on file as STC 102/06. On appearance of the accused particulars of offences were read over and explained to them, they pleaded not guilty and claimed to be tried. PWs1 to 5 were examined and Exts.P1 to P28 and MO1 and MO2 series were marked on the side of the complainant. But subsequently after the amendment of the Drugs and cosmetics Act my learned predecessor registered the case as CP 14/13 on the reason that after amendment a special court is only competent to try the offence. Thereafter my learned predecessor committed the case to Special court. But as per order dt. 17.08.2018 the Hon'ble Sessions Court,

Thalassery set aside the committal order and sent back the records to this court for trial in accordance with law with a finding that the offence under S.18 (a) (i) r/w 27 (d) of the Act is triable by the Magistrate Courts. Thereafter on receipt of the case records the case was numbered as CC 107/18, that is the present case.

4. Thereafter PW 6 was examined and Ext. P29 was also marked on the side of the complainant. (It is seen from the records that Ext. P18 which was marked through PW1 was again marked as Ext. P29 through PW6 by mistake. Therefore Ext. P18 and P29 are same document, ie, copy of the affidavit dated 8.8.2004). Thus PW1 to 6 were examined and Exts. P1 to P29 and MO1 and MO2 series were marked on the side of the complainant. On closure of the complainant's evidence the accused were questioned under S.313 Cr.PC. But they denied all the incriminating circumstances brought out against them in the complainant's evidence and maintained their innocence. The accused contended that accused 2 and 3 are only sleeping partners and they are not responsible for the conduct of the business of the first accused firm and therefore they cannot be fastened with any criminal liability in this case. The accused further contended that the

prosecution was delayed and that the drug seized and sampled by the drug inspector is not the drug supplied by the first accused firm. No defence evidence was adduced.

5. The points that would arise for determination are:-

1. Whether the first accused is the manufacturer of Ampicillin Injection IP 500 mg, B.No.K-308 seized and sampled by the drug inspector, Kannur from CHC, Iriveri?
2. Whether the drug; Ampicillin Injection IP 500 mg, B.No.K-308 seized and sampled by the drug inspector, Kannur from CHC, Iriveri is 'not of standard quality drug' as alleged by the prosecution?
3. Whether the accused Nos.2 and 3 are the partners of the first accused firm who are responsible for the conduct of the business of the first accused firm?
4. Whether the accused manufactured, and sold 'not of standard quality drug'; Ampicillin Injection IP 500 mg, B.No.K-308 to the District Medical store Kannur as alleged by the prosecution?
5. If the accused are found guilty what should be the punishment to be imposed upon them?

6. The point No. 1 to 4 :- The complainant is drug inspector, Office of

the Assistant Drugs Controller, Kannur. The complainant filed the complaint alleging that the first accused firm manufactured Ampicillin Injection IP 500 mg, B.No.K-308 which is not of standard quality and sold it to District Medical store Kannur from where it has been distributed to various Government Institutions in Kannur District, including CHC Iriveri from where the drug inspector had drawn the sample for analysis. The prosecution mainly relied on the evidence of PWs1 and 2, the drug inspectors, Assistant Drugs Controller office, Kannur to prove the offence alleged against the accused. PW1 is Sajeev Kumar, drug inspector, office of the Assistant Drugs Controller, Kannur. He filed the complaint before the court. Ext.P1 is the order appointing him as the drug inspector, office of the Assistant Drugs Controller, Kannur. His predecessor was PW2 Anil Kumar.M and Ext.P2 is the order appointing Anil Kumar as drug inspector, office of the Assistant Drugs Controller, Kannur. The Government has published notification fixing the area of jurisdiction with respect to the drug controller and Ext.P4 is the copy of the notification. PW1 and 2 deposed regarding their role in the search, seizure, and investigation which culminated in filing the complaint. On 17.03.2005 PW2, Anil Kumar inspected CHC, Iriveri which is within his jurisdiction and drew

samples of Ampicillin Injection IP 500 mg, B.No.K-308 manufactured by the first accused firm. PW2 divided the sample into four equal portions and packed and sealed each portion and pharmacist at CHC, Iriveri affixed his seal and signature in each packets. He prepared form 17 intimation to the pharmacist CHC, Iriveri and entrusted one portion of the sample to the pharmacist. PW2 thereafter prepared form 18 memorandum and sent one portion of the sample to govt analyst for test and analysis. Before getting the test analysis report PW2 was transferred and PW1 took charge. The Government analyst drug testing Lab, Thiruvananthapuram after test analysis issued Ext.P7 report stating that the Ampicillin Injection IP 500 mg, B.No.K-308 is not of standard quality. Ext.P8 is the laboratory protocol issued along with P7 certificate by Government analyst. PW1 sent Ext.P9 letter to the medical officer CHC, Irivery to inform as to from where they procured the drug. The medical superintendent CHC, Iriveri sent Ext.P10 reply stating that they procured the drug from District Medical stores, Kannur and the balance quantity of the drug is 450 Vials. PW1 thereupon sent Ext.P11 letter to the store superintendent, District Medical Store, Kannur enquiring as to from where they procured the drug, to which the store Superintendent, District Medical Store, Kannur sent Ext.P12

