

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

SUO MOTU CRIMINAL APPLICATION (SMAP) NO. 01/2021

Court on its own motion

...VERSUS...

State & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ & AMIT B. BORKAR, JJ.
APRIL 29, 2021

1] A news paper report in daily Hitavada (CityLine) dated 28/04/2021 published a news of arrest of 32 persons including a Doctor for black marketing of Remdesivir Injections. The newspaper report notes that due to rise in demand of Remdesivir Injections, many persons related to the hospitals are indulged in black marketing of life saving drug.

2] The second wave of Covid-19 situations is worsening day-by-day in the country and also in the Vidarbha region. The situation appears to be worst in Nagpur District. Due to the sudden surge of Covid-19 cases, neither the manufacturers of the medicines nor the authorities entrusted with the work of distribution of medicines were prepared for such situation resulting into unscrupulous people taking advantage of such situation. The demand supply ratio of the Remdesivir Injection, which is a life saving drug is exponentially inverse. Due to the huge demand and lack of supply of Remdesivir Injections, the people in urgent need and in particular the lower strata of society are unable to get the life saving drug at market price. Though the Government

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and concerned Authorities are taking steps to procure Remdesivir Injections, it appears that the situation is worsening day-by-day. The concerned Authorities are trying their best to regulate the supply of Remdesivir Injections by issuing policy directives to make available Remdesivir Injections.

3] During such crisis, certain persons involved in supply of the medicines or having access to medicines are trying to exploit the needy patients by selling such medicines at astronomical prices. Since the lives of the needy patients are at stake, the relatives of such patients are ready to pay any amount to save the lives of their loved ones. Since the buyers at such astronomical price are concerned only about the lives of their loved ones, such cases are seldomly reported to the Law Enforcement Agency. It is therefore necessary to initiate measures to deter such unscrupulous persons from indulging in black marketing of life saving drug like Remdesivir Injection. Therefore we appreciate the initiative of the Police in taking action in the matter.

4] However, the time consumed for investigation of offences and disposal of the criminal trials are not dissuading such people from indulging in such activities. In such unprecedented time of crisis, it is necessary to take certain unprecedented measures to deter such unscrupulous people from indulging in black marketing of life saving drug. In such crisis situation, the Courts cannot be mute spectator and cannot turn Nelson's eye to such incidents which are reported in the newspaper. To send strong signals to people who may

indulge in black marketing of life saving drug, it is necessary that the investigation and trial of people accused of black marketing of life saving drug should be taken to conclusion and one of the effective way is to ensure that the trial is completed in swift manner.

5] We therefore called upon Shri T.A. Mirza, learned APP to take instructions in regard to the newspaper report referred above. Shri T.A. Mirza, learned APP, in view of the urgency involved, took instructions from the Commissioner of Police, Nagpur. The Commissioner of Police, Nagpur appeared before this Court via video conferencing and submitted that all the necessary steps in accordance with law shall be taken and in some cases, charge-sheets shall be filed by Monday i.e. 03/05/2021.

6] Shri S.P. Bhandarkar, Advocate who is appointed as Amicus Curiae in Suo Motu PIL in relation to Covid-19 matters is requested to assist this Court.

7] In exercise of the powers under Section 482 of the Code of Criminal Procedure to secure the ends of justice, we are of the view that considering the reasons stated above, the contents of the newspaper report referred above needs to be registered as Suo Motu Criminal Application.

8] Office is directed to register the aforesaid newspaper report as Suo Motu Criminal Application.

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9] Suo Motu Criminal Application be placed for further orders on 04/05/2021.

(JUDGE)

(JUDGE)



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