

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

Criminal Writ Petition No. 5846 of 2024

Dilipsingh Ganpatraj Lodha
Age 72 years, Occupation : Retired,
R/at.: 102, 103, Rushi Tower,
A Wing, Lokhandwala Complex,
Mumbai – 400 053.

... Petitioner/
Orig. Accd. No.3

versus

1. The State of Maharashtra

2. M/s Purohit Steel India Pvt. Ltd.
Through its Director Mr Hasmukh B.
Rajpurohit, Having Office at Gala No.1,
Nathaline Industrial Estate,
Sakinaka, Kurla Andheri Road,
Andheri (East), Mumbai – 400 070.

... Respondents

Ms Ilsa Shaikh, for the Petitioner.

Ms Manisha R Tidke, APP, for the Respondent / State.

Coram: R.N. Laddha, J.

Date: 11 March 2025

P.C.:

. Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor representing the respondent /
State.

2. The petitioner, in this case, is arraigned as an accused, in a private complaint bearing CC No.6357/SS/2017, pending before the Metropolitan Magistrate, 44th Court, Andheri, Mumbai. The complaint led to the issuance of process for offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. The established legal principle dictates that the writ jurisdiction of this Court should be exercised sparingly. This is particularly relevant when the petitioner has option to challenge the issuance of a process order through the alternate and effective remedy such as filing revision before the Sessions Court. In such cases, this Court should refrain from entertaining the writ petition / application under Section 482 of Cr.P.C. However, it is important to note that if the revision fails, the petitioner is not barred from approaching this Court under Section 482 Cr.P.C. for further remedy. This ensures that the petitioner has multiple avenues for redress and can seek justice through the appropriate legal channels.

4. Given the aforementioned circumstances, this Court is not inclined to exercise its writ jurisdiction. The petition is dismissed accordingly, however, the petitioner is granted liberty to file appropriate proceedings before the Sessions Court.

Additionally, the petitioner may seek condonation of any delay, if necessary, ensuring that all procedural requirements are met for a continued pursuit of justice.

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.

(R.N. Laddha, J.)