

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.1556-1557 OF 2019  
(Arising out of S.L.P.(Criminal) Nos.9126-9127 of 2019)  
(@ Diary No.12054 of 2019)

TIRUPATI ELECTRO MARKETING PRIVATE LIMITED ... APPELLANT(S)

VS.

L.P.ELECTRONICS (ORISSA) PVT.LTD & ANR. ... RESPONDENT(S)

O R D E R

Delay condoned.

Leave granted.

On hearing learned counsel for the parties, we are unable to sustain the impugned order on the short ground that the appellant had earlier approached the High Court in proceedings under Section 482 Cr.P.C. in which he did not succeed and thereafter launched the second round of litigation by filing a criminal writ petition. The reasoning given by the High Court for intervention is acceptance of the plea of the respondents that some aspects which they ought to have urged in the proceedings under Section 482 Cr.P.C., they forgot to do and thereafter a writ petition was filed.

We find the aforesaid reasoning unsustainable. We do not feel that it would be justified and permit a second round on the same aspect. In fact in the criminal proceedings before the Trial Court itself possibly a

quietus could have been put to the matter whether for or against the respondents in this period of time.

The impugned order is set aside and the appeals are accordingly allowed leaving the parties to bear their own costs.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[K.M. JOSEPH]

New Delhi;  
October 14, 2019.

