

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

Cri.Writ Petition No.1314 of 2025

1. Atul Kumar Gupta,
Age: 60 yrs, Occ: Business,

2. Ashi Gupta
Age: 56 yrs, Occ: Housewife
Both r/at 109-Sadar Apts,
Mayur Vihar, Phase-I
New Delhi-110091.

..... Petitioners.

Vs.

1. State of Maharashtra
2. Tata Sky Ltd
Through its authorized
representative Gyaltsen G Barfungpa
Having its registered office
at 3 floor, C-1, Wadia International
Centre, Pandurang Budhkar Marg,
Worli, Mumbai-400 025.

..... Respondents.

Mr Vijay Hiremath for the petitioners.
Mr Arfan Siat, APP for respondent/State.

**Coram : R.N.Laddha, J.
Date : 20 March 2025.**

P.C. :

Heard the learned Counsel for the parties.

2. The petitioners, in this petition have been arraigned as accused in a private complaint filed by respondents No.2 and 3. The complaint led to issuance of process for offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

3. The established legal principle is that this Court should exercise its writ jurisdiction only in exceptional circumstances and with great caution, especially when the petitioners have an alternate and efficacious remedy available. In this case, they have the option to challenge the issuance of process order before the Sessions Court. At this stage, therefore, it would be inappropriate for this Court to entertain the present petition. However, if the petitioners exhaust their remedy before the Sessions Court and their revision is unsuccessful, they would not be precluded from approaching this Court under its writ jurisdiction or under its inherent powers.

4. In light of the above, this Court finds no justification for invoking its writ jurisdiction. Accordingly, the petition is dismissed. However, the petitioners are granted liberty to file appropriate proceedings before the Sessions Court.

Furthermore, the petitioners may seek condonation of delay, if necessary.

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.]