

Ct. Cases 1713/2023
BSES YAMUNA POWER LTD Vs. INDERJEET
CNR No. DLCT02-020039-2023

04.11.2023

Present: Sh. Sushil Kumar, AR of the complainant along with Ld.
Counsel Sh. Amit Gupta.

Matter is listed for consideration on the complaint made alleging violation of Section 452 of The Companies Act, 2013 (*hereinafter referred to as The Act*).

At this juncture, it is apposite to reproduce in verbatim Section 435 of The Act which reads as under:-

[Establishment of Special Courts.

435. (1) The Central Government may, for the purpose of providing speedy trial of [offences under this Act, except under section 452, by notification] establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of-

(c) a single judge holding office as Session Judge or Additional Session Judge, in case of offences punishable under this Act with imprisonment of two years or more; and

(d) a Metropolitan Magistrate or a Judicial Magistrate of the First Class, in the case of other offences,

who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.]

It is exceedingly clear from perusal of Section 435 of The Act that the Special Court of Metropolitan Magistrate established under The Act is empowered to try cases of all offences punishable under The Act with imprisonment of less than two years except the offence punishable under Section 452 of The Act. The jurisdiction to try offence punishable under Section 452 of The Act lies with the Illaqua MM/Judicial Magistrate within whose territorial jurisdiction the offence was committed. This court does not have the territorial jurisdiction to entertain the present complaint. Accordingly, the present complaint is hereby returned in terms of Section 201 Cr.P.C., for presentation before the court of competent jurisdiction. An endorsement qua the return of

complaint be made by the Reader of this court on the face of the complaint itself clearly specifying the date of receipt of complaint in the court, the date of order of return, the date on which the complaint is actually returned and the reason for return of complaint. The original complaint with annexures shall only be handed over to the complainant or its AR after taking signed photocopies of the same on record. The case file thereafter, shall be cosigned to Record Room.

Copy of this order be also given to the complainant.

(Anurag Thakur)
ACMM(Special Acts) : Central District:
THC: Delhi: 04.11.2023