

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Writ Petition No. 146 of 2015

Santosh s/o. Gambir Kasode,
Age : 38 years,
Occupation : Journalist,
R/o. Anturli,
Taluka : Muktai Nagar,
District : Jalgaon.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Principal Secretary,
Home Department,
Mantralaya, Mumbai - 32.

2. Sub-Divisional Magistrate,
Bhusawal, District : Jalgaon.

3. The District Superintendent of Police,
Jalgaon, District : Jalgaon.

.. Respondents.

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Mr. V.S. Panpatte, Advocate, for the petitioner.

*Mrs. M.B. Gangwal (Patni), Additional Public Prosecutor,
for respondent nos.1 to 3.*

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 6TH FEBRUARY 2015

PER COURT :

1. Heard.

2. There is statement made in the petition, that already appeal is filed. The learned Counsel appearing for the petitioner has pressed into service, decision of this Court in the case of *Umar Mohammed Malbari Vs. K.P. Gaikwad & another*, reported in *1988(2) Bom.C.R. 724*, and submits that though the appeal is pending, there is no impediment to entertain this petition.

3. It is difficult to understand the submission of the learned Counsel for the petitioner. When the appeal filed by the petitioner is pending, the petitioner cannot avail two remedies simultaneously.

4. In that view of the matter, the petition is disposed of with a direction to the appellate authority to dispose of the pending appeal, as expeditiously as possible, however, within four weeks from today.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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