

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3513 OF 2017**

Manohar Pamandas Jani

..Petitioner

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. S. P. Raje Pandhare for the Petitioner

Mr. J. P. Yagnik APP for the Respondent State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ
DATE : 15th SEPTEMBER, 2017**

P.C.

1 The above Writ Petition is directed against the order dated 8-8-2017 passed by the Divisional Commissioner, Pune Division, Pune, in Appeal bearing No.EA/126/2017. By the said order, the application for stay filed by the Petitioner came to be rejected.

2 The Petitioner has been externed by the Externing Authority by order dated 23-6-2017 by invoking provisions of Sections 56(i)(a) and (b) of the Maharashtra Police Act. The said order records the substantive satisfaction reached by the Externing Authority as regards the requisites of the said provisions being satisfied. The Petitioner aggrieved by the said order dated 23-6-2017 passed by the Externing Authority filed an Appeal under Section 60 of the said Act before the Divisional Commissioner, Pune Division, Pune. In the said Appeal the Petitioner filed an application for stay. The said

application has been rejected by the Divisional Commissioner on the ground that the Petitioner has prima facie not made out any case that the impugned order dated 23-6-2017 has been passed without following the procedure or that the said order is illegal.

3 In our view, there is no warrant to interfere with the order rejecting the application for stay. However, in the facts of the present case, this Court deems it appropriate to expedite the hearing of the Appeal. The Divisional Commissioner, Pune Division, Pune is therefore directed to hear and decide the Appeal latest by 17-10-2017. Needless to state that the contentions of the Petitioner are kept open for being urged before the Appellate Authority. The Appellate Authority may decide the same on its own merits and in accordance with law. The above Criminal Writ Petition is accordingly disposed of.

4 The parties to act upon an ordinary copy of this order duly authenticated by the Court Associate / Court shirstedar of this Court.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]