

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

Writ Petition No.1622 of 2025

Sadhana Dutta,
Aged 65 yrs,
Indian inhabitant, Occ: Business,
Proprietor of M/s Pritam Enterprises,
Having address at Plot No.612,
Sahid Nagar, near Reliance Fresh,
Saheednagar, Dist.Khordha,
Bhubaneshwar-751007.

....Petitioner.

Versus

1. The State of Maharashtra
through the Public Prosecutor,
High Court (AS), Bombay.

2. M/s Shree NM Electricals Ltd
A limited company having address
at 45/47, Lohar Chawl,
KM Sharma Marg, Mumbai
through is Sales & Accountant
Executive Prakashbhai S Patel
Aged --- years.

... Respondents.

Mr Ramprakash Pandey, Advocate a/w Mr Udaybhan Tiwari for
the petitioner.

Dr Ashwini A Takalkar, APP for respondent /State.

**Coram: R.N. Laddha, J.
Date: 2 April 2025.**

P.C.:

Heard learned Counsel for the parties.

2. The petitioner in this case, is arraigned as accused in private complaint bearing Summary Case No.7347/SC/2024, pending before the Metropolitan Magistrate, 56 Court, Mazgaon, Mumbai. The complaint led to issuance of process for offences punishable under Section 138 of the Negotiable Instruments Act, 1881 ('the NI Act').

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 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 the writ petitions. However, it is important to note that if the revision fails, the petitioner is not barred from approaching this Court again under writ jurisdiction or under Section 482 of the Code of Criminal Procedure for further relief. This ensures that the petitioner 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 writ jurisdiction. As a result, the petition is dismissed. However, the petitioner 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.]