

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Criminal Revisional Jurisdiction**

CRR No. 152 of 2024

In the matter of : M/s. Stadmed Private Ltd. & Ors.
..... petitioners.

Mr. Sourav Ganguly
Mr. G. D. Reddy
Mr. Abhishek Sarkar
Mr. Bibek Tarafdar
Mr. Gopal Roy
Ms. Rishita Chakraborty ...for the petitioners.

The petitioners have prayed for quashing of the proceedings in connection with complaint case being CR Case no.262 of 2022 pending before the learned Chief Judicial Magistrate, Jalpaiguri for offences punishable under Section 16(1)(a)/18 read with Sections 34/27(d) of the Drugs & Cosmetics Act, 1940.

The petitioners are the Directors of the company in the name and style of M/s. Stadmed Private Ltd., manufacturing drugs within the meaning of Section 3(b) of the 1940 Act.

Drug sample was drawn from the premises of the company at New Jalpaiguri by the Assistant Drugs Controller/Deputy Drugs Controller (India) and upon finding the sample not in conformity with IP with respect

to dissolution, the Drugs Controller (India), North Zone, Ghaziabad was requested to conduct further investigation in the matter and submit a report to that effect with relevant documents before the office of the Assistant Drugs Controller.

The investigation report submitted by the Deputy Drugs Controller, North Zone demonstrates that certain persons connected with the company were responsible for the manufacture, production, quality control testing, analysis etc. of the drugs in question.

Strangely, a complaint was lodged before the learned Chief Judicial Magistrate, Jalpaiguri, against the petitioners who are the Directors of the company, having no nexus with the day to day business of/manufacturing of drugs by the company. The persons named in the investigation report have not been implicated herein.

Learned counsel for the petitioners points out that cognizance of the complaint was not taken by the learned Court prior to issuance of summons upon the complainant. Also, the provision of Section 202 of the Code of Criminal Procedure has not been complied with.

Learned counsel for the petitioners places reliance on the authorities in **Lalankumar Singh & Ors. vs. State of Maharashtra reported in 2022 SCC Online SC 1383 and State of Haryana vs. Brij Lal Mittal & Ors. reported in (1998) 5 SCC 343** along with an order of a co-ordinate

Bench of this Court passed in CRR 12 of 2024 on 19th February, 2024 in support of his contention.

Upon consideration of the submission made on behalf of the petitioners, this Court is of the prima facie view that the petitioners have been able to make out an arguable case for adjudication.

The petitioners are directed to serve copy of the application along with annexure thereto upon the opposite parties and file affidavit of service on the adjourned date.

The proceeding in CR case no.262 of 2022 pending before the learned Chief Judicial Magistrate, Jalpaiguri be stayed till 31st May, 2024.

The matter be placed before the next available Circuit Bench.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh, J.)