

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

Cri.Writ Petition No.5629 of 2024

Overseas Infrastructure Alliance
(India) Pvt Ltd
Through authorized signatory
Mr Kapil Chaturvedi,
Age:58 years, a company registered
under the Companies Act having
its registered office at 501, OIA
House, 470, Cardinal Gracious
road, Andheri (East), Mumbai-400099 ... Petitioner.

Vs.

1. Railsys Engineers Private Limited
Having its registered office at
B-503, Trishla, Sant Gadge Lane,
Dada Saheb Phalke Road, Dadar
East, Mumbai- 400 014
And corporate office at
322, 3rd floor, Skylark building,
Plot No.63,
Sector 11, CBD Belapur,
Navi Mumbai 40064
2. The State of Maharashtra ... Respondents.

Mr PG Sabnis a/w Kashmira Khedekar for the petitioners.
Mr MG Patil, APP for respondent/State.

Coram : R.N.Laddha, J.
Date : 23 January 2025.

P.C. :

Heard learned Counsel appearing on behalf of the petitioner.

2. The petitioner in this petition is arraigned as an accused in a private complaint filed by respondent No.1. The complaint led to the issuance of process for offence punishable under Section 139 of the Negotiable Instruments Act, 1881.

3. It is a well-established legal principle that the Court should exercise its writ jurisdiction when the petitioner has no any other alternate and efficacious remedy available to challenge the order, such as filing a revision petition before the Sessions Court. In such cases, the Court should refrain from entertaining a writ. However, if the revision fails, the petitioner is not precluded from approaching this Court under 482 CrPC.

4. In the light of the above, this Court is not inclined to invoke the writ jurisdiction. The petition stands dismissed accordingly, but the petitioner is granted liberty to file

appropriate proceedings before the Sessions Court. Furthermore, the petitioner may seek condonation of delay, if any.

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

[R. N. Laddha, J.]