

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 358 OF 2024

Mohnish S/o. Late Ashok Shukla	..Applicant
Vs.	
Ram Samokhan Tripathi and Anr.	..Respondents

Mr. S. S. Dube a/w. Mr. Pankaj Mishra a/w. Mr. Nagendra Dube,
for the Applicant.
Ms. Shilpa Talhar, APP for the Respondent – State.
Mr. Vagish Mishra i/b. Law Counsellors, for the Respondent
No.1.

**CORAM : R. N. LADDHA, J.
DATE : 28 MARCH 2024**

P.C.

. Heard learned counsel appearing on behalf of the applicant
and learned counsel appearing on behalf of the respondent No.1.

2. The applicant in this case is arraigned as accused in a
private complaint filed by the respondent No.1. The complaint
led to the issuance of process for offence punishable under
Sections 138 read with 141 of the Negotiable Instrument Act,
1881.

3. The established legal principle is that this Court should exercise its inherent jurisdiction under Section 482 Cr.P.C. sparingly. Specifically, when the applicant has the option to challenge the issuance of a process order through the alternate and effective remedy of revision before the Sessions Court, this Court should refrain from entertaining an application under Section 482 Cr.P.C. However, if the revision fails, the applicant is not precluded from approaching this Court under Section 482 Cr.P.C.

4. In light of the above, this Court is not inclined to invoke its inherent jurisdiction. The application is dismissed accordingly, but the applicant is granted liberty to file appropriate proceedings before the Sessions Court. Furthermore, the applicant may seek condonation of any delay. It is made clear that this Court has not examined the merits of the matter, and all contentions raised by the parties remain open.

R. N. LADDHA, J.