

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case No. :- CRM (M) No. 486/2023 c/w
CRM (M) No. 934/2023

Swastik Formulations Pvt. Ltd. &Petitioner(s)/Appellant(s)
Ors.

Through: Mr. Gourav Goswami, Advocate

Vs

Union of India Respondent(s)

Through: Mr. Vishal Sharma, DSGI

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER

17.11.2023

1. The petitioners have challenged the complaint filed by the respondent which is pending for trial in the Court of learned Chief Judicial Magistrate Jammu in case titled "**Union of India through Drugs Inspector vs. Swastik Formulation Pvt. Ltd. & Ors.**" bearing case No. 101971/2020 File No. 1555/2020 for the commission of offences punishable under Section 18 (a) (i) read with Section 27 (d) of the Drugs and Cosmetics Act, 1940 and have also challenged the cognizance order dated 29.02.2020 wherein the process had been issued against the petitioners.
2. Mr. Gourav Goswami, learned counsel appearing on behalf of the petitioners submits that by the time, the impugned complaint had been filed, the sample of the drug, which is the subject matter of the impugned complaint had already expired and as such, despite expressing its intention to give evidence in contravention of the report of the Government

Analyst, the same could not be done by the petitioner, thereby violating its valuable right available under Section 25 (4) of Drugs and Cosmetics Act, 1940.

3. Mr. Vishal Sharma, learned DSGI appearing on behalf of the respondent seeks further time to file brief status report in the matter. Four weeks' time is granted to him to do the needful, by way of last and final opportunity.
4. List on **27.12.2023**.
5. Meanwhile, subject to objections from the other side and till next date of hearing before the Bench, proceedings pending before the court of learned Chief Judicial Magistrate Jammu in case titled "**Union of India through Drugs Inspector vs. Swastik Formulation Pvt. Ltd. & Ors.**" bearing case No. 101971/2020 File No. 1555/2020 for the commission of offences punishable under Section 18 (a) (i) read with Section 27 (d) of the Drugs and Cosmetics Act, 1940 shall remain stayed.

Alteration/Modification & Vacation on motion.

(Wasim Sadiq Nargal)
Judge

JAMMU
17.11.2023
Manan