reply along with Ext. P13 invoice stating that they procured the drug from A to Z Pharma C& F agent of the accused firm. Thereafter PW1 sent the test report and laboratory protocol to the accused firm along with the 3rd portion of the sample as per Ext. P14 and P15 letters and the first accused firm received the same as evidenced by Ext.P16 series acknowledgment cards. The manufacturer received the test report, laboratory protocol and the 3rd sample sent to them but they did not challenge the validity of test report and they have not given any explanation for manufacturing not of standard quality drug. The drug controller, Thiruvananthapuram thereupon issued Ext.P17 letter directing PW1 to initiate prosecution against the manufacturer. Pw1 thereupon made application to the drug inspector's office Thiruvananthapuram for getting the details of the manufacturing firm and the office of the drug inspector, Thiruvananthapuram sent the documents such as copy of affidavit (Ext.P18), copy of power of attorney (Ext.P19), copy of drug licence (Ext.P20) and copy of partnership deed (Ext.P21).

7. On 12.10.2006 PW1 inspected CHC, Iriveri and the remaining drug was seized as per Ext.P22 mahazar. Ext.P23 is the form 16 receipt

prepared for seizure of stock of drugs , from CHC, Iriveri. On the same day PW1 inspected the District Medical Store and seized the remaining drug; Ampicillin Injection IP 500 mg, B.No.K-308, Ext.P26 issue note and Ext.P27 invoice and PW1 prepared Ext.P25 form 16 . PW1 conducted the investigation and filed the complaint before the court. The remaining drug, that is 450 vials Ampicillin Injection IP 500 mg, B.No.K-308 seized from CHC, Iriveri is produced before the court, which is marked as MO1 series.

8. PW3, K.Sarngadharan is the Pharmasist in CHC, Iriveri. He deposed that on 17.03.2005 PW2 inspected CHC Iriveri and demanded 100 vials Ampicillin Injection IP 500 mg, B.No.K-308 and he gave the same to PW2. PW2 then divided it into four equal portions of 25 vials each, packed and sealed. He handed over one of the portions to PW3 and PW3 signed Ext.P5 form No.14 prepared by PW2 for sampling the drug.

9.PW4 C. Muraleedharan, is the Store Superintendent, District Medical Office, Kannur. He deposed that the drug inspector had inspected the office and prepared Ext.P24 mahazar and he signed the same. PW1 had seized Ext. P26 issue note issued by Store Superintendent to

Medical officer CHC Iriveri. He further deposed that the drug was distributed by A to Z Pharma and Ext.P27 is the invoice issued by A to Z pharma the C&F agent of the accused firm.. Ext.P28 is the certificate of analysis sent by the accused firm.

10.PW5 Krishnankutty is the Government Analyst, Drug Testing Laboratory, Thiruvananthapuram. He deposed that on 08.03.2005 he received Ampicillin Injection IP 500 mg, B.No.K-308 sample. On 11.04.2005 he tested the same and four tests failed. He issued a certificate stating that it is not of standard quality.

11. PW6, Chithra is the Drug Inspector, Dug Inspector's Office, Thiruvananthapuram. She deposed that in the year 2006 on the instruction of drug controller, Thiruvananthapuram he collected documents from Government Medical stores directorate of health services, Thiruvananthapuram. She obtained the certified copy of the documents and sent it to the drug inspector, Kannur as per covering letter dated 9.3.2006. PW6 identified Ext.P19 as the copy of Power of attorney and P20 as the copy of drug license and Ext.P21 as the copy of the partnership deed and Ext. P29 as the copy of the affidavit which she collected from the Government Medical Store and sent to the drug

Inspector, Kannur.

