

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

**CRIMINAL WRIT PETITION NO. 598 OF 2015**

Babalu @ Prabhakar Ashok Polkam .. Petitioner

v/s.

The State of Maharashtra & Ors. ..Respondents

Mr. Rahul S. Kadam for the petitioner  
Mr. J.P. Yagnik, APP for the respondent State

**CORAM: RANJIT MORE &  
SMT. ANUJA PRABHUDESSAI, JJ.**

**DATED: 25<sup>th</sup> FEBRUARY, 2015.**

**P.C.**

1. Heard Mr. Kadam, learned Counsel for the petitioner and Mr. Yagnik, learned APP for the respondent State. By order dated 22.08.2014 passed by respondent no.3, the petitioner was extenderd from Pune city and Pune District for the period of two years. Aggrieved by the order dated 22.08.2014 passed by respondent no.3 which is confirmed by the appellate authority, the petitioner has filed the present petition. Mr. Kadam, learned Counsel for the petitioner made two fold submissions. Firstly,

his reply is not taken into consideration by the Externig Authority and secondly, in Notice under Section 59 as well as in order under Section 56 of the Bombay Police Act, subjective satisfaction that the witnesses are not coming forward to depose against the petitioner is not recorded.

2. The order of the first authority do show that the petitioner's reply was considered. We have also perused the Notice as well as order under Section 56 of the first authority. We find in both Notice as well as order under Section 56 of the first authority, subjective satisfaction that the witnesses are not coming forward to depose against the petitioner because of apprehension to their person or property is recorded. Mr. Kadam submitted that the said satisfaction is not in terms with the provisions of Section 59 of the Bombay Police Act. We do not accept this statement. The Externig Authority is a quasi judicial authority. A perusal of the Notice under Section 59 do show application of mind. The impugned order further shows that the petitioner was put on

Notice for which he also filed a reply and after considering his reply, the impugned order is passed. In the above circumstances, we are not inclined to interfere in the said impugned order in exercise of our extra-ordinary jurisdiction under Article 226 of the Constitution of India.

3. Accordingly, the Writ Petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

( RANJIT MORE, J.)