

**IN THE COURT OF 1st ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THIRUVALLUR, TAMILNADU**

Present:- **Tmt. S. TASNEEM, M.L.,**
I-Additional District and Sessions Judge, Tiruvallur

Wedday, dated the 08th day of April 2026

Sessions Case No.67 of 2023

(P.R.C.No.87/2022, on the file of Chief Judicial Magistrate Court, Tiruvallur)

State represented by
The Drug Inspector,
Valasaravakkam Range,
Tiruvallur Zone-IV,
Chennai-06

..... Complainant

Vs

1) N.Ganesan, S/o C.T.Narayanan,
The Proprietor of
M/s Alagu Medicals at Dr.Peter Fernandus
home for schizophrenia Fernandus
Avenue, Sabari nagar, extension, Porur,
Chennai – 116.

2) S.Gurunathan, Person in charge of
M/s Alagu Medicals at Dr.Peter Fernandus
home for schizophrenia Fernandus
Avenue, Sabari nagar, extension, Porur,
Chennai – 116.

**(2nd accused is splitup in CC.No.8/2020
and the same was pending before the
Chief Judicial Magistrate, Tiruvallur)**

...Accused

This Sessions case coming on 17.03.2026 before me for final hearing in the presence of the Thiru.C.Ravichandran, Learned Additional Public Prosecutor on behalf of Prosecution and Tr.S.Muthukumarvel, Learned Counsel for the accused and

upon hearing their arguments having stood over for consideration till this day, this court delivered the following:

JUDGMENT

The complainant/State represented by the Drugs Inspector, Valarasavakkam Range, filed the complaint u/s.200 of Cr.P.C., alleging that the accused N.Ganesan, Proprietor of M/s Alagu Medicals at Dr.Peter Fernandus Home for Schizophrenia Fernandus Avenue, Sabari Nagar Extension, Porur, Chennai – 116 has committed the offences u/s.18(c) of the Drugs and Cosmetics Act 1940 read with Rule 27 (b) (ii) of the Drugs and Cosmetics Rules 1940.

2. According to the complainant, during the inspection on 02.09.2014 in the premises of Dr.Peter Fernandus Home for Schizophrenia Fernandus Avenue, Sabari Nagar Extension, Porur, Chennai – 116, in the presence of one S.Gurunathan person incharge of the said premises was present at that place, found having stocked and sold the drugs without valid licence. Therefore, he has contravened u/s.18(c) of the Drugs and Cosmetics Act 1940 read with Rule 27 (b) (ii) of the Drugs and Cosmetics Rules 1940. Therefore, the complainant filed the complaint against the accused before the Chief Judicial Magistrate, Tiruvallur.

3. Upon being satisfied with the prima facie case made against Accused, the Learned Chief Judicial Magistrate, Tiruvallur, took the case on file as PRC No.87/2022 on 06.01.2023 and furnished copies under Section 207 of the Cr.P.C.

Having been satisfied that the offenses against Accused are exclusively triable by the Court of Sessions, the learned Chief Judicial Magistrate, Tiruvallur, committed the case to the Principal District and Sessions Court, Tiruvallur, under Section 209(a) of the Cr.P.C. Consequently, the case was taken on file as S.C.No.67/2023 by the Hon'ble Principal District and Sessions Court, Tiruvallur, and the same was then made over to this Court for trial.

4. Upon the appearance of Accused, and after hearing both sides, and being satisfied that there were reasons to proceed against the accused, charges on one count were framed there under.

5. The aforementioned charges were read over and explained to accused, and questioned. Accused denied the charges and pleaded not guilty. Consequently, the trial commenced.

6. To prove the offenses leveled against the accused, the learned additional public prosecutor filed adoption memo stating that, the examination of PW1 and marking of documents in earlier court may be treated as same as examined as PW1 and Ex.P1 to Ex.P10 were marked and M.O.1 also marked and one Tr.Thirugnanasambanthan was examined as PW2 and Ex.P11 to Ex.P18 were marked.

7. The PW1, complainant's Drugs Inspector deposed that, on 02.09.2014, the PW1

had received telephonic complaint stating that, a medical shop is running without proper license. Based on the complaint, he inspected the said premises of Dr.Peter Fernandus home for schizophrenia, Sabari Nagar, Extension, Porur, Chennai-116. During the course of inspection one Tr.S.Gurunathan, the person incharge was present at the said premises and he found that the accused had not obtained any drug license from Licensing Authority. Therefore, the PW1 has issued **Ex.P1** notice under Section 22(1)(cca) of Drugs and Cosmetics Act 1940 on 02.09.2014 itself by directing the accused to submit the relevant documents for verification. **Ex.P2** is the voluntarily statement given by person incharge Tr.S.Gurunathan, stating that drugs are purchased under the Licenses of M/s Alagu Medicals which is situated at the mount Poonamalle, Porur, Chennai-116 and he had furnished 69 reprints of the cash/credit memo issued between the period from 26.08.2014 to 02.09.2014. The drug inspector took a sample of **Valporate Chrono 300, Tegrital 200** for analysis under **Ex.P8 (2 Nos)** Form-17 along with **Ex.P10** acknowledgement was sent to Government Analyst, Drugs Testing Laboratory, Chennai-06 and the payment for the drawn sample Rs.1848/- and Rs.575/- was paid in **Ex.P9 (2 Nos)**. After drawing the sample for analysis the PW1 seized the remaining stocks of drugs under **Ex.P3** Form 16 and prepared mahazar, mahazar list, sketch and 69 bills which is marked as **Ex.P4 to Ex.P7** and M.O.1 40 items of drugs respectively. On 22.04.2016, the PW1 has handed over the entire case records to PW2 Tr.Thirugnanasambanthan.

