
(1965) 04 AHC CK 0025
In the Allahabad High Court
Case No : Criminal Ref. No. 161 of 1964

Tej Krishna Rastogi

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 20-04-1965

Acts Referred:

Drugs and Cosmetics Act, 1940 — Section 21(1), 32(1)
Drugs and Cosmetics Act, 1940 — Section 21(1), 32(1)
Drugs and Cosmetics Act, 1940 — Section 21(1), 32(1)

Citation : (1965) 35 AWR 641

Hon'ble Judges : S.K. Verma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

S.K. Verma, J.—These are two connected references made by the learned Additional Sessions Judge of Aligarh, re" commending that the proceedings against the anpliean,ts under Sections 27 (a), 27(b) and 28(a) of the Indian Drugs Act (hereinafter referred to as the Act) be quashed. The proceedings were initiated on a report made by S.C. Agarwala dated the 21st of June, 1963. u/s 32(1) of the Act no prosecution under Chapter IV can be instituted except upon a report of art Inspector. The offence in the present case falls under Chapter IV of the Act. Section 21(1) of the Act reads as follows:

The Central Government or a State: Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications to be Inspector for such areas as may be assigned to them by the Central Government, or the-State Government, as the case may be.

S.C. Agarwala was appointed Inspector for districts Aligarh, Etah, Bui-andshahr and Budaun, by notification No. 2443/XVI-1625-63 dated the 24th of June 1963 published in the U.P. Gazette dated the 29th of June 1963. The notification stated further, that S.C. Agarwala was appointed Inspector of Drugs with effect from 1811962 in the afternoon on his transfer from Allahabad. The learned Additional

Sessions Judge has relied upon a number of authorities in his referring order for holding that the Government could not make S.C. Agarwala's appointment retrospective and that, therefore, on the date on which he submitted his report, that is on 21.6.1963 he was not competent to make the report. I agree with the conclusions of the learned Additional Sessions Judge.

I, therefore, accept these references and quash the proceedings against the applicants under Sections 27(a), 27(b) and 28(a) of the Indian Drugs Act.