

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION (APL) NO. 925 OF 2021

(Nagesh s/o Sudhakar Bawane Vs. The State of Maharashtra & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri S.P. Sonwane, Advocate for the applicant.
Shri M.J. Khan, A.P.P. for respondent No.1/ State.

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CORAM : SUNIL B. SHUKRE &
G.A. SANAP, JJ.
08/06/2022.

Heard.

2. The chargesheet has already been filed, and therefore, an alternative remedy in the nature of application seeking discharge from the case is available to the applicant.

3. In the case of *Kotak Mahindra Bank Limited Vs. Dilip Bhosale*, reported as 2022 LiveLaw (SC) 545 it is held that whenever an alternate remedy is available, the Court must not encourage invocation of extraordinary jurisdiction of the Court under Article 226 of the Constitution of India. In making these observations, the Hon'ble Apex Court relied upon *United Bank of India Vs. Satyawati Tandon & Ors.* [(2010) 8 SCC 110].

4. These observations, in our considered opinion, would also apply to a case where inherent jurisdiction of this Court is invoked.

5. In view of above, we are not inclined to entertain this application. The application stands dismissed with liberty to the applicant to take recourse to such alternative remedy as may be available to him in law.

(JUDGE)

(JUDGE)

Sumit