

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4084 OF 2016

Santosh Laxman Barangale.

..Petitioner.

Versus

The Sub-Divisional Magistrate (SDO)
and Others.

..Respondents.

Mr. V. V. Purwant for the Petitioner.

Mrs. M. M. Deshmukh, learned APP for the State.

Coram : Ranjit More &

Smt. Revati Mohite Dere, JJ.

Date : **November 25, 2016.**

P. C. :

1. By this petition, the Petitioner is challenging the externment order made under section 56(1)(b) of the Maharashtra Police Act. Mr. Purwant submitted that notice under section 59 of the said Act was given on 11th November 2016 and the order is passed on 22nd November 2016. He also submitted that the Petitioner is contesting the election of Barshi Municipal Council and voting is scheduled to take place on 27th November 2016 and result of election will be declared on 28th November 2016. He submitted that externment is made due to political motivation. Mr. Purwant lastly submitted that though remedy of appeal is available, because of time constraint, the Petitioner has approached this Court under Article 226 of the Constitution of India.

2. Mrs. Deshmukh, learned APP submitted that the Petitioner has an alternate remedy of appeal and therefore petition is not maintainable. She supported the impugned order.

3. Having heard learned Counsel appearing for the Petitioner and learned APP for the State, we find that the Petitioner has an alternate remedy of appeal which is efficacious enough, and therefore we are not inclined to entertain this writ petition and the same is accordingly dismissed. However, in view of the fact that the Petitioner is contesting the election to Barshi Municipal Council, we permit the Petitioner to enter into and remain in the city of Barshi till 29th November 2016 subject to condition that the Petitioner shall attend the local Police Station everyday between 5.00 to 6.00 p.m.

[Smt. Revati Mohite Dere, J.]

[RANJIT MORE, J.]