

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

Criminal Application No.33 of 2025

Premji Velji Patel ... Applicant
versus
MVK Properties And Anr. ... Respondents

With

Criminal Application No.35 of 2025

Premji Velji Patel ... Applicant
versus
Vimesh Zaveri And Anr. ... Respondents

Mr Apoorv Vijay Singh, a/w. Mr Ankit Upadhyay, for the applicant in both applications.

Mr MG Patil, a/w. Dr. Ashwini A Takalkar, APP, for the respondent No.2/ State.

**Coram: R.N. Laddha, J.
Date: 23 January 2025.**

P.C.:

- . Not on board. Taken on board.
2. Heard the learned Counsel for the applicant.
3. The applicant in these applications is arraigned as accused in a private complaint filed by respondent No.1. The complaint led to the issuance of process for offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

4. The established legal principle is that this Court should exercise its inherent jurisdiction, 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.

5. In light of the above, this Court is not inclined to invoke its inherent jurisdiction. The applications are dismissed accordingly, but the applicant is granted liberty to file appropriate proceedings before the Sessions Court. Furthermore, the applicant is entitled to seek condonation of 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.

6. The applications stand disposed of accordingly.

(R.N. Laddha, J.)