

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

Writ Petition No. 4962 of 2024

Dilip Jayantilal Thakkar
Adult, Indian Inhabitant,
Aged 87 years, Having Office
situate at 111/A, 1st Floor,
Karimji Building, M G Road,
Fort, Mumbai – 400 001.

... Petitioner

versus

1. Jignesh Vinod Mehta
Adult, Indian Inhabitant, Occ. Business,
L-401, Ashok Nagar, Bldg. No.4 CHSL,
Baburao Paranjape Road, Vazira Naka,
Borivali (West), Mumbai – 400 092.

2. The State of Maharashtra
Through Government Pleader
High Court, Bombay.

... Respondents

Writ Petition No. 5264 of 2024

Dilip Jayantilal Thakkar
Adult, Indian Inhabitant,
Aged 87 years, Having Office
situate at 111/A, 1st Floor,
Karimji Building, M G Road,
Fort, Mumbai – 400 001.

... Petitioner

versus

1. Nita Shyam Rathi

Adult, Indian Inhabitant,
C-1502, Ajmera Pristine,
Yogi Nagar, Borivali West,
Mumbai – 400 091.

2. The State of Maharashtra
Through Government Pleader,
High Court, Bombay.

... Respondents

Mr Darshan Juikar a/w Mr Nirav Barot i/b Maneksha &
Sethna, for the Petitioner in both petitions.

Mr M G Patil, APP, for respondent / State in WP/4962/2024.

Mr Swapnil S Pednekar, APP, for respondent / State in
WP/5264/2024.

Coram: R.N. Laddha, J.

Date: 17 January 2025

P.C.:

. Heard learned counsel for the parties.

2. The petitioner 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 offences punishable under Section 138 of the Negotiable Instruments Act, 1981.

3. The established legal principle is that this Court should exercise its inherent jurisdiction under Section 482 Cr.P.C.

sparingly. Specifically, when the petitioner 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 petition under Section 482 Cr.P.C. However, if the revision fails, the petitioner 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 petitions are dismissed accordingly, but the petitioner is granted liberty to file appropriate proceedings before the Sessions Court. Furthermore, the petitioner may seek condonation of any delay. It is made clear that this Court has not examined the merits of the matters, and all contentions of the parties are left open.

5. Both petitions stand disposed of accordingly.

(R.N. Laddha, J.)