

Anand

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

**WRIT PETITION NO.3828 OF 2016**

Rupesh Baburao Khatke .Petitioner

Vs.

The State of Maharashtra & anr. .Respondents

Mr.Satyavrat Joshi, Advocate, for the Petitioner  
Mrs.G.P.Mulyekar, APP, for the Respondent No.1 – State

**CORAM : RANJIT V.MORE AND  
REVATI MOHITE DERE, JJ.**

**DATE : 09.12.2016**

**P.C.**

. Heard learned counsel for the Petitioner and the learned  
APP for the Respondent No.1 – State.

2. By this Petition, the Petitioner is challenging the Show Cause Notice issued to him under Section 59 of the Maharashtra Police Act. The challenge is mainly on the ground that the Deputy Commissioner of Police, who exercised powers under Section 56 r/w.59 of the Maharashtra Police Act under delegated powers of the Commissioner cannot further delegate his powers to the Assistant Commissioner of Police. We find no merit in the submission advanced by the learned counsel for the Petitioner. Under section 59 of the Maharashtra Police Act, any officer above the rank of Police

Inspector authorized by the officer who is exercising powers under Sections 55, 56 & 57 of the said Act is competent to issue notice.

3. The Petition is without merit and is dismissed.

4. Needless to state that apart from that, the order under Sections 55, 56 & 57 would be passed only after considering the reply of the Petitioner.

**(REVATI MOHITE DERE, J.)**

**(RANJIT V.MORE, J.)**