

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1716 OF 2025

Mahavir Singh Charan & Anr.

..Petitioners

**Versus**

State of Maharashtra & Anr.

...Respondents

Ms. Tasmiya Taleha (through VC) a/w Hamza Lakdawala,  
Hosanna Fernandes, for the petitioners.

Mr. P. P. Malshe, APP for respondent No. 1-State.

Mr. Rahul S. Arote a/w Mr. Jay Suryawanshi, Ms. Nikita  
Gawai, for Respondent No. 2.

**CORAM: N. J. JAMADAR, J.**

**DATE : 04<sup>th</sup> DECEMBER 2025**

**P.C.:**

1. Heard the learned Counsel for the petitioners, learned APP  
& the learned Counsel for Respondent No. 2-first informant.

2. A preliminary objection is raised regarding maintainability  
of the petition in view of the availability of alternate remedy of  
revision before the Court of Session.

3. Mr. Arote submitted that, the co-accused have already  
filed a revision application before the Court of Session and  
therefore, the petitioners be directed to first exhaust the  
statutory remedy. Ms. Tasmiya, the learned Counsel for the

petitioners, joined the issue by canvassing a submission that, the availability of remedy of revision would not impinge on the inherent powers of the High court, which the petitioners have invoked in the peculiar facts of the case. Reliance was placed on the judgments in the cases of **Amarnath & Ors. Vs. State of Haryana & Ors.**<sup>1</sup>, **Prabhu Chawla Vs. State of Rajasthan & Anr.**,<sup>2</sup> and **Vijay & Anr. Vs. State of Maharashtra & Anr.**<sup>3</sup>.

4. I have perused the material on record. It is trite, there is an essential distinction between the ‘maintainability’ and ‘entertainability’ of the petition. Availability of an alternate remedy is a self-imposed restraint on the writ jurisdiction of the High Court. It does not denude the High Court of the jurisdiction to entertain the petition despite availability of alternate remedy. In the case at hand, upon perusal of the material on record, the Court finds that an arguable case is made out and the circumstances exist which impel the Court to entertain the petition despite the availability of statutory remedy.

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1 (1977) 4 SCC 137

2 (2016) 16 SCC 30

3 (2017) 13 SCC 317

5. Issue notice to respondents, returnable on 15<sup>th</sup> January, 2026.
6. The learned APP waives notice to the Respondent No. 2.
7. Mr. Arote, waives notice to Respondent No. 2.
8. In the meanwhile, the petitioners are exempted from personal appearance before the learned Magistrate.

[N. J. JAMADAR, J.]