

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

Criminal Application No.548 of 2024

Lekhraj T. Bhojwani

Age: 62, Occupation: Business

11, Atur Park, Sio-Trombay Road,
Chembur, Mumbai-400071

... Applicant.

Versus

1. Deputy Registrar of Companies

Ministry of Corporate Affairs,

Government of Maharashtra

Everest Building, 100 Marine Drive,
Mumbai-400 002.

2. The State of Maharashtra

Through Public Prosecutor,

High Court, Mumbai

... Respondents.

Mr Bhomesh Bellam a/w Vijeet Trivedi i/by Ganesh & Co. for
the applicant.

Ms Shilpa Talhar, APP/State for respondent/State.

Coram : R. N. Laddha, J.

Date : 7 May 2024.

P.C. :

Heard learned Counsel appearing on behalf of the
applicant.

2. The applicant in this case is arraigned as an accused in a

private complaint filed by respondent No.1. The complaint led to issuance of process for the offence punishable under Section 220(3) of the Companies Act, 1956.

3. The well established legal principle dictates that this Court should exercise its inherent jurisdiction u/s 482 of the Code of Criminal Procedure, 1973, sparingly and only in exceptional circumstances where justice demands it. It is not in dispute that the applicant has the alternate and effective remedy of challenging the process issuance order through revision.

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 applicant may seek condonation of delay, which prayer, the Sessions Court will decide on its own merits and in accordance with the law.

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

6. The criminal application is disposed of accordingly.

[R. N. Laddha, J.]