The PW2, complainant's Drugs Inspector deposed that, as per GO(4D).No.20 dated 12.07.2013 he was notified as an inspecting authority under section 32(1) of

the Drugs and Cosmetics Act and thereby he was empowered for the same. **Ex.P11** is the 69 sales bills. On 28.10.2014 and 27.10.2014, the PW2 inspected the suppliers of M/s Muthu Pharma Agencies pvt., ltd., Porur, Chennai – 116 and M/s Rau and Co, Alapakkam, Chennai-116 both firm had declared that the drugs were sold only to M/s Alagu Medicals, and not to premises of above said medical shop and also they issued **Ex.P12** Voluntarily statement along with 12 bills. Subsequently, the PW2 had issued **Ex.P13** show cause memo dated 13.01.2017 to the accused seeking explanation for the contravention of 18(c) of Drugs and Cosmetics Act 1940 and the same was returned, the returned postal cover marked as **Ex.P14**. Again, on 12.04.2017 the PW2 had issued **Ex.P15** show cause memo to the accused and the accused had given **Ex.P16** reply dated 17.04.2017 stating that he did not know that a new license to be obtained even in the Doctor's premises and Tr.S.Gurunathan is not responsible in the matter. The **Ex.P16** is not satisfactory one the Pw.1, issued **Ex.P17** Proposal sent to the Director of the Drugs Control, Chennai dated 14.06.2017, and initiated proceedings against the accused by obtaining sanction dated 20.10.2017 **Ex.P18** from the Director of Drugs Control and the present complaint has been lodged.

9. After recording of the said complainant's evidences, all the incriminating evidence were put to the accused U/s 313 [Cr.P.C.](#) In turn, the accused admitted the offences levelled against him. He also filed an admission petition pleading guilty and reported that he has no evidence either oral or documentary.

10. Heard and perused the records.

11. The PW1 has categorically deposed that the accused has stocked and sold drugs without a valid drug licence. Therefore, he has contravened section u/s.18(c) of the Drugs and Cosmetics Act 1940 read with Rule 27 (b) (ii) of the Drugs and Cosmetics Rules 1940. Further, though the accused has not pleaded guilty at the initial stage, after trial when he was questioned under section 313 of Cr.P.C., the accused himself admitted the offence. The accused further prayed for awarding lesser punishment stating that they are maintaining all the records and has complied with the deficiencies as pointed out by the complainant's drug Inspector.

12) Question of sentences asked to the accused. Since the accused found guilty of the Sec. 18(c) of the Drugs and Cosmetics Act 1940 read with Rule 27 (b) (ii) of the Drugs and Cosmetics Rules 1945, for which the accused prayed for awarding lesser punishment of fine alone since, he is the only bread winner of the family.

13) Therefore, in view of the above admission by accused and also considering the facts and circumstances of the case, this court convicts the accused on his admissions and sentences him to imprisonment till rising of the court and to pay a fine of Rs.25,000/- u/s 27(b)(ii) of the Drugs and Cosmetics Act 1940.

14) In total, this court sentences the accused to pay fine of Rs.25,000/- in default to undergo simple imprisonment for 6 months.

Dictated by me to the steno-typist, typed by her directly in the computer, corrected and pronounced by me in the open Court, on this 08th day of April 2026.

I-Additional District and Sessions Judge,
Tiruvallur

Prosecution witnesses:-

PW1 Tr.Abdul Malik
PW2 Tr.Thirugnanasambanthan

Prosecution Exhibits:-

Ex.P1	02.09.2014	Notice under Section 22(1)(cca) of Drugs and Cosmetics Act 1940
Ex.P2	02.09.2014	Voluntarily statement of S.Gurunathan
Ex.P3	02.09.2014	Form 16
Ex.P4	---	Mahazar
Ex.P5	---	Mahazar list 40 medicines
Ex.P6	---	Rough sketch
Ex.P7 (series)	---	bills 69 Nos
Ex.P8 (series)	---	Form 17 (2 Nos)
Ex.P9 (series)	--	Purchase bills for the drugs seized (2 Nos)
Ex.P10 (series)	--	Acknowledged by Gurunathan (2 Nos)
Ex.P11	—	Sales bills 69 Nos.
Ex.P12	—	Voluntarily statement along with sales bills 12 Nos
Ex.P13	13.01.2017	Shou cause memo
Ex.P14	---	Return cover

Ex.P15	12.04.2017	Show cause memo
Ex.P16	17.04.2017	Reply of the accused
Ex.P17	12.10.2017	Proposal of the Drug Inspector
Ex.P18	20.10.2017	Sanction Order

Defence Side witnesses & Exhibits: NIL

Material Objects:-

M.O.1 Details of the 40 items of Drugs

I-Additional District and Sessions Judge,
Tiruvallur