

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 135 OF 2006

P. JOY KUTTY

.....

APPELLANT

VERSUS

STATE OF M.P. & ORS.

.....

RESPONDENTS

O R D E R

We have heard the learned counsel for the parties.

We find that the High Court was right in observing that triable issues exist in the matter in the light of the fact that dextrose content was found to be 96.11% whereas it should have been 99%. Mr. U.A. Rana, the learned counsel for the appellant has raised certain basic issues with regard to the misbranding etc. based on the judgment of the Gauhati High Court in Glaxo India Ltd. & Ors. v. State of Assam & Ors. 2003 (1) FAC 233.

We feel that these matters have to be considered by the trial court keeping in view of the rules framed in the year 2004.

With these observations the appeal is dismissed.

J

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[HARJIT SINGH BEDI]

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J

[CHANDRAMAULI KR. PRASAD]

NEW DELHI
OCTOBER 27, 2010.