12. The first contention raised by the accused is that the accused 2 and 3 are only sleeping partners and they are not responsible for the conduct of the business of the first accused firm and therefore they cannot be fastened with any criminal liability under the drugs and cosmetics Act. The complainant has specifically contended that the first accused is a partnership firm that the accused 2 and 3 are the partners responsible for conducting the business of the first accused firm and therefore they are also liable for the offence committed in this case. In this regard it is to be noted that PW1, the complainant has specifically deposed that the accused Nos. 2 and 3 are the partners responsible for the conduct of the business of the first accused .PW1, the complainant has collected copies of the documents in connection with the first accused firm through PW6 from the Government Medical Stores Directorate of Health Services, Thiruvananthapuram. PW6, the drug inspector, drug controllers' office, Thiruvanthapuram sent letter dated. 09.03.2006 along with the copies of the documents relating to the first accused firm. Ext.P18 is the affidavit sworn in by K L Barjatya, the authorised signatory of the first accused firm which would reveal that the accused numbers 2 and 3 are partners of the first accused firm

who are responsible for the manufacturing and conduct of business of the firm. Ext.P19 is the copy of the power of attorney executed by accused Nos.2 and 3 declaring that they are partners of the firm and they are authorising K L Barjatya for execution of all kinds of work in respect of the business with the Government and other public institutions. Ext.P20 is the drug licence issued in the name of first accused firm which would reveal that the accused 2 and 3 are responsible to the manufacturing and conduct of the business of the firm. Ext.P21 is the copy of the partnership deed of the first accused firm which would also reveal that the accused 2 and 3 are the working partners of the firm and they are responsible for the conduct of the business of the firm and the partnership deed itself would provide for remuneration for their services. In short the evidence on record would clearly and ambiguously prove that the first accused firm is the manufacturer of the drug seized by PW2, the drug inspector from CHC Iriveri. The accused No.2 and 3 are the working partners responsible for the conduct of the business of the firm. In that circumstance the contention of the learned defence counsel that the accused 2 and 3 are only sleeping partners and they are not responsible for the conduct of the business of the first accused firm cannot be accepted and it is only

to be rejected.

13. The accused contended that PW2, the drug inspector conducted the search and collected samples from CHC, Iriveri on 17.03.2005, but the prosecution was initiated only on 23.11.2006 by filing the complaint and that the delay have taken away the chance for the accused to prove their defence by sending the 4th sample to the central drugs Laboratory. But the above contention is devoid of merits. In this regard it is to be noted that PW2, the drug inspector inspected CHC, Iriveri and took samples of the drug on 17.03.2005. On 21.03.2005 he sent one of the samples to the Government analyst for test report as evidenced by Ext.P6 memorandum to Government analyst (form 18). The Government analyst sent the test analysis report dt. 28.04.2005 as evidenced by Ext.P7 test analysis report. Thereafter PW1 sent Ext.P9 letter to the Medical Officer, Community Health Centre, Iriveri to ascertain from where they procured the drug. The Medical Officer CHC, Iriveri sent letter on 30.05.2005 stating that they procured the drug from District Medical Store, Kannur. Thereafter PW1 sent Ext.P11 letter on 06.07.2005 to the store Superintendent, District Medical Store, Kannur to inform as to from where they procured the drug. Superintendent, District Medical Store sent reply dt. 25.07.2005

along with Ext.P13 invoice. Thereafter the drug controller, Thiruvananthapuram as per Ext.P17 letter directed PW1 to initiate prosecution against the offenders for manufacture and sale of not of standard quality drug. In short it can be seen that there is no undue delay on the part of the drug inspector in filing the complaint. It is true that the deposition of PW2 would reveal that the expiry date of the Ampicillin Injection IP 500 mg, B.No.K-308 is May 2005. But in this regard it is to be noted that after receiving Ext.P7 test analysis report of the Government analyst PW1 had sent Ext.P14 and 15 letters to the first accused firm stating that the drug manufactured by the first accused is not of standard quality. PW1 had also sent Ext.P8 protocol of test analysis and 3rd portion of the sample to the 1st accused as evidenced by Ext. P14 and P15 letters which was received by the first accused firm as evidenced by Ext.P16 series postal acknowledgement cards. But the accused have not challenged the test analysis report and have not taken any steps to send 3rd sample for examination by central laboratory. The very fact that the accused have not challenged Ext.P7 test analysis report itself would indicate that they have no dispute with respect to Ext.P7 test analysis report. In the above circumstances it can be concluded that the contention of the learned

defence counsel that the prosecution was initiated only on 23.11.2006 by filing the complaint, which is after expiry of the drug seized, and the delay have taken away the chance for the accused to prove their defence by sending the 4th sample to the central drugs Laboratory is devoid of demerits and it is only to be rejected.

