

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

Criminal Application No.120 of 2025

Ashish Sreekumar

Age: 52 yrs, Occ:business

Proprietor of Koppara

Distributors, 203(9/702),

Chandralayam, 7, Sastri

Junction, Kollam, Kerala-691001

.... Applicant.

Versus

1. The State of Maharashtra

Through the office of the Public

Prosecutor, Criminal Appellate

Side, High Court, Mumbai 400 001.

... Respondent
No.1

2. Great White Global Pvt Ltd

A Company originally incorporated

under the Companies Act, 1956,

and now regulated under the Companies

Act, 2015, having its regisered office

at Office No.1302, 13th Floor, Peninsula

Business Park, Tower-B,

Senapati Bapat Marg, Lower Parel(W),

Mumbai-400 013

Represented through Mr Pravin

Devshi Savla Constitutional Power

of Attorneyholder

Age-53 years, Occ: service,

... Original
Complainant

Mr Amol B Jagtap for the applicant.

Mr PPH Gaikwad, APP for the respondent/State.

Coram : R.N.Laddha, J.

Date : 12 March 2025.

P.C. :

Heard Mr Amol Jagtap, the learned Counsel appearing on behalf of the applicant and Mr PH Gaikwad, the learned Additional Public Prosecutor representing the respondent/State.

2. The applicant in this case, is arraigned as an accused, in a private complaint bearing CC No.2342/Sum/2022, pending before the learned Metropolitan Magistrate, 63 Court, Andheri, Mumbai. The complaint led to issuance of process for offence punishable under Section 138 of the Negotiable Instruments Act, 1881 ('NI Act').

3. The established legal principle dictates that the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure should be exercised sparingly. This is particularly relevant when the applicant has the option to challenge the issuance of process order through an alternative and efficacious remedy. In such cases, this Court

should refrain from entertaining an application under Section 482 of CrPC. However, it is important to note that if the revision fails, the applicant is not barred from approaching this Court again under Section 482 CrPC for further relief. This ensures that the applicant has multiple avenues for redress and can seek justice through the appropriate legal channels.

4. In light of the above, this Court is not inclined to exercise its inherent jurisdiction. As a result, the application is dismissed. However, the applicant 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. The application stands disposed of.

[R. N. Laddha,J.]