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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

APPLICATION NO.785 OF 2014

Modern Tube Industries Limited & Ors. ..Applicants.
Vs.
India Factoring And Finance Solution Pvt.Ltd.
&Anr. .Respondents

Mr. Ketan A. Chothani for Applicants.
Mr. Yashpal Thakur i/b PKA Advocates for Respondent No.1.
Ms. R.V. Gadhvi APP for State.

CORAM: A.S. GADKARI, J.

DATE: 19th January 2015.

P.C.

- 1 Heard learned Counsel appearing for the respective parties.
- 2 The learned Counsel appearing for the Respondent No.1 raised a preliminary objection with respect to the maintainability of the present Application in view of the availability of the substantive alternate remedy available to the Applicants. The learned Counsel for the Respondent No.1 submitted that the Applicants in stead of approaching the Sessions Court either by way of filing Revision or Appeal, has directly approached this Court without exhausting the said alternate remedy.

3 I find substance in the submissions made by the learned Counsel appearing for the Respondent No.1. In view of settled legal position that the Applicants are having substantive alternate remedy at their disposal, I am not inclined to entertain the present Application and the same is hereby rejected.

4 The learned Counsel appearing for the Applicants submits that he will approach the learned Sessions Court by way of filing Revision or Appeal as may be permissible under the law. It is made clear that the benefit of the provision of the Limitation Act, to the Applicants is expressly kept open.

5 While considering the Application of the Applicants herein, the learned Sessions Court took into consideration the provisions of the Limitation Act.

6 Needless to say that this Court has not expressed any opinion on the merits of the present case and the present Application is rejected only on the ground the alternate remedy available to Applicants.

7 Criminal Application is disposed of accordingly.

(A.S. GADKARI,J.)

