

sg

68.wp2267-25.docx

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

Criminal Writ Petition No.2267 of 2025

Samir Kapoor

S/o Virender Kapoor

Age: 48 years, Occ: Business,

R/At: Flat 56 Spencers Street,

Accrington BB5 6SY,

United Kingdom

... Petitioner

versus

1. The State of Maharashtra

2. Jehangir Virji

Aged 52 years, Occ: Business,

R/at: 1102, Supreme Amadore Society,

Pancard Club Road, Baner

Pune, Maharashtra – 411 045

3. Ashwini Virji

Aged 50 years, Occ: Business,

R/at: 1102, Supreme Amdore Society

Pancard Club Road, Baner,

Pune, Maharashtra- 411045

... Respondents

Mr Karan Chopra, a/w. Mr Neeraj Malik, Mr Tejas Jagtap and
Ms Anushka Jadhav, for the petitioner.

Mr Arfan Sait, APP, for respondent No.1/State.

Ms Priyanka H Chavan, for respondent No.2.

Coram: R.N. Laddha, J.

Date: 28 April 2025.

P.C.:

- . Heard the learned Counsel for the parties.
2. The petitioner in this case is arraigned as an accused in a private complaint, bearing Criminal M.A. No.3065 of 2021, pending before the learned Judicial Magistrate First Class, 8th Court, Pune. The complaint led to issuance of process for offences punishable under Sections 409 and 420 read with Section 34 of the Indian Penal Code.
3. It is a well settled principle of law that the writ jurisdiction of this Court should be invoked with circumspection and exercised only in exceptional circumstances. This principle gains particular significance in situations where the petitioner has access to an alternative and efficacious remedy available under the law, such as revision application before the Sessions Court to challenge the order of issuance of process. In such instances, it is generally inappropriate for this Court to entertain a writ petition, as the petitioner is expected to exhaust statutory remedy first. Nevertheless, it is pertinent to clarify that the dismissal of a writ petition on the ground of availability of an alternate remedy does not preclude the petitioner from approaching this

Court at a later stage. Should the revision before the Sessions Court be unsuccessful, the petitioner retains the right to seek relief by invoking the writ jurisdiction afresh, thereby ensuring the avenues for redress remain open and accessible.

4. In light of the foregoing, this Court does not find it appropriate to exercise its writ jurisdiction at this stage. Accordingly, the petition stands dismissed. However, liberty is granted to the petitioner to initiate appropriate proceedings before the Sessions Court, in accordance with the law. The petitioner shall also be at liberty to seek condonation of delay, if required, and the Sessions Court shall consider such request on its own merits, ensuring that the petitioner is not deprived of an opportunity to pursue justice due to technical procedural lapse.

5. As such, the petition stands disposed of.

(R.N. Laddha, J.)