

HIGH COURT OF ANDHRA PRADESH

MAIN CASE NO.: Cr1.P.No.3402 of 2022

PROCEEDING SHEET

Sl.No.	Date	ORDER	OFFICE NOTE
02.	05.5.2022	<u>DR,J</u> <u>I.A.No.01 of 2022</u> Dispensed with for the present. <u>Cr1.P.No.3402 of 2022</u> The contention of the petitioners is that without taking cognizance under Section 193 Cr.P.C., the Court below issued summons to the petitioners. When the petitioners made an application before the concerned Court, the same was returned saying that no such document is in the bundle. Learned Assistant Public Prosecutor opposed by saying that as per Section 36 (a)(d) of Drugs and Cosmetics Act, the Sessions Court is the competent Court and directly they can file a complaint before the Sessions Court concerned and requested time for filing cognizance report. Learned counsel for the petitioners has relied on the judgment of the Hon'ble Supreme Court reported in between <i>Gangula Ashok and another vs. State of A.P. (2000 (2) Supreme Court Cases 504)</i> wherein the Court has clearly stated that Section 193 of the Code has to be understood in the aforesaid backdrop. The section imposes an interdict on all Courts of Session against taking cognizance of any offence as a court of original jurisdiction. It can take cognizance only if "the case has been committed to it by a Magistrate". Considering the submissions, there shall be stay of all further proceedings in	

		DCSC No.4 of 2021 on the file of the I Additional District and Sessions Judge, Chittoor. RD DR, J	
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