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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(s). 1218 OF 2010

K.K.KOTIA & ANR.

Appellan

t(s)

VERSUS

M/S KODAK INDIA P.LTD.& ANR.

Responde

nts(s)

O R D E R

FIR No. Respondent no. 1 herein had filed  
 143/95 under Section 406, 409 and 471 of the Indian  
 Penal Code registered at Police Station Parliamen  
 Street, New Delhi. Cognizance was taken and summons  
 were sent to the appellants. The appellants filed  
 application for discharge on the ground that Delhi did  
 not have any jurisdiction in the matter  
 as the agreement was entered into between the par  
 ties at Mumbai out of which the aforesaid proceedings arose.  
 This plea of the appellants was accepted  
 by the learned Metropolitan Magistrate which resulted in the  
 orders dated 9th May, 2005 whereby the appellants were  
 discharged by the trial Court in the aforesaid FIR.  
 The respondent no. 1 filed Criminal Revision against  
 the said order. The High Court has reversed the orders  
 of the trial Court. Referring to the pro  
 visions contained in Section 181(4) of the Code of Criminal  
 Procedure, it is held that the Delhi Court also has  
 Signature Not Verified Digitally signed by  
 Deepak Mansukhani Date: 2014.05.29  
 11:10:38 IST Reason:  
 the territorial jurisdiction to entertain the matter.  
 While coming to this conclusion, the High Court has

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also taken into consideration the provision of Clause  
 21 of the agreement dated 1st December, 1993 which was  
 entered into between the parties. Against that order,  
 present appeal has been filed. It is pointed out by  
 Mr. Jain, learned counsel appearing for the appellants  
 that during the pendency of the appeal, appellant no.  
 1 has passed away. It is further stated that in so  
 far as appellant no. 2, who is the son of appellant  
 no. 1, is concerned, he was not a party to this  
 agreement and had nothing to do with the matter.

Since we find that the aforesaid view taken by  
 the High Court is valid in law, the appeal is  
 dismissed. It would be open to the learned counsel  
 for the appellant to bring the aforesaid facts to the

notice of the trial Court and seek appropriate orders thereon.

.....J.  
(Dr. B.S. CHAUHAN)

.....J.  
(A.K. SIKRI)

NEW DELHI  
MAY 27, 2014.

ITEM NO.105

COURT NO.2

SECTION II

2

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

Criminal Appeal No(s). 1218/2010

K.K.KOTIA & ANR.

Appellant(s)

VERSUS

M/S KODAK INDIA P.LTD.& ANR.

Respondents(s)

Date : 27/05/2014 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE A. K. SIKRI  
(VACATION BENCH)

For Appellant(s) Mr. A.P. Jain, Adv.  
Mr. Alank Jain, Adv.  
Mr. Anurag Jain, Adv.  
Ms. N.annapoorani,Adv.

For Respondent(s) Mr. P.K. Dey, Adv.  
Mr. D.S. Mahra, Adv.  
Mrs. Anil Katiyar,Adv.

Mr. Subramonium Prasad, Adv.  
Mr. Shishir Mathur, Adv.

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

The appeal is dismissed in terms of the signed order.

(DEEPAK MANSUKHANI)  
COURT MASTER

(M. S. NEGI)  
ASSISTANT REGISTRAR

(The signed order is placed on the file)