

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.748-749 OF 2019  
(@ out of SLP (CrI.) Nos.6607-6608/2010)

ABBOTT MEDICAL OPTICS PVT. LTD.

Appellant(s)

VERSUS

M/S SWASTIK SALES CORPORATION & Others

Respondent(s)

O R D E R

UDAY UMESH LALIT, J.

Leave granted.

CC No.35045 of 2016, CC No.31247/2016 and all other complaints namely, CC Nos.27871/2016, 27873/2016, 30585/2016, 30586/2016, 30587/2016, 35042/2016, 35043/2016, 35044/2016, 35045/2016, 35046/2016 & 35048/2016 were initially filed by M/s Advanced Medical Optics (P) Ltd. under Section 138 of Negotiable Instruments Act in the Court of CMM, Patiala House, New Delhi.

A challenge was raised by way of application under Section 482 Cr.P.C. namely, Cr.M.C. No.842 & 843 of 2009 arising out of CC Nos.35045 & 31247/2016 that the Courts in Delhi lacked territorial jurisdiction to entertain the proceedings. The challenge was upheld and the High Court held that the Magistrate did not have requisite jurisdiction to consider the complaints.

Being aggrieved, M/s Advanced Medical Optics (P) Ltd. approached this Court by filing SLP (CRL) Nos.6607-6608 of 2010.

The petition was dismissed on 01.11.2017. It is a matter of record that on said date none represented the case of said petitioner.

Later, an application for recall being MA (Dy.) No.44296/2018 was preferred by the present appellant submitting inter alia that there had been transfer of shares and the appellant was now representing the case and that with the change in law, the courts in Delhi would be competent to deal with the complaints in question.

This Court by its order dated 18.02.2019 recalled the earlier order dismissing the special leave petitions. Notices were issued.

We have heard Ms. Anannya Ghosh, learned advocate for the appellant and Mr. Chirag M Shroff, learned advocate for the respondents.

Mr. Shroff fairly stated that with the amendment in law, the courts in Delhi would be competent to consider the complaints in question. He however, raised question whether the appellant was competent to maintain the appeal as a subsequent purchaser/owner.

We see force in the submission of Ms. Anannya Ghosh. In the facts and circumstances, we set aside the view taken by the High Court of Delhi in CrI. M.C. Nos.842 & 843 of 2009 by order dated 03.03.2010 and hold that the complaints in question were properly instituted in the Courts in Delhi and the concerned courts are directed to consider said complaints on merits.

As regards the submission raised by Mr. Shroff as to whether the appellant was competent to maintain the appeal, we leave that question to be considered by the concerned courts.

The appeals stand allowed in aforesaid terms. No costs.

.....J.  
(UDAY UMESH LALIT)

.....J.  
(INDU MALHOTRA)

New Delhi,  
April 25, 2019.

ITEM NO.53

COURT NO.8

SECTION II-C

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1.)No(s).6607-6608/2010

(Arising out of impugned final judgment and order dated 03-03-2010 in CRLMC No. 842/2009 03-03-2010 in CRLMC No. 843/2009 03-03-2010 in CRLMC No. 842/2009 03-03-2010 in CRLMC No. 843/2009 passed by the High Court Of Delhi At New Delhi)

ABBOTT MEDICAL OPTICS PVT. LTD.

Petitioner(s)

VERSUS

M/S SWASTIK SALES CORPORATION &amp; Others

Respondent(s)

Date : 25-04-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT  
HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Ms. Anannya Ghosh, Adv.  
Mr. Maneesh Gambhir, Adv.  
Mr. Dushyant Manocha, Adv.

For Respondent(s) Mr. Chirag M. Shroff, AOR  
Ms. Mahima C. Shroff, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals stand allowed in terms of the signed order.

Pending applications, if any, shall also stand disposed of.

(INDU MARWAH)  
COURT MASTER

(RAJINDER KAUR)  
BRANCH OFFICER

(signed order is placed on the file)