

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

Cri.Writ Petition No.4148 of 2024

Paras Jairath
Aged 34 yrs,
R/o Villa No.40, Mapsko Casa Bella,
Sector 82, Sikandarpur, Gurgaon,
Haryana -122004.
Director of Network Bulls Technologies
Ltd. ... Petitioner.

Vs.

1. The State of Maharashtra
Through Public Prosecutor,
For Parksite Police Station.

2. Ingram Micro India Private Ltd.
having their Bombay Office at
5th floor, Empire Plaza, Building A,
LBS Marg, Mumbai West,
Mumbai-400 83
Through Manohar Sundaram
Age-55 yrs, Authorized representative ...Respondents.

Dr Abhinav Chandrachud, Advocate a/w Kevin Gala, Mr
Akash Nagar, Ms Akansha Chauhan for the petitioner.

Mr Kedar Wagle, Advocate a/w Sagar Wagle, Mr Kashyap
Samant, Ms Lisa Rosquinha, i/by K & P Legal Combine LLP
for respondent No.2.

Mr SS Pednekar, APP for respondent/State.

Coram : R.N.Laddha, J.

Date : 4 April 2025.

P.C. :

Heard learned Counsel for the parties.

2. The petitioner, in this case is arraigned as an accused, in a private complaint bearing CC No.395/SC/2022 pending before the Metropolitan Magistrate, 72nd Court, Vikhroli, Mumbai. The complaint led to issuance of process for offence punishable under Section 138 read with 141 of the Negotiable Instruments Act, 1881.

3. It is a well-settled principle of law that the writ jurisdiction of this Court should be invoked with circumspection and exercised only in exceptional circumstances. This principle gains particular significance in situations where the petitioner has access to an alternative and efficacious remedy available under the law, such as filing a revision application before the Sessions Court to challenge the order issuing process. In such instances, it is generally inappropriate for this Court to entertain a writ petition, as the petitioner is expected to exhaust the

statutory remedy first. Nevertheless, it is pertinent to clarify that the dismissal of the writ petition on the ground of availability of an alternative remedy does not preclude the petitioner from approaching this Court at a later stage. Should the revision before the Sessions Court be unsuccessful, the petitioner retains the right to seek relief either by invoking the writ jurisdiction afresh or by filing an application under Section 482 CrPC, thereby ensuring that the avenues for redress remain open and accessible.

4. In light of the foregoing, this Court does not find it appropriate to exercise its writ jurisdiction at this stage. Accordingly, the petition stands dismissed. However, liberty is granted to the petitioner to initiate appropriate proceedings before the Sessions Court, in accordance with law. The petitioner shall also be at liberty to seek condonation of delay, if required, and the Sessions Court shall consider such request on its own merits, ensuring that the petitioner is not deprived of an opportunity to pursue justice due to technical procedural lapses.

[R. N. Laddha,J.]