14.The deposition of PW2 the drug inspector, Kannur and PW3 the pharmacist CHC Iriveri together with P5 form 17 intimation to the pharmacist CHC, Iriveri and Ext.P6 form 18 memorandum to Government analyst would reveal that on 17.03.2005 PW2, the Drug Inspector, Kannur inspected CHC, Iriveri and took samples of Ampicillin Injection IP 500 mg, B.No.K-308 and he divided the sample into 4 equal portions and entrusted one sample to the pharmacist CHC, Iriveri as per Ext.P5 and he sent another sample to the Government analyst for test analysis. Ext.P7 the certificate of test analysis together with Ext.P8 laboratory protocol and the deposition of PW5, Krishnankutty , Government analyst would reveal that the Ampicillin Injection IP 500 mg, B.No.K-308 which was seized from CHC Iriveri is not of standard quality. The evidence on record would reveal that the first accused firm is the manufacturer of the above drug and the

accused Nos.2 and 3 are the partners who are responsible for the conduct of the business of the first accused firm.

15. The deposition of PW1 together with Ext.P9 letter issued by him to the Medical Officer, CHC, Iriveri and Ext.P10 reply sent by medical officer, Iriveri would reveal that the Medical Officer, CHC, Iriveri procured the above drug from District Medical store, Kannur. The deposition of PW1, Drug Inspector and PW4, the store superintendent, District Medical Store, Kannur together with Ext.P11 letter sent by PW1 and Ext.P12 reply by the store Superintendent, Kannur and Ext.P13 invoice would reveal that the District Medical Store Kannur procured the above drug from A to Z Pharma, the authorized distributor of the first accused firm. In short the evidence on record would reveal that the first accused firm manufactured Ampicillin Injection IP 500 mg B.No.K-308 and sold it to the District Medical Store, Kannur from where it was supplied to CHC, Iriveri.

16. The evidence on record would reveal that PW2 the drug inspector Kannur inspected CHC, Iriveri, took the samples of Ampicillin Injection IP 500 mg B.No.K-308 and sent one of the samples to Government analyst for test analysis report after complying with all the legal

formalities. He had entrusted another sample with the pharmacist CHC, Iriveri and after obtaining test analysis report he sent the test analysis report and laboratory protocol as well as the 3rd sample to the manufacturer, the first accused firm. But the accused even after receipt of the test analysis report, laboratory protocol and the 3rd sample did not challenge the validity of the test analysis report and laboratory protocol. The accused have not taken any steps to sent 3rd sample for analysis to prove that the test result of the government analyst is not correct. In short it can be concluded that the drug inspector took the samples, sent it for test analysis and after obtaining the report initiated prosecution against the accused after complying with all the legal formalities. In short the evidence on record would clearly and unambiguously prove that the accused manufactured and sold not of standard quality drug and thereby committed the offence under S.18 (a) (i) of the Drugs and Cosmetics Act.

17. *Section 18 (a) (i) of the Drugs & Cosmetics Act reads as follows:*

*Prohibition of manufacture and sale of certain drugs and cosmetics-
From such date as may be fixed by the state Government by
notification in the Official Gazette in this behalf, no person shall himself*

or by any other person on his behalf-

(a) manufacture for sale or of distribution, or sell, or stock or exhibit or offer for sale, or distribute- any drug which is not of a standard quality, or is misbranded, adulterated or spurious.

18. The offence under S.18 (a) (i) of the Drugs and Cosmetics Act is punishable under S.27 (d) of the Act. In short the complainant has proved that the accused have committed the offence under S.18 (a) (i) of the Drugs and Cosmetics Act, which is punishable under S.27 (d) of the Act.

19. **Point No.5:-** On the basis of the above findings it can be concluded that the accused have committed the offence under S.18 (a) (i) of the Drugs and Cosmetics Act which is punishable under S.27 (d) of the Act. The accused are therefore found guilty for the offence under S.18 (a) (i) r/w S.27 (d) of the Drugs and Cosmetics Act and they are convicted thereunder. Considering the nature of the offence I am not inclined to invoke the benevolent provisions of the Probation of Offenders Act in this case.

20. The question now to be considered is what is the punishment to be imposed on the accused. Sec. 27 (d) of the Act reads as follows;

Whoever, himself or by any other person on his behalf, manufactures for sale or for distribution, or sells, or stocks or exhibits or offers for sale or distributes, –

(d) any drug, other than a drug referred to in clause (a) or clause (b) or clause (c), in contravention of any other provision of this chapter or any rule made thereunder, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to two years and with fine.

Provided that the court may for any adequate and special reasons to be recorded in the judgment , impose a sentence of imprisonment for a term less than one year.

