

Calcutta High Court
In the Circuit Bench at Jalpaiguri

19.02.24

CRR 12 of 2024

SB-III
Item
No. 05
Mithun

M/s Stadmed Private Limited & Ors.
Vs.
Union of India

Mr. Sourav Ganguly,
Mr. Abhishek Sarkar

... for the petitioners.

1. This revisional application has been filed assailing the proceeding in connection with complaint case under Section 200 Cr.P.C. read with Section 32(1) of Drugs and Cosmetics Act, 1940 corresponding to C.R. Case No.1122 of 2022 pending before the learned Court of Chief Judicial Magistrate, Jalpaiguri.
2. The proceeding was initiated by issuing notice under Section 204 of Cr.P.C. against the petitioners being the Directors of the Company. Mr. Sourav Ganguly, learned Advocate appearing on behalf of the petitioners has submitted that the Directors nowhere connected with the process of manufacturing of the medicines. A joint inspection report is also drawn to my attention and submitted that the persons involved in manufacturing of medicines were given but they were

not impleaded in the case which was lodged after one year of putting out the joint inspection report dated 16.12.2021.

3. In support of his contention learned Advocate Mr. Ganguly also relied on the case of ***State of Haryana Vs. Brij Lal Mittal & Ors.*** reported in ***(1998) 5 Supreme Court Cases 343*** and in the case of ***Lalankumar Singh & Ors. Vs. State of Maharashtra*** reported in ***2022 SCC OnLine SC 1383***.
4. However, having heard the learned Advocate appearing on behalf of the petitioners as well as having gone through the documents on record, the instant revisional application stands admitted.
5. Petitioners are directed to serve notice upon the opposite party along with copy of the instant revisional application through the Deputy Solicitor General, Government of India of this Court and to file affidavit of service on the returnable date.
6. Given facts and circumstances, there shall be stay of the proceedings in connection with CR Case No.1122 of 2022 for four weeks, or until further orders,

whichever is earlier.

7. Let the matter appear in the next available Circuit Bench.

(Bibhas Ranjan De, J.)