

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

Criminal Application No.1556 of 2024

Amita Bhagwanta Nyaynit And Ors. ... Applicants

versus

The State of Maharashtra and Anr. ... Respondents

Ms Jyoti Panicker, for the applicants.

Mr VN Sagare, APP, for respondent No.1/State.

Coram: R.N. Laddha, J.

Date: 13 January 2025.

P.C.:

. Heard Ms Jyoti Panicker, the learned Counsel appearing on behalf of the applicants, and Mr VN Sagare, the learned Additional Public Prosecutor representing respondent No.1/State.

2. The applicants in this case are arraigned as accused in a private complaint filed by respondent No.2. 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 applicants have 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 an application under Section 482 Cr.P.C. However, if the revision fails, the applicant 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 application is dismissed accordingly, but the applicants are granted liberty to file appropriate proceedings before the Sessions Court. Furthermore, the applicants may seek condonation of any delay. It is made clear that this Court has not examined the merits of the matter, and all contentions of the parties are left open.

5. The application stands disposed of accordingly.

(R.N. Laddha, J.)