

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

Criminal Application No. 1863 of 2024

Navnit Jugal Kishore Choudhary

Age 49 years, Arshiya Northern

FTWZ Limited, Mulji Nagar,

2D, Borivali (West),

Mumbai – 400 092.

... Applicant

versus

1. The State of Maharashtra

Through Andheri Police Station

2. ITD Cementation India Limited

Registered office at 9th Floor, Prima

Bay Tower – B, Gate No.5, Saki

Vihar Road, Powai, Mumbai – 400 072.

... Respondents

Mr Abhishek L Tripathi a/w Mr Bharat Tiwari, for the
Applicant.

Mr VN Sagare, APP, for respondent / State.

Coram: R.N. Laddha, J.

Date: 17 January 2025

P.C.:

. Not on board. Taken on board.

. Heard Mr Abhishek Tripathi, the learned Counsel
appearing on behalf of the applicant, and Mr VN Sagare, the

learned Additional Public Prosecutor representing respondent No.1/State.

2. The applicant in this case is arraigned as an accused No.6 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 applicant 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 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 applicant is granted liberty to file appropriate proceedings before the Sessions Court. Furthermore, the applicant 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.)