

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 3655 OF 2015

Shyamsunder Ramashray Pande ..Petitioner
Versus
1.The Dy.Commissioner of Police, Zone XI, Mumbai
and ors. ..Respondents

with

WRIT PETITION NO. 3668 OF 2015

Harishchandra Sitam Chauhan ..Petitioner
Versus
1.The Dy.Commissioner of Police, Zone XI, Mumbai
and ors. ..Respondents

with

WRIT PETITION NO. 3669 OF 2015

Mohan Sitam Chauhan ..Petitioner
Versus
1.The Dy.Commissioner of Police, Zone XI, Mumbai
and ors. ..Respondents

Mr. U. N. Tripathi, advocate for the petitioner in all the petitions.
Mrs. M. M. Deshmukh, APP in writ petition Nos. 3655 and 3669 of 2015.
Mr. K. V. Saste, APP in writ petition No.3668 of 2015.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 3rd DECEMBER, 2015.

P. C. :

Heard.

2. By the orders dated 25th September, 2014/
30th September, 2014, the Deputy Commissioner of Police externed the
petitioners for the period of one year from the jurisdiction of Bombay

Police Commissioner for a period of one year from the date of passing of the orders. The petitioners being aggrieved, challenged the said orders by filing separate appeals under Section 60 of the Maharashtra Police Act, 1959, before the appellate authority on 30th October, 2014. These appeals are dismissed by separate impugned orders which came to be passed on 31st August, 2015. The externment period expired on 24th September, 2015 and 29th September, 2015 respectively. The petitions, therefore, have been rendered infructuous.

3. Mr. Tripathi, learned counsel for the petitioners, makes grievance that though the appeals came to be filed as long back as on 30th October, 2014, the appellate authority took 10 months to decide the same resulting in defeating the petitioners' appeals. He submitted that, therefore, some directions be issued.

4. Having gone through the petitions and having considered the submission of the learned counsel for the petitioners and learned APP, we find some merit in the contentions of Mr. Tripathi. Looking into the nature of the proceedings and especially the period for which the petitioners were externed, it was expected of the appellate authority to dispose of the appeals expeditiously so as to not render the appeals practically infructuous. The appellate authority should be cautious in such matters involving freedom and personal liberty of the citizens. We,

therefore, hope and expect that in future the appellate authority under Section 60 of the Maharashtra Police Act, 1959, shall dispose of the appeals expeditiously.

5. A copy of this order be forwarded to the Additional Chief Secretary, Home Department, Mumbai, for issuance of appropriate directions to the concerned appellate authority.

6. Subject to above, the petitions are disposed of.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]