

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

Cri.Application No.463 of 2024

Ashish Bansilal Maheshwari Daga
& Anr.

... Applicants.

Versus

Sanjay Sundardas Damani
& Anr.

... Respondents.

Mr Rohit Vaishya i/by RV Gupta for applicants.

Mr Carl Patel for respondent No.1.

Mr Ashok Gawai, APP for respondent No.2/State.

Coram : R. N. Laddha, J.

Date : 25 April 2024.

P.C. :

Heard learned Counsel appearing on behalf of the applicants.

2. Applicants in this case are arraigned as accused in a private complaint filed by respondent No.1. The complaint led to issuance of process for the offence punishable u/s 506 of the Indian Penal Code.

3. The established legal principle is that this Court should exercise its inherent jurisdiction u/s 482 sparingly. Specifically,

when the applicants have the option to challenge the process issuance order through alternate and efficacious remedy of revision before the Sessions Court, this Court should refrain itself to entertain its inherent jurisdiction u /s 482 CrPC.

4. In the light of the above, this Court is not inclined to invoke the inherent powers. The application is dismissed accordingly, but the applicant is granted liberty to file appropriate proceedings before the Sessions Court. Furthermore, the applicants may seek condonation of delay.

5. It is made clear that this Court has not examined the merits of the matter and all contentions of the parties are kept open.

[R. N. Laddha, J.]