21. In short it can be seen that offence u/s. 18 (a) (i) of the Drugs & Cosmetics Act, 1940 is punishable with imprisonment for a term which shall not be less than one year and which may extend to two years and with fine. But the proviso would reveal that the court may for any adequate and special reasons to be recorded in the judgment impose a sentence of imprisonment for a term of less than one year.

22. The next question to be considered is what is the sentence to be imposed on the accused. The first accused is the partnership firm and the accused Nos.2 and 3 are its partners who are responsible for the conduct of the business of the firm. In this regard it is to be noted that the drug inspector inspected CHC, Iriveri and took the sample on 17.03.2005. The prosecution was initiated on 23.11.2006, ie 13 years back. The accused have been facing the prosecution for the last 13 long years. The first accused firm situates at Indoor, Madhya Pradesh and the accused Nos.2 and 3 are the permanent residents at Indoor, Madhya Pradesh. They have been facing prosecution for the last 13 years. In the above circumstance considering the entire facts and circumstances of the case I am of the opinion that a lenient view can be taken in the matter of awarding sentence of imprisonment.

In the result;

(1) The first accused firm is sentenced to pay a fine of Rs.10,000/- for the offence under S.18 (a) (i) r/w S.27 (d) of the Drugs and Cosmetics Act.

(2) In default of payment of fine it shall be recovered as per the procedure prescribed u/s S.421 of Cr.PC.

(3) The accused Nos.2 and 3 are sentenced to undergo simple

imprisonment for a period of three months each and to pay a fine of Rs.10,000/- each for the offence under S.18 (a) (i) r/w S.27 (d) of the Drugs and Cosmetics Act .

(4) In default of payment of fine the accused No. 2 and 3 shall undergo simple imprisonment for one more month each.

MO1 and MO2 series shall be destroyed after the appeal period.

Dictated to the Confidential Assistant transcribed and typed by her, corrected and pronounced by me in open court, on this, the 21st day of January, 2020.

CHIEF JUDICIAL MAGISTRATE,
THALASSERY.

APPENDIX
FOR COMPLAINANT

Witnesses examined : Pw.1 [CW.1] Sajeev Kumar
: Pw.2 [CW.2] Anil Kumar
: Pw.3 [CW.3] Shrangadharan
: Pw.4 [CW.4] Muraleedharan
: Pw.5 [CW.5] Krishnan Kutty
: Pw.6 [Addl. Witness] Chithra R.Devi

Exhibits filed : P1 dt. 22.04.2005, Copy of the
proceedings of the Drugs Controller.

- : P2 dt.27.07.2001, Copy of the proceedings
of the Drugs Controller.
- : P3 dt. 20.12.2001, Gazette notification
- : P4 dt.16.02.1947, Copy of Gazette
Notification
- : P5 dt. 17.03.2005, Original Form 17
- :P6 dt.21.03.2005, Memorandum to
Government Analyst
- : P7 dt.28.04.2005, Certificate of Test or
Analysis by Government analyst.
- : P8 dt. 11.04.2005, Laboratory protocol
- : P9 dt. 07.05.2005, Letter
- : P10 dt. 30.05.2005, Letter
- : P11 dt. 06.07.2005, Letter
- : P12 dt.25.07.2005, Letter
- : P13 dt.25.06.2003, Copy of Invoice
- : P14 dt.07.05.05, Letter to Modern
Laboratories
- : P15 dt.07.05.05, Letter to Modern
Laboratories
- : P16 series dt.23.11.06, Acknowledgement
cards
- : P17 dt.24.06.2005, Letter
- : P18 dt. 08.08.2004, Affidavit (P18 & P29
same document)
- : P19 dt.01.01.2001, Copy of Power of
Attorney

- : P20 dt. 09.05.1979, Drug license
- : P21 dt. Nil, Partnership deed
- : P22 dt. 12.10.2006, mahazar
- : P23 dt. 12.10.2006, Form 16
- : P24 dt. 12.10.2006, mahazar
- : P25 dt. 12.10.2006, Form 16
- : P26 dt. 12.08.2003, Issue note
- : P27 dt. 25.06.2003, Invoice
- : P28 dt. 15.06.2003, Certificate of analysis
- : P29 dt. 08.08.2004, Affidavit(P29 & P18
same document)

FOR THE DEFENCE

- Witnesses examined : Nil
- Exhibits marked : Nil

MATERIAL OBJECTS MARKED

- MO1 series : Ampicillin injection
- MO2 series : Ampicillin injection

CHIEF JUDICIAL MAGISTRATE,
THALASSERY.

JUDGMENT IN STC 107/2018

DATED: 21/01/2020
