

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S. B. Criminal Miscellaneous Inward Application No.01/2022

In

S.B. Criminal Miscellaneous (Petition) No. 7640/2021

Vinay Mangal S/o Shri Ghanshyam Mangal, Aged About 30 Years,
Resident Of Vrandavan Oil Mill, paota, Distt. Jaipur Presently
Residing At Plot No. 30, Kasturba Nagar, Nirman Nagar, Jaipur.
(Currently In Judicial Custody In District Jail, Jaipur)

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. The Drugs Controller Officer, Jaipur, Office At Mini
Swasthya Bhawan, Sethi Colony, Mandir Marg, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. S. S. Hora, Adv.
For Respondent(s)	:	Mr. Riyasat Ali, PP
For Complainant(s)	:	Mr. Kamlakar Sharma, Senior Adv. with Mr. Shivangshu Naval, Adv., Mr. Madhusudan Rajpurohit, Adv. & Mr. Ankit Popli, Adv.

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Order

03/03/2022

The application has been filed by the applicant under
Section 482 Code Of Criminal Procedure, 1973 for impleading the
applicant-Torrent Pharmecuticals Limited as a party in the matter.

Learned counsel for the applicant submits that the
applicant filed a complaint before the Drug Control Organization,
Government of Rajasthan upon which Drug Organization
conducted raids and inspected the premises of petitioner and
seized spurious drug strips of LOSAR-H tablets and lodged the

present FIR. So, the applicant be impleaded as a party-respondent. So, he can prove his case properly. Learned counsel for the applicant further submits that there is no harm in impleading the applicant as a party.

Learned counsel for the applicant has placed reliance upon the following judgments: **(1) J. K. International Vs. State, Govt. of NCT of Delhi and Ors in Criminal Appeal No.222 of 2001 passed by Hon'ble Supreme Court of India on 23.02.2001; (2) Vaishno Dhiman Vs. State (Govt. of NCT of Delhi) and Ors. In Criminal Appeal No.838/2020 passed by Hon'ble Supreme Court Of India; (3) Torrent Pharmaceuticals Limited Versus State Of Rajasthan & Anr. In S. B. Criminal Bail Cancellation Application No.29/2020 decided on 29.01.2021 and (4) Sheo Nandan Paswan V/s State of Bihar and others reported in AIR 1987 SC 877.**

Learned counsel for the petitioner has opposed the arguments advanced by learned counsel for the applicant and submitted that the applicant has no locus standi. Applicant can only assist the public prosecutor. So, there is no necessity to implead the applicant as a party-respondent.

Learned counsel for the petitioner has placed reliance upon the following judgments:**(1) Shiv Kumar Vs. Hukam Chand & Anr. Reported in (1999) 7 SCC 467; (2) State Of Andhra Pradesh Vs. Mahabunisa Begum and Ors. reported in (2019) 16 SCC 327; (3) Bhupendra Kumar Vs. State Of Rajasthan & Anr. in S. B. Criminal Revision Petition No.203/2021 decided on 21.02.2022; (4) UOI Vs. Ashok Kumar Sharma reported in 2020 SCC Online SC 683; (5) Tejinder Pal Singh Multani Vs. State Of Punjab & Ors.; (6)**

Mahalakshmi Spinners Ltd. & Ors. Vs. State Of Haryana & Ors. reported in MANU/PH/1245/2006; (7) K. K. Mishra Vs. State Of MP & Anr. reported in (2018) 6 SCC 676 and Avtar Singh Vs. State Of Punjab reported in (1965) Cri.L.J. 605.

I have considered the arguments advanced by learned counsel for the applicant as well as learned counsel for the petitioner.

It is an admitted position that the present FIR was lodged on the complaint of the applicant. So, for better adjudication of the case, I deem it necessary to implead the applicant as a party-respondent. So, application filed by the applicant is allowed and petitioner is directed to implead the applicant as a party-respondent and file amended cause-title.

List the main matter after four weeks.

(NARENDRA SINGH DHADDHA),J

Gourav/35

