

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

Cri.Application No.1498 of 2024

Sumitkumar Hanumanchand Bagrecha
Age:36 yrs, Occ :Business
R/at: S/o. Hanumanchand S Bagrecha,
12/558, Bagrecha Sadan RP Road cross
Ichalkaranji, Kolhapur,
Maharashtra 416115

..... Applicant.

Vs.

1. Rexel India Private Limited
Through Authorised representative
Mr Suraj Dnyaneshwar Alhat
Age : 34 yrs, Occ: Service
Office at : Office No.407 to 414,
4th floor, Insignia 6, Sassoon Road,
Pune 411001

2. Proto D Industries Private Limited
Through Directors
Mr Pradeep Vasantrao Lokhande
Mr Dipakkumar Ramdas Shinde
Add: Plot No.57/357, Waghjai Nagar,
Kharabwadi, Chakan, Tal.Khed,
Pune 410501

3. The State of Maharashtra Respondents.

Mr Arjun S Pawar for the applicants.
Mr Swapnil Pednekar, APP for respondent/State.

Coram : R.N.Laddha, J.
Date : 5 February 2025.

P.C. :

Heard Mr Arjun Pawar, the learned Counsel appearing on behalf of the applicant and Mr Swapnil S Pednekar, the learned Additional Public Prosecutor representing the respondent/State.

2. The applicant, in this case is arraigned as an accused, in a private complaint bearing SCC No.107218/2023, pending before Judicial Magistrate First Class, Pune. The complaint led to issuance of process for offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. The established legal principle dictates that the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure should be exercised sparingly. This is particularly relevant when the applicant has the option to challenge the issuance of process order through an alternative and effective remedy, such as filing a revision before the Sessions Court. In such cases, this Court should refrain from entertaining an application under Section 482 of CrPC. However, it is important to note that if the

revision fails, the applicant is not barred from approaching this Court again under Section 482 CrPC for further relief. This ensures that the applicant has multiple avenues for redress and can seek justice through the appropriate legal channels.

4. Given the aforementioned considerations, this Court is not inclined to exercise its inherent jurisdiction. As a result, the application is dismissed accordingly. However, the applicant is granted liberty to file appropriate proceedings before the Sessions Court. Additionally, the applicant may seek condonation of 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.]